

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

Friday, February 6, 1976

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

Prayer by the Reverend Daryl Witner of Monson.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act to Establish an Experimental Blackfly Control Program" (S. P. 681) (L. D. 2180)

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

In the House, referred to the Committee on Agriculture in concurrence.

Non-Concurrent Matter

Bill "An Act Relating to Unexpended Funds for Highway Construction on Indian Reservations at Pleasant Point and Peter Dana Point" (Emergency) (H. P. 1812) (L. D. 1971) which was Passed to be Enacted in the House on January 27, 1976. (Having been Passed to be Engrossed as amended by Committee Amendment "A" (H-855) on January 23, 1976)

Came from the Senate with Engrossment reconsidered and subsequently Passed to be Engrossed as amended by Committee Amendment "A" (H-855) and Senate Amendment "A" (S-396) in non-concurrence.

In the House: On motion of Mr. Talbot of Portland, the House voted to recede and concur.

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:

Appropriations and Financial Affairs

Bill "An Act Creating the Maine Commission for Women" (H. P. 2008) (Presented by Mrs. Goodwin of Bath) (Ordered Printed) Sent up for concurrence.

Marine Resources

Bill "An Act to Clarify the Laws Relating to Marine Resources" (H. P. 2010) (Presented by Mr. Greenlaw of Stonington) (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.

Taxation

Bill "An Act to Clarify and Strengthen the Statute Governing Current Use Taxation of Farmland" (H. P. 2012) (Presented by Mr. Spencer of Standish) (Cosponsors: Messrs. Wilfong of Stow, Greenlaw of Stonington, Churchill of Orland) (Ordered Printed) Sent up for concurrence.

Transportation

Bill "An Act Concerning Single Motor Vehicle Registration Plates and Placement of Motor Vehicle Inspection Stickers" (H. P. 2009) (Presented by Mr. Birt of East Millinocket) (Ordered Printed) Sent up for concurrence.

Orders

Mr. Jackson of Yarmouth presented the following Joint Resolution and moved its adoption: (H. P. 2013)

IN MEMORIAM

Having Learned of the Death of Milton A. Nixon A Prominent Yarmouth Attorney 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.

House Reports of Committees Ought to Pass in New Draft

New Draft Printed Tabled and Assigned

Mr. Dam from the Committee on Local and County Government on Bill "An Act Concerning the Transitions to County Commissioner Districts in Knox County" (Emergency) (H. P. 1867) (L. D. 2038) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning the County Commissioner District in Penobscot, Kennebec, Lincoln, Franklin and Knox Counties" (Emergency) (H. P. 2011) (L. D. 2186)

Report was read.

(On motion of Mr. Blodgett of Waldoboro, tabled pending acceptance of the Committee Report and specially assigned for Monday, February 9.)

Divided Report

Majority Report of the Committee on Transportation on Bill "An Act to Include Grain in Weight Tolerances for Certain Vehicles Operated on State Highways" (H. P. 1887) (L. D. 2065) reporting "Ought to Pass"

Report was signed by the following members:

Messrs. GREELEY of Waldo
McNALLY of Hancock
CYR of Aroostook — of the Senate.

Mrs. BERRY of Madison
Messrs. FRASER of Mexico
WEBBER of Belfast
ALBERT of Limestone
WINSHIP of Milo
STROUT of Corinth
KAUFFMAN of Kittery
JACQUES of Lewiston

— 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. JENSEN of Portland
LUNT of Presque Isle — of the House.

Reports were read.

Mr. Fraser of Mexico moved the House accept the Majority "Ought to pass" Report.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I call your attention to a letter that was put on your desks this morning from the Maine

Department of Transportation signed by Commissioner Roger Mallar, in regard to this bill, L. D. 2065.

If you will look at the bill, you will find that presently there are a series of things which are allowed 80,000 pounds for 5-axle trucks, plus ten percent tolerance. There is a reason for that, there is a reason for allowing pulpwood, wood chips, logs, soils, for allowing farm produce and things of that sort to get an extra ten percent tolerance. The reason is that generally the places where these products are loaded onto the trucks, there are no scales. If you are out in the middle of a farm picking potatoes and it happens to be a wet day or the soil is damp, you are going to find the truck is going to be filled up and much heavier than it would if it was a warm day, if the soil is dry. If you are out in the middle of the woods and fill the truck up with pulpwood, you are going to have a more difficult time determining what the weight of that truck is going to be because of the place. You can't very well carry the scales around in the middle of the woods.

However, you are talking about a different matter now with this bill, you are talking about grain, you are talking about feed stuff. Grain is usually loaded from a grain elevator into a truck at a normal place of business in an area where you can easily determine what the weight is. If we pass this bill, what we are doing in fact is that we are increasing truck weights ten percent for one more commodity. In the regular session, we will be down with fifty more doing the same thing.

There is a reason for the ten percent tolerance and I would hope that we would maintain the integrity for the reasons for keeping the ten percent tolerance at all. I don't think that we ought to include grain. What you are doing is just increasing truck weights without any viable reason.

I would ask again that you would look at this letter from Commissioner Mallar and think it over carefully.

I would ask for a division and I would ask the members of the House to oppose the pending motion.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I also have a letter here from my good friend, Mr. Mallar, mentioning this referent that was held last year. It surprises me because last year we tried to compromise between 100,000 and 80,000 by presenting a bill for 90,000 and Mr. Mallar, in our committee, said that this was a bill that reasonable people could live with. If reasonable people can live with 90,000, I am sure they can live with 88,000 because the law now allows up to 80,000 and this ten percent would only bring it up to 88,000. I just can't understand his reasoning.

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I haven't had a chance to really read all of Mr. Mallar's letter but if you would look at the bill, you would notice that they were just adding grain to a long list of other things. And if one wants to get technical, the law also right now includes farm produce and to me grain is a farm produce. You might say that almost anything could be considered in its origin as a farm product but this is a farm product that is raised on a farm and is used on a farm, no matter what way it is delivered, whether it is whole grain or

whether it is feed grain or what it is, it is raised on a farm and used on a farm.

It has been called to our attention that just a short time ago, we raised the weights for trucks; I am not so sure we did. I don't think that we did anything for the truckers, I think we did something for the truckers. They are not carrying as much of a load now as they did in the first place and if they do, they get a double or triple fine, so I can't see that we did anything for the truckers as such.

It was brought out in the hearing that they can't always tell how much grain they have on a truck. Because of the different sources of grain, some have more filler in it, which is lighter or heavier, and they have the same problem with ice at this time of year on their trucks making their trucks heavier as the loggers do or any other type of truck.

I think we ought to look at this because all the places where they pick up grain do not have places to weigh their loads and in this particular section there is only one place where they can unload when they get more than what they should on the trucks by a grain chute and then they have to shut down at this particular place of doing everything else where they unload so it makes for an inconvenience all around and they are just looking for a way to justify when they have an overload and don't realize it.

I would ask that if we do have a division that you will all consider this when you are voting.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make a couple of points, one perhaps that I didn't make particularly clear before, that is, Commissioner Mallar and the Maine Department of Transportation is very much opposed to this bill. I would also like to point out that this feed is sold by weight. Now, if you are selling something by weight to somebody, are you realistically going to be able to tell me that you don't know how much it weighs? That does not make a whole lot of sense to me.

Again, last year we passed a truck weights bill that was a tremendous improvement over the old truck weights bill because it greatly increased two things: (1) safety and (2) the capacity for the State of Maine roads to handle this weight. The roads of the State of Maine can carry weights up to a certain point and once you get beyond that point, it starts throwing roads apart very quickly, it starts tearing them apart. Because of that, the great bulk of the products carried in the State of Maine are limited to 80,000 lbs. That is up from 72,800 lbs. of a year ago.

What we also did was, we kept the tolerances and let me explain what the tolerances are. The tolerances are there for a purpose. The purpose is that people can't always determine when they are out in the woods or when they are out in the field just how much is being loaded because of the variety of weight, because of moisture, because of snow, because of things of that sort. When you are loading at a company, when you are loading outside of a grain elevator, it seems to me that it is going to be fairly easy for you to tell what the weight is, that is much, much different from going out in the middle woods or in the middle of a farm and trying to load something of variable weight.

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

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to remind people that the gross weight on these trucks are not the only thing we should be looking to, there are also axle weights. On a truck which hauls grain, generally they have two or three bins so they can make two or three stops. We should note that once one stop is made, although the gross weight has been decreased, it might be increased on the axle weight and if it is increased on the axle weight, they still, even though their gross weight is less, they can still be overweight because of the axle weight. It is very hard to shovel grain around to level out the load so that the axle weights will be the way they should be. There is no way to shift the weight in delivering bulk grain like there is in other commodities.

I should also like to say that this is just as fair as it is in some of the exemptions. Now, we have trailer truck and we haul apples, we are exempt, we have the ten percent tolerance. Yet, we know what a carton of apples weigh. We know just how many cartons of apples we have on our truck and, therefore, we know within just a few pounds of how much the weight is and yet we are exempt from the regular weights. We have the ten percent tolerance and yet the fellow who is hauling grain, who cannot always tell and where there is not always a place to weigh, in fact, there are very few weighing stations, he is not able to have this ten percent tolerance. The trucking industry is not in the best position financially and this would help in that he may be carrying out a load that is overweight and he doesn't know that he is and I would ask you to consider this as you are voting.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I think the good gentleman from Portland, Mr. Jensen, this afternoon has tried to steer you in the wrong direction. He is talking, primarily, of the 80,000 lbs. and I think he is trying to throw up a big scare here that all these trucks that are hauling grain are hauling 80,000; this is not true. You have a lot of the trucks that are two, three and four axles that would be only hauling from 54,000 to 60,000 and I think the economic conditions today in the grain business should make us stop and think that if we can give tolerances to other commodities, I don't see any reason why we should not include the commodity of hauling grain.

Therefore, I would urge you not to vote for indefinite postponement and keep this bill alive.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I haven't made up my mind on this bill, to tell you the truth. I have a question and that is, would grain which was produced in the State of Maine fall within the definition of farm produce on the bill?

The SPEAKER: Mrs. Kany of Waterville poses a question through the Chair to anyone who may care to answer.

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I think I can answer this. If somebody from Augusta goes to Aroostook where they grow a lot of oats and haul oats down from Aroostook to

this section, without it being processed, it is a farm produce and therefore it has a ten percent tolerance. But if they should go up to that area and get a load of feed grain which has been manufactured somewhat and the identity changed somewhat, then it is no more farm produce. They wouldn't have this ten percent tolerance. Does that answer your question?

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

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I sincerely support the statements of the gentlewoman from Madison, Mrs. Berry.

Certainly, trucks that are hauling process feed that have different compartments and after one delivery is made at one farm, it is not advisable or it is very difficult to try to redistribute that load in regards to the axle weight.

In my district, in the town of Turner, there exists one of the largest independent poultry operations in the State of Maine, DeCoster Egg Farms. He operates his own feed mill in Leeds and from that mill, his own trucks carry processed feed to all the different laying and growing houses that he has, and he has quite a few on lease. I am sure that that operation is run in a good enough businesslike manner so that they have a real good idea of just about the weight on those trucks even though he may not have a scale at his plant. There is a possibility of human error, etc., that when a truck gets out on the highway, it might have more weight than they originally planned. Therefore, I certainly support this bill and hope that you members will do likewise.

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

Mr. JALBERT: Mr. Speaker, for the same reason I stated yesterday, I feel that I am in conflict on this chestnut, may I be excused from voting?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, is excused pursuant to House Rule 19.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: My good friend on my left here previously mentioned the fact that trucks loaded entirely with firewood, sawed lumber, dimension lumber are excusable because there is no way of weighing them, those will drive over our highways. Suddenly, with grain, that same weight is going to damage the roads; it just doesn't make sense.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair if I might. I might have misunderstood the gentleman from Corinth, Mr. Strout, but if most trucks are only carrying 40,000 to 60,000 lbs. of weight, why do they need a tolerance?

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

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I don't think the gentleman heard me correctly. It is my understanding that he said 40,000 to 60,000 lbs. I didn't say it that way, I said a lot of the grain trucks that are two, three and four axles are not the 5-axle trailers — I don't have it right before me but for instance, if a three axle truck unit hauling

54,000 lbs. this could give them a ten percent tolerance.

What I tried to get across to you was that all we heard before was that this was 80,000 and you are talking 8,000 lbs. extra. We are not talking 80,000. One other thing I would like to mention is that times have changed. Years ago when the grain dealers were hauling bags, they weighed a 100 lbs. and you could get a pretty good idea of what a load of grain weighed. Today, you have more trucks hauling bulk feed and I think there is a problem here, that these people do need this extra tolerance.

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

ROLL CALL

YEA — Bachrach, Bagley, Berry, P. P.; Birt, Blodgett, Boudreau, Call, Carey, Carter, Chonko, Clark, Connolly, Cote, Cox, Curran, P.; Davies, Dow, Drigotas, Dyer, Farley, Farnham, Faucher, Flanagan, Goodwin, H.; Goodwin, K.; Gray, Hall, Henderson, Higgins, Hughes, Ingegneri, Jackson, Jensen, Joyce, Kany, LaPointe, Laverty, Littlefield, Lunt, Mackel, McBreairty, McMahon, Mitchell, Mulhern, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Peterson, T.; Post, Quinn, Rideout, Rolde, Snow, Snowe, Spencer, Susi, Talbot, Tarr, Tierney, Truman, Tyndale, Wagner, Walker, Wilfong, Winship.

NAY — Albert, Ault, Bennett, Berry, G. W.; Berube, Bowie, Burns, Bustin, Byers, Carpenter, Churchill, Conners, Cooney, Curran, R.; Dam, DeVane, Doak, Durgin, Fenlason, Finemore, Frasier, Garsoe, Gould, Greenlaw, Hennessey, Hewes, Hinds, Hunter, Jacques, Kauffman, Kelleher, Kelley, Laffin, LeBlanc, Leonard, Lewin, Lizotte, Lovell, Lynch, MacEachern, Mahany, Martin, R.; Maxwell, Mills, Miskavage, Morin, Morton, Palmer, Perkins, S.; Peterson, P.; Pierce, Powell, Raymond, Rollins, Saunders, Shute, Silverman, Sprowl, Strout, Stubbs, Teague, Theriault, Torrey, Tozier, Twitchell, Usher, Webber.

ABSENT — Carroll, Curtis, Gauthier, Hobbins, Hutchings, Immonen, Lewis, MacLeod, Martin, A.; McKernan, Smith.

EXCUSED — Jalbert
Yes, 68; No, 70; Absent, 11; Excused, 1.

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

Thereupon, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

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 to Clarify the Statutory Authority of the Board of Pesticide

Control" Committee on Agriculture reporting "Ought to Pass" (H. P. 1901) (L. D. 2088)

Bill "An Act Authorizing the Department of Mental Health and Corrections to Purchase Residential Services" — Committee on Health and Institutional Services reporting "Ought to Pass" (H. P. 1880) (L. D. 2055)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 9, under listing of the Second Day.

Consent Calendar

Second Day

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

Bill "An Act Concerning Individual Qualified Retirement Plans" (H. P. 1877) (L. D. 2052)

Bill "An Act Authorizing the Town of Harpswell to Procure a Replica of 'The Maine Lobsterman'" (H. P. 1908) (L. D. 2095)

Bill "An Act Authorizing the Capitol Planning Commission to Assume Certain Functions now Performed by the Bureau of Public Improvements" (H. P. 1912) (L. D. 2099)

Bill "An Act Relating to Fiscal Year Transitions for Municipalities" (Emergency) (C. "A" H-871) (H. P. 1833) (L. D. 1998)

Bill "An Act Designating March 15th as Maine Day (C. "A" H-870) (H. P. 1913) (L. D. 2100)

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

Passed to Be Engrossed

Bill "An Act Relating to Animal Welfare" (Emergency) (S. P. 624) (L. D. 1978) (C. "A" S-394)

Was reported by the Committee on Bills in the Second Reading, read the second time, and passed to be engrossed as amended by Committee Amendment "A" in concurrence.

Passed to Be Enacted

An Act Concerning Brake Requirements on Certain Hauling Devices (H. P. 1870) (L. D. 2041) (C. "A" H-860)

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.

Orders of the Day

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

Bill, "An Act to Correct Certain Inequities in the Motor Vehicle Law" (Emergency) (S. P. 641) (L. D. 2030) — In Senate. Passed to be Engrossed as Amended by Committee Amendment "A" (S-395) February 3.

Tabled — February 5 by Mr. Garsoe of Cumberland.

Pending — Passage to be Engrossed as Amended in Concurrence.

Thereupon, the Bill was passed to be engrossed as amended in concurrence.

The Chair laid before the House the second 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) January 29.

Tabled — February 5 by Mr. Rolde of York.

Pending — Passage to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "B" (H-866) and House Amendment "C" (H-868) thereto, in non-concurrence.

On motion of Mrs. Berube of Lewiston, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" as amended by House Amendment "B" and House Amendment "C" thereto was adopted.

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

On further motion of the same gentleman, House Amendment "B" to Committee Amendment "A" was indefinitely postponed.

Committee Amendment "A" as amended by House Amendment "C" was adopted in non-concurrence.

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

Mrs. Berry of Madison was granted unanimous consent to address the House.

Mrs. BERRY: Mr. Speaker, I was wondering if we could ask Mrs. Berube what she did.

Mrs. Berube of Lewiston was granted unanimous consent to address the House.

Mrs. BERUBE: Mr. Speaker and Members of the House: When we originally moved acceptance of House Amendment "B", the Performance Audit Committee had been led to believe, and rightfully so, that federal funding was available to the Attorney General's Office for staff to carry on the purpose of investigating support absent parents, that the federal funds were available to the Attorney General's Office as well as to Human Services. So in view of the fact that the original Committee Amendment called for transfer of positions to the Human Services Department, our committee felt that it was unnecessary to change the positions and the funding from the AG's Office to Human Services, so the amendment was presented and accepted. As it turned out, we found out yesterday and were informed that although indeed they are available to other departments as well as human services, that where they are available immediately to Human Services, it might take as much as eight months to get them contracted to the Attorney General's Office, and there seems to be an immediate need for these positions.

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

Bill, "An Act Correcting Errors in Law Governing Use of Animals in Schools" (H. P. 1989) (Committee on Reference of Bills suggested Committee on Agriculture)

Tabled — February 5 by Mr. Davies of Orono.

Pending — Reference.

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

Mr. DAVIES: Mr. Speaker, I move that this bill be indefinitely postponed and would speak briefly to my motion.

The SPEAKER: The gentleman from Orono, Mr. Davies, moves that this Bill be indefinitely postponed.

The gentleman may proceed.

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: The provisions that would be included in this bill have been added to a bill that we had on the calendar today under Bills in the Second Reading, item number one; therefore, my bill becomes very unnecessary and a waste of our time and I would move that it be indefinitely postponed.

Thereupon, on motion of Mr. Davies of Orono, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

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

Mr. Kelleher of Bangor presented the following Joint Order and moved its passage: (H. P. 2014)

WHEREAS, the State Department of Human Services has announced that it is closing the Human Services' office in Belfast because of budgetary considerations; and

WHEREAS, the purpose of this Human Services' office is to provide an efficient extension into the Belfast area of food stamp services, public health nursing services, vocational rehabilitation services for the physically and emotionally handicapped and other services; and

WHEREAS, one effect of the closing of this office is on the public health services furnished to the Belfast area, as 3 nurses will have to travel to the Belfast area from a new office in Rockland, a requirement which will cause an increased travel cost per month of \$155 and a loss of time spent actually caring for the needy of the 174 hours per month; and

WHEREAS, the Legislature is gravely concerned about this effect caused by the closing of the Belfast office, as well as about many other effects; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Institutional Services is ordered to conduct a study of the effect on the Belfast area of the closing of the Belfast office of the Department of Human Services with emphasis on the loss of services provided to that area and the alternatives to that closing which are open to the department; and be it further

ORDERED, that the Department of Human Services is requested to provide any technical and clerical assistance which the committee may deem necessary to carry out the purposes of this Order; and be it further

ORDERED, that the committee shall report its findings, together with final drafts of any recommended legislation, to the Legislature by March 15, 1976; and be it further

ORDERED, that the Clerk of the House transmit a suitable copy of this order to the Commissioner of Human Services as notice of this inquiry.

The Order was read.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am the appointee from this House on the Human Service Council, as well as Senator Greeley, if I was able to mention his name, who represents the other branch on the other side of the hall on the Human Service Council.

A few weeks ago, the Department of Human Services, through an economy move, recommended the closing of the

Belfast Human Service Office. The Human Service Council, in viewing what this office projects, particularly for the entire Waldo County area and what services it offers, between vocational rehabilitation, food stamp programs, public health nursing, it was the unanimous recommendation of the Human Service Council that the Human Service Department not close this particular branch office. Nevertheless, they did.

What I would like this House to allow, is to allow the Health and Institutional Services Committee to look into it. I think they can do it in a rather brief and thorough fashion, because there is a lot of available information, and report back to this House and to the other body if, in fact, they accept the wisdom and the decision of the Department of Human Services. So I would urge that you support this order and would move for its passage.

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

Mr. Fraser from the Committee on Transportation on Bill "An Act Concerning the Calculation of State Aid to Municipalities for the Care of Highways and Bridges" (Emergency) (H. P. 1896) (L. D. 2076) reporting "Ought Not to Pass"

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

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

Mr. COONEY: Mr. Speaker, is the House in possession of Resolution, Proposing an Amendment to the Constitution to Provide that the House of Representatives shall, Beginning on the Day Next Preceding the First Wednesday after the First Tuesday in January of 1985, Consist of One Hundred and Thirty-two Members Instead of One Hundred and Fifty-one, House Paper 1895 L. D. 2075?

The SPEAKER: The Chair would answer in the affirmative, and the gentleman may proceed.

Mr. COONEY: Mr. Speaker, I move we reconsider our action of yesterday whereby we accepted the "Leave to Withdraw" Report.

The SPEAKER: The gentleman from Sabattus, Mr. Cooney, moves the House reconsider its action of yesterday whereby it accepted the Committee Report.

Thereupon, Mr. Finemore of Bridgewater objected to the motion.

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

Mr. SILVERMAN: Mr. Speaker and Members of the House: I would ask for a division on that reconsideration and would speak to the motion.

This is, of course, the bill to cut down the size of the House. It is a bill which we had very strong debate on in the last session. We had several approaches in the State Government Committee, one suggesting 99, another suggesting 132. I think we came in with the suggestion of 99 and that suggestion was defeated in the House.

Now we are in a special session with the rules more or less stating that we would like to handle bills, especially of this magnitude, only when they are an emergency. And yet, a bill was submitted, it went through the Reference of Bills Committee, and it was put before the State Government Committee. At the hearing, that bill was suggested to be withdrawn by the sponsor. I imagine it was because of the technicality that 132 was considered by

the State Government Committee. It came to the floor of this House and was held at the last session by the Chairman of State Government and now it is asked to be recommitted.

I believe this — if several editorial writers for this state are going to run this legislature, then we all might as well pack our bags and go home and let three or four editorial writers of this state run the legislature. But I think we are voted to come to this legislature to accept this office of responsibility to represent the people who voted for us, and if you do come from areas such as mine, and a majority of you do, you know the value to be able to speak out and vote to protect those areas. And whether we like it or not, when it comes to appropriations, when it comes to funding for highways, when it comes to funding for education, it has to be and always will be, for it is human nature to favor your own. If we allow in rural areas for the city areas to have complete control of this House, then I am quite certain we can go home in our rural areas with a lot less funding than we have now. This is a major concern to me in 1976, it has been ever since I have been in the legislature.

There is another very important reason to me to try to protect the size of this House. When I was like a sophomore in high school, raised in the State of Maine, and many of you had the same privilege, we went down to the bandstand on Memorial Day and we gave a speech. Each year someone else was chosen to do so, and it usually was the Gettysburg Address, all for and by the people — that's the basis of the Constitution of this country. But there is one word that is left out, one word that says "from the people," and you cannot have good government unless you have it from the people and the more possible to represent those people in the policy of this state, the more you will have from the people.

Although the trend today may be in this state that the less we have in government, the more efficient it will be, there is no debate that this is possible, but you are losing a vital element from the people, and from the people means 151 members that has worked well throughout our constitutional history, as long as we have had it, to let the people of Maine from all areas have a say in how their taxes be spent and how their areas receive services and, also, if we do believe in equality, how there is an equal chance for all to take part in the Maine State Legislature.

With that, I would ask for a division and hope the motion to recommit will be defeated.

The SPEAKER: What I think ought to happen is that we would put it in a position at this point so that the motion to recommit would be in order. At that point, the Chair would rule, pursuant to Joint Rule 28, that the bill was in as a result of an error and should not have been let in unless there had been a two-thirds vote of both houses, pursuant to our own Joint Rules.

What transpired was that yesterday or the day before, I was informed by a member of this body that this body had in fact rejected a similar measure. In researching the matter, in fact that did occur and it occurred as a result of a redraft from the Committee on State Government on a bill introduced by the gentleman from East Millinocket, Mr. Birt, and that bill was rejected after the other bill was rejected and the vote was defeated. Both houses voted to reject all bills dealing with that issue.

As a result of that, this bill is in violation of Rule 28. There is no sense attempting to lay blame as to where and why it should not have been researched sooner, but it just wasn't. So what the Chair would appreciate from members of the House is that you simply let the bill come to reconsideration, that the reconsideration motion prevails, the gentleman from Sabattus, Mr. Cooney, will move to recommit. At that point, the Chair will rule that pursuant to Joint Rule 28, it needs a two-thirds vote of this body and a two-thirds vote of the other body to be recommitted to the committee for discussion during this session of the legislature.

Thereupon, the House reconsidered its action whereby the "Leave to Withdraw" Report was accepted.

Mr. Cooney of Sabattus moved the 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. Pursuant to Joint Rule 28, the Chair will announce that it is a two-thirds vote that is required of those present and voting in order to let the bill in.

Thereupon, Mr. Carpenter of Houlton 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 Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: First off, I would like to say I have been here going on twelve years and that is only the second time I have ever objected, but I have seen this bill so many times, I think five terms out of six that I have been here I have seen this bill before us and it doesn't please me very much.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Sabattus, Mr. Cooney, that this Bill be recommitted to the Committee on State Government. Pursuant to Joint Rule 28: this requires a two-thirds vote of all those present and voting. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Birt, Chonko, Clark, Cooney, Cox, Davies, Durgin, Farley, Farnham, Flanagan, Goodwin, K.; Greenlaw, Hall, Henderson, Hewes, Hughes, Jacques, Jensen, Kauffman, Kennedy, Laffin, LaPointe, Littlefield, Lovell, Morton, Najarian, Pelosi, Peterson, P.; Peterson, T.; Pierce, Shute, Snow, Spencer, Sprowl, Stubbs, Susi, Truman, Tyndale.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carter, Churchill, Conners, Connolly, Cote, Curran, P.; Curran, R.; Dam, DeVane, Doak, Drigotas, Dudley, Dyer, Faucher, Fenlason, Finemore, Fraser, Garsoe, Goodwin, H.; Gould, Gray, Hennessey, Higgins, Hinds, Hunter, Immonen, Ingegneri, Jackson, Jalbert, Joyce, Kany, Kelleher, Kelley, Laverty, LeBlanc, Leonard, Lewin, Lizotte, Lunt,

Lynch, MacEachern, Mackel, Mahany, Martin, R.; Maxwell, McBrearty, McMahon, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Norris, Palmer, Peakes, Pearson, Perkins, S.; Perkins, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Silverman, Snowe, Strout, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Usher, Wagner, Walker, Webber, Wilfong, Winship.

ABSENT — Carroll, Curtis, Dow, Gauthier, Hobbins, Hutchings, Lewis, MacLeod, Martin, A.; McKernan, Smith.

Yes; 38; No, 101; Absent, 11.

The SPEAKER: Thirty-eight having voted in the affirmative and one hundred one in the negative; with eleven being absent, this Bill is rejected pursuant to Joint Rule 28, and the Senate will be so notified of our action.

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket,

Adjourned until Monday, February 9, at eleven o'clock in the morning.