

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, February 4, 1976

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

Prayer by the Reverend Norman Rust of Dover-Foxcroft.

The journal of yesterday was read and approved.

(Off Record Remarks)

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 679)

ORDERED, the House concurring, that notwithstanding the normal procedure of the Legislature any report concerning all bills and resolves presently in the Committees regarding the financing of education shall be reported initially to the House.

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

From the Senate:

Bill "An Act to Revise the Personnel System" (S. P. 677) (L. D. 2166)

Came from the Senate referred to the Committee on State Government and ordered printed.

In the House, referred to the Committee on State Government in concurrence.

Reports of Committees

Leave to Withdraw

Committee on Judiciary reporting "Leave to Withdraw" on RESOLVE, Authorizing Sabon P. Milligan to Bring Civil Action Against the State of Maine (S. P. 645) (L. D. 2046)

Committee on Judiciary reporting "Leave to Withdraw" on RESOLVE, Authorizing Ladd Farms, Inc. to Bring Civil Action Against the State of Maine (S. P. 646) (L. D. 2047)

Came from the Senate with the Reports read and accepted.

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

Ought to Pass with Committee Amendment

Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-395) on Bill "An Act to Correct Certain Inequities in the Motor Vehicle Law" (Emergency) (S. P. 641) (L. D. 2030)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A"

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-395) was read and adopted in concurrence and the Bill assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act Prohibiting the Use of Seine or Gill Nets on a Certain Portion of the Union River" (H. P. 1945) (L. D. 2131) on which the House Insisted on February 2, 1976, on its former action whereby the Bill was referred to the Committee on Fisheries and Wildlife on January 29, 1976.

Came from the Senate with that Body having Insisted on its former action whereby the Bill was referred to the Committee on Marine Resources in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Regulate Vehicles Transporting Combustible, Flammable or Hazardous Materials" (H. P. 1967) (L. D. 2156) which was referred to the Committee on Legal Affairs in the House on February 2, 1976.

Came from the Senate referred to the Committee on Public Utilities in non-concurrence.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I would like to see this, and I haven't talked with the chairman of the committee, but I would like to see this go to Transportation.

In reading over the bill, which is 2156, under the section of rules and regulations which refers to Public Utilities, it should be noted that rules and regulations now aren't made by the Public Utilities, they are made by Public Safety and it gives Public Safety arresting powers, also, and it is done through the Department of Transportation.

Another section of it which refers to the Interstate Commerce Commission, they haven't had anything to do with Public Safety since around the year 1969. This also comes under the Department of Transportation because a section of it is in go to the Transportation Committee.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: It seems to me there was a bill in the last session — I may be wrong, it may have been the session before, but I believe it went to Legal Affairs. I certainly wouldn't have any objections seeing that bill go to Legal Affairs.

Mr. Speaker, I would make the motion that the House insist and send this to Legal Affairs.

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

Mrs. BERRY: Mr. Speaker, I would like to see a division on this, and I certainly believe it should go to the Committee on Transportation because a section of it is in the Department of Transportation.

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

Mr. FRASER: Mr. Speaker and Members of the House: I have to agree with the gentlewoman from Madison, Mrs. Berry. I know that this bill was here before and if they want it, let them have it, but I believe it should be in Transportation.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House insist. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 14 having voted in the affirmative and 99 having voted in the negative, the motion did not prevail.

On further motion of the same gentleman, the House voted to recede from its action whereby the bill was referred to the Committee on Legal Affairs.

Thereupon, the Bill was referred to the Committee on Transportation in non-concurrence and sent up for concurrence.

Petitions, Bills and Resolves Requiring Reference

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Tabled and Assigned

Bill "An Act Correcting Errors in Law Governing Use of Animals in Schools" (H. P. 1989) (Presented by Mr. Davies of Orono)

Committee on Reference of Bills suggested the Committee on Agriculture.

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

Mr. SPENCER: Mr. Speaker and Members of the House: The Judiciary Committee already had a hearing on a bill to correct errors in the laws governing the use of animals in the schools. I haven't seen this bill, and we don't have any particular interest in dealing with animals in schools, but I think these two bills may be doing similar things and I move that this be tabled for one day so that I could check with the sponsor.

Thereupon, on motion of Mrs. Najarian of Portland, tabled pending reference and tomorrow assigned.

Appropriations and Financial Affairs

Bill "An Act to Prevent Impoundment of Funds" (H. P. 1985) (Presented by Mr. Rolde of York) (Cosponsors: Messrs. LaPointe of Portland, Carey of Waterville, Garsoe of Cumberland)

(Ordered Printed)
Sent up for concurrence.

Tabled and Assigned

Bill "An Act Concerning Certain Nonprofit Hospital or Medical Services Organizations" (H. P. 1990) (Presented by Mr. Bustin of Augusta)

Committee on Reference of Bills suggested the Committee on Business Legislation.

(On motion of Mr. DeVane of Ellsworth, tabled pending reference and tomorrow assigned.)

Health and Institutional Services

Bill "An Act to Provide for the Licensing of Denturists" (H. P. 1991) (Presented by Mr. Dudley of Enfield) (Cosponsor: Mr. Goodwin of South Berwick, Mr. Gould of Old Town) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order S. P. 635 as amended)

Committee on Reference of Bills suggested the Committee on Health and Institutional Services.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: We are convened here in an extraordinary session and I can't sit here this morning and allow this one to go through as being under any guise a subject fit for our consideration at this point. Realizing my action may be viewed as abrupt and ill-advised, I nevertheless move the indefinite postponement of this bill and all its accompanying papers.

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

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am sorry this morning that the gentleman who just spoke is so poorly informed of what the people need, and it is probably in his area.

I found that one of the most common things that people need now is medical service and dental service, and anything that we can do to improve this, in my

opinion, we would be doing the public some good.

Now let me tell you, there are several states in the United States that now have this denturist bill; let me also tell you that the provinces around us, Nova Scotia and New Brunswick, have it, and my people are so near there that they can go there in a lot of cases, if they have got the money, which is quite expensive to travel a long distance nowadays at the price of gas, and have their denture work done for much less money. It was my only hope that we could make this available to people, poor people especially. By the way, these people are mostly aged people who don't have any teeth. Mine are pretty good yet. It means repairing their dentures, getting dentures, or even getting a tooth or two put on, and a lot of these poor people have a crack in their dentures and have had them for a long time, which makes the roof of their mouth sore.

One old neighbor of mine who lives near comes to my place of business real often. He kind of likes to chew a little tobacco. I noticed recently he was unable to chew and I said, "What has happened? You don't chew tobacco anymore?" He said, "Mr. Dudley, my dentures have got a crack in them, but I can't afford to fix it and it pinches the roof of my mouth." I think it is an unfortunate thing that these people are asking these high prices.

We are not saying in this bill that they must go to a denturist. We are saying in this bill, you may. If the denturist wants \$5 and the other fellow wants \$50, it might be wise that you see a denturist and get this crack in your plate fixed.

We are not going so far as to say this denturist can do everything that a dentist can do. We never would even think of that, but we do hope that these people will be able to have their dentures repaired, teeth put on them and cracks fixed, and for this I think we would be doing the people of this state as a whole a great favor without really hurting anybody. The dentists in my area have long lists of appointments full, and a lot of these old people, they just can't even get an appointment within a reasonable time. By the time they got it, some of them would be deceased.

I hope at this time that you will vote to consider this bill and at least we will have a decent hearing. You will find out right from your own ears how much need there is once the bill is heard and it is advertised, and I hope we will have a division on the motion, please.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I won't speak to the contents of this bill because I really don't know that much about the bill. But I would remind us that we have been severely criticized in the past when we have taken action to kill legislation before we have even allowed it to go to a public hearing.

I urge you to defeat the gentleman's motion so this bill can be heard by the public.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I feel about the same as the gentleman from York, Mr. Rolde. I think we would be doing an injustice to the people if we didn't allow this to go to public hearing.

I have had some experience this past year in going to dentists, and one of them

having a tooth replaced, one cap, over \$200. How many people today can afford that, how many people on pensions can afford it? I think today we should defeat this motion, and I would ask for a roll call.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, has requested a roll call vote. All in favor of 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 Cumberland, Mr. Garsoe, that this Bill and all accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bagley, Birt, Bowie, Conners, Doak, Dyer, Garsoe, Hewes, Higgins, Hinds, Hunter, Jackson, Kelley, Laverty, Leonard, Lewin, Lewis, Mackel, MacLeod, Miskavage, Palmer, Perkins, S.; Rollins, Snowe, Sprowl, Stubbs, Tarr, Teague, Torrey.

NAY — Albert, Ault, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Boudreau, Burns, Bustin, Byers, Call, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Davies, DeVane, Dow, Drigotas, Dudley, Durgin, Farley, Faucher, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hutchings, Immonen, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mahany, Martin, R.; Maxwell, McBreairty, McKernan, Mills, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Pearson, Pelosi, Peterson, P.; Peterson, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Snow, Spencer, Strout, Susi, Talbot, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

ABSENT — Bennett, Carroll, Curtis, Dam, Farnham, Gauthier, Hughes, Martin, A.; McMahon, Peakes, Perkins, T.; Pierce, Smith, Webber.

Yes, 30; No, 107; Absent, 14.

The SPEAKER: Thirty having voted in the affirmative and one hundred seven in the negative, with fourteen being absent, the motion does not prevail.

Thereupon, the Bill was referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

Performance Audit

Bill "An Act to Classify the Positions of Director of Program Review and Evaluation in the Department of Audit, Director of Fraud Investigation, in the Department of Audit, and of Employees of the Fraud Investigation Division in the Department of Audit" (H. P. 1992) (Presented by Mrs. Berube of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Concerning the Geologist and Soil Scientist Certification Act" (H. P. 1993) (Presented by Mr. Ault of Wayne)

Committee on Reference of Bills

suggested the Committee on State Government.

(On motion of Mr. Rolde of York, tabled pending reference and tomorrow assigned).

State Government

Bill "An Act Requiring Disclosure of Communications Made by Elected Public Officials to Sensitive Regulatory and Loan Granting Governmental Bodies" (H. P. 1994) (Presented by Mr. Farnham of Hampden)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Providing for the Collection of Motor Vehicle Use Taxes" (H. P. 1995) (Presented by Mr. Susi of Pittsfield)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Concerning Transit District Buses Used for Elementary Pupil Transportation" (Emergency) (H. P. 1996) (Presented by Mr. Jensen of Portland) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order S. P. 635 as amended)

(Ordered Printed)

Sent up for concurrence.

Orders

Mrs. Clark of Freeport presented the following Joint Resolution and moved its adoption: (H. P. 1986)

IN MEMORIAM

Having Learned of the Death of John R. Lavers A Distinguished Citizen of Freeport

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

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

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

Mr. Pierce of Waterville presented the following Joint Order and moved its passage: (H. P. 1987) (Cosponsors: Mrs. Kany of Waterville and Mr. Carey of Waterville)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Gregory J. Clukey 1975 Governor of Drigo Boys State

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. Pierce of Waterville presented the

following Joint Order and moved its passage: (H. P. 1988) (Cosponsors: Mrs. Kany of Waterville and Mr. Carey of Waterville)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Jody A. Jabar 1975 Governor of Dirigo Girls State

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.

Consent Calendar

First Day

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

Bill "An Act Relating to the Holding of Property by the Home for Aged Women in Bangor" (Emergency) — Committee on Legal Affairs reporting "Ought to Pass" (H. P. 1931) (L. D. 2118)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 5, under listing of the Second Day.

Consent Calendar

Second Day

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

RESOLVE to Adjust the Retirement Status Under the State Retirement Law of Albert W. Hollowell of Owl's Head (C. "A" H-862) (H. P. 1826) (L. D. 1987)

Bill "An Act Relating to the Listing of Officers and Directors under the Nonstock Corporation Law" (C. "A" H-864) (H. P. 1848) (L. D. 2017)

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

Passed to Be Enacted

An Act to Abolish the Credit and Collection Board (H. P. 1850) (L. D. 2019)

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.

(Off Record Remarks)

Orders of the Day

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

Bill, "An Act to Establish the Contract Review Committee to Oversee the Bureau of Purchases" (H. P. 1980) (Committee on Reference of Bills suggested Committee on State Government).

Tabled — February 3 by Mr. Cooney of Sabattus.

Pending — Motion of Mrs. Clark of Freeport to refer to the Committee on Business Legislation.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: At the last session, we passed an order asking the

Appropriations Committee to review the Bureau of Purchases in their procedures etc. It would seem to me, and they have been quite involved in this area and are about ready to issue their reports, that it might be more appropriate, rather than State Government or Business Legislation, to send this to the Appropriations Committee. Therefore, I would ask you to vote against this motion to send it to Business Legislation, which is now pending before us, so we could send it to Appropriations.

Thereupon, Mrs. Clark of Freeport withdrew her motion to refer this to Business Legislation.

On motion of Mrs. Najarian of Portland, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

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

Bill, "An Act Relating to Movement of Overwide Farm Equipment" (H. P. 1857) (L. D. 2025)

Tabled — February 3 by Mr. Strout of Corinth.

Pending — Passage to be Engrossed.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to belabor you this morning with any real long testimony.

I would like to bring to your attention that L. D. 2025, as we all know, came out of committee with a majority of 12 and a minority of one. It is not very often that I sign out a bill a minority of one unless I have some strong feelings about a particular piece of legislation.

This piece of legislation, "An Act Relating to Movement of Overwide Farm Equipment," I feel, could create problems. At the hearing, there were only two people that spoke on this bill, the sponsor and a person who was from his district. I presume, spoke that he had been involved with an accident with an overwide piece of equipment in daylight hours. Let me relate to you that what this bill attempts to do will not solve his problems or any problems concerning this in the future.

As the motor vehicle law stands now, these particular pieces of equipment are exempt from having lights or reflectors on the rear. What this bill attempts to do, and I am going to read it briefly, it says that mowing machines, light farm tractors not customarily operated over public ways and other light weight farm vehicles are exempted from this section — and that means the section of the law as it stands.

It goes on to say that provided they are so equipped with lights or reflectors as to adequately warn other highway users of their extreme width to the front and rear, and I repeat, to the front and rear, during the times when headlamps are required by section 1366. I would like to go to 1366 and relate to you what the motor vehicle law says. It says, all lights and reflectors and signal lamps required by law to be displayed on rear of all vehicles. As it is now, this means rear of all vehicles and what they are asking here is that they want it on the front and rear, they want lights and reflectors on vehicles that are exempt now to have them on the front where they are not required on other equipment. It also goes on to say that all vehicles of 7 feet or over in width shall be at least within 12 inches of the extreme extension of the rear

of such vehicles. What this would require the farmers in the State of Maine to do is to put reflectors or lights within 12 inches of the extreme of this farm equipment on the front and on the rear. I see some real serious problems when you are talking about mounted disc harrows, side-delivery rakes, trailer plows, potato harvesters. I guess my question will be, one in particular, if you require these people to put these lights or reflectors on, they leave their place of business and go to their farmlands and these reflectors or lights are broken in their duties, what are we going to do, require them to carry extra reflectors or lights so that they can get back from their barns at night?

I think in all conscientiousness that the farmers in the State of Maine are trying to do what is right and I can't see why we should require them, when a lot of these people go out in the afternoon with good intentions of being back before dark, something is going to happen and we are just putting them in a bind.

Now, this morning I called the Motor Vehicle Department and I asked them specifically how many cases do you have involved in overwide equipment that creates hazards in the State of Maine? They say there are one or two cases a year and it is nothing serious.

Mr. Speaker, I move for the indefinite postponement of this bill and all its accompanying papers and I would ask for a division.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of this bill and the reason I sponsored it is because one of my constituents was involved in an accident with one of these overwide farm vehicles.

This measure is purely a safety measure. As it stands now, none of these vehicles, be they 14 feet wide or more, can travel on the highways, they don't require any escorts, they don't require any reflectors or any lights and I submit to you that this is a real hazard.

I am not asking that they be provided with escorts, we are merely asking that they have reflectors or lights if they travel at night and I submit to you that this is only a very reasonable safety precaution.

I have had this bill drafted by the Traffic Division and they have informed me that it is one of the better ways of handling this thing. Anything else would make it difficult. I would hope that we would act on this and defeat the motion to indefinitely postpone, allow this to become law and in the process, we may be able to save someone's life.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, I would like to react to one comment that the gentleman from Winslow made. He said that this bill would require all equipment over 14 feet. I would like to relate to you that the way this bill was proposed, it would require all equipment over 7 feet.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to be nitpicking this morning, but if my worthy opponent would have listened to what I was saying, he would have been aware that I said vehicles as wide as 14 feet or more are now allowed on the highways without any reflectors or lights whatsoever. I didn't say this would apply

only to vehicles over 14 feet, it applies to any overwide vehicle on the highways at night.

The SPEAKER: A vote has been requested. The pending question before the House is on the motion of the gentleman from Corinth, Mr. Strout, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The SPEAKER: The pending question now before the House is on passage to be engrossed.

Mr. McBreairsty of Perham requested a roll call vote.

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

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

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

Mr. STROUT: Mr. Speaker, I guess I have a couple of questions, but first off, as I understand it, we are voting on passage to be engrossed. To the members of the House, I would ask that you vote no on the pending motion, and I would just like to make one more brief statement, that the day of the hearing, if this was emergency legislation, if this was a serious problem in the State of Maine, why didn't somebody from the Maine State Police, why didn't somebody from the Motor Vehicle Department and why didn't somebody from the Transportation Department speak in favor of this bill?

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

Mrs. BERRY: Mr. Speaker and Members of the House: I have been in agriculture up to this point all my life and I think farmers have been exempt from many things, but I think this is a matter of a safety feature. All other vehicles have to have some safety measure attached to their vehicles. I don't believe this is just a matter of safety to the citizens of the state, I think it is a matter of safety, in this day and age, of so much suing and this type of thing when there is an accident, I believe it is a safety factor for the farmer.

A reflector is just a matter of sense, and even I could use an electric drill to put a reflector on a vehicle. It is not that hard to do, and I think as a safety factor, this bill should be passed.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: One of the last things I want to do is create a hardship for people who transport farm equipment, but anything as wide as 14 feet is a hazard on the road and the inconvenience is not that great. A little reflector on both ends or sides, front and rear, this is not a great expense, and if it will save even one accident a year, as mentioned, that is enough.

The SPEAKER: The Chair recognizes the gentleman from St. Agatha, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to support Mr. Strout's motion. I think it is

pretty bad here when we start making legislation because of one accident. I haven't seen anything from the State Police contrary to this, and I would just remind you that this would create a hardship for those of you who have constituent farmers. I would ask you to please support Mr. Strout's motion.

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

Mr. PEAKES: Mr. Speaker, I would like to pose a question as to whether this equipment comes standard with reflectors or lights on them? I personally would like to feel that the farmers would put these reflectors on themselves without being told to. I support Mr. Strout's motion.

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

Mr. McBREAIRTY: Mr. Speaker and Members of the House: I will try to partly answer his question. All new equipment comes equipped with this rectangular sign that is either recommended or required by OSHA.

Now, this says front and back. Just imagine if you have a hay rack. There are no brackets or anything on that piece of equipment to attach a reflector or light to, so this would require quite a considerable amount of expense and work to attach to something like this.

This past weekend, I visited a farmer or two up there and they were studying a book about this so they could pass a test this spring and get a license to apply pesticides which they have been applying all their lives. I hope we will give them a little more time to study this book, get this test out of the way, before we require that they go out in the shop and spend thousands of dollars and a lot of time that they need to produce us some more food on this bill.

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

Mr. LYNCH: Mr. Speaker, I would like to ask two questions for the benefit of the non-farm members of the legislature. Are these vehicles licensed and are they restricted to daylight hours?

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, has posed two questions through the Chair to any member who may care to answer.

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

Mr. STROUT: Mr. Speaker, in answer to "are they required to be registered," no. The second question, are they restricted to daylight hours, no.

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

Mr. CAREY: Mr. Speaker, in answer to the gentleman from St. Agatha, it is more than one accident that is involved. We had one in Waterville on our Webb Road where two people were nearly killed. They were both from out of state. One man made his living in a marching band and he will never march in that band again. He is lucky to be alive today.

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

Mr. FAUCHER: Mr. Speaker, would the Clerk be good enough to tell us what the Committee Report was.

Thereupon, the Report was read by the Clerk.

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

Mr. ALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I signed the bill "ought to pass." In Limestone, we had two severe accidents last year. Cars ran into a harvester in the early morning with no reflectors on the harvester. So you see, I think this bill is a good bill.

A lot of people transport machinery at night that they shouldn't and if they had a reflector on there it would take care of this. I think it is a good bill.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I think we ought to be concerned. I think the Representative from Aroostook said that all equipment comes with a sign, which I believe he means a slow moving vehicle sign. There is much equipment on the road today that isn't new machinery, and these don't have these signs. These poor farmers can't afford new machinery, so you don't see too many of these on the road. I think we ought to be concerned about the other machinery as well.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be engrossed. All in favor of this Bill being passed to be engrossed will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Burns, Bustin, Carey, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, Dow, Drigotas, Dudley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hinds, Hobbins, Hughes, Ingegneri, Jackson, Jacques, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, Lewin, Lizotte, Lunt, Lynch, MacEachern, Mahany, Maxwell, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Pelosi, Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rolde, Rollins, Saunders, Silverman, Snow, Spencer, Susi, Tarr, Teague, Theriault, Tierney, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship.

NAY — Bagley, Berry, P. P.; Bowie, Byers, Call, Carpenter, Connors, DeVane, Doak, Durgin, Dyer, Farley, Goodwin, H.; Hewes, Higgins, Hunter, Hutchings, Immonen, LeBlanc, Leonard, Lewis, Littlefield, Lovell, Mackel, MacLeod, Martin, R.; McBreairsty, McKernan, Palmer, Peakes, Pearson, Perkins, S.; Perkins, T.; Peterson, P.; Rideout, Shute, Snowe, Sprowl, Strout, Stubbs, Talbot, Torrey, Tozier.

ABSENT — Bennett, Carroll, Curtis, Gauthier, Jalbert, Martin, A.; McMahon, Smith, Webber.

Yes, 98; No, 43; Absent, 9.

The SPEAKER: Ninety-eight having voted in the affirmative and forty-three in the negative, with nine being absent, the motion does prevail.

Sent to the Senate.

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

Bill, "An Act Relating to the Maine Transportation Board" (H. P. 1858) (L. D. 2026)

Tabled — February 3 by Mr. Hewes of Cape Elizabeth.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes

the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: I thank you for tabling this for one day. I wanted to see if there was any cost involved in the creation of this Maine Transportation Board. In looking at the bill, I see there isn't any additional cost that will be borne by the person purchasing or leasing equipment and apparently there is no opportunity to include terry equipment down in the Casco Bay area, so I now have no objection to this bill going through usual legislative process.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: This bill has come to the attention of several of us around as we saw it was tabled. The title of the bill seems to be somewhat misleading in that it says "An Act Relating to the Maine Transportation Board." I think it would be more properly "An Act Creating the Maine Transportation Board."

I would like to ask the sponsor or the members of the Transportation Committee to provide some more detailed explanation to the bill. Not only does it create a committee of five people who will be paid \$50 a day for their services, appointed by the Governor, but it provides for tax free bonds to be issued for the purpose of acquiring for leasing or resale railroad equipment. Although it specifically says the credit of the state is not involved, it is a major business venture of sorts for the state to be getting into.

I would ask what the emergency and what the carefully considered views of the Transportation Committee are on this particular bill?

Thereupon, on motion of Mr. Kelleher of Bangor, tabled pending passage to be engrossed and tomorrow assigned.

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

Bill, "An Act Concerning the Provision of Legal Services by Third-Year Law Students" (H. P. 1842) (L. D. 2007) (C. "A" H-859)

Tabled — February 3 by Mr. Spencer of Standish.

Pending — Passage to be Engrossed as amended by Committee Amendment "A" (H-859)

Mr. Spencer of Standish offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-869) was read by the Clerk.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: This bill allows Maine residents who are law students in other states to practice under the supervision of district attorneys in Maine on the same basis as students at the University of Maine. This amendment would put an emergency preamble on that so that Maine residents who are students out of state would be able to get jobs this summer on the same basis as students at the University of Maine.

Thereupon, House Amendment "A" was adopted.

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

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

Bill, "An Act to Appropriate Funds for Expenditures of the First Special Session of the 107th Legislature" (Emergency) (S. P. 617) (L. D. 1949)

— In the Senate, passed to be Engrossed as Amended by Committee Amendment "A" (S-393) on January 29.

— In the House, report read and accepted, bill read once, Committee Amendment "A" read.

Tabled — February 3 by Mr. Palmer of Nobleboro.

Pending — Adoption of Committee Amendment "A" in concurrence.

Mr. Garsoe of Cumberland offered House Amendment "C" to Committee Amendment "A" and moved its adoption.

House Amendment "C" to Committee Amendment "A" (H-868) was read by the Clerk.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: You have on your desks House Amendment "C", which is an effort to correct the figures that are being reappropriated for the Department of Finance and Administration and the Department of Treasury. The reason for this correction is, we were given incorrect figures in Legislative Finance, so it is necessary, if this legislature is to function on a fiscally sound basis and if your paychecks are to be put out on time, that we appropriate total from these two accounts the sum of \$675,000.

You will note the change in the figures that we had originally appropriated from these two accounts what we felt were the total balances that would last. However, questions have arisen, especially regarding the area of the tax relief for the elderly, and so this should lay the dust on any objections. We have left another \$400,000 in there to cover the late filings that may be considered and it now takes \$500,000 from Treasury and \$175,000 from elderly tax relief, and I would hope you would adopt this amendment.

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

Mrs. Berube of Lewiston offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-866) was read by the Clerk.

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

Mrs. BERUBE: Mr. Speaker and Members of the House: What this House Amendment would do, it would simply delete the second page of the Committee Amendment "A" which called for a transfer of four positions and funding from the Attorney General's Office to the Human Services Office for the ultimate purpose of being eligible for a federal matching grant for these positions. It now seems, however, that this is not necessary and that the Attorney General's Office would also qualify for the federal funding.

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

Committee Amendment "A" as amended by House Amendment "B" and House Amendment "C" thereto was adopted in non-concurrence, and the Bill assigned for second reading tomorrow.

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

Mr. Cooney from the Committee on State

Government to which was referred the study relative to the abolition and distribution of the powers of the Executive Council, pursuant to H. P. 1781 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that accompanying Bill "An Act Redistributing the Powers of the Executive Council" (H. P. 1997) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

The Report was read and accepted, the Bill referred to the Committee on State Government, ordered printed and sent up for concurrence.

The following Communication:
STATE OF MAINE
ONE HUNDRED AND SEVENTH
LEGISLATURE
COMMITTEE ON STATE
GOVERNMENT

February 2, 1976

The Honorable Jerrold B. Speers,
Chairman
Legislative Council
State House
Augusta, Maine 04333

Dear Senator Speers:
Joint Order H. P. 1781 of the 107th regular session of the Legislature directed the State Government Committee to study the Maine Revised Statutes "for the purpose of amending such statutes to conform with the proposed amendment to the Constitution abolishing the Executive Council".

I am pleased to enclose the final report of the State Government Committee entitled, "Replacing the Executive Council". The report revises and updates the committee's preliminary report, dated October 31, 1975, and includes a section-by-section analysis of the recommended statutory changes. The committee has completed drafting these changes. Because of the length of the proposed bill, a copy is not included with the report, but the completed legislative document will be printed this week.

Sincerely,

Signed: THEODORES. CURTIS JR.
Chairman

Committee on State Government
The Communication was read and with accompanying papers ordered placed on file.

(Off Record Remarks)

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

Mr. JALBERT: Mr. Speaker and Members of the House: Because I have been spending a little more time than I should outside, I have just been handed a pamphlet concerning the review of the school funding issues and it says, "paying for 245,000 children." You know, that kind of brought me back to about 10 days ago when we had a meeting called by a member of the unmentionable body, Senator Berry, and all we were discussing, including myself, was percentages, proration, deficit financing, first year funding, second year funding, everything involved itself with money — vetoes, overriding of vetoes.

All of the issues were covered outside of one thing, and that brought some of us to attention when the gentleman from Sabattus, Mr. Cooney, got up and made what I thought was one of the finest dissertations I have heard in a long time.

In sum and substance, his title was "What about the children, what about the youth, what about the youngsters?" I think possibly that while we are discussing what bill is coming out of committee, what we are going to do, how we are going to arrive at solving the situation, we ought to give that some thought.

I gave the remarks of the gentleman from Sabattus, Mr. Cooney, a lot of thought and it brought me back down a little bit to a thud. This pamphlet is readable, and I think we ought to consider that situation — what about our youth?

On motion of Mr. Nadeau of Sanford,
Adjourned until ten o'clock tomorrow morning.