

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

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AUGUSTA, MAINE

HOUSE

Thursday, February 17, 1977

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

Prayer by Dr. J. Phillip Jackson of the Community Church, Rumford Center.

The journal of yesterday was read and approved.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: In accordance with this body's order yesterday with respect to the seating of Gordon F. Cunningham of New Gloucester, I wish to report to the House that Mr. Cunningham has, in accordance with the House's order, subscribed to the oaths of office as required by the Constitution of the State of Maine as administered by the Governor of this State, and is now ready to take his seat as a member of the House.

The SPEAKER: The Chair hears the message and thanks the messenger. Mr. Gordon F. Cunningham of New Gloucester is assigned to Seat No. 28.

Thereupon, Mr. Cunningham was escorted to his seat on the floor of the House amid applause, the members rising.

Papers from the Senate

From the Senate: The following Joint Resolution: (S. P. 166)

Joint Resolution

Concerning Family Policy

WHEREAS, the family remains the most efficient and effective means for the care, nurturing and protection of children; and

WHEREAS, many Maine families are under great stress and are increasingly unable to fulfill their traditional role, as seen in the great increases of divorce and children living in single-parent households; and

WHEREAS, documentation in numerous studies recently completed show that there are increasing numbers of families and children at risk, the consequences of which contribute to increased mental health problems, runaway youth, child abuse and neglect, juvenile delinquency, children living in poverty and other serious problems; and

WHEREAS, many of these problems are compounded or aided by the action or inaction of state government; and

WHEREAS, many proposals will be introduced into this session to help remedy these problems; now, therefore, be it

RESOLVED: That we, the members of the 108th Legislature, pledge our efforts to initiate and support attempts to improve the health and well-being of Maine families, through the appropriations and statutes we pass and by strengthening and redirecting state funded services to recognize, support and reinforce the family as the first line of defense in meeting the needs of children; and be it further

RESOLVED: That the Legislature shall adopt policies to preserve families as the primary unit for the care and nurture of children through a 4-fold approach applicable to the Department of Mental Health and Corrections, the Department of Human Services and the Department of Educational and Cultural Services which are the state agencies most responsible for services to children and families. This 4-fold approach shall include:

1. Preventive services which promote wholesome child development, support the maintenance of an intact family, early case finding, easier access to services, and provision of services at the earliest period of the child's life when symptoms of need are present;

2. Services to support and reinforce parental care should be a universal goal and should in-

clude maternal and child health programs, family life education and family planning programs, counseling for individuals and families, and adequate protective child care services;

3. Services to supplement parental care and to compensate for its inadequacies, such as family homemakers, child day care, traveling child development workers, special education programs for the handicapped and AFDC; and

4. Services to substitute in part or in whole for parental care, such as short-term respite care, foster care, group care, residential treatment services; and be it further

RESOLVED: That copies of this resolution shall be sent to the Governor and the commissioner of each state department.

Came from the Senate read and adopted.

In the House, the Joint Resolution was read.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: These resolutions tend to come through here with very little attention paid to them, and I guess we wouldn't be too far off base to conclude that they have the full force and effect of New Year's resolutions or my biweekly resolution to stop smoking.

But I would like to call your attention to this one today because I think it is significant. I would like to comment very briefly on it on two counts. I think this resolution that I am calling your attention to spells out very clearly the fact that the family unit is in crisis in this society of ours. It cites its documented proof and offers a course of action and a philosophy for this body to follow as we approach the problem. I subscribe to that, and I think that this is significant in that we are going to see, as we look back on this, possibly a turning point in our approach to problems in this area.

I think it also signifies the fact that the programs and the course of action we have been following are somewhat tarnished, somewhat discredited, they haven't been working. Despite the multitude of programs and millions of dollars that we have been spending for the effects of this family breakdown, the problem continues to worsen and we are told it will continue to worsen throughout the decade that we are in.

I will not be able to support new programs being layered on old and increased spending unless I see, as a result of the studies that are cited in this resolution, attempts to coordinate, assimilate and, if necessary, eliminate some of our current programs. I have been encouraged by the attitude of those connected with these studies when I make my point of view known to them. I have been encouraged when I see a response on their part that indicates that they see this as being the course that they will follow.

I bring this to your attention today only to urge you to pay attention to these events as they transpire before us here in the upcoming session, because I think unless we do maintain this attitude, the credibility of this extended effort that we are going to be asked to make will be in doubt and the chances for success will be lessened.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I would just like to back up a little bit of what Mr. Garsoe has said. The Clerk didn't read all of this resolution, but I hope that all of you will take the time to read it tonight or over the weekend.

Truly, family breakdown in this state has reached crisis proportions, and I don't think that the importance of the state's necessity to promote family stability can be overemphasized. We are already deeply involved at great cost in the consequences of

family ruin — delinquency, child abuse, school dropouts, runaways, teenage pregnancies, poverty, alcohol, you can go on and on.

In 1972, 35 percent of all the marriages in Maine ended in divorce. In 1975, 50 percent of all the marriages in Maine had ended in divorce, and that figure is growing. Sixty percent of the children at the Maine Youth Center come from families without fathers; 35 percent of all the families are under the poverty level or families headed by females. Statistics — I could go on with statistics — they are distressing, — for many more minutes, but the state has got to begin to provide support to families in periods of stress before they take permanent and destructive solutions out of desperation.

There are many ways that this legislature has tried to and can continue to provide these support services to families through homemakers, day care, adequate income, flexible working hours, just to name a few. There will be 30 or 40 bills introduced to this legislature addressed to the purposes of this resolution that is on your calendar today, and they certainly deserve top priority consideration by this legislature. What we will gain cannot be measured in mere dollar savings but whatever price we put on the value of promoting happy and productive lives.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I rise briefly to concur wholeheartedly with the remarks of the two previous speakers and to urge each and every one of you to actually read the resolution which we are about to pass.

Politicians for generations have extolled the virtues of family life. I am sure most of us probably ran something in our campaign brochures about our families if we thought it might help get us elected. I know I held up the printing of my literature until the twins were born so that I could say I had four children instead of just two.

The resolution is an important one, and it speaks for itself. Few would argue with the accuracy of its comments, and none can argue with its goals and intent.

In the weeks and months to come, we are going to be debating a wide variety of subjects which affect the lives of all our people — housing, mental health, welfare, court reform, crime, child abuse and, of course, education. For too long we have looked at these issues as individual issues and not as interrelated problems which affect individual families. For too long we have passed bills with sometimes all the best intentions without realizing the full effect that the legislation might have on the family as a unit.

So, I urge each of you to read the order and to read specifically and remember specifically the first resolve in that order where we will pledge our efforts to initiate and support these attempts to improve the health and well-being of Maine families through appropriations and the statutes we pass, by strengthening and redirecting state funded services, to recognize, support and reinforce the family as the first line of defense in meeting the needs of children.

Thereupon, the Resolution was adopted in concurrence.

From the Senate: The following Joint Order: (S. P. 151)

WHEREAS, the Maine State Museum has been the object of much controversy in recent months; and

WHEREAS, it has been alleged that appropriations have been expended in administrative areas in lieu of needed exhibits; and

WHEREAS, in support of such allegations, the public, upon arrival at the facility, have found little to view; and

WHEREAS, this matter should be reviewed by the Legislature; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Performance Audit shall study the budget funding and administration of the Maine State Museum to determine the basis, if any, of such criticism and whether or not the intent of the Legislature is being met; and be it further

ORDERED, that the committee shall complete this study prior to adjournment of the First Regular Session of the 108th Legislature and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order be forwarded to the members of the committee.

Came from the Senate, Read and Passed.

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

Reports of Committees

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" on Bill "An Act Repealing the Requirement for Wearing Motorcycle Helmets" (S. P. 4) (L. D. 9)

Report was signed by the following members:

Messrs. GREELEY of Waldo
McNALLY of Hancock
MINKOWSKY of Androscoggin
-of the Senate.

Mrs. HUTCHINGS of Lincolnville

Messrs. STROUT of Corinth
LUNT of Presque Isle
JACQUES of Lewiston
JENSEN of Portland
BROWN of Mexico
ELIAS of Madison
McKEAN of Limestone

-of the House

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

Report was signed by the following members:

Messrs. CARROLL of Limerick
LITTLEFIELD of Hermon

-of the House.

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

Mr. Jacques of Lewiston moved that the House accept the Majority "Ought to Pass" Report in concurrence.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would not accept the "ought to pass" report and would accept the "ought not to pass" report.

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

Mr. CAREY: Mr. Speaker, I would like to ask the gentleman from Lewiston, Mr. Jacques, one question, maybe a series of questions. I notice Evel Knivel is continually jumping all over the place and I notice he continually ends up in the hospital. I would ask the gentleman from Lewiston if it isn't a fact that Mr. Knivel does wear a helmet and that is about the only part of his body that is still in one piece?

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I have a very short bit of information I would like to share with you all. There is data, as we all know, that would support both sides of this issue. Data will support that helmets do not need to be worn, does not really provide that much safety, es-

pecially under conditions over 50 miles an hour and so forth.

Having a motorcycle, having been riding one for five years and knowing what it is to take a spill, and the gouge in my helmet would substantiate that, I intend to support the data that says that helmets are very, very important.

There are two points I want to bring to the attention of the people of the House. One, people who are injured as a result of not wearing a helmet could indeed become that of state aid, they might require state aid, in any terms of welfare during their time of recovery. But more important than that, more important than the taxpayers' burden, which may or may not result, is that motorcycling has tended now to become more of a family sport. We are talking primarily now of Mom and Dad and the children. In the last two years, I have seen a great increase in people riding motorcycles with their children on the back, and for me to leave that whim to the adult whether or not that child should wear a helmet is something I would rather not be involved with. I think it would be behooving us and the people of the State of Maine if we can continue with this law.

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

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: I would just like to quote the Maine Highway Safety Committee Newsletter of last August in which they say "We continue to strongly support the helmet law, contrary to motorcyclists' claims that only the motorcyclist is affected when he risks injury or death without a helmet, we all pay for his negligence."

The following quote is from the U.S. Supreme Court upholding the Massachusetts helmet law. "From the moment of the injury, society picks the person up off the highway, delivers him to a municipal hospital with municipal doctors, provide them with unemployment compensation if, after recovery, he cannot replace his lost job, and if the injury causes permanent disability, we assume responsibility for his and his family's sustenance for the rest of his life. We do not understand the state of mind that permits people to think that only the person himself is concerned. The whole of society is concerned when somebody is permanently injured mentally so that he can no longer ever support himself again."

I hope you will reconsider any vote to repeal the motorcycle helmet law.

Mr. Rollins of Dixfield requested a roll call vote.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I just want to quote you a few facts. Kansas has just repealed the helmet law effective July 1, 1976. South Dakota has just repealed their helmet law July 1, 1977, which will go into effect in July 1977. Iowa has just repealed the law. Rhode Island has repealed theirs May 19. Montana no longer has any enforcement. Wyoming no longer enforces. Oklahoma amended May 3. Arizona repealed May 28.

Most of these people who are talking here are people who I imagine don't drive motorcycles, because most motorcyclists at the hearing were the ones who said they didn't want the helmet, and who is going to wear those helmets but the motorcycle rider. If they don't want to wear it, let's not make them wear it. If they want to wear it, let them wear it. Let's not have people tell them that they have to wear one.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I just want to tell you a couple things I have on my mind against repealing this particular piece of legislation.

One is that a couple of sessions ago I escorted a young lady down front here who had just won a contest in Portland, a very bright, a very knowledgeable young lady who spoke before this body and the other body. Her name is Carlene Carter; she is my niece. She was riding a motorcycle last July and she attempted not to put on the motorcycle helmet but because of one reason or another and then at the last minute decided she would. They had gone down a couple of blocks and they were making a turn when the motorcycle slid and hit a car. She ended up with the car on top of her and her head in her chest. Consequently, she ended up with a snapped neck. She spent two and a half weeks in traction and she spent three months with a surgical collar. This is a girl who was always active, played tennis, always worked and is going to school in Pennsylvania. She snapped her neck and all of that came to a sudden halt.

I talked to the doctor and I talked to her after that when I visited her in the hospital, and it was their conclusion that if she had not been wearing a helmet, she would have died. But because she was wearing a helmet, it literally saved her life because you can't move anybody that has a broken neck, and they used the helmet as a sort of brace.

Another thing that I want to point out to you is the fact that I just sponsored a bill that passed in this House and now sets on the Appropriations Table dealing with epileptics. I don't know if you know much about epilepsy, but I have been doing quite a study on it. I have found that a great many cases of epilepsy are caused by head injuries.

I am of the conclusion that a helmet is about the only piece of safety equipment that you have on your person. Although a car has seatbelts, a car also has two lanes to travel in, and a motorcycle has at least three.

I don't have anything against motorcyclists or people who ride motorcycles, but I have seen motorcycles, as you have seen motorcycles, travel down one lane and the other lane and travel down the middle.

I would hope that you would reject this motion so that I may move that we accept the minority "ought not to pass" report.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I feel that as a member of the Transportation Committee I should rise this afternoon and defend my position.

In the last two sessions of the legislature, we have had this bill before us, and in the last two sessions of the legislature, I have opposed this bill. Primarily, the only arguments we have had in the last two sessions was that if we were to repeal that helmet law, we would lose 10 percent of our federal money. As it stands now, a new federal law was passed since we were in session in the 107th and this is no longer the case. If the helmet law is repealed during this session, we stand to get our federal subsidy without any 10 percent cut.

The statistics that I have been able to read in the last few weeks don't show me that there is any advantage to wearing a helmet. I had these feelings in the past that it was in the best interest of the motorcycle rider to have a helmet on. Statistics were within 2/10ths percent difference across the country, and I have no real strong feelings today whether this bill is repealed or not, but I do feel, however, that we are not at the present time mandating helmets be worn on snowmobiles and I have a strong feeling, as I travel about the State of Maine, that 80 percent of the snowmobilers today are wearing helmets. So this tells me something.

I think the argument that families are not going to wear helmets any more, just because this bill is repealed, doesn't make too much sense, because I have a strong feeling that even though

the bill is repealed, I feel the people in the State of Maine who are riding motorcycles, a good majority of them are going to continue to wear helmets.

I think the big problem here is that they don't want to be mandated, and I therefore support the majority "ought to pass."

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: It is difficult to get up here and speak on a bill like this, one that I have been fighting now for four years, two different sessions, and really know where to begin. I have got so much information and I feel so strongly about this, and I don't want to take up too much of your time because I think everybody here knows the issues pretty much, but I would like to read just a couple lines from some people who have written about this and just discuss very briefly the safety aspects of the helmet.

I am not going to stand here and say that a helmet does not offer you protection; it does offer you protection, obviously it does, but there are limits to this protection. There are also questions as to whether or not a helmet could actually cause an accident in the first place, and second of all, whether or not it may also cause additional injuries. These are the types of questions that come up that I feel raise some significant doubts as to the validity of whether or not the government should require us to wear those helmets and whether or not it should be up to an individual's own choice.

A doctor from California wrote an article about wearing helmets. He is a motorcyclist himself, and he states there are many disadvantages and difficulties connected with wearing a helmet. It impairs hearing and vision, it may enhance an individual to falling into a hypnotic trance by virtue of producing a relative sensory deprivation, by giving you a false sense of security in other words. A rider is fatigued by the helmet's weight, scalp humidity and temperature increases. Recent research of space scientists has shown that perception, cognitive function and alertness are maintained at higher levels for longer durations when astronauts were equipped with cool helmets and decreased intracranial temperatures, etc. I could go on and on.

I have got statements from a motorcycle officer and his experiences through the years, and he is supporting the repeal of helmets across the country. Organizations such as the Blue Knights, an international organization of motorcycle police officers and policemen who ride motorcycles are supporting this.

I have got statistics to show that states like California, which has never had a helmet law, that had 25 percent of the motorcycles registered in this country, have less of a fatality rate per accident than the national average or which 40 some states, before the feds changed their rulings, had helmet laws.

I can go on and on on this, but I think that enough has been said about this in the last couple years, and I would certainly hope that you would vote to accept the majority report of the committee, the majority report of this committee which two years ago was just the opposite due to the restrictions on the federal dollars. Now that those restrictions are no longer there, there have been a lot of increased arguments along other lines, but I think that the fact remains that this is an issue as to whether or not the government is going to tell you what type of protective devices you have to wear.

We have already gone around this on the federal level with seatbelts, and in Washington they have said that we don't want to tell people we have to wear seatbelts, and I think we should say the same thing on the state level with helmets.

The SPEAKER: The Chair recognizes the

gentleman from Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This isn't a bill from South Carolina or the west coast, this is a commonsense Maine bill. Look at the roads; we are driving over them every day. Look at the potholes out there. It is a dangerous thing to go down the road today, seeing that car coming at you at night. What if it were a motorcycle dodging those potholes?

I don't think we have to look north, south, east and west from this state. Let's look right here in the state. I think this is a commonsense thing we have got to vote on, and I urge you to keep those helmets on those mothers' children that are out there.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I have a very fundamental dislike for this type of legislation or anything similar to it. You cannot legislate laws that will attempt to counteract poor judgment on the part of individuals. If you are going to do that, then let's go all the way. We have motor vehicle laws; let's make it impossible to have automobile accidents. You have hunting fatalities; let's make it impossible for people to go into the woods and place themselves in the position where they can be shot.

You cannot legislate to counteract poor judgment, no matter how many laws you pass. I think we ought to repeal it.

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 gentlewoman from Brunswick, Mrs. Bachrach, wishes to pair with the gentleman from Waterville, Mrs. Kany. If Mrs. Bachrach were voting, she would be voting no; if Mrs. Kany were present and voting, she would be voting yes.

The pending question is on the motion of the gentleman from Lewiston, Mr. Jacques, that the Majority "Ought to pass" Report be accepted in concurrence on Bill "An Act Repealing the Requirement for Wearing the Motorcycle Helmets," Senate Paper 4, L. D. 9. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Alopis, Ault, Austin, Bagley, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Byers, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Conners, Cote, Cunningham, Curran, Davies, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jacques, Jensen, Kane, Kelleher, Kerry, Kilcovne, Laffin, LaPlante, Lewis, Lizotte, Locke, Lunt, Lynch, MacEachern, Mahany, Marshall, Masterman, Maxwell, McBreairty, McHenry, McKean, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, N.; Norris, Palmer, Peakes, Peltier, Perkins, Peterson, Post, Prescott, Quinn, Raymond, Shute, Silsby, Spencer, Sprowl, Strout, Tarbell, Teague, Torrey, Trafton, Tyndale, Valentine, Whittemore, Willfong, Wood, Wyman, The Speaker.

NAYS — Beaulieu, Boudreau, A.; Boudreau, P.; Bustin, Carey, Carrier, Carroll, Cox, Devoe, Dexter, Diamond, Gauthier, Gray, Higgins, Hunter, Joyce, Littlefield, Lougee,

Masterton, Pearson, Rideout, Rollins, Stubbs, Talbot, Tarr, Tierney, Tozier, Twitchell.

ABSENT — Connolly, Jackson, Jalbert, Mackel, Martin, A.; McMahon, Nelson, M.; Smith, Theriault, Truman.

Yes, 109; No, 28; Absent, 10; Paired, 2; Vacant, 2.

The SPEAKER: One hundred nine having voted in the affirmative and twenty-eight in the negative, with ten being absent and two paired, the motion does prevail.

Thereupon, the Bill was read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Authorize Use of Emergency Lights and Signals by State Liquor Inspectors" (S. P. 38) (L. D. 64)

Report was signed by the following members:

Mr. McNALLY of Hancock
-of the Senate
Mrs. HUTCHINGS of Lincolnville
Messrs. STOUT of Corinth
LITTLEFIELD of Hermon
JACQUES of Lewiston
JENSEN of Portland
BROWN of Mexico

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

Report was signed by the following members:

Messrs. GREELEY of Waldo
MINKOWSKI of Androscoggin
-of the Senate
Messrs. CARROLL of Limerick
LUNT of Presque Isle
ELIAS of Madison
McKEAN of Limestone

-of the House
Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I feel that it is extremely important that these men be given the additional tool of the blue light. We give it to others. Deputy sheriffs have it, law enforcement people have it, and I am fairly convinced that they need this in order to carry out their duties as liquor inspectors.

I have the assurance of Mr. Weeks that they will be used and be used in liquor enforcement, that that is their primary duty, and that he will see that they continue this as long as he is in the position that he is in today.

Therefore, I would request that you accept the minority report of this committee that they be allowed to have their blue light so that when they have a portion of their duties to perform, they will have the light to stop the vehicles in a proper manner.

The SPEAKER: The gentleman from Limerick, Mr. Carroll, moves that the House accept the Minority "Ought to Pass" Report in concurrence.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: On this bill today, I guess I am on the other side of the good gentleman from Limerick, Mr. Carroll, but I am going to speak very briefly and tell you why I signed the majority "ought not to pass" report.

As I understand it, at the present time the liquor inspectors in the State of Maine do not have the power of criminal arrest. However, I

have indications that there is a bill possibly coming on later that would take care of this. I feel very strongly that if we are going to have more blue lights flashing in the State of Maine, the place to put these blue lights is where they belong, on state troopers' cars.

Therefore, Mr. Speaker, Ladies and Gentlemen, I would urge you to oppose the pending motion so that I can make a motion today to indefinitely postpone this bill.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question to any member of the committee who voted it "ought to pass." For what reason do liquor inspectors need lights on their automobiles?

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

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

Mr. NADEAU: Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Richmond, Mr. Moody.

Mr. MOODY: Mr. Speaker, I would like to pose a question to anybody here who can answer it. I pose this question for two reasons. Number one, blue lights in themselves do not constitute the law requirement that a vehicle pull over and stop them, contrary to public belief. If you read your motor vehicle laws, the law states that a vehicle must only pull over and stop when an emergency vehicle is flashing a blue light or red light, whichever the case may be, and is sounding his siren. Therefore, if liquor inspectors can't use sirens anyhow, what good are blue lights going to do them?

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

The Chair recognizes the gentleman from Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: Contrary to what has been said here, there is a provision in the law now that allows liquor inspectors power of arrest.

One of the reasons liquor inspectors have requested this light, first of all, the traditional notion of the liquor inspectors has been one of a fumbling idiot. Well, since 1975, the department has tried to upgrade the image of liquor enforcement people. They now have uniforms, they now have guns. For instance, we might cite one example of what could happen here. These people are charged with policing the border between New Hampshire and the State of Maine. If they have any belief that liquor is being transported across the border, they would have the power to arrest. What they are saying is, how can you give us the power to arrest and not provide us the means to stop somebody? If these people want to stop somebody, they would probably have to pull along side of them and flash a badge through the window of the car or drive them off the road. So they are saying, if you want us to stop people or arrest people, give us some way to stop them and arrest them.

These lights wouldn't be permanent lights on the top of their cars. They would be magnetic lights so they could put them on the dashboard or put them on the top of their vehicles in emergency situations.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I suggest that we heed the motion of the good gentleman from Sanford, Mr. Nadeau, and put the lights out.

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

Mr. TARBELL: Mr. Speaker, I would like to pose two questions to the members of this committee who studied this matter. How many liquor officials are we talking about — in other words, how many lights are in question here? In addition to that, to the knowledge of any of the members on the committee, are their liquor inspectors or officials now attempting to exercise their arrest power by pulling over cars on the State of Maine roads in trying to stop and execute an arrest?

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, has posed two questions to any member of the committee who may care to answer.

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

Mr. STROUT: Mr. Speaker, in answer to the first question, the number is 16. The answer to the second question, I believe the answer is no.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I have been on this committee for the last 20 years off and on, and I know that this thing has come up every two years. Many times we called the department of State Police and asked them if they were in favor of this, and they said no. This time we did not intend to do this because we don't know how they feel about it, but I am telling you that the liquor inspectors, first of all, are inspectors, they are not men who go out and chase cars and try to arrest people. It isn't like it used to be in the old bootleg days. They don't have this any more. There might be some bootleggers up around Aroostook County but I don't think in this part of the country we have any.

This thing has come up so many times now that it is getting pathetic. The next department that will be here to get blue lights and sirens and power of arrest will be the Department of Health and Welfare. We will wind up with six police departments and we won't know who to stop for or where to stop and what to do. I would say, let's leave things alone. I will guarantee you that most of these inspectors do not want this.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: The Maine State Police are in favor, Colonel Weeks is in favor of them having the blue lights. He told us that yesterday.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: It would appear to me today that we are making a mountain out of a molehill if we think the Department of Health and Welfare is going to be the next one in for flashing blue lights.

It would seem to me that we are talking a lot in these times of stricter law enforcement of liquor laws, and yet we are not willing to give these people the tools to do it. It would seem that 16 people with lights could help that to a great extent.

In 1975, when the Bureau was put under the Department of Public Safety, since then it has been improved considerably, even though their enforcement ability is limited to only sixteen people. Captain Martin has been trying to upgrade this bureau and live down past reputations. He asked us only for one small tool and that is to use flashing emergency lights only in emergency situations. We allow game wardens, police, firemen, ambulances, deputy sheriffs, etc., to do the same thing, and it would seem if we want first class liquor enforcement, then we had better give them the opportunity instead of making them feel like second-class citizens.

There is no cost involved. The ten vehicles would be picked up through surplus from the

Department of Public Safety equipment, the same as game wardens. Many times they come upon accidents and feel a little bit hesitant to stop since they do not have any way of warning people behind them and, consequently, they may have to go to a phone to call the police, whereas they might be able to assist the people if they could stop immediately.

There was no opposition, as I understand it, at the hearing and the Maine Police Chiefs Association and the Maine State Police support it. I feel that it is the least we can do to help these people along. I would hope that you would vote against the motion to indefinitely postpone.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to anyone who might be able to answer it. What types of emergency circumstances are you looking at for these people the liquor inspectors to stop and have to use their blue lights? Could you give me a few examples?

The SPEAKER: The gentleman from Stow, Mr. Wilfong, has posed a question through the Chair to anyone who may answer if they so desire.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: The reason they gave us is that they could assist the State Police in some accidents.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: The hearing that we held was a very informative one. Colonel Weeks, in a hearing yesterday that I attended said, that he felt that it was a good idea for the liquor inspectors to have the blue lights.

I can see if you have youngsters 18 or 19 years old pull up to a store or a place of business and buy a six pack of beer or ten quarts of wine, then get in the car with youngsters 14 or 15 years old, I could foresee a liquor inspector being able to follow that vehicle and when he notes them passing the alcoholic beverage to the youngster, he can then stop the vehicle and take some action.

What we are trying to say is that you 18-year-olds can't have a drink but we are not going to do anything to help the enforcement part of it — you see? We are contradicting ourselves.

They have asked for the blue lights, not to be a state policeman, they do not want to be a county sheriff, they want to be a liquor enforcement division. Enforcement means that we have to enforce the law, so we ask for a tool. If you see a violation, you could stop the vehicle. One gentleman said, have we ever noticed any of them stopping a vehicle? They are not foolish; they are not going to stop a vehicle without a blue light, because if you do, you know what kind of a problem you could get into, including lawsuits. You have to have the blue light to stop the vehicle. Let's give them the tool they need to stop some of the problems that we now have. That is the reason we have so many LD's in here on liquor enforcement. It is important. Let's give them the tools for enforcement.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Limestone. If Colonel Weeks, in addressing you or the members of your committee, said he did not mind them having the lights, what was his position on power of arrest?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentleman from

Limestone, Mr. McKean, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: At the present time, they do not have the power of criminal arrest; they have the power of liquor enforcement arrest. However, there is a bill in now, as you know, which will, if passed, give them the power of criminal arrest.

At a previous hearing on the bill, they mentioned the fact that there may come a time when they could assist in a problem helping the State Police. As of right now, according to Colonel Weeks, they do not have the power of criminal arrest. This is strictly liquor enforcement he is speaking of.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Bangor, Mr. Kelleher, asked a question and I don't think he got the answer. The answer that should have been given to him was that he was not in favor.

I would like to make a few more comments concerning the gentleman from Scarborough, Mr. Higgins, that he feels that we should be giving some help for some of these enforcement problems that we are having. I would just like to say again that I believe if we are going to install more blue lights across the State of Maine, the place to do it is on the State Police vehicles. There has been provisions made in the highway allocations for the next biennium that there will be an additional 15 new state troopers. I think that that is where the emphasis should be put.

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

Mr. MACEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I have just a few comments. I spent a few years as a law enforcement officer, as most of you probably know, and I had several occasions when the liquor inspectors gave me considerable assistance at the scenes of accidents, etc. But I do not feel that these people are trained in law enforcement. I do not feel that they should have the authority to go out and enforce all of the laws in the State of Maine. I know that we are not discussing that at this time, but the light is a toe in the door.

These people are trained specifically to enforce the liquor laws and they should not be out chasing speeders, drunk drivers or anything else, because someone is going to get hurt if they do. This is the way I feel about it and I think we should put this bill to bed.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question asked by Representative Kelleher, there is a bill currently before the Judiciary Committee which would give the liquor enforcement personnel the power to make arrests for crimes committed in their presence and to make arrests within a reasonable time thereafter and in pursuit for misdemeanor or crimes committed in their presence. I believe that the department spoke in favor of granting those arrest powers.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: Presently, liquor enforcement officers or those people wanting to go into that field are required to go to the Criminal Justice Academy.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Just to go along with what my friend Representative Spencer said, the Commissioner of Public Safety, through his representative, did ask for statewide arrest

powers for these inspectors. So, only to answer the question, I am not debating this issue at all, the Commissioner of Public Safety does want to expand the function of the liquor inspectors.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I do not know if we know what a liquor inspector is or not. A liquor inspector is an inspector, exactly what the word means. They go in and check licenses, check clubs and see if there is anything going on. They make sure that the place is clean and they are allowed to give summons, but they are not allowed to go out and chase people on the road.

This week we had an incident happen with a policeman chasing a car. He hit a pole and half of the city was out of electricity for three and a half hours. This was a youngster that he chased which caused the pole to go down and the whole city was out of electricity. Just don't forget, a liquor inspector is just what it says, an inspector.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to Mr. Strout's query here a minute ago about the 16 blue lights in the police department. I think that anyone here would agree that we would much rather have 16 state troopers with blue lights than 16 liquor inspectors, but it would seem financially more feasible to accept 16 free blue lights than have to pay 16 new police officers and buy 16 new cruisers.

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

Mr. MACEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: To agree with and go along with what the gentleman just said, I think that rather than give these people blue lights, we ought to do away with the liquor enforcement people and put on 16 new troopers.

The SPEAKER: The pending question before the House is the motion of the gentleman from Sanford, Mr. Nadeau, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Boudreau of Waterville 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 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: Mrs. Bachrach of Brunswick would like to pair with the gentlewoman from Waterville, Mrs. Kany. If Mrs. Bachrach were voting, she would be voting yes; if Mrs. Kany were here, she would be voting no.

The pending question before the House is the motion of the gentleman from Sanford, Mr. Nadeau, that L.D. 64 and all its accompanying papers be indefinitely postponed in non-concurrence. Those in favor will vote yes; Those opposed will vote no.

ROLL CALL

YEA — Ault, Austin, Beaulieu, Benoit, Berry, Berube, Biron, Birt, Blodgett, Brenerman, Brown, K.L.; Brown, K.C.; Bunker, Carey, Carrier, Carter, D.; Carter, F.; Chonko, Connors, Cote, Cunningham, Curran, Davies, Dexter, Diamond, Dudley, Durgin, Dutremble, Fenlason, Fowlie, Gauthier, Gillis, Goodwin, H.; Goodwin, K.; Green, Hall, Hobbins, Howe, Huber, Immonen, Jacques, Jensen, Joyce, Kane, Kelleher, Kerry, Kilcoyne, LaPlante, Lewis, Littlefield, Lizotte, Lougee, MacEachern, Mahany, Marshall, Masterton,

McBreairty, McHenry, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Pearson, Peltier, Peterson, Post, Prescott, Quinn, Raymond, Silsby, Spencer, Sprawl, Strout, Talbot, Tarr, Teague, Tierney, Torrey, Tozier, Trafton, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman.

NAY — Aloupis, Bagley, Bennett, Boudreau, A.; Boudreau, P.; Burns, Bustin, Byers, Carroll, Clark, Cox, Devoe, Dow, Drinkwater, Elias, Flanagan, Garsoe, Gill, Gould, Gray, Greenlaw, Henderson, Hickey, Higgins, Hughes, Hunter, Hutchings, Laffin, LeBlanc, Locke, Lunt, Lynch, Masterman, Maxwell, McKean, Nelson, N.; Norris, Palmer, Peakes, Perkins, Rideout, Rollins, Shute, Stubbs, Tarbell.

ABSENT — Churchill, Connolly, Jackson, Jaibert, Mackel, Martin A.; McMahon, Nelson, M.; Smith, Theriault, Truman, Tyndale.

The SPEAKER: Eighty nine having voted in the affirmative and forty five in the negative, with thirteen being absent and two paired, the motion does prevail.

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

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

The SPEAKER: The gentleman from Corinth, Mr. Strout, having voted on the prevailing side, now moves that the House reconsider its action whereby this Bill was indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

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

Sent up for concurrence.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Improve the Administration of the State's Merit System" (Emergency) (H. P. 239) (L. D. 398) which was referred to the Committee on Labor in the House on February 10, 1977.

Came from the Senate, referred to the Committee on State Government in non-concurrence.

In the House: On motion of Mr. Bustin of Augusta, tabled pending further consideration and specially assigned for Tuesday, February 22.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Eliminate Membership Deadlines for the Cobossee Watershed District" (H. P. 294) (L. D. 351) which was referred to the Committee on Public Utilities in the House on February 9, 1977.

Came from the Senate, referred to the Committee on Natural Resources in non-concurrence.

In the House: On motion of Mr. Kelleher of Bangor, tabled pending further consideration and specially assigned for Tuesday, February 22.

Non-Concurrent Matter

Later Today Assigned

Bill "An Act Converting Mount Chase P Plantation into the Town of Mount Chase" (Emergency) (H. P. 39) (L. D. 56) which was Passed to be Engrossed in the House on February 30, 1977.

Came from the Senate, passed to be engrossed as amended by Senate Amendment "A" (S-8) in non-concurrence.

The SPEAKER: The Chair recognizes the

gentleman from Bangor, Mr. Henderson.

Mr. HENDERSON: Mr. Speaker, I move that the House insist, and would speak to my motion.

The amendment on this bill is to change a different plantation into a different town. The Committee on Local and County Government has a bill before it to do it to an additional town, so there would be a vehicle for this if necessary, and it would give the people of that area the opportunity to discuss it, or at least have it come before a public hearing. I do not know whether the people in Westmanland Plantation want to change their place to a town or not, but I think there ought to be at least an opportunity for a public hearing and there is an opportunity.

Thereupon, on motion of Mr. Birt of East Millinocket, tabled pending the motion of Mr. H. Henderson of Bangor that the House insist and later today assigned.

Non-Concurrent Matter

Joint Order Relative to the 200-mile Limit Study by the Committee on Marine Resources (H. P. 253) which was Read and Passed in the House on February 9, 1977.

Came from the Senate, read and passed as amended by Senate Amendment "A" (S-7) in non-concurrence.

In the House: House voted to recede and concur.

Messages and Documents

From the Senate: The following Communication: (S. P. 160)

State of Maine
Office Of The Governor
Augusta, Maine

To: Members of The 108th Maine Legislature
From: Gov. James B. Longley
Subject: Inventory Tax Recommendation

As I have previously indicated to you, I am opposed to the approach whereby the Legislature and the Governor dictate whether or not inventories are taxed. In addition, I feel the present approach, unless it is changed, discriminates against the working men and women, particularly those paying property taxes and rent, by mandating a break to businesses with inventories. On this point alone, it taxes those trying to maintain and keep homes in Maine and those least able to pay in favor of those most able to pay, such as businesses with inventories. The major point that I would like to make is that neither the Legislature or the Governor should be dictating that individual property taxpayers and businesses without inventories should pay for police and fire protection which is provided business with inventories. This basic American right belongs with the individual voters in the cities and towns and should not be mandated by the Legislature and the Governor.

While I assume responsibility for any confusion which might have existed over my initial proposal in this area, very candidly I chose not to complicate or lengthen the budget message with possible options we were considering to make it as easy and fair as possible for towns and cities to handle this transition. However, I did say publicly that the various options would depend on a ruling from the Attorney General and our subsequent research.

Now that we have the ruling and have completed our research, I feel we have finalized the fairest possible proposal to the extent that we have moved toward a phase-out approach, an approach that has been suggested by one or more legislators.

We are, therefore, recommending that:

(1) Towns and cities in Maine continue in 1977, as they did in 1974-75-76, to collect and retain a state inventory tax. This will provide time and a cushion for local citizens to vote on a constitutional amendment.

(2) This constitutional amendment, to be placed before the voters, would allow individual

citizens in cities and towns to decide for themselves whether or not inventories should be taxed. In a further effort to be fair, the proposed amendment would continue to exempt inventories from state valuation. While I personally might vote in my own town not to tax inventories, I believe citizens in every town and city should have the right to decide.

(3) In order to make the resolution of this problem even more equitable to all concerned, we also are proposing that the corporate income tax increase of one per cent enacted in conjunction with the current inventory tax law be rescinded.

Therefore, we feel we have offered a plan to the Legislature which will:

(1) Finally put an end to the confusion and inequity which have surrounded this inventory tax question and which will more properly protect the property taxpayer to the extent he or she will be given the right to vote whether or not they want to possibly pay higher property taxes to pay for services to businesses with inventories.

(2) Provide the citizens of the towns and cities an opportunity to decide for themselves whether or not they want to tax inventories rather than have that decision dictated to them by a Legislature and Governor in Augusta.

(3) Prevent a loss of revenue to towns and cities during the interim period of time when the question is being decided by the voters, by allowing the cities and towns an additional year for the transition.

In the final analysis, we believe it is time for the state government in Augusta to stop dictating to the towns and cities and their citizens the method and manner with which their taxes should be levied. It is time to start practicing what we have been preaching about local control, and we feel this proposal represents an excellent starting point and eliminates the argument that the Legislature is dictating, mandating and deciding on local taxes and services. It also helps to eliminate the opportunity for local officials to blame high property taxes on the Legislature.

(Signed) JAMES B. LONGLEY

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

Petitions, Bills and Resolves

Requiring Reference

The following Bills and Resolutions were received and referred to the following Committees:

Agriculture

Bill "An Act Relating to Exhibition Dates for Agricultural Fairs and Exhibitions" (H. P. 420) (Presented by Mr. Burns of Anson)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Providing Funds for Young Women's Christian Association Fair Harbor Shelter in Portland, Maine, an Emergency and Extended Shelter for Girls" (H. P. 421) (Presented by Mrs. Boudreau of Portland)

Bill "An Act Relating to the Costs of General Assistance" (H. P. 422) (Presented by Mr. Dow of West Gardiner)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Authorize Affiliated Banks to Operate Combined Common Trust Funds" (H. P. 423) (Presented by Mr. Carter of Bangor)

Bill "An Act to Standardize the Provision of Copies of Medical Records to Patients of Hospitals" (H. P. 424) (Presented by Ms. Clark of Freeport)

Bill "An Act Relating to Consumer Education

by the Bureau of Consumer Protection" (H. P. 425) (Presented by Ms. Clark of Freeport)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Change the Duties of Regional Vocational Center Advisory Boards, the Age of Eligibility for Out-of-School Students and the Method of Approval of Regional Vocational Centers" (H. P. 426) (Presented by Mr. Mackel of Wells)

(Ordered Printed)

Sent up for concurrence.

Election Laws

RESOLUTION, Proposing An Amendment to the Constitution to Prohibit Referendum Voting at Primary Elections (H. P. 427) (Presented by Mrs. Durgin of Kittery) (Cosponsor: Mrs. Boudreau of Portland)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Relating to Meals Provided for Employees of the Department of Mental Health and Corrections" (H. P. 428) (Presented by Mrs. Gill of So. Portland) (Cosponsor: Mr. Fowlie of Rockland)

Bill "An Act to Create a Clients' Bill of Rights and Responsibilities" (H. P. 429) (Presented by Ms. Bachrach of Brunswick)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Provide for a Minimum 30-Year Sentence for Murder" (H. P. 430) (Presented by Mr. Joyce of Portland)

Bill "An Act to Establish More Convenient Hours to Permit Easier Access to Small Claims Court" (H. P. 431) (Presented by Mrs. Kany of Waterville)

Bill "An Act Relating to Examination of Motor Vehicles by Law Enforcement Officers" (H. P. 432) (Presented by Mr. Carey of Waterville)

Bill "An Act to Clarify the Disclaimer of Transfer by Will, Intestacy or Appointment Act" (H. P. 433) (Presented by Mr. Carter of Bangor)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Concerning the Rules and Regulations of the Board of Construction Safety Rules and Regulations" (H. P. 434) (Presented by Mr. Bustin of Augusta)

Bill "An Act to Redefine 'Wages' to Include Fringe Benefits" (H. P. 435) (Presented by Mr. Davies of Orono)

(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act to Provide for the On-Premises Sale of Alcoholic Beverages by Indoor Racquet Sport Clubs" (H. P. 436) (Presented by Mrs. Huber of Falmouth)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Prohibit the State Lottery Commission from Controlling the Game of Beano" (H. P. 437) (Presented by Mr. Bustin of Augusta)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Update Validation of Street Installations of Certain Utility Structures" (H. P. 438) (Presented by Mr. Nadeau of Sanford)

Bill "An Act to Amend the Charter of the Freeport Sewer District" (Emergency) (H. P. 439) (Presented by Ms. Clark of Freeport)
(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Prohibit State Officials From Appearing on Media Advertising Funded by the State" (H. P. 440) (Presented by Mr. Bustin of Augusta)

Bill "An Act to Reduce the Size of the Board of Directors of the Criminal Justice Planning and Assistance Agency and to Change the Appointment of the Executive Director" (H. P. 441) (Presented by Mr. Joyce of Portland)

Bill "An Act Providing for the Observance of Memorial Day on May 30th" (H. P. 442) (Presented by Mr. Laffin of Westbrook) (Cosponsor: Mr. Carroll of Limerick)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Increase the Fees on Real Estate Transfers" (H. P. 443) (Presented by Mr. Carey of Waterville)

Bill "An Act to Exempt Nonprofit Boarding Care Facilities for the Aged from the Sales Tax" (H. P. 444) (Presented by Mr. Norris of Brewer) (Cosponsor: Ms. Goodwin of Bath)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Revise Certain Motor Vehicle Laws" (H. P. 445) (Presented by Mr. Carroll of Limerick)

Bill "An Act to Revise the Certificate of Title and Anti-theft laws under the Motor Vehicle Division" (H. P. 446) (Presented by Mr. Strout of Corinth)

Bill "An Act to Authorize the Issuance of 5-Year Registration Plates for Certain Trailers" (H. P. 447) (Presented by Mr. Birt of East Millinocket)

Bill "An Act to Establish Half Rate for Registration and Excise Fees at the Midpoint in the Registration Year" (H. P. 448) (Presented by Mr. MacEachern of Lincoln)

(Ordered Printed)
Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 419) recognizing that: Freeport High School has won the State of Maine Class B Soccer Championship for the Academic Year 1976-1977 Presented by Ms. Clark of Freeport.

Was read and passed and sent up for concurrence.

A Joint Resolution (H. P. 449) in memory of Honorable Leo F. Dunn, a member of the 98th and 99th Legislatures

Presented by Mr. Hickey of Augusta (Cosponsor: Mr. Bustin of Augusta)

Was read and adopted and sent up for concurrence.

Tabled and Assigned

Mr. Carrier of Westbrook presented the following Order and moved its passage:

ORDERED, that the House Rules be amended by amending House Rule 12 to read:

12. No member shall speak more than twice to the same question, without first asking leave of the House.

When a member of the House of Representatives asks leave to speak a third or more times, any other member objecting to his speaking must stand and be recognized by the Speaker of the House and his objection noted.

The Order was read.

Pursuant to House Rule 54, tabled pending

passage and specially assigned for Tuesday, February 22.

On Motion of Mr. Nadeau of Sanford, it was ORDERED, that Lawrence Greenlaw of Stonington be excused for the duration of his illness.

And be it further ORDERED, that Laurence Connolly of Portland be excused February 10th, 16th and 17th for health reasons.

House Reports of Committees

Refer to Committee on State Government

Mr. Peterson from the Committee on Human Resources on Bill "An Act to Amend the Maine Human Rights Act" (H. P. 162) (L. D. 200) reporting that it be referred to the Committee on State Government.

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

Consent Calendar

First Day

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

(H. P. 108) (L. D. 139) Bill "An Act Relating to the Definition and Licensing of Applications under the Pesticide Control Law" (Emergency) — Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-17)

(H. P. 102) (L. D. 126) Bill "An Act to Authorize the Commissioner of Public Safety to Empower Local and County Law Enforcement Officials with Statewide Jurisdiction" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-15)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 22, under listing of the Second Day.

Consent Calendar

Second Day

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

(S. P. 50) (L. D. 107) Bill "An Act Relating to Expiration Date of Dance Licenses"

No objection having been noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed in concurrence.

(H. P. 17) (L. D. 26) Bill "An Act to Clarify the Laws Governing Vehicles Overtaking and Passing"

On the request of Mr. Morton of Farmington, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading the next legislative day.

Second Reader

Tabled and Assigned

Bill "An Act to Revise the Salaries of County Officers" (H. P. 371) (L. D. 435)

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

Mr. Henderson of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-16) was read by the Clerk.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that is the result of a study by the Committee on Local and County Government, and the amendment is to bring in line one of the categories that we later found needed some adjustment. The House Amendment has the unanimous support of the committee, and we present it as a House

Amendment for mechanical reasons so we would not slow the process.

If I may, I would like to indicate the context of this bill, because many people are new and I don't think understand the relationship of this bill and this amendment to the county budget process. In order for county budgets to be finalized, there must first be set the salaries of county officers, elected officials. Those must be set by statute. The budgets are passed as a resolve. The statute indicates what the county officers must be paid. The resolve, the budget, provides a mechanism for raising the money and distributing the money to various categories. In order for the county budgets to pass, there must first be a statute passed establishing the salaries of county officers. These salaries will then be incorporated in the county budgets.

The committee was charged with a study to in effect standardize and make an analysis of the burdens on the various county officers. We looked at the number of arrests, the number of instruments filed in registers of deeds or probate, the amount of money to be handled by treasurers, the amount of checks changing hands and so forth, and the results of the recommendations are embodied in the bill.

There is, as I am sure you are well aware, sentiment to make changes and to in effect go back to the old system, which may be preferable, of having individual counties deal with their county officers. As a result of that having been the case in the past, there were wide disparities in what commissioners or treasurers doing basically the same job were getting, depending on their relationship to their legislative delegation.

This was an attempt to standardize the salaries to come close to what the recommendations were but try to take it a bit out of the parochial political field. So we are asking, the committee is suggesting, that we adopt House Amendment "A" and that we not adopt any other amendment. We would like not to make any other changes in the bill as part of our recommendation of trying to standardize the procedure. The addition of various amendments will, in effect, bring us back to the old system of dealing on an individual personality basis rather than trying to discover what is the general principle and how these people ought to be paid.

Mr. Speaker, I move the adoption of House Amendment "A".

Thereupon, House Amendment "A" was adopted.

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

Mr. BERRY: Mr. Speaker, this bill, up to this point, has slid along pretty easily through here. I have looked at it several times and I don't quite understand it, in particularly the salary arrangements, and maybe the chairman of the committee could make it clear to me what is happening with the salary adjustments. I understand some are going up and some are going down. I think I would like to know about that, but before I do, Mr. Speaker, I would like for you to rule on whether or not this bill is properly before us pursuant to Rule 29, which states that all bills and resolves shall, upon introduction and later amendment thereof, be accompanied by a written statement of fact. I notice that this bill does not have one. I also noticed it is a corrected copy, and I looked through my L.D.'s and find that many other corrected copies are accompanied by a statement of fact. Would you please rule on that, Mr. Speaker.

The SPEAKER: The Chair would rule that it is in violation of Rule 29.

Thereupon, on motion of Mr. Tierney of Lisbon Falls tabled pending further consideration and specially assigned for Tuesday, February 22.

Orders of the Day

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

Bill "An Act to Repeal the Mill Act" (H. P. 389) (Committee on Public Utilities suggested) Tabled — February 16, 1977 by Mr. Kelleher of Bangor.

Pending — Reference.

Thereupon, the Bill was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

The following paper from the Senate was taken up out of order by unanimous consent: from the Senate: The following Order:

ORDERED, the House concurring, that when the House adjourns, it adjourns to 9:30 in the morning on Tuesday, February 22, and when the Senate adjourns, it adjourns to 10 o'clock in the morning on Tuesday, February 22.

Came from the Senate read and passed.

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

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

Bill "An Act Relating to the Analysis of Commodities" (Emergency) (S. P. 161) (L. D. 437)

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

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

Bill "An Act Pertaining to Funding the Central Licensing Division of the Department of Business Regulation" (S. P. 165) (L. D. 441)

Bill "An Act Relating to the Exemption of Financial Institutions from the Unfair Trade Practices Act" (S. P. 162) (L. D. 438)

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

In the House, referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Provide Civil and Criminal Immunity for Persons Participating in Administering Medications" (S. P. 159) (L. D. 436)

Bill "An Act to Provide for the Immediate Issuance of Food Stamps for Needy Families" (S. P. 164) (L. D. 440)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act to Increase the Statutory Limit on Single Loans Made by the Maine Veterans Small Business Loan Authority Board from \$15,000 to \$25,000" (S. P. 163) (L. D. 439)

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

In the House: On motion of Ms. Goodwin of Bath, referred to the Committee on Appropriations and Financial Affairs, in non-concurrence and sent up for concurrence.

The following Bills and Resolve requiring reference appearing on Supplement No. 2 were taken up out of order by unanimous consent:

Education

Bill "An Act to Improve the Laws Relating to Exceptional Children" (H. P. 450) (Presented by Mrs. Beaulieu of Portland)

Bill "An Act Repealing the Requirement for Uniform School Administrative Unit Budget Years" (H. P. 451) (Presented by Mr. Silsby of Ellsworth) (Cosponsor: Mr. Cox of Brewer)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Require Direct Mailing and Verification of Absentee Ballots and Concerning the Marking of Absentee Ballots" (H. P. 452) (Presented by Mrs. Berube of Lewiston)

Bill "An Act Relating to Political Fundraising by State Employees" (H. P. 453) (Presented by Mrs. Boudreau of Portland)

Bill "An Act Relating to Instruction Posting under the Election Laws" (H. P. 454) (Presented by Mrs. Masterton of Cape Elizabeth)

(Ordered printed)

Sent up for concurrence.

Energy

Bill "An Act to Prohibit the Sale of Gasoline Below Cost to Destroy Competition" (H. P. 455) (Presented by Mr. Davies of Orono) (Cosponsors: Mr. Kerry of Old Orchard Beach, Mr. Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Authorize the Department of Human Services to Provide Short Term Emergency Care" (H. P. 457) (Presented by Mr. Hobbins of Saco)

Bill "An Act to Amend the Admission Procedures to Hospitals for the Mentally Ill" (H. P. 456) (Presented by Mr. Goodwin of So. Berwick)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Authorize a District Attorney and Assistant District Attorneys for Washington County" (H. P. 458) (Presented by Mr. Connors of Franklin)

Bill "An Act to Improve Prosecution Services" (H. P. 459) (Presented by Mr. Hobbins of Saco)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Exempt Small Loggers from the Workmen's Compensation Law" (H. P. 460) (Presented by Mr. Dexter of Kingfield)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Permit the Taking of Halibut under Certain Conditions without a Commercial License" (H. P. 461) (Presented by Mr. Bunker of Gouldsboro)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Permit the Use of Salmon Eggs for Fishing Bait" (H. P. 462) (Presented by Mr. Connors of Franklin)

Committee on Marine Resources was suggested.

On motion of Mr. Connors of Franklin, was referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

State Government

Bill "An Act to Repeal the Designation of Emergency Interim Successors to Legislators" (H. P. 463) (Presented by Mr. Brenerman of Portland)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Relating to the Declaration and Payment of Estimated Tax for Corporations under the Maine Income Tax Law" (H. P. 464)

(Presented by Mr. Carter of Bangor)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Establish Registration for Governmental Vehicles" (H. P. 465) (Presented by Mr. Brenerman of Portland)

(Ordered Printed)

Sent up for concurrence.

Veterans and Retirement

RESOLVE Providing a Pension for Elizabeth S. Violette of Augusta (Emergency) (H. P. 466) (Presented by Mr. Hickey of Augusta)

(Ordered Printed)

Sent up for concurrence.

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

Bill "An Act to Extend the Time During which School Budgets may be Adopted" (Emergency) (H. P. 316) (L. D. 407) which was referred to the Committee on Education in the House on February 10, 1977.

Came from the Senate, under suspension of the rules and without reference to a Committee, passed to be engrossed as amended by Senate Amendment "B" (S-9) in non-concurrence.

In the House:

Mr. Green of Auburn moved this matter be tabled for one legislative day.

Subsequently, the same gentleman withdrew his tabling motion.

Whereupon, on motion of the same gentleman, the House voted to recede and concur.

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

The following Joint Order, An Expression of Legislative Sentiment recognizing that:

Mrs. Charles W. Mosman of Portland Will Attain Her 100th Birthday on February 19th

Came from the Senate read and passed.

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

The Chair laid before the House the following matter: Bill "An Act Converting Mount Chase Plantation into the Town of Mount Chase" (Emergency) (H. P. 39) (L. D. 56) which was tabled earlier in the day and later today assigned pending the motion of Mr. Henderson of Bangor that the House insist.

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

Mr. HENDERSON: Mr. Speaker, I withdraw my motion to insist, and move that we now recede and concur.

Thereupon, the House voted to recede and concur.

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

Mr. GOODWIN: Mr. Speaker, is the House in possession of H. P. 357, Bill "An Act to Provide Supervision of Persons Released from the Maine State Prison and the Maine Correctional Center Under Furlough, Work or Rehabilitative Release?"

The SPEAKER: The Chair answers in the affirmative.

On motion of Mr. Goodwin of South Berwick, the House reconsidered its action of yesterday whereby this Bill was referred to the Committee on Health and Institutional Services.

On further motion of the same gentleman, the Bill was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Peakes of Dexter,
Adjourned until Tuesday, February 22, at 9:30
in the morning.