

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

Friday, June 13, 1975

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

Prayer by the Rev. Geraldine Brown of Gardiner.

The journal of yesterday was read and approved.

Messages and Documents

The following Communication: (H. P. 1703)

State of Maine
Office of The Governor
Augusta, Maine 04330

June 11, 1975

To Honorable Members of the Maine Legislature:

I am pleased to submit the following report entitled "Federal Funds in Maine — Fiscal Year 1974". This summarizes and details the changes that have taken place in the preceding twelve months.

Total federal obligations to Maine in the fiscal year which ended on June 30, 1974 were in excess of \$1,157,000,000. More than \$277,861,000 was in cash payments to Maine's State and Local Governments.

These amounts represent significant increases both in total and per capita receipts. While these dollars have been exceedingly important it is also important in the future to closely scrutinize:

1. Available Federal "seed money dollars" as they relate to potential future liability resulting from start-up programs dumped on the State in the future; and

2. situations in which Federal priorities or bureaucratic approaches are not in accordance with State priorities and/or approaches in the best interests of the State of Maine.

I wish to thank the State Bureau of the Budget for preparing this report and particularly Barbara Hamaluk, the analyst who researched and wrote it.

Respectfully,
s/JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file and sent up for concurrence.

Orders

Mrs. Chonko of Topsham presented the following Joint Order and moved its passage: (H.P. 1701)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of
Mt. Ararat High School
Girls Track and Field Team
State Class A Champions

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.

Mr. Hughes of Auburn presented the following Joint Order and moved its passage: (H. P. 1702) (Cosponsors: Mrs. Snowe of Auburn, Mrs. Lewis of Auburn, Mr. Drigotas of Auburn)

WHEREAS, The Legislature has

learned of the Outstanding Achievement and Exceptional Accomplishment of
The Edward Little High School Boys Ski Team

Coached By Don Towle and David Whiting
State Champions

For The Academic Year 1974-75

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

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

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

Mrs. Goodwin of Bath presented the following Joint Order and moved its passage: (H. P. 1704)

WHEREAS, legislation was introduced at the regular session of the 107th Legislature to enable the Department of Health and Welfare to provide free drugs to elderly, disadvantaged Maine citizens; and

WHEREAS, there are serious questions concerning the definition, administration and funds availability for such a program as well as the possibility of extending the State's Medicaid program to cover costs of said program; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Health and Institutional Services, to study the subject matter of "An Act to Enable the Department of Health and Welfare to Conduct a Program to Provide Free Drugs to Elderly, Disadvantaged Maine Citizens," H. P. 1413, L. D. 1683, as introduced at the regular session of the 107th Legislature to determine in light of the foregoing preamble whether the best interests of the State have been served by enactment of such legislation; and be it further

ORDERED, that the Department of Health and Welfare is directed to cooperate with the Committee on Health and Institutional Services in this study; and be it further

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

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

The Order was read.

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

Mrs. GOODWIN: Mr. Speaker, Men and Women of the House: I have presented this order, as I promised, for a study of the possible extension of the state's Medicaid program and also a study of the bill which the Governor presented to us for free drugs for the elderly. I think that we should do two things. I think we should pass the bill as he has requested, give him a chance to

see whether or not his plan will work, even though some of us may have some grave doubts as to its success, but also I think we should be studying something so that we will have a viable alternative to his plan, should he fail, but I would hope that we would pass the bill as it has been presented and also pass this order and do the study.

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

Mr. Ault of Wayne presented the following Joint Order and moved its passage: (H. P. 1705) (Cosponsor: Mr. Rolde of York)

WHEREAS, Maine is fortunate to be the home of 240 Organized Children's Camps; and

WHEREAS, these camps employ over 10,000 seasonal workers and provide recreational and educational opportunities for over 25,000 young persons; and

WHEREAS, these camps pay hundreds of thousands of dollars in local real estate taxes while requiring few municipal services; and

WHEREAS, the existence of these camps protects miles of lake and ocean frontage and tens of thousands of acres of prime land from exploitation and environmental degradation; and

WHEREAS, visitors to these camps number more than 50,000 each summer, bringing over 6,000,000 "Tourism" dollars to Maine's vacationland economy; and

WHEREAS, in recent years a number of camps have been forced to close due to rising property taxes, inflation and their dependence on a short season; and

WHEREAS, it is in the best interests of Maine people to determine methods to foster the conservation, growth and increased usage of these camps; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Business Legislation, to study and determine the present condition of Maine's Organized Children's Camps, including an analysis of the physical resources of the camps, the economic conditions and trends which strongly affect them, and their economic impact on the State; and be it further

ORDERED, that the Committee on Business Legislation shall give special attention to methods of increasing the attendance of Maine children at these camps; to proposals for multi-seasonal camp use, both for recreation and education; to the relationship of educational and recreational training programs of the University of Maine and other Maine colleges to the summer camp industry; to the actions State Government may initiate to increase state awareness, support and assistance in marking full use of this unique Maine resource and to methods of encouraging State and Federal Agencies to make wider use of organized camping facilities, programs and personnel to meet a variety of Maine's needs; and be it further

ORDERED, that the committee coordinate with the Division of Economic Opportunity and with the Organized Camping Resources Office, Center for Research and Advanced Study, University of Maine at Portland-Gorham in carrying out this study; and be it further

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

session of the Legislature; and be it further

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

The Order was read.

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

Mr. HEWES: Mr. Speaker and Members of the House: I am in favor of such a joint order. I wonder if the analysis of the economic conditions and trends of the camps would also include whether or not it is the intent that they would include minimum wage and whether or not counselors or other employees of the camp should be paid a minimum wage comparable to the rest of the minimum wage statutes?

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

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

Mr. AULT: Mr. Speaker, I would just reply. I am sure that all aspects will be included in the study.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: You may recall a month or two ago when I went down to ignominious defeat here with a total of 18 or 20 votes on a minimum wage concerning camp workers. I alluded at that time to an article by Frank Levine which had gotten a great deal of coverage concerning what a valuable asset the camping industry was to Maine, not only to the number of jobs and the number of people it brings here for the vacation industry, but also for the fact that they are protecting a great deal of our land and preventing it from serious development.

I think this is one of the most wonderful orders we have had in the House, and to answer specifically the gentleman from Cape Elizabeth, Mr. Hewes, yes, this is to view the whole thing, not only the environmental impact, the fact that this industry does so much for Maine, but also how Maine as a state, how this legislature, for example, can help assist it in all ways, so it would include the item that you mentioned, and I hope it will receive passage.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: I would just like to assure my good friend from Cape Elizabeth, Mr. Hewes, in addition to being on the Labor Committee, I am on the Committee of Business Legislation and I will look at the question of minimum wage, and I assure you I will do it with an open mind.

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

Mr. ROLDE: Mr. Speaker, Ladies and gentlemen of the House: I am a cosponsor of this order, and I think one of the key phrases in it is probably down in the order where it says "State Government may initiate awareness, support and assistance in making full use of this unique Maine resource and to methods of encouraging State and Federal Agencies to make wider use of organized camping facilities, programs and personnel to meet a variety of Maine's needs." I think this order is

really to make the best possible use out of our unique camping industry.

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

Mr. Drigotas of Auburn presented the following Joint Order and moved its passage: (H. P. 1706) (Cosponsors: Mr. Hughes of Auburn, Mrs. Snowe of Auburn, Mrs. Lewis of Auburn)

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

The Edward Little Baseball Team
State Class "A" Baseball Champions
For 1975

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

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

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

Mr. Drigotas of Auburn presented the following Joint Order and moved its passage: (H. P. 1707) (Cosponsors: Mr. Hughes of Auburn, Mrs. Snowe of Auburn, Mrs. Lewis of Auburn)

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

The Edward Little High School
Varsity Girls Softball Team
Coached by Robert Harnois
Androscoggin Valley Champions
For The Academic Year 1974-75

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. Rolde of York, the House voted to take from the tabled the fourth tabled and unassigned matter:

House Divided Report — Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-460) — Minority (5) "Ought Not to Pass" — Committee on Agriculture on Bill "An Act Making Potato Processors Subject to Certain Provisions of the Licensing and Bonding Statutes for the Bonding of Potatoes" (H. P. 794) (L. D. 967)

Tabled — May 28, by Mr. Rolde of York.
Pending — Motion of Mr. Mahany of Easton to Accept the Majority "Ought to Pass" as amended Report.

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

Mr. BERRY: Mr. Speaker, I would now move that this Bill be recommitted to the Committee on Agriculture.

The SPEAKER: The gentleman from Buxton, Mr. Berry, now moves that this bill be referred to the Committee on Agriculture.

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

Mr. MAHANY: Mr. Speaker and Members of the House: I see no reason for recommitting this item to the Committee on Agriculture or any other committee. This bill had a good hearing. There was much discussion in our work meetings. I think everybody has had a chance to study it, prepare themselves for what they want to do and I would not favor this bill being recommitted to committee.

I would hope you would oppose such a motion to recommit. This bill has been around some time. I have an amendment ready to offer, it lists part of it, and I think it is something that is workable and needed now. I hope you do not support the motion and when the vote is taken, I ask for a roll call.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: The only reason I stand up, and I hope we don't get in a long and involved fight and debate on this thing, but I want to stand up and make my position clear, because up until sometime yesterday, even I wasn't clear which way — I was originally going to make the motion to recommit. This morning, I just got off the phone with a reputable banker in Aroostook County, there was a question there, and I talked to a lot of the farmers, I talked to a lot of them yesterday afternoon, and now I support the bill as it stands minus the lien, and I would hope that you would not vote to recommit.

As the gentleman from Easton has mentioned, this has been studied. Believe me, there has been a lot of work gone into this bill. I think the gentleman from Limestone, Mr. Albert, can attest to that. The biggest thing I think you should look at is a token thing. We license everybody in the world to do everything. One of the farmers was down here yesterday, that both sides agreed was a good reputable, honest farmer, who said he was treasurer of a church that has a total budget of \$2,500 and was bonded for \$10,000, so, you know, the bond is no big thing.

I talked to some processors and naturally they don't want it. If you have got no control over yourself or your business, then this much too much. If you havenowno controlthenyou don't want any.

I just talked to the plant manager of the R.K. French Company, which is just starting up, they haven't even got their buildings finished, I don't think. He just flew back from his head office in Rochester, New York yesterday afternoon and I put it to him. He said, "Of course I don't want it, but it is not going to affect our schedule or our plans whatsoever. We live with this in other states, no problem." So I would hope you would oppose the motion to recommit and vote to let this thing run.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. McBrearity.

Mr. McBREARITY: Mr. Speaker and Members of the House: I have farmed successfully in Aroostook County for over 30 years. When I first started farming, we had 5,000 farmers in Aroostook. At the present time, we are down to 1,000 or one-fifth the number we had 35 years ago. In the last few years, we had one processor

take the State of Maine and Aroostook County farmers for millions of dollars in a sugar beet deal. A good part of the money from the State of Maine for sugar beets was spent for big tractors instead of harvesters to compete against potato farmers who had to furnish their own money and equipment.

Last year, I worked six weeks on a farm survey for the University of Maine. With potatoes selling for \$20 a barrel, I still found many farmers who didn't break even because of the small crop and the fact that it took all the potatoes they had to fill processing contracts at low prices.

This year, one processor reneged on 35 percent of \$7 per barrel contracts, leaving some farmers with no alternative but to sell for the street price of \$2 to \$2.50 per barrel. We have a third processor who presently owes Aroostook County farmers between four and five million dollars. The interest alone on this much money costs the farmers \$40,000 per month. This same processor in the last few years has bought a John Deere machinery dealership, a large motel, a hotel, thousands of acres of farmland and millions of dollars worth of farm equipment. This year, this processor will plant thousands of acres of potatoes and several hundred acres of peas. This makes pretty stiff competition for both the small farmers and a couple of processors who do promptly pay their bills.

I have here an eight-page contract, proposed contract, which is being offered by one of the processors this spring. With the loopholes in this contract, it isn't worth the paper it is written on.

With the facts I have just given, I am sure you will agree that potato processors in Aroostook County will in some way have to be regulated. Maine has a licensing and bonding act for potato brokers. Many other states have licensing and bonding laws for processors. This bill may not be a complete answer to the problems. The farmers I represent feel it is a step in the right direction. I am going to urge you to vote for this bill. This situation can't be much worse. I hope you will vote against recommitting this bill and let's get a little small bond on those people and a license so we can at least look at their books and find out whether they are buying more farms or giving it to the farmer who they owe.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. Albert.

Mr. ALBERT: Mr. Speaker and Members of the House: I have got to thank the gentlemen for helping me on my bill before I got started. I want to thank Representative Carpenter for seeing the light. He couldn't see it my way, but I think now he has seen the light.

I think Representative McBrairly covered the situation very clearly. I am not going to keep you here all day with a speech, but the situation is, ladies and gentlemen, we have got a problem up there. We have got a group of processors that are not bonded. Our potato dealers and our shippers are all bonded, every one who ships potatoes is bonded and brokers are bonded. We have a sliding scale that they go under. It starts from up to 200 cars of potatoes, the scale starts at \$5,000 bond up to \$50,000 bond. The bond itself isn't a very big thing, because anybody can go out and buy a bond, but the idea isn't the bond. The whole structure of the thing is the license behind the bond that is effective, which would be right here in our Department of Agriculture in Augusta where I think it should be handled. They will say, yes, you

have got the perishable agriculture commodity act in Washington, we have, but it takes about 30 days to get action, and 30 days after the horse is stolen is too late to close the door. So if we had under the Department of Agriculture in Augusta here someone licensing these people and bonding these people, when something arises like has in Aroostook County at the present time where one of these processors owes the farmers \$5 million — they are practically within a few dollars of \$5 million and a lot of people are not able to put a crop today in the ground due to that situation and it makes me feel bad where I have been a farmer. It would make me feel bad if I wasn't a farmer. It makes me feel bad because those people are going to be driven down the road.

I talked to people last week who had the cash last winter, but due to this situation they had to cash some of their life insurance to pay their light bill when these processors owed those people, one fellow in particular, \$2,000. Do you people think that that is fair? We grow potatoes to get our money. You people are in business, you know what business is like. We are not rich people; we haul a load of potatoes and expect to get the money so we can pay our bills, which we have not been able to. This thing has been going on for two years. This situation started back in 1973, and don't get me wrong, not all the processors are that way. We have got Agway which is a very good outfit, they pay their bills on demand. We have got the A&P which are already bonded. We only have two outfits that are not bonded, and those are the two outfits that are in trouble. They are going to go broke just like the rest of the farmers went broke, because they cannot raise potatoes as cheap as the individual farmer.

Ladies and gentlemen, I hope you people — I am just going to read one little item here. By the way, there is another processor in Caribou, Maine, which they call Cyr Foods Incorporated. Last year a group of farmers delivered their potatoes to those people for \$3.50 a barrel. This year they had a contract with them for \$7 a barrel, and they want to renege on 35 percent of their contract. What is good for the goose is good for the gander.

I know there are some bad apples in every box, we know there is. I called seven farmers yesterday in Limestone that reneged in the 1973 crop year, and Mr. Kimball of Potato Service stood right in the back seat here, in the opposite body of the House and told us people one night that they took a group of those farmers to court and he said the judge looked at them and said, I haven't got the heart to fine those farmers." He said they had overalls on, muddy boots on, what do you expect a farmer to have, a tuxedo suit on? This farmer who works the land, he has got to have overalls on because farming is not the cleanest job in the world. But I found out that that wasn't the truth. Seven of those fellows were fined. They didn't have the money to pay the fine because the processors owed them the money so they couldn't pay their fine. But this is what they had to pay. Five of them had to pay \$1,000 barrels apiece which is 5,000 of potatoes. The others had to pay 1,500 barrels of potatoes at \$3.50 a barrel. Now you figure that out, they paid their fine.

I am not saying that the farmer hasn't reneged in some ways. They went to work and paid the Canadian people for their potatoes and they are not paying us. So, ladies and gentlemen, I am not going to keep you here all day, I could go on and on

and on, but I am not going to, but I hope you people will support this bill today.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I sincerely support the statements of the previous speakers and I hope you will support the good gentleman from Easton, Mr. Mahany, and heed his request and not have this recommitted to the Committee on Agriculture.

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

Mrs. BYERS: Mr. Speaker and Members of the House: I don't know anything about the potato growing or farming, but there seems to be another question here, and maybe this was the reason for recommitting. It seems that we are going to be bonding processors, and I believe that is similar to a manufacturer. Bonding brokers is a well known practice. We bond brokers because they have a small office and they could easily pick up and move. But this is a matter of bonding a company that has a lot of assets, as has been mentioned here, and I would like to pose a question through the Chair to anyone who would care to answer. Are there any other manufacturers in this state who are required to have bonding?

The SPEAKER: The gentlewoman from Newcastle, Mrs. Byers, poses a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Limestone, Mr. Albert.

Mr. ALBERT: Mr. Speaker, in answer to the question, in the 105th Legislature, we passed an act here to bond the brokers and the dealers. We were having a lot of trouble. The busy fly-by-night's would come out of New York and buy some potatoes up here and we couldn't even find out where our potatoes were going. So that was the reason we set up the bonding thing, so today every broker and dealer are bonded, so they have to tell us where our goods are going. By bonding these brokers, we have made them very capable, in other words. They live well with it. When that bill came up, they filled the halls here opposing it. They said we were going to drive them out of business.

I want to tell you, ladies and gentlemen, I am not standing here before you today because I want to drive anybody out of business, I do not. We need everybody. We need the brokers, they need us; we need the processor and they need the farmers.

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

Mr. HALL: Mr. Speaker and Members of the House: I was one of the "ought not to pass" signers, and I think Mrs. Byers, the question she asked was one of them that I had to struggle with. It is apparent to me that this is going to open up quite a can of worms. What is to stop the sardine industry, the blueberry industry or even Don Hall or my good friend Mr. Palmer in the Christmas tree business? It is quite apparent that what is happening in the potato processing industry is more or less a vendetta.

I don't know if this is the right route to take in order to settle this or not, but once you start in on bonding, every industry will have to come underneath the same orders.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I will

attempt to answer the question of the gentlewoman from Newcastle and also speak about something that Mr. Hall just spoke about. This bill deals with potato processors. I can see what Mr. Hall is talking about when he talks about the implications of this.

Currently, potato processors in the State of Maine are not licensed by anybody within the State of Maine. I don't know whether the blueberry or sardine people are or not. I don't know what is wrong if this licensing portion and the bonding portion would overflow to the other industries, I don't know what is so wrong with this. As I told you, I just talked to a processor who is just coming into the county, they are a reputable organization, and they have got no problems with this.

I disagree with Mr. Hall that it is a vendetta; I don't think it is a vendetta. In the opinion of the man that I just talked to, the banker whom I was led to believe this morning that I was against it, by the way, he said in his opinion, there was no processor up in Aroostook, I'm not talking of the ones in the southern part of the state who would have a problem with either raising the bond, posting the money or becoming licensed.

I don't really know why we are all debating this this morning, I know there are a lot of commitments. I would sincerely ask the people in this House to think about this bill, it is very important. As I told you, 24 hours ago, I was way on the other side, I couldn't get any reaction out of my farmers around the Houlton area because normally they don't deal with the processor. The processors are up further north, Presque Isle, Caribou area.

I can't answer the questions as to whether any of the manufacturers are bonded or not but some of these people have not paid their bills. That is the key to the whole thing and we have no control over that within the State of Maine. Now, someone is probably going to get up and tell you about P.A.C.A. Perishable Agricultural Commodities Act, federal legislation. They just now have started to take action against the processor for offenses three or four years old.

Well, anybody who has been in the farming game, whether it's tree farming or blueberries or anything else I can think of in the State of Maine, you can't go three or four years. You are living from year to year.

There's going to be a study this summer, at least some of the county delegation is going to study this whole area processing this summer, because there are a lot of questions that have to be answered. The question about the lien that has to be answered and I was getting prepared for my remarks yesterday, I thought the bill was coming out yesterday, I sent a Page down to get me a fifteen cent bag of potato chips. When you buy 165 pounds worth of potato chips, you're paying 369.00 a barrel. All right there's a lot of shrinkage in potatoes because there's a lot of water in them. You figure 35 percent recovery and you are still paying \$139.60 a barrel and the farmers are getting \$3 or \$4. Now what this boils down to if you want to know where the county delegation and where the county people stand on this, I'm talking about the people back in the county, as near as I can break it down, that under 150 acre growers, the small farmer is supporting the bill, your big farmer is against the bill. That's as nearly as I can break it down. I had some problems with this as I said, I was scared. I don't want to put the

processor out of business, I don't want to cause potato service or anybody else to cut back one job with the unemployment rate being what it is in the State of Maine and in Aroostook County. I have no reason whatsoever to believe that this bill will hamper anybody. As I have said, processors called us, we got letters from processors saying they couldn't live with this, I went to the experts and I asked them and as I told you before, of course, the processor doesn't want this because if you are under no control, then that's the way you'd like to keep it. You don't want any control, Stop and think about it, think about the people in Aroostook county, think about the people in the other parts of the State of Maine. I've talked to people around here, this is not just an Aroostook County bill by any means. The farmer, all he wants is to get paid, Sure, there are some farmers that broke their contract, that's another argument that's going to be thrown out here, the farmers who have broken their contract with the processor, now you stop and think about it, I deal with the processor consistently and I deal with them this year and next year, three years from now I am not going to renege on my crop because the price is better down the street, if I ever want to go back to that processor. Certainly people do break their contracts but you have got your five, ten percent anyway you look at it. You always get a few bad apples and those people probably would never contract with a processor again.

I talked with some people yesterday who, at that time, were on my side. There is no concept to what this bill meant and they said "yes, we'll go along with you". Believe me, this is the first thing I've seen since I've been here, the Aroostook County Delegation is split and I don't know what the head count is, I thought yesterday it was 15-2 in favor of the bill after I switched over, and now I'm not so sure. I think it's heavily in favor of the bill still but as I say, I am not so sure. I would urge you to think about what this bill might mean to the processor and to the farmer.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: Being the one who made the motion to recommend, I think probably now we'd ought to start explaining what's going on. I think a few questions have been raised. I think Mrs. Byers raised a very, very important question and I don't think that question was answered. An attempt was made to answer it and I think somebody mentioned potato brokers. Well, a potato broker can set up shop in a phone booth. He has no collateral, he has no obligations, all he needs is a phone booth and a telephone to become a broker. That is why brokers are bonded. He can pick up move out-of-state faster than just about anything that I can think of which I can't happen to think of right now.

What the bill proposes to do, it proposes to bind one person in a contract to bind a bond. Now, normally when two parties make a contract, two parties have an obligation. We're proposing today with the bill, to bind one party, only one. There's no question that processors owe farmers in Aroostook County money. There are reasons why they owe them money.

It was mentioned a few minutes ago about somebody renegeing on a price, the thing that wasn't mentioned was that the processors's plant burned down. He couldn't process potatoes. He didn't need

thousands of barrels of potatoes coming in to a burned down plant so he went to the farmers and they negotiated and they worked out a lower price and he still took the potatoes even though the price was lower and even though he couldn't process them.

There also is another processor in Aroostook County that does owe \$4 million to the potato farmers or close to \$4 million and over the last three or four year that same processor had commitments from most farmers that were going to deliver him 7,888 barrels of potatoes. Under contract, the potatoes went to Canada, they didn't go to the processor where they were committed to go, the reason they went to Canada was that the Aroostook County farmer found that he could get a better price in Canada so he took his potatoes to Canada and he got his better price, but this great big bad rich processor that everybody is talking about had already committed those potatoes. You don't go out and decide to process potatoes just for the sake of processing them, you decide how many you can market and where they are going and if you are in business you make a contract with somebody on the other end that's going to buy this finished product. All of a sudden there was no raw product, it had gone across the river, but yet, we want to bond the guy that is making the finished product and we don't care about bonding the guy that ships across the river for a higher price, the fellow who had just renegeed on a contract he had made. That is one of the most significant points about this whole bill, and it was mentioned before, this most certainly is not a unique problem to Aroostook County, this affects the whole State of Maine. All of the processors are not in Aroostook County although there are six large ones in Aroostook. The thing that bothers me most about this bill is that out of the six processors in Aroostook County, three of them cannot get bonded. It just isn't possible for them to get bonded, they are so financially insecure that they cannot obtain a bond. Now what's going to happen to the Aroostook County farmer if Aroostook County loses three processing plants? He most certainly isn't going to have a better market for his product.

The State of Maine, at one time, used to be the number 1 potato producing state in the United States, or in fact, the world and that wasn't long ago. Today, the State of Maine ranks third behind Idaho and Washington. Ten years ago, Washington didn't even raise a potato and there are reasons for this, there are many reasons why Maine has slipped and slipped and one of the reasons is that we go about the business of trying to do things in the fashion we are doing it today. We come in here with a little patchwork job, and say "this is a great thing, this is going to cure everything that is wrong in Aroostook County". We've done it for so long that we have allowed the competition in other potato producing states to pass us and its doubtful if we'll ever catch up, because they, on the other hand, have gone ahead and they've looked at their industry, they've found out what's wrong with it. They've studied it, they've built their laws around a study and they implemented those laws and, when they did, we started slipping from first to third and if we don't stop now and start looking at the problems that are plaguing us and get away from this patchwork attempt, and if you don't think it is a patchwork attempt, I'll tell you right now, just yesterday there was one

meeting held on this bill, it was mentioned this bill has been around a long time, well, it has, it's been around for a month and a half or so. Just yesterday, the thing was still being thrashed over and you heard Mr. Carpenter tell you that. If you're going to do anything for the potato farmer and for the potato industry, you have got to do it with both parties, you can't deal with the situation when you deal with just one side.

I made the motion to recommit and I most certainly hope you will because I think that we are just going to have to start and find out what the problem is and then try to deal with the problem.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: If you ever heard a canned speech, you just heard it. The first thing I am going to do when I leave this building today or when I leave it to recess is to call the Potato Council and see if we can't hire Mr. Berry to go up and straighten out our affairs in Aroostook County. I think we need him, I think that's what I will do and as far as the Canadian Border, I wonder if he would know the Canadian Border up in Aroostook County if he came to it. The potatoes that crossed that last year were thousands and thousands and barrels of potatoes were already owned by the processors in Canada, they were raised in the State of Maine. They gave our people work, they paid their taxes, a lot more of them were raised by the Honorable Mr. Vahlsing, 3500 acres or so that were hauled into Canada that were owned by the gentleman in Canada. They did have a market price last year which paid a few more dollars for real, real good potatoes to be hauled into Canada, every farmer picked it up. There were a lot of farmers in my district, many many, many in Monticello, Littleton, Mars Hill that weren't contracted with the other plants mentioned here this morning but I'll tell you ladies and gentlemen, that last speaker mentioned that you couldn't get bonds. Today if you are a murderer out here and they put a \$20,000 bond on you or a \$100,000 bond, if you can raise the money, you can get the bond, and it isn't too expensive either. I'll tell you right now you just heard, as I said, a canned speech, it's ridiculous for someone to speak against something that I know that they don't know anything about. I don't think anyone here realizes, I know a lot of you do that farm and for someone who hasn't farmed and who hasn't been in Aroostook County, sure as the world, can't tell us how to run it, but again I'll call the Potato Council to see if we can't hire him to come up and if he can cure our ailments up there, I think probably we can pay him a pretty fair salary, more than he gets in the legislature.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I certainly appreciate Mr. Finemore's offer. I kind of been looking for something, I thought we were going to get out of here in a week or two and things haven't been going too well here monetarily and if you do happen to come up with an offer, Mr. Finemore, I certainly would like to hear it, but I can assure you of this that was no canned speech. I do know where the Canadian Border is, I've been to Aroostook County several times on this very issue, I've served on the Agriculture Committee for five years and if there's anything that we

discuss on the Agriculture Committee, you can bet your sweet life, it's potatoes and probably what we should have done the first year I got on the Agriculture Committee is try to do what we are trying to do now and maybe if we had, you wouldn't have that many farmers in Aroostook County that are hurting the way they are hurting today.

I mentioned before I know that there are farmers up there that haven't been paid but I also know there are 218 farmers up there that didn't deliver the product.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. McBreairty.

Mr. McBREAIRTY: Mr. Speaker; Members of the House: I'm going to try to answer a few questions that have been raised here. Mr. Berry said the plant burned down, they had a minor fire in that plant that held them up for ten days, and in ten days, they were going again. While they were turning down people with contracts, they were buying off the street for \$2 to \$2.50 a barrel, to take the place of those potatoes they were turning down.

Now to try to partly answer Mrs. Byers' question, yesterday we had a sheet and I thought I had it here but I haven't but I think there are only two states that have potato processors, possibly three, that don't have this bonding and licensing act. I think you heard Mr. Carpenter say that he checked with French's this morning or yesterday and they said they'd rather not have it but they are dealing with the same thing in the other states that they operate in, so they don't mind too much.

Now, I mentioned here having a supposed contract, it's eight pages, so I wouldn't take the time to read all of it but I'll read a couple sections: now this says "buyer shall endeavor to pay grower within 30 days for potatoes, subject to this contract on the basis of the weight, grade, condition, however, in no event shall the time of delivery until the time of payment exceed 90 days unless requested by the grower". Now if the grower, after 90 days, requests that they don't pay him, well this is perfectly all right but in 90 days, there's also another section here that gives you the months that you deliver. I won't read it but it says you must deliver in the months that they request but if they desire they can tell you what month, they could make you save them all until May if they wanted to. Now that's quite a contract.

There is another section here that I would like to describe a little bit, it says here "the failure to produce specific gravity or maintain fry color to meet the terms of this contract shall not be considered an Act of God". This plant's 10 day shutdown, was an Act of God. If they lost the sprocket or a gear in that plant and couldn't get it, that would terminate your contract.

Now, I have a friend who is one of the best farmers in Aroostook County, I spent a couple of hours with him the other Saturday night talking over this thing. He was hauling to a plant. You have specific gravity and you have a fry test but contract says here that if they accept the potatoes, if they don't fry to satisfy them, and they accept the potatoes, they give them 12 cents a hundred less. His son was hauling so he got two or three loads in before he realized what was going on, they accepted the potatoes but instead of giving him 12 cents a hundred less, they give him 4½ a barrel less, they give him the street price so he went down with the next load himself, they took the fry test. He said,

"well, let's take another". They took another, they split this potato, they take a section of each potato and they fry it and if they are too dark, they don't fry to satisfy them, if they're light colored, well, this is what they want. So when they took a section, he took a section. He said "Leave my load here for a few minutes while I check this out". He went to the plant across town, had them fry, they fry perfect, he brought them back, showed the gentleman and they stuttered and stammered a little and took his load and he had no more trouble, but I don't know what happened to the other fellows. All you would have to do to make those potatoes fry black would be to add a little sugar to the fat or turn the temperature up. All you'd have to do to throw your specific gravity off would change the amount of brine or whatever they use, so this contract isn't worth a nickel. How many of us here would want to work here for the state under a deal like this where they pay us within 30 days if they wish, but we work for 90. In 90 days, a man could haul in his whole crop.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. Albert.

Mr. ALBERT: Mr. Speaker, I wanted to ask Representative Berry through the Chair a few questions but I see he has left, so I guess I'm not going to be able to.

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

Mr. MAHANY: Mr. Speaker and Members of the House: I don't want to prolong this but I do want to add one or two things that haven't been said. I want to answer the young lady, Mrs. Byers, on her question a little more thoroughly.

Many of the states do have a licensing and bonding law and in Washington state that Mr. Berry was talking about, does have a bonding-licensing law. They also say in this letter here that they should and will work for a Lien Law.

I have one or two broad statements, one is the gentleman from Buxton says how many farmers reneged on their contract but he didn't tell you why. If you know and read the contract, you would know more reasons why, that contract, if you haven't read one, I got it, that contract calls for payment every seven days on Friday. Sometimes the farmer, especially in the fall of the year, he can haul in two thousands barrels of potatoes very easy, the next Friday comes, he doesn't have any money. After he puts in so many, of course, he's going to stop hauling, he needs some money, he can't live without it.

This is a good bill and we need it and all it is doing is what's being done and has been done in many states. The states if you want me to read them, I will, that has a license and bonding law but I won't take the time unless somebody asks me.

Aroostook County, the farmers in Maine that grow potatoes all need this bill passed into law. We need it for protection, not only to the farmers, but to the business houses, and to improve the general economy of Aroostook County.

I have one more statement here that I'd like to make and I have a lot here, that I could go into a lot of material that wouldn't be repetitious but this is something I want you to keep in mind. When you talk of a potato service and American Kitchen Foods, you have on your desks which was put there yesterday, a brochure, it's a copy from the Caribou paper, the Aroostook Republican, it tells you about how many farms or how much property or so forth that they have accumulated. I'd like to say

that in 1961, I think it was, or thereabouts, when Potato Service came into Aroostook County and built their plant. It was that time that they began to buy farms, etc and they have expanded, but on top of that, in 1970, they built another big plant in Red River Valley area, North Dakota so when you think of these American Kitchen Foods and Potato Service, you've got to keep in mind the western plant because it is all under the same corporation, same holding company, which is American Kitchen Foods.

Now I have this paper here I would like to read to you, and it says 'negotiations for this loan have been going on for some time but I have it on good authority that recently it has been approved, loaned to Western Potato Service disbursed last week as follows: \$2,084,000 to Red River Valley Growers, \$381,000 to Canadian growers, a total of \$2,465,000 but there's none there for Maine growers and for the past two weeks, the best I can find out, in spite of the file of the P.A.C.A. complaints that have been filed, the farmers hauling to Maine Potato Growers and American Kitchen Foods have received very little, if any money.

Ladies and gentlemen, this is a good bill, it's needed and doesn't hurt the good processor that is already there, if there is any processor that can't have a million dollar business, that this is, can't buy a license and whatever side it might be determined, the bond could run from \$5 to \$50,000, I don't see how you can expect the poor farmers and I'm not talking about the corporation farmers, I'm talking of those young farmers who are trying to build and pay for the mortgage on their farm, how can you expect them to subsidize it if they aren't in position by fall and other things unmentioned about this bill? If passed into law, it would not become effective until the end of October probably. That gives several weeks or months for these processors to move their inventory of frozen products and pay the farmers as they should, then they shouldn't have this hangover debt to make it tougher for them to get a license. Ladies and gentlemen, I hope you will support the bill at this time, we need this bill, we need it now.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am not from Aroostook, I am from Penobscot but I represent a lot of farmers who do raise potatoes. They need the bill and I want to see if I can help urge you people to support it and, while I'm on my feet, I will try to answer the gentleman, Mr. Hall, when he says, as I understand his conversation, might get into bonding blueberry processors or might get into some other processing in the sardine business, etc.

Now I will enlighten you on my stand on that, if I am in this House and they don't pay the blueberry farmer like they don't pay the potato farmer, I'd be the first one to vote for a bill to bond them. So far, I haven't heard any complaints, the blueberry farmers have been getting their pay as far as I know. The people harvesting sardines, as far as I know, have been getting their pay but if the day comes when they don't pay the fishermen, I, too, would see that they were bonded or see to it, that they would get their pay because a man who works for a days' work, I want to see him get his pay and I would do anything to protect him whether he was a blueberry farmer, potato farmer, or if he harvested sardines. So, in that light, I don't

think we are starting a new criteria. Let me say, that I want all the states to have this bill but I'll name the only two that don't and that is Arizona and Maine.

Now, there are a lot of you who are afraid of this bill about the lien in it and if you will go along this morning and don't recommit it, Rep. Mahany is going to offer an amendment that must be on your desks now, that eliminates the lien. Some of the Aroostook delegation didn't like the lien part of it so this is going to be eliminated by amendment. Someone else mentioned that some of the processors like Agway, and A.P. well, they are already bonded because they ship raw potatoes out-of-state.

I won't go along and take any more time, I think the thing has been pretty well covered except I want you to know that I'm not from Aroostook, I'm from Penobscot and Penobscot farmers support this almost to the last man. I support it because I represent these people and I hope we don't recommit it this morning, you let Mr. Mahany put the amendment on and I'm sure we will be on the right track and if you people represent someone that is in another business and they are not getting paid, well, we may have to do the same thing in that area. I hope we don't have to, but if we do, I'll be one that will do it.

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

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps someone from an urban area who is not a farmer, who does live in Aroostook County, should say something about this bill. My concern is with basic justice and there seems to be two arguments raised against this bill. The representative from Enfield has dealt very well with the first one which I would call the open-door argument. This argument has probably killed more good legislation than any other argument that has ever been advanced. If we pass this, we will be opening the door. Well, we are talking about the potato industry, not some of these other industries. The other argument seems to be that because it is claimed, and whether it is true or not, I don't know, that some farmers did not honor their commitments. For some reason, this seems to make it all right not to pay the farmers who did honor their commitments and I really can't see that this is any justification.

If anyone who pays his bills, why should he worry about posting a bond to guarantee that he will pay them. Very few people are going to probably ask you to post a bond if you have a good reputation for paying your bills so I really can't see why anyone who intends to pay his producers would worry about this. It would seem to me that by simply objecting to being bonded would to me be a pretty good indication that you did not intend to pay your producers. If I have not already made it clear, I am supporting this bill.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I have been a member of the Agriculture Committee and served with the gentleman from Easton and the gentleman from Limestone and I have been very impressed with their knowledge of potatoes. I would hope today that you would go along with their thinking.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I am not a representative from Aroostook County, I am a representative from Penobscot County. I would like to take issue this morning with the remarks from the gentleman from Enfield, Mr. Dudley, that all of the potato producers in Penobscot County are not in favor of this bill. However, it is my understanding that if this bill moves along and the amendment concerning the lien provision is withdrawn, the majority of the farmers in my district would support the bonding issue.

Therefore, Mr. Speaker, I would hope that we do not recommit this bill and if the lien provision is withdrawn, I would support the bill.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Agriculture Committee who pondered this problem many hours, meeting late in the evening with the processors and also with the farmers, also going home and mulling the problem over in my mind in trying to determine the best approach, what would be best for the industry, best for the people concerned, I am very well aware that the people in Aroostook County, a rare breed of people because they are potato farmers and we are in other businesses, that I recognize that the people in Aroostook are better able to solve the problems over Aroostook County. I realize that and I go along with the Aroostook County Delegation with whatever they decide that they should do to solve this problem, but I do want to point out to you that I did give this document an "Ought to Pass" Report, my signature, and I usually honor my signature on any document that I put it on.

Where I come from, ladies and gentlemen, we pay our bills. Any man that owes me any money, he doesn't have any peace of mind until he pays me, and I want you to know that I stopped a man in the broiler industry, I used to raise broilers, he owed me quite a sum of money, and I opened the door to his car and he got out into the street and I offered him the opportunity of walking 40 miles or paying his bills. I said, I can assure you that you are going to walk because I am going to walk right beside you. I said, you are going to pay me, come high water, and don't forget it.

I think that a man that makes a contract should honor it. I think that a man who owes a man money should pay his bills. This is the basis of our very society and when I found out that the processor had taken these potatoes and processed them, put them in his warehouse and had mortgaged them, he mortgaged a produce that he did not own, he had not paid for it, I considered this an out and out act of fraud and I assumed that he was liable under the law in this state for prosecution. I made a motion in the Agriculture Committee that the House Chairman and the Senate Chairman take immediate steps to approach the Attorney General and bring this man before his peers.

I also recognize that we have an industry that needs help. I also recognize that the people involved in this industry has been in it for years and know more about it than I do and so I will go along with the delegation of Aroostook. Whatever they decide they want to do, I certainly will withdraw whatever motion I have,

whatever I have done, and I will go along with it, because I feel that the people concerned, the people involved, and the people that have been in this for years know much more than I know.

Mr. Albert of Limestone was granted permission to speak a third time.

Mr. ALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I received a couple of notes and they asked me why I had the Lien Law repealed. The reason that I had the Lien Law amendment put to this thing, I talked to bankers and the bankers felt if the Lien Law was there on finished products, they couldn't get a lien on it in case they wanted to borrow money. I instructed Mr. Mahany to do so, so it goes to show you that I am not trying to hurt anybody in Aroostook County, that is the reason I withdrew the lien.

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

Mrs. BYERS: Mr. Speaker, Ladies and Gentlemen of the House: I presume I had an answer to my question and that is that manufacturers in this state, at this time, do not have to be bonded. I agree with Mr. Carpenter from Houlton that this is not an Aroostook County problem, this is a problem of bonding manufacturers everywhere in this state.

I think that I can agree with Mr. Carroll, too, when he said this morning we have been talking about breach of contracts and that is what we have been talking about, breach of contract. I wonder what that has to do with having to bond a manufacturer.

I heard Mr. Mahany say that contracts have already been signed for this year and if they have, and if this bill does not have an emergency clause, which it does not appear to have, nothing would happen to this until next fall anyway, so I think that I will vote to let this be studied, because it is a bigger problem than just the potato processors, it is a problem of bonding manufacturers in this state.

Mr. Berry of Buxton was granted permission to speak a third time.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I think by the very fact that an amendment is going to be submitted to remove the Lien Law portion of the bill that we are now discussing should indicate to you that possibly there is something wrong with the bill.

About a month and a half ago, the Lien Law was put into the bill, farmers all over Aroostook County were aware of it. They met several times and they were urged to support the lien law and they were told this is the answer to our problems. If we can get this Lien Law through the Maine Legislature, everything is all right, our problems are solved, and I have that in a bulletin that was put out by Mr. Weeks of the Maine Potato Council.

Now, apparently Mr. Weeks and the Maine Potato Council and some of the members of the Aroostook County Delegation don't think the Lien Law is the solution to the problem and I submit to you that the whole problem is that nobody knows what the problem is and this is what we ought to be finding out.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. McBreairty.

Mr. McBREAIRTY: Mr. Speaker, Ladies and Gentlemen of the House: That section of the Lien Law was drawn up by Mr. Weeks in my motel room one night. The only reason he happened to be in there was because my grandson was going to ride home with him. I advised him then not to put it on this bill, but they did.

The reasons the farmers are willing to give up that Lien Law is just the reason that has been stated here, that the banks, unless they can put a claim on those potatoes, wouldn't loan on any money, so the farmers actually gave up the right that they should have because it is their product, not the banks, they gave that up by giving permission to withdraw that Lien Law. With the Lien Law, they could have put a claim on those potatoes and got their pay, maybe, before they were shipped out, so that is the reason we are withdrawing.

I made a statement here when I started that I farmed successfully in Aroostook County for 30 years, and I think the reason I farmed successfully was because I didn't ever sign one of these contracts, because if I had, I couldn't have signed successfully.

I am going to take the time, and I know I shouldn't because we have spent a lot of time, to read a little section of this proposed contract. It says, "Refusal of potatoes: Buyer may refuse to accept delivery at its option of all or any portions of said potatoes before or during delivery to the plant for processing and there shall be no obligation on the buyer to pay for refused potatoes or any transportation charges on same if any of the following conditions exist: the refused potatoes contain ringrot, frozen tubers, frost damage, hollow hearts, black hearts, pressure bruise," now, I don't believe there is a load of potatoes in Aroostook County that wouldn't contain one or the other of these things. If you dug them late, they would have frost. I know people who have a little ringrot. Pressure bruises, we always have some pressure bruise in the spring. I will go on, prosoisms in excess of tolerance, blight, wireworm or any other condition rendered the potatoes unsuitable for processing or storing in judgment. The refused potatoes contain less than 60 percent number one quality or over 6 percent cull.

In russet potatoes, you hardly find a load that would contain less than 60 percent cull. Any lot of potatoes test less than 1.072 specific gravity at time of delivery to plant. Now this test is not controlled by anyone but the processor. It should be controlled by federal inspectors but it isn't. Any lot of potatoes tested less than gravity, now, the refused potatoes receive color standards of 0005500. The refused potatoes permitted tolerance of any chemical pesticide, herbicide or fungicide, as referred to in the contract. For any one of these things I have mentioned, they can refuse to take these potatoes. Now, at buyers option, they may accept potatoes refused under this section at a price agreed to by the two parties, so that is a wonderful contract.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: Just a brief reply to a question posed by the gentlelady from Newcastle, Mrs. Byers. I think she asked the question that this year's contract, without an emergency on this bill it might not do any good. I raised potatoes years ago on our family farm, but 90 days from our adjournment, which we hope is sometime this month, certainly there won't be any of this year's crops that will be dug that will want to be stored for processing. So I would think the normal time of events would take care of the time lag and the passage of this bill would certainly take care of the problem this fall and winter.

The SPEAKER: The Chair recognizes,

the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, could we please have the Committee Report read?

Thereupon, the Report was read by the Clerk.

Mr. Carpenter of Houlton was granted permission to speak a third time.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I would just want to make sure everybody in here knows that the motion to recommit is a little bit deceiving I think. If you believe in the concept of what this bill tries to do, then please, please don't vote to recommit. It is a very sophisticated way of killing this bill and believe me when I say that. We have gone around and around about this and I know who is for it and who is against it. I know who is working right in this House to kill the bill. I already know of people who have been hired to kill the bill. This is a very emotional thing and the only thing I would ask is that you support the gentleman from Easton, Mr. Mahany, and the gentleman from Limestone, Mr. Albert, and please do not recommit this.

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

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

The SPEAKER: The pending question before the House is that this Bill be recommitted to the Committee on Agriculture. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Blodgett, Boudreau, Byers, Dow, Hall, Hewes, Jalbert, Jensen, Kennedy, Lewis, Lynch, MacEachern, Nadeau, Quinn, Rideout, Snowe, Talbot, Usher, Wilfong.

NAY — Albert, Ault, Bagley, Berry, G. W.; Berube, Birt, Burns, Call, Carey, Carpenter, Carroll, Chonko, Clark, Conners, Connolly, Cooney, Cote, Cox, Curran, R.; Curtis, Davies, Doak, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Henderson, Hennessey, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Joyce, Kelleher, Laffin, Laverty, LeBlanc, Lewin, Littlefield, Lovell, Lunt, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, McMahan, Mills, Miskavage, Mitchell, Morin, Morton, Mulhern, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Powell, Raymond, Rolde, Rollins, Saunders, Silverman, Spencer, Strout, Stubbs, Tarr, Teague, Theriault, Tierney, Tozier, Truman, Twitchell, Wagner, Webber, Winship.

ABSENT — Bachrach, Bennett, Bowie, Bustin, Carter, Churchill, Curran, P.; Dam, DeVane, Faucher, Gray, Greenlaw, Higgins, Kany, Kauffman, Kelley, LaPointe, Leonard, Lizotte, Peakes, Pearson, Peterson, T.; Shute, Smith, Snow, Sprowl, Susi, Tyndale, Walker.

Yes, 20; No, 101; Absent, 29.

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

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-460) was read by the Clerk.

Mr. Mahany of Easton offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-680) was read by the Clerk and adopted.

Committee Amendment "A" to House Amendment "A" thereto was adopted and the Bill assigned for second reading June 16.

House Reports of Committee Leave to Withdraw

Mrs. Clark from the Committee on Business Legislation on Bill "An Act Relating to the Statutes Concerning Charitable Solicitations" (H. P. 1431) (L. D. 1794) reporting "Leave to Withdraw" Report was read.

(On motion of Mr. Rolde of York, tabled unassigned pending acceptance of the Committee Report.)

Ought to Pass with Committee Amendment

Mr. Drigotas from the Committee on Taxation on Bill "An Act Increasing the State Gasoline Tax" (H. P. 1055) (L. D. 1332) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-743)

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-743) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar Second Day

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

Bill "An Act to Create a Commission to Revise the Statutes Relating to Juveniles, Including the Statutes Relating to the Juvenile Court" (C. "A" H-732) (H. P. 1271) (L. D. 1752)

Bill "An Act Amending Laws Relating to Juvenile and Correctional Institutions and Judicial Dispositions" (C. "A" H-731) (H. P. 518) (L. D. 647)

Bill "An Act Relating to the Registration and Practice of Professional Engineering" (C. "A" 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" (C. "A" S-275) (S. P. 443) (L. D. 1503)

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

Passed to be Engrossed

Bill "An Act to Provide Maine No-fault Motor Vehicle Insurance Reform" (H. P. 1698) (L. D. 1932)

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

Mrs. Clark of Freeport offered House Amendment "B" and moved its adoption. House Amendment "B" (H-748) was read by the Clerk.

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

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "B" before you is an amendment which the Committee on

Business Legislation considered during the hearings on no-fault during this current session of the legislature. House Amendment "B" incorporates in concept those sections of the now infamous Tierney no-fault bill which passed this body in a special session of the 106th legislature.

House Amendment "B" focuses clearly on the issues of primary and duplicate coverage. House Amendment "B" would address the issue of, is no-fault insurance going to cost Maine citizens less money or is no-fault insurance going to cost Maine citizens more premium dollars? Should House Amendment "B" adopted by this body, I would suggest that the answer would be in the affirmative, that House Amendment "B" would eliminate duplicate coverage in an important area under no-fault coverage.

The purpose of this amendment is to include health insurance proceeds and Blue Cross benefits in the computation of subtractable benefits. Under the proposal, a person would not receive double recovery when he or she was injured in an accident. If the double recovery were eliminated, the cost of the automobile insurance policies would be reduced.

Health care financing systems by health insurers and Blue Cross are already functioning well with many years of experience. The administrative costs of health insurance companies average far less than those of automobile insurance companies.

Nationally, health insurance companies average 20 percent of premium dollars for administrative expense. Blue Cross has an administrative expense of 7.6 percent, and the other 93 percent is paid out in benefits to subscribers. Compare these figures with the present 45 percent administrative expense of the automobile insurance industry, and we get a return of only 55 percent compared with the 93 of the blue. In terms of average cost to individuals under no fault, this difference in operating costs means the Blue Cross subscribers, most of Maine citizens by the way, would continue to pay in \$107.53 and receive back \$100 in automobile accident-related health care benefits. Whereas, in an opposite example, if automobile insurance pays first, these same subscribers will have to pay the automobile insurance companies \$181.82 for the same \$100 in benefits.

In Puerto Rico, and I know there are those among us frequently, including myself, who say let's stick to Maine, but this example in Puerto Rico has immediate relevancy and I would request your attention. No-fault programs in Puerto Rico require that whatever health insurance a person has must pay first and that is the issue of primacy. Auto insurance personal injury premiums were lowered in Puerto Rico 30 percent in 1970 and another 20 percent in 1972. Such savings would make mandatory no-fault automobile coverages more affordable, not just in Puerto Rico but in the State of Maine, while enhancing the possibility of the purchase of additional optional coverages.

Ninety-three percent of the people of this state have some form of health insurance. It makes no sense to me that it may be necessary for these consumers, you and me, to be required to incur additional health coverage under mandatory, compulsory no-fault coverage or be subjected to the confusion which would inevitably result if the source of their coverage becomes further fragmented.

The bill, L. D. 1932, before us in its

present form, does not solve the problem of primacy and duplication. It suggests, rather, that the insurance companies can work towards solving the problem by submitting the plan to the superintendent of insurers. It may be possible and it could be likely that such a plan, when submitted to the superintendent, would be designed in such a way as to make it immediately unimprovable, if you will. L. D. 1932 has my support. I would support it much more strongly if I could insure the people and the citizens of this state that they would be saving money with the passage. I would submit to you, with the adoption of House Amendment "B", that dollar and cent savings would be a positive result.

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: Could I pose a question through the Chair to the gentlewoman from Freeport? Are you saying, Representative Clark, that no-fault insurance premiums of those people who have Blue Cross and Blue Shield hospital insurance will be less than those who do not have hospital insurance, Blue Cross or otherwise?

The SPEAKER: The gentlewoman from Madison, Mrs. Berry, poses a question through the Chair to the gentlewoman from Freeport, Mrs. Clark, who may answer if she so desires.

The Chair recognizes that gentlewoman.

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I am suggesting that if Maine citizens were not required to subscribe to med pay under no-fault coverage, they would be saving some premium dollars.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of House Amendment "B" and would speak to my motion.

The SPEAKER: The gentleman from Durham, Mr. Tierney, moves the indefinite postponement of House Amendment "B".

The gentleman may proceed.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: The bill which you have before you is my bill. The amendment which you have before you was an integral part of the no-fault bill which I presented last session of the legislature.

If you believe in no-fault insurance and if you would like to see no-fault pass, I urge you to vote with me to indefinitely postpone this amendment. Even if you think it is a perfect amendment, it kills this bill dead as a door nail. I sure hope you reject it on that ground if no other.

There are substantive reasons to reject the amendment as well, because this session this bill has worked out a compromise version whereupon, through a system of deductible plans submitted to the Insurance Commissioner for his approval, both the health carriers, profit and non-profit, will be able to compete fully and freely on the open market with the casualty insurers. I do hope you reject this amendment, competition is better.

The new draft takes care of one of the problems mentioned by the gentlewoman from Freeport, and that is the deliberate submission to the commissioner of a poor plan. The commissioner, under the new draft, has specific authority to reject a plan and to require the insurance carrier

to resubmit his plan to meet specifications. I do hope you reject this amendment, I hope we can keep this bill alive.

If there are arguments as to the rest of the bill, I would be happy to answer them after we dispose of this amendment.

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

A vote of the House was taken.

82 having voted in the affirmative, 5 having voted in the negative, the motion did prevail.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Before this bill continues on any further, I would like to make a few comments and then maybe someone can answer some of the questions I have. This is known as the Quinn-Tierney no-fault. The bill proposes on primacy the consumer will have three options, to have his auto carrier provide all his benefits, to have his health carrier pay what they cover, and the auto carrier fill in the gaps. To collect from both auto and health carrier insurers in the blues must file deductible or plans to coordinate benefits. The Insurance Department must report to the legislature from these plans. Clearly, both health and auto carriers will seek ways to reduce rates in order to compete more effectively. All types of carriers have now coordinating provisions in their contracts.

What is the status of primacy? A few people think that the legislature should award primacy to the health carrier and would amend the bill to limit the consumer to Option 2 under 1-A as above. This idea is based on the argument that health care carriers are more efficient. While this simplistic argument has some appeal in the complicated area of no-fault it is simply not a valid idea. The blues simply receive and pay hospital and doctor's bills, they do not incur the heavy expenses for appraisal for damages, injuries, lost time, accident investigation, pain and suffering, and the tremendous legal expenses that are part of the present automobile system.

In fact, in Maryland, Blue Cross-Blue Shield, no-fault rates were no lower than the automobile carriers. Even Blue Cross-Blue Shield agree that the average savings, if any, would be minimum, probably one dollar to two dollars per year. If there were a savings, would the consumer be better off with health carrier primacy? We don't think so for the following reasons: Health care primacy means a consumer will be forced to make two claims and incur unnecessary delay and expense. The law will require payment in 15 days. This will be impossible if the auto carrier has to wait to determine what blues will pay first.

Health care primacy means delay in benefit delivery. What happens if group insurance is primary and the consumer's employment is terminated? Will he remember to tell his auto carrier who is going to see that his insurance is enforced? Remember coverage will be mandatory. The blues can pay only part of their claim. With all the different plans and coverages equitable rates for no-fault benefits will be impossible if health carriers are primary. The auto insurer can pay the entire benefit quickly and effectively. Blues are inexperienced in auto insurance. The State of Maryland canceled the Blues contracts

for no-fault benefits because of a hopeless situation which was created when the Blues could not deliver benefits.

One of the most highly respected insurance departments in New York State ordered that auto insurance be primary and the Blue secondary because of problems it had in health carrier primacy. Health carriers can only pay a portion of the no-fault benefits. They do not pay loss of wages, survivor benefits, and many other medical services. Health insurance is designed for the insured and family. What about passengers and pedestrians?

In summary, we feel auto primacy is the best method of delivery. However, in order to have a no-fault bill pass, we compromised in the belief that the consumer will make the right choice by himself and in the belief that the consumer should choose the method of benefit delivery to him.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to, in the form of a statement more or less, pose a question to members of the committee who may answer. Hopefully they will answer in the negative and prove me wrong. As I understand no-fault, I will take myself for example, I have four children and I have a wife, and I choose to buy auto insurance at my local insurance company, and under no-fault, the insurance company would come up with the rate that I would have to pay based on the risk. The risk is not necessarily or totally dependent upon how I might drive or the amount of miles that I might drive, but my risk would be based upon the amount of children I have, my wife and myself, and the fact that if I get hit by someone else, I would in fact probably create much more of a burden upon the insurance company than would possibly the person that hit me and had been responsible for that accident in the first place. That is my basic objection to no-fault and I certainly hope that has been written into this piece of legislation, that because I, being in my mid thirties, have a large family, that I will be penalized when I have to buy insurance because of some young person maybe that doesn't have the responsibilities that I might have or some intoxicated individual who chooses to put his responsibilities aside or hide them under a bottle. That is the problem I have with no-fault right now.

I certainly don't want to see the middle — let's say the young people who have families be penalized by this legislation, have to pay a higher rate than they are now simply because their risk is much greater and their risk is not something that is subject to the manner in which they conduct themselves but their risk is subject to the manner in which somebody else conducts themselves. I hope that has been taken care of and if someone on the committee can tell me it has been, I will sleep a lot better. Even at that, I don't think this is the time for no-fault and I would request a division.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I am not deliberately not answering the question from my friend from Woolwich, it is just that I am not exactly sure what his question was. He spoke a great deal about his rates being based on the number of children he had, which I assume was an

attempt to focus in on the Blue Cross primacy issue, but we already indefinitely postponed the Blue Cross amendment overwhelmingly a few moments ago. So at least as far as that goes, he can rest easily.

As far as hiding responsibility under a bottle, if he can refine that question a little more, I would be happy to answer it.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I don't mean to be vague, and I certainly wasn't addressing myself to the issue of primacy. What I am addressing myself to is, under no-fault, no one is actually at fault. In other words, the insurance company is relieved from the responsibility in most instances of determining who in fact caused the accident. As a result, your rates will be predicated that way, or determined that way, your rates that you would pay would be based upon the number of individuals in your family, yourself, the various things that would surround a problem in your family and the amount of financial impact that you would cause that insurance company.

In my case, I have four children, I have a wife, myself, and when I get in an accident, whether it be my fault or someone else's fault, my risk is much greater than that teenager that might run into me, therefore, when I go to buy my insurance, I will have to pay a greater rate than that teenager.

Ask your insurance company, the way I understand it, and I have gone over it with my local insurance men, the way I understand it is if we pass no-fault the way it is written now that the teenager rate, for example, will go down and my rates will go up. I don't think that is quite fair because I am not the one that probably is going to be the one that causes the accident, I consider myself a very safe driver. I use myself as an example because I'm middle of the road, that is a poor expression to use on this — well, anyway, the problem is as I see it, you restructure the cost emphasis and it now becomes a question of the responsibility or the hardship you might possibly put on the insurance company when you buy your premium. I think there should be a lot of consideration given to the amount of risk in individual cases in an insurance company simply because of his bad driving habits, the way it is based now. A teenager is most likely to get into an accident because he is reckless, he has very little responsibility. It has been proven that a person who habitually drinks all the time is probably a very, very poor risk. After a while, some people get into three or four accidents and their rates keep going up because they are a very poor risk. Under no-fault, who is at fault, you don't determine that; therefore, their rates don't necessarily go up but everyone's in general would because the risk gets much greater because of that one individual being on the highway. I hope I have made my question clear.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I have been in the business of insurance, general insurance, I sold out four or five years ago, but I would like to imply that the gentleman doesn't seem to understand. The rates are made by the National Bureau of Automobile Underwriters from

the most companies and it all depends on the amount of accidents that occur and also, it is not made by individual companies. As far as no-fault is concerned, the rates will not be any higher. Most of the states that have had no-fault, the rates have come down, and you are paying the same thing and your rating, what the gentleman is talking about now, are the rates that you are paying at the present time and how these rates are promulgated.

I feel that under no-fault, and I know under no-fault that the most of the states that have adopted no-fault, the people are paying less premiums for their insurance policy.

The SPEAKER: The pending question is passage to be engrossed of L. D. 1932. All in favor of passage to be engrossed will vote yes; those opposed will vote no.

A vote of the House was taken.

80 having voted in the affirmative and 11 having voted in the negative the motion did prevail.

Thereupon, the Bill was passed to be engrossed and by unanimous consent sent forthwith to the Senate.

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

Second Reader Tabled and Assigned

Bill "An Act to Clarify the Election Laws" (H. P. 1697) (L. D. 1931)

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

On motion of Mr. Palmer of Nobleboro, tabled pending passage to be engrossed and specially assigned for Monday, June 16.

Bill "An Act Creating the Passamaquoddy Hydro-Electric Tidal Power Authority" (S. P. 550) (L. D. 1915)

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

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I move that this bill and all accompanying papers be indefinitely postponed and would speak to my motion.

The SPEAKER: Mr. Mills of Eastport moves the indefinite postponement of this Bill and all accompanying papers.

The gentleman may proceed.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: This bill here that was accepted yesterday is L. D. 1915 and only takes in Cobscook Bay in Washington County. We have been in contact with Washington to find out what they are trying to determine down there. We found they had made an appropriation to go under the Passamaquoddy Power title study. Also, now they are entering into negotiations with Canada to do this same project on an international basis. Therefore, this bill is not required.

I could go on and on and talk into detail why this shouldn't be passed today but I think this is sufficient.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose the motion to indefinitely postpone this bill. The reason why Cobscook Bay is the only area that is considered under this legislation is because the State of Maine is

not within a position where it can have any governance over any international waters or the waters of the Nation of Canada. So, this report which came out, Report A, the majority report of the Energy Committee, restricted the area that could be dealt with by this authority only to those waters within the powers of the United States and the State of Maine and therefore only including Cobscook Bay. I would urge you to defeat this motion, and when the vote is taken I ask for the yeas and nays.

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

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

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: There is a lot in this bill that is not seen. For instance, they are appropriating \$7,000 for a two-year period. They will have seven people on the authority commission at the rate of \$50 a day plus expenses, which is \$75 for a total. Therefore, when you figure this thing down, they are going to be able to meet less than six meetings a year. I ask you in good common sense and judgment just what can be accomplished with only six meetings a year?

I also ask you to look at the bill if you want to and see what the land to be taken under this authority encompasses. There has already been a hearing down in East Machias several months previous whereby all the municipal fathers came in before that hearing and testified in opposition to this type of legislation. I could go on and on and tell you of the different things that are put into this bill; for instance, they have taken in all the town of Perry, including the Indian Reservation, which that land is not under present litigation. They have taken in the Cutler Naval Air Station by taking in the entire township of Cutler. There are a lot of discrepancies here that do not show in this bill but the people in Washington county know they are there.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The bill that the gentleman from Eastport, Mr. Mills, indefinitely postponed is a redraft of a bill that was before the Energy Committee. The purpose of the bill was to provide safeguards and protection for the public, the State of Maine, the Passamaquoddy Hydro Electric Title Authority and bond investors. This bill creates changes required by law to provide a minimum appropriation and the reason it is a minimum, we know exactly the financial situation of the state and we didn't want to lose this bill on the Appropriations Table on either report.

There was another bill that had some other differences in it, but we did agree upon the appropriation aspect of it because of the amount of money that may be available for the operation of the Passamaquoddy Hydro Electric Title Power Authority for the biennium.

I suggest that you take a good, long, careful look at this bill. I think it was well drafted. The Passamaquoddy Power complex will be constructed on the Canadian — rather this bill here will be constructed just on the American side of

the Passamaquoddy-Cobscook Bay area. It sets up a fine mechanism as far as the authority is concerned, the membership of it, and it was clearly directed out in this particular bill on what type of a membership board we would have. I am not saying that I want a lawyer on there or I want a banker, but the bonding companies indicated that if we put down these types of individuals, an engineer, an attorney or people that have background in this field, the cost of the complex, as far as the bonds are concerned, could be a great deal less. I would sincerely hope that you take a good long look at this issue before you support the good gentleman from Eastport, Mr. Mills, on his motion.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I took a look at it and I support Mr. Mills. The people in the area he represents, and he is a little bit political and he will be running, probably, again and he knows what is best and he wants to get elected. The people in that area, as he has told you, don't want the bill and perhaps you don't know it, but in 1940 this House passed a very similar bill and nothing amounted to from it except the money spent. I would suggest you would be very wise in indefinitely postponing it.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: Let me just briefly review the history of Passamaquoddy in relation to authorities that this legislature has passed. Currently on the books, we have a Passamaquoddy Title Power Authority but some of the provisions in that authority have become outdated, they are not in keeping with the energy needs of this country, with the energy needs of this state, with some of the political divisions, subdivisions, that have been established. What this bill attempts to do in part is bring that authority into line with what the needs of today are.

Now, I share with the people of Washington County a great deal of enthusiasm for the hopes of Passamaquoddy. I think as one of our natural renewable resources for generating energy without pollution that it is perhaps one of the greatest sources that we have in our state and that it really needs to be developed properly. I think that this bill that has been reported out by the majority of the Energy Committee achieves that purpose.

I would hope that you would take out that bill, look it over, ask yourself, if we don't pass this, we are going to be left with an archaic authority that simply does not function any more.

Granted, the federal government is looking into spending a large amount of money on the possible development of Dickey-Lincoln and on Passamaquoddy and on other energy sources in the area. We have cut down the appropriation on this bill in line with the interest of the federal government. This authority is mostly a vehicle by which the federal government could institute a development of the Passamaquoddy area. It doesn't intend to do it itself, it never was intended to do it itself, just to provide the vehicle where it could be done by that agency which has the money available, the federal government.

I think the bill that we have before us provides adequate safeguards for the people of Washington County, for the people of the State of Maine. I would urge

you not to vote for indefinite postponement, keep this bill alive and give the people of Washington County and the people of the State of Maine the hope that this will eventually be developed and will all benefit from reduced cost of electric power.

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will support Representative Mill's motion to indefinitely postpone this bill. We had a similar bill in here on the Machias Bay Port Authority and that would have taken 200,000 acres of land out of taxation with a number of towns. I see by this bill here, we have ten towns included in this Passamaquoddy Bay Title Authority and any land that is taken in there by eminent domain, any land or buildings, then those towns lose the taxation tax money that comes from these towns.

You look on your calendar over on another page and you will see where we have a bill in here to form a study commission for Passamaquoddy Tidal Power, and I think this is the first step, that we should study this before we set up an authority to take over under eminent domain land and buildings.

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

Mr. MILLS: Mr. Speaker and Members of the House: The bill as such is not what I am opposed. I am opposed to taking action at this time, until we know where we are going with the deal between Washington and Canada and there was anything on the international agreement that could be done. I now understand they are moving toward that end. Therefore, if we indefinitely postpone this bill here, it doesn't kill this bill, it will be in the files and can be recalled when we need it.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Eastport, Mr. Mills, 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 — Ault, Bagley, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Boudreau, Burns, Call, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Connors, Cote, Curran, R.; Curtis, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gould, Gray, Hall, Hennessey, Hewes, Hinds, Hunter, Hutchings, Immonen, Joyce, Kauffman, Laverty, Littlefield, Lovell, Lunt, Lynch, MacEachern, Mackel, McLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBrearty, Mills, Miskavage, Morin, Morton, Nadeau, Najarian, Palmer, Peakes, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Powell, Raymond, Rideout, Rollins, Shute, Snowe, Sproll, Strout, Talbot, Tarr, Teague, Theriault, Twitchell, Usher, Walker, Webber, Winship.

NAY — Bachrach, Bennett, Bustin, Byers, Connolly, Cox, Dam, Davies, Farley, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hobbins, Hughes, Ingegneri, Jackson, Jensen, Kelleher, Kennedy, Laffin, LaPointe, McKernan, McMahan, Mitchell, Mulkern, Peterson, T.; Post, Rolde, Saunders, Spencer, Tierney, Torrey, Tozier, Truman, Wagner, Wilfong.

ABSENT — Albert, Berube, Bowie,

Carroff, Cooney, Curran, P.; DeVane, Farnham, Faucher, Gauthier, Higgins, Jacques, Jalbert, Kany, Kelley, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Norris, Pearson, Pelosi, Quinn, Silverman, Smith, Snow, Stubbs, Susi, Tyndale.

Yes, 83; No, 37; Absent, 30.

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

Sent up for concurrence.

Amended Bills

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) (C. "A" S-282)

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

**Second Reader
Tabled and Assigned**

Bill "An Act to Regulate the Distribution and Sale of Motor Fuels" (H. P. 735) (L. D. 920) (C. "A" H-726)

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 as amended and tomorrow assigned.)

Bill "An Act to Establish the Uniform Crime Victims Reparations Act" (H. P. 1401) (L. D. 1787) (C. "A" H-730)

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

On motion of Mr. Perkins of South Portland, 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-747) 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 and sent up for concurrence.

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) (S. "A" S-293)

Bill "An Act Concerning the Office of Energy Resources" (Emergency) (S. P. 549) (L. D. 1913) (S. "A" S-285 and S. "B" S-301)

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

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

**Passed to Be Enacted
Emergency Measure**

An Act to Reassign the Functions of the Department of Commerce and Industry (S. P. 440) (L. D. 1456) (S. "A" S-284 to C. "A" S-133)

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

Passed to Be Enacted

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

An Act to Provide the Citizens of the State of Maine with Uniform Quality Pharmaceutical Health Care (S. P. 345) (L. D. 1146)

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

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

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

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

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

Mrs. POST: Mr. Speaker, my concern with this was simply that there was an inconsistency with the bill which we had just passed on district assessing, and I am very concerned about that particular piece of legislation, but I understand the problems can be taken care of in the Errors and Inconsistency Bill, so I would move its enactment.

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

An Act Establishing an Office of Advocacy for the Department of Mental Health and Corrections (H. P. 541) (L. D. 657) (C. "A" H-628)

An Act Creating the Maine Health Maintenance Organization Act" (H. P. 494) (L. D. 724) (H. "B" H-528 and H. "C" H-541)

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

An Act to Amend the Eating, Lodging and Recreational Place Licensing Law (H. P. 788) (L. D. 958) (H. "A" H-623; H. "B" H-663 to C. "A" H-497)

An Act Concerning the Registration and Operation of Snowmobiles (H. P. 845) & (L. D. 1030) (H. "B" 641)

An Act to Facilitate Operation of the Coastal Island Registry and to Establish Criteria for State Title in Coastal Islands (H. P. 965) (L. D. 1209) (C. "A" H-426) (Conf. Committee "A" S-280)

An Act to Incorporate the Town of Rockwood (H. P. 966) (L. D. 1218) (S. "A" S-283) (C. "A" H-309)

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

Enactors

Later Today Assigned

An Act Relating to the Freedom of Subscribers to Hospital, Medical Service

or Health Care Plans to Choose a Psychologist to Provide Mental Health Services (H. P. 1023) (L. D. 1302)

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

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

An Act Relating to the Freedom of Individual Health Insurance Policyholders to Choose a Psychologist to Provide Mental Health Services (H. P. 1024) (L. D. 1303)

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

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

An Act Relating to the Freedom of Group Health Insurance Policyholders to Choose a Psychologist to Provide Mental Health Services (H. P. 1025) (L. D. 1304)

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

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

An Act Concerning the Land Use Regulation Statutes (H. P. 1040) (L. D. 1330) (H "B" H-642 to C "A" H-558)

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

Enactor

Later Today Assigned

An Act to Guarantee to all State Employees the Right to Participate in the Nonpartisan Affairs of Municipalities (H. P. 1041) (L. D. 1331) (S "A" S-278 to C "A" H-364)

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

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

An Act Designating Family Day Care as a Priority Social Service (H. P. 1207) (L. D. 1500) (H "A" H-684)

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

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

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

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

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

The following Communication:

June 12, 1975

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

Dear Mr. Pert:

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act Relating to the Expediting of Procedures under the Municipal Employee Labor Relations Board" (H. P. 1169) (L. D. 1467).

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

The Communication was read and ordered placed on file.

Bill "An Act to Establish the Citizen Woodcutting Act" (Emergency) (H. P. 1228) (L. D. 1754) which was passed to be engrossed as amended by Committee Amendment "A" (H-523) as amended by House Amendment "B" (H-728) thereto in the House on June 11.

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" (H-523) in non-concurrence.

In the House: On motion of Mr. Wilfong of Stow, the House voted to recede and concur.

Bill "An Act to Establish the Maine State Ferry Advisory Board" (H. P. 1308) (L. D. 1651) which was passed to be engrossed as amended by Committee Amendment "A" (H-659) in the House on June 10.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-659) as amended by Senate Amendment "A" (S-305) thereto in non-concurrence.

In the House: On motion of Mrs. Post of Owls Head, the House voted to recede and concur.

Bill "An Act to Establish Job Development, Placement and Follow-up Services in Secondary Schools" (S. P. 476) (L. D. 1609) which Failed of Passage to be Engrossed in the House on June 11.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" (S-252) and asked for a Committee of Conference.

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

Bill "An Act to Extend the Jurisdiction of the Human Rights Commission to Grievances of Ex-offenders" (H. P. 1114) (L. D. 1416) which was Enacted in the House on June 12.

Came from the Senate Indefinitely Postoned in non-concurrence.

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

The following Communication: (S. P. 580)
State of Maine
Office of The Governor
Augusta

June 11, 1975

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

I am today returning, without my approval and signature, L. D. 758, An Act Relating to Weekly Compensation Paid Under the Workmen's Compensation Law.

If this bill were to become law, it could be a severe hindrance to potential economic development in Maine. It particularly affects small business by adding to the operating costs in a time of high prices, high unemployment and crippling inflationary trends.

I am concerned that this legislation provides benefits primarily to those employees at higher income levels without corresponding benefits to those employees at the lower levels.

I am today requesting that the Insurance Superintendent in the Department of Business Regulation undertake a comprehensive study of the workmen compensation practices in Maine as compared to neighboring states. I am convinced that they could represent a deterrent to the growth of Maine's economy unless we move cautiously.

The changes contained in this bill do not take effect immediately; therefore, I feel that legislative actions in these areas should be deferred until a thorough study has been completed of all phases of Workmen's Compensation laws in Maine.

I am confident the study will be completed in time to be included in comprehensive legislation at a later date that will not delay the effective dates contained in the bill.

I respectfully ask that you sustain my veto.

Very truly yours,
S/ JAMES B. LONGLEY
Governor of Maine

Came from the Senate, Read and Ordered Placed on File.

Was read and ordered placed on file in concurrence.

The accompanying Bill, "An Act Relating to Weekly Compensation Paid Under the Workmen's Compensation Law" (S. P. 226) (L. D. 758)

Came from the Senate with the following endorsement:

In the Senate, June 12, 1975, this Bill, having been returned by the Governor with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

26 voted in favor and 3 against, and accordingly it was the vote of the Senate that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the Senate so voted.

(S)

HARRY N. STARBRANCH
Secretary of the Senate

The SPEAKER: The pending question now before the House is, shall this Bill become law notwithstanding the objections of the Governor?

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

Mr. PALMER: Mr. Speaker and Members of the House: It is a very rare occasion when I rise to speak either pro or con concerning a veto of a governor. I feel compelled to do it in this case, however, because I know of the tremendous amount of work that has gone on in Washington and through study committees prior to the Maine Legislature considering this matter at all.

As you probably all know, it addresses

itself to a very particular problem, and that is the wage earner who is in the higher bracket, the man who is making \$5 or more an hour. As you know, the general rule is under workmen's comp that the recipient receives about two-thirds of his pay under workmen's comp benefits. This, of course, puts a greater burden on the man who is in the higher pay bracket, the skilled worker or certain occupations which require and do demand greater pay. I think it is unfair that in these cases the person who has adjusted his living to a certain standard, perhaps receiving five or six or more dollars per hour still has to suffer through a period there of very small compensation. I am sure most of these people really want to get back to work as fast as they can.

This really, then, addresses itself only to those workers who are in the higher paid bracket and do seriously suffer under the present law. I think it is a problem that should be faced up to now. I do believe it is something we should do, both branches thought so, I believe it was a unanimous report of the Committee on Labor, too, and I certainly ask this morning that we do override the Governor's veto.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: In 1915, the 82nd Legislature sitting in this room enacted workmen's compensation for the first time in Maine. Workmen's compensation was then and is now a compromise. The employee gives up his right to sue his employer, and in return, he receives the assurance that he will be guaranteed two thirds of his weekly wage when he is injured on the job. It is this continuing compromise that we address this morning on the bill before us.

As the good gentleman from Nobleboro so accurately pointed out, all workers in this state receive two thirds of their weekly wage when they are injured up to the artificial ceiling of the state's average weekly wage, or \$135. In doing so, the present law currently discriminates against those Maine workers who earn between ten and twenty thousand dollars a year. This bill addresses that discrimination, and over a six-year period of time eliminates it.

The Governor's veto message suggested that this issue receive further study. I do not feel this study is necessary. The bill we have before us is the result of a national commission, appointed by President Nixon and containing representatives of management, our medical profession, the insurance profession and the labor organizations. Maine was indeed fortunate to have the Honorable Marion Martin as a representative on this national commission.

The number one inadequacy of our nation's workmen's compensation laws are the level of benefits, and that is why this bill is before us today and why this bill is pending virtually before every legislature in the country, so that we can improve this level of benefits and bring some justice to those workers here in Maine who were in between ten and twenty thousand dollars a year. A study is no longer necessary.

The total cost for this piece of legislation over the entire six-year lead in time is 5.8 percent increase in our current workmen's compensation rates, and in no case, from statistics provided by our Insurance Commissioner, will this increase amount to more than one percent, on an employer's payroll.

The Governor objects to the six-year lead-in time. Men and women of the House, this compromise was reached both on the national level and the state level in order to give to the employers in the state the opportunity to gradually assume this additional cost of doing business. Ladies and gentlemen, this is a good bill, I hope we override the veto.

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

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: As a legislator who is often willing to support the Governor, I feel that I must rise this morning to take exception with him. Just a few minutes ago, this House overwhelmingly gave support to a no-fault insurance program, and really, what else is workmen's compensation besides a no-fault insurance program? That is basically just what it is.

In return for payments of disability benefits, regardless of who is at fault, the worker gives up his right to sue the employer, whether it be for faulty scaffold beams, poor equipment or whatever the cause of the accident may have been. We have an obligation to make this no-fault system a fair one. Right now a worker often receives high wages because of the high degree of risk involved in the job, but under current law, we set disability benefits on a welfare-system type basis, saying that the injured worker has no right to any disability benefits in excess of the average weekly wages in Maine. I think this limitation is unfair and should be removed for every skilled worker in our state. This, ladies and gentlemen of the House, is exactly what L.D. 758 does. I hope today you will vote to override the Governor's veto.

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

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: I have a slight problem with this bill, as it is being presented, and my problem is that I know of a good many people, and I am not sure how many of you have them in your constituency, but I know of a great many people in this state who are earning approximately five or six thousand dollars a year. I would submit to you, ladies and gentlemen, the person who is in the ten and twenty thousand dollar bracket has adjusted his life style to that bracket, which means there is a great possibility that he might be able to adjust it back down just a little bit and subsist, but I want to say it very loud and make it very clear that five and six thousand dollars a year is poverty wages and if there were going to be any benefits, any additional benefits under the workmen's compensation act, I would plead with you to add it in or amend it in and then I would be able to vote and override this veto. But at this point, I think we are discriminating against those people who earn that lower wage, because they cannot adjust downward, they are at the bottom now. The only chance they have got is to hopefully come up or to stay at the same level.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: In answer to my good friend from Rangeley, I can only say, and I think my record has been fairly consistent in helping the low wage earners in this State, but they already have the benefits in this bill. They already receive two-thirds of their average weekly wage. In order to increase benefits for the five

and six thousand dollar worker, it would mean increasing the percentage over two-thirds. Because workmen's compensation is tax free and because there are no other deductions for social security, were we to adopt the good gentleman from Rangeley, Mr. Doak's suggestion, we would be building in an incentive for the five and six thousand dollar worker not to return to work because he would be making more under workmen's compensation. For that reason, I feel we should not increase the benefits at the lower level, but rather we should maintain our two-thirds level for all Maine people.

I also think it is about time we started to do something for the person who makes between ten and twenty thousand dollars a year.

All of our questions about hot meal programs and aid to the elderly and property tax relief, food stamps and welfare benefits don't go to this individual. This is the person who never misses a day's work. This is the person who has decided that he wants something better for himself and his family and he has gone out and he has worked his way up and he has acquired a skill, and it is about time that we give him something. I think it is very important that we do so. He is the person who pays his taxes, he is the person who bears the burden and yet he is the person who when he is hurt suffers the most, because many of his costs are fixed costs, many of his costs he is unable to scale down when he is injured. A mortgage payment lasts for 25 years, and if he is injured, all of a sudden he has a mortgage payment which he can't meet any more. The gentleman from Rangeley's suggestion would force a person to sell his house and move out.

I hope we can give this middle income worker a break for once.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: As you know, I used to work for the Bath Iron Works, and the Bath Iron Works certainly is one of the better paying industries in the State of Maine. I went back to the management today to find out what in terms of dollars, as best they could figure, this piece of legislation would mean, and keep in mind that the majority of the people in Bath Iron Works are well beyond — I don't think there is anyone who is in the \$5,000 category that has been mentioned previously, most of the people in Bath Iron Works are over \$10,000 annual pay. In rough figures, ladies and gentlemen, this legislation will cost that corporation alone, in the first year, a quarter of a million dollars. The second jump would be \$135,000 and the third, \$141,000. The present premium is \$800,000 and with this legislation, it is anticipated it would go to \$1,050,000. So we are not talking nickels and dimes, we are talking thousands and thousands of dollars.

Mr. Tierney of Durham was granted permission to speak a third time.

Mr. TIERNEY: Mr. Speaker and Members of the House: I would like to inform the good gentleman from Woolwich that Bath Iron Works is currently covered under the federal longshoremen, harbor workers compensation act. They are exempt from state workmen's compensation. This act does not affect them in the slightest.

The SPEAKER: The pending question before the House is, shall An Act Relating

to Weekly Compensation Paid Under the Workmen's Compensation Law, Senate Paper 226, L. D. 758, become law notwithstanding the objections of the Governor? Pursuant to the provisions of Article IV of the Constitution, the yeas and nays are ordered. If you are in favor of this Bill becoming law notwithstanding the objections of the Governor you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Call, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, R.; Curtis, Dam, Davies, Dow, Drigotas, Durgin, Dyer, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Hewes, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kennedy, Laffin, LaPointe, Laverty, Lewis, Littlefield, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, McMahan, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Snowe, Spencer, Sprowl, Strout, Stubbs, Talbot, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Usher, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Conners, Doak, Dudley, Gray, Leonard, Morton, Rollins, Tarr.

ABSENT — Albert, Bowie, Carroll, Curran, P.; DeVane, Farnham, Higgins, Kelley, LeBlanc, Lewin, Lizotte, Pearson, Perkins, S.; Smith, Snow, Susi, Tyndale.

Yes, 126; No, 8; Absent, 17.

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

Orders of the Day

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

An Act Relating to the Freedom of Subscribers to Hospital, Medical Service or Health Care Plans to Choose a Psychologist to Provide Mental Health Services, (H. P. 1023) (L. D. 1302)

Tabled — by Mrs. Clark of Freeport.

Pending — passage to be enacted.

On motion of Mrs. Clark of Freeport, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentlewoman offered House Amendment "B" and moved its adoption. House Amendment "B" (H-749) was read by the Clerk.

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

Mrs. CLARK: Mr. Speaker and Members of the House: Certain objections were raised by the Maine Psychiatric Association to one clause in L. D. 1302. The proposed amendment to this bill satisfies the objections and the Maine Psychiatric Association has now withdrawn all opposition to this bill. This bill is now consistent with the provisions of the Maine Psychiatric Association regarding the

rights of subscribers to be reimbursed for mental health.

The proposed amendment to L. D. 1302 has been ruled upon by the Attorney General's Office as being constitutional and there is no conflict with Maine statutes in any regard. L. D. 1302, as amended, therefore, has the support of the entire mental health system of Maine, both the private and the public sector. It has unequivocal support of the Commissioner of the Department of Mental Health and Corrections, the Director of the Bureau of Mental Health, all eight community mental health centers, all three state mental health hospitals, hospital administrators, numerous positions, clerks, social workers, attorneys, the Catholic diocese of Maine and most importantly, it has the support of the 107th Maine Legislature, who not only are duly elected public officials but consumers.

I move adoption of the amendment.

Thereupon, House Amendment "B" was adopted.

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

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

An Act Relating to the Freedom of Individual Health Insurance Policyholders to Choose a Psychologist to Provide Mental Health Service (H. P. 1024) (L. D. 1303)

Tabled — by Mrs. Clark of Freeport

Pending — Passage to be enacted.

On motion of Mrs. Clark of Freeport, retabled pending passage to be enacted and specially assigned for Monday, June 16.

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

An Act Relating to the Freedom of Group Health Insurance Policyholders to Choose a Psychologist to Provide Mental Health Services (H. P. 1025) (L. D. 1304)

Tabled — by Mrs. Clark of Freeport

Pending — Passage to be enacted.

On motion of Mrs. Clark of Freeport, retabled pending passage to be enacted and specially assigned for Monday, June 16.

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

An Act to Guarantee to all State Employees the Right to Participate in the Nonpartisan Affairs of Municipalities (H. P. 1041) (L. D. 1331) (S. "A" S-278 to C. "A" H-364)

Tabled — by Mr. Rolde of York.

Pending — Passage to be enacted.

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

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

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

Tabled — June 12, by Mrs. Clark of Freeport.

Pending — Acceptance of the Committee Report.

On motion of Mrs. Clark of Freeport, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-720) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

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

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)

Tabled — June 12, by Mr. Rolde of York.

Pending — Passage to be Engrossed.

Mr. Mahany of Easton moved the indefinite postponement of the bill and all accompanying papers.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to get into any debate at all on this bill because I don't have any illusions about its fate, it is going to be killed. This is the bill that would abolish the Maine Milk Commission and transfer all the responsibilities except the power to accept the price of milk for the Department of Agriculture. I would simply like to have a roll call on the motion to indefinitely postpone.

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 gentleman from Gray, Mr. Kennedy, is excused from voting pursuant to House Rule 19.

The pending question is on the motion of the gentleman from Easton, Mr. Mahany, that the House indefinitely postpone 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" House Paper 700, L. D. 846 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Bennett, Berry, G. W.; Berube, Birt, Byers, Call, Cooney, Cox, Curran, R.; Curtis, Dam, Doak, Dudley, Dyer, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gray, Hewes, Hinds, Hunter, Hutchings, Immonen, Jackson, Jalbert, Kauffman, Kelleher, Laverty, Lewis, Littlefield, Lynch, MacLeod, Mahany, Maxwell, McBreairty, McKernan, Mills, Miskavage, Mitchell, Morton, Norris, Peakes, Perkins, S.; Perkins, T.; Pierce, Raymond, Rideout, Rollins, Saunders, Shute, Snowe, Spencer, Strout, Stubbs, Teague, Theriault,

Tierney, Torrey, Tozier, Twitchell, Walker, Webber, Wilfong.

YAY — Bachrach, Berry, P. P.; Boudreau, Burns, Bustin, Carey, Carpenter, Carter, Chonko, Clark, Connors, Connolly, Davies, Dow, Drigotas, Durgin, Farley, Faucher, Flanagan, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jacques, Jensen, Joyce, Kany, Laffin, LaPointe, Lovell, MacEachern, Martin, A.; Martin, R.; McMahon, Morin, Mulkern, Nadeau, Najarian, Pelosi, Peterson, T.; Post, Rolde, Sprowl, Talbot, Truman, Usher, Winship.

ABSENT — Albert, Blodgett, Bowie, Carroll, Churchill, Cote, Curran, P.; DeVane, Higgins, Kelley, LeBlanc, Leonard, Lewin, Lizotte, Lunt, Mackel, Palmer, Pearson, Peterson, P.; Powell, Quinn, Silverman, Smith, Snow, Susi, Tarr, Tyndale, Wagner.

EXCUSED — Kennedy.

Yes, 67; No, 54; Absent, 28; Excused, 1.

The **SPEAKER**: Sixty-seven having voted in the affirmative, and fifty-four in the negative, with twenty-eight being absent and one being excused, the motion does prevail.

The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. **TORREY**: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side I now move we reconsider our action and I hope you all vote against me.

The **SPEAKER**: The gentleman from Poland, Mr. Torrey, having voted on the prevailing side now moves the House reconsider its action whereby the Bill was indefinitely postponed.

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

Mr. **PETERSON**: Mr. Speaker, Ladies and Gentlemen of the House: May I pose a question through the Chair? Could I inquire from anybody in this Body who could inform us as to the status of the other milk bill? Has it been enacted yet?

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

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

Mr. **KELLEHER**: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question, I believe it will be back in here either tomorrow or the next day and I will vote against it because it is a nothing bill.

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

Mr. **SPENCER**: Mr. Speaker, Ladies and Gentlemen of the House: I move this matter lay on the table for two legislative days.

The **SPEAKER**: The gentleman from Standish, Mr. Spencer, moves this matter be tabled for two legislative days.

Mr. Rolde of York requested a division on the tabling motion.

The **SPEAKER**: The pending question is on the motion of the gentleman from Standish, Mr. Spencer, that this matter be tabled pending reconsideration. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 33 having voted in the affirmative and 80, having voted in the negative, the motion did not prevail.

The **SPEAKER**: The pending question is on the motion of the gentleman from

Poland, Mr. Torrey, that the House reconsider its action whereby the House indefinitely postpone L. D. 846. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. Mr. MacEachern of Lincoln 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 Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. **BERRY**: Mr. Speaker, Ladies and Gentlemen of the House: The only reason that I voted to keep this bill around is the same reason that I voted to keep it around the other day. I am not quite sure what the status of the other bill is and I don't know that I am willing to trust people far enough to take a chance on getting rid of this one. I just thought I would like to explain the reasons why I didn't vote for indefinite postponement of this bill.

The **SPEAKER**: A roll call has been ordered. The pending question is on the motion of the gentleman from Poland, Mr. Torrey, that the House reconsider its action whereby this bill was indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bennett, Berry, P. P.; Boudreau, Burns, Bustin, Byers, Carey, Carter, Chonko, Clark, Connolly, Davies, Dow, Drigotas, Durgin, Faucher, Flanagan, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Hewes, Hinds, Hobbins, Hughes, Ingegneri, Jacques, Jensen, Joyce, Kany, Kelleher, Laffin, LaPointe, Lovell, Lynch, MacEachern, Martin, A.; McMahon, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Pelosi, Perkins, S.; Peterson, T.; Post, Quinn, Rolde, Spencer, Sprowl, Strout, Talbot, Tierney, Truman, Twitchell, Usher, Wagner, Wilfong, Winship.

NAY — Ault, Bagley, Berry, G. W.; Berube, Birt, Call, Carpenter, Connors, Cox, Curran, R.; Curtis, Dam, Doak, Dudley, Dyer, Farnham, Fenlason, Finemore, Fraser, Garsoe, Gray, Hunter, Hutchings, Immonen, Jackson, Jalbert, Kauffman, Laverty, Lewis, Littlefield, MacLeod, Mahany, Maxwell, McBairty, McKernan, Mills, Miskavage, Morton, Palmer, Peakes, Perkins, T.; Pierce, Raymond, Rollins, Saundres, Shute, Snowe, Stubbs, Teague, Theriault, Torrey, Tozier, Walker, Webber.

ABSENT — Albert, Blodgett, Bowie, Carroll, Churchill, Cooney, Cote, Curran, P.; DeVane, Farley, Higgins, Kelley, Kennedy, LeBlanc, Leonard, Lewin, Lizotte, Lunt, Mackel, Pearson, Peterson, P.; Powell, Rideout, Silverman, Smith, Snow, Susi, Tarr, Tyndale.

Yes, 67; No, 54; Absent, 29. The **SPEAKER**: Sixty-seven having voted in the affirmative, fifty-four in the negative, with twenty-nine being absent, the motion does prevail.

Mr. Carey of Waterville moved this matter be tabled two days pending the motion of the gentleman from Easton, Mr. Mahany, to indefinitely postpone.

The **SPEAKER**: The pending question is on the motion of Mr. Carey of Waterville, Mr. Carey, that this matter be tabled two legislative days pending the motion of Mr.

Mahany of Easton to indefinitely postpone. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 96 having voted in the affirmative, seventeen having voted in the negative, the motion did prevail.

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

Bill "An Act Defining the Warranty of Habitability and Providing Remedies Therefor" (S. P. 272) (L. D. 878) — In House, Indefinitely Postponed, June 10. — In 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.

Tabled — June 12, by Mr. Rolde of York.

Pending — Motion of Mr. McKernan of Bangor to Recede.

On motion of Mr. McKernan of Bangor, retabled pending his own motion to recede and later today assigned.

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

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

Tabled — June 10, by Mr. Morton of Farmington.

Pending — Adoption of House Amendment "B" Committee Amendment "A" (H-685) Pursuant to Joint Rule 21.

On motion of Mr. Morton of Farmington, retabled pending adoption of Amendment "B" to Amendment "A" pursuant to Joint Rule 21 and later today assigned.

Mr. Tablot of Portland was granted unanimous consent to address the House.

Mr. Talbot of Portland was granted Gentlemen of the House: I was absent yesterday. Just let me give you a little background. This is the third session that I have been, in counting the regular session and the special session and this regular session and I try to miss very, very few days. I missed yesterday. In this session I guess I have missed about three days total. I guess working an 18 and a 20 hour day that is not a bad record, at least I don't think. Yesterday I was absent, and I had good reasons why I wasn't here. Like the gentleman from Lewiston says I have done a miraculous job about keeping my seat.

I'm burned up about some issues and I'm burned up about the way the Chair has been handled, I'm burned up about the way leadership has handled this place, and I have sat in my seat and I have burned. I think I have done a pretty good job. This morning I am burned up and I am not going to hold my seat and I am going to let it out. It might not be politically right but its right and I am going to do it. I am sick and tired of the false, plastic leadership that we are supposed to be under in this House, mainly the Chair and mainly the majority leaders.

Let me just give you a little background reference. We had a bill that came out of my committee, it happened to be my bill that dealt with human rights with institutionalized personnel in this state. I worked hard on that bill because I believe in human rights, and I believe in the amendment that I was going to present and I did present to this body. I tried to explain last Friday the reasons why I was trying to get it on the books, at least. We could have killed it, if that is what you wanted to do, another day. I have to leave here at five thirty o'clock or six to get back to work.

My problem was that I was trying to

rush that bill through, my problem was that I couldn't get at it because it was on the table backed up. If it was so far on the table that I couldn't get at it, then it would stay on the table so I decided to go to the Speaker and ask him. I said, "Can I take this out of order and suspend the rules and come back and get that bill?" He said, "No." I said "Ok." So, I talked to him about the bill a little bit then I went to my Majority Leader, which is Mr. Rolde. I asked him about it, and he said what we should try to do is get a little Democratic leadership behind it in the House, which I did and I found out that we have another society within the society up here. I went to him and I explained about the bill and laid it all out. He suggested that I go and talk to Mr. Quinn. I guess he heads up the Democratic Steering Priority Committee, that prestigious committee. This all happened on last Tuesday, today is Thursday. I laid the bill out completely for the Majority Leader, Mr. Rolde. I also laid it out for some other people. The Majority Leader said, "Well, I think you are right, but insofar as hearings are concerned we have got to have something in writing." I said, "They are doing it now, that was in my amendment, they are doing it now in our state institutions, especially in Thomaston." He said, "We have got to have something in writing." I said, "I will get you it in writing." I got the court case and the substitute letter which summarized the whole thing from Pine Tree Legal and put it on his desk so that he could read it.

Mr. Burns from Anson was going to offer an amendment which I didn't believe was germane to the bill so I got a copy of both and I gave it to the Speaker and said, "Look these all over, because I don't think that is germane." Fine, he looked it over, that happened Tuesday.

On Wednesday, I went to the Majority Leader asked him if he had looked over the bill and asked him if he had looked over the material that I gave him and he said, "No, he didn't have time." I did the very same thing with the Speaker insofar as the amendment was concerned and the germaneness and he said he didn't have time. I also went to Mr. Quinn to find out how the steering committee was doing with my bill as far as getting leadership backup for it. They didn't meet, they didn't have time, they couldn't meet, I don't know why but they didn't.

It came up on the tabled items on Wednesday, and I had to leave at six thirty o'clock or so to go to work, so I sent a note to the Majority Leader asking him to table the bill. I guess he never got to it, so it was automatically tabled. Wednesday, I was sick so I stayed home, I didn't even go to work last night, knowing that the people would at least give me the courtesy give me the chance to fight for the amendment that I put on. I guess courtesy went out the window.

I got a phone call saying under no circumstances will the Speaker allow this to be tabled. So, it was killed, my amendment was killed while I wasn't even here to defend it, and it was killed falsely. You killed the bill falsely, you killed my amendment falsely. I talked to Rosser, the Commissioner of Mental Health and Corrections, it wouldn't cost a nickel because they are doing it in the prisons and the institutions now. That didn't make any difference now, I wasn't here, so you killed it.

I stood up a couple of days before that and I signed out a bill that dealt with

regional primaries. I signed the bill out "Ought Not to Pass" but when my Committee Chairman from Portland, Mrs. Boudreau, of Election Laws got up, I said, at least, I will have the courtesy to do what she asks. I have been twice on my feet and I have got killed on the tabling motion, that doesn't bother me, I have been beat in this House before. I don't mind being beat fairly but I do mind when I am beaten unfairly, so they killed the amendment and the bill is over in the Senate. The reason that came to me and, if I am wrong I stand to be corrected, but the reason I get, is that the Speaker was upset with the Portland Delegation. He was upset with the remarks made by the gentleman from Portland, Mr. Connolly, about the budget. He was also upset about the attendance of another of my colleagues, Mr. LaPointe, and a couple of others things he was upset with.

I am not speaking for the Portland Delegation, I am speaking for myself. Like I said, I am sick and tired of plastic, false, leadership in this House. I was under the impression that the Democrats had control of this or the Democrats don't have no more control of this House than I do of the chickens that are running down the highway from Mr. Call. Don't you ever forget that.

We have spent an hour or two hours this morning talking about potato processors because that deals with an area that the gentleman that is standing on the podium is familiar with. I tried to get permission to speak to this House three times this morning and I was denied all three times.

I was sent up here by my city and the people that I represent. I wasn't sent up here to be a "yes" or "no" man. I was sent up here to do what I think should be right. I have been putting up with this all session and I am burned up. Some of you know that I am burned up, and I have kept my seat. I said I didn't want to embarrass leadership, I don't want to embarrass the Democratic party, but I could care less. I think we have an obligation, not to me, but the people of this state because you have done a disservice, not only to the people of this state but to the people in the institutions and the people that elected me to come here. You haven't done me a disservice, you are going to kick me in the shin before I am out of here yet and I don't mind, like I said, I don't mind if you do it fairly because I think I can take it. If I can't take it, I shouldn't be here, but, when you do it unfairly, I get mad. If there was any way, Mr. Speaker, to indefinitely postpone leadership in this House, I move that that would happen.

Mr. Garsoe of Cumberland was granted unanimous consent to address the House.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I want to put into the record what I hope is a wrapup of a situation that I brought to your attention some short time ago concerning a member of the other body and an unnamed lobbyist.

I have been informed that the Attorney General has, in response to an inquiry by the Legislative Ethics Committee, determined that they have the authority to handle any possible conflict of interest which might exist in an episode involving Senator Bruce Reeves and an unnamed lobbyist. The only requirement is that a formal charge of conflict be presented to the committee. I am not going to bring that charge as I do not believe this course of action would be appropriate. My only concern in this matter has been to dispel

the intimation that legislators were being approached about bribes and that nothing was being done about it. I believe the publicity that has accompanied this incident has dispelled that notion insofar as possible.

I want to commend the press for putting the matter in its proper perspective in editorial comments. I would like to cite a few of them here for you. These are excerpts: from Bill Caldwell's Column of the Maine Telegram of June 8, Freshman Senator Bruce Reeves, Democrat of East Pittston got a dose of his own medicine this week. Reeves has been the self-appointed Senate investigator into how much money lobbyists spend. He demanded full disclosure from lobbyists but now Reeves refuses to disclose which lobbyist suggested Reeves could get a place on the beach or a car or other big gifts by voting against a bill; from the Lewiston Evening Journal, a recent addition, I don't have the date, excerpt: The Senator, Reeves himself, would have done just as well in his broadcast not to have mentioned the lobbyist statement. Had he considered it made in earnest, he should have gone to the leadership immediately. Since he viewed it as an attempt of humor, he shouldn't have made a big deal out of it in his talk on the radio; from the Portland Evening Express of June 4, an excerpt: Senator Reeves conduct leaves a clear impression that he wants it both ways, he wants to create the impression of potential lobbyists misconduct while simultaneously denying it. It is, we think, automatic that elected officials be held accountable for what they say from a podium of public trust. In this instance, there is no escaping the conclusion that Senator Reeves has leveled a grave charge of potential misconduct against an unnamed lobbyist, but questioned about it, he now says he does not want the affair investigated. Is it possible the Senator has glibly and irresponsibly talked himself into a corner. Senator Reeves has offered, I understand, a short apology to his colleagues in the other body and I presume he meant to extend that apology to all legislators. I would have hoped that he would have, at that time, made a candid and forthright statement of the facts. In any event the apology was an unfortunate culmination of a series of casual exaggerated remarks, which has the effect of questioning the credibility of all legislators. If there is anything to be learned from this incident, it is, that we, who serve the public and hold the public trust do a disservice by demeaning that trust relationship without just cause.

The local radio station announcer had characterized my initial remarks in this affair to mean "put up or shut up" although not the language I would have chosen, I think the arrow has reached the mark. I believe Senator Reeves has refrained from further comments on unsubstantiated deals made in the halls of the legislature. I find that a satisfactory conclusion to this affair.

Mr. DAM: Mr. Speaker, Ladies and unanimous consent to address the House.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, in my mailbox, and I am sure maybe some of the other members might have received the same communication, and there might be some that have served previous sessions here, as myself, and maybe some of the new members, but I was really concerned with this and it came from the Legislative

Finance Office but originally, it originated from the Maine State Retirement System. The letter said, as a result of our latest evaluation run, we have found the birthdate for each employee on the enclosed computer listing, so these are the ones that would get the notice. It says, also each individual listed does not have an application of membership on file with the Maine State Retirement System.

Well, this concerns me, I think, and this is why I want to get it into the record because when I came down in the 104th, I filed the application for membership and I do have a membership certificate that was sent to me showing membership in the Maine State Retirement System and also every time I have come down there has been the money taken out to pay for that retirement. I think what really concerned me, was even though I realize that somewhere along the line if they haven't lost that too, they would have a record of the payments being made in. I think where my real concern came was when I had the application given me for membership and I asked them in the Legislative Finance Office where it says date of application, what would I put for date of application? They said, well, put today's date. Well, I realize I couldn't put 1969 and then turn around and go to a notary and have them notarize or a justice put the date on the back. It causes me to wonder just what is happening in the Maine State Retirement System when they can lose applications for membership and put on today's date. I am you to file another application for membership and put on today's date. I am not filing this application for membership back with them because they already have one on file and I would not fill out one with today's date and take the possibility of chance of losing six years of pay-in because they couldn't find any record of what has been paid in because, in my way of thinking, and not being one of the financial whizzes that is connected with the state and not being a computer man that realizes that computers don't make mistakes, I wouldn't file this application back with them until they give me some assurance that there is a record of the pay-in that has been paid in. I would suggest maybe to other members if they have been here under previous sessions of the legislature that they follow the same pattern.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I was looking around when the remarks from Portland, Mr. Talbot, were being made to see the various expressions on the various faces of members of the House. I think that sometimes it is well to get things off your chest. I think probably I have reached the day now, however, when I believe in that old solid yankee song which goes this way, "Don't speak if you can write, and don't write if you can nod." I have no doubt in my mind that the gentleman from Portland, probably to use a colloquial expression, had a legitimate beef.

However, it is my humble opinion and I speak now as the proud dean of the Maine House, it is my concentrated opinion that it might have been best had this been discussed with the leadership first.

Secondly, this is a perfect item to take up: at a caucus and third, if it goes to that extent, as it was done today, insofar as I am concerned, I, during this session at times might have felt that I would like to rip the mike off and heave it somewhere, but didn't. I can well remember how I felt

when it was not for me to be House Chairman of the Appropriations Committee, and I cherished that seat in the Appropriations Room as much as I do this seat, and I have so stated and the Speaker gave me safe advice and you know the advice he gave me, I think, I will always thank him for because this is the first time in ten years when I haven't had interruptions for a couple of weeks and wound up at my third home at St. Mary's when he told me, health. I want to state here that there is no doubt that some have been disturbed at times that the gentleman from, and within his party, the gentleman from Nobleboro, Mr. Palmer and the gentleman from Bangor, his Assistant, Mr. McKernan, I have enjoyed my good friend the gentleman from Nobleboro, Mr. Palmer, just sitting there with his left hand as it is now, just taking it all in, it reminded me of the old days back in 1947 and 1948 when he wasn't as quiet as he is now, probably not as wise also, but still a nice guy. As far as I am concerned I have been treated by my leadership more than fairly. The gentlelady from Portland, Mrs. Najarian, is a personal friend of mine whose friendship I cherish. I have grown to like my floor leader whom I disagreed with 99 percent of the time for eight years when he was with the Governor on fiscal matters, but certainly not on personal matters he has been extremely fair to me. As far as the Speaker is concerned, he has nothing to take away from me, he has nothing to give me, but I will tell you one thing in my very humble opinion, this I will say, 10 years or 12 years ago, I once gave you the title of the youngest man in the world and I can assure you of one thing watching you today, take it, you lost the title forever, I would be the first one to oppose any move that would take you off that Chair.

Mr. Leonard of Woolwich was granted unanimous consent to address the House:

Mr. LEONARD: Mr. Speaker, Members of the House: I just want to very quickly dispel probably some rumors that are going around that maybe I am a little bit ignorant in my speeches from what was stated by Mr. Tierney in the back on the veto. I would like to inform Mr. Tierney and the members of this House that I was absolutely right and Mr. Tierney was absolutely wrong, and if you voted because of the remark made by Mr. Tierney, then you voted and you were subject to his ignorance.

Mr. Carpenter of Houlton was granted unanimous consent to address the House:

Mr. CARPENTER: Mr. Speaker, Members of the House; I also would just very briefly like to clear up something that possibly I didn't hear this morning. We were making remarks on the first big issue of the morning on the Processor's Bonding Bill and I got a bit emotional and I believe I was upset at some of the tactics that were employed by some people in opposition to this bill. I would just like to make it clear that I was not referring, in any way, to either my seat mate or anyone else who is a member of this body. I stuttered and stammered and tried to clarify that when I was speaking and did a miserable job but the incidents and the happenings that I was upset with were, in no way, related to anyone in this body who opposed that bill for good and personal reasons, and I just wanted to clarify that.

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

Mr. GOULD: Mr. Speaker and Ladies

and Gentlemen of the House: In the talk by the gentleman from Lewiston, he referred to the gentleman from Portland in this way, I think, if you can write, don't speak, but I just wanted to tell you of a new saying that was just invented up home, it's an old saying, actually "if you can't think of anything to say, start talking".

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

Bill "An Act Defining the Warranty of Habitability and Providing Remedies Therefor."

Tabled — Mr. McKernan of Bangor

Pending — Motion of Mr. McKernan to Recede.

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

Mr. HEWES: Mr. Speaker, Members of the House: I would ask that you defeat the motion to recede so that the motion to adhere to our former position of indefinite postponement may be made and hopefully passed. I would ask that you defeat the motion to recede. This bill, if you will read the contents of the bill, which basically is Committee Amendment "A" S-260, L. D. 878, it's a bill that would allow a tenant, after living in an apartment, say for three years, if there happen to be some violation of a code, be it major or minor, the landlord would have to fix this up and if he didn't then rent could be lessened and paid by the tenant, and I call your attention to one of the sentences here. "That in determining the fair rental value there shall be a rebuttal presumption that the rental price is the fair value of the rented premises free from conditions rendering it unfit" and if a tenement which is not in A-1 shape is rented at a less than full amount because it isn't in A-1 shape, as I read this bill, the court would have to assume that the rental price was the fair price of that tenement in an A-1 shape and that is not the case. I hope you will vote against the motion to recede.

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

Mr. MCKERNAN: Mr. Speaker, Members of the House: I hope you will support the motion to recede, as we discussed the other day, the other amendment that we intend to offer, if the motion prevails, to take care of some of the problems that have been brought up in debate on previous days.

I guess I just disagree with the gentleman from Cape Elizabeth, Mr. Hewes, on whether or not this bill is going to apply to minor violations on any code if anything goes wrong in an apartment. If, after three years, when someone has been a tenant for three years, if something happens that means that the apartment is, in fact, unfit for human habitation, then I think the court ought to be able to step in and take care of the problem and order some sort of a reduction in rent, if, in fact, after notice, the landlord has not made an attempt to fix it. No court is going to step in, no petition is going to be accepted by the court if, in fact, there is a broken window or something minor that is wrong with the apartment. What we are talking about is no heat, or no plumbing or something like that. I can't believe any court would say that a broken window would make an apartment unfit for human habitation and that's what we are talking about so don't be misled by a the problem of minor violations.

I would hope that we would recede so that I could offer this amendment.

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

Mr. HENDERSON: Mr. Speaker, Members of The House: Just briefly, I do hope that you will recede so that we can at least debate the amendment. The amendment deals with one of the major objections that was raised the other day if a person wished to contract with a landlord for a place which had certain deficiencies that the tenant could in writing, say "yeah, O.K. for a lesser amount of rent or whatever, I will rent this place, even though it may not have certain elements in it which will have to be needed for a warranty" so the amendment is an attempt to help this bill and I would call your attention to the second page of the committee amendment where it does not refer to minor elements, but it does say that if there is a condition that violates any code it has to show that it endangers or materially impairs the health or well-being of the occupant. I think that is only reasonable. I hope you will recede so that we can at least have discussion on the amendment.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: I hope that you would defeat the motion to recede and I realize that possibly parliamentarily that isn't fair but the proponents of this bill have amended it once and the good gentleman from Bangor, Mr. Henderson said, that it was done in good form and should go right along, and as I say they corrected one portion of a comedy of bad things as far as I'm concerned, he just made a statement that it would be the people in the apartment. If he will read the bill, I haven't opened it in front of me but in every one of those phases and it includes also the general public and the count of the statement that my good friend, Rep. McKernan has made about this bill, that's the big question. That's the very heart of this bill, how far does it go and I submit we don't know. We don't know whether or not you can be taken to court for a broken window because if the window is broken, the snow will come in, if the snow comes in then the house is unfit for human habitation in the minds of some people. I feel that this is a problem. If the city of Bangor would enforce their codes, there would be no need for this bill. If the officials in Bangor would do their job and charge their enforcement people to do the job that they're hired and paid to do under their charter and their ordinances, then there would be no need for this bill.

A short while ago in Bangor I guess some months ago, we had a referendum along these same lines, licensing apartments to do this very thing. The people in that area turned it down resoundingly, and I assure you that the majority of citizens in Bangor are not landlords, by any manner of means, so now we're here today with the same type of thing.

I submit that it can be controlled on the local level, and this legislation doesn't, in my opinion, address this problem soundly. It's very nebulous and we can amend it from now until tomorrow afternoon and we'll be in the same boat we are now, so I do hope today that you oppose the motion to recede so that we may adhere and we may stay with the action that we took overwhelmingly the other day.

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

Mr. ROLDE: Mr. Speaker, and Ladies

and Gentlemen of the House: I am a little surprised that the opponenets would not even allow a motion to recede. This amendment was prepared because of a suggestion made by one of the gentlemen who is opposing the bill and I certainly urge you to go along with the motion to recede so that you can see whether this does correct some of the objections that people have had. This very suggestion came from the gentleman who finally had trouble with the bill so I urge you to at least consider this suggestion.

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

Mr. HEWES: Mr. Speaker, Members of the House: The time to oppose the motion, as I see it, is right now and not after the amendment has been offered because we are in a non-concurrent situation with the other body. In response to a comment a few minutes ago, I'd like to say to you that a violation of a state or local code is evidence that the premises are not fit for habitation. I'd like to read you that sentence, quote "proof of any condition in the dwelling unit which violates any state or local code or municipal ordinance intended to protect the safety or well-being of the occupants of the public shall be evidence the unit was not fit for human habitation."

Now four years ago, just as the lady from Lewiston, Mrs. Berube, backed this, the original warranty of habitability bill, I also did that, I was house chairman of the committee that heard the bill and I spoke for it and voted for it here on the floor of the House. That applied to the initial leasing of a tenement, but this bill, as I see it, would broaden the law so that after a tenant has lived in a tenement any period of time, they can then invoke this law even further.

I'm not a landlord, I don't own buildings, except our home, I represent no landlords but I was involved several years ago in a matter in Portland in which a tenement had perhaps 50 violations and they, basically, were just cracked windows or the putty not surrounding the glass in the windows, and I submit to you that if you pass this bill, you're going to have a situation where a tenant living in an apartment for a long time, and then as a normal wear and tear takes place which can include some cracked windows or putty dropping out of the frames of the windows that you're going to find that the landlord in violation of this bill and then the rent may be lessened and, in fact, rent may be taken from other property owned by that particular landlord.

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

Mr. CALL: Mr. Speaker and Members of the House: This bill is continuing harassment of the landlord. Often, unsatisfactory conditions in a rent are not the fault of the landlord, they are the fault of the tenant or his guests. This bill is decidedly one-sided in favor of the tenant. As I have said before, bills of this type are part of the continuing crusade to increase resentment toward ownership of private property. When the urban renewal program came on the scene, at least one magazine article indicated that if municipalities enforced their codes, urban renewal would not be necessary. As I said the other day, it is the younger unenlightened members of this House who are obsessed with the idea that the landlord is automatically a scoundrel. Let

us slick to our guns and vote against the motion to recede and concur.

The SPEAKER: The pending motion before the House is the motion to Recede. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Henderson of Bangor requested a roll call.

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

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

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

Mr. HENDERSON: Mr. Speaker, Members of the House: I was hoping I would have an opportunity to speak on the amendment but it looks like this is it so I'll take my chances.

I'd like to clear up several points, one with respect to code enforcement. Yesterday the gentleman from Brewer, Mr. Norris, was telling me about how effectively the codes were enforced in Bangor, especially with respect to some of the rental units that he owns, he being a landlord in Bangor and now he's arguing that maybe they are not all that effectively enforced. Either way you look at it, it seems to me this is a case for considering this bill. If there are communities in this state in which the codes are not being properly enforced and people are, in fact, living in houses which are dangerous to their health or to the public's well-being, this is a strong case for this particular proposal.

With respect to the comment by the gentleman from Cape Elizabeth, Mr. Hewes, concerning what determines whether a dwelling is fit for habitation or not, he reads from Section I of this amendment, but he doesn't distinguish Section 1 from Section 2. Section 1, says that, as he indicated, that "violations of an ordinance shall be evidence that the rented premises are unfit for human habitation". I might like to point out to you that the original bill came to the committee or the original proposal in which it said that a violation of the code was a presumption that it was unfit for human habitation. The Committee felt that was too strong and felt that only a violation of the code should be introduced as evidence, only as evidence, is not conclusive but it is permissible to be introduced into court as to whether or not the dwelling was fit or not for human habitation.

I must refer briefly to a bit of parochialism, I guess, in the city of Bangor, of rental referendum about the issues and that, although it had to do with rental affairs, I think we are far afield from this particular proposal since it did have to do with the actual licensing of dwellings, but in addition, although many tenants voted against that particular proposal, one of the issues in that referendum was that the rents for the tenants might increase by the passage of that particular proposal. What this proposes to do is to only return to the landlord a fair value for his dwelling unit. If it happens to be less than what he has contracted for, that is, he has contracted to

give a habitable dwelling, then he would receive less.

I don't feel that all landlords or all tenants are scoundrels or not and I don't feel that ought to be an issue in our deliberations. It ought to be what is a just and reasonable resolution of this particular problem.

I would like to say that the provisions of this bill only come into effect after certain things have happened. One, that there is a violation of a code, two, that that violation is serious enough to endanger the health and well-being of the occupants of that dwelling or the general public which might mean a fire hazard, for instance, and even then it doesn't come into effect. It only comes into effect after the landlord has been notified of this particular problem and even then it doesn't come into effect, but only after the landlord not fixes up, but only after the landlord had failed to take immediate and effective steps to rectify the problem. It doesn't mean that the landlord had to immediately solve that problem, it only has to show that he is going to take steps to solve the problem which endangers the health and well-being of the citizen. Only after he refuses to do that, do the provisions of this particular proposal come into effect so why people are concerned about defending an individual who having been notified of all these violations and alleged dangers to health and well-being and doesn't even take any steps, why people are willing to defend that individual after that, becomes difficult for me to imagine. I certainly hope you would reconsider your previous vote without the roll call and vote to recede so that we can amend this bill.

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

Mr. NORRIS: Mr. Speaker and Members of the House: Just very briefly, I'm sorry that the good gentleman from Bangor, Mr. Henderson, misunderstood what I said. I said that I felt that the code enforcement in Bangor was good and that they were doing an excellent job. He was the one, when we had our discussion in the cafeteria, that made some talk about them not doing a good job and I simply state and submit again, he certainly is in a very advantageous position to do something, if, in fact, he feels that the code enforcement people in Bangor are being derelict. He certainly is and could take care of this problem very, very easily and I say this honestly and humbly and I do hope you vote against the motion to recede.

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

Mrs. BERUBE: Mr. Speaker and Members of the House: Very briefly, as you are aware, I addressed myself to the section, Section 4, whereby a receiver could conceivably attach a property not even connected with the building in question. I also have a grave concern with Section 3 and I think it could be grave where it says that "landlord may be ordered to pay any necessary moving expenses incurred by a tenant for temporary relocation". The question is "what is necessary, could it be room and board at the same time, could it be most anything" and moving expenses are very, very expensive these days and then the other question is "where, move them to where"? I would hope that we would vote to adhere.

Mr. Henderson from Bangor was granted permission to speak a third time.

Mr. HENDERSON: Mr. Speaker and

Members of the House: I would like just to respond to the gentlelady's comments in Sections 3 and 4 where the landlord may, but only may, at the discretion of the court, have to pay moving expenses for a temporary move or if funds might have to be collected from his other rents in order to rehabilitate the first rent. In each of those cases that only happens, could only possibly come into account, if the court, by its discretion, ordered it, and the court could only do that if it found the violation was serious and the landlord failed to take action. Only after those things, would these provisions come into play.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I have a growing admiration for Mr. Norris' ability to kill a piece of legislation and I think that as we approach the close of the session, it becomes easier to do so because we are all anxious to get out of here. This bill, to me, is a very moderate measure and a lot of the arguments that have been raised against it, I don't believe are valid and what we have seen here is an effort, and an honest effort, by the sponsors of this legislation, to meet some of the objections which were raised on the floor and which I believe were valid objections to this piece of legislation. In response to those who objected to this, one certain portion of the bill and most of the criticism was in that area, an honest effort has been made to meet that objection and to make it possible for people who want to rent premises which are substandard to do so, at a lower rent, so that the person who wants to rent a camp that doesn't have plumbing or whatever will be able to do so without having any problems under this bill. As the bill would end up if we were to consider the amendment and act favorably on it, it would apply not to those situations but to the situations where somebody honestly rents a decent apartment and then the landlord allows it to fall into disrepair where the unsafe conditions are not the result of the tenants conduct in the building. It's the situation where somebody rents an apartment and then the landlord doesn't furnish heat; the situation where somebody rents an apartment in the building and the stairs begin to rot out and an old woman on the top floor who can't get down, and right now the only thing she can do is to move out of the apartment and if there is a housing shortage, as there is in many of our cities, there's no place where she can go and yet there's no way that she can make that landlord fix the steps or get the heat functioning again and that's what this bill is about. I think that we should be very careful about killing legislation which is very badly needed in the closing hours or the closing days of this legislature, and I would urge you to, at least, to extend the courtesy to the proponents of this legislation who have made a sincere effort to meet some of the objections that were earlier raised and at least allow this amendment to be considered.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Skowhegan, Mr. Dam, once said on another landlord-tenant bill that the only people that were going to be hurt by this were the slumlords. Well, that is sort of the way I view this bill, but I want to try to see if I can define the issues a little

more. The way I view this, if we recede and then accept the amendment which I intend to offer, if the motion to recede does prevail, what we will be saying and what we will be putting on our books is simply that if a landlord and tenant agree or enter into an agreement to rent the property to a tenant which is fit for human habitation, that that tenant will be guaranteed that that is what he or she will be receiving and that if they wanted to go and enter into a specific agreement for something less than that, well, that's fine, then they can do that, but at least when they enter into the agreement, they are going to know what they are bargaining for.

If we just recede and concur, I think there will be some problems and that's why we move to recede. If we adhere there will obviously be problems because we will have killed the bill and if we kill the bill, the present condition will remain the same and, that is, as the gentleman from Standish just said, that if you enter into an agreement to get a place that's fit for human habitation and something happens through no fault of the tenants, to render it unfit for human habitation, that that tenant isn't going to have to move out. That tenant can require that the landlord live up to the bargain, live up to the agreement that the place would be fit for human habitation, and he could go to court to enforce it. I don't see that that is asking too much. I think that any reputable landlord isn't going to be affected by this bill.

I think one further point which every body seems to have ignored is that there is nothing requiring the landlord to stay in the business of renting these types of apartments and if an apartment is so bad that it is unfit for human habitation then there's nothing to stop the landlord from just stopping the rent of it. I think that is what ought to happen, is either keep it up so that people can live in it or else get out of landlord business and that's all the bill would do if you recede it.

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

Mr. CALL: Mr. Speaker and Members of the House: From what we have heard, we are led to believe that some tenants rent an apartment or house without having looked at the premises. The law says, let the buyer beware.

There is something decidedly artificial about these so-called landlord-tenant bills; they aim to put landlords into a bad light and to cause him undue expense, inconvenience and in some instances, embarrassment. Don't the proponents of this bill know that the time is coming when those who don't own their own home will be living in federal housing? And in regard to federal housing, have the proponents of this bill read about that infamous housing project in the big city of the Midwest to say nothing of the one in the big city of one of our New England states? This bill should be defeated.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I wish to pair my vote with the gentleman from Biddeford, Mr. Lizotte. If Mr. Lizotte were here, he would be voting no and if I were voting I would be voting yes.

The SPEAKER: The gentleman from Waterville, Mr. Carey, wishes to pair his vote with the gentleman from Biddeford, Mr. Lizotte. If Mr. Lizotte were here, he would be voting no and the gentleman

from Waterville, Mr. Carey, would be voting yes.

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

Mr. McMAHON: Mr. Speaker, I wish to pair with the gentleman from Gorham, Mr. Quinn. If he were here, he would be voting no and I would be voting yes.

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, wishes to pair with the gentleman from Gorham, Mr. Quinn. If Mr. Quinn were here, he would be voting no and Mr. McMahon would be voting yes.

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

Mr. MILLS: Mr. Speaker, I wish to pair with Mr. Davies of Orono. If Mr. Davies were here, he would be voting yes; and I would be voting no.

The SPEAKER: The gentleman from Eastport, Mr. Mills, wishes to pair with Mr. Davies of Orono. If Mr. Davies were here, he would be voting yes; Mr. Mills would be voting no.

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

Mr. BUSTIN: Mr. Speaker, I wish to pair with the gentleman from Scarborough, Mr. Higgins. If Mr. Higgins were here, he would be voting no and I would be voting yes.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, wishes to pair with the gentleman from Scarborough, Mr. Higgins. If Mr. Higgins were here, he would be voting no and Mr. Bustin would be voting yes.

The SPEAKER: The pending question before the House is on the motion of the Gentleman from Bangor, Mr. McKernan, that the House recede. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bagley, Bennett, Blodgett, Boudreau, Burns, Carpenter, Carter, Chonko, Churchill, Clark, Cooney, Cox, Dam, Drigotas, Farley, Faucher, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Jensen, Kany, Kelleher, Kennedy, Laffin, LaPointe, Lovell, Martin, R.; McKernan, Miskavage, Mitchell, Mulkern, Nadeau, Najarian, Peakes, Perkins, S.; Peterson, T.; Post, Rolde, Saunders, Smith, Spencer, Strout, Tierney, Truman, Wagner, Wilfong, Winship.

NAY — Ault, Berry, G. W.; Berry, P. P.; Berube, Birt, Byers, Call, Carroll, Conners, Curran, R.; Curtis, Doak, Dow, Durgin, Dyer, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Hewes, Hinds, Hunter, Hutchings, Jackson, Jalbert, Joyce, Kauffman, Laverty, Leonard, Lewis, Littlefield, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Maxwell, McBreairy, Morin, Norris, Pelosi, Perkins, T.; Peterson, P.; Raymond, Rideout, Rollins, Shute, Silverman, Snowe, Sprowl, Stubbs, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Usher, Walker.

ABSENT — Albert, Bowie, Connolly, Cote, Curran, P.; DeVane, Dudley, Ingegneri, Jacques, Kelley, LeBlanc, Lewin, Martin, A.; Morton, Palmer, Pearson, Pierce, Powell, Snow, Susi, Talbot, Tyndale, Webber.

PAIRED — Bustin, Carey, Davies, Higgins, Lizotte, McMahon, Mills, Quinn.

Yes, 55; No, 64; Absent, 24; Paired, 8.

The SPEAKER: Fifty-five having voted in the affirmative and sixty-four in the

negative, with twenty-four being absent, and eight paired, the motion does not prevail.

Mr. Gauthier of Sanford moved that the House adhere.

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

Mr. HOBBS: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The Chair will order a division. Those in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken. 46 having voted in the affirmative and 64 in the negative, the motion did not prevail.

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

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

Mr. Hewes of Cape Elizabeth requested a division.

The SPEAKER: Those in favor of the motion to insist will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Dam of Skowhegan requested a roll call.

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

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

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

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will hold firm and vote against the pending motion so that we may then vote for the motion of the gentleman from Sanford, Mr. Gauthier to adhere.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I will only say that this is the true test. If you are totally against the bill, then I would assume you would vote against it. If there are minor problems that you think could be worked out and you actually do want to try to help the tenants, then I would hope that you would vote to insist and ask for a Committee of Conference to work out the problem.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I hope we do vote to insist and ask for a Committee of Conference. I am not going back over the whole speech I made on this the other day. My feelings have not changed on it and I feel that personally I am a landlord and I feel with this bill if you have decent housing and you are renting decent housing, then you should have no fear of this bill at all, but if the shoe is on the other foot, then you should have a fear of this bill. If you have decent housing, you should be able to support this bill and support it in good conscience.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: The first vote that was taken by the committee, the Judiciary Committee, the majority was to

bring this to be researched and there is no reason why we can't research this on both sides and come out with something good, better than what we have at the present time.

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

Mr. BUSTIN: Mr. Speaker, I wish to pair with the gentleman from Scarborough, Mr. Higgins. If he were here, he would be voting no and I would be voting yes.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, wishes to pair with the gentleman from Scarborough, Mr. Higgins. If Mr. Higgins were voting, he would be voting no and Mr. Bustin would be voting yes.

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

Mr. McMAHON: Mr. Speaker, I wish to pair with the gentleman from Gorham, Mr. Quinn. If he were here, he would be voting no and I would be voting yes.

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon wishes to pair with the gentleman from Gorham, Mr. Quinn. If Mr. Quinn were voting, he would be voting no and Mr. Carey would be voting yes.

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

Mr. CAREY: Mr. Speaker, I wish to pair with the gentleman from Biddeford, Mr. Lizotte. If he were here, he would be voting no and I would be voting yes.

The SPEAKER: The gentleman from Waterville, Mr. Carey, wishes to pair with Mr. Lizotte of Biddeford, Mr. Lizotte would be voting no and Mr. Croy would be voting yes.

The SPEAKER: The pending question before the House is the motion to insist and ask for a Committee of Conference. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bagley, Bennett, Berry, P. P.; Blodgett, Boudreau, Burns, Carpenter, Chonko, Churchill, Clark, Cox, Dam, Drigotas, Farley, Faucher, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Jensen, Kany, Kelleher, Kennedy, Laffin, LaPointe, Mahany, Martin, R.; McKernan, Miskavage, Mitchell, Mulkern, Nadeau, Najarian, Palmer, Pearson, Perkins, T.; Peterson, T.; Post, Rolde, Saunders, Smith, Spencer, Strout, Tarr, Tierney, Truman, Twitchell, Wagner, Winship, The Speaker.

NAY — Ault, Berry, G. W.; Berube, Birt, Byers, Call, Carter, Conners, Curran, R.; Curtis, Doak, Dow, Durgin, Dyer, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Hewes, Hinds, Hunter, Hutchings, Immonen, Jackson, Jalbert, Joyce, Kauffman, Laverty, Leonard, Lewis, Littlefield, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Maxwell, McBreairy, Norris, Peakes, Pelosi, Perkins, S.; Peterson, P.; Raymond, Rideout, Rollins, Shute, Silverman, Snowe, Sprowl, Stubbs, Teague, Theriault, Torrey, Tozier, Usher, Walker, Wilfong.

ABSENT — Albert, Bowie, Carroll, Connolly, Cooney, Cote, Curran, P.; Davies, DeVane, Dudley, Farnham, Ingegneri, Jacques, Kelley, LeBlanc, Lewin, Martin, A.; Mills, Morin, Morton, Pierce, Powell, Snow, Susi, Talbot, Tyndale, Webber.

PAIRED — Bustin, Carey, Higgins, Lizotte, McMahon, Quinn.

Yes, 57; No, 61; Absent, 27; Paired, 6.

The SPEAKER: Fifty-seven having voted in the affirmative and twenty-seven in the negative, with twenty-seven being absent and six paired, the motion does not prevail.

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

Mr. WILFONG: Mr. Speaker, having voted on the prevailing side, I now move that the House reconsider.

The SPEAKER: The gentleman from Stowe, Mr. Wilfong, having voted on the prevailing side now moves that the House reconsider its action whereby this body failed to vote to insist.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I have been consistently voted for this bill and I have been consistently getting my ears rapped like the rest of you in here this morning and there is a point in time where every man in his life get a little tired of being played around and we all know that this is an important issue and we have been slapping it back and forth so let's dispense with it once and for all and stop playing around.

The SPEAKER: The pending motion is to reconsider. The Chair will order a division. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

49 having voted in the affirmative and 67 in the negative, the motion did not prevail.

Thereupon, the House voted to adhere.

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

Mr. NORRIS: Having voted on the prevailing side, I now move that the House reconsider.

The SPEAKER: The gentleman from Brewer, Mr. Norris, having voted on the prevailing side, now moves we reconsider our action whereby this body voted to Adhere. Those in favor of reconsideration will say yes; those opposed will say no.

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

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

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

**After Recess
3:00 P.M.**

The House was called to order by the Speaker.

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

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Allow Payment of Unemployment Compensation Benefits During Labor Disputes Caused by Failure of the Employer to Correct Hazardous Working Conditions" (H. P. 825) (L. D. 1008) ask leave to report: that the Senate recede

from its action whereby it accepted the Minority "Ought Not to Pass" Report; accept the Majority "Ought to Pass" Report; adopt Committee Amendment "A" (H-378); and Pass the Bill to be Engrossed, as amended by Committee Amendment "A", in concurrence.

(Signed)
Messrs. ROBERTS of York
DANTON of York

Mrs. CHONKO of Topsham
Messrs. HUGHES of Auburn
TEAGUE of Fairfield

-of the Senate.
-of the House.
Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-378) in concurrence.

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

The following Communication:
June 13, 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 Relating to Political Fundraising by State Employees" (H. P. 1382) (L. D. 1686).

Respectfully,
(S)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Resolution, Proposing an Amendment to the Constitution to Provide a Non-jury Trial for Petty Criminal Offenses" (H. P. 301) (L. D. 351) on which the Majority "Ought Not to Pass" Report of the Committee on Judiciary was read and accepted in the House on June 10.

Came from the Senate with the Minority "Ought to Pass" Report of the Committee on Judiciary read and accepted and the Bill passed to be engrossed in non-concurrence.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I move we adhere and would speak briefly to my motion.

What we have before us, as some of you may know, is L. D. 351 dealing with the elimination of an element in our declaration of rights as part of our Constitution, our right to jury trial. The current right is a blanket right. This would take away that right, if it were passed as a constitutional amendment, by allowing a person not to be tried by jury if the penalty was for imprisonment up to six months and or a \$500 fine. In effect what it would mean is that an individual or citizen could be imprisoned five months for an offense without a jury trial. I have had distributed, I think they are currently being distributed, a list of reasons why I think we ought to adhere to our former action whereby we did not pass this bill.

First of all, I think it is a dangerous precedent and it is similar to the attack on the grand jury which we severely turned back in this House several weeks ago. There are several bills, as I mentioned then, that are dealing with eroding the right to a jury trial. This is just one of them and there are at least two more to come.

Secondly, I think this is a denial of the basic rights in the Maine Constitution, something that we ought not to tamper with and something that has been part of our tradition for a long, long time.

Thirdly, some people will argue that there are some offenses that now might be covered that are not really very important offenses. The problem is, with this constitutional amendment, the legislature, by changing the penalties, could put various kinds of offenses, crimes, under this category whereby you would not have a right to a jury trial. Sometimes the actual public knowledge of having undergone that trial of being convicted is sometimes more damaging and more important as your neighbors realizing that incarceration, it is a matter of moral turpitude, so to speak.

We talked about shoplifting earlier, if you were convicted of shoplifting the fact that you paid the fine wouldn't be as important as your neighbors realize that you had been. If you had been convicted without a jury trial or somehow I think that is a major infringement on an important issue where your reputation is at stake.

In addition, there has not been any widespread popular demand for this. It has come out of several members from the other body who are concerned with the efficiency in our court system, which leads me to our last set of arguments and that is, we have enacted many reforms in this and recent legislatures to improve the efficiency of our court system. I think we ought to try to give those things a chance to work before we start nibbling away on what has traditionally been considered basic rights.

For instance, our traffic court revision bill, L. D. 1812, was an attempt to reduce much of the congestion in the courts by decriminalizing certain kinds of traffic offenses so that they would not all go to a jury trial, going through the red light or the stop sign or whatever. We have had a sweeping revision of the Superior Court System in an attempt to make it more efficient and administered much better. The Supreme Court, we have added a member, we have established full-time district attorneys in the last session and the Criminal Code is another attempt to try to organize things and improve the efficiency in our court system. All of these things have not dealt with infringing on basic rights.

I hope you will vote to adhere this afternoon.

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

Mr. CAREY: Mr. Speaker Ladies and Gentlemen of the House: I would only take issue with the gentleman from Bangor, Mr. Henderson, on a couple of points. When he said there is no widespread demand for this, it is obvious that he was not a member of the Legal Affairs Committee which studied all last summer rural crime. We conducted hearings all over the state and we did, in effect, find, and I think, Mr. Faucher, who is the cosponsor of this measure, will find that in fact there was widespread sentiment for this type of thing. For those of you who have just been working on county budgets and can realize where the cost came in on the county budgets at the county court level, and if you were able to talk to your commissioners and your judges in your area as we did in Kennebec, you would find that much of the cost in the court system.

Much of it has been brought about because of the increased fees that we as legislators, for instance, have increased payments to the jurors.

The problem that arises, obviously, with some people's thinking is, that the jail sentence part of it is an infringement.

I agree with the gentleman from Bangor, Mr. Henderson, that this is going against a person's constitutional rights, and if he will reread the bill, he will notice that this is a constitutional amendment which would take it out of the Constitution and if therefore it is a part of the Constitution, then you are not taking away the constitutional rights if that is in fact what is in the Constitution.

I do agree with him that if you start thinking about putting people in jail you are going beyond just a little fine structure. I would obviously, at this time, support his motion to adhere, provided that some gains are made in an effort to give the criminal code at least a try. Otherwise, this bill obviously will be back at the next session if there is no progress made with the new criminal code.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: As a layman who is somewhat unacquainted with this particular area, I would like to ask a question through the Chair to members of the Judiciary Committee. Is there anything in this L. D. 35 that conflicts in any way with any provisions of the Criminal Code which we have been hearing?

The SPEAKER pro tem: The gentleman from Portland, Mr. Mulkern, 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: In an effort to answer that question, I don't believe this bill has been equated with the criminal code. There are certain categories of offenses which might fall within the so-called petty crime category of six months and therefore could well fit within the Criminal Code.

While I am on my feet, I would like to address myself to the bill and the fact that on the one hand we abhor the thought of removing what we consider a basic right to a jury trial in any instance in which we are going to be confined or there is a possibility of confinement and at least let you become aware of the fact that historically, in the period in time of the colonies, there was no basic right to a jury trial in petty criminal cases. England today does not have the so-called basic right of the jury trial in petty criminal cases. The federal court system permits non-jury trial in petty criminal cases, and 48 of the other states have enacted legislation or constitutional changes permitting non-jury trials in petty criminal cases. So, it isn't as if we have this total backlog or pressure of history as well as precedents in other states not saying that this is not something that we could not do and is completely new and unique. It is something that is now a law in many, many states and jurisdictions.

To the extent that we can feel emotional about the very thought of being confined, even for a limited period of time by virtue of court proceedings where there has not been a jury determination of our guilt, I can accept that. I understand that emotionally.

However, I do think that given a period of time in the future, whether we do it today or not, that the general public, because of society, demands and cultural changes, may well accept the fact that it can work, it is working and go about its business.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Ever since I have been a member of this body, we have continually come down here and there have been bills introduced, in my opinion, to destroy the judicial system of the state. I would like to commend not only this state but the State of Massachusetts as two states not having on the books right now this very bill that is before us.

I would urge the House to support Mr. Henderson's motion. I think that we would be arbitrarily putting into the hands of the judges of this state, and I am not sure that they want it, but I am positive that I know I don't want them to have the right, as one person, to determine whether a man or a woman can go to jail for petty crime up to six months.

I believe the people in my area and the people in the state, if they want to waive their right to a jury trial, they can do that, but if they want to go before a jury of 12 good men and women that are true and fair, then I think they should have that opportunity. I would urge this House not to support this bill and to support the motion of the gentleman from Bangor.

Thereupon, the House voted to adhere.

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

(S. P. 397) (L. D. 1283) Bill "An Act Insuring Due Process of Law to Consumers in the Foreclosure of Real Estate Mortgages and to Require Accounting for Surplus Therefrom" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-298)

(S. P. 474) (L. D. 1608) Bill "An Act Establishing Registration Procedures for Administrative Lobbyists and Proscribing Certain Lobbying Activities" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-297)

No objections being noted, the above items were ordered to appear on the Consent Calendar of June 16, under listing of the Second Day.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: Is the House in possession of L.D. 1511?

The SPEAKER pro tem: The Chair would answer in the affirmative, the House is in possession of Bill "An Act to Increase the Maximum Penalty for Shoplifting and Provide for the Detainment of Persons Suspected of Shoplifting," Senate Paper 452, L.D. 1511.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I move reconsideration whereby this bill was indefinitely postponed.

The SPEAKER pro tem: The gentleman from Biddeford, Mr. Farley, moves the House reconsider its action whereby this bill was indefinitely postponed. The chair hears objection.

The pending question is on the motion of the gentleman from Biddeford, Mr. Farley, that the House reconsider its action whereby this bill was indefinitely postponed. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

53 having voted in the affirmative and 27 having voted in the negative, the motion did prevail.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I urge this House not to vote for indefinite postponement and bring this bill back again because I believe there is going to be an amendment offered that may be palatable to everybody.

The SPEAKER pro tem: The pending question now is indefinite postponement of this bill. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

27 having voted in the affirmative and 57 having voted in the negative, the motion did not prevail.

Thereupon, the Report was read by the Clerk.

Mr. Gauthier of Sanford moved the House accept the Majority "Ought to Pass" 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 make a motion for indefinite postponement of this bill and all accompanying papers and I would speak to my motion.

The SPEAKER pro tem: The Chair would inform the gentleman that the motion is not in order at this time, it has been voted on.

Mr. Dam of Skowhegan requested a roll call vote on acceptance of the Majority "Ought to Pass" report.

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 Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will vote for acceptance of the Majority "Ought to Pass" Report as moved by the gentleman from Sanford. If you will look at the L.D., which is now Senate Amendment 292, it says that certain employees of the store may detain on the premises, in a reasonable manner and for a reasonable period of time, any person he has probable cause to believe is unlawfully concealing merchandise. They only do this for certain specified purposes. The purposes are to acquire identification and to inform a law enforcement officer of the detention and to surrender this person to that law enforcement officer. If a person detains a minor, they would notify the parents or the enforcement officers. It is all reasonableness, reasonable at the time and in a reasonable manner. There is no shouting whoopla or publicity made of it, it is a reasonable manner.

I hope that you will vote to accept the Majority "Ought to Pass" Report. I

understand at second reader tomorrow, if you do, they will limit the people that can do this detention to certain responsible officials of the store.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to read the amendment that Representative Hewes just mentioned. It has been changed from the previous bill. This amendment now states in the Statement of Fact: "This amendment will limit the right of detention to any store owner, manager, or supervisor only, not to any clerk in the store." Filing H-746, House Amendment "A" to Committee Amendment "A".

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: The amendment which Mr. Gauthier was referring to did come to us this morning and is not before us is it?

The SPEAKER pro tem: The Chair would inform the gentlewoman that this amendment is not before the House.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: We discussed this thoroughly yesterday and I would urge you not to accept the Majority "Ought to Pass" Report. This bill still provides that anybody may be stopped in the store where there is reasonable cause to believe that they may be concealing merchandise. I would just point out to you that the situation can easily arise where anyone in this body realizes that they are late for an appointment or an airplane or anything else and starts to move quickly towards the door of a store and you could be detained for a reasonable length of time. In committee, we discussed limiting it to 30 minutes but we finally did not put in the 30 minute amendment, so you could be held there in the store until they could go and get a police officer just because somebody felt they had probably cause to stop you.

It could very easily happen and this scenario was suggested to me by Representative Joyce, that someone could be in the store and pick up a can of Burma Shave, be seen by a store employee, go further down the aisle in the store, decide to take another kind of shaving cream, put the other can while the store employee wasn't watching, then when you were checking out of the store, the employee would say, wait a minute, I saw him pick up the can of Burma Shave and he saw you pick it up, it wasn't in your grocery cart, he would probably have probable cause to think that you had concealed that item. He could report it to the manager who could detain you and hold you there for half an hour.

To me, this is not a good piece of legislation and I don't think that restricting the people who stop you in this manner makes it any better. I would urge you not to accept the Majority "Ought to Pass" Report.

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 a question I would like to ask anybody from the Judiciary Committee that would care to answer. What would happen if — let's assume my brothers and I and the Perry

boys went into a store and we didn't steal anything but we were detained and we didn't want to be detained. If this law was passed, would they be able to prosecute us if we in fact did not steal anything and they detained us or tried to detain us and we threw them through a window or something or just wouldn't go along with it, what would they be able to do with us?

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am not a student of law, Mr. Wilfong, but I think by due process of law I would have a right to sue them. I would assume that you would have a right to sue them. Does that answer your question?

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I think that we are using here hypothetical situations that are very uncalled for and not in due respect in fairness to this bill.

First of all, the hypothetical situation that people want to bring up is a way and means to kill this bill. I support the food stamp program, but I could name you a hundred ways why it shouldn't be passed. They abuse it, they do everything they can to ruin the program and yet it is good because it helps the people who really need it.

This law that we have with us today, we had a good little time yesterday, I don't care one way or the other about the law because I will still run my own store the way I want to, and I will handle my own problems. We have department stores in this state who are being literally robbed day in and day out because of shoplifters and undesirable people who take advantage of the working people trying to make a living and they are so rotten themselves they will steal from people.

Let's look at this bill as the bill really is and the merits of the bill and cut out picking little points apart, hypothetical situations don't even prevail. First of all, I want to correct a couple of things. First of all, the stores, the big stores or the small stores of this state, they don't want trouble, that is the first thing they don't want. Number two, an employee would never bother anyone for stealing anything they wouldn't have the guts to say anything to them in the first place, because it is not their money, it is not their merchandise, they still get paid. They wouldn't bother them. You are looking at things here not even pertaining to the bill and this is a good piece of legislation. It is constructive, it is going in the right way. If you come up here with these little picky things you are going to try to kill this bill with, all you are doing is fooling yourself.

Ask me, ask these shopping centers, they can tell you cases after cases, they don't call the police on them every time, they don't want the publicity. It is not good publicity but it is a problem that exists within this state and if you people in this legislature are going to turn your backs to it, you turn your backs to the people who are trying to pay taxes, keep the state in business and you would be doing them a very bad injustice by killing this bill.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to get involved with the hypotheticals. I am interested in getting right down to the bottom of this. I am not interested in making this a chicken bill, but it might be that. I recall the study they made of why did the chicken cross the street? They found out that the chicken didn't cross the street and only went to the middle of the road, and when they looked into that further, they asked why. Well, he went out to say that the chicken walked only to the middle of the road because she wanted to lay it on the line. I say to you today, I am going to lay it on the line.

I know we have been entertained here the last few days about probable cause, the fair preponderance of evidence. Black's Law Dictionary, that is where they go. My law professor at law school said they all can read it in Black's Law Dictionary but when they get out there in the field, they can't apply it. I am going to break it down and tell you what it amounts to.

What is probable cause that they ask you in this bill to support. They are asking you a power that not one law enforcement officer in this state has to arrest for a misdemeanor on probable cause. I will tell you what it amounts to. You take that carriage and walk down the aisle and think of these ads on television, you want to get the anti deodorant and you look up there and there it is, Right Guard, pick it off the shelf and put in the carriage. You walk down the aisles and what do you see on the end of the counter, that big display, Arrid, half price. You think, I haven't used Arrid for years but it's the bargain. You reach up there and you take that Arrid and you set it in your carriage. Now, you pick up the Right Guard, now you are guilty when you pick up that Right Guard, you are wondering, you walk down three aisles, what are you going to do with it well, you look around and you sneak it back on the shelf with the razor blades. You are an honest person, you have got a conscience. The only thing is, an employee, a supervisor or a manager sees you when you took that Right Guard off the counter and placed it in the carriage so after you loop around down back to get the dydees and the other things you end up at the check-out stand. You go through that checkout stand and there's that man watching you because you've got long hair, because you're a woman and you're wearing dungarees or painter's pants? You're a suspect all of a sudden in our society, that manager knows you picked up that Right Guard, he saw you. You go through the register, no Right Guard comes on the counter whether you look through Blacks law dictionary, whether you look to some of the good cases, is probable cause, there it is, I think we're entitled to a little bit better than this. I think you're going to the heart of the Constitution, what right do you have when you enter that store? When you come in that store, you don't leave the pursuit of happiness in the parking lot. You have a right to walk down that aisle and a right to reach up and take that Right Guard but you also have a right to put it back, you're pursuing happiness, nobody knows where it is, but that's our right, we have got a right to look for it. I don't think anybody should infringe these rights, citizens are asked "yes, you can handle it this way." But believe me, I don't think this is the proper way, as I said yesterday, this bill should have never gone to a prestigious committee such as the Judiciary, this belonged in legislation. I went to the committee hearing, you had people there that want you to run their stores for them, there are other ways and there are better ways. A little concern around here last

week about malpractice, what do you think it would amount to, some bill like this, arrested on probable cause?

No problem with the law today, somebody mentioned yesterday, they go in and lift television sets, sure, we had guys that could pick up television sets, put them under their raincoat, no problem with this, it's a felony and you can make the arrest, we don't have any problem there. You got the supervisor in charge of the popcorn counter who can go out and arrest you, if they see you take that Right Guard. This kind of bothers me. Now where do we look for instructions when we have a problem like this?

You know, in recent years, there has been the criminal law revolution, the law in courts the Berger Courts, they looked at these problems that we had, they looked at the Miranda case and they were awful upset about the way policemen were doing work. They said "it's not right, this Mutt and Jeff type police operation" and this is a Mutt and Jeff type bill. The court looked at that, the court took all the trouble to look into the textbooks that were used in the training of law enforcement people. What did they find there? Oh, they found something you just wouldn't believe, but the court didn't stop there. During this criminal law revolution, the court then took particular pains to instruct policemen to instruct law enforcement in their decisions and I give to you, today, what Justice Rizzo White of the United States Supreme Court told us in that Terry vs. Ohio where they split the thing up and there were many opinions but they, very reluctantly, gave to the police, the authority to stop somebody on the street and frisk them. What did White say? I only quote this today from the Terry case to answer Mr. Wilfong's question. I feel he is entitled to an answer to that question and if it doesn't come from the legal fraternity, I feel duty bound to give it to him. Justice White said "persons stopped are not obliged to answer, answers may not be compelled and refusal to answer furnishes no basis for an arrest". He went on to say "you can still follow the guy if he doesn't want to talk to you so I suppose he's telling us, if you stop this guy on probable cause, he says, "look, I don't want to talk to you about the Right Guard" and he walks out through to the street and up the street for a mile, you got a right to follow him, no problem, you haven't got a right to tackle him like this bill would let you do. The fourth amendment, is a severe requirement of specific justification for any intrusion. You've got to protect the personal security of people. Many times had the court referred in evidence, the fruit of the poisonous tree. I think that doctrine could be applied to this particular bill. We do not permit the police officers to arrest on probable cause, yet we require them to attend the police academy for three months before they go on to the street and yet we are proposing in this bill to give carte blanche to store owners, operators, supervisors and popcorn managers.

I am upset when I see a bill like this because just a few years ago when a law in court knocked it out, they could pick you up for any reason at all, lock you up and hold you in the State of New Hampshire for 48 hours. In Florida they had a law that would hold you a couple of days, no excuse at all. I urge you to defeat this bill.

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

Mr. FINEMORE: I would like to ask a question of anyone who might answer.

The SPEAKER pro-tem: The gentleman may pose his question.

Mr. FINEMORE: I would like to ask one of these Barristers here if he could tell me or not whether you had any recourse if they picked up and they found you didn't have anything stolen or anything. Do you have any recourse to go back on the stores, the manager or anything?

The SPEAKER pro-tem: The gentleman from Bridgewater, Mr. Finemore, poses a question through the Chair to anyone who may care to answer. The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Members of the House: In reply to his question, there is a false imprisonment or false arrest law that will allow the person improperly detained to sue for a false arrest or a false imprisonment and I assume that if this bill that we are discussing today becomes a law, I assume that the employee of the store would have the right to detain the person who would sue, who, say, would be wronged, detain him a reasonable length of time in a reasonable manner and if their detention became unreasonable for any length of time, then there would still be this right of action for false arrest or false imprisonment.

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

Mr. SPENCER: Mr. Speaker and Members of the House: In answer to the question which was asked earlier by Rep. Wilfong as to what would happen if the supervisor tried to detain him and he had a plane to catch in 15 minutes, and he didn't allow himself to be detained, he would be guilty of the crime of assault and if he just threatened to use force against the guy that was holding him there in the store, he would be guilty of criminal threatening, and in either case, he would be subject to a fine of up to \$500 and imprisonment of up to one year so that he would be threatening the use of force against the person and it would be unjustified because, under this law, the supervisor would have justification for holding him there and the person who is being detained would not have the right to use force to prevent from being held there, so that someone who wasn't aware of this law, who walked out of a store with nothing in his pocket, who got grabbed by a supervisor and who said "you can't hold me like this" and hit him, could go to jail for a year.

The SPEAKER pro-tem: The Chair recognizes the gentleman from Newcastle, Mrs. Byers.

Mrs. BYERS: Mr. Speaker, Members of the House: We lost \$15 million in merchandise in the State of Maine from shoplifting and I say we lost the money because where does the cost go? It goes directly to the consumer. If the company loses it, they have to raise their prices. I don't think this is an unreasonable law. Yesterday, Mrs. Miskavage told us that 40 other states have this law, and it helped them. Let's try it here.

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

Mrs. KANY: Mr. Speaker, may I pose a question through the Chair to Rep. Hewes? It wasn't quite clear to me in your answer to Rep. Finemore. If I were detained for just a reasonable period of time and for shoplifting and after I had been detained for that short period of time, it was found

that I had not done or committed any shoplifting, will I have any recourse?

The SPEAKER pro-tem: The gentleman from Waterville, Mrs. Kany, poses a question through the Chair to Mr. Hewes, who may answer if he so desires.

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

Mr. HEWES: Mr. Speaker, Members of the House: In response to the question, as I understand the law, as it is today, without passing L. D. 1511, you would have a recourse if you were detained even though it was in a reasonable manner even though you were innocent, however, if this bill becomes law, that changes the law and 90 days after we adjourn, if you were detained for a reasonable length of time, you would not have any recourse.

I happen to feel that you should change the law, if you are detained in a reasonable fashion, this is really an honest consumer's bill, as I see it, because the honest consumer has to pick up this extra \$15 million or whatever the amount is that is lost each year because of those dishonest shoplifters that are taking this amount of merchandise.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: A couple of things were said here this afternoon that I'd like to correct. I'm not thinking as a lawyer like many questions have pertained to today in this debate. You're all thinking of it from the lawyer's point of view. What would happen if I was accused and didn't do it? Well, let me assure you, the business men of this state would never accuse anyone if they had one bit of doubt because they would rather let you go and take the loss instead of the grief and the publicity that they would take. Now, that's the storeowner's thinking, that's not lawyer's thinking. The second thing is, a store owner does not judge a man whether he is black, whether he is white, whether he has long hair, whether he has short hair, that is not the code of a shoplifter. The code of a shoplifter is a person and their actions and you can see it when you're a storeowner. It's their actions that tell whether they are a shoplifter. Nothing has been said about the store owner about long hair or short hair or where they come from. That's not the issue, but you run a store and you can tell by the actions of the people whether they are ready to commit a shoplifting act and that is not a lawyer's viewpoint, that is a storeowner's viewpoint, he does this day in and day out. He becomes very good at his business, just like if we were here 12 months out of the year, we would be better than what we are now, we would learn to do our job well. Some of us aren't doing it very well now but we would be doing it well by January, well, the store owner is the same way. He knows when something is wrong and he doesn't have to be a lawyer, he doesn't have to be a blacksmith or anything else. When this comes to pass, he can see it because he is a business man and he knows what's about to take place and I can assure you, my very good friend, Mr. Joyce, from Portland, for whom I have the greatest respect and admiration, I can assure him one thing, the storeowner would never accuse anyone if there was one ounce of doubt. Now, that is a fact and I would like to have you remember this when you vote. They are not going to take it upon themselves for libel, they are too smart for that. You probably see one, or

two or three shoplifting cases in the paper, you don't see the thousands that happen every day in this state.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I voted against this bill yesterday. I've seen the proposed amendment, it is somewhat better, it just seems to me we are doing an awful lot of worrying.

If the merchant and that includes the good gentleman from Westbrook, if the merchants are willing to put their head on the block and sometimes have it chopped off, what are we worrying about? Let's get on with our business and either kill it or pass it, one or the other.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I think the gentleman from Westbrook, Mr. Laffin has put it rather well if perhaps a little louder than I would have but I agree with his thinking that the safeguards in this bill are in the psychology of people who have to do business and have to maintain good relationships with their customers and are not going to abuse these things by just carelessly accusing people of stealing, and I think the other safeguard is the wording of the bill and I would hope that you would take a chance to look at it directly.

The bill, by the way, is the amendment and the amendment says "that the purposes shall be to require the person being detained to identify himself, to verify such identification, and to inform the law enforcement officer of the detainment and to surrender that person to the officer, not to search him, there will be no opportunity to slip things into his pocket, at least, not legally, and you certainly would have recourse if they did it otherwise — to stop him for only those very specific reasons and at least a few are in my position and I'm not a shop owner. I was surprised to learn that there was no legal way they could do that. It's simply, if they saw someone stealing things and that person had the strong will to simply walk out and ignore the storeowner trying to stop him, that person could walk out of there and there is nothing the store owner could do, so we tried to address a very real problem and I support the bill, as it stands, but if there are good and reasonable amendments, I'll support those, too, but this bill, even as it stands, is a good bill and it addresses a real problem and I urge you to pass this bill and oppose indefinite postponement.

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

Mr. PEAKES: Mr. Speaker, Members of the House: Yesterday, Mr. Cole gave us a hypothetical where he had put a can of peanut butter into his pocket and under the laws, which exist today, the mere concealment of that item made him guilty of an offense at that point, regardless of whether he intended to pay for it at the check center or not. I ask you, is that reaching a little bit.

I worked in a market at an early age and we used to have to wait until the person got beyond the check stand before we latched on to him. Now I think that the person has a right to freedom and privacy but that's paramount here. I don't think we should allow wholesale accusations of people in

the markets and so forth and certainly the greatest humiliation in even a small town or a large town, would be to be accused of theft in front of your neighbors and friends. I think with this new bill, it will encourage carte blanche accusations and I just think it's a bad move.

The gentleman from Standish, Mr. Spencer was granted permission to speak a third time.

Mr. SPENCER: Mr. Speaker and Ladies and Gentlemen of the House: I would just like briefly to point out that we do have a problem of thefts of merchandise but I would ask you to consider how much of the merchandise which is stolen in this state is stolen by the very people that we would be authorizing to make arrests.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Laffin hit right on the head of the whole crutch of this thing here. The questions that I've heard here, most of them are hypothetical questions. You've heard about Burma Shave from Mr. Spencer, you've heard about people changing their minds when they bought items in the store from my good friend, Mr. Joyce. They decided they didn't want them, they put them somewhere else. I have been into stores on many occasions. I've seen Burma Shave mixed up with cans of beans that the people have put there and many articles that didn't belong where they were and I decided and came to the conclusion that those people didn't want to steal these items, they just decided they didn't want them, and didn't want to go back to the counter where they belonged but I am sure this might have happened to you, and it has happened to me on a couple of occasions that I went into the store, something that I didn't want and I didn't go back to the counter where it belonged. I just put it somewhere else on another counter and other things, too. You've done this and I've done that, I'm sure you have because I think most of us here in this House, have probably done this, without trying to steal anything and I'm sure I never bothered when I came out at the counter to pay my bill and I have never heard of anyone else and I don't think you people have been bothered, and you have probably done the same thing.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I still have the same hangups with this bill that I had yesterday. I think we are going too far when we authorize anyone to detain people on the mere suspicion that they may have done some shoplifting and I, too, realize this is a problem but I don't think this is the way to attack it.

I think the thing that really surprises me more is to have attorneys standing up and defending this bill, some of them, and then anytime a good bill comes down the pike, they always say "well, how do you define certain words?" Well, I would ask the same question here, how do you define certain words, what is reasonable?

Now, in the City of Bangor, or the City of Portland or maybe the other cities in the state, let's say 15 minutes detainment might be reasonable to hold a person for a law enforcement officer but what about these small towns that don't have any police department and they're going to

have to wait for the county sheriff to send someone out? Now, in case anyone says the state police, well, I can assure you to wait for the state police, in some cases, in my county, it would take four hours, so would this be reasonable, to wait four hours? What is reasonable? Now, reasonable in one area is one thing but is it reasonable to detain a man for two hours or 2½ hours? Is this going to be considered reasonable? I think if we are going to do anything with this bill maybe we should look for another amendment on the bill setting a maximum of time so that while you're waiting for that police officer, if he's on some other detail, that at least you're not going to hold this person up there while everybody goes by and looks at them like they are in a cage at the zoo. Now, I know of cases in towns where the police departments have been tied up in a traffic accident and they haven't been able to respond to other calls, well, you are going to have these people standing there at the checkout counter and everybody is going to come by and look at them, and you're going to have them on display. Well, I think if there is any concern of human dignity, it should be the concern of this bill that we have before us today. I think this is going way too far the way the bill is written, in the first place to give out these terrific rights to people who have no training at all and the other thing, not spelling out what is reasonable time. I think it is wrong to go this approach and maybe this is the reason the bill is appearing during the last few days of the legislature so that it couldn't be held up and amended back into its proper fashion, but I would hope that we would kill the bill and maybe in the special session, a better bill could come back for our consideration.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I operated a grocery store for 19 years and a half. I built it up from \$100 a week to \$1500 or \$1600 on Saturday, so I believe I know what a grocery store is and I never had any trouble with people stealing. Once in a while, I'd have to say "well, what about that package of cigarettes you've got in your pocket?" I'd add it on. I never had any trouble because I don't think the average person steals. As far as going into these chain stores we are hearing so much about, I have never seen anything worth stealing in there. I think you'll find better stuff in your regular stores and you aren't going to be harassed. I know if one of them touched me after going through the door, he'd better duck fast.

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

Mr. MACEACHERN: Mr. Speaker and Members of the House: I didn't intend to speak on this bill but I am somewhat disgusted. There are several things about this bill that I don't like. As you probably know, I'm a former police officer and I can't imagine what I would do if someone were a storeowner and called me and said "this person, I think, is stealing something". Now, most of these things are misdemeanors. A misdemeanor and a felony are two different things. The only place where a police officer has any authority, under reasonable grounds, is on a felony, to make an arrest. The police officer doesn't have authority to make arrests on misdemeanors with reasonable

grounds. Why should the storeowner who has no enforcement training with no background in law enforcement be able to detain somebody for a misdemeanor when a police officer cannot do that? A state police officer, a deputy sheriff, the local police officer or the F.B.I., as far as that goes, and I think this is a terrible bill. I have a lot of sympathy with the storeowners but this is not the solution to it and I think that everybody would be in a lot of trouble if this bill is passed.

The SPEAKER pro tem: The pending question before the House is the motion to accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Bennett, Berry, G. W.; Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Churchill, Doak, Dudley, Dyer, Farnham, Faucher, Garsoe, Gauthier, Henderson, Hewes, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Kelleher, Laffin, Lewin, Lewis, Littlefield, Lovell, Lynch, Mackel, MacLeod, Maxwell, McKernan, McMahan, Miskavage, Morton, Norris, Palmer, Perkins, S.; Perkins, T.; Rolde, Rollins, Saunders, Shute, Snowe, Strout, Stubbs, Teague, Torrey, Walker.

NAY — Bachrach, Berry, P. P.; Berube, Call, Carey, Carroll, Carter, Chonko, Clark, Cox, Dam, Drigotas, Fenlason, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Hennessey, Hinds, Jackson, Jalbert, Jensen, Joyce, Kany, Kennedy, LaPointe, Lunt, MacEachern, Mahany, McBreairty, Mills, Mitchell, Morin, Mulkern, Nadeau, Najarian, Peakes, Pearson, Pelosi, Peterson, P.; Post, Raymond, Snow, Spencer, Talbot, Tarr, Theriault, Tierney, Tozier, Twitchell, Usher, Wilfong.

ABSENT — Albert, Bowie, Carpenter, Conners, Connolly, Cooney, Cote, Curran, P.; Curran, R.; Curtis, Davies, DeVane, Dow, Durgin, Farley, Fraser, Gould, Higgins, Jacques, Kauffman, Kelley, Laverty, LeBlanc, Leonard, Lizotte, Martin, A.; Martin, R.; Peterson, T.; Pierce, Powell, Quinn, Rideout, Silverman, Smith, Sprowl, Susi, Truman, Tyndale, Wagner, Webber, Winship.

Yes, 54; No, 55; Absent, 42.

The SPEAKER pro tem: Fifty-four having voted in the affirmative and fifty-five in the negative, with forty-two being absent, the motion does not prevail.

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

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

Mr. JOYCE: Mr. Speaker, having voted on the prevailing side I now move that we reconsider.

The SPEAKER pro tem: The gentleman from Portland, Mr. Joyce, having voted on the prevailing side now moves that the House reconsider its action whereby it accepted the Minority "Ought Not to Pass" Report. Those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

39 having voted in the affirmative and 60 in the negative, the motion did not prevail.

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

An Act to Guarantee to All State

Employees the Right to Participate in the Nonpartisan Affairs of Municipalities.

Tabled — Mr. Rolde of York.

Pending — Enactment

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

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

Bill "An Act to Allow Municipal Approval of Routine Great Ponds Permits."

Tabled — Mr. Morton of Farmington

Pending — Pursuant to Joint Rule 21 pending adoption of House Amendment "B" to Committee Amendment "A".

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

Mr. DOAK Mr. Speaker, Ladies and Gentlemen of the House: It's late in the afternoon, this matter seems to be rather an insignificant piece of legislation, however, I think it's very important and I would hope that you would take a look at the committee amendments, Mr. Morton's amendment, and the bill which is Mr. Morton's original bill over the weekend and I would hope that somebody could table this for me until Monday.

On motion of Mrs. Najarian of Portland, retabled pending the adoption of House Amendment "B" to Committee Amendment "A" pursuant to Joint Rule 21 and specially assigned for Monday, June 16.

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

"An Act to Guarantee to All State Employees the Right to Participate in the Nonpartisan Affairs of Municipalities."

Tabled — Mr. Stubbs of Hallowell

Pending — Enactment

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

On motion of Mr. Rolde of York, Adjourned until Monday, June 16, at ten o'clock in the morning.