

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

Tuesday, June 17, 1975

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

Prayer by the Rev. Andrew J. Spohrer of Dexter.

The journal of yesterday was read and approved.

Messsages and Documents
The following Communication
State of Maine
One Hundred And Seventh Legislature
Committee on Appropriations
and Financial Affairs

June 13, 1975

Rep. John L. Martin
Speaker of the House
Subject: Department of Mental Health and
Corrections

Dear Mr. Speaker:

The departmental budget as proposed in L. D. 1909, the Current Services bill, which has been signed into law by the Governor contains an amount of \$587,266 in a Contingency account to be used by the Commissioner for whatever emergency items arise during the next biennium. This amount is over and above the original recommended figure of the Governor. In addition, the total budget has been realigned to fit the needs of the department more realistically according to the recommendation of the new Commissioner.

H. P. 1674 passed in the House June 5, 1975 and in the Senate June 6, 1975 directs the Committee on Appropriations and Financial Affairs to report out a bill to take action to enable the Department of Mental Health und Corrections to fill staff vacancies resulting from the "freeze on hiring" that have caused hardships at state institutions. It is the unanimous feeling of the Committee that this should be an administrative decision of the Commissioner as to whether this need exists and if there is a high priority set on this matter, funds are available in the current services budget by use of the Contingent account. Until all administrative possibilities have been exhausted, the Committee feels there is no need to report out a bill as directed by the Joint Order.

Sincerely,

Signed: DAVID G. HUBER,
Senate Chairman

Signed: DOUGLAS M. SMITH
House Chairman

The Communication was read and ordered placed on file.

Orders

Mr. Faucher of Solon presented the following Joint Resolution and moved its adoption: (H. P. 1717) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 11)

Joint Resolution Memorializing The Congress Of The United States To Include The Cost of Eye Glasses, Prescription Drugs And Hearing Aids In The Medicare Program.

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred an Seventh Legislative Session, now assembled, most respectfully present and petition the Congress of the United States, as follows:

Whereas, the Medicare Program has

been a much needed and much used program to upgrade the medical care for many of Maine citizens; and

Whereas, the present statute governing the Medicare Program does not permit that program to include as Medicare benefits the cost of eye glasses, prescription drugs, and hearing aids; and

Whereas, a large part of the needed medical care for persons who also benefit under the Medicare Program consists of these items; now, therefore, be it

Resolved: That We, your Memorialists, hereby respectfully urge and request that the Congress of the United States act as soon as possible to amend the Medicare statute to include eye glasses, prescription drugs, and hearing aids as part of the benefits permitted Medicare recipients; and be it further

Resolved: That a copy of this Memorial, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

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

Mr. Silverman of Calais presented the following Joint Order and moved its passage: (H. P. 1718)

WHEREAS, municipal bond ratings have become the great common denominator of the municipal bond market; and

WHEREAS, ratings by Moody's Investors Service have broad acceptance in the nation's financial markets; and

WHEREAS, Maine's historic AAA rating was lowered to AA in April of 1974 by Moody's Investors Service; and

WHEREAS, this reduced rating will be reflected in higher interest rates on current and future State bond issues; and

WHEREAS, the steps necessary to maintain a high credit rating and restore a AAA credit rating are varied and highly technical; and

WHEREAS, it is in the best interests of the Maine people to determine an orderly method to accomplish this goal; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Performance Act, to study and determine the present condition of Maine's efforts to restore an AAA rating, including an analysis of the provisions of the Maine Constitution, the Revised Statutes and the rules and regulations of any department or public authority which are factors in determining a bond rating; and be it further

ORDERED, that the Committee coordinate with the Treasurer of State, Maine Guarantee Authority, Maine School Building Authority, Maine Municipal Bond Bank, Maine Housing Authority, Maine Veterans Small Business Loan Authority, Maine Port Authority and the Maine Health Facilities Authority in carrying out this study; and be it further

ORDERED, that the Council report the results of its findings together with any proposed recommendations and final drafts of necessary implementing legislation to the next 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 Treasurer of State and the several public authorities as notice of this directive.

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

On motion of Mr. Albert of Limestone, it was

ORDERED, that Arthur P. Lynch of Livermore Falls be excused June 19th and 20th for personal reasons.

House Reports of Committees
Ought Not to Pass

Mr. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act to Pay Three-fourths of the Cost of Health Insurance for State Employees" (H. P. 1462) (L. D. 1746) reporting "Ought Not to Pass"

Mr. Bennett from the Committee on Judiciary on Bill "An Act Making the Drawing of Checks upon a Closed Account a Felony" (H. P. 46) (L. D. 58) reporting "Ought Not to Pass"

Mrs. Miskavage from the Committee on Judiciary on Bill "An Act to Repeal the Statutory Provision Against Suspending a Sentence for Conviction of Assault with a Firearm or Granting Probation from that Sentence" (H. P. 274) (L. D. 328) reporting "Ought Not to Pass"

Mr. Perkins from the Committee on Judiciary on Bill "An Act to Require Imprisonment for any Crime Committed by a Person while Released Pending Trial" (H. P. 299) (L. D. 349) reporting "Ought Not to Pass"

Mr. Perkins from the Committee on Judiciary on Bill "An Act Establishing Mandatory Sentences Upon Conviction of Trafficking in Illegal Drugs" (H. P. 631) (L. D. 782) reporting "Ought Not to Pass"

Mr. Hewes from the Committee on Judiciary on Bill "An Act to Increase the Number of Good Time Days which may be Deducted Each Month from the Term of Imprisonment of a Convict" (H. P. 635) (L. D. 786) reporting "Ought Not to Pass"

Mr. McMahon from the Committee on Judiciary on Bill "An Act Amending Certain Laws Relating to Parole" (H. P. 636) (L. D. 787) reporting "Ought Not to Pass"

Mr. Gauthier from the Committee on Judiciary on Bill "An Act to Make Possession of Federally Controlled Drugs Unlawful" (H. P. 880) (L. D. 1054) reporting "Ought Not to Pass"

Mr. Spencer from the Committee on Judiciary on Bill "An Act Concerning the Forfeiture of Property Used in Delivering Illegal Drugs" (H. P. 884) (L. D. 1061) reporting "Ought Not to Pass"

Mr. Perkins from the Committee on Judiciary on Bill "An Act to Rationalize the Penalties for Certain Drug Offenses" (H. P. 1133) (L. D. 1425) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. MacLeod from the Committee on Appropriations and Financial Affairs on Bill "An Act Adjusting State Employees Pay" (H. P. 1176) (L. D. 1469) reporting "Leave to Withdraw"

Mr. Hobbins from the Committee on Judiciary on Bill "An Act Regulating the Collection and Return of Tenant Security Deposits by Landlords" (H. P. 194) (L. D. 226) reporting "Leave to Withdraw"

Mr. Hughes from the Committee on Judiciary on Bill "An Act to Specify Grounds for Filing Forcible Entry and Detainer" (H. P. 503) (L. D. 625) reporting "Leave to Withdraw"

Mr. Henderson from the Committee on Judiciary on Bill "An Act Preventing a

Lien on Real Estate When Owner has Paid Contractor" (H. P. 896) (L. D. 1122) reporting "Leave to Withdraw".

Mr. Hewes from the Committee on Judiciary on Bill "An Act to Establish the Maine Uniform Residential Landlord and Tenant Act" (H. P. 996) (L. D. 1262) reporting "Leave to Withdraw".

Mr. Maxwell from the Committee on Taxation on Bill "An Act to Amend the Real Estate Transfer Tax" (H. P. 1321) (L. D. 1640) reporting "Leave to Withdraw".

Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act Relating to Discharge from Parole or Probation" (H. P. 114) (L. D. 146)

Report was signed by the following members:

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

Mrs. MISKAVAGE of Augusta
Messrs. SPENCER of Standish
GAUTHIER of Sanford
PERKINS of South Portland
HOBBINS of Saco
BENNETT of Caribou
HUGHES of Auburn
HENDERSON of Bangor
McMAHON of Kennebunk
— of the House.

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

Report was signed by the following member:

Mr. HEWES of Cape Elizabeth
— of the House

Reports were read.

On motion of Mr. Gauthier of Sanford, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Divided Report

Later Today Assigned

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act Concerning Justification for the Use of Force" (H. P. 1281) (L. D. 1736)

Report was signed by the following members:

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

Mrs. MISKAVAGE of Augusta
Messrs. HENDERSON of Bangor
McMAHON of Kennebunk
BENNETT of Caribou
GAUTHIER of Sanford
HUGHES of Auburn
HOBBINS of Saco
SPENCER of Standish
PERKINS of South Portland
— of the House.

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

Report was signed by the following members:

Mr. HEWES of Cape Elizabeth
— of the House.

Reports were read.

Mr. Gauthier of Sanford moved that the Majority "Ought Not to Pass" Report be accepted.

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

Mr. PERKINS: Mr. Speaker, I don't see the sponsor of this bill in his seat, and I have discussed this bill with him. I would

hope that somebody might table this until later today.

Thereupon, on motion of Mr. Gauthier of Sanford, tabled pending his motion to accept the Majority Report and later today assigned.

Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-754) on Bill "An Act Creating the Maine Energy Authority" (H. P. 1471) (L. D. 1803)

Report was signed by the following members:

Mr. GRAHAM of Cumberland
— of the Senate.

Mrs. KANY of Waterville
Messrs. COONEY of Sabattus
PELOSI of Portland
QUINN of Gorham
WAGNER of Orono
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. WYMAN of Washington
CURTIS of Penobscot
— of the Senate.

Mrs. SNOWE of Auburn
Messrs. FARNHAM of Hampden
LEWIN of Augusta
STUBBS of Hallowell
— of the House.

Reports were read.

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

Mr. COONEY: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report.

There are a great many people here this morning who have a great deal to offer on this bill in explaining it, and I would point out that although there is what appears to be a partisan division on the signatures on this report, there is much in this bill which is different from the public power bill that was such a controversy some time ago and there is much that is changed in the needs of the State of Maine since that time.

I would sincerely hope that each of you, regardless of your party, would give this your very careful consideration, because there is very much to recommend it to the needs of the people of Maine.

The SPEAKER: The gentleman from Sabattus, Mr. Cooney, moves that the House accept the Majority "Ought to Pass" Report.

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

Mr. FARNHAM: Mr. Speaker and Members of the House: I rise merely to request a division on the acceptance of the report. This is still the same old chestnut with some of the errors that were in what we all call the Kelley Bill corrected, but it still puts the State of Maine in the power business. It still has revenue sharing bonds which are tax bonds anyway you want to look at it. It still is tax free, except that some concession can be made to the community in which a plant might be erected. It escapes federal income taxes, which means that you as individuals have to make it up one way or another. There is a provision in it that 10 percent of the net will be paid in taxes, but a public utility has no net when you get down to the bottom of it, so I hope that you will just think this all over and vote against the bill.

The SPEAKER: The pending question is on acceptance of the Majority "Ought to

pass" Report. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 40 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-754) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent to the Senate.

Consent Calendar

Second Day

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

(H. P. 277) (L. D. 424) Bill "An Act Relating to the Powers and Duties of the Maine Real Estate Commission" (C. "A" H-752)

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

Passed to Be Engrossed

Bill "An Act Requiring Disclosure of Information in Certain Used Car Sales and Concerning Used Car Warranties" (H. P. 1708) (L. D. 1934)

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

Second Reader

Tabled and Assigned

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

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

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

Amended Bills

Bill "An Act Concerning the Potato Tax and the Maine Potato Commission" (H. P. 1390) (L. D. 1798) (H. "A" H-759 to C. "A" H-750)

Bill "An Act to Provide Supplemental Unemployment Benefits to Persons with Dependents" (H. P. 1230) (L. D. 1537) (C. "A" H-755)

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

Bill "An Act Extending Collective Bargaining Rights to University of Maine Employees" (S. P. 243) (L. D. 827) (S. "A" S-311 to C. "A" S-288)

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

Mr. Garsoe of Cumberland offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-771) was read by the Clerk.

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

Mr. TIERNEY: Mr. Speaker, I move that House Amendment "B" be indefinitely postponed.

The SPEAKER: The gentleman from Durham, Mr. Tierney, moves that House Amendment "B" be indefinitely postponed.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I would call your attention to House Amendment "B". It is a very simple amendment, but I suggest to you that it will make this piece of legislation consistent with the previous legislation concerning the collective bargaining rights of public employees. If I could take you back to 1969, at which time the public employees labor relations law was first passed and which each succeeding layer of collective bargaining has been modeled on, this provision was left out of that legislation. An attempt in 1971 to have it put back in failed.

When the state employees' bargaining law came in, it contained a similar provision that was removed by the 106th, and I suggest that in order to keep these laws consistent, we should remove it from this one. Because if a foot-in-the-door can be gained here, we are going to see this same provision being put back into the other two sections.

I submit that there should be no proviso whereby public employees be required to pay tribute to any union in order to hold a public job. Collective bargaining is a one-way street for the employee and the unions, and that is what it is intended to be. I am not denying that in any way, but if we allow this provision to remain in this legislation, we are going to be in effect making captives of individuals who actually have religious scruples in some instances against having any affiliation with a union.

I suggest that one other aspect of it is that it is going to tend to make the unions less sensitive and less attentive to the individual people in these units if they can indeed negotiate a union security clause that will enable them to be more secure in their stance.

I suggest that their quest for membership and their recruitment should be their responsibility as representing the bulk of the employees and not something that they have worked out as an agreement with the employer.

For these reasons, I hope you will resist the motion for indefinite postponement.

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

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to comment briefly on what this amendment means and perhaps mention a few points, which were not mentioned by my colleague from Cumberland, Mr. Garsoe.

The Collective Bargaining Act for the University does not require that anyone belong to a union. It does not require that anyone agree to join a union. The Collective Bargaining Act merely says that the parties may negotiate union security should they wish to do so. Therefore, we are not, by amending this law, taking something out that has been given. We are merely saying that they cannot discuss union security with each other. Union security is a traditional part of most union labor contracts in the private sector. It is supported, as we all know, by all unions large and small.

In the case of the university, we really are talking about agency shops, and all this means is that the parties may negotiate, should they be able to agree that everyone shall pay dues. Those who do not belong to the union will pay a fee which will help support the benefits, hopefully, which the union derives from the negotiations.

I don't think that this is a major item, but I did think that it needed some explanation.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Many of us have heard, when the subject of labor negotiations and labor legislation comes up, of the issue of right to work. Although we have all heard about it, we very seldom have an opportunity to vote one way or the other. Well, right to work is just what we are talking about now with this innocuous-seeming amendment.

The gentleman from Falmouth, Mr. Snow, has very ably articulated the issues involved. If you have looked at the amendment, if you have looked at the bill, you will see that all the bill says, what Mr. Garsoe is trying to wipe out here, is just a little statement and all it says is that "union security may be a subject for negotiation except for a closed shop." They cannot negotiate about whether or not there will be a closed shop. But the unions and the university can negotiate about the matter of union security, as Mr. Snow has mentioned, that they are talking about here is that agency fee or agency shop would be the subject of negotiation if either side wanted to negotiate.

The issue is quite simple. The union must service everyone in the bargaining unit. Those who do not join the union under an agency fee situation would have to pay a fee for that service, although they would not have to join the union. So if you are a right to worker, you should vote yes on Mr. Garsoe's motion, and if you are against that, then vote no.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I guess the past two speakers have put it pretty well in its proper perspective, but I would just like to call your attention to a section of the act that very clearly states no one shall directly or indirectly influence an individual's decision whether to participate in this process or not. If we leave this in, we are going to be saying that you can go swimming but don't go near the water. In other words, you don't have to join a union, no one can coerce you into joining a union, but whether you join a union or not, you are going to pay tribute.

I submit that the right of collective bargaining is enough of an advantage without requiring every employee to pay tribute to the union that manages to capture 51 percent of the votes. There are going to be people who are going to have high scruples against any type of union association, and if we leave this in, they are going to be caught up in the net, put into the corral and branded.

Mr. Hughes of Auburn requested a roll call vote.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope we will defeat this amendment. This is a situation where if people are being represented and they don't want to join, fine and good, but they should pay for the benefits which they will receive.

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 Durham, Mr. Tierney, that House Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bennett, Berry, P. P.; Berube, Blodgett, Boudreau, Burns, Bustin, Call, Carey, Carpenter, Carroll, Chonko, Clark, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Dow, Drigotas, Farley, Finemore, Flanagan, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Henderson, Hennessey, Hewes, Hughes, Ingegneri, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LeBlanc, Lizotte, Lovell, Lynch, MacEachern, Mahany, Maxwell, McMahon, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Peterson, T.; Pierce, Powell, Quinn, Rideout, Rolde, Saunders, Shute, Silverman, Snow, Spencer, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Wagner, Winship, The Speaker.

NAY — Ault, Bagley, Berry, G. W.; Byers, Connors, Curtis, Doak, Dudley, Durgin, Dyer, Farnham, Fenlason, Garsoe, Gray, Hall, Higgins, Hunter, Hutchings, Immonen, Jackson, Kauffman, Kelley, Lewin, Lewis, Littlefield, Lunt, Mackel, MacLeod, Martin, A.; McKernan, Morton, Perkins, S.; Perkins, T.; Peterson, P.; Raymond, Rollins, Snowe, Sprowl, Susi, Torrey, Walker.

ABSENT — Birt, Bowie, Carter, Churchill, Connolly, Cooney, Faucher, Fraser, Greenlaw, Hinds, Hobbins, Jacques, LaPointe, Laverty, Leonard, Martin, R.; McBreairty, Palmer, Post, Smith, Usher, Webber, Wilfong.

Yes, 87; No, 41; Absent, 13.
The SPEAKER: Eighty-seven having voted in the affirmative and forty-one in the negative, with thirteen being absent, the motion does prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto in concurrence.

Passed to Be Enacted

An Act Relating to the Director of the Maine Land Use Regulation Commission (S. P. 146) (L. D. 509) (H. "A" H-739, C. "A" S-259)

An Act to Further the Conservation of Vision (S. P. 169) (L. D. 556) (C. "A" S-217)

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

An Act to Clarify Standing before the Board of Environmental Protection (S. P. 352) (L. D. 1152) (S. "A" S-302 to C. "A" S-242)

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

Thereupon, Mr. McMahon of Kennebunk requested a roll call vote.

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

Mr. PERKINS: Mr. Speaker and Members of the House: Before we finally enact this bill, I would like to bring to the

attention of this body that I am not quite certain of the motives behind the inception of this bill in the first instance.

I am aware that the arguments have been made that the hearings at Pittston were much too long and that we needed something to cut those down. Until this bill came before us and until the amendment was brought to my attention at least, I certainly supported that theory. However, after reading it over, I found that what this in effect will do, in my opinion, it will so restrict participation in any hearings before the Board of Environmental Protection that we, in effect, will have destroyed most of the safeguards that we have before the environmental commission.

I spoke to some of the lobbyists about this bill and they tried to convince me of error of my ways, but I suggested to them, if they felt there was a need for this sort of legislation, why didn't they do nothing more than put in the law the fact that board hearings will be conducted by virtue of rules and regulations not inconsistent with due process of law and, ladies and gentlemen, they would have nothing to do with that, because frankly that is just exactly what we have now. Unfortunately, those conducting the hearings have not known how to handle those hearings.

It was suggested to us the other day that a zither player came to one of those hearings and sat here and sang a song. I submit to you, ladies and gentlemen, he should have been thrown out and he could have been thrown out if the hearings had been conducted properly; unfortunately, they were not, and it was not the fault of the people of the State of Maine. It wasn't the fault of those who attempted to intervene and should have been thrown out where they had no interest, it was strictly the fault of the board in its failure to conduct the hearings in the proper fashion. I find that it is, to my way of thinking, unfortunate that we are going to have, what we are doing by virtue of this bill, is placing the control for the conducting of the environmental protection hearings in the hands of a special interest group, meaning the industrial elements within our society and I am not against industry.

Again, when I heard about this initially, I felt it was a pretty good thing because we need some form of control, but as you study it and if you are honest with your selves, you will know that there is sufficient control if those hearings are conducted properly. I submit that if the men on the board don't know how to conduct a hearing, they should be in some fashion changed or eliminated. So before we enact it, I want to put on record my strong feelings that this has been a special interest matter that is going to do more harm to the people in the State of Maine than perhaps any other piece of legislation we have had this session.

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 Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would also like to go on record as being completely opposed to this bill in its present draft. I

think that if legislatures were subject to malpractice suits, this legislature would be liable on this bill. I think it is analogous to a person who has a wart on his nose who goes to the doctor and the doctor cuts off his head. It may be that we have a problem with people participating in these hearings that ought not to be participating in the manner in which they are participating, but that is a matter which can easily be handled by regulation.

If the cross examination is repetitive, the board should stop it. If somebody is playing a zither at an oil refinery hearing, the board ought to kick them out. If somebody is participating who has no real interest in the proceeding and isn't raising substantial questions but is just there for delay, the board ought to stop that, but for us to exclude a whole range of people, of citizens of this state, from participating at all from these proceedings effectively by denying them the right to cross examination, to me is to do a fundamental wrong and I think this legislature is making the most serious mistake of this session, and I would urge you to consider this vote very carefully.

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

Mr. JALBERT: Could I ask what the Committee Report was on this measure?

Thereupon, the Report was read by the Clerk.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. All in favor of this Bill, L. D. 1152, be 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.; Berube, Birt, Blodgett, Boudreau, Burns, Byers, Carey, Carpenter, Carroll, Churchill, Connors, Cote, Curran, R.; Curtis, Dam, Doak, Dow, Durgin, Farley, Faucher, Flanagan, Fraser, Garsoe, Gauthier, Gould, Gray, Hall, Hinds, Hunter, Hutchings, Immonen, Jacques, Jalbert, Joyce, Kelleher, Kelley, Laffin, LeBlanc, Lewis, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mahany, Maxwell, McBreairty, Miskavage, Morton, Nadeau, Najarian, Norris, Pearson, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Quinn, Raymond, Rideout, Rollins, Sprowl, Susi, Teague, Theriault, Torrey, Tozier, Truman, Walker, Webber.

NAY — Albert, Bachrach, Bagley, Bennett, Berry, P. P.; Bustin, Call, Chonko, Clark, Cox, Curran, P.; Davies, DeVane, Drigotas, Dudley, Dyer, Fenlason, Finemore, Goodwin, H.; Goodwin, K.; Henderson, Hennessey, Hewes, Higgins, Hughes, Ingengeri, Jackson, Jensen, Kany, Kauffman, Kennedy, Lewin, Littlefield, Mackel, MacLeod, Martin, A.; McKernan, McMahan, Mills, Mitchell, Morin, Mulkern, Peakes, Perkins, S.; Post, Rolde, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Strout, Stubbs, Talbot, Tarr, Tierney, Twitchell, Tyndale, Wagner, Winship, The Speaker.

ABSENT — Bowie, Carter, Connolly, Cooney, Farnham, Greenlaw, Hobbins, LaPointe, Laverty, Leonard, Martin, R.; Palmer, Powell, Smith, Usher, Wilfong.

Yes, 73; No, 62; Absent, 16.

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

Signed by the Speaker and sent to the Senate.

The SPEAKER: The Chair recognizes

the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you will all vote against me.

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: I would urge that you reconsider your vote on this one particular bill and I will give you an analogous situation a bill that we passed this session regarding intervenors and PUC hearings, it has been enacted into law and signed by the Governor. There seems to be a wily Senator over in the other body who I respect very much, who participated without an attorney in the PUC hearing on the coast of Maine regarding a railroad track being discontinued. He did not have an attorney; he was just a member of the public who participated. The PUC hearing was adverse to his liking; he tried to appeal and they said "no, you were not a party, you are not adequately represented, you did not adequately intervene". But lo and behold, came rolling through this session of the legislature an amendment which would allow any number of citizens who had participated in a PUC hearing to appeal if he was adversely affected by the decision. That seems to me totally inconsistent, that you allow any member of the public who feels that he has been adversely affected to appeal a PUC hearing and yet when it comes to environmental matters, the same logic ought to prevail and yet this bill has been railroaded through both Houses of the legislature by a very heavy lobby.

I just ask you, you are disenfranchising many citizens of this state who want to participate in these kinds of hearings and if it is good for PUC hearings, it is good for the Department of Environmental Protection. I urge you to reconsider your vote.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, urge you to reconsider. The other day we had a lengthy debate on this bill over an amendment that was originally put on in the House by my good friend from Bar Harbor, Mr. MacLeod, and my basic instinct toward this bill was to be against it in the beginning, but when the motion was made to indefinitely postpone the bill, I went against that because I supported the amendment which Mr. MacLeod put on, I felt it was a very good compromise. However, the other body saw fit not to go along with that compromise and inserted an amendment of their own, an amendment that I might add was extremely heavily lobbied by the industrial lobby and that is why I am going against the bill today, because I felt that I could have supported it with Mr. MacLeod's amendment on it because that made it a reasonable compromise, but today it is going too far to the other side and I hope you will reconsider.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I have refrained from speaking on this issue, but I have very strong feelings about this bill. I am not an environmentalist by nature. Some of you might remember in the 106th Legislature I worked very hard to get a bill through this legislature pertaining to the

Maine Port Authority and bringing a cargo port into Portland which would have been tied up with the NECO project to bring an oil refinery into Sanford. I was basically in favor of that project.

But I am concerned about this bill. I feel that in looking this over, this can do nothing but disenfranchise a lot of people from having a say about their environment and about what is coming into the state and I wish you would reconsider, I really do. This isn't a question of whether you are for the environment or against the environment. It is the right of people to have a say in what is going on at the state level and it seems to me that this amendment just doesn't do the job, or this bill, so I hope you indefinitely postpone this bill.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against reconsideration this morning. I know some of you are going under a little bit of pressure right now, but I would urge you to stick with your vote.

We have discussed this bill three times in this House, it was a good bill three or four days ago and it is still a good bill. Now if you want to endanger our environmental laws, you vote to reconsider this bill, and I guarantee you that in two years we won't have any environmental laws because the people out there are sick and tired of some of the stuff that is going on. Two and one-half years with Pittston, two days after they get their okay, there are three more people filing appeals for another six months; NECO refinery in Saco, I was there at the hearings, it is a joke. If you want to endanger our environmental laws in this state, you vote to reconsider and you will find out what is going to happen.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I can assure you that I speak with some authority as to the remarks of the gentleman from South Windham, Mr. Peterson, as an officer of the Maine Central Railroad that was involved in the appeal that was put on the closing of the Cherryfield Station, and the good gentleman from the unmentionable House who appealed certainly did it through an attorney and that was just told to me five minutes ago, to reassure myself, by the Chief Counsel of the Maine Central Railroad, and a good attorney, if there are good attorneys and I am sure there are.

This bill here, as the gentleman from Biddeford, Mr. Farley has stated, has been hashed and reshaped. It seems strange that the gentleman from South Portland, Mr. Perkins, would say that this bill would be for special interests in industry, yet he is not against industry.

Now, it was only yesterday that he made the comment that we had debated and discussed at length the criminal code and that we were at enactment stage, and I went along with this philosophy and I would think we debated this thing three times and after the correction I just made about the failure of an attorney appearing, when an attorney is still being retained on the matter concerning the railroad junction, I should think we could go along with this bill and not move to reconsider.

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

Mr. PERKINS: Mr. Speaker and Members of the House: The good

gentleman from Lewiston, Mr. Jalbert, pointed out that I was not against industry but indicated that this was a special interest matter and suggested that I was favorable to one side, the environmentalist side. Frankly, I am in favor of fair play, only fair play, and perhaps it is a matter of legal training that I find that under the present system whereby an individual has a right to present himself in any matter in which he has a particular interest and be ruled upon as to whether or not it is or is not germane, whether or not he can have and hold a standing before that body, is strictly a matter of fair play. And the question in regard to the hearings that have been conducted and the question and the statement that it was a joke, yes, a joke because the people running them didn't know how to run them, and it is only that, nothing more. And I say again, if the people running those hearings don't know to run a hearing or hold a hearing, then we should get rid of them, but we shouldn't change the law in respect to fair play. Justice is just as important before any board in this state as it is in the courts of the State of Maine. Everything, if it is conducted fairly, then justice will prevail, and if I have an interest I should be allowed to go in; if I do not have an interest, the man sitting there ruling on it should knock me out, knock me right out on my tail and that is what bothers me about this legislation, what they are attempting to do, what is attempting to be done is to eliminate straight old fair play.

I understand fully the dissatisfaction and the problem that every one of us has in respect to those hearings in wanting them to be conducted faster, not delay for delay's sake but to merely have it understood exactly what is before us and have a proper ruling. In any event, I think we don't need this legislation just for that purpose and I would hope that in an effort to make sure that fair play does prevail, that we do not enact this legislation.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am not going to get into a hassle with the gentleman from South Portland, Mr. Perkins, nor am I going to get into a hassle with my good friend from South Windham, Mr. Peterson, but I think frankly that we have had fair play when a bill has come out of the committee 10-3 "Ought to Pass" and we debated it three times and I have patiently sat here and listened to the good arguments that have been brought forth on three occasions back and forth. I can assure you of one thing, that some of us here ought to correct fair play, because the way things were rammed down our throats in a one-day session a few years ago was absolutely murder one, and the gentleman from South Portland, Mr. Perkins, even though he was not a member of that session, knows that is so.

Secondly, speaking of fair play, I have been here 30 years and I have never enjoyed the luxury of shifting my vote, after a vote was taken, to get up and then speak the other way. I have never done that. That is a gimmick I have never enjoyed.

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

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: I believe you are at the 11th hour. I think you have your last chance to kill a bill which is going to create a tremendous injustice. This bill

would disenfranchise thousands of people. Something was said here about the pro-industry or anti-industry. As it now stands, this bill does not take into consideration people, just ordinary people. You are being played upon in a prejudicial manner. You are being reminded of some unsavory characters as they have been described who have delayed hearings and been obstructionists, but this is a minor thing. Just because a handful of people have made a mockery of some hearings, does not mean to say that in the future, thousands of people who might have a legitimate interest about what is happening in any part of this state, they have the right, even if they are not substantially directly affected, to express their views as to how potentially this could work out.

I would remind you, if hearings are slow, something that I learned in the area of prosecution, and that is the mills of justice grind slowly, but they grind exceedingly fine. Let the hearings proceed in a slow, deliberate fashion but let them come to a just decision, not a decision that is hastily arrived at and then you have centuries to regret it. I urge you to reconsider this bill.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: Throughout this session, I have been, by some of my more liberal Democratic friends in this House, called anti-environmentalist and everything else. I would refer to you that two members in this body that were my seat mates in the 106th, the gentleman from Kennebunk, Mr. MacMahon, the gentleman in the corner, Mr. Rolde. The environmental laws that are on those books today that were put on in the 106th came hard and tough and there was a lot of arm-twisting and nose setting just like there is this morning and I can assure this House that I was part of that arm twisting. Those votes came grudgingly, we paid I.O.U.'s off for three months here on some of those bills.

A former representative from Biddeford, Mr. Sheltra, had a bill in here in the special session dealing with the economic impact of D.C.I., the Commissioner down here wanted that put in. I assure you that bill would have had a pretty good chance to pass in here in the special session. I talked day and night, the gentlemen from York and the gentleman from Kennebunk know that, not to put that bill in, so he didn't put it in. So I don't want to hear any of these people say I am not an environmentalist, but if we are going to have a good environment here in the State of Maine, we are going to have some protection, then I would urge you not to reconsider.

I know by now we've talked 20 minutes. I know what the board is going to say, I am no dummy, but I would ask you to stick by your word like you have the last three times we have voted in this House, don't buckle under the pressure or we will lose every environmental law we have.

The SPEAKER: The Chair would caution the gentleman from Biddeford and members of the House, unless they have proof that someone has been offered something for a vote and that arm twisting has actually occurred, that the members are directed not to make any reference whatsoever to any comment related thereto.

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

Mr. SILVERMAN: Mr. Speaker, just a

point of information, in his previous speech, he mentioned I.O.U.'s I think if they are going to say I.O.U.'s, they had better spell out who as putting the I.O.U.'s on who.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen: I will try to be brief this morning. Several weeks ago, I went to the public hearing on this bill, it was late in the afternoon, pretty much of an empty hearing room. A few members of the committee were there but certainly not many, and the point I want to make, at that hearing everyone there agreed that there was a problem in the structure of the present hearings. That was one thing that was agreed by all of the people there, all of the people who testified, both the environmentalists, both the folks for strict environmental legislation and those that might be opposed to it, and their agreement was unanimous that there was a problem, that the only way you could do anything with the mass of people that were appearing at these hearings and actually clouding the issue and prolonging them have a right to do under the present law, whether they have any interest at all or not, whether they want to play a zither or not. This was a unanimous agreement by all of the people that testified.

I'm sure that the committee spent many agonizing hours trying to come out with a bill and they, of course, couldn't all agree, so they came out with a divided report. The majority report was for this piece of legislation which, according to everyone, is sorely needed, there is no question about that if we're going to have apparently any industry coming into the State of Maine.

Now the legislation came along and it was amended here in the House, which is the old game and I don't have to explain any more how you go about killing a piece of legislation, you start to weaken it with amendments, one here and one there and then it's gone, but that was unsuccessful, so now the true intent of the good people that were against this legislation from the very beginning is before us this morning, that they would like to kill it.

I simply go back to the fact that everyone there agreed that something should be done, that there was problem. Now, this is a compromise that was brought out and I hope, for the future of the State of Maine, for the future of the taxpayers and the future of industry in the State of Maine, that you will vote against the reconsideration of this bill this morning.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind you that this does not exclude intervenors; they can still submit questions to the chairman.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I believe in justice and fair play but please, don't create an injustice to the majority of the people in my town that want an oil refinery.

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

Mrs. KANY: Mr. Speaker and Members of the House: After we did this debate the other day, I did go down to the Attorney General's office and did pose that question, which was the real question and not some far out theoretical one, in which if

the appointed boards the DEP did decide to turn down the oil refinery in Sanford, which the people of Sanford voted saying that they would like to have, could the citizens of Sanford appeal this decision? The Attorney General's office could not give me any answer, and that was with both either the House Amendment or the Senate Amendment attached, so it is very unclear if the citizens of a community, even though they definitely want a particular industry, if they would have the right to appeal a decision.

I am sure that some people, not too many, but a few in here may be reacting to some of the environmental obstructions and I just would hope that you all will consider what it would be like if some of the decisions by the DEP had a different look about them and if you would still want to have the appeal rights and the citizen participation so limited.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: In trying to respond to Mrs. Kany, unless I am wrong, in the first section of the bill municipal officers can appeal, can they not? So I imagine that citizens could go to their municipal officers and have them appeal for them.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I think as the gentleman from Brewer, Mr. Norris said, everyone realizes that there has been a problem in the past with intervenors at hearings, and I agree with him that everyone does think there is a problem. The question is the solution. I think the people who are now opposing enactment of this bill, in good faith tried to come up with a solution to that problem, and that was the amendment offered by the gentleman from Bar Harbor, Mr. MacLeod, which would have allowed those people who had a substantial interest to intervene. Well, that was not an attempt to kill the bill, it was a good faith attempt to find some kind of a middle ground that would, in fact, cure the problem but would allow those people who had a substantial interest in the outcome to serve as intervenors.

Now that we have backed off from that action and Mr. MacLeod's amendment is no longer on the bill, the question becomes, what is the solution now? To do that you have to look at the degree of the problem. We all agree that there is a problem but the question becomes, how do you solve it? Is the problem so great that we have to pass a piece of legislation like this or is the problem of the magnitude that it can be corrected administratively within the DEP as the gentleman from South Portland, Mr. Perkins, has suggested. I would say that the gentleman from South Portland is correct, that there is no need to allow the degree of intervention that has been allowed in these hearings, statutorily it is not required and the DEP can restrict the intervention.

Although most of us who oppose this present bill would have been willing to go along with substantial interest, the criteria for intervention because we felt that would be a good middle ground to satisfy both the needs of the public to intervene and also would not hinder the hearing. I think that the solution is now being proposed with a different wording, is inadequate and this bill should not be passed. I think that we should let the DEP, they know from this debate that has gone on that we ought to

approve of allowing them to drag out the hearing and they ought to be stricter in allowing different people to intervene.

I think that we should reconsider our action so that we can defeat this bill. I would also ask for a roll call.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a couple of comments about the Sanford Oil Refinery project that has been mentioned here this morning. This is a project that the Gibbs Oil Company in the form of the NECO Company, worked on for some three years in preparing their application before they even came to a public hearing.

There was a group that formed in York County that lived in outlying towns that was opposed to this. The fact that the Sanford project has run into trouble has nothing to do with the intervenors who appeared at the hearing. It is simply the fact that the NECO Company ran into financial difficulties. They lost their chief financial backer, the Burma Oil Company, and that is why the project is now in abeyance, it has nothing to do with the foil group that formed to intervene against this but it is a very easy temptation for industrialists to use environmentalists as whipping boys. I am afraid that is what is being done in this instance.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: First I would like to make one comment. I have nothing but profound respect for my floor leader, but when he gets himself, and I have fond respect for the assistant floor leader of the minority party, but when they get themselves involved in private legislation I wish they would kind of get into the habit of doing what I used to do a few moons ago when I was floor leader, I am speaking for myself. Now, sir, if he is speaking for the party, say so, if you are speaking for yourself, get up and say so. Now, let's get that argument, at least, settled.

You know the sudden environmentalists or the champions are coming out of the woodwork here like there is a lack of cans and bottles on the road from Lewiston to Augusta, we didn't see one this morning. I don't know what is going on all at once. We have debated this thing three times, and we passed again this morning and now everyone is up on the reconsideration of it. I just thought I would get up to suggest that probably with things getting hot the next two weeks, when we speak for the party, let's say so. When we speak for ourselves, let's say so. I am going to get up and ask a question, as a matter of fact, I am going to rise on the point of order and justifiably so.

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 Rangeley, Mr. Doak.

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: I will not debate this issue any further. I just want to make it clear where I stood and where I still stand. I stand in the same position that I took on this bill recently in committee, I stand in the same position that I did when I debated it on the floor of this House, and I

still like the bill as it is and I hope that it is going to do what I would like to have it do and that is change the image of this state from a pure environmentalist deal to somewhere where we may be able to say to industry, welcome.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: If Mr. LaPointe were here he would be voting for reconsideration and I would be voting against reconsideration, so I ask to pair with the gentleman.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, wishes to pair with the gentleman from Portland, Mr. LaPointe, if the gentleman from Portland Mr. LaPointe were present he would be voting yea, and if the gentleman from Bangor, Mr. Kelleher, were voting, he would be voting nay.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, before we take the vote, I would just hope we would consider something besides environment here; and that is the question of whether we should streamline government and continue to streamline it so that our civil liberties are being swept under the rug. I am very concerned about that. Representative Democracy has a very hard time surviving in industrialized society. Industrialized society is normally in favor of streamlining, making things more efficient. If we needed efficiency, we shouldn't need legislative bodies, we wouldn't need boards and commissions, we could have one gentleman or three gentleladies as a tribunal and they could make the decisions and it would be very streamline and we wouldn't have to worry about intervenors or obstructionists, if you would, getting in the way. I think the representative Democracy was made in such a fashion that we would get to the facts. It might take a little while but we would get to the facts and I think that is important.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: A great deal has been said this morning about parties, and a great deal has been said about intervenors but very few people have mentioned paragraph three in this amendment which is the bill against the public. I get disturbed when they talk about disenfranchising the public, because the public has status before these hearings and it says very simply that any person other than a party or intervenor shall have the right to provide written or oral testimony to the boards and ask written questions under the conditions set forth in subsection two but may not appeal. The public does have a voice, your people are not disenfranchised by this bill.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I just feel I have to respond to the gentleman from Lewiston. I will say to all those Republicans who were in the caucus this morning, they know this is not a party issue but I obviously would just as soon have support from anyone who would like to vote on our side.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: When I spoke on this issue a few days ago one of my concerns was that fishermen might not be able under the present language in this bill, be able to participate in the hearings as a party. Irregardless of what my friend, Mr. Morton said, I think that when we read the bill that we all know that the only way people can have any meaningful participation, which means to not only write out the question but to be able to ask the question again or perhaps rephrase it a different way when that legal lawyer from New York speaks for ten minutes without actually ever answering it, is by becoming a party.

I spoke very briefly with the Attorney General's Office this morning, and although there wasn't time to get a written opinion, there was very serious question under this definition whether fishermen in the general area would, in fact, be able to participate in hearings. I think it is unfortunate that what some people are trying to do with this whole question is say it is a question of industry or economy or jobs versus long haired environmentalists. I think there has been a deliberate attempt to phrase the question and the argument that way and it is unfortunate because we are, at times, talking about one kind of job versus another kind of job, and that sometimes is the issue. That is why I think that these people who have other kinds of jobs that may be fishing, it is my understanding in the Sanford area there is another company which is, in fact, wishing to oppose the Sanford Oil Refinery because of damage which may be done by some of the air polluting. That is one industry versus another but nobody wants to talk about that when we are talking about, who should have a right to intervene at hearings. It is my feeling that under this bill that there are going to be people, either other kinds of industry or fishermen who, in fact, will not be able to play any meaningful role in the hearing.

I would like to respond to Mr. Norris's comments about at the public hearing that everybody agreed that there were problems in the structure of the hearing, that something had to be done. Perhaps Mr. Norris is not aware of the fact that the DEP has, in fact, been holding hearings all across the state in the past month trying to get peoples recommendations on how the hearing process might, in fact, be speeded along and how they could make the whole thing work better while, at the same time, giving everybody a chance to participate. It is my understanding that they will be, in fact, implementing many of the recommendations that were made at that hearing. So, the legislation, in fact, is not necessary since the board itself is going to take steps to solve the very kind of problem of these hearings dragging on forever that we have been talking about today.

The last thing that I would like to speak on is, I am not sure if those of you who have the engrossed copy but so far the debate is centered around one issue which is a party and who is going to be an intervenor. In section 4, there is a paragraph and it ends with the petitioners participation at the hearing shall be limited to such contention. What it says, in fact, is that three days before the hearing even begins, before people even know the project involved, if they want to intervene, they have to tell what their contentions are and once they have told what those contentions are, even though the hearings may go on for six

months, they can't talk about anything else, even though they may find, after that hearing has begun, and this goes for parties and everyone, that there are going to be some aspects of it which may be very detrimental either to that plant in Sanford or the fishermen themselves which they hadn't known what was going to happen before, with this project, and even then, though they may be a party, they are not even going to be able to discuss that particular issue, because they would be in a very unusual situation of having to tell what their contentions are three days before the hearing even begins. I think there are two very serious concerns in this bill and I ask you to vote yes on reconsideration.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I did not intend to speak on this bill, but since the good Representative from Owis Head, Mrs. Post, said that these people should have a right to ask the question themselves or rephrase the question in reply to that lawyer from New York, Meaning and taking it as she meant that the industrial complex brought in a lot of out-of-state lawyers in their hearings, I would like to say, today, that in my going to some of these hearings, I have not seen, actually, what I call Maine people really there as intervenors. The most of these people have been out-of-state people that have come into the State of Maine, to keep the State of Maine, they would like to have a Garden of Eden with no industry and no jobs. I think the people that lived in the State of Maine or have lived here most of their lives or have been here are tired of this situation. They would like to see the State of Maine have the reputation of at least wanting some industry in the state. I think the time has come that we have got to look at the picture and we have to look at it realistically, that we can not have a Garden of Eden and still have the programs that we want to pass here in the legislature. The only way that can be done is through taxes and the only way that taxes can be generated is by industry and by jobs. So, I would hope today that you did not vote for the motion of reconsideration.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to in response to the remarks from the gentleman from Lewiston disclaim that I was speaking in any party position. I should have stated first that I am speaking as an individual legislator from York.

I would just like to make one final point. We have talked a lot about these hearings that have dragged on and on and on, but there have been some hearings and some investigations held by the Board of Environmental Protection that have gone very smoothly. I think one of the smoothest was the one that approved the new Scott Paper Plant in the district of the gentleman from Skowhegan.

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

Mr. MACLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I do not wish to delay this vote but I do feel that I would like to extend on my behalf to the members of the House that have supported the amendment that I offered last week.

We have reached a cross road, I feel, in the State of Maine, we have written some very, very meaningful environmental

legislation. I would like to see some of it gone over to see whether the strength of it is really necessary, but I would like to see that protected, that we need. I certainly did not feel that this was going to carry into the ball game that it has to this point. How the difference in two small words effective and interest can be such a hassle is beyond me. However I do feel concern for the amendment which I know we have passed with a good margin in this House and then it was reversed. I will take my licking, as they say, any day of the week. However, I do think that once in a while that several people try to cloud these issues very much. My good friend from Brewer who I respect tremendously, he is a great legislator but he has a very acute sense of timing to come on at a time and cloud up little issues sometimes by amending to death and this sort of thing.

Now, you and I have sat in our chairs right here and seen amendments after amendments come on bills and I will just give one example, the school funding bill which went from A to F and probably would have gone to A to Z if someone could have thought up another town or another piece of money that should have gone somewhere. So this morning, folks I am just not going to make a last ditch stand. You in your own conscience, I think the gentleman from Lewiston, brings this up quite occasionally that each of us in his own right has his own conscience to deal with. There is a difference in terminology, I just don't happen to agree with the terminology that is being used now.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the house: We passed this bill each time and I certainly hope, at this time, you do not reconsider, leave it the way it is.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I feel I must respond to the gentleman down in the right hand corner, Representative Rolde, when he mentioned Skowhegan and the ease that the application went through. This is true that the application did go through with relative ease, but it is also true and we know it here, every one of us, that the paper industry is one of the biggest industries in the State of Maine and had that application not gone through, there would have been almost an immediate loss of 1,200 jobs in the Somerset-Kennebec County area, that in the paper industry itself, that is not counting the allied jobs of wood cutting and the mechanics works and like that. This could have run maybe five to six thousand jobs. The other thing was that Scott Paper better look backwards. They wrote every safeguard into that project that could be written in, they agreed to about everything that the environmentalists wanted, and by doing so, the Natural Resource Council backed the application.

Another thing, when the hearings were held they were held in the town of Hinckley, it is a small town, really is officially a part of Fairfield but it was in the town of Hinckley and speaking for my county, not my town, but my County of Somerset, and that part of Kennebec that borders on Somerset, the majority, the vast majority of people wanted that plant in that area. So, it would have done little good for the intervenors to appear anyway. Most probably coming from a rural county where the people sometimes get hot headed like the Representative from

Skowhegan, we might have done away with those people and kicked them right out of the country entirely and then we could have gone along even faster with the application.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, just to answer my good friend from Bar Harbor, Representative MacLeod, and he is a good friend of mine, I submit that what he says is absolutely true on the school funding bill, the amendments were attuned to kill it, that is what they were trying to do was to kill the school bill just the same as the amendments on this bill were along those lines to kill the bill, you were unsuccessful, the people were with the school bill, I certainly hope that they will be unsuccessful with this bill.

I would answer very briefly to my good friend, Mrs. Post, that the Board of Environmental Protection was present at the public hearing and they were not opposed to this legislation.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Skowhegan, Representative Dam, has just given you an excellent reason why we should keep the law as it is. It does work when you have a responsible industry.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bloddeford, Mr. Farley, that the House reconsider its action whereby Bill, "An Act to Clarify Standing before the Board of Environmental Protection" House Paper 352, L. D. 1152 was passed to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bagley, Bennett, Berry, P. P.; Blodgett, Bustin, Call, Carpenter, Carroll, Chonko, Clark, Connolly, Cox, Curran, P.; Davies, DeVane, Drigotas, Dyer, Finemore, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hughes, Ingegneri, Jackson, Jensen, Kany, Kennedy, LeBlanc, Lewis, MacLeod, Mahany, McKernan, McMahan, Mitchell, Mulhern, Najarian, Peakes, Pearson, Perkins, S.; Peterson, T.; Post, Powell, Rolde, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Stubbs, Talbot, Tierney, Tyndale, Wagner, Wilfong, The Speaker.

NAY — Ault, Berry, G. W.; Berube, Birt, Boudreau, Burns, Byers, Carey, Carter, Churchill, Connors, Cote, Curran, R.; Curtis, Dam, Doak, Dow, Dudley, Durgin, Farley, Farnham, Faucher, Fenlason, Flanagan, Fraser, Garsoe, Gauthier, Gould, Hall, Hinds, Hunter, Hutchings, Immonen, Jacques, Jalbert, Joyce, Kauffman, Kelley, Laffin, Leonard, Lewin, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Martin, A.; Maxwell, McBreairty, Mills, Miskavage, Morin, Morton, Nadeau, Norris, Pelosi, Perkins, T.; Peterson, P.; Pierce, Quinn, Raymond, Rideout, Rollins, Sprowl, Strout, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Walker, Webber, Winship.

ABSENT — Albert, Bowie, Cooney, Laverty, Mackel, Martin, R.; Palmer, Smith, Usher.

PAIRED — Kelleher, LaPointe.

Yes, 63; No, 77; Absent, 9; Paired, 2.

The SPEAKER: Sixty-three having

voted in the affirmative, seventy-seven in the negative, nine being absent and two having paired, the motion does not prevail. Sent to the Senate.

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

The following Communionation:

The Senate of Maine
Augusta

June 16, 1975

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

Dear Mr. Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Abolish the Defense of Sovereign Immunity in Certain Situations" (H. P. 1297) (L. D. 1568)

Senators:

BERRY of Cumberland
PRAY of Penobscot
MERRILL of Cumberland

The President also appointed the following members of the Senate to the Committee of Conference on Bill, "An Act Amending Laws Relating to Hospitalization of the Mentally Ill" (S. P. 368) (L. D. 1204):

Senators:

COLLINS of Knox
HICHENS of York
BERRY of Androscoggin

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communionation:

The Senate of Maine
Augusta

June 16, 1975

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

Dear Mr. Pert:

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act Relating to the Dredging, Filling or otherwise Altering Coastal Wetlands" (H. P. 590) (L. D. 730).

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communionation:

The Senate of Maine
Augusta, Maine 04330

June 16, 1975

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

Dear Mr. Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Establish Job Development, Placement and Follow-up Services in Secondary Schools" (S. P. 476) (L. D. 1609):

Senators:

THOMAS of Kennebec
WYMAN of Washington
REEVES of Kennebec

Respectfully,

Signed:

HARRY N. STARBRANCH

Secretary of the Senate
The Communication was read and ordered placed on file.

Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act Appropriating Funds for Emergency Repair of the Dam at Annabessacook Lake in Kennebec County" (Emergency) (S. P. 553) (L. D. 1922)

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

Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act Relating to Credit Unions" (S. P. 114) (L. D. 379)

Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act Exempting Residential Uses of Water, Gas and Electricity from the Sales Tax" (S. P. 478) (L. D. 1611)

Came from the Senate with the Reports read and accepted. In the House, the Reports were read and accepted in concurrence.

Bill "An Act to Increase the Maximum Penalty for Shoplifting and Provide for the Detainment of Persons Suspected of Shoplifting" (S. P. 452) (L. D. 1511) which was indefinitely postponed in the House on June 12.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-292) as amended by Senate Amendment "A" (S-320) thereto in non-concurrence.

In the House:

Mr. Gauthier of Sanford moved the House recede and concur with the Senate.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the motion on the floor now and urge that we adhere.

The SPEAKER: The Gentlemen may proceed on the motion to recede and concur and if that is defeated, then he can make the motion to adhere.

The Chair recognizes the same gentleman.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: We all want to go home, we have to do what is right today. This bill is dead, it has been killed twice. I urge you to oppose the motion that we concur and later vote to adhere and this bill will never again come back. It is an insult to have this bill back. Everyone wants to go home, let's stop playing games and go home. I urge you to vote against the recede and concur.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: The same arguments that were put forth here the other day on this bill still prevailed, the Senate did nothing with it except set a time limit on the amount of time anyone could be delayed. In my mind, this bill is unconstitutional. It gives an individual who is not trained as a police officer authority to make a technical arrest. An arrest is nothing more than the taking away of the freedom of the person and you are certainly taking away that persons freedom when you detain them on suspicion that they have committed a misdemeanor. Anybody that knows anything about the law or law enforcement knows that not even a police officer can detain anybody on suspicion of committing

a misdemeanor without a warrant. This gives that authority to an individual who is not trained. I can't understand with the attorneys that we have in this Body that they aren't up here on their feet arguing against this bill. It is a terrible bill. I urge you to vote against the bill.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope we will recede and concur. It has put a time limit on this but I think the most important thing that the members of this House are forgetting is that this will help the people who are trying to make a living.

I am going to tell you a little incident that happened yesterday while I was here in the legislature. At my store yesterday, a person came in and of course, this happened because the girl is new and she doesn't know the in's and out's of these professionals. She wanted five lottery tickets, then she turned around and said would you make me two sandwiches? While she was making the sandwiches, he ran off with my five dollars. That is an example of how they operate. I am out five dollars, I have got to make that up, the State of Maine will not take the loss, any merchandise that is stolen, nobody takes the loss, but the people. I say that this is a good bill, I say this is for the people who are trying to make a decent living for the big department stores and they deserve the consideration of this legislature.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I would explain what the bill does now in its amended form. The Senate made more than just the one change, they made two. The bill that is before us now limits the detention to one half hour, it also limits the person who can detain to the storeowner, manager or supervisor, so they have made those two changes. It still, of course, provides that that detention only be for limited purposes and that those limited purposes be to require the person being to identify himself to verify such identification and to inform a law enforcement officer of the detention and to surrender that person to the officer.

I would submit that for the average kid, that we are worried about in this House, and I certainly am too, they are probably not aware of the present law which does not allow a storeowner to detain, and if the store came up to the average teenage kid going out the door and said, wait a minute, I think you have stolen some property and I am calling the police, the average kid is going to wait because he simply doesn't know better. It is the professional shoplifter that knows the law, that knows that store has no power to stop him and knows if he can keep walking, he is clear. This bill is meant to deal with that problem, provides now that only the store manager or supervisor can do the detention, provides for detention only so that a policeman can be called, no search can be conducted by the storeowner. I think it is a good bill in its present form and I urge its passage.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: The other day when this bill was before us I didn't think it was a very good bill, but, as amended, I think it is a very good bill and is necessary. I hope we pass it. For those of

you who still have your doubts it could be further amended and let me tell you how it could be further amended. It could be further amended to say that any store that will detain you could post on their cash register "any suspected shoplifter would be held in this store" and the bill could be amended that this law would only affect the stores that did have this sign up. Then the people that didn't want to shop at this type of store would't have to because the sign would be displayed. It would say this "anyone suspected of shoplifting will be held in this store for five minutes" or whatever the law says and this might make you feel a little better. There is a need for this bill and in its present form, as amended from the Senate, I would support it and hope you will.

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

Mr. CONNOLLY: Mr. Speaker, I would like to pose a question to the gentleman from Auburn, Mr. Hughes. If I were in a store and the manager came to me and detained me on suspicion that I had stolen something and then the police came and it was found that I, in fact, had not stolen anything, would I have any rights under the law to sue the store for false detention.

The SPEAKER: The gentleman from Portland, Mr. Connolly, has posed a question through the Chair to the gentleman from Auburn, Mr. Hughes, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. HUGHES: Mr. Speaker with the caveat that I am not an attorney, I will try to answer that question. If the store owner had no probable cause to hold you, then you would have a civil right for a suit for damages, no matter whether or not he had probable cause to believe you had stolen something.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to rehash this in detail. I think what Representative Cooney said should make us think. What does the law say? I explained the other day about the criminal law revolution where the Supreme Court of the United States looked at the textbooks used by the police and said they were a no-no. You could not follow the procedures outlined in our texts, and for the next fifteen years, the posture the court very clearly instructed the police. They took great pains to point out what you could not do what the textbook told you could.

Many cases, and the lawyers here, they will smile when I tell you of one of them, the Landmark Case of the United State Supreme Court in 1963 and this is the Wong-sun case, a very important case in criminal law, very important case when you talk about shoplifters. Sure the attorneys will glow when I tell them of that morning in Toi's Laundry, when Toi said, when the police came in to arrest him, "oh, no, no, it is not me, it Yhe, so the police said, whee, and ran out to Yhe and when they got to Yhe, he said, oh no, it wasn't me, it was Toi and then Toi went back and said, let's try Wong-Sun, it was Wong-Sun," but you know, it went on this way like a ping pong game until it got to Justice Brennan of the Supreme Court and he says, no, no, it is a lot of hooley, and he let Yhe, Toi and Wong-Sun all go, this is a landmark case, you can't do it this way.

The person that walks down that aisle and reaches up and takes a can of Right Guard, walks down three aisles, turns

around and there is that display that I told you about. Arrid Extra Dry, they decide they want that because it is a bargain one, they see it on television. But when they took that Right Guard off the table, the store supervisor or the supervisor at the popcorn counter see that Right Guard come off the table. After you get down to the Arrid, you picked that up and you set it in your carriage, you look around because you feel guilty and you are not doing wrong, and you want to slip that Right Guard back and you slip it in there with the razor blades. You go around the bend and get up to the checkout counter. That supervisor sees you and you don't put the Right Guard on the counter, and all this magic that they tell you here, this is probable cause, probable cause to detain you, a person untrained will stop you.

There is an easy way to put a shoplifting law on the books, this isn't the vehicle. How are they going to do when they see these people that they feel may have probable cause to detain for a policeman? How are they going to do it? Are they going up to them and pull out the card and say, you have an absolute right to remain silent, are they going to give them that Miranda warning? Are they going to post that up on the register, who sees signs? In the Miranda Case, the court very explicitly said, you have got to read this and, furthermore, you have got to put yourself in the position of not only reading it but to go under oath and testify that this person actually understood every word that you told them.

In Miranda and many of these cases during the criminal law revolution, the court, many times, spoke of shadows. They said these rights are not yours when you are being put in a cell and not only yours in a police station or the gate house, as they referred to it, but your rights extended out into the shadows. When the first indication is there, being on the verge of being arrested, even before you are a real down to earth suspect, you have these rights. Yes, Wong-Sun, the Supreme Court of this United States, brought back the fruits of the poisonous tree; if you don't do it the way we tell you, it is the fruit from the poisonous tree and then the cases followed the exclusionary rule, you can't use this stuff. These people have these rights. This bill here, they keep sending it down the hall, I thought they were going to call a Taxidermist in. They have stuffed this thing about four or five times that I know of. Many of these doctrines, they tried to pull into this thing another doctrine of the Supreme Court, the Smoking Gun Doctrine. You push the door in after you hear the shot and there is a corpse on the floor and the man is holding the gun, it is still smoking. Try to apply this one to the shoplifter. Persons have a right to pursue happiness; there are other vehicles. This shoplifting thing should have been in the Maine Criminal Code. It should have been there or on a citizens arrest type thing. If there is ever a gray area in the Maine law, that is where it is.

It kind of bothers me when I find people that appear to me that they are trying to bend the Constitution. I have lost many cases and I would feel good if ten people who committed a crime walked free rather than for me to place one of those people in jail wrongly.

You have all kinds of problems with this. The policeman is going to come in and you know what it will turn out to be, just like arresting drunks. They changed the law on that. The Supreme Court warned us to do something about it. It has gotten to the

point where you call the police station, say there is a drink on my front lawn, and the policeman would tell you, well, you found him and if in three days if nobody claims him, you can have him. That is what they are going to start telling you on some bill like this.

I urge you to vote against the recede and concur motion so we can get to the business because, really, everybody wants to go home.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would rise to support the position taken by Mr. Joyce and would just like to observe, after his speech, that I think he is even a better law professor than he is a mother.

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

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: I would rise to say that if the gentleman from Portland's comments were placed at which he was most succinct was the matter of rights. That is under discussion here is the ability of a proprietor to protect their rights. The role of law in a free society is to establish the equation between the public interest and private rights and this is what we are talking about.

The person who owns property or the person who is charged with property has not only a right but an obligation to protect that property.

This bill will work no hardship on the owners. It will work no hardship, as Mr. Hughes stated, on the average youngster, it will work a hardship on professional thieves, and despite the rhetoric and despite dragging in the Miranda Case and dragging in a number of things which are not applicable, I ask you to pay attention to that definition, that the role of law is to establish the equation between public interest and private rights and these are substantial rights. People who own merchandise and who are offering it for sale have a reasonable expectation that society will allow them to protect their merchandise, and please do not be led astray to think that this will work a hardship on anybody but a common shoplifter, and I would ask you to reject it.

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

Mr. FINEMORE: Mr. Speaker, I would request a roll call.

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

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I do hope that you support the motion of the good gentleman from Sanford, Mr. Gauthier, to recede and concur.

This bill just allows reasonable action, detention for a reasonable length of time, half an hour, in a reasonable manner by a responsible employee or the owner of a store. This reasonableness, I say, would prevent a big hoop-de-do and unfavorable embarrassment something on the part of the person being detained.

It is the only fair bill that allows the storekeeper to, under certain circumstances, detain somebody in a reasonable fashion. It is an honest consumers bill, it seems to me. It allows the honest people not to have to pay this extra \$15 million which was claimed to have been stolen in our Maine stores last year.

The SPEAKER: The Chair recognizes

the gentleman from Dexter, Mr. Peakes.

Mr. PEAKES: Mr. Speaker, Ladies and Gentlemen of the House: I wonder what exercise of reasonable force is contemplated in detaining these individuals and I am just wondering if perhaps a headlock for a half an hour or locked in a room, I am a little worried about the exercise of force, if somebody does decide not to be detained, to what limits is a storeowner or, as we say, a responsible employee going to go on to detain this person?

I also would submit as to definition of reasonable, I think just think that possibly a half hour is an unreasonable length of time if this market is on fire and I think also, in the local areas where you don't have local police you are not going to be able to do it within a half hour. I think this is a very bad bill in that it puts a priority on the material rights as opposed to our most basic right of freedom. I strongly urge you to vote against the recede and concur motion.

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

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman from Dexter, I would submit that a headlock for half an hour is not a reasonable manner. That would be prohibited under this bill. If you say a policeman couldn't be there within a half an hour, then they couldn't detain them for more than a half hour.

The only reason for which a person may be detained is to require the person being detained to identify himself, to verify such identification, to inform a law enforcement officer of the detention, and to surrender the person to the law enforcement officer. They are all reasonable.

I would like to point out that it is my understanding that 40 other states, the majority of states in this country, do have some kind of shoplifting bill, and I certainly hope you vote to recede and concur.

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

Mr. GRAY: Mr. Speaker, Ladies and gentlemen of the House: I discussed this bill with a lawyer in the Attorney General's Office, and he described this bill as an empty right. This would be the only situation, to his knowledge, that would allow an officer to arrest on probable cause without a warrant. I am sure that many of the lawyers who are supporting this bill probably would use that as a defense if they were defending one of these shoplifters.

I would like to pose a question. I know we have a number of former law enforcement officers in this House and I would like to pose a question through the Chair to them if they would care to answer. How many of them, given this situation, would arrest a shoplifter on probable cause if they were put in this situation?

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

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

Mr. MACEachERN: Mr. Speaker, I had some 25 years of law enforcement experience and I certainly would never make an arrest under this bill.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Last week when

this bill came up, I was opposed to the bill and I stated that I realized that there was a serious problem of shoplifting, but I was opposed to the bill because of not spelling out the time limit and only using the word reasonable. But now, since they have limited it to 30 minutes with the Senate Amendment today, I go along with the bill because my objections have been taken care of. I would hope, today, with this in there, this detaining them up to 30 minutes and spelling it out, that we could go along with the motion to recede and concur.

Mr. Joyce of Portland was granted permission to speak a third time.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I must rise to oppose my very good friend from Cape Elizabeth. He got up and he gave us his dissertation and went very speedily over the word reasonableness. All through the criminal law revolution, the United States Supreme Court had so much of a problem with that word and when you read the late cases, they still can't agree on that. They have hangups on that word all along the road, reasonable grounds to believe or reasonable grounds to suspect. The court, in one of their cases, looked at both those phrases and said, there is a semantic quibble between the two phrases. That really clarified it for me, a semantic quibble between reasonable grounds to believe and reasonable ground to suspect.

Reasonableness — how I wish it could have been clarified on the floor today so we could send a note down there to those justices. Both reasonable grounds to believe and reasonable grounds to suspect, both require probable cause. The court says, in discussing these two, they both require probable cause but somewhat different kinds of probable cause. This really clarified it for me. I didn't know where I was standing when I read that one. It is not that easy and I urge you again to vote against recede and concur so we can get an adhere motion there and we can plan to go home. We have been here long enough, with the exception of Mr. Pearson, and he can sit here a week after we go home but please handle this one right.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I fail to see anything wrong with this bill. Shoplifting is big business. I will give you a for instance. At home I know a fellow whose folks are in the iron and steel business; when his mother would iron, his father would steal.

I urge you to support this bill, to recede and concur.

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

Mrs. BYERS: Mr. Speaker, I ask that the Committee Report be read.

Thereupon, the Report was read by the Clerk.

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

A vote of the House was taken, and more than one fifth of the members 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 Sanford, Mr. Gauthier, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bennett, Berry, G. W.; Birt, Blodgett, Burns, Bustin, Byers, Carpenter, Chonko, Conners, Cox, Curran, P.; Curtis, Dam, DeVane, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Fraser, Garsoe, Gauthier, Gould, Henderson, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Kauffman, Kelleher, Kelley, Laffin, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Mackel, MacLeod, Maxwell, McKernan, Miskavage, Morin, Morton, Norris, Pearson, Perkins, S.; Perkins, T.; Pierce, Rideout, Rolde, Rollins, Shute, Silverman, Snowe, Sprowl, Strout, Stubbs, Tarr, Teague, Torrey, Truman, Twitchell, Tyndale, Webber.

NAY — Bachrach, Bagley, Berry, P. P.; Berube, Call, Carey, Carroll, Carter, Clark, Connolly, Cote, Curran, R.; Davies, Dow, Fenlason, Finemore, Flanagan, Goodwin, K.; Gray, Greenlaw, Hall, Hennessey, Jacques, Jalbert, Jensen, Joyce, Kany, Kennedy, Lunt, Lynch, MacEachern, Mahany, Martin, A.; McBrearty, Mills, Mitchell, Mulkern, Nadeau, Najarian, Peakes, Pelosi, Peterson, P.; Peterson, T.; Post, Powell, Quinn, Raymond, Saunders, Snow, Spencer, Talbot, Theriault, Tierney, Tozier, Wagner, Walker, Wilfong, Winship.

ABSENT — Boudreau, Bowie, Churchill, Cooney, Doak, Drigotas, Goodwin, H.; Jackson, LaPointe, Laverty, Lizotte, Martin, R.; McMahon, Palmer, Smith, Susi, Usher.

Yes, 75; No, 58; Absent, 17.

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

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

Mr. DeVANE: Mr. Speaker, having voted on the prevailing side, I now move for reconsideration and hope that you will vote against me.

The SPEAKER: The gentleman from Ellsworth, Mr. DeVane, having voted on the prevailing side, now moves that the House reconsider its action whereby this body voted to recede and concur.

The gentleman from Stowe, Mr. Wilfong, requested a division.

The SPEAKER: Those in favor of reconsideration whereby the House voted to recede and concur will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. MacEachern of Lincoln requested a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Ellsworth, Mr. DeVane, that the House reconsider its action whereby it voted to recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Berry, P. P.; Call, Carroll, Carter, Clark, Cote, Davies, Dow, Fenlason, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Jacques, Jensen, Joyce, Kany, Kennedy, MacEachern, Martin, A.; Mills, Mitchell, Mulkern, Nadeau, Najarian, Peakes, Pelosi,

Peterson, T.; Post, Powell, Quinn, Raymond, Saunders, Snow, Spencer, Talbot, Theriault, Tierney, Tozier, Wagner, Wilfong, Winship.

NAY — Albert, Ault, Bagley, Bennett, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Burns, Byers, Carey, Carpenter, Chonko, Churchill, Conners, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Dam, DeVane, Doak, Durgin, Dyer, Farley, Farnham, Faucher, Fraser, Garsoe, Gauthier, Gould, Hewes, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Laffin, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, Mackel, MacLeod, Mahany, Maxwell, McBrearty, McKernan, Miskavage, Morin, Morton, Norris, Pearson, Perkins, S.; Peterson, T.; Pierce, Rideout, Rolde, Rollins, Shute, Silverman, Snowe, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Torrey, Truman, Twitchell, Tyndale, Usher, Walker, Webber.

ABSENT — Bowie, Drigotas, Dudley, LaPointe, Laverty, Lizotte, Martin, R.; McMahon, Palmer, Smith.

PAIRED — Bustin, Connolly.

Yes, 48; No, 90; Absent, 10; Paired 2.

The SPEAKER: Forty-eight having voted in the affirmative and ninety in the negative, with ten being absent and two paired, the motion does not prevail.

Bill "An Act Relating to Termination of Utility Service" (H. P. 1361) (L. D. 1663) which was passed to be engrossed as amended by Committee Amendment "A" (H-660) in the House on June 6.

Came from the Senate passed to be engrossed as amended by Senate Amendment "C" (S-316) in non-concurrence.

In the House:

Mrs. Mitchell of Vassalboro moved that the House recede.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: It isn't often that I rise to oppose the Representative from Vassalboro, Mrs. Mitchell, most of the time we are right on together, but on this particular one, I do have to get to my feet.

This bill deals with the termination of any public utility in the State of Maine. It brings it down so that we are grouping together two groups of individuals, group one being that group that does not have the ability to pay. This would be the individuals who probably are on welfare and if they are not on welfare, they should be. The other group is the crooks, the people who are taking the service without any intention of paying. Both groups together, I am told, range somewhere in the area of 11 percent of the hard to collect bills. They get down to the area of about one percent of the crooks.

I would like to focus now on a telephone company. A telephone company gets an order to install a telephone or equipment. They go out with this equipment, make the installation and it is at least 30 days before they know what this customer is going to do. I will submit to you, in a 30-day period, you could run up a bill of \$10,000 if you desired. Now we are coming along with a law which will require them to keep this equipment in their homes or place of business for a period, I believe it is up to 50 days now, so therefore, adding onto this period of time that the individuals could be using this equipment with no intentions of paying.

I hate to use this because it is used by the Third House quite frequently but, is this

Constitutional? Can we pass a law here in the State of Maine that would require that a private company leave equipment in a specific place, even though they know the contracts are being violated? I believe that this would be confiscation without being able to do anything about it if this law was passed.

One statement was made in regard to this law, because there is no law, this law should be passed. I will submit to you, if we have gone over 50 years without such a law, I don't think we need the law now.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House; I was on the Minority Report that signed this out "Ought Not to Pass" but having been around the halls of this House for a few years — there were only 25 votes in the House to support my side of the question, which was for indefinite postponement, I don't believe those votes are going to change this morning, so I do urge the House to recede and perhaps we can get out by Friday if we do stop trying to fight losing battles.

Thereupon, the House voted to recede.

Senate Amendment "C" was read by the Clerk.

Mrs. Mitchell of Vassalboro offered House Amendment "A" to Senate Amendment "C" and moved its adoption.

House Amendment "A" to Senate Amendment "C" (H-773) was read by the Clerk and adopted.

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

On motion of Mrs. Mitchell of Vassalboro, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted and on further motion of the same gentlewoman, the Amendment was indefinitely postponed.

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

Bill "An Act to Provide for the Maintenance of Neglected Dams and Existing Water Levels in Lakes Impounded by Dams" (H. P. 1459) (L. D. 1797) which was passed to be engrossed as amended by Committee Amendment "A" (H-699) in the House on June 12.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-699) and Senate Amendment "A" (S-323) in non-concurrence.

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

Orders of the Day

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

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

Tabled — June 13, by Mr. Carey of Waterville.

Pending — Motion of Mr. Mahany of

Easton to Indefinitely Postpone the Bill and All Accompanying Papers.

On motion of Mr. Rolde of York, tabled until later in today's session pending the motion to Indefinitely Postpone.

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

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

Tabled — June 16, by Mr. Call of Lewiston.

Pending — Passage to be Enacted.

On motion of Mr. Call of Lewiston, 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 House Amendment "A" as amended by Senate Amendment "A" was adopted.

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

House Amendment "A" to House Amendment "A" (H-768) was read by the Clerk.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: This document, if you remember, was recalled from the Governor's Office. It is important legislation to improve our election laws. The Chairperson of the Election Laws Committee met with the Governor, we worked out L.D. 1404 as amended by House Amendment "A" and Senate Amendment "A" and came up with what all parties agreed is fair and reasonable. The Governor has issued a release, and I will read part of it to you. "We worked together, and I believe successfully, to agree upon an approach to strengthen Maine's election process and have mutually arrived at an approach which we believe is in the best interest, not only of the election process, but for the State of Maine."

As you realize, the Governor and the Election Laws Committee have not been eye to eye too often this session. This is one bill that we agreed on 100 percent.

Mr. Call opposed this amendment in committee. He asked me if I had informed the Governor that he did not write this amendment. I relayed the message to the Governor, but the amendment is still here. Mr. Call is a very active, well-known man in his area, and I am sure he will have no difficulty whatsoever in complying with the signature requirements, and therefore I move the indefinite postponement of this amendment.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: At present, elections laws provide for a candidate for office to collect signatures on nomination papers from one percent of the vote cast for Governor in the candidates electoral division in the last general election.

House Amendment "A" to H. P. 1128, L. D. 1404, "An Act to Provide a Uniform Filing Date for Candidates for State and National Office within the State of Maine", calls for independent candidates to collect 3 percent of the votes cast in the candidate's electoral division.

L. D. 1404 was recalled from the Governor by House Leaders and the Chairmen of the Election Laws

Committee. A compromise was allegedly worked out between the House officials and the Senate Chairman of the Committee and the Governor. As a result of the reported compromise, the filing date for independent candidates will remain on the day of the primary election but at 5:00 p.m. instead of 9:00 p.m.

You will be told that the Governor insists on a raise of the number of signatures from one percent to three percent, and you have been told that the Governor is all for this change. I might add that when before committee I asked in all sincerity if the two chairmen of the Election Laws Committee had informed the Governor that I was opposed to this change, that they just laughed. I don't see any reason for them to laugh. The Governor and I share a like position, we are both in this State House as Independents and I am glad to learn that the gentlewoman from Portland passed the message on to the Governor that I was unhappy with this change and apparently no message was sent to me. I am not surprised.

I talked with one of the Governor's aides and was told of the compromise and the Governor's insistence that the number of signatures for independent candidates be raised from one percent to three percent. It seems very ironic to me that the Governor, who has insisted that the many bills inconveniencing independent candidates in seeking office, would discourage voting, insists upon the provision for the collection of more signatures. Could it be that in his dreams lies one that might see him go down in history as the only Independent Governor the State of Maine will have?

Such a situation reminds me of a scheme where in one of the Kings of old might, in his retirement, have taken the drawbridge to the moat with him so that no successor could enter the castle.

The idea behind the seeking of signatures on a candidate's nomination papers is a realistic one in that it prevents some clown from making people believe he is a candidate when he is just bluffing. Any candidate who collects a reasonable number of signatures indicates that he means business by his efforts in obtaining those signatures. However, this proposal of three percent instead of one percent is unreasonable, in that it would ask a candidate to collect more than a token number of names on his nomination papers and thus showing his sincerity of purpose in running for office.

I might have gone along with an increase in signatures from one percent to two percent, but an increase of two percent, from one percent to three percent, shows extreme resentment toward the individual who might seek election as a third party candidate.

Having read in the newspapers about the Governor's election of so-called advisors from the City of Lewiston, I asked one of them to get word to the Governor that I had good reasons for opposing the irresponsible scheme which would require an independent candidate to seek more signatures than at the present time. The advisor assured me that he agreed with me and that he would get word to the Governor. He has not done that, because he did not contact me as he said he would.

I never did expect to hear from him, because he is a public relations director for a large chicken processing plant in Lewiston. In fact, he testified against L. D. 123, my ill-fated chicken bill, before the Transportation Committee. I don't have to

tell you good people that that guy is not about to do me any favors.

With the exception of his first two vetoes and a later one, I have been voting in support of the Governor who, in my opinion, has given good reasons for his position in each instance where he vetoed a bill. It is obvious that he is gaining confidence of House members and has had his last three vetoes sustained, at least his last two here in this House.

In this instance, however, House leadership and the Chairman of the Election Laws Committee have coned him into compromise. This is a far cry from what I was told by good authority was the Governor's original intention: to wit, to veto all bills having to do with the candidacy of Independent voters.

Even if the Governor and that other Independent do not choose to seek election again via that method, it is not fair to others who might wish to seek election as third party candidates. Because of the resentment aimed toward Independents and the precarious possibility of discouraging even more voters from going to the polls in future elections, I should be calling for indefinite postponement of the bill and its accompanying papers, but I feel I shall be accomplishing something if my amendment receives a favorable vote and I certainly ask you to vote against the possibility of its indefinite postponement. All that is left of this bill anyway is its title. I implore you good people to help me pass my amendment.

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

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't indefinitely postpone this amendment. If the Independents have to file at the same time as Democrats and Republicans, I see no reason why they shouldn't have to, don't they under that other bill? Well anyhow, if that is the case, that they have to file at the same time, they shouldn't have to have any more signatures.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would agree with the gentleman from Lewiston, Mr. Call, this morning, not in what he said basically about the Governor and the Governor's vetoes and what have you and other candidates for Governor, it goes beyond that, it affects those people who are in multi-member districts at the time in increasing by three times the number of petitions they have to secure. We are going into single member districts, so we can obviously live without this thing for the very short time that is left in the multi-member districts yet and I would certainly hope you do not indefinitely postpone this.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: First, to answer Representative Carey, I am afraid he doesn't understand 1404. This does not apply to enrolled voters. This applies to unenrolled voters. The change does not affect anyone else.

This is agreeable with the Governor. We are eliminating the need for them, the unenrolled voter, to have his petition certified, which was the big hassle in all of their objections. They file their intent to run the same day that we file our nomination papers. They do have further

time to get the signatures. The Governor agrees 100 percent with this arrangement. We have an opinion from the Attorney General's Office, it is constitutional, so therefore I would ask you to defeat the amendment presented by Mr. Call.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: If you remember, I was one of the people to, at least most vocally, object to the original bill that dealt with requiring Independents to file in April. I think that the work done now by the committee in conjunction with the Governor takes care of a lot of my problems with the bill and I don't see that it is too much of a burden to require someone to at least sign something on April 1st saying that he or she may run. I think that by giving them until primary day to get the added signatures, I think that is sufficient to enable any Independents that want to run to get into the contest.

One thing that I would call to your attention, I believe I am correct in this, it first bothered me to require Independents to get more signatures than other candidates; then, however, I remembered, and I haven't looked this up and somebody on the Election Laws Committee could correct me if I am wrong, but I think the Independent candidates can have any registered voter sign their petitions. So by requiring them to get three times as many signatures, well, they have every registered voter to go to get the signatures, whereas we in parties can only get people in our own party to sign. Therefore, I don't think it is any burden at all to require them to get more signatures than party candidates have to. I would support the bill and be against the amendment of Mr. Call.

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

Mr. JENSEN: Mr. Speaker and Members of the House: This was originally my bill. I was the one to have it recalled from the Governor's desk about a month or so ago. One of the questions that I think Mr. Call has raised is the problem of someone having to go about and gather more signatures, because he is an Independent, than a party candidate, especially in an area such as Portland or Lewiston where you have more people.

I point out that perhaps three years ago there was a person within the city of Portland who ran for City Council. Now, this opponent pulled a quick one and the day he was supposed to file they declared his petitions apparently invalid. That occurred at like four o'clock, by nine o'clock, he had something like 1350 signatures. As it turned out, he only needed 900. Now, in four hours you can collect 1350 signatures, how difficult is it going to be for an Independent to get on the ballot? I don't think it's going to be very difficult.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I have been involved in this bill ever since the start, because the gentleman from Portland, Mr. Jensen, asked me if I would cosponsor it with him. I think the process worked out on this bill was an interesting one and I think possibly it is unfortunate that it couldn't be done more often.

From the discussion with some of the

people on the Governor's staff, it appeared that there were some ways of working out a compromise on this without going through the Veto process. The Governor did have one major problem, and that was certification of signatures.

In talking with town clerks in various areas of the state, it appeared that town clerks were not too happy with the idea of having to certify signatures either, so the attempt to recall the bill, or the process of recalling the bill from the Governor's office and allow us the chance to work on it seemed to work out very well, but to be able to thoroughly understand what the Governor wanted to do the suggestion was eventually made that if we did get down and have a short meeting with him, we would at least all know which way we were going, which was done with both the House and Senate Chairmen of the Election Laws Committee and myself.

We did work out an agreement with the Governor that was satisfactory. Prior to this, the gentleman from Portland, Mr. Jensen, had asked of the Attorney General, some questions relative to this law, and in the course of it, the discussion came out as to whether additional signatures were permissible. The Attorney General ruled in cases that they had found in other parts of the country that additional signatures for persons who were filing by petition were permissible, provided there was not an excessive number to indicate that there was invidious discrimination. It indicated that two or three times was a reasonable figure.

In discussing it with the Governor, he agreed to all of the concepts that are in this bill, to the removal of the certification, to the three times the number of signatures and to the filing date of April 1st for all candidates or filing a declaration of intent with the necessary signatures for Independents being filed up to the date of the primary. I think this was a reasonable compromise that was worked out with all the people involved and I hope you will support the bill without any amendments.

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

Mr. CAREY: Mr. Speaker and Members of the House: The gentlelady from Portland could certainly clear up matters if she would go a little further. It is my understanding that the amendment that she has presented would increase the number of signatures needed to three percent for Independents and yet the Election Committee apparently did not touch the figure that we had before for those people who are nominated by party who have to have signatures of between one and two percent. Is that correct?

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

Mrs. BOUDREAU: Mr. Speaker, that is right. The increased requirement for signatures applies only to so-called Independent candidates.

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

Mr. CAREY: Mr. Speakers, then if the gentlelady can continue along that vein and tell me that she is treating everybody equally, I would certainly vote for indefinite postponement of this, but it is obvious to me that candidates, whether they be Independent or party candidates, are not treated equally.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: First off, a regular party candidate has to run in a primary election. That is number one. There is the expense and all the works. Independent candidates do not have to run in the primary. They can obtain their signatures from either Democrats, Republicans or Independents. Previously, they had to have their signatures certified. We have eliminated that. I think if there is anyone that has to work harder and has stricter requirements, it is the party candidates.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: When we first passed this bill, the first version of this bill, I felt that we had done a very good job, but the Governor asked us to recall it from his desk because of the question of certification, and there did seem to be an extra certification problem for independent candidates.

It is my understanding that this present bill has been worked out with the Governor and that it is, at his insistence, that there is a differential number of signatures for an independent candidate. I just wonder, if we were to pass this amendment of Mr. Call's, whether the Governor would again ask us to recall this bill from his desk and comply with his wishes, or whether he might even veto the bill.

I can agree in principle with the idea that the gentleman from Lewiston, Mr. Call, is proposing, but since this is the Governor, and the Governor is the number one independent in the state, and it is his wish that this differential be included in the bill, then I would go along with indefinite postponement of Mr. Call's amendment.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Portland, Mrs. Boudreau, that House Amendment "A" to House Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

The Bill was passed to be engrossed as amended by House Amendment "A" as amended by Senate Amendment "A" in concurrence.

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

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

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)

Tabled — June 16, by Mr. Rolde of York.

Pending — Passage to be Enacted.

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

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

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

Tabled — June 16, by Mr. Rolde of York.
Pending — Passage to be Enacted.
On motion of Mr. Rolde of York, retabled pending passage to be enacted and later today assigned.

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

House Divided Report — Majority (7) "Ought to Pass" in New Draft (H. P. 1709) (L. D. 1936) — Minority (6) "Ought Not to Pass" — 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)

Tabled — June 16, by Mr. Rolde of York.

Pending — Acceptance of either Report.
On motion of Mr. Rolde of York, retabled pending acceptance of either Report and later today assigned.

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

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

Tabled — June 16, by Mr. Rolde of York.

Pending — motion of Mr. Peterson of Windham to Indefinitely Postpone the Bill and all Accompanying Papers. (Roll Call Ordered)

On motion of Mr. Rolde of York, retabled pending indefinite postponement and later today assigned.

The Chair laid before the House the seventh 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 16, by Mr. Rolde of York.

Pending — Passage to be Enacted.
On motion of Mrs. Clark of Freeport, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the eighth 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 16, by Mr. Rolde of York.

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

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

Bill "An Act Concerning Justification for the Use of Force" (H. P. 1281) (L. D. 1736)

Tabled — by Mr. Gauthier of Sanford.

Pending — His motion to accept the Majority "Ought Not to Pass" Report.

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

On motion of Mr. Rolde of York, the Chair laid before the House the first tabled and unassigned matter:

House Report — "Leave to Withdraw" — Committee on Business Legislation on Bill "An Act Relating to the Statutes Concerning Charitable Solicitations" (H. P. 1431) (L. D. 1794)

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

Pending — Motion of Mr. Berry of Buxton to Accept the "Leave to Withdraw" Report.

Thereupon, the Report was accepted and sent up for concurrence.

On motion of Mr. Rolde of York, the Chair laid before the House the eighth tabled and unassigned matter:

House Report — "Leave to Withdraw" — Committee on Business Legislation on Bill "An Act to Amend the Laws Relating to Savings Banks and Savings and Loan Associations" (H. P. 1267) (L. D. 1763)

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

Pending — Motion of Mr. Berry of Buxton to Accept the "Leave to Withdraw" Report.

Thereupon, the Report was accepted and sent up for concurrence.

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

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

After Recess
4:00 P.M.

The House was called to order by the Speaker.

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

House Divided Report — Majority (7) "Ought to Pass" in New Draft (H. P. 1709) (L. D. 1936) — Minority (6) "Ought Not to Pass" — Committee on State Government on Bill "An Act to Provide for More Effective Debt Management and for More Effective Administration of the State's Development Financing Capability" (H. P. 1398) (L. D. 1820)

Tabled — by Mr. Rolde of York

Pending — Acceptance of either Report

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I move this bill be recommitted to the Committee on State Government.

The SPEAKER: The gentleman from Sabattus, Mr. Cooney, moves this Bill be recommitted to the Committee on State Government.

The gentleman may proceed.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill, which would establish a Maine Development Authority and a Debt Management Committee, has been drafted by some of the most skilled, in my opinion, people in State Government and has been sponsored by the Speaker, John Martin, and is a really creative step toward financing the kinds of business growth we need in this state. The Debt Management aspect of it is a long overdue effort in keeping tabs on our total debt and keeping our bond rating as high as it possibly can be.

Because it is a new proposal, it is a very complicated one, it deals with a great many financial structures, it has met with some concern on the part of some of the committee members and therefore there is a divided report. The Governor had some concerns about it. However, he has indicated that he is very interested in the

ideas in the bill, that he would look favorably upon it but would like sometime to study it. Leadership in the Senate, specifically the President of the Senate, Joe Sewall, has indicated that he also supports the concept and I suspect that these people will be working in months to come, and that this bill will be back before you, possibly in the Special Session. It is a concept that will go a great way towards using the state's power to finance business using the state's capacity to regulate our debt and to keep our bond rating high.

I make the motion to recommit and I hope you all support it. I would ask you to look at the bills in your spare time, if you can find any, and become aware of their purposes, because they are important and worthwhile efforts.

Thereupon, the Bill was recommitted to the Committee on State Government and sent up for concurrence.

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

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

Tabled — by Mr. Rolde of York

Pending — Motion of Mr. Mahany of Easton to Indefinitely Postpone the Bill and all accompanying papers.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The purpose for which this bill was held has been accomplished. The other body has passed, as miserable as that bill is, the other bill, and I would hope now that we would indefinitely postpone this bill and all accompanying papers.

Thereupon, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

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

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)

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

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 Increasing the State

Gasoline Tax" (Emergency) (H. P. 1055) (L. D. 1332) (C. "A" H-743)

Tabled — by Mr. Rolde of York

Pending — Motion by Mr. Peterson of Windham to indefinitely postpone the Bill and all accompanying papers. (Roll Call ordered)

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would withdraw my motion to indefinitely postpone at this time so that we could fly the amendments that people would like to have and then if certain amendments aren't adopted, or if certain amendments are, I would then be happy to make the same motion, but because of the present roll call situation, I would now withdraw my motion to indefinitely postpone this bill and all its accompanying papers.

The SPEAKER: The gentleman from Windham, Mr. Peterson, now withdraws his motion to indefinitely postpone the bill and all accompanying papers.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I want to, first of all, answer the question put to the House yesterday afternoon by my good friend Mr. Berry from Buxton regarding L. D. 917, which is on the table unassigned. This is a bill proposed by the Governor which removes from the statutes the law which requires the Highway Department to provide snow removal and highway repair for the towns. If by any chance none of the money bills pass, why this bill will be presented, if not, it will be up for indefinite postponement.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I certainly appreciate the explanation, but I think the explanation is just going to have to lead to a further question. That question would be, what if we kill the bill that is now laying on the table unassigned and what if we kill the gas tax? It would look to me as if it were in the statutes that the Department of Transportation would have to provide funds for removing snow from town ways. I think if you would read the bill, it is unassigned, you will find that two or three words have been taken out of the bill and those words are "from town ways" or something similar to that. It certainly seems to me that there is a statute that says that the Department of Transportation will have to provide those funds. Whether or not you go ahead and appropriate extra funds, I still think they are obligated to the towns, even if it means a reshuffling of some of their priorities, and I don't see why they can't do that. I don't know as it is necessary to build an extra ten miles of road somewhere, certainly not necessary to the extent that we ought to increase the gas tax.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I would be happy to answer. The committee felt and I feel that way too, that we should not saddle the Highway Department with this law unless we also provide them with some money. As I think I explained yesterday, the money which the Highway Department had last year, due to the extreme added costs of materials and labor and the overall cost of maintenance, they were unable to do as much as had been planned and if we saddle them again with another \$4 or \$5 million

without some money to go along with it, other projects will have to be cut down. According to the way I read the allocation bill, most of the projects are important.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure that we should be involved with L.D. 917, but where the question has come up, "An Act Relating to Snow Removal on Accepted Ways" a week or so ago I was in contact with the Attorney General's Office to get a ruling on this particular bill. It is my personal belief and feeling that that bill on the unassigned calendar should be defeated, regardless of whether we pass the gas tax or not, because I believe that it is going to be priorities here. Are we going to listen to the Governor of this state tell us that we have got to budget without these programs included? I think it is up to this legislature to decide whether we want to fund those programs or whether we want to eliminate them from the budget. You can't tell me, standing here today, that just because we don't pass a gas tax or just because we don't do this, that we can put these programs back in the budget and fund them the way they have been in the past.

I think you have to look at priorities, and as far as I am concerned, there are probably a lot of people in this House that feel town road improvement and snow removal reimbursement for town ways are just as important as some of your new construction programs or some of your bridge maintenance. I don't care what you are talking about, it is whether we look at priorities or not.

I got upset yesterday; I got on the floor of this House and I spoke in favor of the gas tax. I got outside in the halls and I was told I did a poor job because I couldn't get the point across by bringing up other programs. Well, I am telling you right here today, members of this House, that if we want to act responsible, we can pass any budget we want to here for highways and if we want to pass a budget without the gas tax, we can put these programs back in the budget. We may have to cut a few on some of your other programs, we may have to cut 3 percent, but I think the Governor has told us we have got to control the budget. If that is the case, maybe what we should do right now is put these programs back in the budget and not pass the gas tax.

On motion of Mrs. Najarian of Portland tabled pending passage to be engrossed and later today assigned.

On motion of Mr. Rolde of York, the Chair laid before the House the tenth tabled and unassigned matter:

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (3) "Ought to Pass" — Committee on Transportation on Bill "An Act Relating to Snow Removal on Accepted Ways" (H. P. 734) (L. D. 917)

Tabled — By Mr. Rolde of York

Pending — Motion of Mr. Strout of Corinth to accept the Majority "Ought Not to Pass" Report.

On motion of Mr. Fraser of Mexico, the Bill and all accompanying papers were indefinitely postponed.

Mr. Carey of Waterville moved the House reconsider its action whereby the Bill and all accompanying papers were indefinitely postponed.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves the House reconsider its action whereby this Bill and all accompanying papers were indefinitely

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

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

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 Mrs. Najarian of Portland Pending — Passage to be engrossed.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: Having served many terms on the Transportation Committee, this committee put in order what they want to bring before the House and allocate the money, what is available, for what they want, state aid, town ways, snow plowing, equipment account or any other account they want to. I suggest, if you look over the equipment account which nobody wants to show you, that account could easily be robbed a little and they could get money enough from that one account to do what they proposed to do. The same money, bear in mind now, we are going to have practically the same money that we had last year, we plowed the roads last winter and we have got practically the same money we had before, maybe a little more because we have made a few concessions like in extra fines to the truckers, we have practically doubled the fine and there is quite a lot of money that comes from that account. I understand there are other places where we are going to make a little extra money available, and this should take care of the extra costs. They haven't increased wages to any extent, and the cost has a little bit leveled off. Most any economist will tell you we have had increases but not so much in the last six months as we have had in the previous year. So, this takes care of that pretty much.

They will use another cent on the gas tax, or two or three or five if you want to give it to them; they will find some construction that needs to be done, but the people that I represent, with the price of gas going the way it is and the federal tax increasing it, are not willing at this time, and I would be willing if they would, even though I am in that particular business it doesn't mean that much to me, but I assure you the people I represent are very opposed to increasing the gas tax; I think the Governor is too.

I think that you can allocate the funds we now have. You may have to cut down a little bit on state aid construction, that is the account where the state matches towns for a short time. You may have to cut the equipment account or some other account, but you can operate within the means that you now have if you aren't going to increase it any.

The only trouble with the gas tax, if it were to be put on for a two-year period, this wouldn't be bad, but over the tenure of me being here, we have increased the gas tax many times and it never gets cut back; it is a continuous thing. They will find a way to spend the money if they have to build a big building or a new parking lot or something.

Believe you and me, this is supposed to be dedicated money to build highways, but if you come around and let me show you, they have built some pretty big buildings in Bangor and in Ellsworth and in different places, Presque Isle and many places, and

they call them regional districts and they are very elaborate. In most cases they use marble and granite, they built pretty elaborate places. And as I understand this dedicated revenue, it is to build highways, and they have dug artesian wells around these places and built equipment storages, they have got far away from the idea of building highways. They have built a lot of things besides highways. They have even built bridges where they are seldom used to keep the bridge crew working. These are some of the things they do with the money.

If the legislature properly allocates the money, this Committee on Transportation, we certainly will get by and you won't notice any great difference. They could even plow the road a little less if they had to or not quite as good. Our neighbor don't plow their roads as good as we do. If you do any traveling in Vermont or these other states and especially in New Hampshire, you will find that we plow the roads much better than they do. If you go into the Canadian Provinces, you will find that they don't do anywhere near the job we do plowing roads and they still exist, so there are many areas. It is just what you think you can afford. If you think your people want to raise the gas tax, I suspect you should vote for it; mine don't and I am not going to.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I had the opportunity last summer and the privilege of working with the Transportation Department nearly off and on all summer, right in the office with Mr. Mallar and others and I think Mr. Morton did the same. I have been very much in favor of this one cent gasoline tax, and in the corporation I am a member of and my son, it costs us considerable money. Right now it would \$4.50 a week a truck and a little later on it would be probably, if we get back into full swing, it would be \$9.50 a week per truck, but we still are in favor of the gasoline tax.

The gentleman behind me just said his town, his people all agree with him. I am not going to say that they didn't, but I think any town that has lost a town road improvement fund plus their town improved roads and the salt and the sand on those improved roads and on the streets and any town who has gained to pay .003 on their poor, on the general relief, I should say, and allow the same on the relief or the tax exemption for the veterans want this money.

I know in my district and I have checked it, in fact, I had one town manager in my house Sunday, I will take that back — not in my house, in my driveway, because the lady wouldn't come in and I wasn't home alone either but she wouldn't come in, she wanted to check this up and she said they were going to lose. I can't remember exactly, but the ones who have talked to me on the phone told me they would lose from \$4,000 to \$14,000 on this. Are we going to let the government take \$5.5 million and put it back on property tax. That is just what we are doing, ladies and gentlemen of this House. I mean we are doing it, I am telling you facts, I can prove it to you figure for figure, they are taking it away from us. They are taking some \$2,300,000 off town road improvement and winter maintenance and he is taking \$3.3 million off the other two items that I mentioned, general relief and veterans relief.

And there is other things. If this bill of

the gentleman from Pittsfield, Mr. Susi's, doesn't pass, we are going to pay that out on a lot of other things. I think it is very unfair to ask the towns all over this state, and the cities, I don't mean only towns, to work and pass out \$5.5 million. We talk about tax relief for the elderly, ladies and gentlemen of this House, we talk about it and then we turn around, the Governor takes \$5.5 million and we add it back on the tax relief. We add it back on because we are raising their taxes. This is a raise on the property tax only. We haven't any other tax we can take it up, only property tax, because we have given up our right to raise our inventory anymore. You can't increase the inventory tax. It is based on 1973, on your mill tax, so we can't raise one single thing. We are putting back \$5.5 million ladies and gentlemen of the House. You just stop and think of it, \$5.5 million on the property tax in the State of Maine, that is not good legislation.

We can bring in \$5.5 million a year from the gas tax. We can't dedicate it for anything else, but you turn this over to the highway fund and over to the budget to be used by the — if we put it on — and to the Governor, what will happen to it? It won't go for those things we dedicated. We saw it happen on the cigarette tax. Our speaker and I worked very hard, I worked with him and I think many more members did here, to get the catastrophic illness tax on cigarettes and what happened to it? It has gone, we are offered \$300,000 in the budget yes, but where did the rest of it go, to balance the budget.

I tell you ladies and gentlemen of this House, as I say, I don't care whether this passes or not. I am not too particular, but it seems like a crime to take it away from the towns, \$2.3 million right out of the towns more than what we are paying now. You can make up your own mind whichever way you want to go and I will probably vote with the majority.

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

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

House Amendment "D" to Committee Amendment "A" (H-774) was read by the Clerk and adopted.

Mr. Silverman of Calais offered House Amendment "C" to Committee Amendment "A" and moved its adoption.

House Amendment "C" to Committee Amendment "A" (H-772) was read by the Clerk.

The SPEAKER: The Chair would announce that House Amendment "C" is in conflict with House Amendment "D" that was just adopted, therefore it cannot be entertained at this time. House Amendment "C" is not entertained.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: We are moving fairly rapidly here and I would like to hear an explanation of these amendments as they come up. I would like to inquire what the amendment does.

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, poses a question through the Chair to the gentleman from Skowhegan, Mr. Dam, who may answer if he so desires.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: What this

amendment does is what I mentioned the other day. It reimburses the towns, those municipalities that have had the striping in their municipalities, it lets the state highway department continue that work. Also, for those municipalities that have already gone ahead and striped it will reimburse them for their cost, providing their cost does not exceed that which is estimated by the Department of Transportation. As I mentioned in the case of the city of Waterville, it was \$1,500; in the case of my town, it was \$1,000 and I think Old Town, they told me, was \$1,500. This will put this money back and allow for those towns to receive their money.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment does not in any way restore the town road improvement and snow removal money?

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, poses a question through the Chair to the gentleman from Skowhegan, Mr. Dam, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: No, my amendment does not do that, it only takes care of the traffic service, the striping part.

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps it should have an explanation. I tried to say something on this bill the other day. The department has been doing this for the towns, except for the bigger cities like Portland, for a number of years, but they have been doing it illegally. The statute says that towns over 5,000 population should maintain their roads, and striping is maintenance. However, the department has been doing it. They do it at a time of year, trying to get it done before the summer traffic and while the weather is warm, and therefore it runs into overtime. They put in 60 and 70 hours sometimes, and since last year when we passed — I believe it was last year — the bill that state workers should get overtime over a certain number of hours, of course it is costing them a lot more than it has. Also, paint has gone up about double. With the combination of gas costing more and everything, they have come to the conclusion that they have got to stop somewhere and as long as this isn't necessarily their job to do, they thought this would be a way to cut down somewhat.

I am not speaking against the amendment, I am just trying to explain. Perhaps some of you haven't known just what the procedure was, and this is why they now are asking those towns over 5,000 to pay for their own striping. It is still their job to do those roads in the towns of which the population is under 5,000, and this they intend to do.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: My town is under 5,000 and each year we appropriate money to line our roads within the town and I wonder if the gentleman from Skowhegan has ever proposed that to his town.

The SPEAKER: The Chair recognizes

the gentleman from Skowhegan, Mr. Dam, who may answer the question if he so desires.

Mr. DAM: Mr. Speaker, I don't know what the town of Lincoln does, I do know what the town of Skowhegan does, and I know what many of the other towns do, and the thing is that when this has been done and it has not been done over a period of time and those towns have enacted their budgets, then this is not the time to start changing the rules in the middle of the ball game. If they want to change them for a later date or a future date in time for the towns to know this before they enact their budgets, then this will be all well and good with me, but I don't like changing the rules in the middle of a ball game, no more than I like it under general assistance of \$3 million which we rammed down the taxpayer's throat under that part.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I will try to be brief. Just to answer the gentleman from Bridgewater, he seems to indicate to this House that you are going to take away from the town's money. We aren't going to take anything away, we're just not going to give them anything. In other words, they are going to have the same as they did last year, going to have the same gas tax they did a year ago, and the same program they had a year ago.

Now, I will tell you one thing that they haven't mentioned and I thought while I'm on my feet, I'll tell you. Most of us in the House haven't been reluctant to give the state employees a raise, well the highway is giving their people, especially they want to give their supervisors an awful raise, a three-step raise so we don't have to approve that. That isn't a raise, that is a merit but they can give a three-step raise and not even go through the House, so they are going to need extra money if they give these personnel a three-step raise, that has to come from somewhere and I wouldn't be in favor of it and the people in transportation might not go along with it either if they knew about it and perhaps they do.

So far as the man from Bridgewater telling you in this House, that we are taking something away from the towns, we aren't taking anything away because they've already got it from last year. Everything is the same as last year and to take care of the extra costs like I have said, we've done things like double the fine on truckers overloading and this brings in a lot of money, and we have done a lot of things to increase the revenue. We have more gas laying on hand this year than we had to, no gas shortage and so there will be more gas sold in this state. This should bring in extra revenue, there are things on the other side of the budget but to stand here and tell this House that we are taking something away from them, we aren't taking anything away from them, we are just not giving them any more but if we stand firm and this Committee on Transportation properly allocates the funds and doesn't let them raise their personnel two or three steps and things like that, that would take care of it. We would have status quo, same as we had last year, but to make you people believe they're taking something away from you, they're not cutting the gas tax, they're just not raising it so you would end up with the same as you had before. Now, there are some extra costs in paint and some other things, but like I told you, they haven't gone up in the last six months.

like they did in the past and we've done some of the little things to increase it and gasoline revenue is going up because the consumption is going up, it is going up because there is more gas and they're selling more gas. You can look and see from the state tax assessor's office and see that it is going up monthly. As soon as we get a little good weather, it's going way up so you can raise the estimates a little, nobody's raised the estimates, nobody has suggested cutting down the equipment account, there are many areas.

I am sure this is an intelligent committee and that they will properly allocate what funds they have. If you want to give them another \$5 million, they'll allocate that too.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I hope I never come to the time when I have to give you fiction on the floor or something that isn't facts. The gentleman who has just spoken says you're not taking anything away.

In 1945 I went to work for the town of Bridgewater, 1942 in fact, but in 1945, we had town road improvements done, it's a law on our books and it isn't any fiction, it's a law on our books and it was put on in either 1945 or prior to 1945 and it also went along in 1953 and 1955 was improved, we were given more money. So, if they aren't taking anything away from these towns, I would like to know what they are doing.

On the sand and salt and snow removal, I cannot say whether it is small or not, but I know it has always been done, it has been done since way back in the forties but I do know that town road improvement when they cut out the town road improvement fund, they are taking something from the towns. I think the gentleman should read the law and see what's on the books because it is on the books and I can prove it to you.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen: I may be out of order here, but there is a better way of doing things than this gas tax. A tax is a tax no matter how you look at it. If we are going to have a tax, let's have one that covers all of the operating of the state government, a fair one, so why not raise the income tax so that way, everyone will be paying their fair share?

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

Mr. GOODWIN: Mr. Speaker, I would like first to ask a point of parliamentary order. Is there any way possible that the amendment of Mr. Silverman's could be accepted without first indefinitely postponing the amendment of Mr. Dam so that we could at least get the amendment on and try to change?

The SPEAKER: This Chair would answer in the negative. The Chair would advise the gentleman that the only thing we can do would be to get another amendment drafted which would then comply.

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

Mr. FRASER: Mr. Speaker, Members of the House: Regarding that amendment, I was prepared to get up to indefinitely postpone it when you decided that it wasn't right in some way or another. The Highway Department is already working

on black ways. As a matter of fact, there are two or three sections in the state where when they put in a highway, they also put in a black way. They are getting money — I don't know how — from the federal government without even matching for that purpose?

On motion of Mr. Rolde of York, tabled pending adoption of Committee Amendment "A" and later today assigned.

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

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Contracts of Teachers with Municipalities" (H. P. 1033) (L. D. 1339) ask leave to report: That the Senate recede from Passage to be Engrossed, adopt Conference Committee Amendment "A" (S-318), submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A";

that the House recede from Passage to be Engrossed; recede from adoption of House Amendment "A" (H-253), as amended by House Amendment "C" (H-300) thereto; recede from adoption of House Amendment "C" to House Amendment "A"; indefinitely postpone House Amendment "C" to House Amendment "A"; indefinitely postpone House Amendment "A"; adopt Conference Committee Amendment "A", submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A", in concurrence.

(Signed)

Messrs. CONLEY of Cumberland
MERRILL of Cumberland,
CORSON of Somerset

-of the Senate.

Messrs. CARPENTER of Houlton,
INGEGNERI of Bangor
McMAHON of Kennebunk

-of the House

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Conference Committee Amendment "A" (S-318)

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

The House voted to recede from passage to be engrossed, recede from the adoption of House Amendment "A" as amended by House Amendment "C" thereto, and the House Amendment "C" to House Amendment "A" was indefinitely postponed. House Amendment "A" as amended by House Amendment "C" was indefinitely postponed. (S-318)

Conference Committee Amendment "A" was read by the Clerk and adopted in concurrence.

Mr. CAREY: What does this bill do now? Teachers allowed to serve providing that it's in the municipal charters which was the intent of the conferees when they were sent over?

The SPEAKER: The Chair would pose the question to the gentleman from Houlton, and the gentleman may answer the question.

Mr. CARPENTER: Mr. Speaker and Ladies and Gentlemen of the House. Basically, this bill doesn't do anything that I wanted it to do, when I introduced it. All it says is that if a teacher is allowed to run for a municipal office, he may renew his contract in taking the benefits, so indirectly if a town says all right you can run for municipal office but you can't renew your contract if you should win or you can't get any pay raises, this will get

around that but it won't get around any town or any state that has a charter or has a charter provision in it.

Thereupon, the Bill was passed to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

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

The Governor having returned: 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. (H. P. 1407) (L. D. 1719)

together with his objections to the same. The Senate proceeded to vote on the question: Shall the Bill become a law notwithstanding the objections of the Governor?

According to the provisions of the Constitution, a yea and nay vote was taken. 17 Senators having voted in the affirmative and 14 Senators having voted in the negative, the Bill accordingly failed to become law, and the veto was sustained.

Respectfully,

(S)

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act Increasing the Penalties for Conviction of High and Aggravated Assault and High and Aggravated Assault and Battery" (S. P. 314) (L. D. 1091)

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

Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Relating to Nullification of Criminal Records" (S. P. 52) (L. D. 133)

Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Require Mandatory Pre-sentence Reports in Juvenile and Felony Prosecutions" (S. P. 264) (L. D. 863)

Committee on Judiciary reporting "Leave to Withdraw on Bill "An Act to Repeal the Statutory Provision for Expunging Certain Records of Arrest" (S. P. 63) (L. D. 184)

Came from the Senate with the Reports read and accepted.

In the House the Reports were read and accepted in concurrence.

Majority Report of the Committee on Election Laws on Bill "An Act to Create the Commission on Governmental Ethics and Election Practices" (S. P. 487) (L. D. 1778) reporting "Ought to Pass" in New Draft (S. P. 581) (L. D. 1935)

Report was signed by the following members:

Messrs. O'LEARY of Oxford
CORSON of Somerset

-of the Senate.

Mrs. BOUDREAU of Portland
DURGIN of Kittery

Messrs. CALL of Lewiston
BUSTIN of Augusta
SHUTE of Stockton Springs
MACKEL of Wells
BIRT of East Millinocket
TALBOT of Portland

KENNEDY of Gray

-of the House.

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

Report was signed by the following member:

Mr. BERRY of Cumberland

-of the Senate.

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-322)

In the House: Reports were read.

On motion of Mrs. Boudreau of Portland, the Majority "Ought to pass" Report was accepted in concurrence and the New Draft read once.

Senate Amendment "A" (S-322) was read by the Clerk.

Mrs. Boudreau of Portland moved the indefinite postponement of Senate Amendment "A".

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

Mr. PETERSON: Mr. Speaker, Men and Women of the House: Senate Amendment "A" of this bill, I am not sure that I agree with it also, because it seems to put the fox back in the chicken coop. Senate Amendment "A", the original committee amendment, said that the chairman of this commission could not have served in the legislature in the past two years if he had been running for public office in the past two years. This amendment deletes this sentence. I talked to the sponsor, a member of the other body, and he doesn't feel that this amendment is important enough to put it in non-concurrence. I would, therefore, hope that we do not indefinitely postpone this amendment.

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

Mrs. BOUDREAU: Mr. Speaker and Men and Women of the House: As I understand this amendment, it does not concern the members of the commission, it concerns only the chairman and we specifically wanted the chairman to be someone with legal background. Actually, what we had in mind was a retired judge or someone of this character who would understand all the legal ramifications.

The SPEAKER: The pending question is on the motion of Mrs. Boudreau of Portland to indefinitely postpone Senate Amendment "A" in non-concurrence. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

88 having voted in the affirmative and 6 in the negative, the motion did prevail.

The New Draft was assigned for second reading tomorrow.

Joint Order Relative to State's Personal Income Tax (H. P. 1715) which was read and passed in the House on June 16.

Came from the Senate Indefinitely Postponed in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that the House insist.

The gentleman may proceed.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: This order is one

that I sponsored and it went through here yesterday and it has received unfavorable action in the other Body. There was no discussion of the order and I would like to remind you of its contents.

It was prompted by the, in my opinion, valid objections of certain coastal communities and rich communities that the school funding action which this legislature has taken didn't adequately reflect the per capita income of the residents of these communities and that, in many instances, the per capita income was down even though the real estate might have been valuable, and that this should be considered in any changes that were made in financing of education. To me, this is a perfectly valid observation concerning this whole question of educational financing.

Now, the problem that has occurred in the past in connection with establishing the per capita income in these communities, is that our state income tax form does not definitely establish the legal residence of the taxpayer and this order would have directed the Taxation Committee to have, working with the Bureau of Taxation, accomplish the change in the Maine Income Tax forms so that the legal residence of the taxpayer would be established and that this information on the per capita income of the residents of these various communities could be fed into the finance formula and taken into consideration. I can't imagine on what grounds there was an objection made to this order but we do have it before us and I do hope you will support the insist motion.

Thereupon, the House voted to Insist.

Bill "An Act to Allow Municipal Approval of Routine Great Ponds Permits" (H. P. 662) (L. D. 836) which was passed to be engrossed as amended by House Amendment "A" (H-762) in the House on June 16.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Natural Resources read and accepted in non-concurrence.

In the House:

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not recede and concur this afternoon on this particular little piece of legislation. The gentleman from Rangeley and I are now working in tandem on this particular bill and its companion, L.D. 730, which we are in a Committee of Conference situation on with the Senate. This bill, if we can defeat this motion to recede and concur, we will move to insist and ask for a Committee of Conference because these two bills reflect the treatment that the citizens of their communities get with respect to their attempts to get permits to all the great ponds and wetlands.

One of the things that we hope to accomplish is to make these permit structures parallel so that the citizen will not have to know two sets of rules as he goes about attempting to get these permits. That's one of the objectives, the other objective is to get some of this permit granting authority back down to the local community so that the timing can be improved. One of the big problems has been great delays in the issuing of these permits, sometimes taking as much as all summer.

Now, we have amended L.D. 730 until we got it in a position where we finally didn't

kill it in the other Body, we mended this bill so it is exactly parallel to that one and the other Body has seen fit to send it back to us whereby accepting the committee "Ought Not to Pass" Report so I hope you will fail to recede and concur on this so we can insist and ask for a Committee of Conference and get something out of both these bills that will be to help the local people get a better opportunity, and a faster opportunity to be granted permits for these alterations.

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

Mr. DOAK: Mr. Speaker and Ladies and Gentlemen of the House: Mr. Morton and I seem to be working in tandem; however, we have one or two more differences of opinion on the Great Ponds Act which we will hopefully get straightened out because I'm sure that he doesn't want to lose this completely and I'm sure that I don't want to lose this completely so, therefore, I think that a reasonable compromise can be set if we can get into a Committee of Conference.

The reason that I've been working on this as a member of the Natural Resource Committee where these two bills first appeared is because I have been in conference with the Department of Environmental Protection. I have been in conference with the lady who is representing the Congress of Lakes Association down here, and I have talked with quite a few people. Now, the committee amendment on the Great Ponds Act was acceptable to the Department of Environmental Protection, it was also not fully endorsed by the Congress of Lakes Association, I cannot say that, however, the only problem that I was told that they would have with it was the fact that the time on it seemed to be relatively long, therefore, I feel that if these two organizations, Department of Environmental Protection which is going to be definitely involved and affected by this legislation are somewhat in concurrence with us on this activity and that if the Congress of Lakes Association, which is a statewide organization, we even have some backup in the boondocks where I come from up on Loon Lake. We have some ladies and gentlemen up there that belong to this but if these ladies and gentlemen seem to be interested in this, I think it is very important that we continue to work on it just a little bit longer and then if you want to kill it, if we can't get it into posture where you like it, then I would be perfectly willing that it be killed.

There are one or two other things, while I'm on my feet that I might say in regards to this. One reason we'd like to do this is because sometime ago, you did or the legislature did, put the subdivision granting authority back into the municipalities. On subdivisions, they now have that ruling and they have that permission to activate that. That's one step. They find that's relatively a good step and they haven't had any problem with them in that respect.

The other thing that I am a little bit concerned about is that, at the present time, and this is a point in favor of trying to get some local control on this, at the present time, all of the controls on this are from the state level. Now, I submit to you, ladies and gentlemen, that from the state level, with the few game wardens that we have in the state and with other state organizations that are to enforce these laws on our great ponds and on our coast, I would say that we are getting a relatively

small policing action on it and I think that it is very important that we get some of this permit granting authority into these municipalities because once you give some people in the municipalities some responsibility in this direction, they are there in that municipality and they are practically on the site of the operation where this project is taking place and I know that there are going to be some that of these ladies and gentlemen on these planning boards in these municipalities, that they take a great interest in what they are doing and a great interest in their land and the planning of their community.

If they are going to follow up on this and they are going to see to it in some instances, not all, I know we are going to have some fall-by-the-way but I do also know that they are going to be some that will accept that responsibility and do it in an earnest and sincere manner and if what they will do then is to report the breaking of the law, if there is any, or at least they will tell the ladies and gentlemen who are working on these alterations, that they are doing on these coast and one thing or another, they will tell them they are in violation, whereas if they were to be continually controlled from the state level, you are not going to get that police action, so I'm going to say to you, ladies and gentlemen, that this is a very important piece of legislation, we should not recede and concur. We should kill that motion and then proceed to insist and ask for a Committee of Conference and I would suggest that we do that.

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

Mr. BAGLEY: Mr. Chairman, Ladies and Gentlemen: I'm Secretary of the Annabessacook Lake Association and tied up with the Cobossee Water Shed and so forth and I've worked some on this Congress of Lakes Association and I don't know how many of you know it, but the application forms have been simplified, they are speeded up, actually there are provisions for appeals in the bill that's before us that will take longer than the provisions for appeals in the bill that is so it seems to me that we should just as well get along without this bill.

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

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "Ought Not to Pass" on this bill simply because the Department of Environmental Protection has shortened the application form from five to one pages. They are doing their best to get answers out within 15 days and I believe that we should give them a chance at least until the next special session and I urge you to support the motion to recede and concur.

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

Mr. CURRAN: Mr. Speaker, ladies and Gentlemen: I urge you to not support recede so we can insist and ask for a Committee of Conference.

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

A vote of the House was taken.

40 having voted in the affirmative and 48 in the negative, the motion to recede and concur did not prevail.

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

Mrs. MITCHELL: Mr. Speaker, for the benefit of those who were out of the room and for the benefit of some of those

present, I would like to remind you that the major controversy surrounding the Great Ponds has been this time delay in approving the processing, 60, 90 and sometimes 120 days.

At the Natural Resources Committee last fall, the major complaint was time delay, there was no objections to the law itself. The amendment will increase the time necessary for approving the applications even longer because the department has come out with a new short form. The permits can be completed in 19 to 25 days. The department needs time to see if the time-shortened element works. Let's give it a chance now and not increase the time, this is what people are having trouble with. I urge you to recede and concur.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I have not been involved in this problem between Representative Morton and Representative Doak, but they apparently are knocking their heads together, they are asking this body for fair opportunity to meet with the members of the other body and possibly come up with a compromise of some sort. I just think it is a matter of fair play that we do not recede and concur and give these two gentlemen who have been fighting for two weeks but shaking hands after every battle a chance to reconcile their differences with the other body and possibly come up with something worthwhile to everybody.

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

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: I have difficulty in discussions with ladies because I usually lose, but in this particular instance, and I don't really want to dispute the young lady in her assumption that this is going to lengthen the time, however, in consultation with the Department of Environmental Protection and I have been in consultation with them quite a lot this year, I came down here with the attitude I was going to do a great big job on them because we were having so much trouble in the local communities. But, the fact remains, I have been in consultation with them and that they are shortening their process. What the lady says is correct. They have made it a one-page document now rather than three or four pages and they are handling some of these within ten or fifteen days. However, in consultation with the Department of Environmental Protection, they tell me, depending upon how many applications they get in, as to whether that 15 days is going to stand or whether it is going to take longer.

I think the one thing that they see in the amendment is the fact that we are asking for 30 days. However, this can be a concurrent action. In other words, they can act at the same time the municipality can. It doesn't say that they must take 30 days, it says the same as it does now, that 30 days is what they are saying is there already, laws and rules and regulations, but they are handling them now in 15. If we can handle these in ten, we are going to do it.

I would sure hope that we would be able to insist and have a conference and the other reason that I am asking for this privilege is that we were granted, and I thank the House for that grant, we were granted the right or the privilege of having a committee of conference and insisting on

the coastal Wet Lands Act. The Great Ponds Act and the Coastal Wetlands Act are almost synonymous, except one is on the ocean and the other is on inland waters. I just feel that if we are going to be able to accomplish anything on the Coastal Wetlands Act, that there is a great possibility that the inland people should be treated as fairly and as equal as you do those on the coast. So, therefore I am asking for the privilege of insisting and having that committee of conference so that perhaps we can treat the state alike, all of the people in the state equally.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to speak on this bill, but it seems to me that if you are just debating on the time point of view, making it a basic issue, I would advise you that it would take much longer in my town to get a permit of this type than I could get it from the state, if the state can now do it within 15 days, because it would have to go before the planning board and then from the planning board to the zoning appeals board and by that time I might not even wish to do it.

Mr. Doak of Rangeley was granted permission to speak a third time.

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: Sorry to do this, first time in this session and I hope I don't have to do it again but I do feel, in reply to Mr. Tyndale, this is a permissive type of legislation, it does not mandate that a municipality accept this granting of authority. The municipality, if it does not want to handle it, does not have to. It allows them to do it if they so desire.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: This seems to be rather a nebulous way to handle this matter, some can do it and some can't. You might as well destroy the whole law and not bother with it entirely if you are going to do that. I hope that we recede and concur.

The SPEAKER: The pending question is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, 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.
46 having voted in the affirmative and 78 having voted in the negative, the motion did not prevail.

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

Bill "An Act to Change the Participation of Employees in the Classified Service in Political Campaigns" (H. P. 1041) (L. D. 1331) which was passed to be engrossed as amended by Committee Amendment "A" (H-364) as amended by House Amendment "C" (H-760) thereto in the House on June 16.

Came from the Senate with that Body having Insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-364) as amended by Senate Amendment "A" (S-278) thereto and asked for a Committee of Conference.

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

The Speaker appointed the following

Conferees on the part of the House:

Mrs. BOUDREAU of Portland
Mr. HUGHES of Auburn
Mr. STUBBS of Hallowell

Bill "An Act to Provide Minimum Standards for the Protection of the Rights of Residents of Public Institutions" (H. P. 1219) (L. D. 1807) which was Indefinitely Postponed in the House on June 12.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-553) in non-concurrence.

In the House:

Mr. Rolde of York moved the House recede and concur.

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been kicked around here quite a lot and there have been a number of us in the committee that have been opposed to this. I hope that you do not recede and concur, that we insist.

The SPEAKER: The pending question is on the motion of the gentleman from York, Mr. Rolde, 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.

62 having voted in the affirmative and 59 having voted in the negative, the motion did prevail.

The following Communication:

STATE OF MAINE
One Hundred and Seventh Legislature
Committee on Veterans and Retirement
June 16, 1975

The Honorable John L. Martin
Speaker of the House
House of Representatives
Augusta, Maine 04333
Dear Mr. Martin:

The Committee on Veterans and Retirement 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 Presented	46
Unanimous Reports	36
Leave to Withdraw	18
Ought Not to Pass	10
Ought to Pass	3
Ought to Pass as Amended	4
Ought to Pass in New Draft	1
Divided Reports	10
Total Number of Referrals	3

Sincerely,
Signed:

ALBERT THERIAULT
House Chairman

The Communication was read and ordered placed on file.

Bill "An Act Relating to the State Truth-in Lending Act" (Emergency) (H. P. 1722) (Presented by Mrs. Clark of Freeport) "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 Committee on Business Legislation.

Under suspension of the rules, the Bill was read twice.

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

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: Obviously, an explanation is in order. The bill, as presented, simply represents six amendments to the State's

Truth-in-Lending Statute, which are required by the federal government to permit the continuation of Maine's exemption under the federal Truth-in-Lending Law. The federal Truth-in-Lending Act was amended in October, 1974, and as I said, this will simply bring Maine into line.

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

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: I would direct a further question to the lady from Freeport, if I might, through the Chair. Other than this brings Maine in conformity with the federal statute, I didn't understand the explanation. I wonder if she would attempt it again?

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

The Chair recognizes that gentlewoman.

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: When the bill is printed, you will see that the bill encompasses or comprises six amendments which were culled from a substantial number of suggested changes by the federal government. The six amendments are mandatorily required under the federal Truth-in-Lending Act in order that Maine continue to retain its exemption status under that act.

There were a number of additional amendments which were suggested by the federal people; however, I respectfully seek your support in including the absolutely necessary six amendments which are incorporated in this bill.

This has been received from the Bureau of Consumer Protection, that bureau having recently been given the responsibility for the implementation of the Truth-in-Lending statutes within the State of Maine.

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

Mr. Jacques of Lewiston presented the following Joint Order and moved its passage: (H. P. 1721)

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

The Maine Jaycees
Selected By The United States Jaycees
Convention
As The Leading Jaycee State Organization
In The Nation

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

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

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

Mr. Goodwin of South Berwick presented the following Joint Order and moved its passage: (H. P. 1724)

WHEREAS, the Legislature's unwillingness to authorize a bond issue for acquisition and construction of care and treatment facilities for the severely and profoundly mentally handicapped has raised questions pertaining to the types

and costs of facilities and services which are appropriate for various types of mentally retarded individuals; and

WHEREAS, such questions still lack definitive answers; and

WHEREAS, the study conducted in accordance with S.P. 641 during the 106th Legislature by the Joint Standing Committee on Health and Institutional Services focused only on issues arising from the policy of deinstitutionalization and neglected issues relevant to mentally retarded individuals who have never resided in state institutions; and

WHEREAS: due to severe time constraints in conducting this study, that committee was not able to base its recommendations on sufficient data, consider input from persons other than representatives of the Bureau of Mental Retardation, offer any priority of programs essential to the effective, efficient delivery of services to the mentally retarded population which have the greatest need for services; and

WHEREAS, the Joint Standing Committee on Health and Institutional Services recognizes the importance of priority services and designating target groups for the mentally retarded population in this State, including individuals residing not only in state institutions but also in community facilities and in their homes; and

WHEREAS, failure to consider and respond to such issues raises questions regarding the effectiveness and efficiency of the delivery system of services to the mentally retarded; now, therefore, be it

ORDERED, The Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Health and Institutional Services of the 107th Legislature to gather and analyze data, determine a priority of services to the mentally retarded, designate target groups having the greatest need for such services and recommend the most effective and efficient means of service delivery; and be it further

ORDERED, that in conducting its study the committee consider input not only from departmental officials but also from representatives of the mid-management and line levels of both the Department of Mental Health and Corrections and the department of Health and Welfare, from administrators and staff of residential facilities and other programs based in the community, from families of the mentally retarded and from mentally retarded individuals themselves; 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.

An Act Relating to the Application of the State valuation to Certain State and Town Cost-Sharing Activities (S. P. 256) (L. D. 832) (C. "A" S-282)

Was reported by the Committee on 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. 113 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 Concerning the Office of Energy Resources (S. P. 549) (L. D. 1913) (S. "A" S-285, S. "B" S-301)

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. 103 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 Providing Funds for Review of the State's Civil Service System and the Classification and Compensation Plan (S. P. 560) (L. D. 1926) (S. "A" S-293)

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. 109 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 Relating to the Registration and Practice of Professional Engineering (S. P. 112) (L. D. 377) (C. "B" S-289)

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 Amend the Air Pollution Standards to Expand the Definition of Treatment and to Affirm that Projects Meeting State Air Quality and Emission Standards will not Significantly Deteriorate Existing Air Quality (S. P. 443) (L. D. 1503) (C. "A" S-275)

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't aware of this piece of legislation. I read an article about two hours ago in a newspaper and after reading the article, I really don't know what it said. I hopefully wish that someone would explain it to me and all of you people that think that I am not an environmentalist, I may vote for this one.

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

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: If Mr. Farley would read the statement of fact, it explains the bill very fully.

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

Mr. DOAK: Mr. Speaker, Ladies and Gentlemen of the House: Maybe I could help a little. This did come out of committee with a unanimous "Ought to Pass" from the Natural Resources Committee. This is language that was revised by the Department of Environmental Protection and was supported by that department. The bill makes it clear that practices of the board for the past several years are in accord with the statutes in two respects. Section 1 makes it clear that the best practical treatment may include an internal process use of fuel type or external method. This would foreclose the argument which some

interveners have made from time to time; namely, that only external methods like scrubbers can be used.

I think that it might clear it up a little bit for some of you that we do have these air quality standards and the Board of Environmental Protection is meeting them and they are trying to clarify this a little bit to straighten out a few problems they have had in the past.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would like pose a question through the Chair to anybody on the committee who may answer. As this bill is now written, does it permit the DEP to approve a discharge as long as the discharge meets the air quality standards and as one method of meeting those standards, does it allow the facility to install a high stack which has the effect of discharging the pollutants over a bigger area and thereby creating a smaller quantity of air pollutants in each area?

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

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to answer the question of the gentleman from Standish, Mr. Spencer. It is my understanding — I did sign this bill out "Ought to Pass" — I understood from my legislative assistant that the bill was appropriate, but what the bill does do is allow taller stacks to be used as a method of meeting our Ambient Air Quality Standards. In other words, the town that the stack is located in you may be all right, but if you are down wind of another town, when all this stuff finally settles, it may not be all right.

I object to this legislation and won't vote for it on enactment. I haven't spoken on it, it isn't earth shattering I don't agree with it. The Department of Environmental Protection would like it because it will formalize some of the things they have done in the past. I don't always agree with the Bureau of Environmental Protection. In fact, I disagree with them a lot. Over this piece of legislation, I disagree vehemently. I think this is the wrong process. I think it is still going to allow for contamination of the air, it only allows it to be put up higher so it can be carried further downwind and be disbursed. You are still going to have the same amount of pollutants going into the air. I don't think this is the proper method when you have electrostatic things that can attract the pollutants or you have scrubbers. They will be using in conjunction with this, but they are going to allow stacks to be raised and I just don't approve of it personally and I wouldn't vote for enactment of the bill myself.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I think the House should be fully conscious of the implications of the legislation which it is now adopting. In the 1960's, one of the great advances in the air and water pollution control laws that was made, was to get away from the minimum standards concept and to move toward the best practical treatment concept. The reason that transition was so important was because it eliminated the prevailing

system of first come, first serve. Under the minimum standards approach to dealing with problem of air and water pollution, you set a standard and you say that the body of water or the air can absorb such a certain level of pollution, whether you are talking about hydrogen sulfide or oxygen or whatever it is, you set a standard and you allow pollution to that level.

The problem with that is that the first industry that comes in can show that they can meet the air quality standards by dumping a certain amount of pollutants into the air or the water. The problem is, when the second industry comes, if that first industry has used up that quota of the body of water or the air, then they have to meet a standard which may be impossible to meet in order to be in compliance with this minimum standard.

We had this problem on our rivers where the existing sources of pollution would be able to pollute down to the minimum standard and nobody could locate below that on the river without putting the quality of the water below the standard. If what we are doing is allowing a plant to put on a tall stack so that they can spread their air pollution out over a wide area and use up the quota that the air is permitted to absorb over a wide area, what is going to happen when another plant that has to discharge into the air wants to locate near that facility? Well, there may not be any more room left above the minimum quota. If it is practicable to reduce the quantity of emissions and it is economically feasible and it is being done in other parts of the country with facilities of the same kind, we ought to be requiring that in Maine.

I think that this legislature is in the process of unraveling all the gains that were made in the 1960's and I think that we are doing a real injustice to the people of this state. There certainly is some concern in the public about the strict environmental laws. I hate to see the legislature go back to the position that we were in the early 1960's and if that is what this bill does and that is what it sounds to me as if it does, I think we are making another terrible mistake. I would urge you to consider this thing carefully.

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

Mr. MORTON: Mr. Speaker and Members of the House: This is an area that I know a little something about. I participated in one hearing on this with the DEP. As I read this bill, and I have read it, it indicates to me that all it is asking for is the opportunity for the department to be able to utilize all methods of stack effluent reduction, including a higher stack.

There are many methods, so called scrubbers and electrostatic equipment that you have been hearing about here for the last few minutes. They definitely have not been perfected. By technically qualified experts that I have heard testify for several hours on this, they definitely have real problems with these, they can't keep them on line, they don't necessarily perform the way they are supposed to.

I believe that this legislation, if I read it correctly, is only allowing the department to use whatever methods, including these types, that will give the best results, and would say that this should be adopted.

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

A vote of the House was taken.

Thereupon, Mrs. Najarian of Portland requested a roll call vote.

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

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

On motion of Mr. McKernan of Bangor, tabled pending passage to be enacted and tomorrow assigned, a roll call ordered.

An Act Relating to the Constituent Service Officer (H. P. 267) (L. D. 315) (C. "A" H-672)

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

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

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

An Act to Repeal Obsolete Statutes Concerning Certain Crimes (H. P. 546) (L. D. 674)

An Act to Allow Payment of Unemployment Compensation Benefits During Labor Disputes Caused by Failure of the Employer to Correct Hazardous Working Conditions (H. P. 825) (L. D. 1008) (C. "A" H-378)

An Act to Further Define and Protect Surface Sources of Public Water Supplies in Maine (H. P. 847) (L. D. 1034) (C. "A" H-677)

An Act Relating to the Freedom of Subscribers to Hospital, Medical Service or Health Care Plans to Choose a Psychologist to Provide Mental Health Services (H. P. 1023) (L. D. 1302) (H. "B" H-749)

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

An Act to Make Available Wood Fuel for Low-income Citizens (H. P. 1228) (L. D. 1754) (C. "A" H-523)

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

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

Mrs. BERRY: Mr. Speaker and Members of the House: I understand that we still have this same amendment on for the department to take on this chore. I would just like to comment.

I talked to many woodcutters over the weekend, and they estimate that this will cost somebody between twenty and twenty-two dollars a cord for cutting and trucking within a 60 mile radius. Most of these public lands are in the western part of the state from central to north. I think we are rather fooling ourselves and the low income citizens, whoever this bill refers to, that this is something good for them.

Let's take back home where these people live. Most of the low income people, a lot of them, don't live in the best of homes and it takes a better chimney to burn wood than it does to burn oil, and has anybody here bought a wood stove lately? Most of them are \$150 or so, and presumably would take a couple of them to heat a home. That is not anything to laugh at, I don't think. How many have storage for such wood? How

many have burned green wood and tried to heat a house? I think we have got a lot of things to consider here.

We have been concerned about the bill to give elderly free drugs, think that we are creaming the elderly. I think that we are creaming the state when we are telling them that they are going to get free wood, it isn't going to cost the taxpayers a cent, I would like to know where this twenty or twenty-two dollars a cord is coming from? Somebody is going to pay for it.

These are just comments, Mr. Speaker. I am sure I would be labeled against low income and everything else if I voted to indefinitely postpone this bill, but I just can't imagine this coming out of the committee saying that it isn't going to cost anything and we are going to do something for the low income people in the State of Maine.

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

A vote of the House was taken.

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

Signed by the Speaker and sent to the Senate.

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

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

The SPEAKER: The gentleman from York, Mr. Rolde, now moves that we reconsider our action whereby this bill was passed to be enacted. All in favor will say yes; those opposed will say no.

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

An Act to Establish the Maine State Ferry Advisory Board (H. P. 1308) (L. D. 1651) (S. "A" S-305 to C. "A" H-659)

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

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

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

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

On the disagreeing action of the two branches of the Legislature on Bill "An Act to Establish Job Development, Placement and Follow-up Services in Secondary Schools," Senate Paper 476, L. D. 1609, the Speaker appointed the following conferees on the part of the House:

Messrs. KELLEHER of Bangor
FLANAGAN of Portland
FENLASON of Danforth

On the disagreeing action of the two branches of the Legislature on Bill "An Act to Extend the Jurisdiction of the Human Rights Commission to Grievances of Ex-offenders," House Paper 1114, L. D. 1416, the Speaker appointed the following Conferees on the part of the House:

Messrs. CONNOLLY of Portland
DAVIES of Orono
McMAHON of Kennebunk

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

Mr. Drigotas from the Committee on Taxation on Bill "An Act to Establish a 10% Surcharge on Spirituous, Vinous and Malt Beverages Sold at State Liquor Stores" (H. P. 1432) (L. D. 1691) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-779)

Report was read and accepted.

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

Mr. COX: Mr. Speaker, I move reconsider and I would speak to my motion.

The SPEAKER: The gentleman from Brewer, Mr. Cox, moves that we reconsider our action whereby the House accepted the Committee Report.

The Chair recognizes the same gentleman.

Mr. COX: Mr. Speaker and Members of the House: This says that this is an "ought to pass" Report of the committee as amended, and as a member of the committee, I haven't seen the amendment. I did not report "ought to pass" on this.

On motion of Mrs. Najarian, tabled pending the motion of Mr. Cox of Brewer to reconsider acceptance of the Committee Report and tomorrow assigned.

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

Committee on Appropriations and Financial Affairs reporting "Ought to Pass" — Pursuant to Joint Order S. P. 574 on Bill "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1976 and June 30, 1977" (S. P. 584) (L. D. 1937)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, the Report was read and accepted. Under suspension of the Rules the Bill was read twice and passed to be engrossed in concurrence.

(Off Record Remarks)

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

(Off Record Remarks)

On motion of Mr. Rolde of York, the Chair laid before the House the fifth tabled and unassigned matter:

Bill "An Act Consolidating the Statutes of the Maine Guarantee Authority" (H. P. 1389) (L. D. 1805) (C. "A" H-592)

Tabled — June 2, by Mr. Rolde of York.

Pending — Second Reading.

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

On motion of Mr. Gould of Old Town, Adjourned until nine-thirty tomorrow morning.