

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, June 12, 1975

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

Prayer by Father Daniel Pollard of Portland.

The journal of yesterday was read and approved.

Papers from the Senate.

From the Senate: The following Communication:

**THE SENATE OF MAINE
AUGUSTA**

June 11, 1975

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

Dear Mr. Pert:

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act to Abolish the Defense of Sovereign Immunity in Certain Situations" (H. P. 1297) (L. D. 1568).

Respectfully,

Signed:

MAY M. ROSS

Assistant Secretary of the Senate

The Communication was read and ordered placed on file.

From the Senate: The following Joint Order: (S. P. 575)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Stearns High School Minutemen Boys Varsity Baseball Team Eastern Maine Class B Champions

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

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

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

From the Senate: The following Joint Order: (S. P. 576)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Stearns High School Minutemen Boys Varsity Baseball Team State Class B Championship

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

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

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

**Reports of Committees
Ought to pass with
Committee Amendment**

Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-282) on Bill "An Act Relating to the Application of the State Valuation to Certain State and Town Cost-Sharing Activities" (S. P. 256) (L. D. 832)

Came from the Senate with the Report read and accepted, and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-282).

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-282) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act to Further the Conservation of Vision" (S. P. 169) (L. D. 556) which was passed to be engrossed as amended by Committee Amendment "A" (S-217) and House Amendment "B" (H-712) in the House on June 10.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-217) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act Relating to the Expediting of Procedures under the Municipal Employee Labor Relations Board" (H. P. 1169) (L. D. 1467) which was enacted in the House on June 10.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Snow of Falmouth, the House voted to insist and ask for a Committee of Conference.

Messages and Documents

The following Communication:
**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA**

June 11, 1975

To Members of the House of Representatives and Senate of the 107th Legislature:

I am today returning to you without my signature and approval L. D. 1695, An Act to Provide Compensation to Employees On Wages for Jury Service.

After careful consideration, I find I must veto this bill for two reasons:

1. I feel it would have an adverse effect on many small businesses in the state which are already having difficulty surviving;

2. I feel jury service is a duty and obligation we all must share in our democracy. A fair trial by one's peers is one of the basic principles upon which our government was founded. While I think it would be well for those businesses that can afford it to continue compensating employees serving on juries, I feel it is the state's responsibility to further compensate jurors if further compensation is in fact warranted.

While we should guard against having jury service deprive individuals and their families of the basic needs, we should be equally cautious to the extent we might make service more attractive from a financial standpoint than from a position of social duty.

I respectfully ask the 107th Legislature to sustain my veto.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question before the House is, shall this Bill, "An Act to Provide Compensation to Employees on Wages for Jury Service," L. D. 1695, become law notwithstanding the objections of the Governor.

On motion of Mrs. Najarian of Portland, tabled and later today assigned.

The following Communication:

**STATE OF MAINE
ONE HUNDRED AND SEVENTH
LEGISLATURE
COMMITTEE ON PERFORMANCE
AUDIT**

June 11, 1975

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

Dear Representative Martin:

It is with pleasure that I report to you that the Committee on Performance Audit has completed all actions necessary on the business placed before it by the 107th Legislature.

Total number of bills presented	12
Leave to Withdraw	6
Ought to Pass as Amended	5
Ought Not to Pass	1
Referrals	1
Total number of amendments	5

Respectfully,

Signed:

GEORGETTE B. BERUBE
House Chairman

The Communication was read and ordered placed on file.

Orders

Mrs. Kelley of Machias presented the following Joint Resolution and moved its adoption: (H. P. 1696) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

Joint Resolution Commemorating the Bicentennial of the First Naval Battle of the American Revolution

WHEREAS, the State of Maine is richly endowed with the proud history and heritage of the American Revolutionary Period; and

WHEREAS, the State of Maine offers many opportunities for the appropriate commemoration and celebration of both historic and present day accomplishments; and

WHEREAS, the People of Maine, in communities throughout the State, now stand ready to honor that history and heritage, to celebrate those accomplishments and to inaugurate that future; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature, in regular session assembled, on behalf of the People of Maine, recognize and commemorate the 12th of June, 1975, as the 200th anniversary of the first naval battle of the American Revolution, during which men of the Machias area laid plans which culminated in the capture of the British armed schooner, the Margareta; and be it further

RESOLVED: That suitable copies of this resolution be prepared and transmitted forthwith by the Secretary of State to the East Machias Historical Society, the

Machiasport Historical Society, the Washington County Bicentennial Commission, the Hannah Weston Chapter of the Daughters of the American Revolution, the Town of Machias and the National and State Bicentennial Commissions.

The Resolution was read.

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

Mrs. KELLEY: Mr. Speaker and Members of the House: As you know, Machias has been working very hard to get ready for a bicentennial celebration which is going to last about four days starting yesterday, I think. I have had some material put on your desks and I hope that in the confusion of all that we have on our desks that you will take the time to read this. There is also a program of some of the events that are going on, and we really have a very nice time planned and I think it would be lovely if you would all try to come and see the nice history that we have down in that Washington County area.

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

Mr. Curran of South Portland presented the following Joint Order and moved its passage: (H. P. 1699)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of John P. ("Paddy") Davan of Westbrook upon his Retirement from Westbrook High School After 41 Years of Dedicated Service as a Teacher, Coach and Athletic Director

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

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

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

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

House Reports of Committees Leave to Withdraw

Mr. Henderson from the Committee on Judiciary on Bill "An Act Relating to Public Compensation to the Victims of Crime" (H. P. 1279) (L. D. 1672) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Divided Report

Later Today Assigned

Majority Report of the Committee on Election Laws reporting "Ought to Pass" on Bill "An Act to Clarify the Election Laws" (H. P. 1697) (L. D. 1931)

Report was signed by the following members:

Messrs. BERRY of Cumberland
O'LEARY of Oxford
CORSON of Somerset

— of the Senate.

Mrs. BOUDREAU of Portland

Mrs. DURGIN of Kittery

Messrs. KENNEDY of Gray

TALBOT of Portland

MACKEL of Wells
BUSTIN of Augusta
BIRT of East Millinocket

— of the House.

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

Report was signed by the following members:

Messrs. CALL of Lewiston

SHUTE of Stockton Springs

— of the House.

Reports were read.

Mrs. Boudreau of Portland moved that the House accept the Majority "Ought to pass" Report.

(On motion of Mr. Call of Lewiston, tabled pending the motion of Mrs. Boudreau of Portland to accept the Majority Report and later today assigned.)

Divided Report

Majority Report of the Committee on Business Legislation on Bill "An Act to Provide Maine No-fault Motor Vehicle Insurance" (H. P. 1435) (L. D. 1814) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide Maine No-fault Motor Vehicle Insurance Reform" (H. P. 1698) (L. D. 1932)

Report was signed by the following members:

Messrs. THOMAS of Kennebec

REEVES of Kennebec

— of the Senate.

Mrs. CLARK of Freeport

Mrs. BOUDREAU of Portland

Mrs. BYERS of Newcastle

Messrs. TIERNEY of Durham

PIERCE of Waterville

HIGGINS of Scarborough

BOWIE of Gardiner

PEAKES of Dexter

— 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. JOHNSTON of Aroostook

— of the Senate.

Messrs. DeVANE of Ellsworth

RIDEOUT of Mapleton

— of the House.

Reports were read.

On motion of Mrs. Clark of Freeport, the Majority "Ought to pass" Report was accepted, the New Draft read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-726) on Bill "An Act to Regulate the Distribution and Sale of Motor Fuels" (H. P. 735) (L. D. 920)

Report was signed by the following members:

Mr. REEVES of Kennebec

— of the Senate.

Mrs. CLARK of Freeport

Mrs. BOUDREAU of Portland

Messrs. HIGGINS of Scarborough

DeVANE of Ellsworth

PEAKES of Dexter

TIERNEY of Durham

— of the House.

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

Report was signed by the following members:

Messrs. THOMAS of Kennebec

JOHNSTON of Aroostook

— of the Senate.

Mrs. BYERS of Newcastle

Messrs. BOWIE of Gardiner

RIDEOUT of Mapleton

PIERCE of Waterville

— of the House.

Reports were read.

On motion of Mrs. Clark of Freeport, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-726) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-730) on Bill "An Act to Establish the Uniform Crime Victims Reparations Act" (H. P. 1401) (L. D. 1787)

Report was signed by the following members:

Mr. CLIFFORD of Androscoggin

— of the Senate.

Mrs. MISKAVAGE of Augusta

Messrs. McMAHON of Kennebunk

HUGHES of Auburn

BENNETT of Caribou

HOBBINS of Saco

HENDERSON of Bangor

PERKINS of South Portland

SPENCER of Standish

GAUTHIER of Sanford

— of the House.

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

Report was signed by the following members:

Messrs. MERRILL of Cumberland

COLLINS of Knox

— of the Senate.

Mr. HEWES of Cape Elizabeth

— of the House.

Reports were read.

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

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

Mr. HEWES: Mr. Speaker and Members of the House: I would ask that you defeat the motion of "Ought to Pass". This sets up a new system by which the state would have a fund of \$300,000 which would pay people for economic loss arising from criminally injured conduct of people. It seems to me that this gets away from the principle of the party who wrongs someone else having to be responsible for making restitution themselves. Although this doesn't actually repeal the parties making restitution. As a practical matter, if the person who was injured or damaged does not continue to pursue his remedy because he has already been paid by the state, then I think that in effect it certainly won't discourage or deter vandalism or things of that nature.

You know how often the state was after AFDC husbands that are not paying support money, and I really think it is not in the best interest to pass this and I hope you will vote against the "Ought to Pass" motion.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill, so I would be remiss if I didn't get up and speak on it; however, it has come out in a new draft and I didn't know it was going to

be on the calendar this morning. I haven't had a chance to study it and I am not in a very good position to defend it. However, I can say at this time that the amount cited by Representative Hewes is incorrect. It is not \$300,000, it is \$168,000. There is a subrogation feature in the bill, which means that the state would be able to recover from the felons or the person who causes the economic loss to the victims and I would hope that you would support the motion of "Ought to Pass" and I would ask for a division.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a very good bill and a long time overdue. There are a lot of cases that occur where a crime is committed and the person the crime is committed against has no way to get compensation from the person committing the crime; in other words, they are up against a hoodlum that is dead broke and violent. I think this bill deserves passage.

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

Mr. PALMER: Mr. Speaker, through the Chair, I would like to ask a question of someone on the Judiciary Committee. How did they arrive at the price tag on this bill?

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

Mr. HEWES: Mr. Speaker, in reply to his question, on page 10 of the bill, under Section 4219, Section 2, I would like to read the sentence, "Appropriations: There is appropriated from the general fund, to the Crime Victims Reparation Board, the sum of \$300,000 to carry out the purposes of this act". How they happen to arrive at that, whether they know it is going to be a million or two million dollars, I don't know, it is almost an open end of Pandora's Box, it seems to me. And once again, I hope you vote against the pending motion.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I don't know much about this bill, but I know I was on the study committee of Legal Affairs last summer when we heard hearings on rural crime and we found out that probably nine out of ten victims whose articles were stolen never could recover. Now some compassion somewhere along the line must be given to these people, especially these summer camp owners who lose antiques or who lose their property because their camps have been broken into, etc., and every hearing that we have had, there were strong sentiments, not only by the state police who were there and others who appeared at the hearing, that something should be done in order to take care of these victims. I imagine this is how this bill came about. I haven't read this particular bill, but I feel that it has some merit and at least should be kept alive at this time for further discussion. There are other members of the Legal Affairs Committee who I don't see in their seats here this morning (so far they haven't arrived I guess) and I think that this merits a real exploration and a looksee to find out just what we can do in order to take care of these victims.

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

Mr. HENDERSON: Mr. Speaker and

Members of the House: The Judiciary Committee did put in quite a bit of time on this and Mr. Hewes apparently forgot about Committee Amendment "A". He was reading from the bill. Committee Amendment "A" is quite substantial in that it involves the working over this bill and another bill and, in addition, you will note that on page 11 of Committee Amendment "A" the price tag is only \$83,000 for each of two years, so it is not \$300,000, it is less than that.

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

Mr. CALL: Mr. Speaker and Members of the House: Despite my profound respect for the sponsor of this bill, I feel that it really is something that is actually dangerous. I certainly feel for victims of all crimes and probably something should be done but not in this way. I look at this as almost a no-fault insurance without any premiums being paid. I feel, as has already been stated, that this would be a case, to use the expression, of opening Pandora's box. I really think this is dangerous and something that certainly at this time we should defeat.

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

Mr. PERKINS: Mr. Speaker and Members of the House: I am quite familiar with this bill because I too submitted a similar bill and the two bills, one Mr. Carter introduced and mine, were spliced together to come up with what we felt was a possible workable solution. I would like to explain a couple of areas in respect to the bill.

This only pays for physical loss, medical losses and injuries where the medical expenses exceed the sum of \$100, where there has been a loss to the individual that exceeds the sum of \$100. Up until he reaches a point of \$100, he bears any loss to that amount himself, taking into consideration any insurances that may be available to him. As an example, if a person had a \$500 medical expense for which \$475 was paid by Blue Cross or Blue Shield or some other insurance program, he would not be able to recover the additional \$75 that he lost. It would have to be that he himself had a loss that exceeded the sum, out of pocket loss, that exceeded the sum of \$100.

Additionally, the total claim that anyone may submit can never exceed the sum of \$15,000, and there is, on a weekly basis, this does go to the extent of support where there is an individual who loses earnings but to that extent he can only receive the sum of up to \$100 per week and no more.

If we look at the history of this type of legislation, it is rather strange that back many, many decades, before the birth of Christ, we have found of record that society provided for the care of victims of crimes and it wasn't until many, many years later that they determined the best method was that the state should receive the money to take care of prisoners, and that is a very brief thing so we got away from taking care of the victim of crime and it wasn't until recently, recent history, that New York introduced and passed such legislation. England has passed such legislation. There are several other states that have passed such legislation because they found that it was a very unfortunate thing that we were, in effect, trying to do everything we could for inmates and prisoners to rehabilitate, spending millions and millions of dollars for the support of these individuals and doing

absolutely nothing for the victims of crime.

New York only passed this sort of a law when a woman's husband who was a bus driver in New York, his name was Collins, was stabbed to death and there was absolutely no recompense to the wife and children, and they were so incensed by that particular incident, that rapidly the State of New York passed legislation along these lines. I am not suggesting that we should follow any other state merely because they have done so, but it merely points up to the fact that if one of us were stabbed or killed here in the House, we would rapidly seek to do something to cure the problem of our dependents having an economic loss that they could not stand or bear.

I do think it is about time, whether we ultimately pass this, whether or not it is ultimately funded, I think it is about time we take into account the many unfortunate persons in our society who are suffering every day at the hands of criminals who are actually practicing their own occupation more than they ever have before, so I hope we accept the Majority "Ought to Pass" Report on this matter.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: The basic concept of this bill is very well meaning; however, the financial aspect of it is staggering. While serving as a deputy sheriff in Somerset County, part of my duty was to prepare the N.C.I.C. report which goes in monthly. In that report, we had to compute the amount or the value of the stolen articles. Now, this is stolen articles only and does not go into the hospitalization repayment to an individual who has been damaged. It didn't very often take into consideration vandalism, this was stolen property, either through being stolen by a break or stolen out on the street and we, in the small county of Somerset, population wise, were losing somewhere around \$50,000 a month in property, so anyone who has tagged on an \$80,000 label to this, I am afraid is way off base as to the amount of money that is involved here. It would be very easy to come up with the figures, they are readily available at state police headquarters, as to the value of property. Again, you would not be able to come up with the physical harm to the individuals.

Another point is, early in the session I believe we passed, and I think it has been signed by the Governor, a very minor change in a law that makes a very big difference. In the sentencing of an individual, the law used to read "the judge may recommend the repayment for this crime". If it has been signed, and I believe it has, it now reads "he shall make provisions for restitution."

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

Mr. PERKINS: Mr. Speaker and Members of the House: In answer to a couple of the points which have just been made, this makes no provision for property loss. Grant you, that is an economic loss but this bill does nothing to take care of the loss of particular personal property such as TV's or whatever may be stolen, an automobile, no, this merely goes to medical expenses and loss of support.

Insofar as the projection and costs, that was one thing, I have forgotten what the second — restitution has been provided for in the form of the court mandating the court to make provisions in regard to

restitution where it is possible. Let's face facts, ladies and gentlemen, a good many of the criminals aren't able and never will be able to make restitution. This bill has a provision in it that the state is subrogated to the position of the victim to recover from the criminal if it is at all possible and the court directs the criminal to pay.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: You remember sometime ago, I brought up here on the floor, maybe some of you didn't hear my speech that day, it was late in the afternoon, but I told about how a woman was badly beaten working in a night store, it was in Oklahoma City, and the woman was so badly beaten and raped and she had a life savings, she was in the hospital for months after this beating, she had exhausted all of her savings, when she died she had \$28 left in her life's savings. Fortunately, she did have some money to keep her going. The individual who did this was sentenced to the McAlister State Penitentiary for 12 years for this vicious crime.

There is now in Washington, pending, and I would like to read this to you, to help victims of this nature, that "starting with California and New York, in 1966, they have adopted laws so that some limited extensive service to aid or to compensate victims. Other states that have this law under advisement are Hawaii, Massachusetts, Maryland, New Jersey, Nevada, Georgia, Alaska, Washington, Illinois and Delaware." The federal government has yet to enact this law but majority leader, Mike Mansfield, has introduced a Senate bill that will contain some part of this provision.

I feel that this bill has merits for the victim. I think quite too often we are willing to defend the person who commits a vicious crime so that he is not hindered or had any undue hardship on him. I would like to read this last statement that I have here. I did not say this, but I wish that I had, a Mr. James Gilpatrick made this statement and he says, "but I for one have had a bellyful of the bleeding hearts and the weeping whales and shed tears for the murderers of this country. How about crying for the innocent people for a change?"

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I, too, was a member of the Legal Affairs Committee that had hearings all over the state and from what I gathered from the hearings that I had in my personal notes, they wanted something done to the criminal, they weren't asking for too much restitution for themselves, these people who came to us, as I recall, at least I had no notes to that area, but they thought that we as legislators should do something to get a little tougher on these people that are constantly doing these same crimes over and over again and I think we have tried to do something in this field. However, this bill does have some merit before us, I can't vote for it because I don't see how we can finance it.

Now, we already have on the books catastrophic illness and that was a good bill too, and we can't finance that, so if we can't finance some of the bills we have already passed, to me, it is not being honest with the public and ourselves when we pass more that we can't finance and I

think it is being very irresponsible if we pass a bill like this this morning, be it ever so good, and we would like to support it. It is like buying something that we like very much and can't afford and this happens to me quite frequently.

I hope that we will eventually do away with this bill, and on that basis. I don't feel as though we can afford it and if we do have some money from some unknown source that I keep hearing about, that maybe money is going to grow on trees in July or something, but if there is, we will use it to finance catastrophic illness or some of the bills that we already have passed that are pending for funds.

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

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to apologize to the gentleman from Winslow, Mr. Carter. I hadn't seen the amendment when I spoke and I didn't realize they had cut down the appropriation from \$300,000 to \$168,000. However, I still don't know where the money is going to come from and why they lessened it, who is to pick a figure out of the air, I don't know.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: How often do we hear the word justice mentioned? Many times we speak of justice, but apparently it deals only with the felon. The innocent victim, who may be maimed or disfigured, crippled for life, is completely forgotten in our system of justice. Some are more fortunate than others, they happen to have insurance or they are better endowed than others, a whole better position and can cope with these problems, but there are many who are not so well prepared and, consequently, stand to lose all their life savings and even their homes. I think it is long overdue that we start to look at the poor innocent victim and do what we can to repair a grave injustice.

Now, this bill is not going to solve all the problems, it is a beginning, and I think it is a step in the right direction. There have been several smoke screens thrown up here this morning and I think we should let this bill go on its way, let it take its chances with the other bills on the Appropriations Table. When the time comes for money, we will debate that.

I would hope that you would support the motion of "Ought to Pass".

The SPEAKER: The Chair will order a division. If you are in favor of the Majority "Ought to Pass" Report, you will vote yes; those opposed will vote no.

A vote of the House was taken.

87 having voted in the affirmative and 24 in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-730) was read by the Clerk and adopted, and the Bill assigned for second reading tomorrow.

Consent Calendar

First Day

Bill "An Act to Establish Minimum Warrant Standards for New Residential Dwellings" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-720) (H. P. 575) (L. D. 710)

On the request of Mr. DeVane of Ellsworth, was removed from the Consent Calendar.

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

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: As a member of this committee who heard this bill, I had intended to sign a report or to concur in its presence on the consent calendar. However, I was unable to get a copy of an amendment which amounted to a complete draft until a very late hour. I now have it, I was unable yesterday to sign an "Ought Not to Pass" Report, is what I was unable to do, after exploring all avenues and all possibilities and I would ask the Chair to assist me in a motion that would take this from the consent calendar and I believe the Chairman of the Committee would perhaps make that motion for me.

The SPEAKER: The Chair would ask what the gentleman wishes to do with the bill?

Mr. DeVANE: Mr. Speaker, I wish to table it one day sir.

On motion of Mrs. Clark of Freeport, tabled pending acceptance of the Committee Report and tomorrow assigned.

Bill "An Act to Create a Commission to Revise the Statutes Relating to Juveniles, Including the Statutes Relating to the Juvenile Court" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-732) (H. P. 1271) (L. D. 1752)

Bill "An Act Amending Laws Relating to Juvenile and Correctional Institutions and Judicial Dispositions" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-731) (H. P. 518) (L. D. 647)

No objections being noted, the above items were ordered to appear on the Consent Calendar of June 13, 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 to Repeal Obsolete Statutes Concerning Certain Crimes" (H. P. 546) (L. D. 674)

Bill "An Act Relating to Recovery and Appropriation of Penalties Recovered for Burning of Debris" (C. "A" H-714) (H. P. 420) (L. D. 506)

Resolve, Authorizing Genevieve St. Amand and Romeo St. Amand or their Legal Representative to Bring a Civil Action Against the State of Maine (C. "A" H-713) (H. P. 582) (L. D. 721)

Bill "An Act to Establish an Alternative Method of Support Enforcement" (C. "A" H-701) (H. P. 1468) (L. D. 1793)

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

Passed to Be Engrossed

Bill "An Act to Authorize Bond Issue in the Amount of \$13,600,000 for the Highway and Bridge Improvement Program" (H. P. 1684) (L. D. 1929)

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

Mr. Jensen of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-729) was read by the Clerk.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: The question of House Amendment "A", after all the

rhetoric and the crying is over, boils down to one very simple question, the question that we must deal with is clearcut, do we need another 15 to 20 million dollar super highway in Portland or do we need to take care of the roads that we presently have? To build new roads in Portland when we cannot afford to maintain present roads is financially irresponsible.

I would point out that my amendment causes no loss of federal funds, rather, these same dollars, urban system dollars by name, would be spent on maintenance, reconstruction, repaving, traffic rechannelization and better traffic flow. To approve funds for this new four-lane divided super highway during this biennium is, in fact, to commit funds for the next 7 to 12 years. This is taking away money from the roads that we presently have, takes away money from maintaining them. In better economic times, perhaps this new construction would be all right, but with revenues lagging far behind needed income, how wise is it to building and increasing costs in taxes for the next 50 years. I point out that presently we have three or four more bills in front of this body to increase highway taxes, gas tax and motor vehicle fee increases. Are we going to increase more taxes to pay for the roads that we presently have and build new ones or are we going to use the revenues that we have to take care of the roads that we have?

A super highway costs anywhere from 5 to 15 percent of the construction cost just to maintain, to plow, to salt, to resurface, to occasionally maintain through repaving and the like. This means that we are committing millions and millions of dollars every year on the average to keep up this type of road. This is in addition to the many millions of needed dollars presently being spent to catch up on needed existing roads, to keep them up to snuff.

Ladies and gentlemen, I ask for your support for my amendment to redirect new construction funds to maintenance costs and I ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: As we are drawing near the end of this session, I hope that this will be the last time I will have to oppose my young friend who sits at my left. I now ask that this amendment be indefinitely postponed.

There is an element around Portland that has no desire for a new road that seems to be planned and there is an element that does want it. I believe that problem should be settled between them, and the Highway Department. This bond issue should not be used to hold a hammer over the Highway Department because the bond issue affects the entire state and this project affects only Portland and I don't believe it belongs on this at all.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I have the greatest respect for my good friend from Portland, Mr. Jensen, however, we need this road and we need it bad because of the Cumberland Mills congested area in the City of Westbrook, they wanted to stop on the way to the Portland line and furthermore, if it stops there, the turnpike area is going to be congested. I am sure he forgot to tell you about this but it wasn't intentional, I am sure. But if this road is

put through, he will then have a complete free driving area that is now very congested, traffic is backed up from downtown Westbrook to Cumberland Mills and clear on into Portland, which is over a mile. With this stopping as they plan to do now, if this is defeated, it will stop on the lines, therefore if it goes, I would even be willing to see it go into Portland as far as Forest City Motors. However, that is not the issue because you can't stop it where you want to, you have to go by the plan.

This is a fact, for every \$7 the Government gives us on this, we spend three. That is a pretty good investment for the State of Maine. I will take \$3 for \$7 any day, and I think that looking at it from a business-like view, this is the way the approach should be handled.

We can take this money and we can put this highway through here. I am very sorry to disturb the birds down there, it bothers me to no end, but I have more birds in the back of my house than I have seen down through that area. I like animals, after all, I supported the moose in this state, so I do like animals and I feel that we should put this road through for Cumberland County, the area that is very, very heavily populated in through Westbrook, Portland, this road will go into South Portland eventually, because we have the arterial there and it is a very important situation. I feel that for the City of Westbrook, for the City of Portland, that this would be a real, fine thing, to let this go to a bond issue and I am sure that the people of Maine will benefit by it.

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Transportation Committee and agreeing with Mr. Fraser and Mr. Laffin, I would hope that you would oppose this amendment.

From my experience with Project Poster Home, I know that such a project as this Westbrook Arterial, many local information meetings and public hearings are held, an environmental impact statement has to be prepared and approved by federal agencies, permits required by the State Board of Environmental Protection, okayed, and many other approvals received before construction can begin.

I think adequate controls exist in our laws to insure that proper decisions are made regarding highway projects, without the legislature trying to make that decision without any facts or knowledge, otherwise, than such criticism as comes from a Portland Representative.

In my opinion, the legislature should not become involved in the selection or rejection of individual highway projects. The responsibility of the legislature is to establish policies only for the highway programs. Details regarding individual projects is properly the responsibility of the Department of Transportation and as long as the department carries out legislative policies and intent of the legislature, we should avoid getting into such projects.

Most of the opposition is coming from the bird watcher's club there in Portland and yesterday we debated a bill just for such projects as this and some club or group coming in and trying to delay progress in our state. I would ask you again to oppose this amendment.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the indefinite postponement of House Amendment "A" and will speak only briefly.

This amendment is considered by many as the southern Maine truck bill. How can anyone have such a thing against trucks? Our livelihood in southern Maine is so closely tied to the trailer truck.

I want to point out what we are having to put up with now in Portland. The Brighton Avenue Corridor comes from Westbrook and it goes right down the center of the University of Maine campus. You have most of the buildings to your left, when you head in town, you have the law school on the right and the administrative offices on your right.

This does many things to many people. Representative Peolosi, a fine member of this body, I used to visit his house but I haven't for six weeks, it took me 20 minutes to get out of that street because that arterial isn't filled. And another thing that brings us right up today, our guest clergyman, look at him up there, the parish priest, if we don't put this arterial in, he will be a missionary at that church, people can't get in and they can't get out.

I agreed with that good gentleman from Westbrook. I love the American Eagle, I have a spot in my heart for the chickadee, but let's top here and do something for our fellow man.

I had a call from a person out in this area, he said, John, I haven't seen a bird in these marshes in 20 years. We are talking about the Westbrook Arterial. It is out in the airport area; 1952 the planning started out there, it still goes on now and we are near completion. Private investment in the Portland area combining the public and private projects alone adds up to \$50 million in expenditures to revitalize the city. We must have adequate access along the arterial.

Brighton Avenue Corridor has 12 traffic lights from Westbrook to Portland. No wonder we rarely, if ever, see Representative Laffin downtown; it is an obstacle course. We have got to have a solution to traffic, we have industrial parks, one in Westbrook, 200 acres waiting to be developed, another in Portland, 150 acres to be developed for an industrial development. We need that arterial.

Delays will add to the construction cost of this arterial and I don't want to take up any more of your time, be you bird lover or not, but please vote for the indefinite postponement of House Amendment "A".

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clear up a couple of things. I heard the gentleman from Westbrook, Mr. Laffin, and the gentlelady from Madison and the gentleman from Portland, Mr. Joyce, all speak about how there is a loss of birds in Westbrook and loss of birds in Madison and perhaps the loss of birds in Portland. I have been told by many of the people up north that perhaps that may be true.

I think the point you are talking about here is not one of environmental consideration primarily, it is not one related to birds, it is not one related to things of that sort, you are talking about new roads. You are talking about another new super highway. You are talking about a new road vs. taking care of the roads that you have. If you can tell me where you are going to get the money to pay not only to maintain the roads you have now but to

build another one, a new super highway in an area that already has several, when you can tell me where you are going to get the money to maintain this road, this new road, along with everything else that you need to maintain, to take care of the new traffic lights, to take care of increased traffic flow, to take care of all these other things, then perhaps you have a point, the road ought to be built, but I think on financial considerations alone, you ought to give this some very serious consideration and very serious thought in delaying it for two years because that is all you are talking about, you are not talking about killing the road dead, you are talking about a moratorium for two years.

I heard the gentleman from Mexico, my good friend Mr. Fraser, who promises to try his best not to oppose me again this session, tell me that this isn't the correct bill to put this on. Well, the Commissioner of Transportation drew up this amendment. The Commissioner of Transportation told me that this is the best vehicle to use. The Commissioner of Transportation told me that if this amendment is put on, he will take that as legislative intent that we don't want another new road in Portland, another super highway and nothing will occur in the way of new construction for the next two years.

Brighton Avenue can handle the traffic if you take parking off the sides of the roads, if you, perhaps, line up the lights so that you flow smoothly through them and you don't have to stop every time you hit one, I think the road can handle it. I think you are talking about an issue of increased gasoline cost, increased cost to transportation, increased cost to driving, it is going to be 7 to 12 years before this road is ever constructed. If this road is constructed in 7 to 12 years, that long from now, how much do you think gasoline is going to be? How many cars do you think are going to be driving along this super highway when gasoline is \$1.50 a gallon.

Mr. Speaker, I would ask for a roll call.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief because I get the message from the Speaker and I wasn't going to say anything, but as the representative from Portland, had asked me a couple of days ago if I would speak on this issue, I looked at this amendment in a little different category, I think, than some of the other previous speakers. I think what the gentleman really intended with this amendment was that so many times this year that he and I had differed. With me coming from the northern part of the state, he is concerned with what monies we have going into northern Maine and he would like to see this project curtailed for a couple of years so that we can do some of the projects that we have been wanting to do up our way.

In all seriousness today, the gentleman asking for a roll call, I hope this body will vote to indefinitely postpone this amendment.

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: Just a few words, I don't want you to get from the gentleman from Portland, what he just said about the commissioner drawing up the amendment and everything, I would like to tell you now that our commissioner is very cooperative

with anybody that asks him for anything and it doesn't mean that the commissioner is in agreement with this amendment.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: The good lady from Madison, Mrs. Berry, has let you know what I did want to tell you before, but I also want to mention the fact that my little friend beside me mentioned traffic, congestion, well, this artery, I believe, is intended to relieve some of that congestion and, again, I still maintain the quarrel is between them and the commission and I don't think it has anything to do with this bond issue.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I think the issue here is clear and I think the issue is that if we pass this amendment that we are setting what I would call a dangerous precedent. The next time we may be here debating whether or not some \$50,000 resurface job is being done in Aroostook County and I don't think that is why we hire a commissioner for and I think there are available ways of going about funding this thing and I don't think it is up to this body to try to determine what monies or where the monies are going to be spent within the state by passing amendments such as this. You have already killed the bill on the site location of nuclear power plants and I don't think we want to get into this anymore then we did with the nuclear power plant.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have sat here and pondered this over and listened to the debate and there is something being missed here. This is probably the cutest political amendment I have seen in several years.

What it actually does is to take over \$13,600,000 for the sole purpose of maintaining the streets and roads in Portland to the detriment of the rest of the state. Draw your own conclusions.

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

Mr. JENSEN: Mr. Speaker, if I could respond to that, the gentleman from Eastport, Mr. Mills, is very, very good at addressing questions that are nowhere near what happens to be in front of the Body. I think what we are talking about during the next biennium is, first of all, \$1.27 million for the City of Portland. It is money, urban assistance money that is completely dedicated to the greater Portland area, it cannot be spent up north, money that can't be spent anywhere but the Portland area. The only question you have before you is do you want to spend on another brand new super highway or do you want, instead, have the practical sense of diverting it and maintaining the existing roads in the same area, and I really wish the gentleman from Eastport, Mr. Mills, would pay more attention to exactly what is in front of us.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I guess I have to rise to help my colleague from Portland, Mr. Jensen. If you could use the term "being crucified," I think

that is exactly what is going on to him this morning.

I hope that you really listen to some of the issues that are being presented. I would just very quickly like to run down some points that I think haven't been touched on. First of all, that if the Westbrook Arterial is going to be built, there are going to be a number of homes that are going to be destroyed and the people that live in those homes come both from wealthy backgrounds and from poor backgrounds and they almost to a family are opposed to the Westbrook Arterial. The second consideration is that Rep. Joyce from Portland talked about the Brighton Avenue Corridor and also mentioned downtown Portland and I would venture to say, that should the Westbrook Arterial be built, that those small businesses along the Brighton Avenue Corridor and also businesses in downtown Portland, will be hurt severely because, as I understand it, there are plans to build the shopping mall on the scale of the South Portland Shopping Mall out at the end of the Westbrook Arterial in the Westbrook area so that's going to be a blow to the business in downtown Portland and on the Brighton Avenue Corridor and I think any of you are familiar with the economic situation in Portland know, that the businesses in downtown Portland are already hurting and I don't think that they need this.

The third point is what Rep. Jensen from Portland has pointed out, that the money can only be spent in Portland, but it doesn't have to be spent on the Westbrook Arterial and there have already been over the past few years, a number of compromises made so that money could be spent on the Westbrook Arterial and other needed projects in the City of Portland would go lacking for lack of adequate funds. I think that a lot of people in Portland would tell you that there are a lot of other construction programs that are more needed than the Westbrook Arterial and the final point that I would like to make, just to reiterate, what Rep. Jensen has said, that the effect of his amendment would again be only a moratorium for two years and if, at the end of two years, positions change, then that Westbrook Arterial could be built. So, I would really hope that you would give his amendment some consideration.

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

Mr. MULKERN: Mr. Speaker and Ladies and Gentlemen of the House: Unless the House gets the impression that the only person who is supporting this amendment is the bird watcher, I feel that I should rise and say something about Mr. Jensen's amendment too.

Frankly, I have given a great deal of thought on this subject of the Westbrook Arterial. I attended a meeting out in Stroutwater along with several other legislators, about citizens who were very concerned about this Arterial. I took the time to do some reading into the environmental impact statement, which has been mentioned in this debate, and to look at some of the reasons why the City of Portland and others felt that this Arterial was an important thing to be built and one of the things that struck me, one of the key reasons for the building of this project, was the argument that it would revitalize downtown Portland. Now, I can't quite follow that argument. I mean, downtown Portland, already has super highways from other areas coming into it and these

roads have shown no sign to me of doing anything for helping downtown Portland. As a matter of fact, many of the business in downtown Portland are closing up, many of the projects that have been planned have just gone by the wayside because of funding.

Now, I have a statement in front of me, which was given to me by a gentleman out in the hall, the background and the need for the construction of the Westbrook Arterial and this is a five page document and gives the history of the Arterial. Well, I'm just going to take one sentence out of this. It says "subsequently on December 12, 1974, the Pax Policy Committee, Greater Portland Council of Government's Transportation Planning Arm designated construction of the next portion of the Westbrook Arterial between the Westbrook Connector and the Portland Connector has been number 1 in priority before all other urban system construction", and then it says "there were 23 other street improvement projects, minor ones by comparison, all of which were ranked as less important" and believe me, I will tell you, I have lived in an area of Portland or I have been there, my parents lived there, its over in the Spring Street area and it is one of the areas they are working on and many of these 23 streets in Portland, I think, need this improvement very badly. I don't consider these minor by comparison. I consider them very important.

To me this Westbrook Arterial is pie in the sky. I don't see that it's going to do anything, it was something that was planned many years ago without any real consideration of what's going to happen a few years down the line and I think it's just going to hurt downtown Portland. If I believed that this project would really help downtown Portland, then I would be for this bill and I have told the officials in Portland that and that's just the way it is.

I don't want to take up the legislature's time, I realize that this is a local problem but I just want you to understand that there are some of the members of the legislative delegation in Portland that this is a divided issue and it just isn't one particular individual in the delegation trying to get you to support this amendment.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question of everybody here. \$13 million of Houlton, Mattawamkeag, Fort Kent, Caribou, Pittsfield, Rockland, Dover-Foxcroft, Lincolnville, Poland, Van Buren, how many of you people would turn down \$13 million? Anywhere in the state other than the southern part of the state would even dare argue about the possibility of losing \$13 million.

I sort of think of the fat man who takes one bite of the apple and throws it away when a lot of other people are chewing on the core.

Mr. FRASER of Mexico was granted permission to speak a third time.

Mr. FRASER: Mr. Speaker Members of the House: This issue has absolutely nothing to do with the bond issue and should not be tied to it.

Mr. Jensen of Portland asked permission to speak a third time.

Mr. KAUFFMAN: Mr. Speaker, I object.

The SPEAKER: The gentleman from Kittery objects.

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

Mr. CONNOLLY: Mr. Speaker, point of inquiry or parliamentary procedure or something. Can we put that to a vote?

The SPEAKER: The Chair would answer in the affirmative.

Mr. CONNOLLY: I would like to make that motion, then.

The SPEAKER: The gentleman from Portland, Mr. Connolly, moves that the rules be suspended so that the gentleman from Portland, Mr. Jensen may address the House a third time. If you are in favor of the rules being suspended, you will vote yes; those opposed will vote no.

A vote of the House was taken.

88 having voted in the affirmative and 2 in the negative, the rules were suspended.

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

Mr. JENSEN: Mr. Speaker Members of the House: I would like to thank the House for the courtesy that they have just extended me.

If I could read just one quote from Roger Mallar, that was in a column in the Portland Press Herald from Mr. Edward Kenneally on January 17th, "If this Connector if not finished, there will be no great sum of money lost, but there will be a loss of convenience. At the Westbrook end much relief has been provided, similar relief will be afforded the Portland end." I ask you if \$13 to \$20 million is worth a couple of minutes in savings and convenience?

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: Many of you that were in the last session of the legislature remember that I had a hard time supporting this kind of a bond issue and any increase in the gas tax. In a time when inflation was going high, when gasoline was getting more expensive and we were reducing the speed at which people could drive their automobiles, down to 55 miles per hour, it just doesn't seem good common sense and I remember so many constituents, some that often times you might shrug off their suggestions but they say "one word of advice, Tom, is why don't you be one legislator that just uses a little common sense" and well, sometimes I have probably forgotten that but, in this instance, I would just like to try a little common sense.

The federal government is talking about substantially increasing the gas tax, I understand that there is a proposal here to increase a gas tax, we're talking about a bond issue now to build, evidently new roads, I thought, according to the title that it was to improve, make improvements on our highways and bridges, not to build new highway systems, and it seems to me that it doesn't make common sense with gas going higher, cars becoming more expensive and less people able to drive, unemployment going up, that we ought to be building any new highways. I think we ought to improve the existing highways that we've got. I understand that Aroostook county needs some new roads, they've only got a very few roads, but yet Portland, who has all the major highways in the area pouring into it, is going to get

another highway. I'm not arguing for or against this specific proposal, I think that should be decided locally, but just whether or not we ought to support. I think we ought to support any measure that cuts down on state expenditures for these kind of programs because I don't think we need them right now. I think we ought to see what's going to happen with the fuel crisis, what's going to happen with the speed limit, what is going to happen with the gas tax before we build new empty highways.

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

Mr. LAFFIN: Mr. Speaker and Ladies and Gentlemen of the House: First of all, I would like to say something about what Mr. Peterson just said. Do you know that there are less cars on the road today than there were? Of course there are not less cars, there are more cars, there aren't less people in that area either, Portland, Westbrook and that area is the biggest population in this state, right in that one area. We are from the biggest county, we have the most people, we have the most cars, we need big highways down through there now, if you don't, you're going backward, instead of forward. I would like to answer to Mr. Connolly when he said it would put small businesses out of business, that's the first time I have ever heard him (he's not here, I will not say it). We need this highway, we need it for Westbrook, we need it for Portland, there is, as Mr. Joyce has stated, there is a very congested area between Westbrook and Portland on Brighton Avenue and into Westbrook through Cumberland Mills. That road is the heaviest traveled road, I dare say, in this state. That road is bumper to bumper and how people can get up in this House who live in that area and say "we don't need it, because there's not going to be cars on the road, there's going to be a gas tax increase" who says this House is going to approve a gas tax? I haven't heard yet that they are going to pass it. One person may say they are going to, but they don't give their opinion for 151 members of this House. I say to you, this is important, this is very important and if any member of this House lived on Main Street in Westbrook and wanted to go to Portland, bumper to bumper, that's why there's trouble in Portland downtown because you can't get there in the first place, that is why they go to shopping centers, the traffic there is terrible and not one of the people, who have spoken in favor of this amendment, can say there is no congested traveling back and forth problems, because there is, it is common sense and to defy this state of what they need in Aroostook County and what they need in Portland and Westbrook, Maine, there's no justification for that argument at all.

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

Mr. MULKERN: Mr. Speaker, Members of the House: I'd like to ask the gentleman from Westbrook, if this Westbrook Arterial is going to be so great, how come all these other roads that are going into the City of Portland, don't bring any business into downtown Portland? I don't understand that and that's a fact.

The SPEAKER: The gentleman from Portland, Mr. Mulkern has posed a question through the Chair to the gentleman from Westbrook, Mr. Laffin, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. LAFFIN: Mr. Speaker Members of the House: I do desire to answer that.

First of all, I have never stated that downtown Portland is going to make more dollars, have more people in downtown Portland by this road and I have stated that it is going to help the congested area between Westbrook and Portland on Brighton Avenue, to get into Portland, but that doesn't mean that it's going to help them, there's plenty of Arterials, they'll probably go to the shopping center but they do have, at least, a chance to get out of Westbrook and to get into Portland and to make their choice. If they don't want to go downtown Portland, they don't have to go downtown, but at least you're giving them a chance to get out of Westbrook and the areas that are heavily congested with people to get into the city anyway and then they have their choice.

This is a very important thing to the people of this area and I certainly would hope that my very good friend, Mr. Jensen, for whom I have the very greatest respect, wouldn't divide the members of this Body into sections of this state.

I certainly would not want to give a vote against the people of, as I've heard so many times, rural Aroostook County. I would certainly not want to be against them because I don't know the problems up there, but I know this problem, I live in Westbrook and I know that problem and I know the problems of the merchants, I do know these problems and I say to you, ladies and gentlemen, if you don't believe so, when S. D. Warren Mills let out, a shoe shop lets out, our foundry lets out, our dowel mill lets out and all the businesses and industries that we have in Westbrook, come down sometime and we'll show you what congested areas are.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I can't miss this opportunity to assure and I wouldn't expect him to know, being a personal member whom I respect a great deal, but I think there are two members of the House who have spoken here about Aroostook County, one taking money away from Aroostook County and the other one, they want what Aroostook County has got. I can assure you of one thing before all the precincts are in, Aroostook County, the county will be very well taken care of to make this \$1 million to look like a breakfast compared to what you and I would have when it's all over.

The SPEAKER: The Chair would ask the gentleman from Lewiston to restrict his remarks to the bill.

Mr. JALBERT: I take issue to that remark, I am talking about the bill, I'm talking about \$13,600,000.

The SPEAKER: Then I would ask that he keep his remarks to the amendment.

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

Mr. GOODWIN: Mr. Speaker; Men and Women of the House: I would like to pose a question to someone on the Transportation Committee. If this amendment passes, will this mean that the money that would normally go to the Westbrook Arterial would be directed to other areas of the state to help repair bridges and roads?

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Members of the House: The money from this bond issue will be used like all bond issues that have been used in the past, it will replace some that are now being paid off. As a matter of

fact, this last year, we paid off something like \$10 million so we're adding now about \$3 million to our indebtedness and the money used from those bonds will be used like it always has been to improve and maintain bridges and highways, no special place.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I think a couple of points here should be made. I heard earlier one remark that if this amendment was adopted, I got the impression that the \$13,600,000 might be eliminated. It is my understanding that this amendment was put on this bond issue, we'd be talking \$2 million would be available, I guess in a sense, to other areas of the state.

In looking this thing over, if that area doesn't want this money, then we should adopt this amendment and cut the bond issue by \$2 million and we'll go the bond issue \$11,600,000 instead of \$13,600,000.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Coming from York County, you might think it rather unusual that I arise here to speak on this subject but living near the City of Portland, many times going in there on business, many times sending my truck in there and when they'd come back and I'd ask why they had been gone so long, "how come you've been in there so long?" and being told that they were being tied up in this traffic that Mr. Laffin tells you about.

Now if you're talking about economy of gas, have you ever sat in front of a red light and waited and waited and waited and wondered how many gallons of gas you were using? Now, this artery, as I recall, what I've been told about, will facilitate the trucks that are going in, going through and getting on at the other highways and I am for it.

I would also urge the delegation, that in the future, when you have any bills coming up, that you take advice from the counties above us, they have little meetings before and they iron out the differences and then when they come in here, you see them all vote for their bills.

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

Mr. GOODWIN: Mr. Speaker Members of the House: I, too apologize for getting into a local problem here but I just made an observation a couple of weeks back. I had the opportunity to visit the county, so to speak, Aroostook County, and I am sorry I have to disagree with my good friend from Lewiston, Mr. Jalbert, but to be honest with you, I was ashamed of the state and some of the roads up there. I felt, in the town of South Berwick, I had better dirt roads than Route #1 in Aroostook County.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: I'll try to be very brief. I don't disagree with a lot of the things that Mr. Jensen, Rep. Connolly and Mulhern have said. However, the fact of the matter is, that the planning has been going on for this Westbrook Arterial since 1965 and the city council has voted unanimously time and time again and given their full support to the building of this Arterial, they've had many public hearings and the planning board has

agreed that this is what Portland should have and even though had I been on the City Council I might not have agreed but I think that's a decision that they've made and we sent out a questionnaire many of us in Cumberland County and it came out that well over fifty percent of the people answering our questionnaire in the Gorham-Portland and Windham areas support the construction of this Westbrook Arterial and I never thought I'd be espousing local control up here but I think that's where this is at and I think it would be pretty high handed of us and the legislature now to stop something that's been going on for so many years.

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

Mr. QUINN: Mr. Speaker, Members of the House: Just count Gorham in too. The Gorham Town Council unanimously approves this inter-connector and has so indicated in writing. I think you will find that the Westbrook City Council has unanimously approved this and so indicated it in writing and as you have heard, the Portland City Council has. As Mrs. Najarian says, there were 2258 people who answered that questionnaire, only 18.1 percent of them indicated they did not want this. To me, this seems to be a very clear answer, I think the advice given by Mr. Fraser, by Mrs. Berry, that this essentially is a local decision and has no business being made here. I ran an unofficial poll of the Cumberland County delegation yesterday, Republicans and Democrats alike, I counted seven who support the amendment, three who were in doubt at the time, one of whom very clearly has become in support of the amendment and 19 who disagree with the amendment. I, therefore, would urge that you support the indefinite postponement.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 and voting 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 Mexico, Mr. Fraser, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bagley, Berry, G. W.; Berry, P.; Berube, Blodgett, Boudreau, Burns, Bustin, Carroll, Carter, Churchill, Cote, Cox, Curran, P.; Curran, R.; DeVane, Dow, Drigotas, Dudley, Durgin, Dyer, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Gould, Hall, Hennessey, Hinds, Hunter, Hutchings, Immonen, Jalbert, Joyce, Kauffman, Kelley, Laffin, LeBlanc, Lewin, Lovell, Lynch, MacEachern, Martin, A.; Maxwell, McBreaity, McKernan, Mills, Miskavage, Mitchell, Morin, Morton, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Peterson, P.; Pierce, Quinn, Rolde, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Stubbs, Tarr, Teague, Theriault, Truman, Usher, Walker, Webber, Winship.

NAY — Ault, Bachrach, Bennett, Bowie, Byers, Call, Clark, Connolly, Cooney, Curtis, Davies, Doak, Goodwin, H.; Goodwin, K.; Gray, Henderson, Hewes, Hobbins, Hughes, Ingegneri, Jackson, Jacques, Jensen, Kany, Kelleher.

Kennedy, Lavery, Leonard, Littlefield, Lizotte, Lunt, Mahany, Martin, R.; McMahon, Mulkern, Nadeau, Peakes, Perkins, T.; Peterson, T.; Post, Powell, Raymond, Rideout, Strout, Tierney, Torrey, Twitchell, Wagner.

ABSENT — Albert, Birt, Carey, Carpenter, Chonko, Conners, Dam, Farley, Faucher, Greenlaw, Higgins, LaPointe, Lewis, Mackel, MacLeod, Pearson, Smith, Susi, Talbot, Tozier, Tyndale, Wilfong.

Yes, 80; No, 48; Absent, 23.

The **SPEAKER**: Eighty having voted in the affirmative and forty-eight in the negative with twenty-three being absent, the motion did prevail.

Thereupon, this Bill was passed to be engrossed and sent up for concurrence.

Second Reader Tabled and Assigned

Bill "An Act to Abolish the Maine Milk Commission, the Maine Dairy Council, and the Maine Milk Tax Committee, to Transfer Certain Functions of the Maine Milk Commission to the Commissioner of Agriculture, to Provide for the Monitoring of Butterfat and Bacteria Tests of Dairy Products, to Establish Unit Pricing of Consumer Commodities and to Establish Open Dating of Food" (H. P. 700) (L. D. 846)

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

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

Amended Bills

Bill "An Act to Revise the Laws Relating to Financial Institutions" (H. P. 831) (L. D. 1134) (C "A" H-706)

Bill "An Act to Provide for the Maintenance of Neglected Dams and Existing Water Levels in Lakes Impounded by Dams" (H. P. 1459) (L. D. 1797) (C "A" H-699)

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

Second Reader Tabled and Assigned

Bill "An Act to Define the Responsibilities of the Bureau of Labor and the Public Employees Labor Relations Board" (H. P. 1371) (L. D. 1780) (C "A" H-700)

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

Mr. **KELLEHER**: Mr. Speaker, I would like to pose a question through the Chair to any member of the Labor Committee to explain what Committee Amendment "A", (H-700) does? It is rather a lengthy document, the bill was mine to begin with and I would like to know what the comparison is between this amendment and the bill that I presented before the committee.

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

Mr. **SNOW**: Mr. Speaker and Members of the House: In answer to the questions of the gentleman from Bangor, the bill combines the features and some of the ideas in four bills which were presented to the Labor Committee, one of them is Mr. Kelleher's bill, one of them was sponsored in the other Body and two of them were sponsored by myself.

The bill consolidates all resolutions, labor dispute resolution procedures in the Public Employees Labor Relations Board. It changes the name of that board to the Maine Labor Relations Board, to emphasize the fact that labor disputes in the private sector as well as in the public sector can be brought to the attention of that body. It increases the size of the board by three, from six to nine because the board has not been able to keep timely hearings on various labor dispute matters, such as the resolution of what bargaining unit does someone belong to, and other matters such as unfair labor practices. It is felt that the increase will enhance the ability of the board to move expeditiously. The board also changes the method of appointing the panel of labor mediators who have been with us for many years. In the past, they have been appointed by the Governor with reference only to himself, now, the bill suggests that they be appointed from a list of people who will be supplied five or ten names to the Governor by the Maine Labor Relations Board. This hopefully will assure appointment of the highest caliber mediators and I don't think I need dwell on the reasons for that. The amendment also gives the power of subpoena to fact finders. Previously, Boards of Arbitration and single arbitrators have had that power. It seems only reasonable that fact finders, and I think many of us are familiar with these people, because they have helped us resolve many differences between our school boards and our teachers, it seems only reasonable that they should also have the power of subpoena. The amendment also consolidates the budgets of the panel of mediators, the Maine Board of Labor Relations and the Board of Arbitration and conciliation which is the oldest and longest serving of our Labor Dispute Agencies. It consolidates the budgets of all of these with that of the Maine Labor Relations Board so that in past procedure, budgeting is handled in one package. The Maine Labor Relations Board is now under its old name, reports to the Division of Manpower, it will continue to do so.

I trust Mr. Speaker, that I have answered, at least some, of the questions of the gentleman from Bangor, Mr. Kelleher.

Thereupon, this Bill was passed to be engrossed as amended and sent up for concurrence.

Bill "An Act to Temporarily Suspend the Lobster and Crab Fishing License Moratorium" (Emergency) (H. P. 1141) (L. D. 1237) (C "B" H-662)

Bill "An Act to Clarify the Laws Relating to Municipalities" (S. P. 236) (L. D. 815) (H "C" H-718) to C "A" S-231

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

Passed to Be Enacted Emergency Measure

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) (S "A" S-271 to C "A" H-482)

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

Passed to Be Enacted

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

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

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

Mr. **TIERNEY**: Mr. Speaker, Ladies and Gentlemen of the House: I have just checked in the last two minutes with three members of the Judiciary Committee who heard this bill and none of them know what is in it. I wonder if perhaps someone else could explain.

The **SPEAKER**: The gentleman from Durham, Mr. Tierney, poses a question through the Chair to any member of the Judiciary Committee who cares to answer.

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

Mr. **PERKINS**: Mr. Speaker, Ladies and Gentlemen of the House: I was just asked that question also by a seatmate. Actually, what this does, we have provided in recent legislative sessions that a court may determine the rights to real estate when a divorce is granted. In the process, the courts have ruled the real estate would either be divided or the real estate would go to one of the spouses. Unfortunately, in the legislation there was nothing that could compel the owners of the property, if there was a joint interest or what have you, to give a deed so that title people had some problems where there was a court order that the real estate be transferred and the party says to heck with it and just didn't do it. So, this provides that the court judgment or decree of court would be recorded and take and have the effect of the deed having been transferred by the persons that should have transferred it in the first instance to clear the title of property. That is basically all it does.

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

An Act to Authorize the Board of Registration in Medicine to Conduct Medical Education Programs (S. P. 430) (L. D. 1417) (H "A" H-646 to S "A" S-257) (H "A" H-443)

An Act to Prohibit the Arbitrary Imposition of Certain Fuel Charges by Electric Power Utilities (S. P. 469) (L. D. 1603) (S "A" S-212) (S "B" S-276)

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

An Act Relating to Transfer of Offenders Among Correctional Institutions, Residential Facilities and Programs (H. P. 827) (L. D. 1010) (S "A" S-277 to C "A" H-483)

An Act to Make Attendance at a Rehabilitation Program Mandatory for the First Offender Convicted of Operating under the Influence (H. P. 964) (L. D. 1217) (H "A" H-600 to C "A" H-518)

An Act Relating to Teacher Certification (H. P. 1069) (L. D. 1349) (C "A" H-500 as amended by S "B" S-267)

An Act Relating to Forester Registration and Licensing (H. P. 1329) (L. D. 1412) (S "A" S-266 to C "A" H-621) (S "A" S-272)

An Act to Extend the Jurisdiction of the

Human Rights Commission to Grievances of Ex-offenders (H. P. 1111) (L. D. 1416) (H. A. H. 555) (H. B. H. 682 to C. A. H. 474)

An Act Relating to Funding of Richmond Schools for 1975 (H. P. 1667) (L. D. 1920)

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

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

The following Communication:

The Senate of Maine
Augusta

June 11, 1975

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

Dear Mr. Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor (H. P. 16) (L. D. 24):

Sensors:

COLLINS of Knox
BERRY of Cumberland
DANTON of York

Respectfully,
S. MAY M. ROSS

Assistant Secretary of the Senate

The Communication was read and ordered placed on file.

From the Senate: The following Joint Order: (S. P. 579)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

The Members of The United States
Coast Guard Exhibited in the
Successful Search and Rescue of
Arthur Vigeant and Maurice Dodge
of Belfast

on June 10, 1975

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

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

Came from the Senate read and passed.

In the House the order was read and passed in concurrence.

Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Reclassification and Range Changes of Certain Positions and Classifications in State Classified Service" (S. P. 369) (L. D. 1203) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Providing Funds for Review of the State's Civil Service System and the Classification and Compensation Plan" (Emergency) (S. P. 560) (L. D. 1926)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-293)

In the House, the Report was read and accepted in concurrence and the New Draft read once. Senate Amendment "A"

(S-293) was read by the Clerk and adopted in concurrence and the New Draft assigned for second reading tomorrow.

Committee on Energy on Bill "An Act Creating the Maine Energy Development Fund" (S. P. 447) (L. D. 1558) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning the Office of Energy Resources" (Emergency) (S. P. 549) (L. D. 1913)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendments "A" (S-285) and "B" (S-301)

In the House, the Report was read and accepted in concurrence and the New Draft read once. Senate Amendment "A" (S-285) was read by the Clerk and adopted in concurrence. Senate Amendment "B" (S-301) was read by the Clerk and adopted in concurrence and the New Draft assigned for second reading tomorrow.

Bill "An Act to Provide for Licensing of Sternmen on Lobster and Crab Fishing Boats" (Emergency) (H. P. 1676) (L. D. 1923) which was passed to be engrossed as amended by House Amendment "A" (H-694) in the House on June 10.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-694) as amended by Senate Amendment "A" (S-299) thereto in non-concurrence.

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

Bill "An Act Defining the Warranty of Habitability and Providing Remedies Therefor" (S. P. 272) (L. D. 878) indefinitely postponed in the House on June 10.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-260) as amended by Senate Amendment "A" (S-291) thereto in non-concurrence.

In the House:

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House adhere.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves the House adhere.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I move that we recede and concur and would speak briefly to my motion.

Although I was not here on Tuesday when most of the discussion had taken place on this, I understand that one of the major objections to this was that an individual could not privately make an agreement, a landlord with a tenant, such that a tenant might live in a dwelling which was not up to code for fear that tenants might later take that person to court. Therefore, the Senate has amended the bill by striking out the last line of the L. D. The last line said, "Any agreement by a tenant to waive any of the rights or benefits provided by this section shall be voidable." Having stricken that, a tenant may waive the rights or benefits provided by this section, so that now we are in a case where a tenant may enforce his right to be able to live in a place that is fit for human habitation, except if he agrees to go into that dwelling knowing that there is no running water or no electricity or

whatever and says okay, I will go in there for reduced rent and so forth. Then, from there on out, he does not have the right to take the landlord to court for these reasons. I think it is a reasonable amendment to a bill that is needed and I hope the House will recede and concur.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Bangor is absolutely right. The Senate amendment does take one portion out of a very bad bill. I feel that the whole bill is bad and I am not going to bore you again this morning with going through the bill and citing my reasons, but I would hope that this House would remain firm and I would ask for a division on the motion to recede and concur. I hope that you would defeat that motion so we might go to the motion to adhere.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: When this bill was discussed in our committee, it was unanimously thought that it should be sent out for study by the committee and that is what we voted for. But somebody came in from some department, I don't remember which department it was, and asked if we wouldn't put an amendment on there. I think there were several of us who voted against this amendment. I also mentioned to the one that put the amendment on from the Senate that if we are going to study it, he said well, we will put this amendment on and we will study the rest of it. I felt that the whole bill should be studied. If you are going to do a good job, you don't just study a part of it, you study the whole thing.

I would hope that you wouldn't pass this and go along with the vote that we had the last time in the House and if this doesn't work out, it should go for a complete study instead of just nitpicking on this thing here.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman from Bangor, Mr. Henderson. It seems to me that if an individual is renting an apartment and there are conditions in there that are unhealthy, that this individual should have an opportunity to take this case to the court, but more importantly, rents are difficult to find, as we all know, and it would also give the gentleman or his family the opportunity to be living there while the court passed a judgment on who or who not is cause of the fault because of the unhealthy conditions.

I think that this is a reasonable piece of legislation. I think it is a humane piece of legislation if in fact there are conditions where the person or persons who own an apartment are leasing to me or to you and they are not in a healthy condition, then I would suspect that the court would rule in a just and fair manner. I would urge the House to support the gentleman's motion to recede and concur and I request a roll call.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: The majority of the members of the Judiciary Committee felt that this was a difficult subject, but that this one bill did merit the favorable consideration of this

legislature. All the bill does is to provide a remedy by which the courts may fairly enforce the warranty of habitability laws which were written several years ago.

If you are against this bill, then I think we should be honest about it and go back and repeal the entire warranty of habitability concept. By doing so, we would tell our citizens that we don't care whether or not they are situated in uninhabitable dwellings. There are, of course, unique occasions where someone may want to rent a cottage or an apartment which is in pretty bad shape on the grounds that it is better than nothing. I think it was correctly pointed out, when we considered this bill last week, that the owner of the unit deserves protection when he rents it out against his better judgment. The bill has come back to us amended, therefore, so that the owner of a substandard unit and the tenant can sign an agreement that will preclude the tenant from later taking court action under this bill.

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

Mr. HOBBS: Mr. Speaker and Members of the House: I hope this morning we do recede and concur. At the public hearing before the Judiciary Committee, of which I am a member, on this bill and other bills that we had that day regarding landlord and tenant and whatever, the landlords were represented by at least two attorneys and there were several landlord associations represented at the hearings. May I first say that there was strong opposition to the model landlord and tenant bill which was heard before our committee but only passing reference to this L. D., 878, even with the defense to an eviction section which has been repealed out of this bill.

In fact, you would probably like to know that a Senator from the other body, Senator Merrill, directly asked one of the landlord representatives whether he was in disagreement with this bill and he said no one made reference to a disagreement or anything on that line.

I think it is a workable compromise and it is just one straightforward concept which it tries to get to, and that is that a tenant does not have to move out into the street in order to enforce his already existing right of warranty of habitability which we have on the books. I think it is fairly good compromise.

Again, if I may add what I did before, the tenant has no rights under this bill unless many things are in existence. Number one, he has not caused the conditions; number two, the conditions are dangerous; and number three, the landlord, after notice, fails to make repairs. If all these conditions are met under this legislation, L. D. 878 still provides that the tenant must pay the fair value for use and occupancy of the premises during the time that the dwelling is in dangerous condition.

I wish we didn't have the term landlord and tenant, because if we didn't, I think we would pass this bill. We have already in the past enacted a warranty of habitability guaranteeing a person a decent place to live, and that is all this bill tries to do, is enforce a decent place to live. It is not pro landlord, as I said before, it is not pro tenant, it is a very workable compromise; that our committee, in a 9 to 4 decision thought was a good bill, and I hope today we recede and concur.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I have to disagree with Mr. Hobbins because there are half a dozen real estate people, landlords, in the corridor this morning and they felt that the bill should go out to study, that it was just a one-way amendment on this bill. The study would be much fairer to everyone, to the tenants and to the landlords, that it was just against them, the amendment is just attacking the landlords.

Therefore, like I mentioned to you in the first place, the bill was supposed to be sent out. We voted unanimously in the beginning to send it to study. I hope that we do send it to study and, Mr. Speaker, if I am in order, I move that we insist on our former action. We debated this bill here last week and the majority of you voted against the bill, so I move that we insist on our former action that we took the last time we debated this bill.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: As the gentleman from Sanford, Mr. Gauthier, has just told you, we defeated this bill soundly the other day. Today, with the amendment, it is no better bill. It is still a bad bill. It is interesting to note that those favoring this bill, for whom I have a great deal of respect, are not people who were not here in this House during the 105th Legislature when out of 15 of these so-called landlord-tenant bills, we defeated at least 12 of them. Those people were not here to hear the sound arguments in favor of landlords and against provisions of these bills.

I agree with the gentleman from Brewer, Mr. Norris, that we should defeat the motion to recede and concur and that we should end up adhering to our former action.

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

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will defeat the pending motion of recede and concur. I would like to discuss the merits of this bill if I can.

This bill extends the warranty of habitability to the time that a tenant is being occupied. For example, when you buy a new car, there is a warranty with it at that time that extends for a certain length of time and then it ends. In this case, we presently have a warranty of habitability which takes place at the inception of the lease. This bill here, L. D. 878, would extend this warranty of habitability constantly, so if a tenant has lived in an apartment for three years, we will say, and some windows become broken so that any municipal code is violated and I know that the code in Portland is very strict, so a broken or cracked window would be a violation of the code, then a receiver may be appointed through the court who would hold a part of the rental.

The bill says, on page one of the committee amendment, which is in effect the whole bill because everything after the enacting clause was struck out by the amendment, in determining the fair value, there shall be rebuttable presumption that the rental price is the fair value of the rented premises free from conditions rendering it unfit for human habitation. In other words, if you have an apartment that you rent at half price because it isn't in tip-top shape, there is a rebuttal

presumption that the rental price is the rental value if the apartment were in A-1 condition. In other words, it isn't fair, it seems to me, to the tenant.

I am quite perturbed because we voted unanimously to send this and other bills out to study. I don't see what harm there is in studying the issue, and all of a sudden the bill comes back and we are not studying it.

I would like to point out that in our committee right now we still have eleven bills we haven't voted on. This is one that we voted on once, then apparently it came up a second time. I wasn't aware that it came up the second time, but when it first came up there was a work session and there were representatives of landlords and tenants there and we voted to study it and then somehow the bill gets back. I see a representative of the Attorney General's Office out here in the lobby working for passage of the bill, and I don't like that.

The other day we indefinitely postponed this. I hope we will defeat the pending motion today and then eventually move to adhere, rather than insist, so that the bill will be dead and we can go on to other things.

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

Mr. HOBBS: Mr. Speaker and Members of the House: It is unfortunate, I guess, that a person who is representing the legal interests of the Maine citizens is out in the main hall and we have landlords out in the main hall. I don't think it is bad that an Assistant Attorney General who represents the interests of the Maine people and the legal rights of the Maine people can discuss this matter with people, just like I don't think it is wrong for someone who is a landlord can discuss this issue with someone.

As I said before, I don't care what bill this is, you can put this thing out to study and you know the same people who are talking now are going to be opposed to the bill when it came out of the study. I hope today we recede and concur so at least we can pass a very good compromise.

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

Mrs. BERUBE: Mr. Speaker and Members of the House: Initially, two years ago or four years ago, I supported the original warranty of habitability bill. I did so because I firmly believed then as I do now that whether in selling or in renting we are ethically, and I think morally responsible to give a just value. However, I also feel that sometimes in our zeal to correct inequities, we go beyond the scope of fair play. We have gone to the point now, I think, that we are making it less and less palatable to — and I won't say financially rewarding — but let's say palatable to invest in any type of business, whether it be commercial businesses or rental property.

I agree that both tenants and landlords have rights and privileges, but I think that we should also remember that there is the word responsibility that comes with both parties.

I think that this bill, for instance one section that was touched upon by Representative Hewes in which he says that the receiver may collect the rental until the condition is remedied. I think it goes beyond that because it says here that the receiver may collect the rental of the affected unit and other dwelling units owned by the landlord. It could be a multiple rental building of eight

apartments, it could be three buildings that he may have spread out over a community, and I don't think this is quite right. So, I ask that you vote with the motion of Mr. Norris.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to rebut a few of the arguments that have been made. I hate to bring committee procedures onto this floor but it has been brought in so many times I guess I at least have to mention it, and maybe some of you have been on committees that have had unanimous reports, or unanimous decisions, when really all the committee wasn't there. That is the case in this particular case, where there was a unanimous decision to study it but the fact is that there were several members of the committee, including myself who were not at that particular meeting and that had an interest in this particular bill and later on we had another meeting at which we decided, a majority of the committee I would remind you, voted that this bill as amended be reported out "Ought to Pass". So, whatever the various history of this had been in the various committee meetings, as I am sure you understand, the majority of the Judiciary Committee does recommend the proposal before you.

Secondly, the head of the Consumer Fraud Division of the Attorney General's Office has given assistance in drafting this proposal, it is not something that came out of or is the pushed legislation of that department, but they did give us information on how to properly draft this. The Consumer Fraud Division feels that this is legislation that is necessary to protect consumers in this particular case.

Now, what is the liability of the landlords here? It is not that the court can just sort of walk in and take something away from the landlord and not just for a cracked window, I hope you realize that the court is busy on many, many matters, and that sometimes they don't take parking tickets to court and sometimes they don't take a lot of other things, and they are not going to take a landlord to court because of a cracked window. It is going to take him to court if there are elements in that dwelling that render it unfit for human habitation, and under those conditions it is merely saying that if it is unfit and if an addition to that the landlord had already been advised of that by the tenant, and the tenant didn't make the destruction and the landlord does not fix it, only after that will the court order a reduction in the rent. The landlord will still be able to collect rent, but only a reduction in the rent to the amount of the level to which that had been decreased in value as if it would have been if it were in good shape.

I think this bill does not say that the court collects the rent, it says that it will allow an individual to pay less rent until that condition is rectified.

The problem with our being in favor of this existing warranty law is that it is not enforceable. It is very nice, we put something on the books which says that if you enter into any rental agreement, the assumption is that it is fit for human habitation, fine. Then we find out that certain dwellings are not fit for human habitation, so, what do you do? The only way you can enforce it is to move out. After he moves out, then he can bring an action and indicate that it was unfit for human habitation. Well, that is great, but if it is in

the middle of the winter and things are tough and your furnace goes dead and it is really bad, the only way you can enforce your right to live in a decent house is by moving out of it. All this says is that the landlord will be notified and that repairs will have to be made, but if you have already agreed with the landlord that you are willing to live there without a furnace all winter, you said that, then you have got no choice.

There was one other thing I would like to bring up, because it might be in the backs of people's minds, although it hasn't been mentioned, some people are afraid that this might allow a tenant to raise this issue if he is being evicted, that is if the landlord says I don't like you folks anymore, it is time to move on, some people might be afraid that they could say, look, this place isn't fit for human habitation, I will take you to court. This has been amended out of this bill. It was a proposal to have that in there, it is not in here anymore. So the tenant does not have any weapon to use against the landlord, any arbitrary weapon, you can't do that. But he does have a right to protect himself and have a fit place to live.

Mr. Gauthier of Sanford was granted permission to address the House a third time.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I hate to disagree with Mr. Henderson when he tells you that when the first vote was taken in committee, that the majority of the committee members weren't there. He wasn't there but the majority of the committee members were there. In fact, the gentleman who put in this amendment at the request of the Attorney General has been working for the tenants and not for the landlords, he has been working just on one side and he came in to — I was wondering if he had other work to do. This Mr. Feldman who works for the Attorney General's Office spent five or six days while we had 50 bills in our committee that we were trying to get out of here so we wouldn't extend the legislature too long, but he came in here and more or less forced his way and finally got the same man that made the motion to send this for study to put the amendment in. I don't know if he wanted to get rid of him, but he spent at least five or six days coming in and more or less trying to force us to put this amendment on there.

I say to you, when Mr. Hobbins got up and said that he was representing the people, I think that anyone in the Attorney General's Office should represent all the people, shouldn't just represent one side of the people. I think the fairest thing is to send this for a study and then you represent both sides. I am sure that we will get a good bill out of this, but you haven't got one at the present time.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: After listening to both sides of this story, I feel that it is a little bit unfair to come out with a bill now if it was agreed by the committee, while both parties were present, that this should be sent out to study. Now, both bodies have gone home, members of the committee have come back who were absent, are trying to change the bill, the department heads come up here and try to force you to change the bill. I think it is a little bit unfair to both parties concerned. I think it should be put out to study, and I resent a little bit unfairly coming from some office

who is trying to pressure the legislature or individual members to acting in one way or another. I feel that these people are there to administer the laws that we pass, and not to try to influence the House to pass laws that they want.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: It seems as though we are discussing an awful lot of different kinds of issues here other than the one at hand, and I would like to draw a little bit of attention to that if I could.

This body just a few days ago already agreed that the bill itself should be passed. We voted that way, we agreed on the very premise that people, when they rent a house, have a right that that house is fit for human habitation. This body agreed on that. The only difference now is an amendment that was put on by the Senate which gave more to the landlords which said that if in fact people want to rent a place that maybe doesn't have any water, maybe doesn't have a bathroom, they can sign a contract and agree to that. That is actually giving more to the landlords, and yet, in fact, what is being done with that very amendment is that it is going to confuse the issue enough so that we turn around and reverse our decision, and I hope that we recede and concur.

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

Mr. PERKINS: Mr. Speaker and Members of the House: In view of the fact that the statements of Representative Post are in error, I feel I must reply. We did not agree. We killed this bill dead strong. However, I would like to also state that there is, I think, a misunderstanding of what this amendment that was proposed by the Senate does.

I was approached by the Attorney General's Office after the defeat of this bill the other day and asked if I would object if we deleted the last line, because they felt that by deleting that line, that would in effect say that a landlord and tenant could agree to anything other than what the law would say they must comply with in terms of human habitability. I said I did not believe that deleting that line would have that effect. I would suggest and submit to them that they add a line that says that the landlord and a tenant could agree. Their reply to me was, "Oh, no, we can't do that." I said, "Well, there is no assurance by deleting that line that you have, by doing so, implied that they can agree. The law would be specific that a place must comply with the standards required for human habitability." I submit that the law would state that you could not agree to do otherwise.

I would be more than happy to have a line in there that said the landlord and the tenant could agree, but I assure you, the sponsors of the bill do not want that.

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

Mrs. POST: Mr. Speaker and Members of the House: Having received several notes, I will state that I was wrong. I think my mistake was that I felt so strongly about the bill in the first place, I just assumed that everybody else agreed and we had in fact passed it.

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

Mr. MCKERNAN: Mr. Speaker and

Members of the House: I hadn't intended to speak on this, although I did the other day. It was the gentleman from South Portland, Mr. Perkins, who really got me on my feet. I think he is right in that we really should have some language in here to make sure that some of the questions that were raised, especially, remember during the last debate the gentleman from Orono, Mr. Wagner, asked whether or not this would prohibit people from contracting for some sort of a rental agreement which perhaps was not up to the standards that would be envisioned by this bill.

Therefore, as I understand the motion on the floor is to recede and concur, I am going to move that we recede, Mr. Speaker, and then I would hope that somebody would table this so we could in fact offer an amendment which would put that in there, that if a landlord and tenant wanted to agree to something less, they would be able to, but if there was a normal agreement that you would normally expect that there would be a normal rental agreement, if at some subsequent date something went wrong in the apartment, that the tenant would have the recourse that is envisioned by this bill, because I think it is important.

The issue to most of us who support this bill is that in the normal circumstances of rental agreements, is a tenant going to be forced to move out in the middle of winter in order to have an apartment that is fit for human habitation, and I don't see how anybody could be against that. But by the same token, if two people want to get together and contract for one that does not have running water, I think they ought to be able to do that. What we want to protect against is tenants who think they are getting an apartment which for the length of the tenancy is going to be a decent apartment and then after they have been living there for a while something goes wrong, we want to give them some protection.

You want to disagree with the gentleman from Cape Elizabeth, Mr. Hewes. He says that when you buy something you usually have a termination date on a warranty. Well the point is, you are not buying anything. When you rent something, you are renting an ongoing apartment and for as long as you are paying for it, you would expect that it is going to be fit for human habitation.

I think we can correct some of the problems and therefore, Mr. Speaker I would move that we recede.

Mr. Rolde of York moved this matter be tabled for one legislative day.

Mr. Norris of Brewer requested a vote on the motion.

The SPEAKER: All those in favor of this matter being tabled for one legislative day pending the motion of Mr. McKernan of Bangor to recede will vote yes; those opposed will vote no.

A vote of the House was taken.

49 having voted in the affirmative and 43 having voted in the negative, the motion did prevail.

Bill "An Act to Require Ferries Operating in Casco Bay to be Equipped with Radar Devices" (H. P. 1151) (L. D. 1445) which was passed to be engrossed as amended by House Amendment "A" (H-629) in the House on June 3.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-295) in non-concurrence.

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

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

Bill "An Act to Authorize the Board of Environmental Protection to Regulate the Anchorage of Tankers in Casco Bay" (H. P. 1700) (Presented by Mr. LaPointe of Portland) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

Was referred to the Committee on Marine Resources, ordered printed and sent up for concurrence.

Orders of the Day

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

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

Tabled — June 10, by Mr. Cooney of Sabattus.

Pending — Passage to be Engrossed as amended.

Mr. Cooney of Sabattus offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-739) was read by the Clerk and adopted.

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

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

Joint Order — Relative to Amending the Joint Rules. (H. P. 1694)

Tabled — June 11, by Mr. Rolde of York.

Pending — Passage.

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

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

Senate Divided Report — Majority (7) "Ought to Pass" in New Draft (S. P. 550) (L. D. 1915) — Minority (6) "Ought to Pass" in New Draft (S. P. 551) (L. D. 1916) — Committee on Energy on Bill "An Act Creating the Passamaquoddy Hydro-Electric Tidal Power Authority" (Emergency) (S. P. 178) (L. D. 692)

Tabled — June 11, by Mr. Rolde of York.

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

On motion of Mr. Kelleher of Bangor, tabled pending his motion to accept the Majority Report and later today assigned.

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

House Divided Report — Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-670) — Minority (3) "Ought Not to Pass" — Committee on Judiciary on Bill "An Act to Provide Alternatives to the Compulsory Attendance Law" (H. P. 858) (L. D. 1079)

Tabled — June 11, by Mr. Rolde of York.

Pending — Motion of Mr. Gauthier of Sanford to Accept the Majority "Ought to Pass" as amended Report.

On motion of Mr. McKernan of Bangor, tabled pending the motion of Mr. Gauthier of Sanford to accept the Majority Report and later today assigned.

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

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

Tabled — June 11, by Mrs. Najarian of Portland.

Pending — Passage to be Engrossed.

Mr. McMahon of Kennebunk offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-735) was read by the Clerk.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is what I consider a housekeeping amendment. I have checked with the sponsors and the cosponsors of the bill, and I am of the impression that they don't have any problems with it. I was prompted to offer this amendment because in my district there is a rather large real estate dealership who deal in commercial properties only and they were concerned that under this original bill that they would be forced to take courses that were not appropriate to their field of endeavor, so if you adopt this amendment, it would do only what the statement of fact says, "The purpose of the amendment is to allow brokers who deal in commercial real estate to take courses appropriate to their field of endeavor."

Thereupon, House Amendment "B" was adopted.

Mrs. Byers of Newcastle offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-727) was read by the Clerk and adopted.

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

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

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

Tabled — June 11, by Mr. Rolde of York.

Pending — Passage to be Enacted.

Mr. Goodwin of South Berwick moved that the Bill and all accompanying papers be indefinitely postponed.

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

Mrs. BERRY: Mr. Speaker, I wonder if this could be laid on the table until later in today's session?

On motion of Mr. Palmer of Nobleboro, tabled pending the motion of Mr. Goodwin of South Berwick to indefinitely postpone and later today assigned.

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) (H. "A" H-691) (H. "B" H-725)

Tabled — June 11, by Mr. Jackson of Yarmouth.

Pending — Adoption of House Amendment "C" (H-733).

On motion of Mr. Greenlaw of Stonington, tabled pending adoption of House Amendment "C" and later today assigned.

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

Bill "An Act Relating to Exemption of

the East Auburn Community Unit, Inc., from Property Taxes" (S. P. 482) (L. D. 1613). In House, Majority "Ought Not to Pass." Report of the Committee on Taxation read and accepted June 5. — In Senate, insisted on former Action whereby the Minority "Ought to Pass." Report of the Committee on Taxation read and accepted and Bill passed to be engrossed in non-concurrence.

Tabled — June 11, by Mr. Rolde of York.
Pending — Further Consideration.
On motion of Mr. Rolde of York, tabled pending further consideration and specially assigned for Monday, June 16.

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

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

Tabled — June 11, by Mr. Rolde of York.
Pending — Motion of Mr. Raymond of Lewiston to Indefinitely Postpone House Amendment "A" (H-648)

On motion of Mr. Rolde of York, retabled pending the motion of Mr. Raymond of Lewiston to indefinitely postponed House Amendment "A" and later today assigned.

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

Bill "An Act to Revise an Act Relating to Property Taxation which was Enacted by the 106th Legislature" (H. P. 1664) (L. D. 1917)

Tabled — June 11, by Mr. Rolde of York.
Pending — Passage to be Engrossed.
The SPEAKER: The gentleman from Ellsworth, Mr. DeVane.

On motion of Mr. DeVane of Ellsworth, under suspension of the rules, the House reconsidered its action whereby this Bill was given its second reading.

Mr. DeVane of Ellsworth moved that the rules be suspended for the purpose of further reconsideration.

The SPEAKER: The Chair hears objection. The Chair will order a division. All-in-favor-of-the-rules-being-suspended will vote yes; those opposed will vote no.

A vote of the House was taken.
59 having voted in the affirmative and 32 having voted in the negative, the rules were not suspended.

Thereupon, the Bill was given its second reading.

Mr. Leonard of Woolwich offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-736) was read by the Clerk.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "D" — well, I will start off this way. I have three amendments and I apologize to this House for having three amendments, but the sponsor of the bill is not with us today and as the result of that and at his request, I had two of his amendments redrafted and they are under my name, and that is why I have three. Otherwise, I would have coupled all three together and saved this body some time.

On House Amendment "D", basically what we are trying to do is the biggest issue probably of this legislature, at least as far as I am concerned, and one of the prime reasons why I came here, is to restore somewhat local control.

House Amendment "D", and I will read the statement of fact, "The purpose of this amendment is to remove the tenure provisions and certification requirements for full-time assessors and to provide certain exemptions from municipal assessing units under the bill." Basically what we are trying to do here is that if we, in assessing municipal assessing units desire to go out and hire somebody to do our assessing, then those people we hire, whether they assess in other towns or whatever, would fall under the same qualifications as would assessors that were elected or hired within our own municipalities. So I consider it kind of a housekeeping measure to the original piece of legislation in that it makes sure that we have maximum amount of alternatives in going out and getting qualified assessors and at the same time not locking us into the tenure requirements where a person, if they were assessing our municipality, we had hired them, then they would have to become — well, I guess the only time I have ever heard tenure is under teaching, but once this person was there for over a two-year period, then he could no longer be dismissed, and that's certainly not something we want to get locked into, and at the same time, we wanted to have a chance of going to other areas to seek assessors and still not be required to have them certified and the various other things felt that would be required of the state, and we feel that would drive the cost of our assessing up.

With that, I hope you adopt House Amendment "D".

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I move that we indefinitely postpone this amendment and would speak to my motion.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that House Amendment "D" be indefinitely postponed.

The gentleman may proceed.

Mr. SUSI: Mr. Speaker and Members of the House: I can appreciate that the gentleman from Woolwich is under somewhat of a handicap, because as he explained, the sponsor of the bill is not present here and he is attempting to fill in for him, as I understand, and this is an extremely complex subject that the Taxation Committee has worked on for literally months. We have hearings and meetings until it seems as though we have worn ourselves out on this subject and as a result of all these deliberations, we have come up with this L.D. 1917 and we are having offered here an amendment which makes perhaps some changes. I am not even certain that it does make any changes.

The first portion of the amendment says "notwithstanding the provisions of Section 311-14, a municipal assessing unit may employ persons to perform the assessing function for the unit and may certify or establish tenure for and remove those persons." These just landed on our desks a couple of minutes ago, and I went and called the bureau and asked them to review these and take them up with me this afternoon. Now we are not going to have that chance, but I am very much of the opinion that this paragraph doesn't do a thing, that these options are already available. I see the gentleman from Farmington nodding his head. He believes it too that this is no change.

I do understand the second portion which says "Employment of assessor: Any municipal assessing unit," etc., this is taken right from the bill, so this portion is already in the bill, but there is a section that stuck out, and I would like to read to you what that section says: "When any municipal assessing unit or primary assessing unit employs a full time professional assessor, this assessor must be certified by July 1, 1980, by the Bureau of Property Taxation as a professionally trained assessor. The Bureau shall publish, for the information of the municipalities, a listing of certified assessors and assessing firms or organizations recognized by it as professionally qualified."

The last sentence, all it does is provide that the bureau will give information to the towns as to who is available here in the state to perform these functions. Certainly there shouldn't be any objection to that. The other section says that if a municipal assessing unit wants to hire a professional man, then that person should, within the next five years, become certified. If this is too stringent, well, I completely miss the point.

I don't see any point to the amendment that has been offered. Basically, we are in a situation where after several months of study on this and all this consideration, a bunch of amendments are dropped on our desks and we really don't know what they would do nor why, and we are asked to make this change. Frankly, I can't see much point to it. I hope you support the indefinite postponement.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I was very interested in how this was going to develop, being one who supports somewhat the other version of this bill. I chatted with the gentleman, Mr. Leonard, and others, and I see the direction now with this amendment, simply because it doesn't go to the heart of the original problem.

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

Mr. LEONARD: Mr. Speaker and Members of the House: In fairness to Mr. Susi and certainly if I haven't — well, as I say, I put my name on this amendment and if the amendment doesn't accomplish what we in fact want to be accomplished, then I certainly, in the favor of what Mr. Susi has said, let's take a little bit more time, we got to this rather rapidly and I didn't really provide anybody much time to look at the amendment. If it is permissible to set this aside or table it until later in today's session, maybe a group of us can go to the Bureau of Taxation and make sure that we are in fact doing with this amendment and the amendments what we originally intended, and if we are not, then we won't waste the time of this House. So I would request the majority leader to maybe table this until later on in today's session.

On motion of Mr. Finemore of Bridgewater, tabled pending the motion of Mr. Susi of Pittsfield that House Amendment "D" be indefinitely postponed and later today assigned.

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

"Bill An Act to Amend the Maine Housing Authorities Act by Creating a Loan-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). In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-235) as amended by Senate Amendment "A" (S-254) and Senate Amendment "B" (S-258), thereto.

Tabled — June 11, by Mrs. Najarian of Portland.

Pending — Passage to be Engrossed as amended.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney. Mr. COONEY: Mr. Speaker, first, I have to ask you if Senate Amendments "A" and "B" were indefinitely postponed Friday, is that correct?

The SPEAKER: The Chair would answer in the affirmative, both Senate Amendments "A" and "B" were indefinitely postponed.

On motion of Mr. Cooney of Sabattus, 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-734) was read by the Clerk and adopted.

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

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

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

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

Tabled — by Mrs. Najarian of Portland
Pending — Shall this Bill become law notwithstanding the objections of the Governor.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I think I would just like to take an opportunity — I wasn't crying by the way, I had something in my eye — I would just like to take this opportunity to explain just exactly what the intent of the bill would have been.

If I, as an employer, hired a person to work for me and that person was called for jury duty, that person would have received \$25 from the county or whoever pays jury fees. If that person that I hired received \$30 a day from me as an employer, when he served on the jury, he would lose \$5 a day. My bill says that I will pay him half of what he would have lost, and that is how big that bill is.

I am not quite sure what the status of the thing is because I am not quite sure whether the Governor did, in fact, sign it or not and I don't think I will take any more of your time on it. I, naturally, am going to vote to override the Governor's veto, I am not going to ask all of you to, you do as you wish.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The sponsor of this bill has made it very clear that we shouldn't make too big a fuss over this matter and I am not going to do that today, nor am I going to speak as a party leader but only as an individual legislator.

However, I did happen to take a look at this bill and I think it really is a good bill. All it says is that an employer, if necessary, shall compensate an employee called to jury service to make up the difference between the amount of money he receives as a juror and his salary, if the salary was greater. I am sure we all know of instances where jury duty has worked real hardship on the person called to duty and this hardship is often over and above the actual loss of salary.

I would imagine that most of us have received calls, as I have from people who have been called to jury duty and have been very upset about the problems it is going to cause them. I know personally of people who have actually taken their names from the voting lists because of their fear of being called to jury duty. Some people have expressed to me, with a sense of wonderment, the paradox of our jury system, where there are many people who would dearly love to be on jury duty who are never called, and people who dread it and for whom it causes extreme problems who are called.

I note that the Governor in his veto message, in a rather uncharacteristic statement, has suggested that an answer here is to have the state spend additional money to compensate jurors. That would be fine if we had the vehicle before us and the Governor would really give his strong support to additional funds to jurors, but this is the only bill we have and this legislature felt it was a good approach to dealing with the economic problems that our working people have when they are called to jury duty and they stand in danger of suffering a loss of income.

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

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise, recognizing our chief of state's prerogative and authority in veto. However, I seriously object to his reasons for refusing to sign L. D. 1695 "An Act to Provide Compensation for Employees on Wages for Jury Service." This bill was given proper and careful consideration in the hearing and working sessions. Understanding that jurors are compensated at the rate of \$20 a day, it is difficult for me to believe that small businesses in this state would be adversely affected by this bill. This bill is a safeguard for the few people that would be hurt for their jury service.

I hope that this House will recognize these facts.

The SPEAKER: According to the Constitution, a two-thirds vote of the members present and voting is necessary to override the objections of the Governor. According to the Constitution, the vote will be taken by the yeas and nays. A vote of yes will be in favor of the Bill; a vote of no will be in favor of sustaining the veto of the Governor.

A roll call has been ordered pursuant to the Constitution.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, P. P.; Blodgett, Boudreau, Bustin, Carey, Carpenter, Chonko, Churchill, Clark, Connolly, Curran, P.; Curran, R.; Davies, DeVane, Dow, Fenlason, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Hewes, Hobbins, Hughes, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, MacEachern, Martin, A.; Martin, R.; Maxwell, McKernan, McMahon, Mills, Mitchell,

Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Perkins, S.; Peterson, T.; Post, Powell, Rideout, Rolde, Saunders, Shute, Spencer, Strout, Stubbs, Susi, Teague, Theriault, Tierney, Tyndale, Usher, Wagner, Webber, Wilfong, Winship, The Speaker.

NAY — Berry, G. W.; Berube, Birt, Bowie, Burns, Byers, Call, Carroll, Carter, Cooney, Cote, Cox, Curtis, Dam, Doak, Drigotas, Durgin, Dyer, Farley, Farnham, Finemore, Garsoe, Gray, Hinds, Hunter, Hutchings, Immonen, Jacques, Kauffman, Kelley, Laverty, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, Mackel, MacLeod, McBreairty, Miskavage, Morin, Morton, Palmer, Perkins, T.; Peterson, P.; Pierce, Raymond, Rollins, Snow, Snowe, Sprowl, Tarr, Torrey, Tozier, Twitchell, Walker.

ABSENT — Conners, Dudley, Faucher, Gauthier, Higgins, LaPointe, LeBlanc, Mahany, Pearson, Quinn, Silverman, Smith, Talbot, Truman.

Yes, 78; No, 59; Absent, 14.

The SPEAKER: Seventy-eight having voted in the affirmative and fifty-nine in the negative, with fourteen being absent, the Governor's veto is sustained.

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.

(Off Record Remarks)

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

After Recess
2:00 P.M.

The House was called to order by the Speaker.

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

Bill "An Act to Clarify the Election Laws" (L. D. 1931).

Tabled — By Mr. Call of Lewiston.
Pending — Acceptance of Majority "Ought to Pass" Report.

On motion of Mrs. Boudreau of Portland, 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 following tabled and later today assigned matter:

Bill "An Act Creating the Passamaquoddy Hydro-electric Tidal Power Authority" (Emergency) (S. P. 178) (L. D. 692)

Tabled — By Mr. Kelleher of Bangor.
Pending — His motion to accept the Majority "Ought to Pass" Report.

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

The Chair laid before the House the

following tabled and later today assigned matter:

Bill "An Act to Provide Alternatives to the Compulsory Attendance Law" (H. P. 858) (L. D. 1079)

Tabled — By Mr. McKernan of Bangor.

Pending — The motion of the gentleman from Sanford, Mr. Gauthier, to accept the Majority "Ought to Pass" Report.

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

Mr. CONNOLLY: I move for the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Mrs. Miskavage.

Mrs. MISKAVAGE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will not vote to indefinitely postpone the bill and instead accept the Majority "Ought to Pass" Report of the committee.

Even though this bill appears to be headed for trouble, I continue to support it because I believe in the compulsory school attendance law. This bill makes it more flexible and lowers the period of time that a child must attend school to completion of the 8th grade. That is long enough for a recalcitrant youngster to be cooped up. It seems by then, he should have enough judgment to decide whether or not to complete his education and should have some idea of the direction in which he wishes to go. However, I still say that there will be people graduating from high school this month who wouldn't be there if there hadn't been a compulsory attendance law with teeth.

When the last legislature enacted a law which made it impossible to commit a juvenile to a correctional institution for anything short of an adult crime, this piece of reform legislation was passed with the thought that if juvenile problems become severe enough, people at the local level would do something about it and would seek alternatives for these youngsters in trouble — halfway houses, foster homes, and the like. That was two years ago, not too much has been done about it in the City of Augusta or in surrounding areas.

In town here in Augusta, we are trying to find places for people they are discharging from the mental hospital, we have a place for chronic alcoholics, one for drug addicts, and it just plain gets discouraging. Where is it all going to end? There are so many of them and so few of us. Who is going to be left to work for the boy scouts? It is getting so that the only way you can get any attention is to have some kind of a hangup. If you are reasonably normal, you are lost in the shuffle.

In the Kennebec Valley area, truancy is definitely on the increase. Chronic truants are being watched by borderline truants. Word is getting around as to the laxness of our present law. I am afraid one of these days we are going to see a tremendous exodus, will we be ready to cope? Judges in our area have refused to hear truancy cases. A few years ago, they were able to help; now their hands are tied.

One of them described the process to me and it is really not too bad. He used to sit behind his desk in all his dignity with just a touch of a twinkle in his eye and say "come on in, son, and let's talk about it. What is the matter with school? Have you got a bad teacher? I used to have some that were witches." He would keep on like that trying to draw the youngster out, help him

with his problems and usually that was all that was necessary.

On the rare occasions when he found he wasn't getting anywhere with that approach, he would say, "Now, son, we've got a law on the books that says you've got to go to school and that is where you're going. Now it is up to you, you have a choice. Either you are going to school here in Augusta or you can go down to the Boy's Training Center. Which will it be?" They usually made the right choice.

In Kennebec Valley, the Judge heard over 400 cases, in 10 years, and only committed nine to Stevens or the Training Center. That averages out to approximately one commitment a year, and it held the rest of the kids in line.

I agree that most habitual truants have deep-seated emotional problems, but it costs enough money just to educate them. Have we got to add to the cost of education, treatment for deep-seated emotional problems? With money as tight as it is now, I can't see it in the foreseeable future.

Ladies and gentlemen of the House, I hope you will go along with the majority report of the committee. The bill says that commitment will be possible if there are no other alternatives available. It is a well researched piece of Legislation, the results of a summer study of educators who feel it is the only answer to the truancy problem at the present time. I hope that you will go along with the bill and vote against the motion for indefinite postponement.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I was willing to wait on this bill and see the amendments but now that it has got to this position, I will speak. On page 2 of the bill, item 2, it says, "waive the compulsory school attendance law for a child provided he or she is 14 years of age or older and has completed the 8th grade." The law now is 17, we have tried to put it to 16 and we never get it passed in the House. One year we did, it was Mr. Farnham's bill, and it was vetoed by the Governor.

On Page 3-A, it says, "waiver to be in the best interest of the child and those concerned." Let the compulsory school attendance law be waived for such a period of time that would be in the best interests of the child and others concerned, providing that he or she is 14 years of age or older and has completed the 8th grade. But now come the top one, ladies and gentlemen of the House, this L. D. 1079, item C on page 3, commitment to the correctional institutions, that the child be placed in the Boy's Training Center or Stevens School if he or she is of proper age. That is quite a thing today to place upon any child, knowing Stevens not so well as I do South Portland, but I know South Portland pretty well, I don't live there, but two years I was on the Correctional Institutions, one of them I was its chairman, and I was the first chairman to ever go to those institutions without notifying them we were coming and a member of the other Body who was Senate Chairman at that time, and he will tell you that I started that and we caught them, so to speak, with their pants down because they weren't prepared. Let me tell you, that is no place to send a young child, 12, 13, 14 years old.

I have a letter here from the Community Counseling Center addressed to the Honorable John L. Martin. It says, Dear Mr. Martin: We strongly oppose L. D. 1079,

as amended, which seeks to reinstitute incarceration as a penalty for a second truancy violation by a juvenile. As amended, L. D. 1079 would permit sending juveniles to a training center or school for a maximum of 30-day sentence for second and subsequent truancy violations. That is quite a thing to put on any child. I won't read the rest of the letter but that is quite a thing.

I have another letter here from Ward E. Murphy, Director of the Mental Health and Correction, Bureau of Corrections. "You have asked for comments related to the implications of the amendment put onto L. D. 1079. I strongly object to that part of the amendment which is related to commitment to a correctional institution of a juvenile who has been truant. We have no institution today which could afford a separate residential facility for only truant children." That right there is enough to tell you that that is no place to send these children. Here we are trying to turn them out onto the other people at 14 years of age. In other words, we are cutting it three years.

Up in our district, one year we had three who were truants in our high school. Two of them we kept and saw them graduate and they graduated from that high school and they became good children. The other one, by the parent's consent, he was taken out of the school and went to work in a factory, which turned out perfectly all right.

I have another little one here from the Attorney General's Office, written to the Honorable William J. Hennessey, I don't know how I got hold of this one but I did. The question was, is it constitutional for the legislature to authorize the juvenile courts to commit a juvenile, adjudicated to be an habitual truant, to a training center for a period not to exceed 30 days? His answer is, no, right out proper, for the purpose of punishment rather than for rehabilitation of the juvenile.

I won't go any further and prolong this but I have got plenty more arguments. At this time, there is no reason why this bill, one reason alone is we forget these, the reason alone is enough to cut it from 17 down to 14 for the first time is too much. Most everyone creeps before they walk, so if we are going to do anything, let's get a bill later, maybe next session, to bring it down to 16.

This morning, the gentleman from Cape Elizabeth, Mr. Hewes, told us that he was much in favor of this bill because all of them wanted it, I can't find any school that wants it. They are willing to go along, they are willing to work with children. We have teacher's helpers today, teacher's aides to work with them, nobody wants children put out on the road at 14 years old. If they are retarded, there are places for them, but if those children are capable of learning, just through devilishness or through lack of parental care, why put them out? Let's hold onto them until they get a little more age and above all, I hope and pray today that you don't see fit to send them down to South Portland or down to Stevens because there is no place for any young child. If we want to train them to be criminal, that is a good chance to do it.

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

Mr. HENNESSEY: Mr. Speaker, Ladies and Gentlemen of the House: Thank you Mr. Finemore for taking care of part of my speech. About all I can add to this is some

figures that I picked up this noontime and some statistics that they are trying to bring out from the Bureau of Mental Health and Corrections and I think all along that the broken homes contributed to the delinquency problem but for married couples, the children committed to Stevens, there were 12, at the boys training, it was 81. For divorced people, for girls, there were 9 at Stevens and for boys training, 87. It gets down to where mother deceased, girls, zero and boys 4. Father deceased, there was 2 girls and the boys training picked up 20.

I think we have got to do a little bit more research on this problem of delinquency and truancy and find out just what the real problem is, instead of right off the bat putting a law in saying that if you don't conform at once, you will go to jail.

I move for indefinite postponement.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: First, and someone correct me if I am wrong, but I don't see any provision here for the 14 year old who graduates from school and from what I heard here so far, he doesn't have to go to school after he has completed the 8th grade. Is there a provision in here where he could obtain work at 14 years old? If someone would amend that to say that in there, then I would vote for it to keep it alive today and hope that an amendment will be made there. We may be defeating the purpose. I am not too happy with the problem of truancy now. If a 14-year-old doesn't have to go to school and can't find a job, I am sure he may get into habits that are worse than skipping school.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to say it, but this is my bill. I was a member of a commission that worked for a year, studying the problem of truancy. It was commissioned by our former education commissioner and one of the members of the panel was our present commissioner of education. There was also people from the Department of Health and Welfare, Mental Health and Corrections, men from the Attorney General's Office helped us, we had principals and teachers and superintendents from schools from many parts of this state and John Marvin of the Maine Teachers Association was also a member.

We worked and struggled very hard on this problem of truancy, which I don't know whether you people are fully aware of it, but it is a very serious problem in our state. We tackled it from every angle that we could think of, wondering how we could get these children to either go to school or at least to be subjected to some degree of learning. We have many children who are into their early 20's, who cannot read adequately to even read an application or to read some important sign, perhaps prescriptions or warnings on bottles of drugs and things such as that, who are really not able to read. We struggled with the whole problem and decided that we would come up with this bill and since I was a member of the legislature, I am sponsoring it.

If you read the bill carefully, you will see that what we are trying to do is nip truancy right in the bud. When a child shows tendencies of being a truant at a very early age, we want these children to get every

opportunity to progress and the home situation has to be checked, whether there is good rapport between the child and the school, whether the child is physically able to learn, whether he has hearing difficulty or something such as that and when all of this has been done and the child is still a truant, in some cases that child has to be removed from his home.

If we had enough halfway houses and if we had enough centers for these children, perhaps that would be the answer, but in many cases where we have put these children into foster homes or other such places, the children run away. They know that we have a truancy law on the books but in no way are we enforcing it when two years ago we said that truancy cannot be a crime. It is still in no way a crime, but we have to do something with these children to help them help themselves, so that is why we do have the commitment to these schools.

People around here are saying you are putting these children in jail, these aren't jails, these are schools. I have talked with the Superintendent of the Boys' Training School just this morning and he told me that in a three-month period, they block off a three-month period in the summer, that children have been able to advance from one to two grade levels in reading. He hardly has a child who comes to that school who is able to read and here they are given schooling. In no way are these children going to get any kind of schooling if they are not in school and nobody can make them go to school.

In answer to the gentleman from Biddeford, Mr. Farley's question, the reason we have waived compulsory attendance at age 14 is that there are some children who are absolutely no trouble to anybody, they are good children, they just don't seem to be able to hack school, so the idea would be that these children would not be considered truants after the age of 14 if they had completed the 8th grade and they are not in school. They wouldn't have a work permit, but they could do some gardening, babysitting, they could do jobs such as that. So that is why this 14 is waived, so that these children would not be considered truants and would not go to another school. You will notice that they have to have finished the 8th grade, so presumably, if they finish the 8th grade in our school system, we hope that they have learned to read and write.

I would like to make one comment about this letter that was passed this morning by Mr. Houle. He had assured me that he was going to send another letter to Mr. Martin, with a copy to everybody, apologizing for some of the statements that he made in this letter. If you will notice, in one paragraph he said the State Commissioner of Education is opposed to the reinstatement of incarceration or institutionalization of any kind or of any duration as a punishment for truancy. The Commissioner of Education who worked on the study commission testified at the hearing, so I told Mr. Houle exactly what I thought of his using tactics such as this and he did assure me that he would apologize but I don't see an apology on my desk and I don't know whether the Speaker, Mr. Martin, has received any word from him at all.

Another thing he said that upset me very much was that he was so anxious to get the AFDC aid for expectant mothers that he would be very happy to endorse this bill a hundred percent if I and some other members of this body would go along with

that and I told him, I am surprised that you would say such a thing and he said, why Mrs. Lewis, that's politics and I said, well, that is not my kind of politics at all. I think you can take very little credibility from this kind of a letter and I do hope that you will support the unanimous "Ought to Pass" Report and possibly if there are some things that people here can't see at all, it can be amended but I would hope that we could let it go by this first reading.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I am a supporter to indefinitely postpone this bill. There is no room for such a law as this in the criminal justice system. We are going backwards at least 30 years. This is a boogiemane type of legislation, if you don't go to bed, son, I will call the cops. I thought we passed through that stage. It almost gives you the feeling that our freedoms are falling away.

Drive down to the Boys Training Center, drive along that route 295, they changed the name a few years ago to the Boys Training Center, it still is referred to as the "dog-hole" in the Portland area. What a stigma is attached to a child after having gone to the reform school.

Only a few years ago they changed one of the laws where every time — and believe me there are still plenty of them that would run away from that institution and until about 12 years ago, there was a bounty on the kids over there, \$10 apiece for every one that you picked up. It was kind of a sad thing. What a stigma. I don't think you could change that place out there to make it acceptable to put a truant there. You could put the name on it, a good name, you could probably put a name like the Eagle Lake Annex and it would still be a bad place to put a young boy.

The problem of truancy, I realize it is around, I sat here last night at ten minutes to seven when the good Speaker looked out and thanked us 110 for staying until the end of the day. How about the 41 truants? Would we want to make a bill to send the 41 truants from here last night down to country jail for 30 days? Of course not. I don't want to send these kids out there for 30 days, Oh, how that goes against my grain. They certainly will get an education out there. Keep them away from there, please.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I, first of all, would ask you not to buy that boogiemane argument anymore, we did it the last time, and that is why we have the problems that we have.

I want to concur with the lady from Auburn in her remarks. It has been pointed out to me that there are provisions in this legislation to take care of the child who after 14 years old doesn't wish to go to school or for some reason or another can't go to school, that special work permits will be granted and that would take care of the problem that bothered me.

I would urge you to support the piece of legislation before us.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, support the woman from Auburn, Representative Lewis, and I have a question. Aren't we really discussing Committee Amendment

"A" to the bill as well as the bill itself? It appears to me that that would be introducing a child into a correctional institution which is a separate residential unit — "no such commitment shall be made unless the court finds that the correctional institution to which the commitment is to be made has made provisions for such child to reside during the period of his or her commitment in a separate residential unit where only those committed for habitual truancy shall reside."

It would appear to me that a child could be sent to a group home such as we are now planning in Waterville and perhaps this would fall into this category. May I pose a question through the Chair to the sponsor and could you answer that for me, Mrs. Lewis, would our group home in Waterville then suffice as a proposed residential unit for these truant?

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

Mrs. LEWIS: Mr. Speaker, in answer to Mrs. Kany's question, it is not exactly the same thing. What we are hoping is that in this state we eventually will have some of these group homes, that that would be where any of these children would go, and we can make the education so inspirational to every child that they will want to learn and there will be no reason why any child would be a truant. It is not exactly the same thing but I would hope that any child in Waterville who fell into this category could go there and would want to stay there and not run away and would learn to read and write.

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

Mrs. LAVERTY: Mr. Speaker, Ladies and Gentlemen of the House: I hate to differ with our mother of the House, Mr. Joyce, but I think it is quite obvious that he has not been out to the Boys Training Center recently. A group of us from the Health and Institutions Committee went there and approaching it, you would decide that it is a private school. It is just off the South Portland Airport, the air runway, it is on a high knoll, and you look around, you are not confined off in some country by yourself, you are not off in the woods, you are looking out over South Portland and Portland area and the whole school has no fencing except for the detention house which does hold those boys who have to be carefully watched. It is not a bad place, I assure you, and the boys who go there are there only temporarily, so I feel that this would suffice.

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

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: I also got a copy of the letter that Mr. Finemore just read from Mr. Houle. I also got one concerning 1887 yesterday with a postscript that if I supported 1887, he would go along with my truant bill which, incidentally, is included in 1079. I wonder what he says now?

Miss Murphy says that there is no way that these children can be put by themselves but I do think the department could easily work along with this bill if they cared to, but a certain few do not intend to even try.

In York County, they have started an intake program with citizens groups for first offenders and they go to meetings with parents and then they judge for the second offense, they go through very many

meetings to try to get the children to go to school. If they cannot do anything more, then they would be put in the correctional institution for 30 days.

This bill does not intend that you just pick up a child for being out of school, being a truant, and just put them in jail. Anyone who insinuates this is wrong. When I presented my bill, there were approximately 25 police chiefs, school superintendents, teachers, who showed up to testify for it. There were four or five against it, one was a 15-year-old girl who had decided that she didn't want to go to school, a social worker, and two others who were, at the time, unemployed. Police and school authorities need this bill to be able to keep the children in school and now they cannot do it and the children hang around, get into trouble and end up with a record for worse crimes than for truancy.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I urge this House to support the comments raised by the gentleman from Bridgewater, Mr. Finemore. Mrs. Lavery, in describing the South Portland Boys Training Center, I will grant you that it is the complexion and the physical makeup of that building that has changed somewhat in the last 10 years, the grounds may look attractive and the walls may be painted, but the element that is in there, because of their mischief attitudes, and there are some youngsters in there, believe me, that aren't going to the Vine Street Grammar School, and you take a youngster that is a truant and send him down there for 30 days and we all know school sometimes is a losing battle for a lot of youngsters, everyday they go in there, it is just a losing battle. They can't always complete with some of the other youngsters that we know that lives in our neighborhoods or attend our own public schools. But to send a youngster down to a prison and, that is exactly what it is, because when you go in there, you have to stay there until they allow you out, in with kids that are down there for breaking and entering and any number of other crimes and to say that you are going to incarcerate them for 30 days is not the type of legislation that I came down here to support and I don't believe the people of Maine sent us down here to support this type of legislation.

I would suggest that you heed the words of the gentleman from Bridgewater, and kill this bill this afternoon.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen: I would like to just a moment go back over the past ten year. Ten years ago, in 1965, the law was 14 years of age or the 8th grade. At that time, I introduced a bill that changed it from 14 to 17 in regardless of grade, with two exceptions, the one who had gone through high school which would be absolutely no problem or the one who was excused from going to school by a doctor's certificate. This passed almost under the gavel in both the Senate and the House in 1965 and has been quite workable. Some of the opposition, at the time, said to me "you are going to make the school systems take care of the juvenile delinquents". To me, there is no such thing as a juvenile delinquent. It could be that perhaps his parents have let him get out of hand but to me there is no such thing as a juvenile delinquent, and I think that we ought to go along this afternoon and kill this bill.

Mr. Farley from Biddeford, was granted permission to speak a third time.

Mr. FARLEY: Mr. Speaker an Ladies and Gentlemen of the House: I would advise Mr. Kelleher to take a trip to South Portland. I was there for about 4½ hours this past January talking to people there, and some of the children. I assure you it is not a prison, kids are very, very happy, they are not happy, but there are good programs there, they — are trained in mechanics, in printing and I assure you I don't think the people there would be crazy about accepting these for the fact that they are there for 30 days and they disrupt some of the programs they have but I assure you, this place is not a prison. There are no fences to keep them in there and they get along in these programs very well. There is recreation time and the people working there do a very, very capable job and I would urge you, again, to vote to pass this bill today.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: First, I will say I dislike working against this, due to the two young ladies that are so much in favor of it, the gentlewoman, Mrs. Lewis, and the gentlewoman, Mrs. Miskavage, but I can't seem to help it. I doubt very much if they went down to South Portland without giving them a notice. Probably they gave them a notice and they were ready but, ladies and gentlemen, there's no fence around there, I'll admit there's no fence, but I saw one little boy and there's a member of the other Body who will tell you the same, that was in so solitary confinement for running away from there and he had blisters on his feet from walking on the cement floor and he had one mattress to lie down on and one dipper for water and one old fashioned combinet for a toilet. Now, ladies und gentlemen, this hasn't changed too much. Another thing I would like to mention here, they mentioned schooling down there. All right they are going to be there for 30 days, for 10 days they are in solitary confinement. They're in there for inspection for health and checking them over. Then they are taken out, for the most they can get will be 10 or 15 days in school if he is a truant, he or she, how much good is it going to do them for 10 or 15 days there extra? I tell you right now, ladies and gentlemen, this is no place for a child and that's what the law says and I'll bell you right now in my opinion, and in the opinion of most school teachers, that are here in this House, that they can do a lot of work with a child up to 14 years old. Maybe after that they can't do quite so much, but I would hate to think that I was in the legislature that passed a law where you could take a child, 11 years old, and send him to South Portland, or a young girl down here, take them away from their family, some families, yes, the children should be taken away from them, I worked with those kinds of families. I've worked out a solutin and have seen our schools work out a solution for our children. The teachers today have more time for that because they have teacher aides, they have everything else to do with.

I hope this afternoon, ladies and gentlemen, you go along with the motion to indefinitely postpone and I ask for ayes and nays.

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

Mr. FLANAGAN: Mr. Speaker, Ladies

and Gentlemen of the House: I will readily admit that I am not too learned about this particular bill, I've sat here very interested, listening to the debate and I am speaking from experience, experience of long years in the educational field.

I've seen bills placed in the State House here and regulations and communities and school boards throughout the whole State of Maine and I have never yet seen any bill or any regulation that will do the right job on truancy. I understand there is a commission on it and wonder if this bill does not pre-empt the work of the commission. A short time ago, four or five years ago, a bill was placed and passed through this House making it a regulation and breaking the law if you left school before the age of 16. Now, what a joke that was. There was the law in the books, you had to stay in school until you were 16, yet there wasn't an administrator in the State of Maine that would uphold the law. Now, I say to you, who is going to uphold this law, if it's passed? The administrator, the administrators of the school systems? Some poor child might get hurt, I'm sure it would never be equitable throughout the whole system. I say let's kill this bill.

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

Mrs. MORIN: Mr. Speaker, Members of the House: I would like to get back a little bit to the Boys' Training Center. As Mrs. Laverty said, we went over one day to visit with the committee. Cottages are better than many homes I've been in and each cottage has room for 12 to 24 children and a couple living with them. Schooling available is up to the public schools. Besides that, they have vocational training; available and many children like that type of schooling better and there are some ex-inmates commuting from their homes to continue courses that they started at the vocational classes.

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

Mr. DYER: Mr. Speaker and Ladies and Gentlemen of the House: I have sat here as long as I could and listened. I only live about a mile, shall I say, from the Boy's Training Center, the reason it is not fenced in is that they have a large river right behind it and you either have to swim it or you have to fall through the ice in the winter time trying to get across it or you're going to get stuck in the mud at low tide, so that's the choice they have, that is the reason they don't have a fence and I can truthfully say that I think that if you send these boys to the Boys' Training Center that you are increasing your problems and you're going to have a lot more problems with the boys down there than you are going to have in your regular schools so I am definitely opposed to this bill.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I do hope we go along with the motion of indefinite postponement. Back in the 105th, I guess it would be back around four years ago, I visited the South Portland Boys' Center one time and they knew there was a group of us coming down so anytime any outfit gets word that legislators are coming down, you can see a lot better conditions than what really exists. While I was there, I met a youngster, 12 years old and talked to him about five minutes, and I was surprised to learn what he was in there for, he was in there for breaking and entering

and larceny. Now, I don't think anybody is going to say that you take a kid that has skipped school, even become a truant and, actually, I think this is one subject that I can speak with authority on, as far as being a truant, because back in my younger days, I was an habitual truant and even more than I think of the majority of the youngsters today, and I never ended up in any prison or any place like that.

Maybe I'm not too intelligent but I have always made a good living, stayed off welfare so I don't worry too much and I am not worried too much about the truants now but I would be worried if we sent them down there to put them in with these people like the one I met, who was 12 years old, that was there for breaking, entering and larceny. Now, when you send someone down, that's from a small town, just because they have been skipping school and then they hear the exciting tales of breaking in and stealing, then when their 30 days are up, maybe they will take a turn at that, and maybe the whole problem here is and all the education bills I've heard where we have all these guidance teachers in the school system, we have psychologists and psychiatrists and we are funding all these regional health agencies to take their children to so we can get their minds straightened out and make them want to learn, maybe we should really look at the educational system and see if that is doing the job and maybe if that was doing the job, there wouldn't be so many kids wanting to skip school. Maybe we are dumping too much money in the educational system without even having a program in that system that will take care of the needs of the youngsters today in this state and maybe that's where the trouble is and not in the trouble of the youngster himself.

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

Mr. PERKINS: Mr. Speaker and Members of the House: In defense of the committee report because there was a majority-minority report and I think it was something like 10-3 and I just inquired of one of the committee members and understand she is the only one who has spoken, I would just like to take one short minute to indicate that it is the feeling of the majority of the committee that there is a serious problem in terms of truancy. It is also known to the committee and to many people in the state that the educators cannot control the situation although they are being asked to. They are the ones who have to look out for our children when they reach school, they have to try to make certain they remain in school and they have no effective means to control a large segment, unfortunately, a segment that is increasing in numbers as the days go by and they feel very frustrated in-so-far as educating not only these children but the other children in the school systems because they have had to take away from time that they feel they should be giving to those who are interested in being there and learning.

I have some very serious reservations about placing anyone in the form of incarceration in an institution, if you will, because he is a truant. It suggests to me that there is something wrong with the system perhaps in our society outside of the school system rather than the school system itself. The schools do have some problems, they have to deal with all

children, all types of children with varying problems from behavior problems at home to problems just in getting to and from school, physical disabilities, etc. so I don't choose for myself to say that I want to see a child be placed in an institution because he is a truant. Really, I believe does it ever or has it ever occurred in the past that one went to the training centers as a result of this being a truant?

More often than not, the truancy was used as the excuse by which the child went to the institution when, in fact, his behavior was such that he was actually committing more serious offenses. I don't like that excuse being used either, merely to get at another problem.

We, in the committee felt, at least the majority of us, when we came up with this amendment that it was, in part, a powerful type of solution to the problem. If you look at the total bill, there are many, many alternatives that must be considered by the court before a child is ever sent to a training center. He also must be placed on a probationary period for 30 days and have broken that probation before he can be transferred to a training center and he can only be transferred there for a period, I believe it is 30 days, and it provides that the facility must have a residential, set apart, a residential facility for the truant in an effort to keep him removed from the so-called hard-core criminal who is in those institutions. No matter how you feel, personally, about sending them, no matter how you feel, as far as how you vote on this particular motion, it is a problem, it is a serious problem.

Efforts were made by the commission to study this and to come up with some solutions. Efforts were made by our committee to come up with a solution and this is what we finally reached for ourselves and the majority of the committee, so I merely ask that you consider that when you vote this afternoon.

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

Mr. SPENCER: Mr. Speaker and Ladies and Gentlemen of the House: As one of the signers of the majority report, I'd like to point out the problem that was facing the committee on this bill. The bill came in with the provision that juveniles could be committed to the Boys' Training Center on indefinite commitment for not going to school. The committee thrashed around and there is a real problem in that we are not dealing with the whole situation of truancy. It's not the problem that kids don't go to school, so much as that those kids that don't go to school, we are not providing any alternative mechanisms or not enough alternative programs to meet their needs and I think that this is an area that the legislature has got to address. The provision in this bill which says that they can be, for violation of probation, committed for 30 days is not developed constitutionally and if you're going to put a kid into Boys Training Center, it's got to be for a long-term rehabilitative program which I think would be a real mistake so that although I did sign this report, in the present posture, where the A.G. has said that you cannot go to a short commitment, I think that the bill should be indefinitely postponed but I think that this legislature has got to address itself in a serious way to dealing with the growing problem of truancy and we can't ignore it. We've got to begin to deal with the needs of those kids.

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

Mr. FLANAGAN: Mr. Speaker and Ladies and Gentlemen of this House: For years I was with these children in the City of Portland. This bill is not a new bill, it is just a colored bill that's coming up once again. The scare was given many, many times in the schools in Portland. You either come to school here or you'll go to Stroutwater. That was the law. Who used it? Now, just stop and think if you do use it.

I've seen as many people registered as 600 in the City of Portland in the high schools, drop out of school. Most of that is developed from truancy. Now if you're going to catch those truants and put them in the Boys' Training Center, you better start building right away, but in preference to that, I say, let's do the job that we are supposed to do in education. Let's take care of these people. Let's rehabilitate them where they should be rehabilitated, not incarcerate them.

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

Mr. BUSTIN: Mr. Speaker and Ladies and Gentlemen of the House: I hope you will take heed to the remarks of the gentleman from Portland, Mr. Flanagan. He and I taught together in the same school building for a number of years. What he is telling you is the truth and I sympathize with Mr. Perkins and the rest of the committee and I think Mr. Spencer also is right, but because the committee could not come up with the right solution, they should not feel bad. Greater minds and many more minds have tried and failed to this point, but just because we are frustrated and we don't know what the right answer is, for goodness sake, let's not do this.

A roll call was requested.

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

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

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

Mr. LIZOTTE: I would like to pair my vote with the gentleman from Portland, Mr. LaPointe, if he were here, he would be voting yes and I would be voting no.

The SPEAKER: The gentleman from Biddeford, Mr. Lizotte, wishes to pair his vote with the gentleman from Portland, Mr. LaPointe. If Mr. LaPointe were here, he would be voting yes; Mr. Lizotte would be voting no.

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

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: I have listened with great interest to this debate and I just wanted to add a couple of words, which I hadn't planned to.

I think we have a real problem here and having been in education myself, I don't feel that this bill really addresses it like I would like to see it addressed. I'm afraid that I cannot support it. However, I do feel that this problem is so serious that I would ask this House to not indefinitely postpone this bill to give it one more day, we've given many, many Bills of less consequence another day, give this bill one more day.

There are several amendments that I understand are going to be offered and don't just wash this one down the drain. It is a real serious problem and I would hope that you will not vote for indefinite postponement and if there isn't any satisfactory answers in the amendments, which will be offered, I will be the first to vote with you tomorrow to then dispose of the bill, but please don't dismiss it so lightly. It is a very serious problem in our schools.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: Very, very briefly, I would hope you would indefinitely postpone this bill because if you leave it alive, the next thing you know they will want stocks and whipping posts.

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

ROLL CALL

YEA — Ault, Bachrach, Berry, G. W.; Berry, P. P.; Blodgett, Bustin, Call, Carpenter, Carroll, Churchill, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Doak, Drigotas, Dyer, Farnham, Faucher, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Hunter, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kelleher, Kennedy, Laverty, LeBlanc, Lewin, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreaarty, Mitchell, Morton, Mulhern, Nadeau, Najarian, Norris, Pelosi, Peterson, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Smith, Snow, Spencer, Strout, Stubbs, Susi, Tarr, Theriault, Tierney, Tozier, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Bagley, Bennett, Berube, Bowie, Burns, Byers, Carey, Carter, Chonko, Clark, Curtis, Dow, Durgin, Farley, Garsoe, Hutchings, Immonen, Kany, Laffin, Leonard, Lewis, Littlefield, Lovell, Mackel, McMahon, Miskavage, Morin, Perkins, S.; Peterson, P.; Pierce, Shute, Snowe, Sprowl, Teague, Torrey.

ABSENT — Albert, Birt, Boudreau, Connors, Dudley, Fenlason, Gauthier, Hewes, Higgins, Hinds, Jacques, Kauffman, Kelley, Lunt, McKernan, Mills, Palmer, Peakes, Pearson, Perkins, T.; Silverman, Talbot, Truman.

PAIRED — LaPointe, Lizotte.

Yes, 91; No, 35; Absent, 23; Paired, 2.

The SPEAKER: Ninety-one having voted in the affirmative and thirty-five in the negative, with twenty-three being absent and 2 paired, the motion does prevail.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I now move that we reconsider our action whereby this bill was indefinitely postponed and hope that you will vote against me.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, now moves that we reconsider our action whereby this Bill was indefinitely postponed. Those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

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

Bill "An Act to Clarify the Laws Relating to Dentistry." (L. D. 235)

Tabled — Mr. Palmer of Nobleboro
Pending — Motion of Mr. Goodwin of South Berwick to indefinitely postpone.

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

Mr. GOODWIN: Mr. Speaker, I wish to withdraw my motion to indefinitely postpone this bill.

The SPEAKER: Mr. Goodwin withdraws his motion to indefinitely postpone.

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

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

Bill "An Act Relating to Commercial Fishing and the Increase of Certain License Fees Issued by the Department of Marine Resources."

Tabled — Mr. Greenlaw of Stonington
Pending — Adoption of House Amendment "A"

On motion of Mr. Greenlaw of Stonington, retabled until later in today's session pending adoption of House Amendment "C".

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

Bill "An Act to Provide Minimum Standards for the Protection of the Rights of Residents of Public Institutions."

Tabled — Mr. Rolde of York
Pending — The motion of the gentleman from Lewiston, Mr. Raymond to indefinitely postpone House Amendment "A".

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: I will try and state the reasons why I am opposed to this bill. First of all, the bill specifies that the department shall establish rules and regulations and in the bill we start legislating policy. It also stipulates that the measures will be instituted and maintained within the institutions to protect against suicides and other self-destructive acts. Yet, they have to be given the same rights and privileges of a regular citizen. By doing this, anyone who wishes to hurt himself or commit suicide can easily do so by breaking a mirror, drinking glass, using their belts, or whatever other means they have in their rooms.

I believe that department policy should not be legislated. If we do decide to legislate policy, then let's have separate guidelines which should be initiated for the Mental Health Institute.

I do not believe in corporal punishment but I do not believe that the red carpet treatment should be given to the inmates of correctional institutions.

We have some good, honest citizens walking our streets who have to struggle just to exist. Some are lucky to have meat on the table once a week and yet, if one wants to, they have three square meals a day, free medical care, recreational activities, colored TV, etc., just break the law and be placed in such an institution.

I reiterate, this bill would be hard to implement. I feel that the head of the department and the head of the institutions are in the best position to know what rules and regulations should be initiated, for it is impossible to legislate laws for every situation that may arise. I hope you will support me with your vote to indefinitely postpone this bill.

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: The bill that we are talking about today is House Amendment "A" to L.D. 1807, this having taken the place of the original bill, 1807; this is H-648.

There are two parts to this bill. The first one sets out minimal rights for residents of institutions such as nutritious foods, sanitation, ventilation, light and medical care. In addition, it specified punishment, such as warnings and loss of privileges and then goes on to set out specifications in regard to solitary confinement, relative to supervision of anyone in confinement, reporting so that no one would be kept in solitary confinement without notification of the head of the institution and other types of supervision so that there is no possibility that anyone would be confined for an inordinate length of time without anyone checking on them.

These are really pretty minimal specifications as far as I can see, and don't relate to any luxuries that were indicated by Mr. Raymond. I feel nobody has said anything about colored TV's or glassware that they might kill themselves with or anything of that sort.

Secondly, and this applies at this time, only to the penal institutions. The original bill did address the idea that all of the people in institutions would have some type of appeal of whatever punishments were handed out to them but it became clear that things suitable for people in penal institutions would not necessarily be suitable for either children or people in mental institutions, so this bill addresses itself only to hearings and appeals for people in penal institutions.

We have recently passed another law, L. D. 657, which established an Office of Advocacy for people in penal institutions, which was originally to be part of the Human Rights Commission, but is now established within the Department of Mental Health and Corrections and having talked to the Advocates who are going to pursue this program, I understand that they are now operating under the standards and regulations that are incorporated in the amendment.

At present, these regulations are in the form of departmental rules and case law. They encompass all or most of the provisions of this bill, but they would like to have them made part of the statutes so that they would not be subject to being altered too readily. Of course we all know in Augusta that you can alter statutes also, but theoretically it is a little more difficult and therefore you establish a policy that would apply to all of the institutions.

I feel that this appeals procedure is needed and valuable and that if procedures are to be set up for the other institutions, they can be added at a later date. I hope you will support House Amendment "A" to L. D. 1807.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I am a little

confused about the procedural matters here. As I understand it, this bill came to us amended by Committee Amendment "A" under filing H-553, which, in effect replaced the original L. D. What we are discussing today is House Amendment "A" which would in effect replace Committee Amendment "A". I believe the gentleman from Lewiston, Mr. Raymond, has moved the indefinite postponement of House Amendment "A". Since the sponsor of House Amendment "A" and of the original L. D. is not here today, I wonder if someone can explain to me the difference, between House Amendment "A", which we are acting on right now, and Committee Amendment "A" which in effect is the bill that was placed before us.

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I must apologize. I was under the impression that Committee Amendment "A" had been postponed and replaced by House Amendment "A" at a previous session of the Legislature where Mr. Talbot, who is in charge of this bill, presented this. It was his intention, I believe, to do this. The difference is that the original amendment did in fact address more the entire group of people in institutions and the intention was to leave the children and the people in mental institutions out of this appeals procedure.

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: Because Warden Malaney is one of my constituents, I sought his advice on this particular bill. I would like to read to you his comments: "Although we sorely need a correctional policy from the Legislature, we feel this particular bill would have an eventual price tag of between five and six million dollars over the next three years. We certainly maintain better standards at the Maine State Prison than most of the county institutions in this state. So the bulk of that money would necessarily be raised to update those." He is talking about the county jails and so forth. "The bill itself affects the segregation areas, the disciplinary grievance procedures as well as visiting and feeding." A similar bill was introduced in the last legislature which was soundly defeated and it was far less definitive than the present L. D. 1807.

We presently have certain guidelines handed down by the federal court in a consent judgment, and although there are problems with it, it would seem that the First Amendment rights of inmates are protected. I think we should take this into consideration when we consider these minimal standards.

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

Mr. McHAHON: Mr. Speaker, Ladies and Gentlemen of the House: To underscore what the good gentleman from Rockland, said I will call your attention to House Amendment "A", about half way down the page, and if you will bear with me I will read the pertinent portion of this to underscore what I think will result in increased cost and also to underscore what I think is a very ridiculous thing to put into law.

"Any punishment that may affect the term of commitment, sentence and parole eligibility and any complaint, the disposition of which may include the

imposition of segregation or solitary confinement of a person in such an institution shall not be imposed without an impartial hearing at which the resident shall have a right to be present, to present evidence on his own behalf, to call one or more witnesses, which right shall not be unreasonably withheld or restricted, to question any witness who testifies at the hearing, which right shall not be unreasonably withheld or restricted and to be represented by counsel substitute of his choice". I would add, one wonders who pays for the counsel. The person shall be informed in writing of the specific nature of his alleged misconduct and a record shall be maintained of all disciplinary complaints, hearings, proceedings, etc.

Over on the next page, it talks about an appeal right to the head of the institution and then a further appeal right to the courts. Again one wonders who pays for all of this.

Finally, under section 3, a slightly different but related section, "Confinement exceeding 24 hours: When solitary confinement or segregation exceeds 24 hours, the head of the institution shall cause the institution physician or a member of the institution's medical staff to visit a person forthwith at least once in each succeeding 24-hour period in such confinement thereafter," etc. Again, one wonder who pays for that.

I think this is the most ridiculous amendment I have ever read. I hope it is indefinitely postponed.

The SPEAKER: The pending question is on the indefinite postponement of House Amendment "A". All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

63 having voted in the affirmative, and 7 having voted in the negative, the motion did prevail.

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

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

Bill, "An Act to Revise an Act Relating to Property Taxation which was Enacted by the 106th Legislature" (H. P. 1664) (L. D. 1917)

Tabled — By Mr. Finemore of Bridgewater.

Pending — Motion of Mr. Susi of Pittsfield to Indefinitely Postpone House Amendment "D".

Thereupon, House Amendment "D" was indefinitely postponed.

Mr. Shute of Stockton Springs offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-719) was read by the Clerk.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: The amendment that I have offered to L.D. 1917 amends subsection 2 of section 326. It deletes the last sentence in subsection 2, so that paragraph would read "Maximum rating of assessments: The maximum rating of assessment quality of 30 by 1977, a maximum rating of assessment of 25 for 1978 and thereafter." That is the end of the amendment.

The reason I presented this amendment, Ron Woods, who happens to be the President of the Freedom Fighters in the Waldo County area, started the movement.

to repeal the tax district law and I contacted him about this bill, whether he was satisfied with it or not because he had quite a lot to do with rewriting the bill. He said that he would like to see the whole district law, or his members in his association would like to see the complete tax district law repealed, but if that was not accepted and L. D. 1917 was accepted, the only change that he would recommend was to amend subsection 2, which I have done.

All this amendment does is give the tax assessors a little bit more leeway in the assessing and I don't see any possible harm this amendment could do, or if two years from now, if the towns were within 20 percent, at that time the legislature could put a 20 percent quality ratio in effect.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have the greatest respect for Mr. Wood. He certainly has been helpful, very helpful to the Taxation Committee in the formulation of this bill. I hate very much to do anything to oppose him. In fact, I don't think by moving the indefinite postponement of this amendment, which I do at this time, that I am opposing him and for much the same reason that the gentleman from Stockton Spring's just gave. He pointed out that if we weren't satisfied with this by the beginning of the regular session of the next legislature, we could correct it back up at that time. I submit to you, for the very same reason that we should keep the schedule in the bill that we have formulated, and if the towns are making good progress towards reaching the 30 and the 25, which will be taking place by 1978, in fact, when we convene for the next legislature, they will have only have been required to reach 30 at that time. If they have been able to do that, I would say they would be well on their way, but we can make the evaluation at the time. If it is necessary to relax it some, we may. For that reason, I think we have got ample time to correct this. I hope you will indefinitely postpone this amendment.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I support indefinite postponement. I think that in a polite sort of way this amendment that is being offered is a testimonial to the quality of the work that the Taxation Committee did on this. I think it is widely recognized that the gentleman who has asked Representative Shute to offer this amendment is leadership of the opposition to the old tax assessment district bill, Mr. Ron Woods of Swanville, and I think that you say, when the speakers brought this before us, the size of this document, it is a fistful, and if from all of this the only criticism from the leadership of the opposition is the difference between 25 and 20 in the assessment quality rating, I think that we have had a real victory. I hope you support the indefinite postponement.

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

A vote of the House was taken.

Mr. Shute of Stockton Springs, requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Farmington, Mr. Morton, to indefinitely postpone House Amendment "A" All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bagley, Bennett, Berube, Blodgett, Boudreau, Burns, Bustin, Carey, Carroll, Carter, Chonko, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Doak, Dow, Drigotas, Dyer, Farley, Farnham, Faucher, Finemore, Flanagan, Fraser, Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Hutchings, Immonen, Ingegneri, Jackson, Jensen, Kelleher, Laffin, Laverty, Lewis, Lizotte, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Martin, R.; Maxwell, McKernan, McMahon, Miskavage, Morton, Mulhern, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Peterson, P.; Peterson, T.; Pierce, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Snow, Snowe, Spencer, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Twitchell, Tyndale, Usher, Wagner, Walker, Webber.

NAY — Ault, Berry, G. W.; Berry, P. P.; Birt, Bowie, Call, Churchill, Clark, Durgin, Garsoe, Goodwin, H.; Gould, Hunter, Kany, Kennedy, Leonard, Littlefield, Lovell, MacLeod, Mills, Mitchell, Morin, Perkins, T.; Post, Rollins, Shute, Sprowl, Tierney, Tozier, Wilfong.

ABSENT — Ault, Byers, Carpenter, Connors, Davies, DeVane, Dudley, Fenlason, Gauthier, Hewes, Higgins, Hinds, Jacques, Jalbert, Joyce, Kauffman, Kelley, LaPointe, LeBlanc, Lewin, McBrairty, Pearson, Perkins, S.; Silverman, Smith, Talbot, Truman, Winship.

Yes, 92; No, 30; Absent, 28.

The SPEAKER: Ninety-two having voted in the affirmative, thirty in the negative, with twenty-eight being absent, the motion does prevail.

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

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

Mr. McMAHON: Mr. Speaker, I wish to move we reconsider our action on page 9, item 9, where we passed L. D. 1807 minus the amendments. I request some member of this body to table this, since the sponsor of the bill is not here.

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, moves we reconsider our action whereby Bill "An Act to Provide Minimum Standards for the Protection of the Rights of Residents of Public Institutions," House Paper 1219, L. D. 1807, was passed to be engrossed earlier today.

Thereupon, on motion of Mr. Rolde of York, tabled pending the motion of Mr. McMahon of Kennebunk to reconsider and later today assigned.

The SPEAKER: The Chair recognizes

the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, having voted on the prevailing side on item 10, page 9, L. D. 1917, I now move that we reconsider our action and I hope you vote against me.

The SPEAKER: The gentleman from Farmington, Mr. Morton, moves that the House reconsider its action whereby Bill "An Act to Revise an Act Relating to Property Taxation which was Enacted by the 106th Legislature," House Paper 1664, L. D. 1917, was passed to be engrossed.

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

Mr. LEONARD: Mr. Speaker and Members of the House: We have problems with L. D. 1917 at the present time and we are working on an amendment to correct a very serious problem with that bill. I would request that you don't, at this time, vote against reconsideration, vote for reconsideration so we can at least bring it back. I am sorry that I am asleep at the wheel and I have another amendment that I would like to at least discuss before this body because this is one of the most important pieces of legislation that has ever come before this House, in my opinion, and through a series of, I don't know what you want to call them, there has been absolutely no debate. I hope you do reconsider and let's talk about this thing and at least make the people more knowledgeable on what actually is going on with this bill.

Mr. Garsoe of Cumberland moved that the matter be tabled one legislative day.

Mr. Morton of Farmington requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Cumberland, Mr. Garsoe, that this matter be tabled one legislative day pending reconsideration. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Mulhern of Portland requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Cumberland, Mr. Garsoe, that this matter be tabled for one legislative day pending the motion of the gentleman from Farmington, Mr. Morton, that the House reconsider its action whereby this Bill was passed to be engrossed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bagley, Berry, G. W.; Berry, P. P.; Bowie, Carroll, Churchill, Curtis, Doak, Durgin, Dyer, Garsoe, Gould, Gray, Greenlaw, Hall, Hennessey, Hobbins, Hunter, Hutchings, Immonen, Jackson, Jalbert, Jensen, Kany, Laffin, Laverty, Leonard, Lewis, Littlefield, Lizotte, Lovell, Mackel, MacLeod, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Palmer, Perkins, S.; Perkins, T.; Pierce, Post, Quinn, Rollins, Saunders, Shute, Snowe, Spencer, Sprowl, Stubbs, Tarr, Tierney, Torrey, Tozier, Tyndale, Walker, Webber, Wilfong.

NAY Bennett, Berube, Blodgett, Boudreau, Burns, Bustin, Call, Carey, Carpenter, Carter, Chonko, Clark, Connolly, Cole, Cox, Curran, P.; Curran, R.; Dam, Dow, Drigotas, Farley, Farnham, Finemore, Flanagan, Fraser, Goodwin, K.; Henderson, Hughes, Ingegneri, Joyce, Kelleher, Kennedy, LeBlanc, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, Morton, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Peterson, P.; Peterson, T.; Powell, Raymond, Rideout, Rolde, Snow, Strout, Susi, Teague, Theriault, Twitchell, Usher, Wagner, Winship, The Speaker.

ABSENT — Albert, Birt, Byers, Conners, Cooney, Davies, DeVane, Dudley, Faucher, Fenlason, Gauthier, Goodwin, H.; Hewes, Higgins, Hinds, Jacques, Kauffman, Kelley, LaPointe, Lewin, McBreairty, Pearson, Silverman, Smith, Talbot, Truman.

Yes, 62; No, 63; Absent, 26.

The SPEAKER: Sixty-two having voted in the affirmative, and sixty-three in the negative, with twenty-six being absent, the motion does not prevail.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: The motion is more or less — what they are trying to do is to get this thing right out of the House without any debate at all. We can debate the motion but we cannot debate the bill, is that correct, Mr. Speaker?

The SPEAKER: The gentleman can suggest why the motion to reconsider should prevail so that he could put on the amendment if he so desires.

The gentleman may proceed.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1917 and 1918, of course, as everyone knows, are redrafts of what was initially put in by the Representative from Franklin, Mr. Conners. Basically, I guess you will see it on the front of the Maine Times today and it has been the request of literally hundreds and hundreds of people that we repeal the assessing district law that we passed two years ago. It is a form of local control that for who knows how many years we have been able to assess on the local level and we have been able to do it relatively well. We have been able to do it very, very economically and we have, for the most part, kept our constituents, as being selectmen we have kept them fairly happy.

L. D. 1917, which was passed two years, came immediately after 1914, which put a lot of emphasis on the property tax for funding education. Certainly I can understand why this body in its fear, possibly, of L. D. 1994 would feel that 1917 was in fact necessary. I think that the Freedom Fighters, selectmen and many, many towns, Maine Municipal Association, I can go on and on, they have proven that law is no good, it is not meant for the State of Maine, it is not necessary and it certainly in no way would ever have achieved the disguise it went under of being there to provide equal assessment for property tax in the State of Maine.

The committee heard from — I wouldn't say that all spoke, but several did — I went over to the hearing, the committee heard from approximately 500 people and the majority of them, from my polling, were selectmen and various other town officials. They all were there to seek repeal of that particular piece of legislation and when ultimately the report of the

committee came out, it came out in divided form, L. D. 1917 and 1918. L. D. 1917 is the one we have adopted; L. D. 1918 is the one that would actually repeal L. D. 1997, which was passed two years ago.

On 1918 there were three committee members who signed it, two in the other body and one in this body, the remainder signed 1917, which is before us.

In my opinion, I don't think the committee was listening to the people. The bill, as it originally came in, was for repeal. The committee in its wisdom sought to keep as much state control, I believe, as they thought they could possibly get away with this term, and it certainly is not what the people want.

We have done property assessments, we have performed property assessments very effectively, very efficiently, in years past and I don't know where the cries are coming from on unequal assessment, but they weren't coming from my town nor in the six towns I represent, in the Freedom Fighter's case nor the towns that they represent.

In the interest of this state, taking tax money from the taxpayers of this state and then returning it to those taxpayers, they have come up with all kinds of rules and regulations, and this isn't the only area, that says, you have to do this in order to get your money back. It is kind of a federal government way of doing it and they have it all the time. They take your money and if you don't comply with their wishes, you don't get it back. In this case, I just don't think it is necessary, I don't think it is what the people in this state want. We don't want bureaucracy and certainly that is what this form of legislation is leading to.

I can go through the bill if you want, I won't but I can compare the two, and for every good point I feel that they have on one side, I can give you a point on the other side that is equally as good.

One of the things that is probably the best thing in my opinion on local assessment of taxation is that when I was a selectman, I almost could act as a welfare agent, you might say, in my town. When I worked on the assessment, I knew who could afford to pay and I knew who couldn't afford to pay. I knew who had been there all their lives and were just barely making ends meet and I knew the ones that were maybe on the other end of the spectrum. Right or wrong — but I know the majority of this House are humanitarians — that is the way we assessed in many cases to a certain degree, that we in no way ever wanted to tax somebody out of their home and out of the land that they had grown up on, had been handed down to them in years past.

What concerns me here is now we are starting to lose that control. The selectmen no longer can do that, what they do is to be dictated from Augusta, and certainly we have seen the inequities of any dictation from Augusta. To give you an example, the ambulance rules and regulations, we finally had to put a bill through this House to stop them from passing rules and regulations that were effectively putting our ambulance services right out of business. I would expect a lot of you have had letters concerning that. Because of the various rules and regulations that Augusta had made and the federal government made just in that area alone, it has cost our town, last year, \$120 per ambulance call — \$120, that is out of pocket. That doesn't take into consideration the federal money that probably came in and the state

money that probably came in that provided a supplemental assistance for the ambulance service. It is what happens; when you start treating things on a state level you start getting rules and regulations promulgated from people up here who I don't question their intent, their intent is great, their intent is equal taxation in this case, to be fair to everyone, but you can't be fair to everyone on a state level, you just can't be. The towns are crying for local control, they want to be left alone to do their governing in the age old way of town meeting, a town meeting where they can go in and they can vote a particular item one way or another and is of no interest to the state. If they don't choose to raise certain taxes for certain things, it is their choice, but that no longer is the way, town meeting is just an exercise of somebody coming in, sitting down, raising their hand, yes, and then going home because, if they raise their hand, no, like in the case of Georgetown, they are in contempt. The Attorney General sends them a notice that they are breaking a law.

Home rule. We passed some legislation two years ago which helped us in that area. This particular piece of legislation, in my opinion, and I know it is expressed and shared by many, many, many people in this state is a copout. It is kind of like the milk bill, I didn't get intimately involved in that but I heard the same things mentioned by the gentleman from Buxton.

I hope you will reconsider, at least, give me a chance to give you an offer of an amendment that will take some of the sting out of this bill. I can't discuss the amendment, I am sure, at this point, but the amendment is certainly worth-while discussing, if you would just give me the chance, I won't take any more of your time after that. I will present the amendment, let those who want to, shoot it down. I will speak very briefly on it and then I will sit down and you can do what you want. I won't ask for a roll call on it or anything.

I would like to see after the bill is reconsidered, that the bill gets tabled so that an error in the bill can be corrected. I hope you reconsider, as a matter of course it is going to come back here in a non-concurrent matter because that error has to be corrected. Please reconsider, I will offer my amendment very quickly, I won't take much more of this body's time.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Woolwich, Mr. Leonard, said he didn't think the committee was listening to the people. I think when he referred to the world committee, I think he was referring to the Taxation Committee. Now, I think the Taxation Committee did listen to the people, I think we listened quite well, because it was the feeling of many of the small towns that they had started on improvement of this tax assessing methods and they didn't want to see a direct repeal of the whole bill. They said, don't put us in the position of having to tell our people that now the whole thing has gone down the drain after we have started to upgrade our methods of taxation. The thing they did say was that they didn't want to be mandated to by the State of Maine. They had no argument with the assessment ratio, as long as they could arrive at it in any manner that they wanted to. That was the testimony the committee heard. They didn't want the mandatory controls like keeping the office open a certain length of time or control

data processing machines and that was taken out, weddlisten to them.

Now, I heard also the good gentleman use the word freedom fighters. It so happens that, the day before yesterday, in the Gannett Publication, the Central Maine Sentinel, which used to be Waterville Morning Sentinel, carried an article, and I hold Mr. Ron Wood in high regard and I respect the man and what he said in that article was, don't associate every group that is springing up across this state with the freedom fighters. The freedom fighters, formed in Freedom, Maine are willing to work through the legislative process and this is the way they want to make the change. There are groups springing up over the state that is getting onto the bandwagon, so to speak, and associate themselves with freedom fighters. Now, Mr. Wood did not have any opposition to this bill as long as the mandatory controls were taken out.

I think that just what Mr. Leonard told you by the methods that they have used in his area for assessing, shows us that somewhere along the line, over a period of years, letting the towns do it their way, that we have got to upgrade the methods of assessing. I think for those towns that don't upgrade, they are going to be hurting more in future years than they realize today because federal revenue sharing is based on tax effort, your school subsidy, some of your other federal programs, is based on tax efforts.

As long as this is not mandated, I say again, these small towns are not opposed to this. I had the good fortune to attend a meeting over in Franklin County about a month ago, with the good gentleman from Farmington, Mr. Morton, and there was no opposition over there as long as the mandatory controls were taken off. To open this thing up and amend it to death and water it down, we are not doing the small towns of this state any service if we do this. I would ask you not to vote for reconsideration.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I guess we had some confusion on this bill and on the offering of the amendment. Unfortunately, I think the gentlemen from Woolwich, Mr. Leonard, was out in the hall and we had talked with the Chairman of the Taxation Committee and I would like to see him have a chance to offer his amendment.

Therefore, I will ask you to vote for reconsideration although I very much share the sentiments of the last speaker, and I am sure I will not support the amendment. I do support the move to reconsider so Mr. Leonard would have a chance to offer these amendments.

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

Mr. MORTON: Mr. SPEAKER: Ladies and Gentlemen of the House: I would concur with the gentleman from York, Mr. Rolde and I hope you vote to reconsider.

The SPEAKER: The pending question is on the motion of the gentleman from Farmington, Mr. Morton, that the House reconsider its action whereby the bill was passed to be engrossed. All in favor of that motion will vote yes; those opposed will say no.

A vote of the House was taken.

79 having voted in the affirmative and 2 having voted in the negative the motion did prevail.

Mr. Leonard of Woolwich offered House Amendment "F" and moved its adoption.

House Amendment "F" (H-738) was read by the Clerk.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: This one offers to change the assessment quality rating from 20 to 30. The one that we just had before us would change it from 20 to 25 this one would make it even more lenient to 30. We killed the 25 and I hope that you would vote for indefinite postponement on this one which would make it to 30. I would like to make an explanation. On a house, for instance, that is worth actually to sell \$10,000, a 20 percent assessment quality rating would allow a range of \$4,000 between \$8,000 and \$12,000 would be considered adequate assessing, under the bill. Under this, it would increase it so that there would be \$3,000 each side of \$10,000 or from \$7,000 to \$13,000. In my opinion, this is completely unnecessary.

In my own hometown, a fellow who has been farming and who went to some classes and whatnot has done the assessing for a number of years for us and he managed to get within five or six or seven percent. To allow 20 percent, to me, seems all the leeway in the world if people have any intention to do accurate assessing.

I hope that you vote for the indefinite postponement of this amendment.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I offered this amendment because we have, I think, somewhat of a unique problem on the coast that property value, especially by lakes or seashore, coastal frontage varies, the price of it varies very rapidly, depending on many things. Number one, would be the economy in that if there is money available, the value of the land is much greater. For example, during this recession, I saw some land that was selling in the vicinity of \$40,000 an acre before, go down to about \$20,000 in less than a year's time.

A lot of that value depends on what we do up here, environmentally. We pass laws that say you can't build so many feet from the water, or various other things. The desirability of that land is either increased or decreased. So what I am saying, is that we have a tremendous fluctuation on the cost of property. 30 percent is really not that much of a request, I don't think. I think that inland, possibly the land is stable, real estate is probably more stable, but where we are, it is not. I think it would put a tremendous hardship on these municipalities trying to stay within 20 percent, it seems quite stringent, I have talked with Maine Municipal Association, they think the same way. It is a little bit tight so we might as well have this thing cleaned up properly in the first place. I do hope you go with the 30 percent. If things don't work out, we can always change it back later on if the Bureau of Property Taxation gives valid reason and they submit valid reasons to the Taxation Committee, we can amend it to take it back the other way. I would hope just for the sake of expediency we go with this and then see how it works out and not put a hardship on the municipalities especially around the coast.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I voted for reconsideration because I understood the gentleman from Woolwich, Mr. Leonard had an error in the bill. I listened to what he had to say and the presentation of this particular amendment, and I don't see where this clears up any error. I would ask him if this is what he calls the error in the bill.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I didn't say I had an error in the bill, there is an amendment being offered by somebody else, unless the ball game has changed since I came from the hallway, that there is a serious error in the bill and it is being drafted and presented by someone else. So, as a matter of course, if we passed it today, put it into the other body, it would have to come back in non-concurrence so just as a matter of being expeditious and the whole thing and removing one extra step, let's just table it today or hold onto it to the end of today's session and if it isn't available, then we can let it go.

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

A vote of the House was taken.

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

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

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

Bill "An Act Relating to Commercial Fishing and the Increase of Certain License Fees Issued by the Department of Marine Resources" (H. P. 1118) (L. D. 1415) (H. "A" H-691) (H. "B" H-725)

Tabled — by Mr. Greenlaw of Stonington.

Pending — Adoption of House Amendment "C"

Mr. Jackson of Yarmouth offered House Amendment "A" to House Amendment "C" and moved its adoption.

House Amendment "A" to House Amendment "C" (H-742) was read by the Clerk.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: The effect of this amendment is to reduce the age to 17, the would mean that in lobster fishing licenses they would cost \$10 up to the age of 17, the 17th birthday and beyond that, they would go to \$20.

Thereupon House Amendment "A" to House Amendment "C" was adopted House Amendment "C" as amended by House Amendment "A" thereto was adopted.

Mr. Shute of Stockton Springs offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-740) was read by the Clerk.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: The amendment that I have offered would reduce

substantially the license increase fees in the commercial fishing under the Department of Marine Resources. The original bill that came out of the committee gave quite an increase in the license fees in the different sections of the department. For instance, under scalloping, the license fee went from \$10 to \$25, 150 percent increase. The fee for gathering sea moss went from \$2 to \$10, a 500 percent increase. The fee increase for clam digging licenses went from \$3 to \$10, a 333 increase. The fee increase on the retail sea food dealers license for restaurants and such went from \$2 to \$10, a 500 percent increase in this license. A license to remove lobster meat from the shell went from \$10 to \$25, 150 percent increase there. An increase in the lobster license itself from \$10 to \$25, 150 percent increase there. Now, anytime that we put taxes up, I think, anywhere from 100 to 500 percent, that is quite an increase on any group of people. My amendment would decrease these fee increases substantially.

To quickly go over them, the scallop fee would be reduced from \$10 to \$15, that would be a 50 percent increase. The license for gathering sea moss would go from \$2 to \$4. The license for clams would go from \$3 to \$5, a 67 percent increase. The license for retail sea food dealers would go from \$2 to \$5, that is 150 percent increase, that is still quite an increase. The license on the lobster license would go from \$10 to \$15, a 50 percent increase. I think this would be all that the people in the fishing industry would want to take this year. I am sure it is all the people in my area want to take for license increase fees.

I would urge the House to support this amendment. When it is voted, I would request a roll call.

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

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

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I reluctantly move indefinite postponement of House Amendment "D" and would speak to the motion.

The SPEAKER pro tem: Mr. Greenlaw of Stonington moves the indefinite postponement of House Amendment "D".

The gentleman may proceed.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: It is my opinion, I think perhaps it would be shared by my fellow members of the Marine Resources Committee that the present amendment before us substantially weakens the fee increase bill. Basically, what it does, it reduces completely two services that I think are very important in the fisheries industry that we need, one being a Marine Research Specialist that would attempt to help towns along the coast deal with the problems of shell fish management that they have, and they have plenty of them, I guarantee you. The other position would be that of an Extension Agent that would help fishing industries along the coasts with gear and equipment. It would also completely eliminate some additional funds that have been provided in this bill for marketing of marine resources products, another measure which I think is very, very important.

The Department of Marine Resources does not operate on dedicated revenues, they operate from funds that are provided by this legislature from the general fund. What this increase in commercial fishing fees attempts to do is provide additional revenues to the general fund with perhaps the understanding that there will be some additional positions created to serve the industry. I think these positions are very badly needed.

As a matter of fact, I could stand here for quite some time and give you, at great length, a number of problems that exist within the department but I don't choose to do that today. I would ask you though to please support the motion of indefinite postponement of House Amendment "D".

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 have a question I would like to pose through the Chair. The fiscal note on this amendment is a loss of revenue of approximately \$109,750 annually. But if you look at the appropriations on this bill, it only has a difference in appropriations from the original 1415 of approximately \$79,000 and does this mean that this would have to perhaps lay on the Appropriations Table for another \$30,000 or \$40,000? The figures don't seem to add up as far as I can see.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I would inquire of the House if we are looking at House Amendment "D" to H. P. 1118, L. D. 1415?

The SPEAKER pro tem: The Chair would answer in the negative.

The gentleman may proceed.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: Apparently there has been some confusion here, the figures that were read off don't agree with what I have on this paper I have before me. I would inquire from Representative Shute, if he has made an error in the paper he was reading from? Also on the back side of this paper, we have the Attorney General's Office in there and I would like an explanation of that also.

The SPEAKER pro tem: The Chair would like to clarify, this is L. D. House Amendment "D" to L. D. 1415.

The gentleman from Eastport, Mr. Mills may proceed.

Mr. MILLS: Mr. Speaker and Members of the House: The figures given here are not in comparison to what Representative Shute has read, I would pose the question to him.

The SPEAKER pro tem: The gentleman from Eastport, Mr. Mills, poses a question through the Chair to the gentleman from Stockton Springs, Mr. Shute, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. SHUTE: Mr. Speaker and Members of the House: The first section of the amendment addresses itself to the scallop license which reduces the scallop license from \$25 to \$15 and the bill itself increased the original scallop license from \$10 to \$25 and I was reducing the \$25 back to \$15. That is where the discrepancy in the figures are.

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

A vote of the House was taken and more

than one fifth of the members 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 Stonington, Mr. Greenlaw, that the House indefinitely postpone House Amendment "D" to Bill, "An Act Relating to Commercial Fishing and the Increase of Certain License Fees Issued by the Department of Marine Resources" House Paper 1118, L. D. 1415. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Carey, Carter, Chonko, Clark, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Doak, Dow, Drigotas, Farley, Faucher, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jackson, Jensen, Joyce, Kany, Kennedy, Laffin, Laverty, Lewis, Lizotte, Lovell, Lynch, MacEachern, Martin, A.; Martin, R.; Maxwell, McMahon, Mills, Mitchell, Nadeau, Perkins, S.; Peterson, T.; Post, Powell, Quinn, Rolde, Saunders, Snow, Snowe, Spencer, Tarr, Teague, Theriault, Torrey, Twitchell, Usher, Wagner, Webber.

NAY — Bagley, Berry, G. W.; Berry, P. P.; Berube, Call, Carpenter, Carroll, Churchill, Connolly, Cote, Dam, Durgin, Dyer, Farnham, Finemore, Garsoe, Hall, Hunter, Hutchings, Immonen, Jalbert, Kelleher, Leonard, Lunt, Mackel, MacLeod, Mahany, McBrairty, McKernan, Miskavage, Morton, Norris, Perkins, T.; Peterson, P.; Pierce, Raymond, Shute, Sprowl, Stubbs, Susi, Tozier, Walker, Winship.

ABSENT — Albert, Bennett, Birt, Conners, Davies, DeVane, Dudley, Fenlason, Gauthier, Hewes, Higgins, Hinds, Jacques, Kauffman, Kelley, LaPointe, LeBlanc, Lewin, Littlefield, Morin, Mulkern, Najarian, Palmer, Peakes, Pearson, Pelosi, Rideout, Rollins, Silverman, Smith, Strout, Talbot, Tierney, Truman, Tyndale, Wilfong.

Yes, 71; No, 43; Absent, 36.

The SPEAKER pro tem: Seventy-one having voted in the affirmative, forty-three in the negative, with thirty-six being absent, the motion does prevail.

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

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

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

Tabled — by Mr. Rolde of York.

Pending — Motion of Mr. McMahon of Kennebunk to reconsider passage to be engrossed.

On motion of Mr. McMahon of Kennebunk the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman moved the House indefinitely postpone the Bill and all accompanying papers.

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

Mr. DAVIES: Mr. Speaker, I would like

to pose a question to the Clerk. Would he give us an indication of what's left of the bill.

The CLERK: Earlier in today's session, we indefinitely postponed House Amendment "A". On June 5, we reconsidered our adoption of Committee Amendment "A" and indefinitely postponed Committee Amendment "A". As of this moment, there are no amendments on this bill.

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

Mr. MACMAHON: Mr. Speaker and Members of the House: Earlier this afternoon, we indefinitely postponed one of the two amendments the other one having been previously postponed, so Item 9 on Page 9, we are back to the bill, 1807, and I would invite you to look at that bill. The vote to indefinitely postpone the House Amendment was rather large, though the bill has the same kind of wording and the same kind of problem with it and I won't take your time to read it but I urge you to do so. Some of the arguments that I used against the House Amendment are perhaps even more valid against the entire bill.

Thereupon, the Bill was indefinitely postponed and sent up for concurrence.

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

Bill "An Act to Revise an Act Relating to Property Taxation which was enacted by the 106th Legislature" (H. P. 1664) (L. D. 1917)

Tabled by — Mr. Rolde of York

Pending — Passage to be engrossed.

On motion of Mr. Dam of Skowhegan, retabled pending passage to be engrossed and later today assigned.

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-292) on Bill "An Act to Increase the Maximum Penalty for Shoplifting and Provide for the Detainment of Persons Suspected of Shoplifting" (S. P. 452) (L. D. 1511)

Report was signed by the following members:

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

Mrs. MISKAVAGE of Augusta
Messrs. HUGHES of Auburn
GAUTHIER of Sanford
BENNETT of Caribou
HOBBINS of Saco
HENDERSON of Bangor
HEWES of Cape Elizabeth
PERKINS of South Portland
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.
Mr. SPENCER of Standish
— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-292) Report of the Committee read and accepted and the Bill passed to be engrossed as amended.

In the House: Reports were read.

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

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to briefly point out the effect of this bill so that everybody knows what it is as they vote on it.

The Judiciary Committee originally worked out a draft where a store employee could stop anyone who concealed goods in their store and hold them for a period of time until a police officer could get there. At the last meeting that I attended, that was the position which the committee was taking. In this amendment, which was changed at a subsequent meeting, if the store employee has probable cause to believe that someone has concealed goods, then they can stop them and hold them in the store and my concern is that this puts in the hand of every store employee a determination which now is made only by law enforcement officers and I am concerned that this may mean that store employees can stop people in stores without really being concerned that if they make a mistake they will not be able to — without having to be too concerned about the possibility of making a mistake. I think that it may open up the situation to having innocent people being stopped when they really, in fact, have not concealed anything.

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

Mr. BURNS: Mr. Speaker, I have a couple of questions that I would like to direct to any member of the Judiciary Committee on this. One, I am wondering why this wasn't included in the Criminal Code, and secondly, what is wrong with civil arrest?

The SPEAKER pro tem: The gentleman from Anson, Mr. Burns, poses two questions through the Chair to anyone who may care to answer.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: Not being a legal beagle, I can't explain the question about civil arrest but I can say that as it is right now, the store owners feel extremely constrained about holding anybody and asking them to stay while they ask for a law enforcement officer to come and they may be open to civil suit.

In this case, I think there is a restriction, in response to Representative Spencer's comment that the store employees may be a bit too zealous. I think the owners are going to be very careful to say "You darn well better have probable cause, that is, you better have a darn good reason or else we're going to get sued," and this more often, I feel, applies to the small shopkeepers rather than the large scale department stores which often employ security guards which are constables of some sort or law enforcement officers anyway.

These smaller stores are very concerned about their clientele and about service, and so forth, and I think they are going to be very careful not to exercise this except in those cases where it is obvious that a person has concealed something. We were given the example, which might be somewhat extreme, but in any event, of an individual actually witnessing a person in a store pickup, put something in their

pocket and head for the door and the current understanding, at least among those people was, that they could not stop that person because he hadn't left the store and there was nothing they could do. This law would say that the employee could merely tell that person to please wait, identify themselves and to also call a police officer. It merely gives them some leverage, some rights, that protection from suit, but only if they are absolutely sure. If they go about this in a willy-nilly fashion, then they are still open to suit and I think that will restrain any abuses of this provision.

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

Mrs. LEWIS: Mr. Speaker, someone asked, I think it was Mr. Burns who questioned why this wasn't part of the Criminal Code and I thought that it was, but I'm looking on page 52 of the Criminal Code and I had understood that shoplifting was going to be listed as part of these crimes. Can somebody enlighten me, I don't seem to have the amendment right here to see whether it is or not? I thought that was the intent of the Judiciary Committee, to include shoplifting in with the other group of crimes.

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

Mr. HENDERSON: Mr. Speaker, I have to speak a little bit dangerously on this, not having the amendment before me either, but I understand that we did include shoplifting, specifically noted, in a list of crimes dealing with property. We did not include the other situation in detaining individuals. This was something that was not included in the code. So we did include shoplifting in the list of offenses because some shopkeepers felt that it was not clearly spelled out and others thought that it was, but we did include that actual word in lists, which I can refer to later, I guess, because I really can't give it to you now. As far as the rights of a person to detain another, this was something that we did keep separate from the code, thinking partly because people felt that it was an important issue to be dealt with on its own merits.

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

Mr. SPENCER: Mr. Speaker, in response to the question of Mr. Burns, I think that the problem that the committee was addressing itself to as far as civil arrest is that I believe the citizen has to see the crime committed in order to arrest somebody or to hold them.

I supported this bill when it said that you could detain any person who conceals merchandise and that way, you could stop someone in the store who was concealing merchandise but if you were wrong, then they had a claim against you for stopping them when they had not concealed merchandise. I think that probably out of a thousand people who would be stopped, only one would go to the trouble of actually filing a complaint against the store or the store employee because they were stopped for half an hour until a policeman came and searched them. I think the requirement that the person stopped actually be concealing merchandise is a good deterrent for just having store employees stopping people relatively freely.

Now the difference in this bill as it is drafted, it says if the store employee has probable cause to think that you have

concealed merchandise, he can stop you, and I think that in most situations, if you were in a store by yourself and a store employee suspected that you had concealed something, he could stop you, and by the time you got into court over the thing, he would say that he saw a bulge in your coat and he had seen you up near the Burma Shave counter and he thought that you had swiped some Burma Shave, and my own feeling is that if an ordinary, untrained store employee who has no experience in law enforcement and probably no detailed understanding of what would constitute probable cause in a legal sense if they can just stop people because they think they have a pack of gum in their pocket or a pair of sunglasses or something, I think that a lot of people are going to be stopped who haven't done anything. I don't know whether it is my looks or what, but I find that relatively often, as I am driving alone, I get stopped when I haven't done anything on a routine check. It happened to me a week and a half ago in Hallowell. I was driving along and I got stopped, I said "Officer, what have I done?" "Nothing." "Why did you stop me?" "Just checking", and I find when this happens, I find it an indignity, it makes me angry and I think this is going to happen much more because I think that on the whole, the police officers are very careful about stopping people but I think if we put the power to stop for probable cause in the hands of everybody that gets hired by a retail store that we are going to have a lot of citizens who find they are stopped and that a police officer comes and they are searched when in fact they haven't done anything and that is the reason for my signing the minority report.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I stand to oppose this amendment. I see a lot of problems with it, I see more problems with this than my good friend Mr. Spencer. I urge you members of this House to take a good hard look when they try to push something through like this.

I have worked shoplifting cases, sure, protect the store owner who doesn't want to employ sufficient help. We had a case in a large department store where everybody that was grabbed seemed to have stolen two penlite batteries until we investigated the investigator. We found that one of the tricks was to conceal two batteries in your hand and when you search for this supposedly shoplifted material, you would reach in the pocket and pull out the batteries, you would have enough to hold them.

This idea of arrest on probable cause in a misdemeanor, oh, how that thing scares me. You have got enough troubles now, people don't fight shoplifting cases, they try to sign off whether they are guilty or not guilty, they don't want that record of being taken to court and prove themselves innocent, because their name reaches the paper and people will always say "he got off because he knew someone". This is a bad type. Stopping people on probable cause, you know the Supreme Court gave that authority to policemen in Terry vs. Ohio, really it was the good one, and in that case, they took great pains to caution the police on how it should not be abused.

Work with shoplifters, private detectives in big stores or small stores. We had a store in Portland, an out-of-state detective agency came in to stop the shoplifting and the man picked up \$2.40, they arrested

him, stopped him brought him to the office, asked him how many times he came in the store in the last two years, they figured it out, it was 104 times, once a week, they multiplied it by \$2.40 and what he had taken that night, and they said "well, you've taken over \$2,000 and they settle up there and they don't prosecute them."

You know, this is the type of thing that bothers me, you get people in the store, they would call us saying "we got a hot shoplifter, or you have got a hot one", I want to see what a hot one looks like, they said "Well, we just had a guy that just came in the door with long hair". People who said that years ago, they have the long hair now. They said "a guy came in, he had dungarees on". Dungaree wearers used to be the way they pointed them out, they used to say a woman came in, "she's wearing slacks, there's something fishy about her". I don't know what they're saying now, they probably want to commit them if they wear a dress, but I don't know. This is the problem I have.

I spoke before that prestigious Judiciary Committee, I explained to them the problems of shoplifters and I listened to the people that were in favor of this up there, and I told them "look a bill like this should have gone to the Business Legislation Committee. These store owners want you to police or to manage their stores." I think there is a better way. I am opposed to this type of thing and it bothers me more today after I read the paper, of the CIA and how they planted items on people to make a good arrest. This isn't good law enforcement. Policemen don't want this sort of thing and I urge you to vote down the amendment.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Augusta, Mrs. Miskavage.

Mrs. MISKAVAGE: Mr. Speaker, Ladies and Gentlemen of the House: I signed the majority report of committee because I thought it was a good bill. This bill is patterned after the North Dakota law which gives a person who has seen somebody conceal merchandise the right of reasonable detention and it gives the detainer freedom from suit. Forty states have already adopted this law, we are all aware that shoplifting is a major problem throughout the country.

The manager of Freese's store has testified that that store loses from \$100 to \$400 a day in stolen merchandise and you know who picks up the tab for that, the cost is passed on to the consumer.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't have too many problems in a small business with shoplifters because when they come through the door, I tell them "don't put nothing in their pockets" and consequently you can spot them. I have had people come in my store and they come in and look around and say they want something down back, just for the pattern they are using. It is a common pattern, you don't have to be in business very long, they get you at one end of the store and you know what they are doing in the other end, so I holler up and tell them "don't put nothing in your pocket today". But as I sit here this afternoon, I am being robbed in Westbrook and I know I am. They are stealing from me and they will steal from me even if I am there and I have chased them even on the streets, chased them out of the store, but some of them run faster than I do so I

let them go. But I have caught them and I've held them, and I've handled the problem myself. I didn't need the police and I didn't need the laws that we make here in Augusta. Those people don't do it again in my store. But for the people who abide by the laws that we should all abide by, this is a good bill, because today, and my good lady friend from Augusta whom I very seldom ever agree with, she hit it right on the head — stores across this country, let's take just this state, they are being robbed every single day. There are more thieves and more shoplifters in this state than you could ever imagine and they have got all kinds of ways to do it and I could stand up here and tell you all the ways that they do to attract your attention.

The gentleman from Portland is right, sometimes they do wear clothes purposely with pockets built on the inside special for this type of business that these people are in and this really happens and they even have it in their shoes. There are a lot of things that you lovely people in this House don't know that go on because you live in a sheltered world. Well, I will tell you something right here and now, there are a lot of thieves and I would like to get home soon as I could to stop them.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I am not sure that I have agreed with Mr. Laffin very often and I want to take this opportunity to speak on the subject because I do. We began with the fact that there is a problem of shoplifting in the state and one of the problems is that under present law a store owner or employee who sees someone steal from him, put it in his pocket and start to walk out, has no legal right to detain that person. If the person is strong enough willed to know he can't be stopped and if he is a bigger person than the clerk, he can just keep on walking, there is not a legal thing you can do about it and that to us seemed like an appalling situation that I think most of us weren't aware of, so we want to try to provide a solution to that problem. Mr. Spencer and the committee had a quarrel over what the standard ought to be to detain, whether it is probable cause or whether the clerk has to actually see a theft and I have no strong feelings which of those two standards apply.

The Committee was 11-2, I think, to have the standard that is in this bill. If the gentleman wanted to propose an amendment in the second reading to raise the standard, I would certainly agree. But I think the problem is still there, that there is no legal recourse now for store owners or clerks who see this kind of thing going on, shoplifting is a real problem and although there are dangers, and there are dangers with every law that we pass, I think we've got a problem here and I hope we will deal with it and at least go to second reading and let Mr. Spencer propose an amendment to deal with his concerns.

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

Mr. JOYCE: Mr. Speaker, I rise to make a motion for indefinite postponement of this bill and all its accompanying papers.

The SPEAKER pro tem: The gentleman from Portland, Mr. Joyce moves that this Bill and all accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. JOYCE: Mr. Speaker and Members

of the House: I agree we have a problem with shoplifters and I know that you people understand that because I got up and agreed we had a problem with truancy, but you can't handle it this way. They didn't find this country 200 years ago on doing things this way. The bill, when you start to read this amendment, kind of sends a chill down your back. An adult may detain, an employee who is an adult, they had the age in there of 25 but now they have dropped it to 18.

You know, shoplifters come in all shapes and sizes. I know you have the problem with them, but believe me, I don't think this is the proper way, let's do it right. Any one of these employees in the store can go down to the town manager, the city manager, a special police officer, police powers limited to that place of business, limited to the time he is on duty in that store. Yes, some states have civil arrests. I think there is an area here that this could have been handled, but to deprive a person of his pursuit of happiness because he walks through the store in dungarees, because he has long hair or a mustache just isn't right.

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

Mr. MILLS: Mr. Speaker, I would pose a question to any attorney in the House. It was always my understanding in the years gone by that it does not constitute larceny until you cross the threshold of the store into the street. Is there such a law in the State of Maine?

The SPEAKER pro tem: The gentleman from Eastport, Mr. Mills poses a question to anyone who may care to answer.

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

Mr. JOYCE: Mr. Speaker, the legal fraternity perhaps is a little bashful on this so that I would, if the Chair agrees, answer the question for them. About several years ago, they did put in a bill on concealment and they can make the arrest on the premises now, if the item is concealed and concealed, they kind of stretch it. If a guy closes his fist and he has got the box of aspirin in there, that is their case when you read concealment, so it doesn't make it any better to me.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: When we had a hearing on this, it was one of the biggest hearings that we have had. The merchants of this state came in to see us and told us that they really needed help, it had come to the point, as far as shoplifting was concerned, that they really needed help because of the amount of money that is being stolen every year by shoplifting. I agree that you are affected here by this, and the people of the state are, because this cost that they are losing is added on to the prices of anything that you buy here today. So you are affected by this personally.

Furthermore, I would say that the employees in the store still will be as careful as they have been in the past to make sure that they see someone put something in their pocket before they stop them. I don't think they will stop him because he has long hair or he has overalls, but they have got to see him putting something in his pocket because they will still be subject to being sued if they make mistakes.

The SPEAKER pro tem: The Chair

recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Men and Women of the House: It is not very often that I am on the same side of the question as I am today with Mr. Joyce. I just find the signatures on this report incredible and what it portends. It means during a holiday season — I would go along with tripling the fine for somebody convicted of shoplifting, anything, but this allows an employee of a store, any employee, no matter whether he has any training in law enforcement, to detain you and I for walking through a store. Now I walk through some stores during the busy season of the year, Christmas season and you get jostled around, there are a lot of new and part-time employees, a lot of parttime employees during the Christmas season and holiday season, and you are extending this authority to allow them to detain people who during the Christmas season, when you are rushing around, I think it is incredible. I think it is the greatest erosion of civil liberties that we face in this legislature, this minor piece of legislation.

I abhor shoplifting; I know that the consumer ultimately picks it up, it is wrong and the fine should be increased, but to extend this kind of authority to any employee, whether trained or untrained, what constitutes probable cause? Somebody that looks suspicious, somebody that has got his hands in his pockets, somebody that is stroking his mustache? What is it? I don't understand it. I think I would agree with the indefinite postponement of this bill.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: I certainly am a supporter of law and order but I have problems with this bill also. I believe it does put the store employees in a very precarious situation and at the very minimum, this bill certainly is incomplete in that it doesn't address itself as to whether you can detain a person on probable cause or does it require clear view or first hand evidence, and what do they mean by reasonable period of time? It also does not address itself to the larger stores who hire outside agencies to stop shoplifting. It just mentions the store owner, manager, supervisor or employee, so I think this bill needs to go back to the drawing board.

The SPEAKER pro tem: The Chair recognizes the gentleman from Rockland, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I can clarify this just a little bit. One of the things that we have to keep in mind when you speak of the person who is inexperienced or young as a store clerk. What happens in practice is that they immediately will go to the owner or the manager and say "I suspect this person, someone put it in their pocket." This is the actual normal practice. Another thing that you have to keep in mind is, with the competition today the way it is, you don't go around unjustly accusing the customers; in fact, you would be inclined to go along, even if you suspected them, and let them go, rather than to offend a customer. I think this is something in a practical way that the members of the House should consider when they consider this legislation.

The SPEAKER pro tem: The Chair

recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Speaker, I would rise to oppose indefinite postponement and to state that there are members of this House who feel that police officers ought to be able to determine mental illness and I suggest to you that a store clerk ought to be able to determine a matter of simple pilferage.

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

Mr. GAUTHIER: Mr. Speaker, I would like to concur with Mr. Curtis who has just mentioned to you that any new employees, and I don't agree with Mr. Peterson, any new employees coming in are not going to go and detain anyone in the store. If there are any, there will be very, very few, if there are. What they will do is like Mr. Curtis mentioned to you, they will go and see the proprietor or one of the managers and will tell them about it, they won't do that themselves, you know better than that.

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

Mr. HOBBS: Mr. Speaker, I hope this afternoon that we will not indefinitely postpone this bill. As you see by the report, many members of the committee, in fact 11 out of the 13, were very concerned with the problem we have in Maine because of shoplifting and the effect on the economy, the effect on the price of goods. We know there is a problem and in all honesty maybe the amendment to this bill is not the right approach to take, but I think we should use this as a vehicle to try to solve the problem we have in Maine, so this afternoon I do hope we will not indefinitely postpone it so we can keep this bill alive so that we may amend it to make it amenable to all of us.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I listened to the debate on this bill very carefully. Again, the old chestnut does not kill it — we'll amend it. I think this bill should be indefinitely postponed because the minute I walk into a store, I become a suspect by probably 40 people working in that store, a department store. They are going to look at me or any other individual who walks into that store and say "this man is capable of stealing, we are going to watch him". While they are watching me, the other guy is probably going to steal, but that is all right. I think it was attacked a little while ago about civil liberties, and I said on the floor of this House, I value my liberty and I will be darned if I am going to walk into a store, I am going to be suspected every time I walk in there of being a thief. That is not the reason I am going in there. I am going in there because I need some goods I want to buy. I will give you an example.

A short time ago I went into Shaw's here in Augusta and didn't even pick up a cart. I only wanted one or two articles, so I grabbed a dozen of oranges, something else and had them in my arms and I am carrying them and all of a sudden I say gee, I need some peanut butter, so I took a small jar of peanut butter and I couldn't carry it in my two hands, as they were already full, so I stuffed it in my pocket, I walk up to the girl, I took the bottle out of my pocket, put it on the desk, put my oranges and whatever else I bought, etc., and I paid for them, but if this law goes

into being, if I should happen to do that again without thinking and they see me do that, they've got me for shoplifting. I don't think it's right. I think we should kill this bill.

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

Mr. PEAKES: Mr. Speaker and Members of the House: I would strongly recommend that we indefinitely postpone this bill. It puts a great priority on the shopkeeper's material rights as opposed to the private citizen's rights for freedom and not to be imprisoned. I just wonder what will happen when we have these summer employees, students and so forth, when they have the authority to exercise reasonable care to restrain somebody. What does that mean: If they say "stop" and they don't stop, are they going to shoot them or hit them with a baseball bat or what? I just think that the priorities are not in order here.

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

Mr. DeVANE: Mr. Speaker and Members of the House: As I did three minutes ago, I oppose indefinite postponement on this matter. Something strikes me as interesting. This House favorably acted upon recently an L. D. which would allow a board to determine who was a potential, not a probable, but a potential dropout from school. I think the same people that could allow a determination to be made as to who is a potential dropout could allow an employee of a store to make a reasonable judgment about a simple theft.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: We've had bills like this in the House before, not in exactly this form. If you read that closely it allows the person in the store on what they think somebody took. They have been talking about bananas and oranges and so forth. That isn't what the cuties work on, they work on diamond rings, watches and jewelry, cameras, etc. You are not going to pick one of them up on that kind of a case, because they have the deep pockets that Laffin was telling you about and also have a confederate that they pass it to.

Assume that somebody in a reputable store detains a person they suspect and know they saw him take it but when the officer arrives he doesn't find it on the person. What then becomes the position of the store owner? He is subject to a suit that he can never pay off. This is a poor bill.

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

A vote of the House was taken.

Thereupon, Mr. Laffin of Westbrook requested a roll call vote.

The SPEAKER pro tem: 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 pro tem: The pending

question is on the motion of the gentleman from Portland, Mr. Joyce, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL:

YEA — Bachrach, Berry, P. P.; Berube, Boudreau, Bustin, Call, Carpenter, Clark, Connolly, Cooney, Cote, Cox, Dam, Daviès, Farley, Farnham, Faucher, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Hennessey, Hunter, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kahy, Kennedy, Laverty, Lizotte, Lunt, MacEachern, Mahany, Martin, A.; McBreairty, Mills, Mitchell, Mulkern, Peakes, Pelosi, Peterson, P.; Peterson, T.; Quinn, Raymond, Rolde, Saunders, Snow, Spencer, Tarr, Theriault, Tozier, Twitchell, Walker, Wilfong, Winship.

NAY — Ault, Bagley, Berry, G. W.; Blodgett, Bowie, Burns, Byers, Carey, Carter, Churchill, Curran, P.; Curtis, DeVane, Doak, Dow, Drigotas, Durgin, Garsoe, Gauthier, Gould, Henderson, Hobbins, Hughes, Hutchings, Immonen, Kelleher, Laffin, Leonard, Lewis, Littlefield, Lovell, Lynch, MacLeod, Maxwell, McKernan, McMahon, Miskavage, Morton, Norris, Perkins, S.; Perkins, T.; Pierce, Post, Shute, Snowe, Sprowl, Strout, Stubbs, Torrey, Usher, Wagner.

ABSENT — Albert, Bennett, Birt, Carroll, Chonko, Connors, Curran, R.; Dudley, Dyer, Fenlason, Fraser, Hewes, Higgins, Hinds, Jacques, Kauffman, Kelley, LaPointe, LeBlanc, Lewin, Mackel, Martin, R.; Morin, Nadeau, Najarian, Palmer, Pearson, Powell, Rideout, Rollins, Silverman, Smith, Susi, Talbot, Teague, Tierney, Truman, Tyndale, Webber.

Yes, 60; No, 51; Absent, 39.

The SPEAKER pro tem: Sixty having voted in the affirmative and fifty-one in the negative, with thirty-nine being absent, the motion does prevail.

Sent up for concurrence.

Bill "An Act to Create the Commission on Education Finance" (Emergency) (H. P. 1622) (L. D. 1897) which was enacted in the House on June 6. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-507) and Senate Amendment "A" (S-244) in concurrence).

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-507) and Senate Amendments "A" (S-244) and "B" (S-303) in non-concurrence.

In the House:

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

Mr. LYNCH: Mr. Speaker just a word of explanation. There is good reason to believe that the commission may have a funding from a private foundation to do its work and this allows it to be done.

Thereupon, the House voted to recede and concur.

Bill "An Act Relating to Political Fundraising by State Employees" (H. P. 1382) (L. D. 1686) which was passed to be engrossed as amended by Committee Amendment "A" (H-651) in the House on June 10.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-651) as amended by

Senate Amendment "A" (S-296) thereto in non-concurrence.

In the House: On motion of Mrs. Boudreau of Portland, the House voted to insist and ask for a Committee of Conference.

Bill "An Act to Clarify Standing before the Board of Environmental Protection" (S. P. 352) (L. D. 1152) which was passed to be engrossed as amended by Committee Amendment "A" (S-242) as amended by House Amendment "A" (H-698) thereto in the House on June 11.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-242) as amended by Senate Amendment "A" (S-302) thereto in non-concurrence.

In the House:

Mr. MacLeod of Bar Harbor, moved that the House insist and ask for a Committee of Conference.

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

Mr. AULT: Mr. Speaker, with all due deference to my good friend, from Bar Harbor, I move we take the more reasonable approach and recede and concur.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: If my good friend from Wayne, Mr. Ault, is passing his accolades out, I would oppose him at this time and oppose the motion to recede and concur. You have stood steadfast in the House here on a House Amendment which had been offered previously. I do not want to belabor it tonight. It is getting late, but I do think you might at least consider your action which you have taken and you have voted very much in the affirmative to retain this position and stand of the House, and I would insist on a Committee of Conference and I am opposed to the motion to recede and concur. I would ask for the yeas and nays.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: I totally concur with Mr. MacLeod. This House has worked very hard in getting a reasonable compromise for intervenors, and I think many of you share my frustrations. I am really sick and tired of working hard in here and getting good bills through, two bills that I have been involved with, on the one the bottle bill, at a vote of 113-33 we sent down the hall. What happened to it? You know, I am currently involved with a utility termination bill, we got a vote in here, 103-23, it is gasping along at the other end of the hall and will probably never get back to us again. So I urge you to stand by the good decisions we have already made.

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

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

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

Mr. LYNCH: Mr. Speaker and Members of the House: I believe the amendment

does what we should be doing. There is a difference between interest and effect, and it is those who are affected that ought to be allowed to voice their opinions, not necessarily those who have interest. Many of us have interest, but interests that probably are not affected by the action that is being taken.

I hope you adopt the amendment and I don't think we ought to be discouraged by the parliamentary maneuvers that are going on at both ends of the hall, I think we are doing fairly well with the legislation we are passing.

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

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Natural Resources Committee that signed the original bill out of that committee as "Ought to pass", I don't feel that I am knuckling under in this House to the demands and whatever else you might call it of the other body at the other end of the Hall.

At the beginning, I saw a great deal of merit in this and I still see a great deal of merit in it. We have come a long way from being the strict environmentalists which we turned around to be about three years ago and we did quite a lot of harm by that in some instances as far as industry is concerned and the outlook of this state in regard to other people looking at us and saying "what are you trying to do?"

I think we have got to back up a little bit. I am not going to repeat myself too much from the other day when I spoke on this particular item, but I just want to refresh your memory that we, in this House, did accept that amendment that Mr. MacLeod had on there, which seemed to be a reasonable amendment but in thinking it over, to talk about interest, I could be in Europe and have quite a good deal of interest about what was going on in the State of Maine, and I just would like to narrow that up just a little bit because I think it means quite a lot to us in this state.

I think the amendment that comes from the other body is a compromise and a good one, and I am kind of happy to see the word "direct" taken out of it because I think that this waters it down a little bit and makes it a little bit better so I would hope that when we do vote on this, that we do vote to recede and concur and get this on the books so that first of all the Department of Environmental Protection will have something to back them up when they are at these hearings whereby they will have the courage and they know that they will have the backing of this legislature to cut down the harassment and the prolonging of these hearings that they have to go through. I am sure they would appreciate it if they had this to work with and I think this amendment is a good compromise.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: When this House Amendment was on this bill previous to this morning, I guess, it was introduced yesterday, I didn't say anything, quite frankly I wanted to have a chance to look at it and see what it does say. It just opens it up to what we have right now, so I would urge the House to recede and concur. The amendment that is on that bill now, Senate amendment, I think is going to do what we want it to do and I would ask this House to recede and concur.

The SPEAKER pro tem: The Chair

recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: In lieu of the previous testimony, I would submit that the Natural Resources Committee certainly did do a great deal of work on this bill. I went to the public hearing and they worked long and hard, as I understand, and they came out with a bill which was amended by Committee Amendment "A" and that bill went back to the Senate and was accepted in the Senate and then it came here in the House and I don't know how much time my good friend Representative MacLeod spent in preparing his amendment or doing his study or whatever it is, but to get the idea that we worked hard and long in this House to prepare House Amendment "A" I think is a little long. I think House Amendment "A" came onto the bill after the committee had worked long and hard to prepare this. It bounced here in the House and the House Amendment "A" was put on and we all went along with it, thought it was a good idea and it went back to the Senate and they put another amendment on it to make it a little more palatable. I would hope that we would recede and concur, but the idea that this House has worked long and hard to prepare this piece of legislation and then we are turning around is false, because the Committee Report with the Committee Amendment was the one that was worked long and hard on by the experts in that committee, so I would hope that you go along with receding and concurring.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: When I got the amendment from Senator O'Leary this morning on my desk, I went back, I couldn't remember exactly what Representative MacLeod's amendment was so I went back and found his, as I had thrown mine away, I had to get one out of the office, and I found as the gentleman from Livermore Falls said, the difference is that the House Amendment says "interest, substantial interest", the Senate Amendment says "substantially affected." I tried to figure out what the difference between interest and affect was, so I tried the dictionary and that didn't do me any good, so then I went down after lunch and spent some time in the law library and tried to look up some cases and that didn't do me any good. I talked with one of the lobbyists and he gave me a hypothetical — and it has helped me a little bit. You see, I am a married man, as probably most of you know, and if an attractive young lady goes by, I am interested but the question is whether I am affected. Hopefully, I am not, at least according to my wife hopefully. I am not, but then again, sometimes it happens where people could be both interested and affected and I guess I just got confused, and the more I think about it and the more I listen to the debate that goes back and forth, the more confused I get because I can't define those words, really, to my satisfaction on this important bill. I think somebody must know what is going on here and I am confused.

Let me tell you my feelings about the bill anyway. I share a lot of the proponents views. I am kind of sick and tired of these darn hearings going on and on and on, and I don't think it is right, for example, on this Pittston thing to hold it up for so long. It doesn't make sense. I am tired of having the University of Maine students who

canoe in the river once every two years be able to have standing before a thing and take it all the way up to the Supreme Court and everything else. I don't like that. But, on the other hand, in my district I have got a lot of people who work hard for a living and some of them have been able to afford a camp on the pond up in Mr. Cooney's area, Sabattus Pond, and I remember a couple of years ago there was somebody up there with one of these chicken houses throwing something in the — anyway, there was a lot of controversy and a lot of smell and everything and the people who lived on the lake got pretty upset, but not only the people who lived right on the lake, because that whole town was affected by what happened to that lake, everybody who lives there. So the question is, there are some people in that town who might not have a cottage on the lake but who have a place in the hills or a second camp or who decided that they didn't want to live in Mr. Jalbert's city of Lewiston anymore, they wanted to live in Sabattus because they liked the country, and their whole life style could be affected and their interest in this. So what I want to make sure is, I guess, is that we can get rid of the kooks and the crackpots and the once-every-five-year canoe trips that think they can get involved, but at the same time to protect the rights of the people who live in my area.

Now, with that feeling and just looking at it, my first glance is that maybe I can buy affect, that would make sense and go along with recede and concur. Listening to some of the debate and having talked to some of the lobbyists, they say that some of those people in that town and some of the people in my town would not have a chance to get together and form an organization, and just somebody getting up in this House saying "don't worry, Jim, affected takes care of the people in your district," doesn't do me any good because I'm worried about what the courts are going to say and I'm worried about what the commission is going to say and I would kind of like to have the proponents and the opponents get together on a Committee of Conference, and that is the way I am going to vote.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: In response to Mr. Tierney, I would like to say that if you can smell it, you are affected.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would suggest to the gentleman from Durham, Mr. Tierney, to never mind the gentleman from Lewiston, Mr. Jalbert. I would suggest that he forget about bringing the first part of his remarks back to that little lovely from Durham.

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I rise a little anxiously because I understand that possibly my credibility is at an all time low in the House and I hope if that is the case you will divorce that from this one issue, because maybe this is the most important environmental issue before this legislature.

None of us like the looks and the crackpots, as Mr. Tierney said, that intervene in these things and hold up the

proceedings, but I want to be very sure that the constituents in my community, who were faced with the proposal in that community just recently, are going to have a say in whether or not a certain development will locate in that community and 'affect' to me, I would define it as you would have to demonstrate not potential damage but you would have to demonstrate damage, that you were going to be damaged in some way.

Interest — you could have a potential damage. Let's say that you live five miles downwind from a plant that is going to have a by-product of sulphur dioxide and on rainy days that is going to combine with H₂O and combine to make sulphuric acid. You are going to have an interest certainly, because you are going to be breathing sulphuric acid into your lungs, but can you demonstrate that you are going to be affected? Now, I say that a judge in a court of law might be able to determine that, but in an administrative hearing I don't want to use language that makes it so tight that a person who is five miles downwind from a plant like this, who may have to breathe sulphuric acid, can't get together with other interested citizens and intervene and have the right to appeal.

I hope that we are very, very careful in our deliberations over this matter. I see no harm in defeating the recede and concur and insist and ask for a Committee of Conference so that we can work this thing out between the two bodies because this is very technical legal language and I would hope that you would defeat the recede and concur motion.

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

Mr. HALL: Mr. Speaker and Members of the House: You're beginning to get a little out of the picture already. This is just how the whole structure works. We worked all we could to get a bill out so that it would cut this intervening out like this that doesn't pertain to either side and you are beginning to get the picture of it here right now. I was very surprised at this amendment being put on in the first place but this is just the start. Stick around boys, and you will hear the rest of it.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: In looking at this, I am not strictly concerned with fresh air because down my way by the clam flats, and the bait houses that sit out in the sun for a while, the air doesn't smell too good anyway, but what I am concerned about is that the fishermen along the coast and the fishing industry has a chance to participate in the hearings when decisions of the board may, in fact, substantially affect them and what I am concerned about is with the Senate amendment. I would be perfectly willing to go along with that if it might read "are or may be, substantially affected by" because how can you tell whether or not a particular development approved, whether or not a particular development will in fact affect the fishing industry and I am talking about jobs and I am talking about money, will in fact, affect that fishing industry until you have gone through the hearing to find out what the environmental impact will be. So I think if they would change that "will" to "may" I certainly would be willing to go along with it and so I would hope that we would defeat the motion to recede and

concur and work some of these things out in a Committee of Conference.

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

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will insist on a Committee of Conference and go along with Mr. MacLeod's amendment. I have heard a lot in this House about kooks, long-haired people and what not and I have always been mistakenly taken for a conservative person although I have tried very, very hard to dispel that I was ultra-conservative and I say that this original bill, when you talk about the people who harass the people who are going to come in and improve the economy, are going to bring modernization or what not, the original bill successfully closes off many of the avenues of frivolous intervention, and I say that Mr. MacLeod's bill allows just a little bit more. You have taken away from them the right to cross-examine, and you have restricted their rights to just submitting written rebuttal, and who is going to be substantially affected? One particular individual, perhaps, whose house is directly in the path of a tremendous mill which is going to go up and there could be a situation where only that one person would have the legal right to intervene and fight this giant corporation. I say that when you say "substantially affected by", you are getting down to a very narrow, legal definition. You are demanding an absolute evidence of cause and effect, and I say that not many people who might have a substantial interest and who might eventually be affected by whatever was going to happen could come before a professional body, could go through all of the trouble to unmask enough evidence to prove that definite cause and effect.

I have been in law enforcement many, many years and I have conducted very intricate financial investigations and nobody can tell me that cause and effect is that easy to prove. Does that mean that you didn't have to investigate further, either to exonerate the man or to prosecute him? You didn't take, for example, just the fact that \$100,000 was under the correct figure and immediately prove from that that the man was a tax evader. You had to eliminate all other possible unintentional reasons.

I have seen in this House a very, very dangerous swinging of the pendulum. Perhaps there was too much weight the other way, I don't know, I wasn't around in this House, as they say, back in the 103rd, 105th, 106th. Sometime I might be in the 112th and I can say back in the days of the 107th, you always have us new guys that are disadvantaged. Perhaps there was too much of a shifting that way, but you are now going from one extreme of the pendulum, you are getting the pendulum to swing all the way over to the other extreme.

It reminds me of the bills we had before the Education Committee to repeal 1994 completely because there were some bugs in it. There was a cliché that many witnesses talked about, throwing the baby out with the bath water and this is what you are doing, you are not only throwing the baby out but you are throwing him into a muddy, polluted river.

I say if anybody comes into the state with clean hands, they ought to have the courage to stand up against some people

who might have an objection, who have an altruistic interest in something. I might be concerned about the people in Searsport, even though somebody might find it easy to disprove my contention that some of that danger might be coming up to Bangor but I still could be much interested in what their immediate danger is and from that assume that there might be a proliferating of this danger.

I urge you to insist on a Committee of Conference.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Bangor, Mr. Ingegneri, refreshed my memory with his remarks, and the good gentleman from Rangeley, Mr. Doak, touched upon our reported action now, and I would like to address myself to the remarks saying that we are all going the back into dirty, muddy water. I will tell you what we were plunged into, because I can go back to the session that this happened, when I asked the sponsor of the original bill that would have us wash our hands every fifteen seconds at a one-day session, and the word that I got were two, get lost. Why you would hardly dare breathe for fear of polluting the air. Somewhere along the line we must start doing something somewhere near right.

I listened to all this talk about anti-pollution and this and that and the other, but I will tell you something, right now, that I attended one time — talk about intervening — a meeting when the Board of Environmental Protection was there in Eastport, Maine, with 1,000 people present. There is a gentleman in this House that happened to be there and he can check me if I am not telling a true story or a true episode of exactly what happened.

Among others, not from the good town of Eastport, but three from Pennsylvania, New Jersey and New York, all coming down intervening, one particular couple, a man and his wife — I like to be a little clean, somewhere along the line I take a peek at a bathtub once in awhile, but these 1,000 people, exclusive of the people from Eastport, I wanted to be a long ways from there and you had better believe it. But staying with that one couple, at one point of the hearing, the young lady gave her balding good husband her baby, took the zither from the husband's hands, who was then holding the baby, strolled down and her testimony was strumming on the zither and a song. After that was over, that was the end of the testimony, back into the stands, with 1,000 people there, grabbed the baby and breastfed the baby in front of 1,000 people.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: If I were to offer a bill to this legislature that would give you two DEP hearings where you now have one, you would think that I was crazy, and yet that is exactly what the effect of this bill is going to be, because it requires that any group to intervene in a DEP proceeding has got to prove that they are going to be affected by the outcome of that proceeding. In other words, they have got to prove that the discharge of a particular plant, whether it be into the water or into the air, is going to affect them. Well, the only way you can make the determination

as to whether they are going to be affected by that discharge is by having a hearing on the discharge and taking evidence and finding out what is going to be in that discharge and finding out whether it is going to affect them or whether it is going to affect the fishing that they rely on for their livelihood or whether it is going to affect anything else which they have any substantial interest in.

Now, the House passed an amendment which was a lot smarter and better worked out than the original bill and it said that they could participate as long as they had a substantial interest. It gets rid of the groups that don't have substantial interest that shouldn't be there in the first place and are there for the purposes of delay. It allows in those people who have a substantial interest in the proceedings. Their interest may be making sure that they are not affected.

I live in Standish and there is a large plant 20 miles away. If you put in a new facility there, I would expect that the town of Standish and my constituents would not be substantially affected by that, but they might be, depending upon what the final decision of the board was. We would have an interest in that proceeding in making sure that we were not affected and that is what the House Amendment does. It lets you participate if you have a substantial interest in that proceeding and that will enable you to make sure that you are not affected.

If you put a meat processing plant in Baldwin, it probably wouldn't affect the town of Standish unless the waste was dumped into the Saco River and then floated on down to Standish. In making the determination as to whether the citizens of Standish were going to be affected, you would have to have a hearing on the treatment facility that would be located in conjunction with our plant. You would have to have one DEP hearing to decide whether the citizens of Standish could participate in the DEP hearing on the discharge, and you would end up with two hearings.

If the group that had a substantial interest but which might or might not be substantially affected was turned down, then they would want to appeal that decision, so then you would have a court case deciding whether or not they were going to be substantially affected, when you couldn't decide that until the DEP had ruled.

It makes sense to screen out the people that don't have a substantial interest. If someone wants to go to a DEP hearing and play their zither and nurse their children, they shouldn't be there, and the DEP should be fully capable of screening out those kinds of people and they ought to be able to eliminate repetitive testimony and they ought to be able to make these proceedings work. To say that people who have a substantial interest shouldn't be able to participate is to deny a basic and important right that the people of Maine now enjoy and I think we would be making a grave mistake.

I have not tried and I am not in favor of killing this bill. I voted for it yesterday with the language of that of substantial interest and I think that it is only proper that we try to work this out between the two bodies.

The gentlelady from Owls Head said that she would be satisfied with language which said the people may be substantially affected, and that is a big difference, because if they may be substantially

affected, you don't have to hold the hearing twice. You can say, this is a plant, it may affect these people substantially, they should be allowed to participate and then it will be up to the DEP to determine whether in fact it will affect them substantially and to put on protections that will protect them.

The one lesson that I think this House could draw from this bill is that even lobbyists screw up, because in the effort to make these proceedings simpler, they have created a bill which, if it goes into effect, is in fact going to extend the DEP proceedings, and I think the problems with this thing can be worked out but I think we would be making a serious mistake to recede and concur.

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

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for rising one more time and taking more of your time at a late hour of the day when I know that everybody wants to get out of here, and I am sorry about it, but I feel slightly concerned about this. My position in it would seem that I am trying to make the pendulum swing too far the other way and I certainly would not want to do that. I was not put on the Board of Natural Resources because of my interest in industry. I was interested in environment and my background is in environment. I come from a small community of 994 persons and we, in that small community, have gone through a great deal of process to protect that environment and I shall continue to do so.

However, in referring to this and building up a great big court case, and again I am sorry to be in opposition to my good friend Mr. Spencer, he and I worked pretty well together on the Saco River Corridor, as I recall, but we seem to be at odds on this one, but we probably will get together before this thing is over with. But in the relationship to parties and intervenors, if you would just look at the bill, Section 4, it says petition demonstrating interests and contentions and this is a requirement to become an intervenor or a party.

I don't see anything in here that says we are going to have to have a court case of whether they are going to an intervenor or considered a party. I am a rather simple-minded fellow, I have never been in court, I am one of those little old country boys, I don't come from Aroostook County however, I come from the northwest part of Franklin County, and I come from the woods and a long ways back so I have a lot of learning to do and I am sure you people down here will give it to me before I get through, I will appreciate that and accept it very gracefully.

But in this particular instance, being simple minded, I don't see all the ramifications that have been entered into explaining that we are going to have to have two hearings and a court case in this because it simply says, again, "petitions demonstrating interest and contentions" and that is in the amendment and, therefore, I don't see any reason why we shouldn't recede and concur, because I do not believe that by passing this or by receding and concurring that we are going to swing that pendulum so far out that we are going to muddy the waters, that we are throwing the baby out with the bath water, or any of these other old cliches that you might want to throw across the board here at me. I just don't believe that and I will

tell you, ladies and gentlemen, if I did believe it, I would be the first one to tell you but I believe what I am saying and if I am wrong, then I will be hung with it and if you people are right, then I will be very sorry we passed this thing, but I suspect very greatly that what I am saying is absolute truth. It is right in the book, it is right on the paper, it is right on the amendment, you read it, then vote.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I have been confused about this thing right from the beginning and right up until now. Some of my fellow committee members in Natural Resources will remember that I was one of the last people to finally sign the jacket on this bill. I have talked to lobbyists on both sides of this intervenor thing about substantially affected and interests and all this type of thing. I have been talking with other Representatives just prior to this debate and I am still confused. I don't want to have people interrupting hearings and being obstructionist. I don't like that type of a thing at all. I don't want people to be shut out who have an interest.

The water has been so muddied here today, I am still confused. When I signed the jacket "ought not to pass" on this thing originally, I did it with great reservations. I took a more conservation approach, I guess, because I felt that if I really didn't know what was going on with this thing totally and with all the ramifications of this bill, then I wouldn't vote for it. I then, however, changed my position on this thing. The day before yesterday, I went along with the amendment that Mr. MacLeod presented and went against indefinite postponement because I am confused still.

I don't want to allow obstructionists the opportunity to continue their work. However, I don't want to shut out people who have a real, legitimate, interest and I am not sure, after listening to all the legal mumble jumble that I have listened to ever since we started working on this bill in committee, I am still not sure what happens when we pass it or when we don't pass it. If we pass it, we are substantially affected or substantially interested? I am still not sure who is going to be cut out and who is not going to be cut out.

I have had a lot of problems with the bill and I don't know if insisting and having a Committee of Conference is going to work, but I certainly would like to know more about what affect and interest have to do with this whole bill.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, we have been over this and I am certainly not an attorney but you see the people that want to kill the bill, about the only way that they can possibly kill it is to insist and ask for a Committee of Conference. This is the only method open to them at this point, believe me. I have listened to the debate and I have listened to some of the people who were against the bill in the first place and then they say they went with the bill in the second place, but the basic underlying current and force here is to kill the bill. That was the idea with the amendment that was put on in the House. We all know where the amendment came from, to put the amendment on and to emasculate or to kill the bill because they want these people

to be able to intervene and it costs a lot of taxpayers money, and I am not going to debate that point at all.

I am just trying to explain to you what is trying to be done this afternoon and that is the only route that the people can take that want to kill the bill is to go that way, that is to insist and ask for a Committee of Conference, because they know they can't adhere, they know that would be impossible and of course if you recede and concur, then the bill goes along and all of the study that the Committee on Natural Resources has put into this and all the testimony they took will come to fruition.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: With great trepidation I rise on a point of parliamentary inquiry because I am a freshman here. I think we could adhere, I think there is a motion to adhere still open and if you wanted to kill the bill, you could do that. If I wanted to kill the bill, I could have voted for indefinite postponement yesterday.

The SPEAKER pro tem: The Chair would ask the Sergeant-at-Arms to please escort the gentleman from Stonington, Mr. Greenlaw, to the rostrum to act as Speaker pro tem.

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

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening to the debate on this bill very intently and I hadn't intended to get involved at all until I listened to the remarks of the gentleman from Brewer, Mr. Norris.

I was one of the individuals who voted against this bill yesterday, precisely not because I was necessarily trying to kill the idea of the intervenors, I know that they create a lot of problems at these hearings and I am basically in sympathy with the proponents of this legislation who would like to see something done about this but I was sincerely concerned about the language of the bill and House Amendment "A".

Now that I have listened to the debate on Senate Amendment "A", initially I had thought that I could support Senate Amendment "A" over House Amendment "A", but after listening to the debate, as far as I am concerned, I am totally confused with this and I would like to see it go to a Committee of Conference, and it isn't because I want to kill this bill. I sincerely would like to see the bill stay alive, it has problems, but I am one legislator who isn't looking for a way to kill this bill.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: Again I say we are beginning to get the picture of what intervenors can do. See how much time we have killed here and what have we accomplished? Nothing but just delay tactics to spoil a bill that we worked hard on, just to hopefully make it a little better for industries to have a chance to express their views.

The SPEAKER pro tem: The Chair

recognizes the gentleman from Bangor, Mr. Ingegneri.

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: The representative from Sangerville, Mr. Hall, has assumed that anyone who takes a position opposite to his and continues the debate is necessarily an obstructionist who doesn't want to have a clean vote. I would say I would gladly stay silent and not say one word more if that gentleman could prove to me that he spoke with something like papal infallibility.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: As I said yesterday, there are just three parties here, you have the parties that have pro status, you have the intervenors and you have the public, they can all go to the hearings, they can all speak at the hearings, they can all do everything at the hearings except to verbally cross-examine and intervenors are allowed to cross-examine by written note. I think the problems with this bill are all in the eyes of the beholders. I hope that you will recede and concur.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I don't think there is anybody here in this House that has been through more hearings than I have, two years is a long stretch of time. I really believe that this bill we have here in the form of an amendment today, without going into any by-laws or pros and cons, I think the verbiage contained in this here today will certainly expedite the hearings that the Board of Environmental Protection has had to conduct. Certainly the one they conducted on Pittston took a long time, but certainly they were able to set up sections of our law that are going to protect the state in the future and I have no gripe with their procedures on doing that but I do believe this will expedite their hearings.

The SPEAKER pro tem: A roll call has been ordered. The pending question before the House is on the motion of Mr. Ault of Wayne that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Bowie, Byers, Call, Carey, Carpenter, Carter, Churchill, Cote, Dam, Doak, Dow, Drigotas, Durgin, Farley, Farnham, Finemore, Flanagan, Fraser, Garsoe, Gould, Hall, Hennessey, Hunter, Hutchings, Immonen, Jalbert, Joyce, Kelleher, Kennedy, Laffin, Laverty, Lewis, Littlefield, Lizotte, Lunt, Lynch, Mahany, Martin, A.; Maxwell, McBreaarty, Mills, Miskavage, Morton, Norris, Palmer, Pelosi, Perkins, T.; Peterson, P.; Pierce, Quinn, Raymond, Saunders, Snowe, Sprowl, Strout, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Usher, Winship.

NAY — Bachrach, Bagley, Berry, P. P.; Burns, Bustin, Clark, Connolly, Cooney, Cox, Curran, P.; Curtis, Davies, DeVane, Faucher, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Henderson, Hughes, Ingegneri, Jackson, Jensen, Kany, Leonard, Lovell, Mackel, MacLeod, McKernan, McMahan, Mitchell, Mulkern, Perkins, S.; Peterson, T.; Post, Powell, Rolde, Shute, Snow, Spencer, Stubbs, Susi.

Tierney, Wagner, Walker, Wilfong, The Speaker.

ABSENT — Albert, Bennett, Carroll, Chonko, Connors, Curran, R.; Dudley, Dyer, Fenlason, Greenlaw, Hewes, Higgins, Hinds, Hobbins, Jacques, Kauffman, Kelley, LaPointe, LeBlanc, Lewin, Martin, R.; Morin, Nadeau, Najarian, Peakes, Pearson, Rideout, Rollins, Silverman, Smith, Talbot, Truman, Tyndale, Webber.

Yes, 70; No, 47; Absent, 34.

The SPEAKER pro tem: Seventy having voted in the affirmative and forty-seven in the negative, with thirty-four being absent, the motion to recede and concur does prevail.

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

Mr. AULT: Mr. Speaker, having voted on the prevailing side, I move that we reconsider our action whereby this bill was passed to be engrossed and urge you all to vote against me.

The SPEAKER pro tem: The gentleman from Wayne, Mr. Ault, having voted on the prevailing side now moves that the House reconsider its action whereby the House receded and concurred. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

28 having voted in the affirmative and 67 in the negative, the motion to reconsider does not prevail.

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

Bill "An Act Relating to the Registration and Practice of Professional Engineering" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "B" (S-289) (S. P. 112) (L. D. 377)

Bill "An Act to Amend the Air Pollution Standards to Expand the Definition of Treatment and to Affirm that Projects Meeting State Air Quality and Emission Standards will not Significantly Deteriorate Existing Air Quality" — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-275) (S. P. 443) (L. D. 1503)

No objections being noted, the above items were ordered to appear on the Consent Calendar of June 13 under listing of the Second Day.

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

Bill "An Act to Revise an Act Relating to Property Taxation which was Enacted by the 106th Legislature" (H. P. 1664) (L. D. 1917)

Tabled — Mr. Rolde of York.

Pending — Passage to be Engrossed.

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

House Amendment "G" (H-745) was read by the Clerk.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: This apparently is just a technical amendment, it is a lengthy one and I would ask the sponsor to explain the effect of it, if there is any substantive effect beyond the technicalities that it corrects.

The SPEAKER pro tem: The gentleman from Pittsfield, Mr. Susi, has posed a question through the Chair to the gentlewoman from Owls Head, Mrs. Post, who may answer if she desires.

The Chair recognizes that gentlewoman.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: Essentially it does a couple of things, and most of them are technical in nature. It changes the references which were made in the bill to the Bureau of Property Taxation to the Bureau of Taxation, and that is in line with the budget document which we just passed and was signed, I understand, by the Governor today.

We also had previously adopted legislation which would have required a tax map for each municipality and since it was the clear intention of this L. D. that that provision not be made unless in fact the communities were not able to meet the standards, this bill took into account that and would repeal the section which we had already enacted on property tax maps.

I think those are the essential changes in the bill and I haven't really had a chance to take a great look at it because we spent most of the time this afternoon working with Legislative Research about the various problems that were involved and if anybody in this House has any more specific questions, I would be glad to answer them.

Thereupon, House Amendment "G" was adopted:

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: Just kind of like giving an epitaph, I hope sincerely, for the sake of this state and for the great institution of the great democratic process of a town meeting, that the other Body sends this bill back with the minority report accepted.

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

On the disagreeing action of the two branches of the Legislature on Bill "An Act to Abolish the Defense of Sovereign Immunity in Certain Situations" (H. P. 1297) (L. D. 1568) the Speaker appointed the following Conferees on the part of the House:

Messrs. GAUTHIER of Sanford
HENDERSON of Bangor
PERKINS of South Portland

On motion of Mr. Rolde of York.
Adjourned until 9:30 o'clock tomorrow morning.