

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Monday, June 16, 1975

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

Prayer by Father John P. Donovan of Winthrop.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

Messages and Documents

The following Communication:

State of Maine
Office of the Governor
Augusta, Maine

June 13, 1975

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

I disapprove of L.D. 1719, An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission.

Basically, I feel this is anti-consumer legislation. I object to it for the following reasons:

(1) Simply this is an indirect method of taxation. Eventually consumers will be called upon to make up such a levy assessed upon utilities.

(2) This is a piecemeal approach to operational funding. Proper budgetary planning should ensure that the total operational costs of the PUC should be covered by one appropriation, instead of resorting to another special revenue account.

(3) This type of funding approach could set a damaging precedent, in that it reflects a bureaucratic circumvention of normal funding practice.

(4) This singles out one agency for special consideration without regard to the over-all priorities and needs of the people of the state.

(5) This is not a current problem for the PUC. The Governor and Executive Council already have taken action on PUC funding needs.

(6) As Governor, I have committed between now and the Special Session to undertake a thorough cost and efficiency analysis of state government. It is coincidental that even within the present PUC budget of about \$900,000 we might be able to fund any additional consulting fees required for the future. I am asking for the time to try to attain this objective, to the extent it is necessary.

I would appreciate a favorable response to my objections and a sustaining of this veto.

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

The Communication was read and ordered placed on file.

The SPEAKER: The pending question now before the House is, shall Bill "An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission, House Paper 1407 L. D. 1719, become law notwithstanding the objections of the Governor.

On motion of Mr. Rolde of York, tabled until later in today's session.

The following Communication:

State of Maine
One Hundred and Seventh Legislature
Committee on Business Legislation

June 13, 1975

The Honorable John L. Martin
Speaker Maine House of Representatives
107th Legislature
State House
Augusta, Maine 04330

Dear Speaker Martin:

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

Totals Bills Received	145
Unanimous Reports	125
Leave to Withdraw	36
Lught to Pass	33
Ought to Pass as Amended	41
Ought to Pass in New Draft	9
Ought Not to Pass	6
Divided Reports	20
Total Number of Amendments	49
Total Number of New Drafts	15

Respectfully,
s/ NANCY RANDALL CLARK
House Chairwoman

The Communication was read and ordered placed on file.

The following Communication:

State of Maine
One Hundred and Seventh Legislature
Committee on Agriculture

June 12, 1975

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

Dear Mr. Speaker:

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

Total Number of Bills Received	30
Ought to Pass	6
Ought to Pass as Amended	13
Ought to Pass New Draft	1
Ought Not to Pass	4
Leave to Withdraw	3
Divided Reports	3

Sincerely,
s/ LUMAN P. MAHANY
House Chairman

The Communication was read and ordered placed on file.

The following Communication:

State of Maine
One Hundred and Seventh Legislature
Committee on Labor

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

Sir:

The committee on Labor is pleased to report the completion of that business of the 107th Legislature that was placed before it.

Total number of bills received	83
Total Ought to Pass	8
Total Ought Not to Pass	10
Total Ought to Pass as Amended	21
Total Ought to Pass in New Draft	6
Total Divided	12
Total Leave to Withdraw	26

Respectfully,
s/ JAMES E. TIERNEY
House Chairman

The Communication was read and ordered placed on file.

Orders

Mr. Birt of East Millinocket presented the following Joint Order and moved its passage: (H. P. 1710)

WHEREAS, the harvesting and sale of pulpwood and timber is an industry vital to the State of Maine; and

WHEREAS, there are many industry buyers throughout the State who purchase pulpwood and timber from wood harvesters; and

WHEREAS, there have been numerous complaints that the method used by wood buyers to measure the quantity of pulpwood and timber purchased varies from buyer to buyer and from location to location; and

WHEREAS, these complaints indicate the need for a thorough examination of the various methods used to measure wood in this State, including weight scale and butt scale methods; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Agriculture, to study the methods Maine's pulpwood and timber buyers use to measure the quantity of wood they buy, to determine whether or not these methods are uniform, or, if not, whether they vary unfairly; to determine whether or not current methods of wood measurement are easily understood and applied and to determine the need for uniform methods of wood measurement, including weight scale and butt scale methods, to be used in all transactions involving the sale of wood in this State; 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 agencies as notice of this directive.

The Order was read.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I don't have any objection to this order; in fact, I think it is a very good move, but I would like to point out perhaps what could be called the history of this order and point out to you that the gentleman from Sangerville, Mr. Hall, several months ago, became aware of this particular problem that this order addresses and he, himself, at that time introduced a joint order to have a bill reported out that would deal with the question of the methods that are now being used to measure logs. We passed that particular order here in this body, but it was killed in the other body. Subsequent to that, Mr. Hall again tried to introduce a bill through the Reference of Bills Committee and it was supported by the leadership on this side of the aisle; however, we could not get support from the other side of the aisle, so that bill was not introduced, and now there is a move here through an order to have this specific problem studied.

I did want to at least put on the record the efforts of the gentleman from Sangerville, Mr. Hall, to deal as effectively as possible with this particular problem.

The SPEAKER: The Chair recognizes

the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I wholly agree with this order, but I hope when you do start studying this, the Agriculture Committee starts studying this, that they have someone who understands the methods that are being used now, there are so many different methods.

I personally don't criticize any company, but we have some companies that take 4500 and 4600 for a cord of softwood and we have others that take 4300 for a cord of softwood. We have some that take 6,000 pounds for a cord of hardwood, we have some that take 5,350 pounds for a cord of hardwood.

I think the thing to do on this would be to have someone who understands what the situation is today, both from industry and from the purchasers and even the cutters and sit down and find what is a common decision on it so that they will know what is going on.

I hope the study does come up. Personally, I have no kick on the scale I am getting now.

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

Mrs. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 1711)

WHEREAS, legislation, L. D. 1794, "An Act Relating to the Statutes Concerning Charitable Solicitations," which would substantially increase the State's regulation and inspection of the fund-raising efforts of charitable organizations, has been introduced in the 107th Legislature; and

WHEREAS, there is question as to the need of such increased regulation and, if there is such need, as to the form of such regulation and as to which agency of state government should conduct it; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Business Legislation to study the subject matter of L. D. 1794; and be it further

ORDERED, that the Department of the Attorney General, the Bureau of Consumer Protection within the Department of Business Regulation, the Department of Health and Welfare and the Department of State be respectfully directed to cooperate with the committee and provide such technical and other assistance as the committee deems necessary; 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 agencies as notice of this directive.

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

Mr. Torrey of Poland presented the following Joint Order and moved its passage: (H.P. 1712)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Leavitt Area High School Girls Varsity Softball Team Coached by Elaine Chenard Mountain Valley Conference Champions for the Academic Year 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.

On motion of Mr. Albert of Limestone, it was

ORDERED, that Dorothy B. Laverty of Millinocket be excused for the week of June 16th and Monday, June 23rd for personal reasons.

Mr. Churchill of Orland presented the following Joint Order and moved its passage: (H. P. 1713) (Cosponsors: Mr. Webber of Belfast, Mrs. Hutchings of Lincolnville)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the St. Regis Paper Company and other Companies Located Along the Penobscot River Whose Efforts in Cleaning up the Penobscot Have Brought About the Return of Big Fish to that River

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.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: This past week, Mike Hutchings, son of the gentlewoman from Lincolnville, successfully landed two of the first big fish to be caught in 40 years in the Penobscot Bay off Lincolnville Beach, a 50 pound cod and 125 pound halibut. Further evidence of cleaner waters is that so far this year, at least 20 Atlantic salmon have been caught in the Penobscot salmon pool, a number far in excess of salmon caught in the past years. Also, there has been flounder caught in the harbor at Bucksport.

I wish to say that St. Regis has spent \$4.5 million on a primary waste plant and also at the present time is spending \$4.5 million on a secondary wastewater plant under construction. Hopefully, after 1978, the town of Bucksport will have a sewerage plant for the town, and I certainly hope that we can all see the day when the rivers along the Maine coast are all clean enough for everyone to use for swimming purposes.

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

Mr. Stubbs of Hallowell presented the following Joint Order and moved its passage: (H. P. 1714) (Cosponsor: Mr. Ault of Wayne)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Richard R. Figoli Who is Widely Endeard

for His Generous and Compassionate Acts for the Mentally Handicapped of Maine

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.

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

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to say that it would be difficult to find anyone in this area who has been more generous toward the mentally retarded and handicapped than Dick Figoli. He has provided his bowling alley lanes free to these children one day a week for the past year, as well as many years before, and he provides, free of charge, all of the trophies for these proud participants at their tournament at the end of the year.

Also, it was through Dick Figoli's generosity that the Kennebec Valley Prevocational Training Center in Winthrop was able to acquire their building, and I am truly proud to be cosponsor of this order.

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

House Reports of Committees

Leave to Withdraw

Later Today Assigned

Mr. Cooney from the Committee on State Government on Bill "An Act to Establish Rules for Legislative Investigating Committees" (H. P. 898) (L. D. 1085) reporting "Leave to Withdraw"

Report was read.

(On motion of Mr. Kelleher of Bangor, tabled pending acceptance of the Committee Report and later today assigned.)

Ought to Pass with Committee Amendment

Later Today Assigned

Mr. Teague from the Committee on Agriculture on Bill "An Act Concerning the Potato Tax and the Maine Potato Commission" (H. P. 1390) (L. D. 1798) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-750)

Report was read.

(On motion of Mr. Mahany of Easton, tabled pending acceptance of the Committee Report and later today assigned.)

Ought to Pass in New Draft

New Draft Printed

Mr. Tierney from the Committee on Business Legislation on Bill "An Act Requiring the Disclosure of Information in Certain Used Car Sales and Concerning Used Car Warranties" (H. P. 757) (L. D. 929) reporting that the same "Ought to Pass" in New Draft (H. P. 1708) (L. D. 1934)

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

Divided Report

Later Today Assigned

Majority Report of the Committee on State Government on Bill "An Act to Provide for More Effective

Administration of the State's Development Financing Capability" (H. P. 1398) (L. D. 1820) reporting that the same "Ought to Pass" in New Draft (H. P. 1709) (L. D. 1936)

Report was signed by the following members:

Mr. GRAHAM of Cumberland
of the Senate
Mrs. KANY of Waterville
Messrs. COONEY of Sabattus
WAGNER of Orono
PELOSI of Portland
QUINN of Gorham
CARPENTER of Houlton
— of the House.

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

Report was signed by the following members:

Messrs. CURTIS of Penobscot
WYMAN of Washington
— of the Senate.
Messrs. FARNHAM of Hampden
LEWIN of Augusta
STUBBS of Hallowell
Mrs. SNOWE of Auburn
— of the House.

Reports were read.

(On motion of Mr. Rolde of York, tabled pending acceptance of either Report and later today assigned.)

Consent Calendar

First Day

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

Bill "An Act Relating to the Powers and Duties of the Maine Real Estate Commission" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-752) (H. P. 277) (L. D. 424)

No objections being noted, the above item was ordered to appear on the Consent Calendar of June 17 under listing of the Second Day.

Later Today Assigned

Bill "An Act to Provide Supplemental Unemployment Benefits to Persons with Dependents" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-755) (H. P. 1230) (L. D. 1537)

On the request of Mr. Garsoe of Cumberland, was removed from the Consent Calendar.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I guess I would like to hear from the Labor Committee on this one. Having served on the Labor Committee in the 106th, this bill came to my attention and I have some serious problems with it.

If I could just briefly outline my concern, in the 106th we adopted a new formula for the preservation and well being of the employment security fund, and it was expected at that time, and this was worked out cooperatively between labor and management and this legislature, went through with complete support, and it was expected at that time that this ended our problems with the unemployment security fund. By basing the new formula on a percentage rather than a fixed dollar amount, there should be no further need to fool around with these percentages.

No one could have foreseen, of course, at that time, the tremendous increase in

unemployment that we have had since then, which has placed the fund in serious trouble and current projections are that it is going to go broke in September.

As I understand this legislation, it expands the coverage by providing for weekly compensation for dependents for people who have become unemployed. I have also had a slight problem with the cost figures that have been given to me, and in conversations with the department this morning, my concerns, I think, were justified in that this could be very disruptive to the fund and is going to have the effect of negating completely the work done by the 106th. So I guess I would need to be convinced by someone of the Labor Committee that we should proceed with this piece of legislation.

(On motion of Mr. Tierney of Durham, tabled pending acceptance of the Committee Report and later today assigned.)

Consent Calendar

Second Day

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" (C. "A" S-298)

(S. P. 474) (L. D. 1608) Bill "An Act Establishing Registration Procedures for Administrative Lobbyists and Proscribing Certain Lobbying Activities" (C. "A" S-297)

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

Passed to Be Engrossed

Amended Bills

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) (H. "A" H-680 to C. "A" H-460)

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.

Later Today Assigned

Bill "An Act Increasing the State Gasoline Tax" (Emergency) (H. P. 1055) (L. D. 1332) (C. "A" H-743)

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

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: This item, Bill "An Act Increasing the State Gasoline Tax," L.D. 1332, with Committee Amendment H-743, increases the Maine State gasoline tax by one cent.

In the regular session of the 106th, I opposed a two-cent increase per gallon in gasoline for many reasons, and I think those reasons are much more stronger today to oppose this piece of legislation than they were in the past. I think this is a lousy time to increase any taxes.

We passed a bare-bones budget last week, and now they are asking us to increase the gas tax to cover a couple of items that the Governor took out of the budget. Winter maintenance, town road improvement, special state aid

construction, these normally were funded under the budget, but they have been taken out of the budget as sugar coating to pass the gas tax. I find this incredible. The Governor came before this body and said a tax is a tax, no matter how you do it. Well, when you don't include programs in the Governor's budget and you lay the burden on the communities to pick it up with their property tax, which is a regressive form of taxation, it adversely affects those least able to pay it, and you put it on the gas tax, which is also crazy at this time.

I would like to refer to a couple of articles. I have been tearing these out of the paper while we have been in session. This is an article of June 3, 1975 — Wrong time for hikes in price of gas — Muskie. A Ford Administration energy conservation program that would raise gasoline costs to nearly 70 cents a gallon is the wrong medicine at the wrong time, Senator Edmund S. Muskie, Democrat, Maine, said Monday. Given the circumstances of the economy, with unemployment rising, that we should add 10, 15, 20 cents to a gallon of gas is wrong at this point, he said, and I agree. One cent is wrong in this state, and I think we ought to send the message back to the Highway Department and the Governor that we don't like this kind of underhanded procedure.

In the regular session of the 106th, I opposed this on its merits and we had support. It was an emergency measure. We even defeated it with a majority vote, and now we have this manipulation of the legislature. If you want town road maintenance for snow removal, you have got to buy this gas tax increase or go along with property tax increase at the local level. There isn't any choice. Well, I am one who is willing to vote for the indefinite postponement of this bill, and I so move, Mr. Speaker, and I will speak to that motion further.

The SPEAKER: The gentleman from Windham, Mr. Peterson, moves the indefinite postponement of L. D. 1332 and the gentleman may proceed.

Mr. PETERSON: Mr. Speaker, here is another little article. "Saab sees Ford Gas Plan Hiking Gallon to 70 Cents." Federal Energy Administrator — this is the fellow in charge of the energy situation in this country. He said, "A gallon of gasoline will cost about 70 cents under the administration's energy proposal." Our program is one which would increase the price of all the products in the crude barrels, the average increase would be about 10 cents with gasoline going up 14 or 15 cents and other products six to eight cents. Calculate 14 or 15 cents and add it to your current price and that is about where you come up. Well, if you add 14 or 15 cents to the current price here in Maine of 55 or 56 cents a gallon for regular gasoline, you are going to come up with approximately 70 cents per gallon.

I read in the Bangor Daily News last week that heating oil is going up from 13 to 14 cents a gallon this winter. How far are we going to be able to stretch Maine's dollar? How long are we going to be able to increase the price of gas, home heating oil and expect people to be able to pay their home mortgages, to expect them to be able to be warm this winter or to be able to get back and forth to work. I think if you pass this one cent increase with the knowledge that Washington is going to raise the tax at the federal level, along with the natural increase in gasoline, we are dealing a fatal blow to many of Maine's thousands of people. I think it is incredible and I urge

you this morning to put an end to this bill and to indefinitely postpone it right here.

When the vote is taken, Mr. Speaker, I ask that it be taken by the yeas and nays.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: As has been said before in this House, this is my bill. It is not mine personally. I sponsored this bill because there is a need for it. The gentleman who preceded me is talking about 13 or 15 cent increases possibly created by the federal government. I say, why should we stand by and wait for them to increase prices because the money they increase it for, goes to Washington? Here, we are talking about one cent, not thirteen and we are either going to pay this one cent and get proper maintenance on our highways or we are going to get decreased quality of maintenance or a decreased number of miles for maintenance. This happened in the last session, there was \$11 million difference in the last biennium between the estimated income and the cost of maintaining our highways and our biennium, having the same deficiency, would just make our roads that much worse. We have to maintain these roads, the actual value of these roads as they stand today, exceeds \$3 billion and to not take care of them is certainly making a big mistake and just because oil is going up next year and maybe the federal government might go up, that's terrible, I don't like it either, I am not even too fussy about this one cent but the consequences are even worse than the one cent.

We are going to use part of this, according to the amendment coming out of committee, to replace money removed by the Governor in the budget. The actual cost of one cent isn't actually one cent because that part of the bill, if it is not paid in the gasoline tax, it is going to be paid in local municipalities so the actual cost isn't one cent as far as the driver is concerned, and another thing, one of the reasons the emergency is there is because 40 to 50 percent of our taxes is paid for by out-of-staters. Now, it isn't that I like to pick on out-of-staters but when we go to their states, we pay their taxes so I believe they should help pay ours because they are using our highways while they are here and the wear and tear is the same for them as it is for us.

I have some figures here that I picked up, I'm not any good at writing a speech or not any good at reading it after I wrote it. The cost of maintaining highways is increasing because asphalt went from \$29 a ton, a little over year ago, to \$76 a ton this last year. Gasoline increase has gone up 82 percent, diesel fuel has gone up 43 percent, traffic paint from \$1.84 to \$3.60 a gallon. Now these added costs have to be absorbed by the highway department and the gas tax that we have been paying right along is not sufficient to take care of these increases. One cent will produce about \$5 million a year. The town roads and bridge maintenance will come to that for one year, the other five could be used to match some federal funds which will, in turn, bring money into the state and which also, in turn, will hire probably 2,000 people. Now those 2000 people working for wages are going to pay sales taxes on whatever they buy. I doubt very much if the people who work on the highways are going to pay too much income tax, but the people they buy from, will add to their profits so the people they are buying from and those people will have to pay added income tax so, in

the long run, this one cent is not going to cost the highway people too much money.

I hope you will defeat the motion to indefinitely postpone.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I want to make it perfectly clear this morning that I oppose the indefinite postponement of L. D. 1332. If I may, Mr. Speaker, I would like to refer the members of this House to other bills that will be coming before us. The gas tax increase of one cent, I would hope that in the next day or two, the members of this House would look at L. D. 1928 in new drafts, L. D. 907 "An Act Relating to Motor Vehicle Fees", L. D. 917 "An Act Relating to Snow Removal on Accepted Ways" and L. D. 1930 in new draft, "An Act Increasing Motor Vehicle Registration Fees".

I think it's a matter of which way we go. Do we pass an increase in the gas tax or do we go to registration fees? First off, I would like to bring out one point as the committee amendment has a provision in there to reimburse towns for winter maintenance on town ways. Now we have a bill on the unassigned table, L. D. 917 "An Act Relating to Snow Removal on Accepted Ways," and if this bill was to pass this House, this would mean we would lose the winter maintenance on town ways. Personally, I would like to see that bill defeated but, in a sense I guess, we have to pass a gas tax before we can eliminate this program because if we didn't—I have an opinion from the Attorney General's Office, it is my understanding, at the present time, that we are obligated to fund towns for winter maintenance on town ways. If the gas tax didn't pass and we defeated L. D. 917, we, in essence, are requiring the Department of Transportation to take care of this program without any available funds. If we defeat the gas tax, I suppose, we could go to increase in registration fees on automobiles from \$15 to \$18 as proposed. We could increase truck registration 15 percent, both of these bills I reported out to the committee "Ought Not to Pass" because I feel that the gas tax, at the present time, is the only way to go.

I have taken a few minutes to put together some information on figures. As the budget that we have before us, the highway allocations, we need the motor vehicle fees which would be 5.66 million and we have already passed two or three small fee bills that bring it up to 6.2 million. We have a bond issue before us of 13.6 million which would give us \$19.8. This would fund the budget, as proposed, now the gas tax has got provisions for winter maintenance and town-road improvement, this is the committee amendment, special state aid construction and hardship cases, access roads. Also has a provision in that for highway and bridge improvement which is, in addition, over and above the highway allocations.

This morning, I called the commissioner and I asked him about this additional money and he said that this would be used to match federal funds, this additional money would be used. I have been somewhat opposed to this amendment being tied on the gas tax to dedicate this to these programs. I have felt right from the beginning that I would be in favor of the gas tax but I wanted to see the allocations budget come out with these programs included. These programs have been included for a great many years and I really wanted that budget to come out with

those programs dedicating those revenues, but after talking with the commissioner again this morning, I feel certain that if this gas tax passes with the amendment that, in the future, if, in any way, these programs should reduce, it is my understanding, that the gas tax would also reduce in the figure.

Now I want to give you an interpretation of what I came up with in comparison of two towns, what effect there would be on the property tax, what effect it would be on the gas tax, on different mileage, for instance, I'm going to take my own town, I'm going to take my own mileage, I'm going to take a neighboring town with the same property tax as mine but yet driving less mileage. Now, our town is a \$6,400,000 valuation, if the gas tax bill doesn't pass and to fund these programs our property tax would go up five percent, neighboring town with the valuation of \$2,500,000 that property tax would go up 15 percent. Now what I am saying this morning is that both of us have the identical homes, the valuation would be so that maybe we would be paying \$400 tax at the present time. My tax would go up \$20 and I drive 50,000 miles a year, I would be paying \$25 gas tax on, I figured roughly, 17 miles per gallon. I know some of us don't get that. I probably should be speaking against the gas tax because this is a benefit to me. I would be paying more gas tax than I would property tax but let me give you the neighboring town with a person who has the same tax as mine, \$400, his tax will increase 15 percent up to \$60 he only drives 10,000 miles a year, which on the average, they tell me the average person drives 10 to 12,000 miles. His gas tax that he would be paying, additional gas tax figured on the same basis as mine would cost him \$6 a year.

I feel this morning I'm speaking for the majority of the towns in the State of Maine that we are not really in favor of increasing the gas tax this year but we feel we have no alternative but to go with the one cent increase rather than increase the property tax anywhere from 5 to 15 percent, and Mr. Speaker, I urge this House to vote no against the indefinite postponement.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: First of all, I'd like to have the Clerk read the original committee report, if you would please.

The Committee Report was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. DRIGOTAS: Mr. Speaker and Members of the House: The reason I asked the Clerk to read the original committee report is, as you know, this tax was recommitted to us in committee, and lo and behold, we, in an unusual turnabout, turned it around to the unanimous "Ought to Pass" Report. We naturally didn't do this just simply because we changed our minds easily, we did it because of a sincere consideration for what we have in store for us this forthcoming summer. It has been pointed out that this will create employment, true it will, this will also derive federal funds that are matching. The penny tax, to me, doesn't mean very much, this morning I filled up with gasoline from a Gulf Oil station in Auburn, Carpenter's Oil Station on Washington Street at 51.9. I drive down a little further and there's an independent station selling gasoline for 54.9, I've seen it as high as 55.9

and Gulf Oil, I know, has other stations that sell it for probably two or three cents higher. I honestly don't believe that the penny tax will harm any of the people in the State of Maine. I urge you to support the committee's report.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: As the good Chairman of the Taxation Committee said, this was a unanimous report of the committee, however, if we had had all the facts before us, I doubt very much if it would have been unanimous, at least, as far as one person is concerned, myself.

We have talked about town road improvement fund, we have talked about snow plowing but what I did not know and I'm not sure whether the other members of the Taxation Committee knew at the time or not, was that there is another little fly in the ointment. The fly in the ointment being for the towns of over 5000 inhabitants, and in the case of my town, an additional cost of \$1,000 being levied on the town of Skowhegan by the highway department because they have decided they are not going to paint the lines on the state highways that are in the compact areas any more, that the municipalities are going to do it themselves. I have just talked with the good gentleman from Waterville up back, Mr. Carey. In his city, it would be \$1,500. I wonder what it would be in the other cities across the state, so today I feel that if we are going to pass this gas tax, that there should be another amendment on it taking out of the revenues produced by that one cent a gallon gas tax, the amount of money to reimburse the municipalities for picking up the added burden of painting the lines. I don't know what else the Department of Transportation has done, along with Governor's office, to give it to the people in the municipalities but I would hope that this is the only thing that would be coming up and that after we leave here, we won't find there are other goodies that come that will force the problem back to the tax payers in the various towns. So, knowing that, I cannot vote for the gas tax the way it is now, and I would hope that someone would table this until later in today's session, maybe an hour after the debate, so that we could get an amendment on, saying that the State of Maine will go back to painting the lines within the municipalities or if the municipalities do it themselves, that those municipalities will be reimbursed out of this money that the gas tax is generating.

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

Mrs. BACHRACH: Mr. Speaker and Members of the House: I would like to support the motion of Mr. Peterson of Windham. I feel that this is just the opening wedge of returning a whole lot of things to local communities which were previously paid for by the state. If we accept this responsibility which we have not done before, it will make it very obvious that an easy way to decrease the revenues raised by the state will be to make the local communities pick up all sorts of services that they have not herebefore had to do. At the time, that I knew that these particular mentioned services, such as snow removal and town road improvement were taken out of the Governor's budget I naturally assumed that this would be one of the first things that the Appropriation's Committee would

restore, this being a really essential service.

We were told and told again that there would be no new tax this year, I consider this a new tax. I don't understand why this is not a new tax where several other proposals were considered to be a new tax. As Mr. Dam says, we find that there are other things already taken out of the state's responsibility, we have large dedicated revenues in the highway department already. This has been a long-standing state responsibility and I really fear that if we go along with this and somehow mysteriously pass a new tax, although we have been told we can't do that, that next year there will be something else and the year after, something else. I plead with you as people responsible to your home communities, to consider your position on this matter that you may find that you are having to refer many more things to them.

Here all these small people who drive cars are going to be responsible for paying for things that they have heretofore not had to pay for in this way. It is not relevant that the federal government is or is not going to raise the gas tax. The important thing here is, why are we returning this responsibility to the people to pay on their gasoline tax?

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

Mrs. MARTIN: Mr. Speaker and Members of the House: I hate to speak behind Mrs. Bachrach because I'm not the lady she is and my words aren't going to be as gentle as hers.

This tax to me, is a cop-out. We are being blackmailed by the Highway Department and the Governor in a scaring tactics for all of us. The Governor said that he didn't want any new taxes, I wonder what this is. The President is going to raise the federal tax on the federal level, we can't afford to raise it on the state level. The little working people are the ones that are going to be suffering so I hope you will defeat this bill.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I'm afraid the good lady from Brunswick has things a little bit twisted. These taxes that she fears that will be returned to municipalities have already been recommended by the Governor and this gas tax is an attempt to return the money to the towns that the previous budget has taken out. In a way, this is a new tax perhaps, but it's a new way of paying it, it's just shifting the tax from one place to another if you don't do it. I'm afraid that if this bill isn't passed, that is just what is going to happen, the towns will have to pay these expenses that they never had to pay before.

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

Mrs. BERRY: Mr. Speaker and Members of the House: Perhaps there are some that don't understand that this department is run by dedicated funds and with the revenue not coming in, as it has in previous years, something has to be done. It is true that these programs aren't in the budget and do we want to pay for them through a new tax or do we want to pay for them through the property tax? The gas tax is spread over the whole state with tourists, particularly during the summer time, helping us to pay. This isn't a Governor's tax, in fact, he may veto it. He

has said that he wouldn't approve of a gas tax but we feel as if we've got to get some kind of a tax and this is the best way to do it. In regard to striping the roads, it's true that the compact areas who have a population of 5,000 people or over are going to have to stripe their own roads and this has come about because of the revenue not coming in and also of a new federal regulation that says the department has got to stripe so many miles of rural roads. They have been doing this for the towns and it really has been their responsibility in the past but the department has been doing it for them. I think this is the best way to go is the gas tax. I was surprised, I have been around to some of my towns and rather trying to apologize for thinking that I have got to vote for a gas tax to pay for these programs, I was told that I had no need to apologize that this was a good way to do it, and they were for it and so I don't think some of your town people are going to be so much against it as you think they are.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: For the three sessions that I've been around here, I have found that the gas tax bill is always an interesting bill. Usually the sponsors of the bill know that the bill is going to be submitted and every time that I have been here, you can tell when the end of the session is close because that bill comes on your calendar about the last week of the session, and not only the last week, it will still be here the last day you adjourn, probably the last two hours before you adjourn.

There are a good many reasons for that, there are a lot of ways that people can be cornered into voting for a gas tax and if you haven't seen them yet, you're going to, in the next week or two. If you happen to have a bill that you think quite a lot of and it's on the Appropriations Table, don't be surprised if somebody approaches you and asks you how you feel about the gas tax and don't be surprised at what else they might tell you. Don't be surprised what the lobby in the hall will tell you. There are just a couple of things that perhaps I don't understand and I noted today that on the unassigned bills on the calendar, Item 10 on Page 11, Mr. Rolde has tabled a bill, unassigned and that bill is 917. I'd like to read part of the statement of fact "this bill eliminates partial reimbursement by the state to the local communities for costs incurred for winter maintenance on town ways". Now, I guess I'd like to know why that bill was tabled unassigned. If we are going to pass a gas tax so that town ways can continue to be plowed and maintained and so forth, why have we got an unassigned bill hanging back there on the calendar?

Now it has been suggested that if we don't pass this gas tax, winter maintenance and so forth, will have to be made up from property taxes and there's no doubt but what they will have to be. Somebody downstairs decided that sometime ago, but I can tell you this, if the people in my community pay for maintenance of those highways from property taxes, they will eventually pay a lot less money than they will pay from a one cent increase in gas taxes because a one cent increase in gas taxes will be forever. I have never yet seen the gas tax go down a cent and I don't ever expect to. You put a cent on now to make up for winter maintenance, which we don't have this year, which I expect possibly in the

future we will have, and probably funded at the state level without a gas tax, the way it used to be and I submit that that's the cheapest way to do it. The people in my community are not anxious to have another gas tax and I just am not going to support one.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have just a few comments to make on this thing. I've probably driven between a million and a million and one-quarter miles and I've paid a gas tax ever since the law has run. I support and have favored every gas tax that has come on the line because I like to drive over good roads. The second thing I want to remark is that this is the lowest percentage of tax I have ever been in favor of. It is less than two percent and the last time we had a one cent increase in the gas tax it was about four percent so we are gaining on that. We are getting a smaller percentage increase each time, of course, that's perfectly logical, perfectly simple and mathematically sound. There has been a lot of comments in regards to this particular tax in regard to snow removal, etc. and some people seem to be confused, now maybe I am, but it seems to me that the money for these things has come out of the Highway Department as the gentleman from Madison said, from dedicated funds. Now, the fact that we have snow removal or do not have snow removal does not, in general, affect the regular budget. It affects the highway budget so it seems to me that is the place where we've got to consider these things. Either we pay it out of dedicated funds or we pay it out of our own property tax. The one other factor which has been mentioned already but I think it bears repeating, the fact that part of this money is going to generate into more federal funds than the total amount we are going to pay for our tax after the money is taken out for these various other things. Now I hope you will defeat the motion to indefinitely postpone and pass this tax.

On motion of Mr. Dam of Skowhegan, tabled until later in today's session.

Enactor

Later Today Assigned

Bill "An Act to Establish Minimum Warranty Standards for New Residential Dwellings" (H. P. 575) (L. D. 710) (C. "A" H-720)

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

On motion of Mr. Dam of Skowhegan, tabled pending passage to be enacted and later today assigned.)

Passed to Be Enacted Emergency Measure

An Act to Make Certain Revisions in the Form of the State Budget Document (S. P. 561) (L. D. 1927)

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

Passed to Be Enacted

An Act Relating to the Division of Hundredweight Fees between the Maine

Milk Commission and the Maine Dairy Council Committee (S. P. 417) (L. D. 1374) (C. "A" S-215)

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

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

Mr. LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1374 is an act that relates to the division of hundredweight fees for the performance of the Maine Milk Commission and the Maine Dairy Council Committee. I would just like to read from the statement of fact what this particular bill proposes to do, it says, "The Maine Milk Commission, in order that its current level of quality effectiveness can be maintained, they are requiring a small increase on the per hundredweight cost, which is dedicated revenue, and goes towards the operation and administration of the Maine Milk Commission." I think that basically the question that I raise this morning is, is the statement of fact really accurate? That is, has the Maine Milk Commission been doing a quality and effective job? From the viewpoint of the Maine Milk consuming public, the answer is emphatically, no. I am not going to make a motion to indefinitely postpone this bill, but I do ask for a roll call on enactment.

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 Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I realize on this bill that there is quite a lot of sentimental opinion—I don't think that we are actually considering the fact that perhaps the commission hasn't acted responsibly as they should have. This bill is a bill to try to divide up the fees and to get more money for the Milk Commission operation. As you know, at times of inflation, they have had increased costs, they have had increased legal costs and so forth. This money that comes from the dairy farmers is deducted from their pounds of milk that are sold from the farms and also contributions from some dealers. It is a dedicated fund and those people in the industry are desirous in approval of increasing this amount and to continue to try to have enough money to do a satisfactory job in the commission operation. I hope you will vote to support this bill.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The bill under consideration would increase the hundredweight fee by one cent, which would, I believe, increase the amount of money available to the Milk Commission by something on the order of \$15,000 to \$20,000.

The legislation that we passed last week, which was affectionately referred to as the powdered milk bill, creates a commission which is composed entirely of public representatives and gives the commission the obligation to conduct investigations of the dealer's costs, which the commission

historically has never done. They have simply waited for the dealer to come in and tell them how much they ought to get as a minimum price and then they have acted on the testimony that was presented at the hearings.

If the commission is going to dig into the dealer's books and try to come up with a minimum price which is true minimum and which reflects the lowest cost at which milk can be processed in Maine after it is purchased from the Maine producer at the producer price, I think the commission is going to need some additional help. I think that this bill, in fact, would work to benefit the consumers if people are appointed to this new commission who are interested in doing the job properly. I would urge you to support the increase so that we can at least see whether a commission composed of public representatives with no axe to grind is able to handle this whole problem in a more effective way than the commissioner has in the past, so that we can, hopefully, get some action on cutting the margins of profit of some of the dealers.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted of Bill, "An Act Relating to the Division of Hundredweight Fees between the Maine Milk Commission and the Maine Dairy Council Commission", Senate Paper 417, L. D. 1374. All in favor of passage to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Albert, Ault, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Bowie, Bustin, Byers, Call, Carpenter, Carroll, Chonko, Churchill, Clark, Conners, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, DeVane, Doak, Dow, Drigotas, Dudley, Dyer, Farley, Farnham, Faucher, Fenlason, Finmore, Flanagan, Fraser, Garsoe, Goodwin, K.; Gould, Gray, Greenlaw, Hall, Hennessey, Hewes, Higgins, Hinds, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Joyce, Kany, Kelley, Kennedy, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lunt, Lynch, Mackel, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Pearson, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Stubbs, Susi, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong.

NAY — Bachrach, Burns, Carey, Carter, Connolly, Durgin, Gauthier, Goodwin, H.; Henderson, Hobbins, Ingegneri, Jensen, Kelleher, Laffin, LaPointe, Lovell, MacEachern, Mulhern, Pelosi, Talbot.

ABSENT — Blodgett, J. Albert, Kauffman, Lavery, Littlefield, MacLeod, Norris, Palmer, Peakes, Smith, Sprowl, Strout, Winship.

Yes, 116; No, 21; Absent, 13.

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

Signed by the Speaker and sent to the Senate.

An Act to Clarify Title to Land Where Marital Release is Omitted from Conveyance (H. P. 876) (L. D. 1050) (C. "A" H-673)

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

An Act Relating to Improved Property Tax Administration (H. P. 882) (L. D. 1150) (C" A" H-649)

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

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I would just simply pose a question through the Chair. I would like an explanation of the purpose of this bill and the necessity for it, if someone from the Committee on Taxation would oblige us.

The SPEAKER: The gentleman from Wells, Mr. Mackel, poses a question through the Chair to any member of the Taxation Committee who cares to answer.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this bill is to increase the information that is available to not only the State Tax Assessors Office but also the tax assessors in the local towns. Presently, according to testimony before our committee, they are only getting somewhere between 15 and 25 percent of the transfers to use in evaluating property in the various communities. This would insure that the number of transactions goes to 100 percent or as near to it as it would be possible to get.

This is a highly essential tool for the tax assessors to use and the committee was almost unanimous. In fact, I think it might be a fine idea and I would request that the Clerk read the committee report.

The Committee Report was read by the Clerk.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question through the Chair. Did Representative Morton refer to the towns as not receiving the real estate transactions of the tax assessors in the town offices?

The SPEAKER: The gentleman from Orland, Mr. Churchill, poses a question through the Chair to the gentleman from Farmington, Mr. Morton who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Yes, that is the testimony that was received at the hearing from the tax assessors from many towns. I remember specifically, I don't have the figures before me, but the tax assessor from the City of Auburn reported that he had examined these statistics very carefully and found that only 15 percent of the transfers had the tax stamp on the deeds.

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

Mrs. MORIN: Mr. Speaker and Members of the House: I would like to read a letter that I received from our registrar of deeds concerning this bill. It says, "I was in Augusta, Wednesday, May 14, before the Committee on Taxation in opposition to L. D. 1150, entitled An Act Relating to Improved Property Tax Administration. There were nine registrars there and we were of the opinion that this proposed legislation is

unworkable. This bill, if enacted, will directly affect both the operation of the registrar of deeds and the privilege of recording instruments in the registry. In addition, it is definitely an invasion of privacy. I realize that possibly the Bureau of Property Taxation feels that the necessary transfer tax stamps are not being purchased but they are, but due to the language in that particular statute that the grantor or grantee is liable for this purchase and that the stamps can be affixed before or after the deed is recorded, the problem simply is in the wording of the registries.

"It was necessary to pay for the tax before the deed was recorded, very simple. The registries already have meter machines in the office to issue the necessary stamps and once a month pays 10 percent of the total to the county treasurer and 90 percent to the State of Maine Treasurer. Most of the instruments that are recorded come in by mail and the fact that they will have to have a declaration statement accompanying all deeds will mean that these deeds will have to be returned to the sender and in many instances feel that they will not be returned for recording. Furthermore, if the deed is recorded without obtaining the declaration of value required, the registrar shall be punished by a fine of not more than \$200. Furthermore, our office is open to the public and yet these declarations are intended to be kept confidential or we will be subject to another fine of \$1,000. Why all the secrecy and hush hush? I thought that the theme of the 107th Legislature was economy, so does this warrant an appropriation of \$61,700 over a two year period to carry out the purposes of this proposed act? This is simply policing the registrars and we will be doing the assessing groundwork for the Bureau of Property Taxation and the municipalities.

"In the past years there have been several bills passed to set up separate files for uniform commercial code filings, condominiums, municipal ordinances, amendments in zoning ordinances, Maine Coastal Island Registry, subdivision plans, security filming, tax maps for the municipalities, as well as transfer tax stamps. These are all in addition to our regular recording and indexing duties. Our office is self supporting and feel quite sure that others are too. Enclosed might be of interest to you. A no vote would be appreciated on this bill." Then she has a list of how much the fees were.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I think it would be well to address the letter that the good lady from Old Orchard read.

It is well to note here that the only opposition to this bill that was received in the Taxation Committee was from the registrars of deeds. The last section of this letter, I think, was the real reason why. Much of the first part of the letter was somewhat inaccurate, because the registrars, as far as I know, only have to do their best to maintain confidentiality. We did amend, in the Committee Amendment, the one condition that the registrars said was unfair and that was that they be, under 4641-J, have a penalty for failing to record. We amended that out to make that only if they intended to go against this law. It has to be with intent that they fail to record to pay fine.

The point is that the registrars were concerned about the volume of work they have to do. I would submit to you that in the letter, from York County it should be pointed out that they presently have the tax registering stamps in their office and that they presently issue them and they presently report them to the State Tax Assessor. So, frankly, I don't see where there is a tremendous amount of increased work.

In other words, testimony to this effect from most of the registrars, they couldn't agree how much work. The registrar from Kennebec County said it might take a half a girl, the other registrars thought it might take a whole one, some didn't indicate. They had not researched this particular point very much. The point remains that the counties will be receiving more money under this bill and if they see fit to reward their registrars of deeds in the future, they certainly will have the money to do it.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure this bill is really necessary. I would like to ask a question. I don't practice very much real estate law, but I understand that under present law the grantor is responsible for the tax, and on page two of the bill it says the grantee. In other words, the person who is buying the property will be responsible for this tax. Is there any reason why this should be changed, whether it is necessary or not?

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

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: No, this is an error which was picked up later. We found it only just the other day. It is planned to correct this in the Errors and Inconsistency Bill along with the designation of the various places in the bill where it refers to the State Director of Property Taxation which at the time that this bill was drawn and the time the committee amendments were made, the committee was not aware that the State Director of Property Taxation Office has been done away with in the appropriations act, but we will take care of that in the Errors and Inconsistencies Bill.

The SPEAKER: The pending question is on passage to be enacted. All in favor of passage to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

74 having voted in the affirmative, and 38 having voted in the negative, the motion did prevail.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I now move we reconsider our action whereby we passed this bill to be enacted.

The SPEAKER: The gentleman from Buxton, Mr. Berry, moves the House reconsider its action whereby this Bill was passed to be enacted.

Mr. Berry of Buxton requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote

will vote yes; those opposed will vote no.

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

Thereupon, Mr. Goodwin of South Berwick moved this matter be tabled until later in today's session.

Mr. Tyndale of Kennebunkport requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, that this matter be tabled until later in today's session. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

31 having voted in the affirmative and 77 having voted in the negative, the motion did not prevail.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against the motion to reconsider. This measure has been adopted very decisively by this House and I hope you will back up your work of just a few minutes ago.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to direct a question, particularly at the lady from Old Orchard Beach, she seems to pose a problem here about deeds being sent in and sent back and then sent in for final registering. I would like to clarify this. It bothers me anytime there is a question where the public might not register deeds, I think that we have a very large problem here if people are not going to be registering their deeds or if they could get lost at home where they are going to have to be sent back and forth.

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

Mrs. MORIN: Mr. Speaker and Members of the House: This is one of the main points that she made when I was talking to her, that sometimes they would send them back and they would never get them back. The main thing was the amount of money it was going to cost, for one thing, to administer.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question through the Chair to anyone who would answer which is, as this bill is drafted, does it require that the tax stamps be affixed to the deed before it is recorded so that when the registrar of deeds takes a photostat of the deed, the number of stamps will be on the deed and it will then be a public record as to how much the property was paid for? If the answer of that question is yes, I would caution the members of the House that if this bill passes, it will be a public record of how much you pay for a piece of property and anyone, if you later wish to sell it, anybody who is interested in buying it will be able to go to the registry of deeds and determine the purchase price which you paid and will also be able to determine how much of a return you are getting if he meets your asking price.

The SPEAKER: The gentleman from Standish, Mr. Spencer, poses a question through the Chair to anyone who cares to answer.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I did not rise to answer the question, although I suspect that Mr. Spencer is exactly right, and that is my objection to the bill. It is not the first time this bill has been here, and I guess I now will let somebody answer the question.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The answer to the question is no, it does not appear on the deed.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I believe this is an absolutely vital bill. It is true that it has been here before. I will remind you of the report from the committee, it was 12 to 1 and it earned every vote that it got, it deserved it. Our biggest tax in the State of Maine is the property tax. It raises something over \$200 million a year and it is also our most poorly administered tax. The equity of the administration of the property tax depends on the equity of assessment and assessment relates to market value perhaps more than any other single factor.

I don't know how we expect our assessors to be able to assess accurately and deprive them, as we have been, of the market information that would come from the record of sales. They have been deprived of some 80 percent or more of the sales records through our present system. I think it is terribly important that we put this piece of legislation through so that we can improve our real disaster area in taxation in Maine, and that is property taxes. It deserves your support. I hope that you vote against the motion before us.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question to any member of the Taxation Committee. That question would be, if I purchased a piece of property after this bill went into effect, would a person be able to go to the registry of deeds and decide by the number of tax stamps how much I had in fact paid for that piece of property?

The SPEAKER: The gentleman from Buxton, Mr. Berry, poses a question through the Chair to any member of the Taxation Committee who cares to answer.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The answer to the question is the same as I gave the gentleman from Standish, Mr. Spencer, the answer is no. This does not appear on the deed. The deed is the recorded instrument, the deed is what is on file in the deeds office. The stamps do not appear on the deed, they appear on the, you read the bill, payment of tax shall be evidenced by affixing such indicia of payment as shall be described by the Tax Assessor, is what it will have to read, to the declaration of value and not to the deed. The declaration of value is where the stamps are inserted and these declarations of value go to the State Tax Assessor who in turn sends a copy to the local tax assessor. This is transmitted by the registry of deeds.

I would point out that one of the big reasons for doing this this way was this

problem of public record and the apparent feeling by a lot of people that they don't want the general public being able to know what their business is on a day to day basis.

There is a confidentiality declaration in 4641-M, which says that this declaration of value shall be confidential and privileged, and it admonishes the State Tax Assessor, assessors of municipalities, chief assessors and so forth that this is not public information.

We are not stupid on the Taxation Committee and we know things can happen, we know people eventually do find these things out if they want to dig hard enough, but that is true in most anything you want to look at. This is definitely not going to be as public as it is at the present time when it is affixed to the deeds when they affixed it. Of course, the law didn't necessarily say they had to affix it, so that is why the problem you are running into, only 25 percent. This is why it is not going to be on the public record.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose another question to any member of the Taxation Committee. It seems to me this bill imposes an additional workload on the registrar of deeds and I am wondering, it does have an appropriation for the Bureau of Property Taxation but does it provide any additional money to assist the registrar of deeds and the additional workload that they will have?

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, poses a question through the Chair to anyone who cares to answer.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: The answer to that question again is no, it does not. This is not my first term here, it is not my first term on Local and County Government Committee, the previous session it was County Government and now it is Local and County Government. I have never seen a time yet that the legislature hasn't granted their pay raises to the statutory officers, the registrar of deeds being one. Even if the registrar of deeds had just been elected and never done any work in the office at all, they always got their raise regardless. Many times before the committee we have had bills appearing and in previous sessions where the registrar of deeds have come down, not only registrars of deeds but the various county officers and have asked for these added duties. Then it seems that after they get the added duties, they come around and they want even more money than what has been allowed.

We have given them raises, we have given them a raise this time around and I can't remember anytime that we haven't given the registrar of deeds a raise. It does not put that much work on them at all. They say it does, because evidently they feel they should have some extra help in the office but from what I could gather from the Register of Deeds offices in the various counties, they are pretty well staffed, my county being included, and none of them are overworked. As far as the Registrars of Deeds himself, a lot of the work is done by the various clerks and they all have plenty of clerks to handle the job.

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

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to strongly support this piece of progressive legislation for the reasons that Mr. Morton and Mr. Susi have put forth. I have spoken to my municipal officials about it and they strongly favor it, feel it is a very progressive move in the area of tax assessment.

Further, I would like to point out to the sponsors, while they are correcting errors and inconsistencies, I couldn't stay in my seat, as an old Latin scholar I have to raise a question on page 2 where they speak of affixing such indicia, payment shall be prescribed. I am not sure, but I presume that refers to the plural of the word index and I have more or less adjusted to indexes being substituted for the old Latin plural of indices, but I would suggest that if they are going to use a Latin form, they use indices rather than indicia, which I am unfamiliar with and I will go to my Latin dictionary to look it up but I don't believe it exists.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: It seems to me, in reading over this bill, that it is apt to present even more problems for some of our coastal communities in increases in state valuation. It is my understanding now that when property is transferred either between friends or members of the family they may not try to get the full amount that they might get by selling it to someone from New York, then that doesn't necessarily increase the valuation of the whole community but where here it seems as though you have to put down not only what the exchange price was but the full value which would be the estimated price the property will bring on open market and under prevailing market conditions, that the value would indeed be increased considerably, and with all due consideration to the Taxation Committee, in looking over the membership, there aren't too many members from our coastal areas who have been hit with the 40 and 50 percent increases in state valuation and I see this presenting even more problems in perhaps a way for the State Department of Taxation to, in fact, have the proof they seem to want to back up their increases in state valuation, so I hope you will support the move to reconsider.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: The lady raised a question about perhaps distorting, through our Bureau of Property Taxation, the valuation for a community due to some unusual sales, and when they make these sales ratio studies, they throw out the top 10 percent and the bottom 10 percent and it is only the middle 80 percent that are used in these sales ratio studies, so I don't think we have to be concerned about the unusual sale that is either on an exceptionally high or an exceptionally low basis.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I urge you not to reconsider where we passed this bill to be enacted this morning. I must disagree with my friend from the coast, Mrs. Post. I think it is quite clear that this does give some additional authority to the State Tax Assessor's office, since we have destroyed or done away with that bureau. I think it also does give some additional assistance to local tax assessors and I think they are

the ones who need more assistance in this field.

I have been interested in this particular legislation; in fact, I introduced legislation along these lines two years ago because the local assessors in some of the communities that I represent were having particular problems on determining the value of pieces of property, and I think probably the people who stand to gain the most out of this are the local assessors and the local coastal communities and I urge you not to reconsider this particular legislation.

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

Mr. LEONARD: Mr. Speaker and Members of the House: One question I would pose through the Chair if I may and also some of my own views on this legislation. Number one is on page 2, I noticed that the amount of the funds raised by the affixing of the property's transfer tax stamp will be 85 percent to the State Director of Property Taxation and 15 percent retained on a local level. My question, when I sit down and hopefully somebody will answer it, is that, in fact, the same as it is at the present time? I didn't realize, I always assumed that 55 cents per thousand was retained on the local level not by the county.

My objection to the bill, I voted to pass it a short time ago because I thought possibly it would be some sort of reform but when I look at the price tag of \$61,000, and then I turn around and people keep telling me that on the local level, at least in the counties, they ultimately will, in perhaps two years, come in for an increase there for either an extra person or half a person or whatever it is going to be. I question the gains of this particular piece of legislation. Certainly, affixing the property tax stamp to the deed prior to recording it would lend a lot of assistance to local tax assessors, but in the interest of fair taxation, I certainly can't see that it makes any sense at all, with this bill and many others I've seen, you turn around and spend a million dollars to make sure that you are taxing two million fairly. I question how much a dollar can buy in the interest of being equitable and aiding municipal assessors or whoever in assessing property taxes. I do hope you reconsider so we can just dispose of this thing or at least we can put on record the persons who are responsible for increasing the county taxes. I hope you reconsider.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton, who may answer the question.

Mr. MORTON: Mr. Speaker, in answering the question, the old law was a 10 percent — 90 percent split, 90 percent going to the state and 10 percent being retained by the county. Under this law, we have upped the county share from 10 percent to 15 percent and the county will retain 15 and the state will get 85. And further answering the question, Mr. Speaker, the fiscal note, the enactment of this bill would result in no loss of revenue to the state because increased compliance with the law will at least offset the administrative costs.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Again, from those views of the coastal communities, I hope you realize what we are doing. We just changed, in the property tax assessing district revision, the burden of proof to say

the Bureau of Property Taxation now has to prove some of the increases in state valuation, they have to prove their state valuation is correct and what we are doing with this bill is giving them the proof that they need.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I just had the opportunity to read over this bill and my original question was answered satisfactorily. I have one other question which relates to section 3 which says, "All deeds and other instruments recorded under two sections of Title 36 between March 1, 1968 and October, 1975 are validated" and it doesn't cure any specific defects in those deeds and I wonder what it means to validate all deeds recorded over a seven-year period. I am locked in, so I can't go and check with somebody who would be able to answer that question. I would like to pose that question to any of the attorneys in the House who might be able to answer it with more authority than I can.

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

Mr. PERKINS: Mr. Speaker and Members of the House: In an attempt to answer that question, I suspect that it would validate all deeds, meaning that all deeds that for one reason or another may now be invalidated would be validated. There normally is, over a period of time, every session (perhaps not every session but every few years) there is a validation statute that goes to validating deeds in terms of defects such as where there has been a lack of a seal, although seals are no longer required, there has been a lack of a deed or something of that order, not ordinarily would validate a substantive type of defect; in other words, if there is a defect in the chain title, it would not validate that defect, it would validate procedural errors such as signatures, etc. I don't know, Representative Spencer, how far this might go.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: Judging from the debate and discussion that has followed, I would suggest that a number of people in the House, when they voted on this bill, did not realize the full implications of it, so I would urge you to entertain the motion for reconsideration.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Buxton, Mr. Berry, that the House reconsider its action whereby this Bill was passed to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Berry, G. W.; Berry, P. P.; Berube, Bowie, Bustin, Byers, Carroll, Chonko, Clark, Conners, Connolly, Cooney, Curran, P.; Curtis, DeVane, Dudley, Durgin, Dyer, Farley, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Hall, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hughes, Hunter, Hutchings, Ingegneri, Jackson, Jacques, Joyce, Kany, Kennedy, Leonard, Lizotte, Mackel, McKernan, Mills, Mitchell, Morin, Nadeau, Norris, Perkins, S.; Peterson, T.; Post, Raymond, Rideout, Rolde, Shute, Snowe, Spencer, Tarr, Tierney, Tozier, Truman, Webber, Wilfong.

NAY — Albert, Bachrach, Bagley,

Bennett, Birt, Boudreau, Burns, Call, Carey, Carpenter, Carter, Churchill, Cote, Cox, Curran, R.; Dam, Davies, Doak, Dow, Drigotas, Farnham, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Gould, Greenlaw, Hinds, Immonen, Jensen, Kelleher, Kelley, Laffin, LaPointe, LeBlanc, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McMahon, Miskavage, Morton, Mulkern, Najarian, Pearson, Pelosi, Perkins, T.; Peterson, P.; Pierce, Powell, Quinn, Rollins, Saunders, Silverman, Snow, Sprawl, Strout, Stubbs, Susi, Talbot, Teague, Theriault, Torrey, Twitchell, Tyndale, Usher, Wagner, Walker, The Speaker.

ABSENT — Blodgett, Jalbert, Kauffman, Laverty, MacLeod, Palmer, Peakes, Smith, Winship.

Yes, 64; No, 78; Absent, 9.

The **SPEAKER**: Sixty-four having voted in the affirmative and seventy-eight in the negative, with nine being absent, the motion does not prevail.

Sent to the Senate.

Enactor

Indefinitely Postponed

An Act Concerning Municipal Property Tax Bills (H. P. 940) (L. D. 1313) (H "A" H-704 to C "A" H-477)

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

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

Mr. **MAC EACHERN**: Mr. Speaker, Ladies and Gentlemen of the House: This bill, I think, is a very unnecessary bill. It requires the communities to put some information on their tax bills that would be expensive, and it is now permissible if they so desire to have that information on their tax bills. I don't think we should legislate something like this to the small communities. Therefore, I move that this bill and all of its accompanying papers be indefinitely postponed.

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

Mr. **DAM**: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you today not to indefinitely postpone this bill. It is not an expensive bill to administer by any means, because in my hand I have a paper from the City of Westbrook that they used to send out their tax bills with. In the City of Westbrook, they break it down, as do some of the smaller towns even, into dollar figures. They break down the costs of school tax, county tax, city tax and show the total. Originally, that is what this bill would have done, but in conferring with the Bureau of Taxation, we figured it was a lot easier if this was shown in percentages, since when the warrant is committed, the figure is already there, so it does not require any computation by the assessors or by municipal officials or anything like that. It is already there, all it is, it is transferred from the warrant to this little tax bill they are going to get in the mail.

The main thing for this I think is because a lot of the towns don't go into really telling the people what the cost of government is in the various fields, such as school districts, municipal special districts and county tax. This would make it uniform across the state; this would give everyone the knowledge of how the tax dollar is being divided and it would not create any additional expense. I think somewhere

along the line something like this is needed. It is supported, as much as sometime I differ with the organization, I differ on specific issues, not across the board, but this is supported by Maine Municipal Association and it is something that will open up the people's eyes to what the cost of their various services are.

It is no additional cost to the people; the bills are going to be printed anyway, they are going to be mailed out and it says here, in the bill it says that if the municipality gives written notice and so if they don't give written notice, how they would do it I don't know, but then they would not be required to follow along with this bill. I would ask you today not to vote for indefinite postponement.

The **SPEAKER**: The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. MacEachern of Lincoln requested a roll call vote.

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

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

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

Mr. **FARNHAM**: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do change your vote for indefinite postponement. It is very easy to say that this is no extra cost on the towns. Now, that could be true in a city where there are thousands of taxpayers, the percentages are determined, they go to a printer and order the tax bills printed and the percentage breakdown of where the taxes go is all on the bill.

In a small town, and I have three of them, not one of them has over 500 tax bills to put out, so they order tax bills by the thousand, use them year after year unless there is some major change, and these percentages change every year so those tax bills would be a problem to them. I have been told that they can get a rubber stamp made up each year and have the percentages on them, that, too, is an additional expense and I would remind you that in almost every small town, the town report does break down where the taxes for the previous year have gone, sometimes they use the pie method, sometimes the bar method, but the local people are not confused as you think, they know pretty well where their taxes are going.

I hope you join with the motion of the gentleman from Lincoln, Mr. MacEachern and vote to indefinitely suspend this little nuisance idea.

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

Mr. **DUDLEY**: Mr. Speaker and Members of the House: I, too, support the motion to indefinitely postpone. I represent numerous little towns and they are having a hard time now to find someone to do these selectmen jobs and do this work and whether it is an added expense or not, it's an extra nuisance that is not necessary because now these towns that want to do it can if they want to, if they

so desire. I notice the City of Augusta does on their tax bills and I think it's a good idea if they want to, but I don't think it's right for this House to tell these little towns you must do this.

Now, in the town of Enfield where I live, generally on the town report there is a big circle like a silver dollar and it shows how this is broken down into percentages of tax dollars, and this is a good idea. But what we are asking to do here, we are mandating something, something that is uncalled for, something they can do now if they want to. So, I do hope that you will be so kind as to save the troubles to these little towns and all this nuisance, because we are having a tough time now in these small towns to find someone to take these jobs and one or two more of these little jewels that adds to their work is just making it harder to get somebody and for these towns that want to do it, maybe Skowhegan wants to do and can do it and they can do it. I know that Augusta does it and I know several other towns do it now and I see no reason why they can't keep on doing it.

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

Mr. **DAM**: Mr. Speaker, Ladies and Gentlemen of the House: This bill had a good hearing. There were a lot of municipal officials from the various small towns. They supported the bill, and I would say that none of the people have spoken against the bill, who attended the hearing to hear what these small town municipal officers were saying, and I would at this time ask the good Clerk to read the Committee Report.

Thereupon, the Report was read by the Clerk.

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

Mr. **MAC EACHERN**: Very briefly, Mr. Speaker, I can't imagine the gentleman from Skowhegan, Mr. Dam, supporting a piece of legislation like this. He holds himself forth to be an advocate of Home Rule, and I think this is just another little encroachment on Home Rule by us, the legislators.

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

Mr. **WILFONG**: Mr. Speaker, Members of the House: I have to rise today to also support the gentleman from Lincoln, Mr. MacEachern. If the towns already can do it on their own volition, then why should we be mandating that every town should do it? I think that if the towns want to do it, then that is fine, but if they don't want to do it, then why should they be made to do so?

The **SPEAKER**: A roll call has been ordered. The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, 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 — Albert, Ault, Bagley, Bennett, Berry, P. P.; Birt, Bowie, Burns, Bustin, Byers, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connors, Connolly, Curran, P.; Curtis, DeVane, Doak, Dow, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Hall, Henderson, Higgins, Hinds, Hobbins, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Joyce, Kelleher, Kennedy, LaPointe, LeBlanc, Leonard, Lewin, Littlefield, Lizotte, Lovell, Lunt,

MacEachern, Mackel, Mahany, Martin, R.; McBreairey, Mills, Miskavage, Morin, Nadeau, Pearson, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rollins, Saunders, Shute, Silverman, Spencer, Sprowl, Strout, Stubbs, Tarr, Teague, Theriault, Tierney, Tozier, Truman, Twitchell, Wilfong.

NAY — Bachrach, Berry, G. W.; Berube, Boudreau, Call, Carey, Cooney, Cote, Cox, Curran, R.; Dam, Davies, Drigotas, Faucher, Gray, Greenlaw, Hennessey, Hewes, Hughes, Jensen, Kany, Kelley, Laffin, Lewis, Lynch, Martin, A.; McKernan, McMahon, Mitchell, Mulhern, Najarian, Norris, Pelosi, Peterson, T.; Rolde, Snow, Snowe, Talbot, Torrey, Tyndale, Usher, Wagner, Walker.

ABSENT — Blodgett, Jalbert, Kauffman, Laverty, MacLeod, Maxwell, Morton, Palmer, Peakes, Smith, Susi, Webber, Winship.

Yes, 94; No, 43; Absent, 13.
The **SPEAKER**: Ninety-four having voted in the affirmative and forty-three in the negative, with thirteen being absent, the motion does prevail.
Sent up for concurrence.

An Act to Clarify the Severance Pay Statute (H. P. 1082) (L. D. 1362) (C. "A" H-674)

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

**Enactor
Tabled and Assigned**

An Act Relating to Nomination by Petition (H. P. 1128) (L. D. 1404) (S. "A" S-290 to H. "A" H-667)

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

Mr. Call of Lewiston moved that this matter be tabled for one legislative day.

Mrs. Boudreau of Portland requested a division.

The **SPEAKER**: The pending question is on the motion of the gentleman from Lewiston, Mr. Call, that this matter be tabled pending passage to be enacted and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.
67 having voted in the affirmative and 35 having voted in the negative, the motion did prevail.

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) (H. "A" H-708 to C. "A" H-472)

An Act to Revise the Charter of the Augusta Water District (H. P. 1427) (L. D. 1796) (C. "A" H-630) (H. "A" H-666)

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

An Act to Revise the Fish and Game Laws (H. P. 1425) (L. D. 1817) (C. "A" H-457) (S. "B" S-222 S. "C" S-287)

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.

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

From the Senate: The following Communication:

**THE SENATE OF MAINE
AUGUSTA**

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 to Extend the Jurisdiction of the Human Rights Commission to Grievances of Ex-offenders" (H. P. 1114) (L. D. 1416)

Respectfully,

Signed:
HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-288) on Bill "An Act Extending Collective Bargaining Rights to University of Maine Employees" (S. P. 243) (L. D. 827)

Report was signed by the following members:

Messrs. PRAY of Penobscot
ROBERTS of York
— of the Senate.

Mrs. CHONKO of Topsham
Messrs. SPROWL of Hope
LAFFIN of Westbrook
TEAGUE of Fairfield
TIERNEY of Durham
SNOW of Falmouth
FLANAGAN of Portland
MARTIN of St. Agatha
— of the House.

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

Report was signed by the following members:

Mr. McNALLY of Hancock
— of the Senate.
Mrs. TARR of Bridgton
— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-288) Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" (S-311) thereto.

In the House: Reports were read.
(On motion of Mr. Tierney of Durham, tabled pending acceptance of either Report and later today assigned.)

Bill "An Act Relating to the Dredging, Filling or otherwise Altering Coastal Wetlands" (H. P. 590) (L. D. 730) which was passed to be engrossed as amended by Committee Amendment "A" (H-354) as amended by House Amendment "B" (H-554) thereto in the House on May 29.

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

In the House: On motion of Mr. Doak of Rangeley, the House voted to Insist and ask for a Committee of Conference.

Bill "An Act Authorizing the Licensing of Indoor Tennis Clubs, Indoor Skating Clubs and Golf Course Clubs for the Sale of Alcoholic Beverages without Requiring the Sale of Food" (H. P. 1631) (L. D. 1906)

which was indefinitely postponed in the House on June 10.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-310) in non-concurrence.

In the House:
Mr. Faucher of Solon moved that the House adhere.

Mr. Jacques of Lewiston moved that the House recede and concur.

Whereupon, Mr. Faucher of Solon requested a division.

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

A vote of the House was taken.
Thereupon, Mr. McKernan of Bangor requested a roll call vote.

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

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

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

Mr. McKernan: Mr. Speaker, Ladies and Gentlemen of the House: This bill has an amendment on it and unfortunately after scrounging around and trying to find it, I can't, but it is under S-310, filing number. It was put on in the other body. I would like to tell you basically what it does. I think it takes away a lot of the objections that were expressed in this body when we debated this bill last time.

The first thing it does, actually, it requires that these skating rinks be ice skating rinks and not skating rinks. The second part of the amendment would require that the Bureau of Liquor do a study and report back to the 108th Legislature on the results of allowing these recreational facilities to have the liquor licenses without the volume food requirement. But I think the third and most important provision of the amendment is that it requires that the recreational facilities, these tennis clubs or golf courses or skating rinks, have food available on the premises, that is so it cannot be just liquor and obviously they are not going to have to get into any type of volume of restaurant business but they will have enough food there to satisfy whatever the demand is at their individual facilities.

One thing that wasn't brought up in debate, and this doesn't really go to the amendment, it goes to the bill itself, it wasn't brought up at the debate the last time we had this bill in front of us, is that right now, under present law, seasonal golf clubs or clubs that are not open year round, like most golf courses are not, can right now have liquor licenses without any food, and all this bill does is state that other recreational facilities like indoor tennis clubs especially, can be allowed to have liquor also without the volume food requirement but at least they will be required to have some food available which these seasonable golf clubs are not even required to do under present law. This will require them to have some food available and will also have a study by the Bureau of Liquor Control to find out what

the effect and what the impact of this is. So I think the amendment addresses itself to some of the objections at least that were raised here and I would urge you to vote to recede and concur and try to help out some of these businesses.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: This is unanimous from the Committee on Liquor Control, with the exception of one person. I feel that it is a very, very just bill, perhaps it polices at level best some places where you might buy drinks, but on the other hand, this makes it legal. This allows the state to receive some extra money in license fees. The licenses alone for so-called hard stuff is \$750, I believe, and this is quite a little fee. There aren't too many of these places and I hope you will vote to recede and concur.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will support the motion of the gentleman from Lewiston on recede and concur. It is somewhat mystifying to me that this report could come out of Liquor 12 to 1 and the only argument I have heard the gentleman from Solon offer against it is that it seems he thinks we passed our quota of this type of legislation. I think this is number 10 or 11 and he says we should now stop. Well, this piece of legislation does nothing more than open up for these categories the same type of treatment that has been given in a substantial number of bills this year. It goes under local option, so I don't think we need to worry about people having it shoved down their throats.

I would just cite the inequity that this is intended to correct. My town has a municipal golf course which cannot serve liquor, and yet, right next to it in an adjoining town, a private golf course has, and so inasmuch as some liquor is being consumed at my golf course right now, I suggest that it makes more sense if we put them under a license and have the control.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am delighted that they have taken the roller skating out, because after all, I would hate to be run into by a man who has been imbibing too much on roller skates. It seems to me that ice skating is almost as dangerous, a person who has had too much and might be in a bad way if he collided with me ice skating.

Actually, it seems to me that these places that are mentioned here are by and large, some exceptions, are frequented by young people and it seems to me that we have opened enough places for young people to get enough so that they don't need anymore open sources of liquor, and I hope you will defeat the motion to recede and concur and vote to adhere.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: Lewiston happens to have one of the biggest arenas in the state, which happens to be an ice arena. That doesn't mean that because they are skating that they are going to be drinking. This is for the people that come up and see a hockey game, which, as you know, we have the Maine Nordic in our community, which is a professional

hockey club, and it is just like saying to you that the Boston Gardens from now on will not have or will be able to serve liquor or beer at the present time and that is most of their business. The liquor business is what they do most and it keeps them going and this is one of the reasons that we would like to have it in our community and so does Portland.

We have the indoor tennis club also that does business in the winter and some of these gentlemen would like to have a drink after they get done with their tennis. That doesn't mean that they are drinking while they are playing tennis, there is nothing wrong with it. I don't happen to be a drinking man but I favor this bill and I don't see anything wrong with it. It means business for the state, it means that they are bringing in people and our community will certainly profit by it.

Again, these places will be segregated in these arenas, there will be a certain place where you can have a drink, you cannot walk around with these drinks in our community. So, again, I hope that you do recede and concur and do adopt my motion.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: As I sat here, I heard my good friend Mr. Maxwell tell about bringing in additional money to the state and also I heard the other one saying that it means more business for the state and these businesses are in tough condition and they need this extra money. Well, it seems to me, and maybe my memory may fail me, because every day as I get older maybe my memory fails me more, but it seems to me that we did have a bill here earlier to legalize all forms of gambling in the state. This would have brought a lot of money in but we didn't do that, and I just wonder if this is the right approach to start using the liquor industry to open up all these new areas for the dispensing of liquor.

As I said the other day, the indoor moving picture theaters in Maine, those that have not gone to the X-rated movies, are having a hard time to survive and maybe we should allow them also to serve the booze in the theater.

I would like, Mr. Speaker, to pose a question through the Chair to the good gentleman from Cumberland, Mr. Garsoe, and I think he mentioned the words local option. Under the statutes now, isn't it possible, even if a municipality rejected the application for a license, that the Liquor Commission can come in on a whole hearing and override the decision of that municipality?

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

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

Mr. GARSOE: Mr. Speaker, this is another first. I finally have been asked a question that I can't answer.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you do not vote to recede and concur. This bill has the strangest title on it of any bill that I have ever seen. It is not a bill to put liquor into the tennis courts, this is a bill to bail out the Maine Recreation Authority who has made some bum loans to different recreational developments throughout the

state and it is typical of loans that you get when you do have the state lending money to private enterprise.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: Although I am in favor of this bill, I must give the married men and women some advice. When you have a little too much liquor, you see double and feel single.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, to carry on a little further with what the good gentleman from Hampden, Mr. Farnham, had to say, if there is any way that we can help the Maine Recreational Authority, I mean by that selling a little booze at some of the institutions or establishments that they have, I say, by all means, let's go along with it, because we certainly allow everybody else to make a good profit selling booze, so if it will help the state and the taxpayers, let's go just a little bit further.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Mr. Dam's question, I think you know the answer but if a town is voted wet and the council refuses to grant a license to a person, then the state commission could override that.

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

Mr. FAUCHER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief, I believe that we debated this bill quite a lot last week. We killed it by a roll call of 85 to something, but notice that you people have been lobbying quite a lot on this. The amendment is not any better than the bill is. If the applicator shifts, they would qualify under the amendment, I understand some of these amendments, and I believe if we are going to open up anymore, we might as well repeal all the liquor laws in the State of Maine, give everybody a liquor license and let them sell 24 hours a day.

I hope you will vote on the red lights this morning, and that means stop. I believe we have done enough for the industry this year and I believe we have to stop somewhere along the line here. Let them try in the special session or next year. If we see our way possible to help them, we might, but I don't see why we should give any more special interest groups anything else this year.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question to my Assistant Floor Leader, he has made a statement that golf clubs are already in. It seems kind of odd to me that in the last session we worked so hard to try to pass one, I didn't because I am against all liquor, but they worked hard in here to pass one for the golf course out to Leeds. I know that the gentleman from Westfield, Mr. Good, that would be his brother, he worked real hard for that, and as far as I know, there has been no change in that law.

The question is, if golf courses are able to do it now, why have it in the bill, and where is it in the law that they are able to do this?

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, has posed a

question through the Chair to anyone who may answer if they so desire.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I understand that seasonal golf clubs, seasonal recreational facilities, can in fact have liquor licenses without the food requirement. If anyone would like to correct me on that, I would stand corrected.

Furthermore, I think the ski industry, for instance, would also come under this because that is a seasonal activity. So, all we are asking for really is equal treatment for somebody who is going to be in business all year round.

A lot of statements have been made there this morning that I am not sure really get to the point of this bill, talking about we have done enough for the industry already, well, I don't know what industry they are referring to, but this bill talks about the recreational industry. I don't think you should deny one segment of industry in this state a right that people have just because you think you have done enough with the liquor laws already.

One final thing I would like to mention, that is how these facilities can have a liquor license right now if they want to become private clubs and this is what they don't want to do. I talked about tennis being an elitist sport and how it should be available to members of the public. Well, I would like to read a portion of a letter from Richard Anderson, who is President of the Maine Recreation and Park Association. In support of this bill, he says: "As I am sure you are well aware, some municipalities and towns throughout the state take advantage of the services offered by these indoor recreational facilities and were such facilities to go out of business, it could place a burden on recreation programs in those areas." He said, "We realize that such increased revenues wouldn't necessarily be a panacea for commercial indoor recreational facilities. It does not appear that this legislation would infringe on other enterprises established solely for the purposes of the sale of food and alcoholic beverages and for this reason, we go on record as supporting the bill."

I think, as I said, it is important, these facilities throughout the state are being utilized by our towns, utilized by all municipalities for different groups. I think it is important that we try to keep these enterprises in business. It has nothing to do with bailing out the Maine Recreation Authority, it has to do with bailing or helping to make these people stay in business that have invested their money. We are doing it now for the seasonal recreational facilities and I don't see why we shouldn't do it for people who are in business all year round. This will make them able to compete economically. I think it is something we should be encouraging and I hope that you would vote to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Island Falls, Mr. Walker.

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I have a conflict of interest here where I own a golf course. Can I speak?

The SPEAKER: The Chair is in no position to rule on whether the gentleman would be in conflict, it is entirely up to him.

Mr. WALKER: Mr. Speaker, Ladies and

Gentlemen of the House: I will say this, that my son is now running the golf course, I am semi-retired, and he would like to keep the business open year round. As it is now, all he can buy is a six months license. The town has approved it all and I won't say anymore.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: Listening to all this debate here, I see it in a much different light, being a lot older than most of you. This takes me back to the days of prohibition, when after the first four months of no booze around, why, if you came up the street half-loaded, you were a hero. So, this evolved around and it developed into having clubs, associations and what have you, where if you brought the booze in, you could have a setup served to you and you could have your fun and frolics and everything else.

I think it is about time we got away from those prohibition days, brought this thing out in the open where it belongs, so instead of hiding the thing, let the general public see what is going on.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berube, Birt, Boudreau, Bustin, Byers, Carey, Carter, Connolly, Curran, P.; Curtis, Davies, DeVane, Drigotas, Dudley, Dyer, Farley, Fenlason, Frazer, Garsoe, Gauthier, Goodwin, H.; Gould, Gray, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hutchings, Ingegneri, Jacques, Jensen, Kany, Kelleher, LaPointe, LeBlanc, Lewis, Lizotte, Lovell, MacEachern, Mackel, Martin, R.; Maxwell, McKernan, Mills, Mitchell, Morin, Najarian, Norris, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Powell, Quinn, Raymond, Snowe, Susi, Tarr, Tierney, Truman, Twitchell, Usher, Wagner, Walker.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Burns, Call, Carpenter, Carroll, Chonko, Churchill, Clark, Connors, Cote, Cox, Curran, R.; Dam, Doak, Dow, Durgin, Farnham, Faucher, Finemore, Flanagan, Goodwin, K.; Hunter, Immonen, Jackson, Joyce, Kelley, Kennedy, Laffin, Lewin, Littlefield, Lunt, Lynch, MacLeod, Mahany, Martin, A.; McMahon, Miskavage, Mulken, Nadeau, Pearson, Post, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Sprowl, Strout, Stubbs, Talbot, Teague, Theriault, Torrey, Tozier, Tyndale, Webber, Wilfong.

ABSENT — Blodgett, Bowie, Cooney, Greenlaw, Jalbert, Kauffman, Laverty, Leonard, McBrearty, Morton, Palmer, Peakes, Smith, Snow, Spencer, Winship.

Yes, 70; No, 64; Absent, 17.

The SPEAKER: Seventy having voted in the affirmative and sixty-four in the negative with seventeen being absent, the motion does prevail.

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

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

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, having voted on the prevailing side now moves that we

reconsider our action whereby the House voted to recede and concur. Those in favor will say yes; those opposed will say no.

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

An Act Creating the Maine Criminal Code (S.P. 113) (L. D. 314) (H. "A" II-688, C. "A" S-264, C. "B" S-265)

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

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

Mr. CARTER: May I have this tabled until later in today's session?

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

Mr. ROLDE: Mr. Speaker, I would ask for a division.

The SPEAKER: The gentleman from York, Mr. Rolde, has requested a division on the tabling motion. Those in favor of tabling until later will vote yes; those opposed will vote no.

A vote of the House was taken.

19 having voted in the affirmative and 93 in the negative, the motion did not prevail.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: First of all, let me say at the outset that I am not a lawyer, and when it comes to bills of this nature, I have to rely on good judgment and in this case, I called on a close and dearly trusted friend of mine and asked for his opinion on this bill.

I could go on and speak for quite awhile on it but I will not. I don't know if my imparting with the information that I have to you will make any difference in your vote but I am deeply troubled by this bill. First of all, let me tell you why as briefly as I can.

Many years ago, there was all kinds of oppression in this world and it came mainly from those in power, more specifically, I can go back to King John, back to 1215. The people then were subject to the whims of those in power, when King John said, off goes the head, off went the head, there was no recourse. So, people were on the verge of a revolution and they petitioned the king for redress. They petitioned specifically to ask for a committee to oversee the judges. This, of course, was denied and in lieu of that came the Magna Carta. The Magna Carta was essentially the first document given by King John that granted the people civil rights. Now before this occurred, a lot of misery transpired because of boundless and limitless discretion by the king. The bill that we have before us does away with case law and common law which has been building up since that time. By passing this bill, we are going to grant more and more authority to the courts and to the lawyers.

I would just say at this point that although I have many friends who are lawyers, this is truly, if I have ever run across one, a lawyers bill and does not deserve passage.

I would call your attention, for example, specifically to Page 32, Section C2, which reads "A person is justified in using deadly force upon another person when he reasonably believes that such other person is about to use unlawful, deadly force against the action of a third person or is likely to use in any unlawful force against a person present in a dwelling while committing or attempting to commit a burglary of such dwelling or is committing or is about to commit kidnapping or a

forcible sex offense; however, a person is not justified in using deadly force on another to defend himself or a third person from deadly force by the other." What this really means, actually, is that more and more we are protecting the felon and the innocent people are going to be on the receiving end of what we call so-called justice and believe you me, that it is not really justice.

Let me give you an example of what can transpire under this section. A person breaks into my home in the dark, what am I supposed to do, turn the lights on or put a flashlight on him to see if the person is armed or has a gun or likely to use unlawful force? When retreating in an encounter with such a character, you can't shoot or defend your property, you must leave the premises if you can safely do so or surrender property. Now under the stress of this sort of emergency, who is going to think of all the sections in this law? Actually, when such a case is in court, no lawyer would think of all this unless he takes the little booklet out or this one here, which has 156 pages, read through it, read to the judge and jury and say, here is what the law says. He is going to read it all and then they are going to argue about it, about what it means. Yet, if you put the victim of the criminal who is in his own home or is in his own automobile minding his own business, anywhere, you are putting him on the spot to determine the extent of the aggressive intent of the criminal, and upon his judgment and his guess, talking about victims now, he stands or falls either to be exonerated if he shoots the guy or he goes to prison for several years.

He didn't start the whole thing; it is the criminal who came in through the window. This is really terrible, we are, in fact, protecting the criminal. A criminal should not have an advantage over the victim who is going to have to prove that if the criminal enters a home, that he was about to commit a burglary or kidnapping or a sexual offense.

More and more down through the ages, and this is a proven fact, the justice that is being administered in this country belongs to the ones who can afford it, the low-income, the under-privileged, the colored, either who cannot afford to defend themselves or hire legal counsel and end up in jail. By coincidence, there is a good example of the cost of justice on this morning's front page of the Bangor paper. For those of you haven't seen it, let me read briefly: John Mitchell "Successful defense in the Vesco Security Case was Reportedly Near the \$500,000 Mark. Vice President Spiro Agnew was reported to have spent more than \$200,000 just to negotiate his nolo plea. John Dean's lecture tour, undertaken to pay his fee, he is expected to get somewhere between \$300,000 to \$600,000" depending upon which one you read, which column you read and on and on. This is not really justice.

I know that there has been a lot of work put into this code and the people who worked on it, I am sure, have the right things in mind, but I think much more study should be done to come up with something that we really would provide justice for the people. One way, I would think, if we really want to provide justice, we should come up with a system of fines based on restitutions and restitutions should be geared on a fraction of a person's income.

To give you a quick example, if a person is earning \$4,000 a year and goes through a

stop sign and he is fined \$25.00, it is really going to hurt that person, but if a person is earning half a million dollars a year and he goes through a stop sign, what is the \$25.00 fine? The man should be charged a hundred times \$25.00; this would be meaningful, this would be a deterrent and this would be justice.

I move that this bill and all its accompanying papers be indefinitely postponed and I hope that you will go along with me and I ask for a roll call.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: There has been a great deal of work go into this bill over a period of several years. I think the original proposal came about through an order that was introduced by the previous Attorney General at a time that he was a member of this body.

This may not be 100 percent perfect, I am not sure that it is or not but I think one of the most interesting aspects of this bill to permit me to vote for it this morning is that it does not take effect until March 1, 1976. This will give people all over the State of Maine, law enforcement people, judges, members of the judiciary, lawyers, all a chance to take a good look at it after it is enacted into law and if there are needs for some changes, they can be made at the special session.

I think the codification of the Criminal Code in bringing into line is a worthwhile move and I hope that you won't vote for the indefinite postponement.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I went over the Criminal Code, and as many of you know, I was not too satisfied with certain sections in it. I do not believe in decriminalizing marijuana and I wanted the capital death penalty, but those were defeated. But personally, I believe there were good intentions on the part of the people who put those in to not help the criminal. I am against marijuana 100 percent. I didn't speak on it that day because I was speaking on capital punishment. I am for capital punishment. Those two things are not in the bill, but I feel that the committee worked hard. It may not be just as we want it but nothing is just as we want it. There are several things in there that I disapprove of, but to throw the bill out because one or two things in there we may not like, would be an injustice of this legislature.

It was part of our job to come in here and debate the issues that we did not like. I certainly do not want to help one criminal. I certainly know that if a person came into my home at night, I would shoot him, I would rather have a hard time getting out of it than having him kill me and having him go to prison for 12 years. I do believe that they have worked hard and they deserve the consideration of this legislature to pass this bill. It is not just as I want it but I can live with it and maybe next time we could do better.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I am very, very much surprised at the gentleman who made the motion because I never expected it from him and I will tell you why.

The commission who worked on this

revision worked for two years and they really put a lot of time into it. The Committee on Judiciary worked on it for two months and we gave it, every one of us, everything they had. We are not saying that the bill is perfect, it is not perfect, we agree, but we say that this is as good a bill as you can possibly come out with by a committee without being perfect.

We had two months that we worked on this, we had two weeks of hearings every day, you heard me announce it in the House. Where was my good friend, Mr. Carter; he never showed up, we've never seen him. I saw him a couple of weeks ago on Labor Day when he left for Canada, came to see me about a bill, he had a bill similar to our committee member, Mr. Perkins. He said to me "well, I don't think mine will go by, your committee member will probably have a chance to put his by." I said "I'm going to see to it that the bill comes out with the best one that we've got, if your's is better than the others, I'm sure Mr. Perkins and the committee will give you justice and they will be fair to you. Go upstairs and see my Co-chairman, Mr. Collins". He said to me "I'm leaving for Canada". I said "give me your material, I'll take care of it, I'll speak to Mr. Perkins, I'll see what we can do for you". I went upstairs, we had a committee hearing and this bill was to help someone who was assaulted, you've heard here in the House last week or the week before sometime. In case that his bill first came out with a cost of \$300,000 but he cut it down. Mr. Perkins had much less than that but there was something in the bill that the committee honestly, as we did, deal all the way through since the first of January that we have done. I have been in the legislature for 12 years, and ladies and gentlemen, if we have ever worked hard, the 13 members of that committee and myself, this is one year, one term that I've worked hard and the rest of the committee did the same thing and I'm very much surprised, I don't say that this bill is perfect, there are a few things that might not be but like you heard a few minutes ago, this bill takes into effect March 1st.

There's no reason why Mr. Carter couldn't come in when I asked on many occasions in the House here, for any one of you to come upstairs and straighten them out. We had Rep. Joyce from Portland who is very much against marijuana that didn't like what we put in. We had the gentleman from Westbrook, Mr. Laffin, he had something he didn't like in the bill, he came upstairs as a gentleman and looking for the best interest of the people in the state, like he felt and he put in his amendments, came here and fought it out like a gentleman. Why didn't this gentleman do the same thing? He had the opportunity, not to wait until the last thing that we enact this bill? I think that's a dishonor to the people of this state to do anything like that and to the committee and the members of the legislature, to come in here at this time at the last minute and to do a thing like that.

Ladies and gentlemen, I hope that you don't kill this, there has been too much work that went into this, honest work and if there are some things that are not right, I will honestly tell you today that the committee at the special session will do everything they can to change it.

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

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

somewhat a same bind as the gentleman from Westbrook, Mr. Laffin. I cannot in all good conscience vote to indefinitely postpone this bill as much as I disagree with the section decriminalizing marijuana and some of the other sections.

One thing I would just like to throw out for the thought of the members here for future legislation. This is a monstrous bill and it rolled through this House and the only sections that were even questioned were 20 minutes worth of debate on the marijuana issue and a few minutes of debate on an amendment presented by the gentleman from Westbrook, Mr. Laffin and the gentleman from Kennebunk, Mr. MacMahon.

I guess, I would applaud the Judiciary Committee and the commission that drew this bill up for the amount of tremendously hard work that they did on this bill but I think it's just too big. I would rather have seen this bill, if it's possible and I'm not an attorney, I don't know, I'd rather have seen this bill and any future bills of this nature, come out in Sections or little pieces or medium-sized pieces that we could chew on for a while rather than have it all come out as a big glob and it just kind of rolls through the House, based on the amount of time and work that has been put into this. That's one of the main arguments going toward this bill at this time, nobody is applauding any individual section of this bill so much as they are saying "well, we put so much time in it, it was not fair or I disagree with this philosophy of legislation". I would, together with the gentleman from Portland, Mr. Joyce, and myself lead the fight to prevent the decriminalization of marijuana, I feel very strongly about it, I'm not doing it just to please my constituents as has been suggested by some people because I could sit here today and I could vote for indefinite postponement and the feeling of my constituents. This is a personal thing, I'm against the decriminalization of marijuana and I think everybody here knows that but I cannot, in all good conscience, vote to kill this entire bill. As it has been mentioned, this won't go into effect and I will guarantee you that after doing a little research over the summer, I will be back with an amendment to it, specifically dealing with the marijuana issue in the special session next spring, so I would urge you not to vote for the indefinite postponement of this bill, it's basically, a good piece of legislation, a piece of legislation that has been a long time coming and a long time needed and I think if each individual in this House, went through this bill, with a fine tooth comb, we would all find at least one thing and probably a lot more that we disagree with but as the gentleman from Sanford, Mr. Gauthier just said, there's time to amend it.

When I presented my amendments in reference to marijuana, perhaps they weren't that well thought out, perhaps I could have gotten it through if the expungement of pardoning amendment never was offered, was written a little better so maybe I'll try that route again.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen: There are two things that I forgot to mention. One thing is that we didn't put this thing through without looking at it or studying it or doing our duty. If you notice and I think you did last week, when we came up with 67

amendments, that our committee came out with, that we changed from the original commission, when you come out with 67 amendments with a big bill like this code is, you may rest assured that we did work, we worked day and night, ladies and gentlemen. Number 1, I don't if I mentioned the bill that I brought out that Mr. Carter had but Mr. Perkins was nice enough about letting Mr. Carter copy some of his things that he had in his bill to put in with Mr. Carter's to make it better and also.

The SPEAKER: The Chair recognizes the gentleman from Winslow and asks for what purpose does he rise?

Mr. CARTER: I'd like to ask the Chair if this bill that is now being discussed, is this relative to the issue.

The SPEAKER: The Chair announces that since we are dealing with the Maine Criminal Code, almost anything is relevant to the issue.

Mr. GAUTHIER: Ladies and gentlemen, it wasn't Mr. Perkins' name that appeared on that bill, it was Mr. Carter's name so the committee, I think was very honest.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: The Maine Criminal Code has had its full and fair hearing. I urge the adoption of the code and am opposed to the motion before the House. I would however, like to ask one question and would it be permitted off the record — on the record, I'm a little concerned about the fine and I'm concerned because I don't want to make this state a laughing stock and it's Page 143, Section 1301 and the way I read Paragraph D in Chapter 53 "a prostitute being arrested will be fined under one of the classifications of the fine or she would come under Section D which states "that regardless of the classification of a crime, any higher amount which does not exceed twice the pecuniary gain derived from the crime by the defendant", I'm interested in that do we need to have something in here that applies to the woman on the street, that she would almost have to get into posting her price. This particular section and this is the thing we could get a national play on and I've heard a lot of bills here and I'm still a freshman and it almost makes it a therapeutic treatment that's being sold and requiring the display of price. I would like somebody on the Judiciary to see if I'm right on that or wrong?

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of the provision which says that the fine may be upped to twice the gain received from the crime is so that the fine will actually be a deterrent in a wide-range of situations and the one that I think that the provision was probably written for, was the bribery situation where if someone accepts a bribe of say up to \$5,000, a fine of \$500, is obviously not going to be a deterrent so that this provision would provide that the fine could go up to \$10,000 in that situation.

I think as a practical matter that the concern expressed by Mr. Joyce will not be a real problem because the maximum fine for prostitution, I believe, under this bill is \$250 and I don't think we will actually get into the situation where the courts are applying the twice-the-pecuniary gain

standard, in those situations which Mr. Joyce refers to, and I think if it is a problem, I think it's a small one that could be dealt with at the special session.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: My good friend, Rep. Gauthier from Sanford is surprised, he shouldn't be, he shouldn't take this as a personal attack nor should any members of the committee take it as a personal attack on their integrity. I for one, have already stated that an awful lot of work went into this and I think if Mr. Gauthier would stop and think for a bit, he would realize we have close to 200 bills before us in the session and out of 300 items I don't believe there is any one in this legislature that can sit down and pick out one bill and say "now, I'm going to work on this particular bill". I spent a whole weekend working on this bill, and believe you me, it's a very complicated piece of legislation. I'm not a lawyer, I don't know all the answers but I can tell you this much, you put this piece of legislation on the books and if you think you had troubles with 1994 or the Consumer Credit Code, you haven't seen anything yet. This is a bad piece of legislation and does not deserve to become law. Much more work is needed. Now you have already read in the papers over the weekend where the Supreme Court has declared one section already unconstitutional. Let me cite you another section, specifically, Page 73, Chapter 21, Section 501 "a person is guilty of disorderly conduct if in a public place he intentionally or recklessly causes annoyance to others by intentionally" Now it simply means that if I go into a hall and I choose to disrupt the speaker and I insist that I don't agree with him, I'm in violation of this code. Now there could be that the lot of the minority will agree with the dissenter and not agree with the majority speaker, now this runs smack against the first amendment. Nobody will ever be convicted under this Section, it will be all kinds of litigation, it will end up on appeal, it's going to be thrown out as unconstitutional.

Let me go on and show you another Section that is very complicated, Page 52, Chapter 15, theft. The sections run from Sections 353, Theft by Unauthorized Taking or Transfer, Section 354 Theft by Disception, Section 355, Theft by Extortion, Section 356, Theft of Loss, Misaid or Mistakenly Delivered Property, Section 357, Theft of Services, Section 358, Theft by Misapplication of Property, Section 359, Reviewing Stolen Property, Section 360, Unauthorized Use of Property, Section 361, Claim of Right Presumption, Etc.

Ladies and gentlemen of the House, the lawyers are going to have a field day with this thing. Many guilty people are going to get away with it because it's too complicated, it has too many definitions, it's worse than what we have now on the books but at least what we now have, has been tried through hundreds of years through common law and case law. Common law is much better than the mess that we have before us here although common law is not the answer either. As I said before, the lawyers are going to have a field day with this and so will the judges, they're going to have much too much discretion.

Now here is a suggestion on how it could be handled and I quote "the acquisition or exercise of control over any property of

interest in property, legal or equitable without first obtaining the true and free consent of the owner thereof, shall be ordered to make restitution to said owner in three times the value of said property or interest therein, unless (A) a judicial judgment has been procured so authorizing or confirming said acquisition or control or (B) has made complete restitution to the owner before judgments against him or (C) that the whole incident is the result of a misconception or misinformation or misadventure in which event the judgment shall be for the value thereof only." Now that's much more simple, much more to the point and this is justice, ladies and gentlemen, but this code, no matter how much work has gone into it, well intentioned, is going to create nothing but injustices throughout our system and I would hope that you go along with the motion to indefinitely postpone.

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

Mrs. MISKAVAGE: Mr. Speaker and Ladies and Gentlemen of the House: This summer the Attorney General's Office is going to instruct its staff in the implementation of this code and if there are any errors that are found this summer, they will be able to correct them and I would suggest that if any member of this House finds anything wrong with the code, if they talk to people in the Attorney General's Office, I am sure it can be straightened out so that when it goes into effect next March, it will be right.

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

Mr. PERKINS: Mr. Speaker and Members of the House: I think that it is truly unfortunate that Rep. Carter hadn't raised these questions that he has today to some member of the committee or the commission which studied it, as has already been pointed out. I would like to take an opportunity though to answer the questions that he has raised because when you raise questions, it creates doubt and I can see certain doubts which are suddenly appearing when, in fact, I don't think there need be any. I suspect that Rep. Carter's primary concern is one of dealing with the problem of crime and restitution and he's mentioned it several times, and I would submit the present law does not require that the court, in any form, direct that restitution be made but we have talked about restitution before and we must realize that restitution is not always feasible at all possibly in certain criminal cases. Unfortunately so. The Criminal Code has attempted to deal with the problem of restitution and, in fact, directed the court in those instances where possible, to require that the criminal make restitution. That is not the present law and it is a step forward in the direction of providing for restitution. Unfortunately again, if we could gauge all criminal activity and make all penalties dependent upon restitution that would be fine, unfortunately again, the criminal more often than not has no means of restitution, many instances is uneducated, will never be able to acquire any form of wealth even to take care of his own needs, say nothing of taking care of the needs of his victim.

Rep. Carter referred to Section 108 dealing with force. The force section of the statute as it is enacted or as it may be enacted by the code is a little more clear than the present law. The present law is not clear as to how much force may be

used when you are a victim of a criminal burglary. This does say where you have reason to believe that you are in danger of your life or about to be injured, you may use deadly force to repel that, it goes on to suggest and say that "deadly force against the criminal may not be used in those instances where you can reasonably extricate yourself from the situation or you do not have reason to believe that you are going to be injured, assaulted or criminally harmed". I submit that if I am in my own home, and it does say that, in my own home, I may use deadly force against a criminal and if somebody is coming through that door, I would suggest that this law now says that I now can, in fact, and if it is in the nighttime and I have reason to believe he is going to harm me; I can shoot him dead and he is dead and there isn't a court in the land I believe, that is going to require of me to spend any time in prison.

Insofar as the section dealing with theft, there are many different sections dealing with theft, because, ladies and gentlemen, our criminal law over the years has developed many different categories of theft and it has all come about as a result of case laws based upon common fact situations so that we have tried to take a given common fact situation because it is common, define it and understand and know that this is a crime. It is a form of theft, it is a form of embezzlement, if you will, it's a form of taking property without the owner's consent but it is a separate type of category and we have attempted by virtue of this code to be exact, as exact as possible so that the criminal, as well as you and I, ladies and gentlemen, will know that if that fact situation actually occurs, that this is a type of crime it is, this is the type of penalty it will provide for. So yes, it is a voluminous document, it is a very in depth type of instrument, but criminal law, by itself, its nature is a very weighty subject and, therefore, I can only say that it is again unfortunate that Rep. Carter or any others who may have doubts have not been able to get to the document before and to have come to us with their questions in an effort for us to try to answer them because at this point it is difficult to know whether we actually satisfy the individual or we don't. We can only say we are at a critical point in time where we have to act on the document and, therefore, we don't have any additional time to sit down with the members and say, this is what it does. I hope that we can satisfy it.

The question was raised by Rep. Joyce about prostitution. Prostitution is a Class E crime. Under the code, it says, in the section he referred to, that it provides for a \$250 fine, however, it goes on to say that the type of offense may be, that is, the individual may be fined twice the monetary consideration higher than the \$250. In other words, yes it is true, but if the lady of the night, if you will, charges \$175, then in fact, she can be fined twice that amount which is higher than the fine provided for under Class E which is \$250. I hope that answers those questions and I trust that we will enact this.

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

Mr. KELLEHER: Mr. Speaker, I'd like to pose two questions if I may through the Chair to any member of the Judiciary Committee. Is it not a fact that the court itself has ruled a portion of the Criminal Code unconstitutional and if that is a true fact, then why hasn't the Judiciary Committee amended it out of the

document? It seems to me if the statement that Mr. Carter made to be, is true, that they have ruled a portion of it unconstitutional, then wouldn't we look rather ridiculous as members of the legislative body passing out a bill knowing full well that a portion of that bill is unconstitutional?

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

Mr. PERKINS: Mr. Speaker. Members of the House: In an effort to answer that question also, no, the court has not specifically ruled the Criminal Code to be unconstitutional. You have to understand that it is not law, therefore, it is not unconstitutional. However, it has ruled on the question of manslaughter. The offense of murder which is the present law we are presently under it now and we because this came about last week, it is relatively new in its interpretation of the burden of proof insofar as question of, who must show if the crime was committed in the heat of passion? Maine law, in the past, has required that the defendant so prove that. The Supreme Court of the United States has said, no, the prosecution, or the state must prove that. We will have to deal with that in the code because that interpretation will have to be taken care, that was done last week, it is still being studied and we can correct the issue.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: Just briefly, about the complicated mess of this, if you think this Criminal Code is complicated, I suppose you've looked at our current Criminal Code or maybe you haven't because we don't have it in any one place, in fact, it is in four separate volumes of those big red annotated law books, not that they are all filled with that but if you wanted to carry them around, you could carry those four big, red books or you could try to put all those different kinds of things together in one place and this bill primarily tries to get all the various offenses and the various penalties systemized and organized and put in one single place where people can look at it and get a chance to find out what is and what isn't the law. In the process we have made some substantive changes which we have debated in the past but I would just like to emphasize if you think this is complicated, you ought to just try to find the Maine Criminal Code now, it is not in any one particular place. The other point is that the effective date of this legislation is well along into next year and that any particular problems that come up in the meantime can be dealt with.

The SPEAKER: The pending question is the motion to indefinitely postpone. Those in favor will vote yes; those opposed will vote no.

A vote of the House wastaken.

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

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

The SPEAKER: The pending question before the House is the motion of the gentleman from Winslow, Mr. Carter, that

this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Call, Carter, Churchill, Connors, Curran, R.; Dow, Dudley, Fraser, Hunter, Kelleher, Kelley, Lizotte, Rideout, Shute, Silverman, Twitchell, Walker.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Carey, Carpenter, Carroll, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curtis, Dam, Davies, DeVane, Doak, Drigotas, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kennedy, Laffin, LaPointe, LeBlanc, Leonard, Lewin, Lewis, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreaarty, McKernan, McMahan, Mills, Miskavage, Mitchell, Morin, Morton, Mulhern, Nadeau, Najarian, Norris, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Raymond, Rolde, Rollins, Saunders, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Tyndale, Usher, Wagner, Webber, Wilfong.

ABSENT — Bowie, Kauffman, Laverty, Littlefield, Palmer, Peakes, Quinn, Smith, Winship.

Yes, 18; No, 123; Absent, 10.

The SPEAKER: Eighteen having voted in the affirmative and one hundred and twenty-three in the negative with ten being absent, the motion did not prevail.

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

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

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

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

Mr. LYNCH: Mr. Speaker, and Ladies and Gentlemen of the House: This was debated at some length the other day but I wonder if the members of this legislature understand the full significance of this revision of the laws relating to financial institutions.

Maine is a largely rural area. We have a relatively stagnant population. We have very slow economic growth and to move into a revision of the financial laws governing banks and financial institutions in this state with the relative ease with which we are doing it in the State of Maine, I think, ought to tell us something. This is an area in which, on the federal level, for more years than the committee has had months to study this, there has been complete disagreement, disagreements within the savings institutions who are not unified on what they want. I would suggest that on the federal level, the expertise available to members of Congress far exceeds anything that is available in the State of Maine.

The Bank Study Commission and the Business Legislation Committee, I am

sure, felt that this bill was good for the State of Maine, it was good for the people of Maine because it would bring more competition into banking. Looked at from a short range point of view it will bring competition but the long range implications of this revision are not good for the State of Maine and are not good for the people of Maine.

The savings account and interest areas were debated the other day. There is no question. I speak as a director of a commercial bank, there is no question that this does present a problem to some commercial banks. Traditionally, they have offered checking accounts and, as you may well remember, for many years, your checking account had a fee, there was a charge, because checking accounts are an expense to a bank. Competition has forced the change, now there are some truly free checking accounts, there are checking accounts that are deceptively free of charges, indirect as they may be. What does this mean to the savings institutions? They are going to have to consider the adoption of checking accounts, it is going to be an expense to the savings institution. There is no doubt about it, they can't do it without an expense.

Now, what are the long range implications? I will tell you what they are, the commercial banking in this state has shrunk to 80 percent of it being handled by half a dozen large banking units. They are now dangling before the thrift institutions they carry to entice them to move into the commercial areas by the checking account route. They are going to expose them to more competition.

The bankers association had a meeting last week at New Hampshire. This is what one bank president had to say. "This measure could spell the end of the small independent bank in Maine." He says, "The provision in the new law which allows savings banks and savings and loan associations to branch out are tricking provisions." I see the time coming when savings banks will have branches all over Maine and will start merging with the smaller commercial banks. We will have nothing but large finance institutions here.

This is what I told you last week, they are dangling the carrot in front of the small thrift institution to entice them to venture into commercial activities entirely alien from the traditional savings bank function. Now, why are they doing that? Because the large commercial bank units in the state are not going to grow anymore at the expense of the small independent banks because the few remaining are strongly locally, community oriented with stock ownership opposed to a merger or sale. Where can they grow? They can grow only at the expense of the savings institutions. How are they going to grow? They are going to entice them to move into the commercial ventures. Look at what the chairman of one of the largest bank holding units in the state has to say. "The United States Justice Department for all practical purposes has stopped Maine bank-holding companies from expanding much more because of decreased competition. If the savings banks and savings and loans have the same general power as commercial banks, then the bank holding companies may be able to expand some more. The Justice Department may then consider savings banks are now included in our competition after the new bill goes into effect." Don't you see what that means? Get the savings institutions into the

commercial field and then expose them to the same persuasion, friendly or otherwise, that the small independent banks in the state have been exposed to over the years. The long range implications of this bill in its present form means the demise of many, many small thrift institutions in the State of Maine. If they are swallowed up by larger savings institutions or commercial banks, where is your competition? If you have several drug stores in your city, you are going to have competition. When you are left with only one, what happens to your prices? If you are left with just several commercial and savings institutions in the State of Maine, what happens to competition? Your local commercial bank, your local savings institution is no longer going to be controlled locally, you are going to lose that community orientation that it has had over the years, you are going to have your local deposits controlled by a corporation with headquarters miles away from your community who could care less about what the needs are of your community but can see only the advantages of draining the resources of your formerly local bank into another area where it can make a little more money.

This, to me, indicates that the State of Maine is not going to benefit from this bill. It is not going to bring competition except for short range, it is going to diminish the number of banking institutions in the State of Maine and because I see this, down the road, I would like to be recorded in opposition to this bill. I ask for a roll call on the enactment.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak very briefly in partial response at least made by my good friend from Livermore Falls. In doing so, I hope, would hasten the enactment of this bill.

In the last session, the 106th I joined with the good gentleman from Livermore Falls in a series of bills he introduced at the request of the small organized commercial bankers in the State of Maine.

Specifically, Mr. Lynch and I worked together to achieve the following three bills. The first was to stop the current practice of allowing the Banking Commissions Advisory Committee to veto any regulation which might be promulgated. We have been successful in L.D. 1134 in securing that end. The second goal which we sought was a State Bank Holding Company Act, to give our state banking commissioner some authority in regulating our state bank holding companies. Again, although we failed last session, we have succeeded in L.D. 1134. On these two primary goals the small commercial bank goals of last session have been met. Now it is the third goal however, the question of concentration of economic power and the question of whether or not a small commercial bank, their demise will be hastened under this bill.

Here, I am afraid, the good gentleman from Livermore Falls and I must disagree. Although I am not a banker, I have spent at least the last two years studying this issue very closely and spent a long time talking with members of the entire banking community. I guess the first point to say would be to emphasize, as Mr. Lynch said, the short term gains from this bill is increased competition and that is good, so we are in agreement there. The only question we have, therefore, is the long term. I would make several, several

points. Number one, as the gentleman pointed out, six banking institutions in this state control 80 percent of all the assets in this state and perhaps this is over centralization. I would like to point out that this centralization took place under the status quo. The centralization took place under the laws we already have. To vote against this bill, to kill this bill, merely perpetuates that current statutory framework. As far as I am concerned, would also increase the trend to centralization.

The second point the good gentleman states is that there will be too many branches in the state. This bank recodification strengthens the position of our banking commissioner so that he may analyze further whether or not a new branch may be allowed in a particular community by applying very stringent regulations and standards under the section dealing with the public convenience, so, I feel, has sufficient authority to stop unnecessary branching.

The final point is that the savings banks, themselves, are signing their own death warrant by this legislation. I would like to emphasize first that every savings bank in the state supports this piece of legislation. I would like to emphasize, second, that the fears of merger of the small savings banks into large savings banks, the way the small commercial merged into the large commercial is not routed into real possibility because we have a very distinct situation. Many of the small commercial banks merged with the large commercial bank holding companies because the stock-holders found it very profitable to do so, because they could have the stocks split and a good option and that they made money so they went along with the merger. However, in the savings banks, in the thrift institutions there are no stockholders where it is a mutual type of situation. Those people making the basic decision as to whether or not we should or we should not merge have nothing to gain financially for merging with a larger savings bank. So, I do not feel they will do so.

However, lastly, even if they did fail to do so I would feel that should be a decision made by the banks in question because what this bill does is merely open it up and to allow full competition within the banking subject.

I would like to make one final point. The Business Legislation Committee, at one of its many hearings, heard from a consultant to the National Hunt Commission. That consultant made a very telling point. He said the capital in the banking industry will follow the market place whether we change our laws or not. Either they will find a way to get around the law as the bankholding companies did with the bank branches or we will change the law to make it a better and more regulated and more open system. That is what I feel this bill does. I hope we vote for it today.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Durham was very helpful in the 106th but I would like to remind him how unsuccessful we were because of the concentration of the commercial banking within the State of Maine. By an overwhelming vote this House, in the 106th, passed the bills which would have brought more regulation within the banking industry, but over the weekend,

they were very heavily lobbied and soundly defeated on the other end of the corridor. That is one of the objections I have, the concentration in banking or in any other area of business because of its strength in lobbying. I still feel that this is not a good bill for the State of Maine and I want to be so recorded.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: As the good gentleman from Livermore Falls pointed out, the real crunch of this bill is the long range crunch. The interest rate differential which is acknowledged by both sides on this bill, that is in the bill, and as acknowledged that it will siphon off from the commercial banks. No question about that.

I ask you to remember this, you know credit has been tight, it has been high priced, and this will only increase the cost of it more. Where are the funds that are siphoned from the commercial banks go? They go to the savings banks. Everyone says that is for home mortgages and that is for the little fellow to build his home. That is great, but the commercial bank, ladies and gentlemen of this House, furnishes the funds for a business community. They furnish the funds which allow expansion of business which creates jobs. Jobs create payrolls. Payrolls create deposits. This is how the money gets into the stream. You can't get money into the stream unless you have business to make payrolls. This will, by the acknowledgement of both sides, reduce the funds available to commercial banks to lend to businesses.

By passing this bill we are legislating the transfer of assets from one class of institution to another. Do you really think that is the proper function for this legislature? 80 percent of the banking business is concentrated in five large banks. I am confident, ladies and gentlemen, that this bill will accelerate the demise of the small commercial banks and the small savings banks. I urge you to vote against this in spite of its very fine features.

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

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

The SPEAKER: The pending question is final passage of Bill, "An Act to Revise the Law Relating to Financial Institutions", House Paper 831, L. D. 1134. All in favor of final passage will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bennett, Berry, G. W.; Berry, P. P.; Berube, Boudreau, Bustin, Byers, Carey, Carroll, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curtis, Dam, Davies, DeVane, Dow, Dyer, Farley, Farnham, Faucher, Fenlason, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, LaPointe, LeBlanc, Lewin, Lewis, Lizotte, Mackel, Martin, A.; Martin, R.; Maxwell, McKernan, McMahon, Mills, Miskavage, Mitchell,

Morin, Mulkern, Nadeau, Najarian, Norris, Pearson, Pelosi, Perkins, S.; Peterson, T.; Pierce, Powell, Raymond, Rolde, Saunders, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Theriault, Tierney, Tozier, Twitchell, Tyndale, Usher, Wagner, Wilfong, The Speaker.

NAY — Ault, Birt, Blodgett, Burns, Call, Carpenter, Carter, Connors, Curran, R.; Doak, Durgin, Finemore, Fraser, Gould, Hutchings, Laffin, Littlefield, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, McBrearty, Morton, Perkins, T.; Peterson, P.; Rideout, Rollins, Shute, Teague, Torrey, Truman, Walker, Webber.

ABSENT — Albert, Bagley, Bowie, Drigotas, Dudley, Gauthier, Gray, Kauffman, Laverty, Leonard, Palmer, Peakes, Post, Quinn, Winship.

Yes, 101; No, 35; Absent, 15.
The SPEAKER: One hundred and one having voted in the affirmative, thirty-five in the negative with fifteen being absent, the motion does prevail.

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

On the disagreeing action of the two branches of the Legislature on Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor (H. P. 16) (L. D. 24) the Speaker appointed the following Conferees on the part of the House:

Messrs. **ROLDE** of York
COONEY of Sabattus
SUSI of Pittsfield

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Amending the Laws Relating to Hospitalization of the Mentally Ill" (S. P. 368) (L. D. 1204) the Speaker appointed the following Conferees on the part of the House:

Messrs. **TIERNEY** of Durham
BURNS of Anson
HEWES of Cape Elizabeth

On the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Political Fundraising by State Employees" (H. P. 1382) (L. D. 1686) the Speaker appointed the following Conferees on the part of the House:

Mrs. **BOUDREAU** of Portland
Messrs. **HUGHES** of Auburn
STUBBS of Hallowell

(Off Record Remarks)

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

After Recess
3:00 P.M.

The House was called to order by the Speaker.

By unanimous consent, the rules were suspended and members were allowed to remove their jackets for the remainder of the day.

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

The following Communication:
State of Maine
Office of the Governor
Augusta 04330

June 13, 1975

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

I cannot, in conscience, approve of L. D. 557, An Act To Provide Special Designating Registration Plates for Certain Veterans. I commend the well-intended feelings of the Legislature in wanting to honor veterans with special disability. But I cannot agree with this method.

1. Earlier this year I signed a bill giving special designating plates for handicapped persons. It bears a special International Symbol permitting special considerations for the handicapped in recognition, parking meter fees, and relieving the handicapped from the requirement to submit annual certificates. I feel this bill would detract from the bill we have already enacted this session and would set apart one small category of handicapped over most of the handicapped.

2. The only new thing this bill adds to already existing privileges is to relieve certain handicapped people of payment of any registration fee. In principle, I do not think it is proper to favor one group of handicapped persons over another, particularly when the favored group also enjoys special pensions for their disability.

3. What this bill does do is to establish another "special" plate. Once again, this tendency adds but another push toward proliferation of special license plates.

4. The issue is not particularly the license plates themselves, although "special" plates are becoming a clog on the whole process. It is the principle involved. It would be inconsistent for us to single out a special group in one instance and deny it in another.

5. The handicapped deserve special treatment but they receive that treatment under existing statutes.

I urge you, please, to take an objective look at this situation. I respectfully ask that you sustain this veto.

Very truly yours,
s/ JAMES B. LONGLEY

The Communication was read and ordered placed on file.

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

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: The old saying — this is my bill. I note that in the Governor's message, he has five objections. I would like to note that the first objection says that he feels that this bill would detract from the bill we have already enacted this session and would set apart one small category of handicapped over most of the handicapped. These are veterans that you are setting apart, and these are veterans who are handicapped through service to their country, and I feel that they should deserve a little bit more recognition.

In his second paragraph, he says, amongst other things, that this bill adds to already existing privileges to relieve certain handicapped people of payment of any registration fee. This is not true, because these veterans have already got free registration plates. It doesn't cost them anything for their plates at this time.

In paragraph 3, it says it establishes another special plate and this tends to make more of them. We started this when

we gave out these special plates — vanity plates, they call them, and you know what they have become. I can't see that another plate would make too much difference.

The SPEAKER: The pending question is, shall this Bill "An Act to Provide Special Designating Registration Plates for Certain Veterans," House Paper 450, L. D. 557, become law notwithstanding the objections of the Governor. This requires a two-thirds vote of those members present and voting. According to the Constitution, the vote will be taken by the yeas and nays. All in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Berube, Carroll, Chonko, Churchill, Clark, Connolly, Cox, Curran, P.; Curran, R.; Curtis, Dam, Dow, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Goodwin, H.; Goodwin, K.; Hall, Henderson, Hennessey, Higgins, Hinds, Hobbs, Ingegneri, Jalbert, Kany, Kennedy, Laffin, LeBlanc, Lewin, Lunt, MacEachern, Mackel, Maxwell, McKernan, Mills, Miskavage, Mitchell, Morton, Mulhern, Nadeau, Najarian, Norris, Pearson, Pierce, Powell, Quinn, Rolde, Saunders, Shute, Smith, Snowe, Strout, Susi, Talbot, Theriault, Tierney, Tozier, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Call, Carey, Carpenter, Carter, Cooney, Cote, Davies, Doak, Drigotas, Durgin, Dyer, Farnham, Garsoe, Gould, Gray, Greenlaw, Hewes, Hughes, Hunter, Immonen, Jackson, Jensen, Joyce, Kelleher, Kelley, LaPointe, Lewis, Littlefield, Lizotte, Lovell, MacLeod, Mahany, Martin, A.; Martin, R.; McMahon, Morin, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Post, Raymond, Rideout, Rollins, Silverman, Snow, Spencer, Stubbs, Tarr, Teague, Torrey, Twitchell.

ABSENT — Bowie, Conners, DeVane, Dudley, Hutchings, Jacques, Kauffman, Laverty, Leonard, Lynch, McBrearty, Palmer, Sprowl, Truman.

Yes, 71; No, 66; Absent, 14.

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

Orders of the Day

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

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

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

Pending — Further Consideration.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: Auburn House legislators, four of us, its Mayor, the Honorable John Linnell, City Manager Bernard Murphy, City Solicitor Curtis Webber, its Tax Collector John Lockhead and four out of the five councilmen are in

unanimous opposition to this exemption, so I now move that we adhere.

Thereupon, the House voted to adhere.

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

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

Tabled — June 13, by Mr. Palmer of Nobleboro.

Pending — Passage to be Engrossed.

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

House Amendment "A" (H-757) was read by the Clerk.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is a relatively simple amendment. It is pretty well explained in the statement of fact. It says that this amendment imposes the same requirement on write-in candidates in primary elections which are imposed in L. D. 1404 upon candidates seeking nomination by petition.

In L. D. 1404, a bill that was tabled this morning until tomorrow, this bill would require Independents to file a letter of intent of running for office on April 1, if they had any intention of running for any political office at the June primary. So this amendment of mine simply requires that party candidates that have any intention of running for a political office as a write-in candidate must also sign a letter of intent and submit that to the Secretary of State on or before April 1.

This is a bill, I think, which gives some fair play to our election laws. We have had a number of bills in here this year which tended to discriminate against the Independent candidate, and this bill would simply put the Independent candidates and the major party candidates on an equal basis in running for an election.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I ask you not to accept this amendment. This subject was discussed in our committee. We have come to no conclusions. We do not know whether or not such an amendment would be constitutional. We will be studying, hopefully, the election laws in between sessions, and this is one of the matters that we hope to study at that time. Therefore, I would ask you not to adopt the amendment at this time.

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

Mr. SHUTE: Mr. Speaker, I would simply ask for a roll call to see that the people vote to indefinitely postpone this amendment would also vote to indefinitely postpone the bill requiring Independent candidates to file a letter of intent, and I request a roll call.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the comments that have been made by the gentleman from Portland, Mrs. Boudreau, that there are some serious questions with this. To begin with, I am not sure that if a group of your friends go in and decide to write your name in the ballot, unbeknownst to you or with no support from you or pressure from you to

do so, would this validate or invalidate this nomination? I think you might be in an area that is say, very questionable, because you might invalidate the entire write-in process or you might find that this amendment might actually be unconstitutional.

I think it is something that should be studied further, as the gentlewoman from Portland, Mrs. Boudreau, has just pointed out. We do intend to study further the election laws this summer, and we can at that time consult with the Attorney General.

I would move the indefinite postponement of this amendment.

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

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

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

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

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Davies, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Gauthier, Goodwin, H.; Gould, Greenlaw, Hall, Hennessey, Higgins, Hinds, Hobbins, Hughes, Hutchings, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, LaPointe, LeBlanc, Lewin, Lewis, Lovell, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Marlin, R.; Maxwell, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Peakes, Pearson, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Silverman, Smith, Snow, Snowe, Spencer, Strout, Talbot, Tarr, Tague, Theriault, Tierney, Tozier, Usher, Wagner, Webber, Wilfong, Winship.

NAY — Call, Carey, Dam, Gray, Henderson, Hewes, Hunter, Immonen, Laffin, Lizotte, Mackel, MacLeod, McBreaarty, Norris, Perkins, T.; Rollins, Shute, Stubbs, Susi, Torrey, Twitchell, Tyndale, Walker.

ABSENT — Bowie, Connors, DeVane, Garsoe, Goodwin, K.; Jacques, Kauffman, Laverty, Leonard, Najarian, Palmer, Sprowl, Truman.

Yes, 114; No, 23; Absent, 13.

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

Mr. Berry of Buxton offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-765) was read by the Clerk and Adopted.

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

House Amendment "B" (H-758) was read by the Clerk.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: This amendment simply amends the election law bill that takes care of the errors and inconsistencies in the election laws. During the last legislative session, the House adopted a bill and enacted into law a requirement that the box or square put on the ballot would be on the left-hand side of the ballot. I think that has worked well, I think the people have received it well, and this amendment that I have presented would merely retain the square on the left-hand side of the ballot on voting for a candidate. I think it is much less confusing if the square is on the left. Also, a person, I believe, is much more apt to vote for a candidate rather than a party if the square is on the left-hand side of the ballot. So I would move the adoption of this amendment.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of House Amendment "B". An overwhelming majority of the Committee on Election Laws felt that because of the tremendous confusion obviously of the voters who were voting on paper ballots in the last election, so many of them voting on the righthand side, because that very issue was an issue in the recount in the First Congressional race, we felt the box should be moved back to the right. And the way we have designed the ballot is to also design it so that both lines don't run into each other, so it would be much harder to check part of it in one box and the other part in the other box.

Also another change, if you haven't followed this Omnibus Bill very closely, is that the last name will be printed in big block, capital letters, and that will stand out from the rest of the printing on the paper.

So the real issue is, if you want to put the square that the people put the X or the cross in, if you want to put that back on the right, then vote for indefinite postponement. If you want to keep it on the left, then vote for the measure.

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

Mr. CALL: Mr. Speaker and Members of the House: I rise in support of the amendment prepared by the gentleman from Stockton Springs, Mr. Shute, and my main reason goes along with what I have been saying all the time, and that is, too many people in the State of Maine and elsewhere for that matter are not voting now, and this will increase the apathy and more people will not be voting, the reason at hand being that the people will be saying, "Why don't they make up their minds over there in Augusta. They decided it would be better to have a box at the left of the ballot and now they are putting it back to the right." It is things like this that are going to discourage more and more people from voting.

A little while ago, because of this situation, I phoned my city clerk in Lewiston, the state's second largest city, and he assured me what I was pretty certain of, but I wanted to check and make sure that he thinks it is better to have it at the left. I can remember when the original decision was to have that box at the left, that the city clerk was the one who

informed me about the new law and he said it was going to be much better. There are those of us who feel that it is much better.

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

A vote of the House was taken.

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

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

Mrs. BOUDREAU: Mr. Speaker, I had an amendment coming and it isn't ready yet. I would hope that someone would table this until later in today's session.

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

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

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

Tabled — June 13, by Mr. Rolde of York.

Pending — Passage to be Engrossed as amended.

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

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

House Amendment "B" to Committee Amendment "A" (H-264) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker and Members of the House: Very simply, if you read the statement of fact on the amendment, all it does is remove the situation that no agreement shall require a retail dealer to keep his station open to business for an unreasonable number of hours per day or days per week. It simply eliminates the unreasonable clause in this bill and I think for purposes of clarification it should be removed.

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

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

House Amendment "A" to Committee Amendment "A" (H-766) was read by the Clerk and adopted.

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

The Bill was passed to be engrossed as amended and sent up for concurrence.

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

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

Tabled — June 13, by Mrs. Clark of Freeport.

Pending — Passage to be Enacted.

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

The Chair laid before the House the fifth tabled and 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 — June 13, by Mrs. Clark of Freeport.

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 sixth 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 13, by Mrs. Najarian of Portland.

Pending — Adoption of House Amendment "B" (H-685) to Committee Amendment "A" (H-529).

Mr. Morton of Farmington withdrew House Amendment "B" to Committee Amendment "A".

On motion of Mr. Morton of Farmington, Committee Amendment "A" was indefinitely postponed.

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

House Amendment "A" (H-762) was amended by House Amendment "A" and

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

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

Mr. DUDLEY: Mr. Speaker, I move we reconsider our action whereby we passed to be engrossed Bill "An Act to Regulate the Distribution and Sale of Motor Fuels," House Paper 735, L. D. 920.

Mrs. Clark of Freeport requested a vote on the motion.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I hope you do vote to reconsider, because there is a lot to be said on this bill, there is a lot to be said for it and there is a lot to be said against it, and before you let a bill of this importance pass this House, it should at least be discussed or tabled until some later date when it could be properly discussed.

This involves a very serious matter in this state, and it should be thoroughly discussed and then make up your minds, not passed without any discussion from either side. So I do hope that you will vote to reconsider this, then if you are not willing to listen to the gab this afternoon, then someone will table it until some session later, because there is a lot to be said on it by more than myself.

The SPEAKER: The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that the House reconsider its action whereby L. D. 920 was passed to be engrossed. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act Relating to Termination of Tenancy in Mobile Homes" (S. P. 375) (L. D. 1202)

Came from the Senate with the Report read and accepted.

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

Bill "An Act to Provide Alternatives to the Compulsory Attendance Law" (H. P. 858) (L. D. 1079) on which the Bill and accompanying papers was indefinitely postponed in the House on June 12.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-670) in non-concurrence.

In the House:

Mr. Kelleher of Bangor moved that the House adhere.

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

Mr. HEWES: Mr. Speaker, I move we recede and concur and would speak to my motion.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves that the House recede and concur.

The gentleman may proceed.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I think that this is an education bill. This is a bill that if some of your children or grandchildren are in a class of say 20 students and there is any particular student, one student that is cutting up, under the present law, there is no place that that child can be sent out of the school system, and that one child can take a quarter of a teacher's time. And we are paying so much money right now for good teachers, I don't think they ought to be burdened with this truant. I hope that you will vote to recede and concur.

As I understand the law, a truant cannot be sent to the State School for Boys immediately but only after all possible attempts to get him to conform to normal society in school have been exhausted. As a last resort, I think only after he has been before a court the second time, can he be sent to the State School for Boys.

I hope that you will vote to recede and concur so that the teachers who are overburdened with teaching problems as it is won't have the additional problem of a truant who doesn't want to attend school and yet under our state law, he must attend school.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I'm astonished at the gentleman who just spoke. I wonder if it was one of his grandchildren, what he would do, if it was one of his grandchildren who made up his mind not to attend school, or one of his own children, if he would want them to be sent for 30 days down to Portland or down to Stevens down here. I wonder if he would want that.

Now, the other day, ladies and gentlemen of this House, we defeated this bill, we indefinitely postponed it by 91-35. We debated it to death, let's today kill this bill, kill the motion to recede and concur and then insist, if they insist, why kill that motion and come down to adhere. We don't want this bill, we don't want our children or our grandchildren to be sent down to Portland for 30 days.

You mention the teachers, the teachers aren't kicking on this bill. I dispute anyone

who says they are. The teachers aren't asking for children to be sent away, I know I can't find any and I don't know anyone else who can. If here are teachers, they are dedicated to the student, to the pupil. I know we have teachers in this House who feel the same way, so let's kill this motion.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: Very briefly, we debated this bill to its full extent the other day, we discussed it and I think that the majority of the good people in this House feel that this is poor legislation, it strikes at the very basic foundation of this country against the freedom of an individual, so let's not debate for hours here, let's go and take the vote, we all know what the outcome is going to be.

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

Mrs. LEWIS: Mr. Speaker and Ladies and Gentlemen: I realize that we debated this bill to great extent the other day but I just want to be sure that everybody in this House understands exactly what the bill is all about and if somebody can think of a better method, certainly that should be considered by all of us.

This bill, if you will examine it, is to help children and, in no way, is this bill to punish children. The idea is that if a child is truant in the very early grades, sub-primary or first grade, truancy as defined by the law which would be five full consecutive days or ten half days and immediately an investigation is made to see what the trouble is. Does the child have some physical difficulty that should be attended to? Does the child have a very poor home situation where the parents perhaps are not sending the child to school and doing everything they can to prevent that child from going to school or does the child come from a home where the parents are possibly lazy and just don't get up to help the child go to school? Could there be something wrong with the school situation? Perhaps the child doesn't get along with the teacher, but all of these are investigated, now we don't have anything like that.

Now we have a child who is not getting along in school and nobody knows why, and the child is just labeled as a truant and not helped in any way. We hope to nip this problem right in the bud in order to help these children. If, however, we have children who have reached the age of 14 and have finished the 8th grade, where, by this time they will have learned to read and write, these children would be allowed to be exempt from compulsory school attendance, you know that on our books we have a law that says every child has to go to school until he is 17 but what possible good does it do to have such a law if we don't have any idea of enforcing it? So that we have children who are out of school most of the time and nobody seems to have any feeling for these children at all, they don't care about them they are just left to roam in the streets.

Well, this bill says we do care about these children, that we want to be very certain that these children become educated. As a last alternative, and this seems to be the one thing that everybody latches on, as a last alternative that we have children who refuse to go to school, who are defiant of the law, we then say that these children and as the law reads now, would go to the Boys' or the Girls'

Training School for 30 days. I hope that we can amend that.

Actually, in talking with Mr. Alan at the Boys' Training School, he says that in a three-month period, he can do a very fine job of upgrading children's ability to read. He can upgrade their reading level from one to two grades and teach them basic mathematics. If these children are allowed to run the streets or stay at home and not go to school, they are not going to learn and, which is worse, to condemn a person to an institution that some of you feel are horrible? I personally don't feel that bad, in fact, I know that the girls' training school isn't bad at all or do we want to condemn (not from having been there, myself, ladies and gentlemen) but I have had many girls from the training school who have come and lived at my home and gone to high school from my home so I happen to know these girls intimately and I know there is not a stigma attached to them. Some of these girls are now married and have children of their own but the point I'm trying to make is we are either condemning these children to ignorance, which I think is a terrible crime in a country and state that claims to have educated people.

I don't know how many of you are aware of it, but the illiteracy rate in the United States is only 85 percent and this, in a country where we claim to educate our people and have compulsory school attendance, so I hope that we will recede and concur.

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

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I am quite concerned about this particular bill and I don't believe there's anyone in this House or in the State of Maine that would care any more about having the right thing done for these people and the young people in the schools. I'm all for it but, over the weekend, I learned that there is a commission studying this that hasn't come to any decision as yet and I feel, at least, they should have their determination made.

Number two, I also learned over the weekend that the law demanding that children remain in school until they are 16 years of age, still prevails. Now if that law still prevails, how are you going to send them to the reformatory or anywhere else over that law?

I honestly believe that the best thing to do is to let this law lie just as it is, now this bill, leave it in the dead position it has been in and give this commission a chance and give all education a chance to come out with something that we can all be proud of and will really work.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we did not vote to recede and concur. It surprises me when I hear the good lady, Mrs. Lewis, stand up and say how concerned they are and she is, with the problem of the children in truancy. I think that we should be more concerned whether we want to make criminals out of truants or not and I think that's what we'd be doing if we sent them down to the Boys' Training Center, and as far as the good lady getting the information how they could improve the reading ability of these children, maybe then we ought to put solitary confinement in our public schools and maybe then we could improve the reading ability of all the students because that's

where they'd end up if they were down at the Boys' Training Center.

Another thing, last week when we talked about this, someone got up and said the reason they didn't escape was because the river behind the establishment, well, there's also another reason why they don't escape. The younger people have a guardian, man and wife there, a couple that is in the cottage with them if they are in the cottage system so they are right there at night and the doors are locked so they couldn't escape anyway and if they have been good boys, of course, they can have their own little private room which is nothing more than a little cubicle in the wall, that's all it amounts to. If they haven't had any infraction of the rules then they have to go to the big dormitory room and they are locked in there so they couldn't escape anyway. As far as the big fellows, the older ones, they are up on the third floor of the brick building and they are not locked in because the state fire laws of the state forbid it but, before they retire at night, they go into a little room about 12x14 and they have to strip down to their scivvies and their shoes and stockings are put into a locker and they are locked up and then their clothes are locked up so if they want to escape, just imagine if I was locked up down there, if I wanted to escape, how I'd look running down Congress Street in Portland in my scivvies, so that's the reason they don't escape.

The SPEAKER: The pending question before the House is to recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

17 having voted in the affirmative and 91 in the negative, the motion did not prevail.

On motion of Mr. Kelleher of Bangor, the House voted to Adhere.

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

Mr. ROLDE: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action whereby we voted to adhere and hope you all vote against me.

The SPEAKER: The gentleman from York, Mr. Rolde moves that the House reconsider its 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.

Mr. Susi of Pittsfield presented the following Joint Order and moved its passage: (H. P. 1715)

WHEREAS, To establish formulae by which the State might equitably distribute state funds for such necessities as education, it is important to have general per capita income information for the municipalities of Maine; and

WHEREAS, the current state personal income tax report form requests a person's legal residence in a confusing manner, now, therefore, be it

ORDERED, The Senate concurring, that the Committee on Taxation is directed to report out a bill revising the personal income tax report form to permit clear identification of the town of residence of the taxpayer.

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

Mr. Kelleher of Bangor presented the following Joint Order and moved its passage: (H. P. 1716)

WHEREAS, the State of Maine has urgent need of sufficient electricity to

power and heat its factories and homes; and

WHEREAS, in order to preserve Maine's natural beauty and clean air while still protecting the health and safety of her people it is important that the methods used to produce electricity be as nonpolluting as possible, and

WHEREAS, Maine's ample water power provides one method of clean and safe production of electricity in the form of hydroelectric power; and

WHEREAS, it has come to the attention of the Legislature that there are many hydroelectric dams in this State which have fallen into disuse or have been abandoned; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Energy, to determine the number of unused and abandoned hydroelectric dams in this State, to determine the potential in Maine for the production of electrical energy by hydroelectric means, and to determine methods for the restoration of Maine's unused and abandoned dams to full production of electric power; 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 first special session of the Legislature in 1976; and be it further

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

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

An Act to Amend the Maine Housing Authorities Act by Creating a Loans-to-Lenders Program and Making Changes to Improve the Efficiency of Using Federal Housing Funds (S. P. 286) (L. D. 1002) (H. "A" H-734 to C. "A" S-235)

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 tomorrow assigned.

An Act to Clarify Certain Provisions in the Education Laws (S. P. 418) (L. D. 1375) (H. "A" H-660, S. "A" S-269, C. "A" S-196, S. "A" S-232)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure a two-thirds vote of all the members elected to the House necessary, a total was taken. 114 voted in favor of same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Repeal the Lobster and Crab Fishing License Freeze (H. P. 1141) (L. D. 1237) (C. "B" H-662)

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

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I am opposed to the enactment of this bill as an emergency measure and I ask you to vote no on the pending motion. I don't want to enumerate the reasons, we debated this bill late one afternoon and there were not a great number of people here.

I think I would just call your attention to

Item 5 on Page 5 that does provide for licenses of sternmen on lobster traps and fishing boats and I would indicate to you that the argument I think which may be used that it may be necessary to repeal the moratorium immediately for employment situations satisfactorily answer that question. The objection that I have is that this bill would be enacted immediately as opposed to be enacted in 90 days once this legislature adjourns and if it does fail emergency enactment this afternoon, I shall be glad to offer an amendment to eliminate the emergency preamble and have this bill become law in the normal course of events.

I would ask you further to consider the possibility that I personally feel, and I think that other members of the legislature and members of the lobster industry feel, that this could create additional problems on the resource and I ask you to consider that as you vote and further, that the Marine Resources Committee, we hope, will be working diligently this fall to bring about some regulations in different areas of the coast which I think fishermen will be able to support. I ask you to please vote no on the pending motion.

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

Mr. CHURCHILL: Mr. Speaker and Ladies and Gentlemen of the House: We are now dealing with an item, that last session we put a moratorium on lobster fishing licenses due to the fact the supreme court had to give a ruling on whether non-residents were able to purchase resident lobster licenses in the state and it has imposed quite a hardship on various members of families along the Maine coast. Of course the sternman's license will cover part of these but there are a lot of people who didn't purchase licenses the year before who have been unable to purchase a lobster fishing license this year, and with the unemployment such as it is, and any type of work that these fishermen along the coast should be able to pick up, they might not want to work as a sternman, they may have their own boat.

I have a couple of cases right in my own town, they are not right on the coast but use their father owned boats and one fe, low has 600 traps, the other one 300 traps and he would like very much to be able to purchase a lobsterman's license and as I interpret it right now, if he purchases a sternman's license, he has to go with someone else. Of course, the idea is to conserve the lobsters but they are not conserving lobsters on the southern side of Maine and they are not conserving lobsters on the Canadian side of Maine so why should the State of Maine be the only one that's going to conserve on the lobsters with the unemployment and the amount of money that some of these lobstermen can earn, they are not catching too many as it is right now, but they always allow at this time of year, the price goes up, later on, the fish will start coming in again, the lobsters will and after they once start to shed they are going to move in and there's a great deal of animosity among the fishermen who cannot purchase these licenses and I think it's no more than fair that we lift it now rather than in October. In October, it will be too late for most people, that is for small fishermen to go out. At that time, they are pulling up their traps and in November would probably be the latest the small fishermen would be able to do this, the large fishermen can because they can go outside.

I urge you to pass this bill under emergency legislation.

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

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I'd like to point out briefly two things, one, is that Item 5 on your calendar is "An Act Providing for Licenses of Sternmen" and the Marine Resources Committee reported that bill out unanimously as a way of immediately as soon as the bill is enacted, that people who wish to go fishing, who aren't able to get lobster license, will be able to get a sternman's license and go as helpers on boats and those of us who were on the committee, recognized the problems that were being presented by the moratorium on licenses. We felt that this emergency measure would deal with those immediate crises.

The other is that while I realize that many of you have perhaps made individual commitments to other individual legislators, that two years ago, this legislature made a commitment to lobstermen and that commitment was, that for that period of time until December of '75, that there would be a moratorium on licenses while lobstermen attempted to deal with solving the problems of residency and how to limit the number of people fishing and I think many fishermen and many members of this legislature have dealt with that problem in good faith and I would ask you to live up to that commitment and vote against this measure.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to mention briefly that in trying to be fair, we have passed legislation to allow our Vietnam veterans to lobster, because they weren't here and they weren't able to obtain the licenses. The few people that have them, I do sympathize with but for a matter of ten dollars, they could have had licenses and kept them even if they weren't actually fishing so I do want to also remind you that what will happen or can happen is that any person from any one of our fifty states in the union, can come in here and fish this summer and with economic conditions the way they are, many may very well choose to do so, and so the intent of this moratorium initially was to protect all Maine fishermen and this is all we are trying to do.

The SPEAKER: The Chair recognizes the gentlewoman from Lincolnville, Mrs. Hutchings.

Mrs. HUTCHINGS: Mr. Speaker and Ladies and Gentlemen of the House: I rise in defense of the listing of this moratorium. I represent some fishermen at Lincolnville Beach and Islesboro, including our own son, who fishes 300 traps and has been for the past seven years. I have heard from all of them regarding the freeze on lobsters and crab licenses and from others in Camden Harbor. All would like to see this moratorium lifted. In two cases the men have been unable to obtain a license to fish because they happen to be out of the state at the time of the imposed freeze. In the case of the Islesboro man, he purchased a boat and 150 traps, which are presently stored unused and was not informed that he could not obtain a license until he returned to his native island of Islesboro.

Needless to say, this resulted in a hardship and has forced him to find work off the island where he was born.

I really do not feel that so-called out-of-state people will rush to buy lobsters, traps, bait, etc., for perhaps 25 traps at the most, during the short time they are here in Maine this summer and if there are a few, I don't feel this is a very big threat to the lobster industry. The tourist business is an important one in Maine and part of it is to give pleasure to our visitors from out-of-state and perhaps to allow them to partake of the sport of catching a few lobsters.

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

Mr. DeVANE: Mr. Speaker, may the Clerk read the Committee Report on this bill?

Committee Report was read by the Clerk.

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

Mr. SHUTE: Mr. Speaker and Ladies and Gentlemen of the House: This is my bill, as I told you the other day. This is a bill that several of my constituents asked me to put in at the beginning of the session. Many of them wanted a lobster license. Several of these people, their families, have fished lobster all of their life, the youngsters who were coming along wanted to fish lobster and were unable to get a license so I told these people I would put this bill in.

I was on the Marine Resources Committee last session when the moratorium was put on the lobster licenses and the reason that moratorium was put on was to allow the Department of Marine Resources to come up with residency requirements for the lobster fishermen in this state. Now they have had one year to come up with some residency requirements, and to my knowledge, they have still not come up with any acceptable residency requirements so it doesn't matter if you repeal this law now or whether you wait until December 31st when it will come off the books anyway. I still don't believe the department is coming up with any acceptable residency requirements.

The gentleman from Stonington, Mr. Greenlaw, and the gentlelady from Owls Head, Mrs. Post, have made reference to Item 5 on the calendar which would allow sternmen to be licensed and this as an emergency bill. I don't believe that this was a bill that was submitted during the regular session this year, I think this was a bill that was asked to be reported out of committee after several members of the committee had seen that this removal or repeal of the moratorium did have some support in this House. That the bill on the sternmen's license is designed only for the large lobster fisherman, it doesn't help the youngster one bit, it doesn't help any person who is a senior citizen who would like to go out and get a few lobsters during the summer, it doesn't help them one bit. They are not interested in going out as a sternman on a lobster boat and going outside.

Several weeks ago, I voted for a bill in this House which would increase the minimum wage and I voted that bill as an emergency bill because I wanted to help the working people of this state. When we have working people that have enough gumption to go out and go to work, why should the state or anyone else refuse these

people a license to go to work? I voted for environmental legislation in this House to protect the lobster industry, the clam industry, but who was I protecting it for? Was I protecting it for just a certain few individuals in this state or was I trying to protect it for everyone in this state?

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Webber.

Mr. WEBBER: Mr. Speaker and Ladies and Gentlemen of the House: I support the lifting of the lobster license moratorium at this time. As some of the previous speakers have said, the moratorium was put on, not for conservation measures, it was put on because of Apollonio versus Massey in the residency court case and the court ruled that what we had on the books for three years, wasn't legal.

Now, I would like to point out just one case, we had one fellow came before our committee when we were hearing this bill, who is a resident of Kittery. He moved to Kittery from Massachusetts and he had lived in Kittery two years and nine months when the moratorium went on, that gentleman said he had seven thousand dollars invested in his lobster gear and he can't lobster because he can't get a license. He was waiting until he had been there for three years so that he could get a license, but he lived there two years and nine months and the moratorium went on, so that shut him out. I support it because I think people who want to go out and earn a living under the economic situations we have now, should be able to go out and do it. If we were under normal times and the economic situation was good, I think I probably would not support this bill, in this way, but as it is, I support it now and I hope you vote to lift it under the emergency measure.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I have a few questions which have been asked and I will try to answer them. The regulation of the fishery, the Canadian fishery is very highly regulated with licensing on the boats, closed seasons, different sections have different seasons at different times of the year. The New Hampshire fishery, I don't know the extent of their regulation, I would say it would be probably the same as ours, maybe someone else can add to that. When we enacted the freeze, it was well publicized, it went out in a newspaper to all license holders and marine licenses and also was publicized on the radio first and there was quite a bit of time spent on this and it was in the newspapers so a good notice was given there.

Regarding residency, the question of residency, in order to fish as you remember used to be eight years, it is now cut to three. It is, at this point, there is a good question of what it is, the department feels it is six months, we have an opinion from the Attorney General saying that six months is not sufficient and that residency may be only where you are domiciled and setting up domicile may take a week, if that.

The final thing as far as a limited resource, the only thing I can think of is, when a ship is sinking and you put the lifeboats out that if everybody piles into one lifeboat the one lifeboat probably will sink and everybody will drown, where if you wait a little bit and you put out the other lifeboats, possibly everybody can fit into them and everybody will make out all right.

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

Mr. GRAY: Mr. Speaker and Men and Women of the House: I rise in support of lifting this moratorium. I can remember a few weeks ago when we voted to give a special tax break to a firm who threatened to move out of the state if they didn't get it and we were afraid of losing a lot of jobs and so we overrode the Governor's veto to give this firm a special tax break. Well, the purpose of lifting this moratorium is to provide more jobs. We have people down on the coast and at least two of them have contacted and written me that they are out of work, they are former lobstermen. They would like to go back to fishing in lieu of drawing unemployment or going on welfare. One of the primary purposes of this moratorium on licenses is to create to some degree a closed profession. So I rise in support of lifting this moratorium and opening up a profession that will create more jobs.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to repeat the arguments. I, too, am in favor of lifting this moratorium immediately. It is my personal opinion that anyone who opposes the motion to remove this moratorium immediately is subverting the initial purpose of the moratorium.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I believe, as a member of the Marine Resources Committee, I voted to put this into action before now, I vote to take it off again.

The SPEAKER: The pending question is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. All in favor of passage to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

101 having voted in the affirmative and 32 having voted in the negative, the Bill was passed to be enacted, signed by the Speaker, and sent to the Senate.

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

Mr. DeVANE: Mr. Speaker and Members of the House: having voted on the prevailing side I now move reconsideration and ask you to vote against me.

The SPEAKER: The gentleman from Ellsworth, Mr. DeVane, having voted on the prevailing side, now moves we reconsider our action whereby this bill was passed to be enacted. All in favor of that motion will say yes; those opposed will vote no.

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

An Act to Create the Commission on Education Finance (H. P. 1622) (L. D. 1897) (C. "A" H-507, S. "A" S-244, S. "B" S-303)

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

engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken.

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

An Act to Provide for Licensing of Sternmen on Lobster and Crab Fishing Boats (H. P. 1676) (L. D. 1923) (S. "A" S-299 to H. "A" H-694)

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

An Act to Provide Lifeline Electrical Service for Older Citizens (S. P. 8) (L. D. 20) (H. "A" H-722, C. "A" S-255)

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 tomorrow assigned.)

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

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

An Act to Repeal Milk Control Prices at the Retail Level (H. P. 208) (L. D. 267) (H. "A" H-705, H. "B" H-717, S. "A" S-263)

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

Mr. Kelleher of Bangor requested a roll call vote.

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

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

The SPEAKER: Under Rule 19 the gentleman from Gray, Mr. Kennedy is excused from voting, also the gentleman from Limerick, Mr. Carroll.

The pending question is on passage to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Call, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Conners, Cooney, Cote, Cox, Curran, P.; Curtis, Dam, Doak, Dow, Drigotas, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Gauthier, Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Jackson, Jalbert, Joyce, Kelley, Laffin, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McMahan, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Pearson, Perkins,

S.; Perkins, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Strout, Stubbs, Teague, Tierney, Torrey, Twitchell, Tyndale, Usher, Wagner, Webber, Wilfong, Winship.

YEA — Bachrach, Burns, Bustin, Byers, Connolly, Curran, R.; Davies, DeVane, Fraser, Hall, Ingegneri, Jensen, Kany, Kelleher, LaPointe, MacEachern, Mulkern, Najarian, Norris, Peakes, Pelosi, Peterson, T.; Talbot, Tarr, Walker.

ABSENT — Bowie, Dudley, Goodwin, H.; Hennessey, Jacques, Kauffman, Laverty, Lynch, McKernan, Palmer, Peterson, P.; Sprowl, Susi, Theriault, Tozier, Truman.

EXCUSED — Carroll, Kennedy.

Yes, 107; No, 25, Absent, 16; Excused, 2.

The **SPEAKER**: One hundred and seven having voted in the affirmative, twenty-five in the negative, sixteen being absent and two being excused, the motion did prevail.

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

An Act to Require Ferries Operating in Casco Bay to be Equipped with Radar Devices (H. P. 1151) (L. D. 1445) (S. "A" S-295)

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

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

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

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

House Amendment "A" to Senate Amendment "A" (H-751) was read by the Clerk.

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

Mr. **HEWES**: Mr. Speaker, Ladies and Gentlemen of the House: As one of the cosponsors of the initial L. D., I am curious. Would the gentleman explain what he is going to do. I see he is adding a line, "within 30 days following the effective date of this act". If he would explain it, I would appreciate it.

The **SPEAKER**: The gentleman from Cape Elizabeth, Mr. Hewes, poses a question through the Chair to the gentleman from Portland, Mr. Mulkern, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. **MULKERN**: Mr. Speaker, Ladies and Gentlemen of the House: Senate Amendment "A" to the bill requires that the Public Utilities Commission promulgate rules and regulations relative to equipping the Casco Bay boats with radar devices. However, we discovered in the amendment that there was no time limit as to when these rules and regulations should be promulgated. So, it says within 30 days following the effective date of this act. This is all that amendment does.

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

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

The Bill was passed to be engrossed as

amended by Senate Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

Bill "An Act Relating to Funding of School Administrative District No. 67 Schools for 1975" (Emergency) (H. P. 1719) (Presented by Mr. MacEachern of Lincoln) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

The Committee on Reference of Bills suggested the Bill be referred to the Committee on Education.

Under suspension of the rules, the Bill was given its first reading without reference to any committee. Under further suspension of the rules, the Bill was read the second time, passed to be engrossed and sent to the Senate.

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

"An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by those Assessments to Pay Certain Expenses of the Public Utilities Commission" (H. P. 1407) (L. D. 1719)

Tabled — By Mr. Rolde of York

Pending — Shall this Bill become law notwithstanding the objections of the Governor.

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

Mr. **KELLEHER**: Mr. Speaker, Ladies and Gentlemen of the House: This item that is before you for your consideration this afternoon was an L.D. that was sponsored by Representative Spencer, Representative Smith of Dover-Foxcroft and myself. It was heard before the PUC Committee. It was the last bill that we had down in the committee, and I might say it was the only bill that we had the pro's, meaning the lobbying representatives of the utility companies, come there in force to support. They not only represented the electric companies but the small telephone associations, AT&T and the water companies, in support of this, on allowing a tax to be placed upon utilities to fund for services and personnel in the PUC Commission.

The bill came out of committee with the unanimous support of both the House members and the members of the other body and it has been going along very well until it got the Governor's desk. In his veto message, he indicated this was kind of a slipshod approach in funding a department, and I might say that this department in the PUC is funded by various assessments now on the utilities as well as the railroad and the trucking industry. This bill will implement, as far as rate cases are concerned before the PUC, an opportunity so they won't be delayed for nine months. It helps the utilities, but more importantly, it helps you and I who are the rate payers and consumers of the services that are offered. In my opinion, I think the Governor very hastily vetoed a bill that deserves the consideration of this House that it had before in its enactment.

I would ask this House to stand fast by your vote, meaning all 151 of you, or those of you who are in your seats, and vote to override the Governor's veto.

The **SPEAKER**: The Chair recognizes

the gentleman from Buxton, Mr. Berry.

Mr. **BERRY**: Mr. Speaker, Ladies and Gentlemen of the House: I concur wholeheartedly with the statements of the good gentleman from Bangor, Mr. Kelleher. If you remember a while back, the gentleman from Portland, Mr. LaPointe, had a bill before us that called for intervenors in public utility rate case hearings. I was one of the people that was opposed to that bill and that bill eventually died. The reason that I was opposed to it was because I was in favor of this measure. Had I known that the Governor was going to veto this one, I would have not said one word against Mr. LaPointe's bill. I urge you to override the veto.

The **SPEAKER**: The pending question before the House is, shall "An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of Funds Generated by those Assessments to Pay Certain Expenses of the Public Utilities Commission," House Paper 1407, L. D. 1719, 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 — Albert, Ault, Bachrach, Bennett, Berry, P. P.; Berube, Blodgett, Boudreau, Bustin, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Curtis, Davies, DeVane, Doak, Dow, Drigotas, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hughes, Hutchings, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, LaPointe, LeBlanc, Leonard, Lewin, Lewis, Lunt, MacEachern, Mackel, Mahany, Martin, A.; Martin, R.; Maxwell, McBrairty, McKernan, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Perkins, T.; Peterson, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Strout, Talbot, Tarr, Theriault, Tierney, Twitchell, Usher, Wagner, Walker, Webber, Wilfond, Winship, The Speaker.

NAY — Bagley, Berry, G. W.; Birt, Burns, Byers, Call, Connors, Dam, Durgin, Farnham, Hunter, Immonen, Laffin, Littlefield, Lizotte, Lovell, MacLeod, McMahon, Morton, Pierce, Rollins, Sfabbs, Teague, Torrey, Tozier.

ABSENT — Bowie, Cote, Curran, R.; Dudley, Dyer, Gauthier, Hinds, Jacques, Kauffman, Laverty, Lynch, Palmer, Perkins, S.; Peterson, P.; Sprowl, Susi, Truman, Tyndale.

Yes, 108; No, 25; Absent, 18.

The **SPEAKER**: One hundred and eight having voted in the affirmative, twenty-five in the negative, with eighteen being absent, the Governor's veto was not sustained.

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

Bill "An Act to Establish Rules for Legislative Investigating Committees" (H. P. 898) (L. D. 1085) reporting "Leave to Withdraw"

Tabled — by Mr. Kelleher of Bangor.

Pending — Acceptance of the Committee Report.

On motion of Mr. Kelleher of Bangor, the Bill was substituted for the Report.

The Bill read once and assigned for second reading tomorrow.

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

Bill "An Act Concerning the Potato Tax and the Maine Potato Commission" (H. P. 1390) (L. D. 1789) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-750).

Tabled — by Mr. Mahany of Easton
Pending — Acceptance of the Committee Report.

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-75) 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-759) was read by the Clerk and adopted.

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

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

Bill "An Act to Provide for More Effective Administration of the State's Development Financing Capability" (H. P. 1398) (L. D. 1820) reporting that the same "Ought to Pass" in New Draft (H. P. 1709) (L. D. 1938).

On motion of Mr. Rolde of York, Tabled pending acceptance of either report and tomorrow assigned.

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

Bill "An Act to Provide Supplemental Unemployment Benefits to Persons with Dependents" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-755) (H. P. 1230) (L. D. 1537).

Tabled — by Mr. Tierney of Durham
Pending — Acceptance of the Committee Report.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I do rise to oppose the acceptance of the Committee Report and I would pose a few questions to the Labor Committee. It is my understanding that there is a serious question as to the impact of this legislation on the Employment Security Fund and I would at this point not make any motion, but I would like to be reassured. I am hearing reports all the way from \$700,000 to \$4 million as the net effect on the employment fund that is going down by the bow and structured under a percentage contribution formula that allows for the percentages are up there high now allows for no additional recovery, so I would pose the question, can the committee give us accurate facts on the impact on the fund? I would add to that question, does this represent the full cost in that does this cost estimate cover the extended benefits program?

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

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like very much to answer the question from the good gentleman from Cumberland, but before doing so, I should probably explain what the bill does.

We in the Labor Committee heard a great number of bills this session dealing with unemployment compensation. Almost all of them, in one form or another, extended benefits. We killed all but one of these bills, and that is the bill we have before us today. Many of those bills which were killed, by the way, were fine pieces of legislation, but be that as it may.

We in the committee felt that there are some severe abuses in our unemployment system. There are some strong inadequacies. The abuses seem to run along the following lines. A constituent comes up and stops you on the street and says, my sister's boy got out of high school last year, he worked for a couple of months in the summer for a construction crew, he made \$600 and \$700, then he got laid off for lack of work in the fall, he hasn't been back to work since and he is drawing unemployment. He is not married, he is home, he is eating the family food, drinking his father's beer and he is not doing any work and he can live on the \$50 or \$60 a week he is making on unemployment, and I don't think that is right. That complaint, we on the committee felt was a valid one, so we moved to attack that problem. The way we did it was increasing the base amount that a person would have to earn in order to become eligible for unemployment compensation. We increased that base from \$600 to \$800, but more important, this bill contains a provision that takes the amount of money, this \$800 that has to be earned, and forces it to have to spread over at least two quarters, so the \$250 of that money has to be earned in the non-high quarter. The result is, if this bill were to pass, that no longer could a person work for three months and then sit home and draw unemployment for nine months. The person would have to be at least somewhat employed during two quarters during the person's base period.

This amount, by eliminating the type of abuse of the unemployment compensation fund, saves the fund \$2.5 million, according to the Department of Manpower Affairs, a \$2.5 million savings for the workmen's compensation fund.

Well, the question was what were we going to do with this giant savings. The Labor Committee felt that the severest problem with unemployment compensation was that the amount of benefits weren't going to the people who needed it the most. A great number of our unemployed people are between the ages of 18 and 23. They are receiving sufficient unemployment benefits at the present time to take care of their problems. You will remember too, a person that age is able to move from one part of the state to the other, they probably don't have mortgage payments, if they have any payments it is just car payments, so they can move anywhere to get a job and it seems to me that those people probably are making enough money on unemployment at the present time.

However, we have the rather emotional situation of the factory worker, let's say in the fine city of Westbrook, where there was a massive layoff at S.D. Warren, where a person might have worked at that mill for

20 and 25 years is laid off, has three or four children, has mortgage payments, has home improvement payments, might even be trying to put a child through college and all of a sudden they were laid off and cut down to \$68 a week.

So, what we on the committee decided to do was to adopt the program which is already existing in other New England states of giving a flat allotment per child to a person on unemployment. The bill as presently written says that allotment should be \$7. This cost to the fund, the exact figures, including the extended benefits, for the benefit of the good gentleman from Cumberland, would be \$4,300,000 which, of course, more than offsets the \$2.5 million savings, so the additional cost to the fund projected for the next fiscal year would be \$1.8 million, including the extended benefits.

Now, the third question the gentleman asked is the current status of the fund. Very briefly, our present unemployment compensation fund will run out in September. I don't want to give anyone the feeling that it will not run out in September. It will run out in September whether we pass this bill or whether we kill this bill, that is an inevitability in Maine, it is an inevitability in many other states, in fact, by the time we run out, it is suggested that we will be the 17th state to have run out. By this time next year, that number will be over half the number of states and well over half the entire population of the United States.

The reason these funds are running out is they were never designed and the program was never designed to take care of a depression, only take the bumps out of a recession. When a state fund does run out, it is less money interest free from the Federal Government and there are many states who have used this interest free money for a number of years to supplement their economy pumping more money into it to help those people who need it most.

I trust I have answered the good gentleman's question. I feel this is a good bill. It costs \$1.7 now. The reason you have heard other estimates is that there have been suggestions that this could be amended downward. There are members who I think may or may not present such an amendment I am not prepared to do so now, but I think that was the reason for discrepancy in figures. I would be happy to answer any other questions.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to support this bill for the simple reason that it is going to help the people that need it the most. We have had people in this House that are always saying they want to help people, well, now is your chance to prove that you can do it.

A married man that has lost his job after years of service in a mill, he cannot survive on \$68 a week with four or five children. Mr. Tierney has touched on it very well. I would certainly urge the people of this House to support this for the simple reason that the man that has four or five children, he is the one who is going to benefit from this. I urge passage of this bill.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: To follow up

Representative Tierney's remarks, if indeed, this could be put in balance, at least we wouldn't be attacking the integrity of the fund. In its present structure, I would hope that someone from the committee, as he indicated, might feel the requirement to adjust these figures so at least there would be no net impact on the fund of something approaching \$2 million. This money is interest free for two years, but when that money goes back to the Feds, it goes back out of this fund and we are just consigning this fund to never becoming a meaningful tool to take up the economic shock of a worker being laid off. This will consign this fund to years, in my opinion, of never becoming a meaningful tool to combat this problem.

The SPEAKER: The pending question is acceptance of the Committee Report. All in favor of acceptance of the Committee Report will vote yes; those opposed will vote no.

A vote of the House was taken.

90 having voted in the affirmative and 16 having voted in the negative the Report was accepted.

The Bill read once. Committee Amendment "A" (H-755) was read by the Clerk and adopted, and the Bill assigned for second reading tomorrow.

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

Bill "An Act Increasing the State Gasoline Tax" (Emergency) (H. P. 1055) (L. D. 1332) (C. "A" H-743)

Tabled—by Mr. DamofSkowhegan

Pending — Motion of Mr. Peterson of Windham to indefinitely postpone.

On motion of Mr. Rolde of York, retabled pending the motion of Mr. Peterson of Windham to indefinitely postpone, and tomorrow assigned.

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

Bill "An Act to Establish Minimum Warranty Standards for New Residential Dwellings" (H. P. 575) (L. D. 710) (C. "A" H-720)

Tabled—by Mr. DamofSkowhegan

Pending — Passage to be engrossed.

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

Mr. DeVANE: Mr. Speaker and Members of the House: I think I would be remiss if I didn't point out two things to the members of this House. Several days ago, this House rejected an act entitled "An Act to Establish the Maine Statewide Building Code". On Page 2 of that Code, Section 4852, I will read you one paragraph and then a paragraph from this Act. "It is intended by this subchapter to create conditions in this state which will facilitate uniformity in building enforcement, promote the use of new and improved technologies, techniques and materials, improve the supply and safety of housing and other buildings by adopting the BOCA basic building code as a minimum requirement and provide for the proper training and local code enforcement of officials".

For those of you who have never seen the BOCA basic building Code, 1975 edition, this is it. If you would like to examine it, I have it here. I am sure it is available other places and I think the majority assistant leader has a copy in her office, I observed on a recent call. I would suggest that you take a look at it, because the act under

consideration now, entitled "An Act to Establish Minimum Warranty Standards for New and Residential Dwellings" would propose, by reference, to adopt the requirements of this Code and I read to you from the middle of Section 1424, second paragraph, entitled "Defects" — better I think and fairer that I read the entire paragraph. "The warranty shall provide that the dwelling is free from any substantial defects in material or workmanship. A substantial defect in materials and workmanship shall be deemed to exist when the completed residential dwelling does not conform to the terms of any written agreement between the purchaser and builder concerning the construction of the new residential dwelling."

Now, I call your attention directly to this section. "In the absence of such an agreement, a defect shall be deemed to exist when the residential structure does not conform to the applicable standard references in the appendices in the BOCA basic building code, 1975 edition, as published by the Building Officials Conference of America," so I would suggest that before you cast a vote, you acquaint yourself with this manual.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: I might suggest to the gentleman that if he would read Committee Amendment "A", that the language is quite different from that he read to you. It says, "in the absence of such an agreement, a substantial defect shall be deemed to exist when the completed new residential dwelling does not conform to a building code adopted by the municipality in which the dwelling is located, or in the absence of such a building code, a substantial defect shall be deemed to exist when the completed new residential dwelling does not conform to the applicable standard references in the appendices in the BOCA basic building code, or if none of the foregoing criteria is applicable to establish in the existence of a defect, a substantial defect shall be deemed to exist if the completed new residential dwelling does not conform to generally acceptable building practices as used in the area." So there are three criteria; three directions they can go, it is a very basic minimum for new homes and it is something that is desperately needed and I hope you support it.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I set this aside this morning because over the weekend I looked at it and I hadn't quite made up my mind really what I wanted to do with it or what direction I wanted to go with it, but I think now that I have pretty well made up my mind which way I want to go, especially being from a small town.

I think what this bill primarily does, and I hate to speak against it because it is sponsored by the good woman from Portland, Mrs. Boudreau, but what the bill primarily does, it is going to open the door where the small communities in this state will either have to hire a certified building inspector and pay for it themselves or they will have to team together in a local agreement, which they can do under Title 30, or set up a district or an area similar to what L.D. 1997 was, so that any building inspector can serve several communities.

I think maybe there is a need for a little

tightening up on the building trade in the State of Maine. I have tried it in past sessions, in the area of the tax lien law, to protect the home owner, but evidently, again, the building trades are too well set up and too well funded for something to come along. But I can see a lot of danger in a bill like this, and after I get done saying what I am saying, I am sure someone is going to stand up and say "Well, if the people were doing their job right in the first place, they would have nothing to worry about," but the problem is, in small communities, they have these people that work and right now I'm talking about the plumbing inspectors. Some of the communities pay their inspectors strictly on a fee basis. Up until this new law that we just recently passed, that was sponsored by Mr. Stubbs takes effect, the fee that was retained by the town was two thirds of the permit with the state having one third. Under the new law, when it goes into effect, the towns will be able to retain three fourths of that fee, with one fourth going to the state.

Now in many towns, all the plumbing inspectors get is the fee, because they cannot go into their town meetings, they don't have the capability of raising the money to pay a salary to an inspector. Then, along comes a bill such as this, not only does it speak to B.O.C.A. Code but it speaks to the subsurface sewerage disposal systems, putting a guarantee, a time limit on those, and there again shall require much more intensive and concentrated inspections than they do at the prior time.

I don't think any inspector is going to take any chances at all of having a violation occur within a certain time limit after he has certified this to be right and it is very possible that this could happen. So immediately the plumbing inspectors who are in the small towns are going to ask the towns to raise the money at a town meeting for salaries. Then they are going to want more, they are going to be forced into districts, going to be forced into sharing one person, you may end up with five, six or seven towns in this district. Now this bill wouldn't affect the cities that much but it would affect small towns, so then, when you have the building being built, you have to wait for the guy to come from Town A to get over to Town B. This is going to increase the cost for the people in the small municipalities.

Personally, I think this is a back-door approach to coming in again to the very bill that we defeated in the adoption of the statewide B.O.C.A. building code. I think if the cities want something like this, then well and good, but I think in a small community, the people who are doing the building know what they're doing, they do a pretty satisfactory job and I am sure that there will always be one come along that is not quite honest or not quite doing the right job but I'm sure, too, that if we were to adopt this bill today, that there would be a lot more problems in the enforcement and the cost to the municipalities than what they would gain by going with the B.O.C.A. Code, so I would move the indefinite postponement of this bill.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose the motion of indefinite postponement. The Committee on Business Legislation heard this bill. I believe it was a unanimous

report of the committee that it "Ought to Pass."

This bill does not have anything to do with the local building inspector, it only gives the homeowner, or the home purchaser a recourse to the builder, should a substantial defect take place within 12 months of the time of the purchase of the building.

As far as the subsurface sewerage system goes, the only thing that the warranty will certify is that the sewerage disposal system does not, at the time of installation, violate or cause any violation of any municipal ordinance. It doesn't say the thing will work forever, the contract will not have to guarantee or warranty that this will work for 12 months because we all know in certain sewerage situations that given a situation where there might be five children or a whole bunch of people living in one house and they did a lot of laundry and that sort of thing, a particular system that was designed for a house might not necessarily work. All we are saying is that the contractor will install the system that is required by state law and that that system is right at the time of installation. So I would hope that you would not indefinitely postpone this bill.

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

Mrs. BOUDREAU: Mr. Speaker and Men and Women of the House: This L. D. 170 applies only to stick-built houses, modular industrial housing and mobile homes now are covered by a similar warranty. I don't see that this has caused all the dire results in the small towns that Mr. Dam thinks it might. The stick-built houses are a very small percentage of what the other houses are. You can go out and buy a five dollar item in your local market and you can get a guarantee, you get a warranty, or you can take it back; yet, for the biggest investment of your lifetime, there is absolutely no warranty.

We have many good builders in the state and I am sure they live up to all the specifications of this bill, but you have some builders that aren't so good. The Home Builders Association is considering a program that will guarantee up to ten years. This is in the works but it may be several years coming. This bill will fall right in line with that and this will also be on the books to take care of the builders that will not belong to the Home Builders Association even after they pass their own bill, so I ask you not to indefinitely postpone this.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: My family has been in the building business for many years and we were always very proud of the work that we had done. I looked this bill over and I certainly believe that any builder who is a very reputable builder can certainly live with this sort of a warranty program that will provide protection for the customers, so I urge you to support the bill.

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

Mr. DAM: Mr. Speaker, I would like to correct just one statement that the good gentleman Mr. Higgins made, and he is not entirely wrong but he didn't go quite far enough. He said the guarantee was only to correct a defect at the time of installation. Well, yes, because he was reading on page 5 of the amendment, but if he would read

on page 3, Section 1423, I read where the warranty is covered and shall extend for a period of 12 months.

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

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: I have been receiving notes asking if this bill requires each town and city to have a building code. It does not, that is the third criteria, they have built to the standards prevailing in the area. That does not mean a code.

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

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

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

ROLL CALL

YEA — Ault, Bagley, Berry, G. W.; Birt, Blodgett, Call, Carpenter, Carroll, Carter, Churchill, Connors, Dam, DeVane, Doak, Dow, Garsoe, Gauthier, Gray, Hewes, Hunter, Jalbert, Kelley, LeBlanc, Lewis, MacEachern, Mackel, MacLeod, Martin, R.; Miskavage, Morton, Norris, Pearson, Perkins, T.; Post, Rideout, Shute, Strout, Stubbs, Torrey, Tozier, Twitchell, Usher.

NAY — Albert, Bachrach, Bennett, Berry, P. P.; Berube, Boudreau, Burns, Bustin, Carey, Chonko, Clark, Connolly, Cox, Curran, P.; Curtis, Davies, Drigotas, Durgin, Farnham, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Hendersson, Hennessey, Higgins, Hobbins, Hughes, Immonen, Ingegneri, Jackson, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, Lizotte, Lovell, Lunt, Mahany, Martin, A.; Maxwell, McBreairty, McKernan, McMahon, Mills, Mitchell, Morin, Mulkern, Nadeau, Najarian, Peakes, Pelosi, Perkins, S.; Pierce, Powell, Quinn, Raymond, Rolde, Rollins, Saunders, Smith, Snow, Snowe, Spencer, Talbot, Tarr, Teague, Theriault, Tierney, Tyndale, Wagner, Walker, Webber, Wilfong, Winship.

ABSENT — Bowie, Byers, Cooney, Cote, Curran, R.; Dudley, Dyer, Farley, Faucher, Hinds, Hutchings, Jacques, Kauffman, Laverty, Leonard, Lewin, Littlefield, Lynch, Palmer, Peterson, P.; Peterson, T.; Silverman, Sprowl, Susi, Truman.

Yes, 42; No, 83; Absent, 25.

The SPEAKER: Forty-two having voted in the affirmative and eighty-three in the negative, with twenty-five being absent, the motion does not prevail.

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

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

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

Tabled — by Mr. Rolde of York

Pending — Passage to be engrossed.

Mrs. Boudreau of Portland offered

House Amendment "D" and moved its adoption.

House Amendment "D" (H-767) was read by the Clerk and adopted.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "C" and House Amendment "D" 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 Services (H. P. 1024) (L. D. 1303)

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 tomorrow assigned.

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 Service (H. P. 1025) (L. D. 1304)

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 tomorrow assigned.

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

Bill "An Act Extending Collective Bargaining Rights to University of Maine Employees" (S. P. 243) (L. D. 827)

Tabled — by Mr. Tierney of Durham

Pending — Acceptance of either Report.

On motion of Mr. Tierney of Durham, the Majority "Ought to pass" report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-288) was read by the Clerk.

Mr. Hughes of Auburn offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-763) was read by the Clerk.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen: I wish you would look this amendment over. We are about, hopefully, to pass a bill giving the employees of the University bargaining rights and here we are going to involve students into it. I think it is the employee that we are interested in. The students are a transient population, they are there for two, three or at the most four years, and I think all we are doing here is thwarting what could be otherwise a very good bill and I hope you do not accept this amendment.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I would like to explain the amendment because it doesn't deal with what the gentleman is afraid it might do. The amendment simply does this. I was once, as I said before and I guess you probably know it, a trustee and during that time was a member of the Trustee Collective Bargaining Committee which helped to develop the University's position on the collective bargaining legislation and, incidentally, the university's position is to support the right

of university employees to collectively bargain. But it did seem to me that in most cases, the normal industrial public employee model for collective bargaining negotiations was adequate for the university's setting; that is, the classified employees and the university's plumbers and electricians and painters and cooks and all those kinds of categories, I think the normal process was adequate. In the case of faculty bargaining, I thought in most cases the normal process was adequate; that is when they are negotiating for such items as salary and workload and those kinds of things, but there was one small exception to this, and that is that there are in some cases situations where the situation is actually a three-party process and that is presently in the governance of the university serving on groups, for instance, like the faculty council, committees within departments, committees of colleges and that kind of thing, there are members representing administration, members representing the faculty and members representing the students, and it just seemed to me that when those committee arrangements are up for discussion, that the students at least ought to know they are up for discussion.

This amendment would simply require that when student membership on a committee was an item of negotiation, that they be informed that it is being an item of negotiation. It does not require and would not allow that they be party to the negotiations or even be present when those negotiations are going on, simply that they be informed. The only purpose of this amendment is to assure that the student organizations which are represented in these various committees don't suddenly wake up one day and find that the contract has been signed which negotiated them off these committees, so it is just something to give them notice. It doesn't in any way affect the collective bargaining process which will be a one to one bargaining process, as it is in almost every other model.

So I think the operative line on it, if you want to look at the amendment which has been circulated, is simply this, and I will read that part of the sentence, "It shall be the responsibility of the Board or its designee to inform the student representative whenever collective bargaining meetings are to be held; pursuant to Section 1026, etc., in which student representation on university boards, committees or councils is the subject for discussion and to consult with the student representative prior to such meeting for the purpose of obtaining students' views."

That is all it does, it says that they must consult for the purpose of obtaining student views. They shall not be present in the room and they shall not take part in the negotiations, and I think this only a fair recognition and this one limited area there is a slight difference between collective bargaining in the university setting and collective bargaining in the employer-employee role that we are so used to.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen: I haven't really familiarized myself enough with this legislation, because if the situation exists that needs to be corrected by an amendment such as this, I think we had better take a long look at this bill. I can see no value whatsoever

to placing the trustees in a position of having to consult on one side and bargain on the other, and I would hope that the subject matter covered in this amendment would never be a subject for collective bargaining. If there is ever a policy area, this should be one that would be carefully protected as such, not to allow employees bargaining rights of others, and so I would hope the bill is strong enough not to need this restriction.

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

Mr. CAREY: Mr. Speaker, I would like to know from anybody on the committee if this was discussed in committee, but I would particularly be interested in page 4 of this nine-page, what I call a monstrosity, under C-1, it appears that the students will now be able to bargain for educational standards and what will be taught and what will not be taught. Am I correct in that assumption?

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

Mr. TIERNEY: Mr. Speaker, I would like to answer the gentleman's question by very humbly asking him to look at the last page of the amendment and he will see that he is reading an amendment that will be proposed tomorrow by the good gentleman from Orono, Mr. Davies, and that indeed the amendment under discussion is only a one-page amendment, so it would be very difficult for me to reach page 4 of it.

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

Mr. CAREY: Would the Clerk give us the filing number on the one we are discussing now?

The SPEAKER: The Chair would advise that it is House Amendment 763, introduced by the gentleman from Auburn, Mr. Hughes.

Thereupon, Mr. Laffin of Westbrook requested a roll call vote.

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

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

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that we won't go along with this amendment. We have a very good bill here and the Labor Committee worked hard on this bill. It is a good bill for the bargaining rights, but we don't feel this truthfully is any business of the students and I would certainly urge that this amendment be defeated.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: I am getting a feeling as to the direction this particular amendment is going, but I do feel I should stand clearly as an individual, as opposed to the committee chairman, and defend the amendment. I guess I am defending it partially because as a student at the University I felt quite strongly that the students should be represented on certain boards, committees and councils, and the university went along and there are students on certain boards, committees

and councils now. This is not a grandiose amendment, it is not like the amendment which will be proposed tomorrow, which I will oppose at that time, just a quiet amendment which says that if there are students already on the board for a council, that the faculty who doesn't want the students there can't use that as a negotiating thing and get rid of the students without the students even having been informed.

I guess I don't think it is that bad and I don't think we should confuse it with the fundamental issues as to policy, as to bargaining units and all that. It is a small thing and it probably won't come up but I think it's a worthwhile protection for the students.

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

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of this amendment as an individual. I believe it is a sound amendment, I would like to point out that it does not confer upon the students any power; it merely requires that the trustees confer with the students before they take stands in negotiations which will affect a student's welfare. I think it is a logical amendment and well written and I hope you will support it.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly oppose this amendment on the fact that if I am in my store and I say to my employee that I will give you a raise, I don't want to have to ask the consumer on the street whether he gets it or not.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think the previous comment by Mr. Laffin misses the point of what this amendment does. Probably it would be more apt if he were discussing the proposal by Mr. Davies, which is the very thick one. However, I would support Mr. Laffin's position in terms of voting against this amendment, probably for a very strange reason. There are a great many people in the House, who want to see collective bargaining for the university employees passed during this session. A little amendment like this is all some people need to go after the bill. The efficacy of this amendment is negligible, it is not worth putting the bill itself in jeopardy. The trustees can take care of student representation through their policy councils, as the gentleman from Cumberland has already indicated, so I would hope that you would not put the entire legislation in jeopardy and defeat this amendment.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the adoption of House Amendment "A" to Committee Amendment "A". Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Birt, Blodgett, Boudreau, Burns, Connolly, Cox, Curran, P.; Curtis, Davies, Flanagan, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hobbins, Hughes, Ingegneri, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, LaPointe, Lewis, McKernan, Mitchell, Mulkern, Nadeau, Norris, Pelosi, Perkins, S.; Pierce, Post, Powell, Rolde, Smith, Snow, Snowe, Spencer, Talbot, Tierney, Wagner.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.;

Berube, Bustin, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Conners, Dam, DeVane, Doak, Drigotas, Durgin, Farnham, Fenlason, Finemore, Fraser, Garsoc, Gauthier, Gould, Gray, Hall, Hennessey, Hewes, Higgins, Hunter, Immonen, Jackson, Kelley, Laffin, LeBlanc, Littlefield, Lizotte, Lunt, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McMahon, Mills, Morin, Morton, Najarian, Peakes, Pearson, Perkins, T.; Quinn, Raymond, Rideout, Rollins, Saunders, Shute, Silverman, Strout, Stubbs, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Usher, Walker, Webber, Wilfong, Winship.

ABSENT—Bowie, Byers, Cooney, Cote, Curran, R.; Dow, Dudley, Dyer, Farley, Faucher, Hinds, Hutchings, Jacques, Kauffman, Laverty, Leonard, Lewin, Lovell, Lynch, Miskavage, Palmer, Peterson, P.; Peterson, T.; Sprowl, Susi, Truman, Tyndale.

Yes, 43; No, 80; Absent, 27.

The SPEAKER: Forty-three having voted in the affirmative and eighty in the negative with twenty-seven being absent, the motion does not prevail.

Senate Amendment "A" (S-311) to Committee Amendment "A" was read by the Clerk and adopted in concurrence.

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

On motion of Mrs. Boudreau of Portland, the House reconsidered its action whereby An Act to Guarantee to all State Employees the Right to Participate in the Nonpartisan Affairs of Municipalities, House Paper 1041, L. D. 1331, was passed to be enacted.

On motion of Mr. Stubbs of Hallowell, under suspension of the rules, the House reconsidered its action whereby the bill was passed to be engrossed.

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

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" to Committee Amendment "A" was adopted, and on further motion of the same gentleman, the Amendment was indefinitely postponed in non-concurrence.

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

House Amendment "C" to Committee Amendment "A" (H-760) was read by the Clerk and adopted.

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

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

(Off Record Remarks)

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

[Faint, mostly illegible text, likely bleed-through from the reverse side of the page.]