

# 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**

KJ PRINTING  
AUGUSTA, MAINE

**HOUSE**

Thursday, March 10, 1977

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

Prayer by Pastor G. Lee Davis of the Cambridge Baptist Church, Cambridge.

The journal of yesterday was read and approved.

**Papers from the Senate  
Reports of Committees  
Referred to the Committee on  
State Government**

Report of the Committee on Natural Resources on Bill "An Act to Clarify the Powers of Regional Planning Commissions" (S. P. 221) (L. D. 685) reporting that it be referred to the Committee on State Government.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on State Government.

In the House, the Report was read and accepted and the Bill referred to the Committee on State Government in concurrence.

**Petitions, Bills and Resolves  
Requiring Reference**

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

**Agriculture**

Bill "An Act to Exempt Agricultural Societies from Camping License Requirements for Activities during Annual Fairs" (H. P. 739) (Presented by Mr. Wilfong of Stow)

(Ordered Printed)

Sent up for concurrence.

**Appropriations and Financial Affairs**

Bill "An Act to Provide for Tourism Promotion and Information Services" (H. P. 740) (Presented by Mr. Palmer of Nobleboro)

(Ordered Printed)

Sent up for concurrence.

**Business Legislation**

Bill "An Act Exempting Fishing Cooperatives From Registration as Dealer in Securities" (H. P. 741) (Presented by Mr. Spencer of Standish) (Cosponsor: Mr. Fowlie of Rockland)

Bill "An Act Concerning Certificates of Contribution for Insurers in the Maine Insurance Guaranty Association" (H. P. 742) (Presented by Mrs. Najarian of Portland)

Bill "An Act Concerning Disbursement from the Marshaled Assets of a Delinquent Insurance Company" (H. P. 743) (Presented by Mrs. Najarian of Portland)

Bill "An Act to Require Substantiation of Certain Advertising Claims" (H. P. 744) (Presented by Mrs. Kane of Augusta) (Cosponsor: Miss Brown of Bethel)

(Ordered Printed)

Sent up for concurrence.

**Education**

Bill "An Act to Provide Voluntary Teacher Certification" (H. P. 745) (Presented by Mr. Henderson of Bangor)

(Ordered Printed)

Sent up for concurrence.

**Election Laws**

Bill "An Act to Require the Full Name of a Party Designation to be Spelled out on a Ballot" (H. P. 746) (Presented by Mr. Hughes of Auburn)

Bill "An Act to Provide that Voter Registration Forms Include a Warning Concerning Knowingly Supplying False Information" (H. P. 747) (Presented by Mr. Hughes of Auburn)

Bill "An Act to Provide for the Registration of Voters on Election Day in all Polling Places" (H. P. 748) (Presented by Mr. Hughes of Auburn)

(Ordered Printed)

Sent up for concurrence.

**Energy**

Bill "An Act to Create A Commission on Energy Efficiency Building Performance Standards" (H. P. 749) (Presented by Mr. Palmer of Nobleboro) (Cosponsor: Mrs. Huber of Falmouth)

(Ordered Printed)

Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act to Provide for a Webless Migratory Bird Stamp" (H. P. 750) (Presented by Mr. Wilfong of Stow)

Bill "An Act to Permit Trout Fishing on All Brooks and Streams until September 15th" (H. P. 751) (Presented by Mr. Henderson of Bangor)

Bill "An Act to Provide for Special Hunting and Fishing License Categories for Nonresidents who Pay \$100 or More in Real Property Taxes in Maine" (H. P. 752) (Presented by Mr. Rollins of Dixfield)

(Ordered Printed)

Sent up for concurrence.

**Health and Institutional Services**

Bill "An Act to Create a Maximum Security Facility for Those Adjudged not Guilty of a Crime by Reason of Insanity" (H. P. 753) (Presented by Mr. Tarbell of Bangor)

Bill "An Act Relating to Rehabilitative Programs Within Penal and Correctional Institutions Under the Control of the Bureau of Corrections" (H. P. 754) (Presented by Mr. Hughes of Auburn)

Bill "An Act to Establish the Legal Rights of Hospital Patients" (H. P. 755) (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act to Delete the Requirement that Appeals to Superior Court from a Municipal Board of Appeals must be Trial De Novo" (Trial Anew) (H. P. 756) (Presented by Mr. Hughes of Auburn)

Bill "An Act to Revise the Debtor-Creditor Laws to Facilitate the Legal Collection of Debts" (H. P. 757) (Presented by Mr. Tarbell of Bangor)

Bill "An Act to Permit Nonprofit Legal Service Organizations" (H. P. 758) (Presented by Mrs. Byers of Newcastle)

Bill "An Act to Pay for Out-of-Pocket Medical Costs of Victims of Criminal Assaults" (H. P. 759) (Presented by Mr. Curran of South Portland)

Bill "An Act to Clarify the Authority of Members of Volunteer and Governmental Organizations to Render Emergency Assistance" (H. P. 760) (Presented by Mr. Brenerman of Portland) (Cosponsor: Mrs. Boudreau of Portland)

(Ordered Printed)

Sent up for concurrence.

**Tabled and Assigned**

Bill "An Act Prohibiting the use of Tax Moneys to Reimburse Hospital Expenditures Incurred in Labor Organization, Negotiation or Disputes" (H. P. 761) (Presented by Mr. Connolly of Portland) (Cosponsor: Mr. Bustin of Augusta)

Committee on Labor was suggested.

(On motion of Mr. Palmer of Nobleboro, tabled pending reference and specially assigned for Tuesday, March 15.)

**Labor**

Bill "An Act to Amend the Employment Security Law to Include Federal Requirements

and other Options Available to the State" (H. P. 762) (Presented by Mr. Bustin of Augusta)

Bill "An Act to Amend the Benefit Financing Provisions of the Employment Security Law" (H. P. 763) (Emergency) (Presented by Mr. Bustin of Augusta)

Bill "An Act Relating to Suitability of Employment" (H. P. 764) (Presented by Mr. Connolly of Portland)

Bill "An Act to Establish a Maximum Yearly Adjustment to Workmen's Compensation Benefits" (H. P. 765) (Presented by Mr. Gray of Rockland)

(Ordered Printed)

Sent up for concurrence.

**Labor**

Bill "An Act to Establish Arbor Week" (H. P. 766) (Presented by Mrs. Locke of Sebec) (Cosponsor: Mr. Wood of Sanford)

Bill "An Act to Provide that Committees of the Board of Trustees of the University of Maine and Maine Maritime Academy are Governed by the Right-to-know Law" (H. P. 767) (Presented by Mr. Hughes of Auburn)

(Ordered Printed)

Sent up for concurrence.

**Liquor Control**

Bill "An Act to Permit the Sale of Dessert Wine at Retail Stores" (H. P. 768) (Presented by Mr. Bustin of Augusta) (Cosponsors: Mrs. Byers of Newcastle, Mr. Twitchell of Norway)

Bill "An Act Relating to State Liquor Identification Cards" (H. P. 769) (Presented by Mr. Hughes of Auburn)

(Ordered Printed)

Sent up for concurrence.

**Local and County Government**

Bill "An Act to Redescribe the Boundary Line Between the City of Brewer and the Towns of Orrington and Holden" (H. P. 770) (Presented by Mr. Devoe of Orono) (Cosponsors: Mr. Cox of Brewer, Mr. Norris of Brewer)

Bill "An Act to Increase the Salaries of the County Commissioners and the Register of Probate for Washington County" (H. P. 771) (Presented by Mr. Conners of Franklin)

Bill "An Act to Authorize Rental Housing to be Financed by the Issuance of Revenue Obligation Facilities under the Municipal Securities Approval Act" (H. P. 772) (Presented by Mr. Kelleher of Bangor)

Bill "An Act to Increase the Salaries of the Register and Deputy Register of Deeds of Cumberland County" (Emergency) (H. P. 773) (Presented by Mr. Spencer of Standish)

Bill "An Act to Revise the Salary of the County Treasurer of Washington County" (H. P. 774) (Presented by Mr. Nelson of Roque Bluffs)

(Ordered Printed)

Sent up for concurrence.

**Natural Resources**

Bill "An Act Relating to Conservation Restrictions" (H. P. 775) (Presented by Mrs. Byers of Newcastle)

(Ordered Printed)

Sent up for concurrence.

**Performance Audit**

Bill "An Act to Require a Cost-Benefit Evaluation of Government Regulation" (H. P. 776) (Presented by Mr. Carter of Bangor)

(Ordered Printed)

Sent up for concurrence.

**Public Utilities**

Bill "An Act to Establish Assessments upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission" (H. P. 777) (Presented by Mr.

Kelleher of Bangor) (Cosponsor: Mr. Spencer of Standish)

Bill "An Act Relating to Utility Rate Making Treatment of Certain Advertising and Sales Promotion Expenses of Electrical Companies" (H. P. 778) (Presented by Mrs. Post of Owls Head)

(Ordered Printed)

Sent up for concurrence.

#### State Government

Bill "An Act to Require an Advisory Referendum on the Equal Rights Amendment" (H. P. 779) (Presented by Mr. Conners of Franklin)

(Ordered Printed)

Sent up for concurrence.

#### Tabled and Assigned

Bill "An Act Increasing Per Diem paid to Members of the Maine Land Use Regulation Commission and Concerning Appointment of the Director of the Maine Land Use Regulation Commission" (H. P. 780) (Presented by Mr. McBreairty of Perham)

Committee on State Government was suggested.

(On motion of Mr. Curran of South Portland, tabled pending reference and assigned for Tuesday, March 15.)

#### State Government cont'd.

Bill "An Act to Authorize an Archeologist for the Maine Historic Preservation Commission" (H. P. 781) (Presented by Mr. Spencer of Standish) (Cosponsors: Mr. Hughes of Auburn, Mr. Jackson of Yarmouth, Mrs. Bachrach of Brunswick)

Bill "An Act Relating to the Duties and Supervisory Authority of the Commissioner of Business Regulation" (H. P. 782) (Presented by Mr. Jackson of Yarmouth)

Bill "An Act to Establish a Permanent Governor's Committee on Children and Youth" (Emergency) (H. P. 783) (Presented by Mr. Connolly of Portland)

(Ordered Printed)

Sent up for concurrence.

#### Taxation

Bill "An Act to Change the Sales Tax Basis on Fuel Oil from Price to Volume" (H. P. 784) (Presented by Mr. Boudreau of Waterville)

Bill "An Act to Exempt Fuel Adjustment Charges from the Sales Tax" (H. P. 785) (Presented by Mrs. Tarr of Bridgton)

(Ordered Printed)

Sent up for concurrence.

#### Tabled and Assigned

Bill "An Act to Exempt Energy Conservation Materials from the Sales Tax" (H. P. 786) (Presented by Mrs. Huber of Falmouth)

Committee on Taxation was suggested.

(On motion of Mr. Carey of Waterville, tabled pending reference and specially assigned for Wednesday, March 16.)

#### Taxation cont'd.

Bill "An Act Concerning the Veterans' Property Tax Exemption" (H. P. 787) (Presented by Mrs. Bachrach of Brunswick) (Cosponsor: Mrs. Tarr of Bridgton)

(Ordered Printed)

Sent up for concurrence.

#### Transportation

Bill "An Act Appropriating Funds for Improvements to the Wiscasset Airport" (H. P. 788) (Presented by Mr. Palmer of Nobleboro)

Bill "An Act Relating to Transportation to Islands in Casco Bay" (H. P. 789) (Presented by Mr. Brenerman of Portland) (Cosponsor: Mrs. Nelson of Portland)

Bill "An Act Authorizing the Commissioner of Public Safety to Appoint and Commission

Railroad Policemen and Providing Regulations Pertaining Thereto" (H. P. 790) (Presented by Mr. Curran of South Portland)

Bill "An Act to Require Bilingual State Highway Maps" (H. P. 791) (Presented by Mr. Kerry of Old Orchard Beach) (Cosponsors: Mr. Martin of Eagle Lake, Mr. Spencer of Standish)

Bill "An Act Creating a Transit District in Casco Bay" (H. P. 792) (Presented by Mr. Connolly of Portland)

Bill "An Act to Authorize the Construction of a Bangor-Brewer Bridge" (H. P. 793) (Presented by Mr. Tarbell of Bangor)

(Ordered Printed)

Sent up for concurrence.

#### Veterans and Retirement

Bill "An Act to Appropriate Money for Revolutionary War Veterans Grave Markers" (H. P. 794) (Presented by Miss Brown of Bethel)

Bill "An Act to Establish a Maine Veterans Home" (H. P. 795) (Presented by Mr. Conners of Franklin)

(Ordered Printed)

Sent up for concurrence.

#### Orders

An Expression of Legislative Sentiment (H. P. 737) recognizing that:

The Lewiston High School Hockey Team Has won the Class A Hockey Championship For the Academic Year 1977,

Presented by Mr. Biron of Lewiston

The Order was read.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: For the record, obviously this order is on behalf of all the Lewiston Delegation. Due to the rules, we were unable to put all the signatures on the order; therefore, I signed it myself, but for the record, it is for the total Lewiston High School for the fine job they did in the state tournament.

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

An Expression of Legislative Sentiment (H. P. 722) recognizing that: The Boys' Basketball Team of Jonesport-Beals High School has won the State Class D Championship, (Presented by Mr. Nelson of Roque Bluffs) (Cosponsor: Mr. Conners of Franklin)

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Roque Bluffs, Mr. Nelson.

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like also to recognize the counterparts of the boys' team of Jonesport-Beals High School, the Royalettes. They had a one loss record also. The women's team was coached by Patty Cabot.

Also, the cheerleaders are there in the balcony with the Jonesport-Beals Royals, and believe me, without the cheerleaders, it wouldn't be much of a basketball game. They do a terrific amount of work and they go out there sometimes when the crowd is very hostile, sometimes they are friendly, sometimes they are not, but they go out and do a real fine job and put on quite a performance, I can assure you.

The Royals of Jonesport-Beals High School are a little bit unique. They do not have a gym of their own to practice in. All of their games, even their home games, are played on a strange floor because they have to drive 22 miles to Machias and play their games over there, and of course all their away games are on strange floors. So, the Royals are playing on a strange floor all the time.

They have won this State Class D Championship — this is the sixth time that they have won it in eight years. Representative Conners

and myself would like at this time to extend our personal congratulations to the Jonesport-Beals Royals, the Class D basketball champions for the State of Maine.

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Luman Mahany of Easton be excused March 8th, 9th, and 10th for health reasons.

#### House Reports of Committees Ought Not to Pass Tabled and Assigned

Mr. Curran from the Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution to Limit the Governor to a Single Four-year Term (H. P. 303) (L. D. 358) reporting "Ought Not to Pass" The Report was read.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, in order to consider this, we must waive the rules. Approximately two hours ago, I received a message from the Governor asking as a personal favor to him, as a matter of personal privilege to him, would we be willing to delay action on this matter for approximately two days?

Whereupon, on motion of Mr. Tierney of Lisbon Falls, under suspension of the rules, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, March 16.

#### Referred to Committee on Legal Affairs

Mr. Norris from the Committee on Judiciary on Bill "An Act to Provide for the Sealing of Displayed Copies of Adult Magazines" (H. P. 551) (L. D. 668) reporting that it be referred to the Committee on Legal Affairs.

Mr. Bennett from the Committee on Judiciary on Bill "An Act to Regulate the Issuance of Concealed Weapons Permits" (H. P. 164) (L. D. 202) reporting that it be referred to the Committee on Legal Affairs.

Reports were read and accepted, the Bills referred to the Committee on Legal Affairs and sent up for concurrence.

#### Ought to Pass in New Draft New Draft Printed

Mr. Henderson from the Committee on Local and County Government on Bill "An Act to Revise the Salaries of County Officers" (H. P. 72) (L. D. 62) reporting "Ought to Pass" in New Draft (H. P. 738) (L. D. 752)

Report was read

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

Mr. HENDERSON: Mr. Speaker and Members of the House: As you will note, the report says it ought to pass. I think that is a hope as well as the Statement of Fact.

This is the newly revised bill on county salaries. It is 752; it is on your desks, and this is in accord with what each county delegation expressed to our committee.

As you know, our not passing this bill holds up county budgets, which also provides for confusion for the towns having their town meetings in their inability to predict what their tax rate is going to be. For that reason, I am going to suggest that we suspend the rules and have the second reading of the bill today and try to send it on its way. If there is any objection to that, of course we won't do that. So I wish you would think about that for the next few minutes, and if you have any reservations, you may object to it. Otherwise, I suggest that we suspend the

rules on this and send it to the other body as soon as we can.

Thereupon, the Report was accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent to the Senate.

By unanimous consent, ordered sent forthwith.

**Divided Report**

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" on Bill "An Act Clarifying the One-Year Period Between Public Utilities Rate Cases" (H. P. 131) (L. D. 165)

Report was signed by the following members:

- Mr. CARPENTER of Aroostook  
-of the Senate
- Messrs. KELLEHER of Bangor  
WOOD of Sanford  
McHENRY of Madawaska  
BERRY of Buxton  
NADEAU of Sanford  
PEARSON of Old Town  
-of the House.

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

Report was signed by the following members:

- Mr. COLLINS of Aroostook
- Mrs. CUMMINGS of Penobscot  
-of the Senate
- Mrs. TARR of Bridgton
- Messrs. SMITH of Mars Hill  
CUNNINGHAM of New Gloucester  
LUNT of Presque Isle  
-of the House

Reports were read.

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

Mr. BERRY: Mr. Speaker, I move the Majority "Ought to Pass" Report be accepted.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker and Members of the House: I would just like to tell you why I signed the "ought not to pass" report. I missed the working session on this because I was in Labor, where I seem to be most of my life, but looking at the bill, if you would, L. D. 165, it says "within one year of any commission authorizing a rate change, no public utility shall file for a further rate change pursuant to Section . . . . without the written consent of the commission." It doesn't allow for any time limits, if you want to get a written consent from them, how long it might take you to get that, and I just didn't think the bill was drafted very well or written very clearly, at least for me.

There are instances, especially with your small water companies that are trying to come in for a rate increase, and because the commission has been understaffed and underfunded, there is quite a time lag. By the time they get a rate increase, they are already still in the hole, so they have to come in for another one. I just don't think this is necessary. If we can fund the commission, things move along a little faster, then there wouldn't be any necessity to come in for another rate increase. That is why I voted "ought not to pass." I would ask for a division, Mr. Speaker.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: If I might take just a minute, I would like to explain why I think this bill is necessary. Before I start, I think I would like to say that any of you who harbor any animosities toward utilities, this is the best chance you are going to have to vent those animosities.

This bill and the one following this, and two or three more that will come later, are probably

the most substantial legislation that will come from the Public Utilities Committee.

The Public Utilities Committee is charged with the responsibility of regulating all utilities, and just so you will know how much responsibility that is, I would like to tell you just how many of these companies there are. There are 151 water companies, 2 gas companies, 19 electric companies, 26 telephone companies, 1 telegraph company, 9 railroads, 1 boat, 26 bus companies, 25 special charter bus companies, 2,355 interstate carriers, 375 contract carriers, 4 moving companies, 19 common carriers.

The Public Utilities Commission has the responsibility of regulating the rates for all of these companies. The Public Utilities Commission currently has a staff of about 22 people to do this task. Currently, the PUC has a hundred rate cases pending before it. In addition to that, they have 12 cases pending in the supreme court. In the month of February alone, 8 cases were filed with the PUC and 11 were completed.

When a rate case comes before the PUC, the PUC has nine months to grant, deny or modify that rate increase. If they do not deny or modify the rate increase within the nine-month period, every increase is automatic.

The utilities, naturally, are aware that the larger the workload on the PUC, the less time that body will have to scrutinize the material that they bring before it; therefore, they will submit rate increases time and time and time again.

I once made the comparison between the PUC with its present staff to all of the combined utilities in the State of Maine, and it is this — they are like a little league ball team going into Yankee Stadium to play ball with the New York Yankees. The bill that is before you today would allow the PUC some breathing room between rate increases. I hope that you will accept the Majority "Ought to pass" Report.

The SPEAKER: The pending question is on the motion of the gentleman from Buxton, Mr. Berry, that the Majority "Ought to pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 78 having voted in the affirmative and 41 having voted in the negative, the motion did prevail.

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

**Divided Report**

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" on Bill "An Act Granting Implied Powers to the Public Utilities Commission" (H. P. 295) (L. D. 352)

Report was signed by the following members:

- Mrs. CUMMINGS of Penobscot
- Mr. CARPENTER of Aroostook  
-of the Senate.
- Mrs. TARR of Bridgton
- Messrs. KELLEHER of Bangor  
WOOD of Sanford  
McHENRY of Madawaska  
BERRY of Buxton  
NADEAU of Sanford  
PEARSON of Old Town  
-of the House.

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

Report was signed by the following members:

- Mr. COLLINS of Aroostook  
-of the Senate.
- Messrs. SMITH of Mars Hill  
LUNT of Presque Isle  
CUNNINGHAM of New Gloucester  
-of the House.

Reports were read.

The SPEAKER: The Chair recognizes the

gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, I move that the Majority Report be accepted.

The SPEAKER: The gentleman from Sanford, Mr. Wood, moves that the House accept the Majority "Ought to pass" Report.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I just read this bill for the first time, and I certainly feel as though I for one would like to have a little explanation. I am very much concerned about bills that read the way this does, the language in it. It talks in the first line about construing liberally. I would think it would be necessary to construe things exactly as the law calls for.

It goes on to say that all additional implied and incidental powers are granted. I would really like to know what we are doing here, what are implied and incidental powers?

I have heard this body many times speak about their concern with giving too much authority to state agencies. I am just wondering what we are doing here. I hope we can have some explanation.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This bill originated when the Public Utilities Commission, in its wisdom, granted a refund to telephone users, those who had new installations of phones in their homes because under a previously existing system, the New England Tel and Tel and others would charge a \$17.50 installation fee and it went up to something like \$32.50. In the wisdom of the Public Utilities Commission, in reviewing a large increase that was before them at that time dealing with rates, it was in their wisdom that the New England Tel and Tel unfairly charged an exorbitant amount of money for installation. They issued their decree of a refund. The utility, meaning New England Tel and Tel, took it to court, and under existing law, which was kind of confusing in terms for the court, it said they didn't think they had the expressed powers to do this.

This bill that is here isn't as dangerous as some people might want you to think. It specifically deals with a certain area in the PUC, dealing with the commission's chapters 1 through 17 — for example, the general duties, making rules and regulations, investigate utilities and utility management, rates of public utilities, determine just and reasonable rates, regulations and control of the public utilities, such as granting special privileges to any person or firm, to seek or provide rebates without PUC approval, investigate accidents occurring on utilities property, dealing with stocks, bonds, notes of utilities, authorizations of leases and mortgages, physical connections of the utilities, regulations on connections between steam and electric railroads, procedure in dealing with hearings, complaints, issuance of decision, liability and penalties.

There weren't very many people there in support of this fine bill. In fact, every major utility in the state was there opposing it. They were afraid of the term "implied powers," but I would suggest that what they were afraid of is the ability for the Utility Commission to deal with them on a better level.

This is just one of four or five reform bills that will be coming before this House. And like the previous speaker, Mr. Berry, if you want to attempt to put our major league team, being the PUC, on reasonable turf with the utilities that they are dealing with, I would urge the House to support this document, because it in fact does give them some ability to deal with the utilities.

The SPEAKER: The Chair recognizes the

gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker and Members of the House: I attended that hearing, also, and I think if we are going to play the little leaguers against the New York Yankees, we had better start setting the rules. What are the rules we are going to go by? Are we going to go by little league rules or are we going to go by major league rules? Those rules are usually expressed in written form. They are not implied rules that you make up as you go along.

I am very much concerned, and the reason that I signed "ought not to pass" on this is that if this does give the Utilities Commission the ability or authority to make up its rules as it goes along, I don't go along with that idea in any way, shape or form.

I think if you want the companies to abide by the rules, and if you are going to abide by your rules, then you can set your rates, regulate your companies according to the rules that are set up, not implied rules or implied powers which can change from day to day. I have seen too much of this thing happening lately, rules that change from day to day. I think we need to give these commissioners expressed powers rather than implied powers.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I just want to rise to give my reasons for voting "ought not to pass." If you can create some more monsters down here that you can't control, you vote yes on this bill here, "ought not to pass." That is all I hear at home, the local control we have lost down here and we can't control some of our bureaucrats.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't usually agree with my good friend from the other side of the aisle, Mr. Berry. I have a great respect for the gentleman, and today I certainly do agree with him. Anytime we can stop these big companies from going in any time they want and telling the Public Utilities Commission what they are going to do, any time they can do that, it is our job to stop them and say, listen, the legislature is going to back the Public Utilities.

The big power companies of this state have continued, and they always will continue, to suck every dime they can out of the people, and I think it is time that we put a stop to it. The Public Utilities is just about the only way, outside of special legislation, that we can stop them.

There are many times when I don't agree with the Public Utilities, because many times they give in to the power companies, but this time is one of those times that I certainly do support them. I support this bill, and I would urge the members of this House to think very carefully that every time they vote for the public utilities of this state, they are taking more money away from the working people of this state.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I had occasion to talk with one of the staff people of the PUC on this particular bill, as well as being on the committee and having heard it at public hearing, and I had some questions about "implied powers" and that is what spurred me to talk with one of the staff people. It seems that if we are going to talk about establishing the rules and going by the rules, that would be a desirable thing to do if you could do it.

But consider for a minute a company as large as New England Telephone. They come before the PUC with all of their high-priced experts

which you and I pay for, they submit the information that they are asked to submit, but they spend quite a lot of time finding ways to renumber things, to call them under different titles, and a good many other ways of confusing things so that the staff people on the Public Utilities Commission don't even know what to ask for. That is one of the problems. You can't establish a rule in black and white to ask for something if that something has to be renamed and you don't even know what it is any longer. It is for instances like that that this becomes necessary.

This is by no means a monster. If it is, there are several states that already have this monster, because this was patterned after laws that came out of some of the other states. I hope you will support the "ought to pass."

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

Mr. TARBELL: Mr. Speaker and Members of the House: I endorse and support the rationale of this bill, the attempt to give the PUC all of the authority that its statutory provisions provide for; however, the language is sloppy from an attorney's standpoint, from a lawyer's standpoint of view, because you are drawing a distinction between implied powers and incidental powers. I have no idea what that means other than the list of powers specifically stated, or the list of functions specifically stated by the gentleman from Bangor, Representative Kelleher.

I am wondering if the committee did consider alternative language that would accomplish the same goal.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: A change of title, I think, would not have changed the position of the committee one little bit. The idea that the bill has been sloppily drafted, I don't accept that at all. It was drafted by one of his Brothers of the Bar in terms and knowledge that he knows better than I. We are all just common individuals who come before this House, and to put the legal framework of an L. D. together, we go to our legal league and giants, like my good friend from Bangor who is an attorney, and they put it in the posture that you see it in before the House.

I would say that no matter how this bill was drafted, our good friends out on the third floor here, the fourth body, whatever they call it, wouldn't be happy. It is a people's bill, it is a good bill, and I would hope that this House would support it.

The SPEAKER: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, I would move that we recommit this to the Judiciary Committee so that perhaps some of this language could be cleared up.

The SPEAKER: The gentleman from New Gloucester, Mr. Cunningham, moves that this Bill be referred to the Committee on Judiciary.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I hate to stand here and urge you not to give the Judiciary Committee any more work, but I did look at the language and it is language which you find throughout the statutes, that where there is a general grant of authority you oftentimes also grant any authority which is necessary to carry out the general purposes. I would plead with you not to recommit this to the Judiciary Committee because of the volume of work we already have.

The SPEAKER: The pending question is on the motion of the gentleman from New Gloucester, Mr. Cunningham, that this Bill be

recommitted to the Committee on Judiciary. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

21 having voted in the affirmative and 99 having voted in the negative, the motion did not prevail.

Mr. Jensen of Portland requested a roll call on acceptance of the Majority "Ought to pass" Report.

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 pending question is on the motion of the gentleman from Sanford, Mr. Wood, that the Majority "Ought to pass" Report be accepted. Those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. C.; Bustin, Carey, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Curran, Dexter, Diamond, Dow, Drinkwater, Dutremble, Elias, Fenlan, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Huber, Hughes, Jackson, Jacques, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lizotte, Locke, Lynch, MacEachern, Martin, A.; Masterman, Masterton, Maxwell, McHenry, McKean, McMahon, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Peakes, Pearson, Peltier, Post, Prescott, Quinn, Raymond, Rideout, Spencer, Strout, Talbot, Tarr, Teague, Theriault, Tierney, Tozier, Trafton, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Berube, Birt, Brown, K. L.; Bunker, Burns, Byers, Carrier, Carter, F.; Conners, Cunningham, Devoe, Dudley, Durgin, Garsoe, Gillis, Gould, Gray, Hunter, Hutchings, Immonen, Kane, Lewis, Littlefield, Lougee, Lunt, Marshall, McBreaarty, McPherson, Morton, Nelson, N.; Norris, Palmer, Peterson, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Stubbs, Tarbell, Torrey, Twitchell, Whittemore.

ABSENT — Davies, Gauthier, Higgins, Jalbert, Mackel, Mahany, Perkins, Truman, Tyndale.

Yes, 95; No, 46; Absent, 9; Vacant, 1.

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

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

#### Consent Calendar

##### First Day

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

(S. P. 138) (L. D. 379) Bill "An Act Relating to Incorporation of the Officers and Members of the Grand Royal Arch Chapter of Maine" — Committee on Legal Affairs reporting "Ought to Pass".

(H. P. 439) (L. D. 546) Bill "An Act to Amend the Charter of the Freeport Sewer District" (Emergency) — Committee on Public Utilities reporting "Ought to Pass".

(H. P. 367) (L. D. 458) Bill "An Act to Appropriate Funds for Repair, Operation and Maintenance of Androscoggin Lake Dam" — Committee on Public Utilities reporting "Ought to Pass".



No objections being noted, the above items were ordered to appear on the Consent Calendar of March 15, under listing of the Second Day.

#### Tabled and Assigned

(H. P. 376) (L. D. 465) Bill "An Act Relating to Powers of District Court Judges to Order Persons Produced for Trial" — Committee on Judiciary reporting "Ought to Pass." On the request of Mr. Carrier of Westbrook, was removed from the Consent Calendar.

On motion of the same gentleman, tabled pending acceptance of Committee Report and specially assigned for Tuesday March 15.

(H. P. 130) (L. D. 164) Bill "An Act Authorizing the Public Utilities Commission to Issue Temporary Contract Carrier Permits"—Committee on Public Utilities reporting "Ought to Pass" As Amended by Committee Amendment "A" (H-60)

(H. P. 133) (L. D. 167) Bill "An Act Authorizing the Public Utilities Commission to Use a Modified Procedure in Considering Certain Contract Carrier Permits" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-61)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 15, 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:

(H. P. 173) (L. D. 211) Bill "An Act to Provide for Legislative Review and Automatic Termination of State Agency Rules" (C. "A" H-56)

(H. P. 48) (L. D. 69) Bill "An Act Relating to Conferring Degrees by Husson College" (Emergency) (C. "A" H-55)

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

#### Orders of the Day

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

An Act to Exempt Turbojet Fuel used for International Flights from Sales Tax (Emergency) (S. P. 9) (L. D. 14) (C. "A" S-15)

Tabled — March 8, 1977 by Mr. Palmer of Nobleboro.

Pending — Passage to be Enacted.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be enacted and specially assigned for Wednesday March 16.

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

Bill "An Act to Prohibit Producers, Refiners and Distributors of Motor Fuels from Engaging in the Retail Sales of Gasoline" (H. P. 680) (Committee on Business Legislation suggested)

Tabled — March 9, 1977 by Ms. Clark of Freeport.

Pending — Motion of Mr. Connolly of Portland to refer to Committee on Energy.

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

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

Bill, "An Act Concerning Municipal Transit Districts" (H. P. 721) (Committee on Public Utilities suggested)

Tabled — March 9, 1977 by Mr. Jensen of Portland.

Pending — Reference.

On motion of Mr. Jensen of Portland, the Bill was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

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

An Act to Clarify the Role of the Department of Educational and Cultural Services Relating to Local School Systems (H. P. 99) (L. D. 123) (H. "A" H-35)

Tabled — March 9, 1977 by Mr. Quinn of Gorham.

Pending — Passage to be Enacted.

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

Mr. THERIAULT: Mr. Speaker, Members of the House: Today, I have to do something which I had hoped would never come to pass. I have to oppose the bill presented by my friend, the gentleman from Livermore Falls, Mr. Lynch.

This bill, L. D. 123, has reached this stage without my opposing it for the simple reason that I was unaware of its significance. I was rudely awakened to the possibility of this when my phone started ringing last weekend after an article appeared in the Lewiston Sun. I will quote the article. The headlines are: "Bill Forcing Towns to Pay an Overshare Almost Law. A bill that would allow state officials to force resistant school districts to comply with state education laws gained all but final passage in the legislature this week. If passed, the law would give the Maine Department of Educational and Cultural Service the power to force North Oxford towns to pay their share of support for regional education programs. Last year, Rumford, Mexico, Dixfield and Bethel gave the thumbs-down signal to their regional program, voting a one dollar appropriation. The MDECS filed suit to force the local appropriation but found it lacked standing to pursue the suit."

Because of this, I found that the bill was coming up for enactment in the House on Tuesday. We found a statement on what was said on this very bill and I quote again. "The real guts of the bill, after some very nice prose in Section I and II, deals with what happens when a school unit does not comply with the provisions of the School Funding Act." There is a gray area in the law brought about by a situation in western Maine where one community appropriated one dollar for the support of this regional vocational school and it was the feeling of the department, reinforced by the opinions from members of the Attorney General's Office, that there was really no authority to withhold funds commensurate with the seriousness of this task. This bill addresses itself to the question and the House Amendment just narrows down to the occasion when this authority may be exercised."

In other words, this bill is aimed directly at Rumford and North Oxford vocational area to force them in the future to do what the Department of Education wants them to or else. There is no question about this, in spite of the fact that it may be said that the sole purpose of this bill is to make the towns and districts send a report to the State Board of Education by January 15 of their expenditures for the previous year.

When the Department of Education was working in conjunction with the Attorney General's Office preparing this bill, they, the Department of Education, stated it was especially to cover the Nova situation. At this point, some of you may be interested in the Nova situation, of course being in the North Oxford vocational area. The people in the Nova area finally kicked over the traces of the vocational budget last year when several very ridiculous things happened.

First, the director of the program took a dictators attitude and told the Board of Selectmen in my town what he wanted and what he was go-

ing to get and they had nothing to say about it. One of the things he did was to go out and find a lease on a vacant shopping center that would have cost Nova \$40,000 rental and approximately \$30,000 to remodel the vacant building and maintain it for one year. After many meetings of all the towns held jointly and separately, the requested budget of approximately \$350,000 reduced later to about \$290,000, was turned down and ended by appropriating one dollar for vocational training. This may seem silly and done without feeling for the students, but if any money had been appropriated, the salary of the director and the lease for the vacant store would have to be paid first and the townspeople made sure that this was not done.

After the dust settled, the town of Rumford did appropriate money for their vocational school, with the understanding that they would accept students from the Nova area. As an example of how costly this Nova program had become, in Mexico, where they had four students who would have attended the Nova program, the cost would have been \$36,000 — \$9,000 per student.

We have asked the Attorney General to answer some questions on this bill, and at this time he has not been able to get us the answers. We were supposed to get them this morning and we were not able to get them, that is why we have had this bill tabled two days already and I would like to have somebody be kind enough to table it another day, so that we would be able to get the answers to some of our questions.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I agree with Mr. Theriault that the bill should be delayed for a couple of days. I don't think it is necessary to delay action on it any longer. I will concede that the bill does exactly what Mr. Theriault says it does in the Rumford situation. However, this state covers a lot more territory than Rumford, and if we start tailoring our laws to fit one community, then I think we are in trouble.

Let me read something to you. This is Article 8 of the Constitution, the first part, Section I: "A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the Legislature are authorized and it shall be their duty to require the several towns to make suitable provisions at their own expense for the support and maintenance of public schools" and it goes on for a few more sentences.

The legislature is charged with the responsibility of making suitable provision for education in our public schools. What is a suitable provision? It is the laws that are enacted by this legislature and all the other legislatures that preceded it. They have determined what is suitable provision for education in our public schools.

Why is this bill necessary? The superintendent has powers of withholding subsidy where there is subsidy, but there are many communities where subsidy withholding doesn't cause any difficulty. This bill is the result of several months of study by members of the legislature, members of the Department of Education, representation from the Maine School Management and Superintendents, local, town and city governance, teachers, and it establishes a statutory statement of state responsibility for the support and maintenance of public schools. This statement is drawn from Article 8 of the Maine Constitution and is phrased in a manner designed to encompass various existing statutes relating to the right of every child within the prescribed date and age limits to have access to free public education.

Section 5 of the bill, in case you don't have it,

is an attempt at a clear delineation of local control responsibility. This doctrine of local control, which has been passed on since the early days of statehood, is qualified only by reference to the requirement that local school systems comply with appropriate state statutes. Would you want them to do anything else? If they want to do something else, shouldn't you give the commissioner the power to enforce the laws that this and previous legislatures have enacted?

Section 6 of the bill establishes a two-part procedure for enforcing compliance with state statutes, and this is the area in which Rumford has some disagreement. The first part is consistent with present law, which authorizes the commissioner to withhold state aid from administrative units that fail to comply with administrative and reporting requirements authorized by statute. This subsection limits the authority to withhold aid by prescribing that due notice to be given in advance and that the withholding of aid continue for so long as is necessary to achieve compliance with the law. A method of referring such matters of non-compliance, which fall within the administrative and reporting requirement category to the Attorney General, is established to apply in those instances wherein the withholding of state aid does not provide sufficient remedy to achieve compliance.

Subsection II of the same Section 6 establishes a compliance procedure to be followed when formal complaints, that is complaints of local citizens, are received alleging that an administrative unit is not in compliance with education program requirements as included in Title 20.

This procedure includes an initial investigation by the commissioner which shall be preliminary to any finding of probable cause. If probable cause is determined from the initial investigation, the commissioner is required to refer the complaint to the State Board of Education. The hearing before the State Board of Education is designed to receive testimony from all parties relative to the alleged non-compliance and is designed to assure that due process of protection will be accorded. In the event that the board makes a finding of fact on specific charges of noncompliance, the Attorney General would be asked to take such action as he deems necessary to achieve compliance.

What you are going to be asked to do is decide — do you want the laws that you enact, and those that were enacted prior to this legislature, being complied with? Are you willing to have regional centers and vocational regions decide that they don't want to be in compliance? Do you want school districts across the state to decide on their own that they will obey only certain laws that you have prescribed and not others? That is essentially what this bill does, and if you are not willing to pass it, then I think you ought to take steps to repeal the education laws that you are not in agreement with.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I move that L. D. 123 be tabled for one legislative day.

Whereupon, Mr. Lynch of Livermore Falls 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. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before

the House is the motion of the gentleman from Westbrook, Mr. Laffin that L. D. 123 be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bennett, Berube, Blodgett, Boudreau, A.; Boudreau, P.; Breneman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Byers, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connors, Cote, Cox, Cunningham, Curran, Devoe, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Flanagan, Fowlie, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hobbins, Howe, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lougee, MacEachern, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreaarty, McHenry, McKean, McMahon, McPherson, Mitchell, Moody, Nadeau, Nelson, N.; Norris, Palmer, Pearson, Peltier, Post, Prescott, Rideout, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Theriault, Tierney, Torrey, Tozier, Twitchell, Valentine, Whittemore, Wilfong, Wood.

NAY — Bagley, Beaulieu, Berry, Biron, Birt, Bustin, Connolly, Dexter, Diamond, Fenlason, Gillis, Hall, Henderson, Hickey, Huber, Kelleher, Kilcoyne, Lunt, Lynch, Mills, Morton, Najarian, Nelson, M.; Peakes, Peterson, Quinn, Raymond, Rollins, Teague, Trafton, Wyman.

ABSENT — Benoit, Davies, Gauthier, Gould, Higgins, Jalbert, Kerry, Mackel, Mahany, Perkins, Truman, Tyndale.

Yes, 106; No, 31; Absent, 12; Vacant, 1.

The SPEAKER: One hundred and six having voted in the affirmative and thirty one in the negative, with twelve being absent, the motion does prevail.

Thereupon, the Bill was tabled pending passage to be enacted and specially assigned for Tuesday March 15.

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

Bill, "An Act Exempting Solar and Wind Energy Equipment from the Property Tax" (H. P. 728) (Committee on Taxation suggested)

Tabled — March 9, 1977 by Mr. Davies of Orono.

Pending — Reference.

Thereupon, on motion of Mr. Carey of Waterville, tabled pending reference and specially assigned for Wednesday, March 16.

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

From the Senate: The following Joint Order: (S. P. 261)

ORDERED, the House concurring, that when the House adjourns it adjourn until Tuesday, March 15, at 9:30 in the morning, and when the Senate adjourns, it adjourn until Tuesday, March 15, at 10:00 o'clock in the morning.

Came from the Senate read and passed.

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

The SPEAKER: Is there objection to taking Supplement No. 1 out of order?

The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, I object to taking Supplement No. 1 out of order.

The SPEAKER: The Chair understands the objection deals with Item 5 under enactors, An Act Raising the Age of Persons who may Purchase Alcoholic Beverages to Sell as Licensees, Senate Paper 199, L. D. 577. Would there be objection to dealing with the rest of it

and then going back and taking a vote on that later?

Hearing no objection, with the exception of Item 5, it will be taken up out of order.

There is objection to Item 5, and we will deal with that now. There is objection to taking the supplement out of order. Under the rules, that objection, of course, can be noted. What we will do as a result of that, since it is obvious that it deals with one item, which is Item No. 5, we will deal with Item 5 being taken up, we will vote on that pursuant to the rules.

I will explain. If you wish to take up Item 5 today, you will vote yes; if you are opposed to taking up Item 5 today, you will vote no. Under the rules, a two-thirds vote is necessary on the suspension of the rules question.

Mr. Jackson of Yarmouth requested a roll call vote.

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

Mr. STROUT: Mr. Speaker, I have a question. I believe the objection was to Supplement No. 1. My question is this: before we can act any further, don't we have to take a vote on whether we object to Supplement No. 1 or not?

The SPEAKER: If there is no objection to the vast majority of items on Supplement No. 1, it would seem that even if there should be objection to one item, we could deal with the rest of the supplement today in order to move business so that it does not have to be reprinted at a cost to the state again. Therefore, what I am suggesting to you is that since there is only one item that has been objected to, that we vote on that one item and then whatever happens to this one, we can deal with the rest of the supplemental calendar.

A roll call has been requested on suspension of the rules for taking Item 5 out of order today. 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 Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, I understand the question; that is not my problem. You said, "Is there objection to taking Supplement No. 1 out of order?" The gentleman from Saco objected.

The SPEAKER: Then the Chair responded by asking whether there was objection to any other item except Item 5.

Mrs. NAJARIAN: Mr. Speaker, from my position, I know that it will be easier to get two thirds to suspend the rules for the entire calendar than it will be for Item 5, and you didn't state it in that manner. You didn't state, is there objection to Item 5. You stated "is there objection to taking Supplement No. 1 out of order?"

The SPEAKER: The issue has been clearly stated by the Speaker.

The pending question is on the rules being suspended for the purpose of taking up out of order Item No. 5, An Act Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees, Senate Paper 199, L. D. 577. If you wish to take up L.D. 577, you will vote yes; those opposed to taking this matter out of order will vote no. This requires a two-thirds vote of those present and voting.

#### ROLL CALL

YEAS — Austin, Benoit, Berry, Birt, Blodgett, Boudreau, A.; Bunker, Byers, Carrier, Carter, F.; Connors, Cox, Cunningham, Devoe, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Flanagan, Garsoe, Gill



Gillis, Gray, Huber, Hunter, Jackson, Joyce, Kane, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Littlefield, Lizotte, Lougee, Lunt, Lynch, Marshall, Martin, A.; Masterman, Masterton, McPherson, Mills, Mitchell, Moody, Morton, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Peterson, Prescott, Rollins, Shute, Silsby, Stover, Strout, Tarr, Teague, Theriault, Tierney, Torrey, Trafton, Twitchell, Whittemore, Wyman.

NAYS — Aloupis, Ault, Bachrach, Bagley, Beaulieu, Bennett, Berube, Biron, Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Curran, Diamond, Dow, Elias, Fowlie, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Hutchings, Immonen, Jacques, Jensen, Kany, LaPlante, LeBlanc, Locke, MacEachern, Maxwell, McBreairty, McHenry, McKean, McMahon, Nadeau, Norris, Palmer, Peltier, Post, Quinn, Raymond, Rideout, Smith, Spencer, Sprowl, Stubbs, Talbot, Tarbell, Tozier, Valentine, Wilfong, Wood.

ABSENT — Davies, Gauthier, Gould, Higgins, Jalbert, Mackel, Mahany, Perkins, Truman, Tyndale.

Yes, 69; No, 69; Absent, 11; Vacant, 10

The SPEAKER: Sixty nine having voted in the affirmative and sixty nine in the negative, with eleven being absent, and sixty nine being less than two thirds, the rules are not suspended.

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

Bill "An Act Requiring Motor Vehicles Registered in This State to Carry Liability Insurance" (S. P. 253) (L. D. 760)

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 Require That a Hospital Pharmacist, a Chain Pharmacist and an Independent Pharmacist be Appointed to the Board of Commissioners of Pharmacy" (S. P. 251) (L. D. 759)

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 Concerning the Penalty for Sale of Alcoholic Beverages to Minors" (S. P. 249) (L. D. 758)

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

In the House, referred to the Committee on Liquor Control in concurrence.

Bill "An Act Relating to Solid Waste Disposal" (S. P. 248) (L. D. 756) (Emergency)

Bill "An Act to Repeal Laws Regulating Floating Timber" (S. P. 244) (L. D. 753)

Bill "An Act to Repeal the Limitation on the effect of the Water Improvement Commission on Litigation pending on January 1, 1945" (S. P. 245) (L. D. 754)

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

In the House, referred to the Committee on Natural Resources in concurrence.

Bill "An Act Prohibiting State Legislators from Serving as Lobbyists within 4 Years of their Retirement from Office" (S. P. 246) (L. D. 755)

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

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

An Act Concerning those Buildings which must be made Accessible to Physically Handicapped (S. P. 41) (L. D. 84) (C. "A" S-20)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House necessary a total was taken. 110 having voted in favor of same and none against, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Relating to Public Utilities Commission Declarations of Public Convenience and Necessity Required by Statute (S. P. 81) (L. D. 189) (C. "A" S-19)

An Act Relating to Cruelty to Animals (S. P. 114) (L. D. 273)

An Act Relating to Livestock Disease Control (S. P. 119) (L. D. 278)

An Act Relating to Sawdust and Shavings being Transported on Public Ways (H. P. 26) (L. D. 35) (C. "A" H-36)

An Act to Amend the Maine Milk Law (H. P. 216) (L. D. 280)

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

(Off Record Remarks)

On motion of Mr. Laffin of Westbrook, Adjourned until Tuesday, March 16, at nine thirty in the morning.