

# 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

Wednesday, March 16, 1977

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

Prayer by Pastor Martin O'Brien of The Bible Speaks, Auburn.

The journal of yesterday was read and approved.

**Papers from the Senate  
Later Today Assigned**

The following Joint Order, An Expression of Legislative Sentiment recognizing that: the Hampden Academy Boys' Basketball Team has won the Eastern Class B Championship for the Academic Year 1977. (S. P. 277)

Came from the Senate read and passed.

In the House, the Order was read.

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage in concurrence and later today assigned.

The following Joint Order, An Expression of Legislative Sentiment recognizing that: Alta Rogers has retired after 27 years of faithful and devoted public service to the Community of Hampden. (S. P. 276)

Came from the Senate read and passed.

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

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage in concurrence and later today assigned.

**Passed to Be Engrossed**

Bill "An Act to Suspend Certain Municipal Charter Provisions to Fiscal Year Transitions" (Emergency) (S. P. 285) (L. D. 890) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Came from the Senate, under suspension of the rules, passed to be engrossed without reference to a Committee, and ordered printed.

In the House, under suspension of the rules, the Bill was read twice and passed to be engrossed without reference to a committee in concurrence.

By unanimous consent, ordered sent forthwith to the Engrossing Department.

**Reports of Committees**

**Leave to Withdraw**

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act Relating to School Construction" (Emergency) (S. P. 183) (L. D. 497)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Amend the Laws Relating to the Reporting of Child Abuse or Child Neglect" (S. P. 99) (L. D. 228)

Came from the Senate with the reports read and accepted.

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

**Messages and Documents**

The following Communication:

**STATE OF MAINE**

Notice to the 108th Legislature of the State of Maine on the seating of Jed Davis of Fayette. to: Honorable Edwin H. Pert, Clerk, State of Maine House of Representatives

Respectfully Represents, Jed Davis of Fayette, County of Kennebec and State of Maine.

Your petitioner hereby respectfully withdraws the petition dated January 5, 1977.

Dated: March 11, 1977

Signed:

JED DAVIS

The Communication was read and ordered placed on file.

The following Communication: (S. P. 286)  
STATE OF MAINE

**OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE**

March 11, 1977

To the Honorable Members of the House of Representatives and Senate of the 108th Maine Legislature:

I am this date returning without my signature and approval S. P. 4, L. D. 9, "An Act Repealing the Requirement for Wearing Motorcycle Helmets".

I would like to pay particular tribute to the method and manner with which the proponents in the Legislature, especially Representative Harland Goodwin, have cooperated with my office in a mutual effort to convey to each other the facts and reasoning supporting each side of this issue. I appreciate the points made with regard to the individual's freedom of choice and the inconclusive nature of some evidence relative to safety. However, for the following reasons I am compelled to return this bill to the Legislature for further consideration and action.

First, the most recent statistics unfortunately were received by this office and apparently did not become public until after the Legislature voted on the bill. In this regard, at the very least I want to give the Legislature an opportunity to reconsider this bill in light of the statistics.

In the State of New Jersey, the *Motorcycle Safety Helmet Effectiveness Study* conducted by the Division of Motor Vehicles, Office of Highway Safety, reported that the statewide mortality rate for motorcycle accidents decreased from 9.3 fatalities per 10,000 licensed motorcycle drivers to 5.3 per 10,000 after enactment of the law requiring motorcycle helmets.

The New Jersey study also reports, and we have confirmed this with the Rhode Island Highway Safety Committee, that in 1976 there were 19 motorcycle fatalities in Rhode Island, with only one of these deaths occurring during the five month period when a motorcycle helmet law was in effect and the remaining 18 fatalities occurring during the seven month period after the repeal of the helmet law. Parenthetically, I am told there is presently a bill before the Rhode Island Legislature to reinstate the helmet law.

In California, which does not have a helmet law, the University of California at Davis School of Medicine in 1970 reviewed the reports of 626 motorcycle accidents and recorded these findings:

1. Non-helmeted drivers were injured twice as often as helmeted drivers.
2. Serious injury occurred nearly three times as often to non-helmeted drivers.
3. Statistically significant decreases in all head injury rates were detected when helmets were worn.

This study was cited in *A Review of Conflicting Reports Concerning the Safety of Motorcycle Helmets*, prepared for the 1977 Maryland General Assembly by the Office of Highway Safety Programs, Maryland Motor Vehicle Administration.

There is additional statistical evidence from the State of Maryland and from other states which indicates that helmets do save lives. I realize that statistical data can be constructed in a number of ways to support various arguments. However, in this instance, I believe the benefit of the doubt has to go to the safety of the motorcycle driver and to the protection of human life.

To cite Representative Bachrach's most appropriate reference to the opinion of the United States District Court of Massachusetts on this matter, "the risks do not involve only the motorcycle driver, since the public has an interest in minimizing resources directly involved, in that from moment of injury, society picks the person off the highway, delivers him

to a municipal hospital and municipal doctors, provides him with unemployment compensation if, after recovery, he cannot replace his lost job, and, if injury causes permanent disability, assumes responsibility for his and his family's continued subsistence". I would add to this that I would not want any individual who may be involved in an accident with a motorcycle burdened with the feeling of guilt that a life might have been saved or injury prevented had the motorcyclist been wearing a helmet.

As I stated, I recognize the Legislature's right to disagree and I respect their judgment in this matter as there are well reasoned arguments by proponents of the bill. If the Legislature should choose to enact L. D. 9 over my veto, I would plead with motorcyclists to ride with helmets and to provide themselves with the best possible protection in all motoring circumstances. I would also plead with them and with the industry to improve helmet design and capability, since I understand that there are arguments to be made with regard to hearing difficulties and vision problems. If L. D. 9 should become law, we in the Executive will closely monitor this situation and if there is any evidence of increase in serious injury due to the lack of helmets we will propose legislation to reinstate the helmet requirement.

Very truly yours,

Signed:

JAMES B. LONGLEY  
Governor

Came from the Senate, read and ordered placed on file.

The Communication was read and ordered placed on file in concurrence.

The accompanying Bill, "An Act Repealing the Requirement for Wearing Motorcycle Helmets." (S. P. 4) (L. D. 9)

In the Senate, March 15, 1977, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

26 voted in favor and 5 against, and accordingly it was the vote of the Senate that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the Senate so voted.

Signed:

MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

**THE SPEAKER:** The question now before the House is, Shall this Bill become law notwithstanding the objections of the Governor?

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: It was my duty as House Chairman to weigh all the factors in regard to the motorcycle helmet law. It was also my duty as a citizen who lives in the State of Maine, who loves this state very much and is concerned for the welfare of all the people, to disagree with my committee. I practically stood alone, one other member stood with me, in disagreeing with the repeal of the motorcycle helmet law.

I felt, from evidence presented to me, that the motorcycle helmet law had saved lives, and the purpose of laws in our state is to protect the public, to protect the individuals concerned. I have great concern that we do have problems with those who feel that the motorcycle helmet law violates their free speech and their free privileges throughout this land, shall I wear or shall I not wear a helmet?

As a motorist who travels down the highway and observes these people on these vehicles, I have great concern for their safety. I have great concern for their judgment many times when I see them perform foolish acts on the highways. But I am also a human being and I perform foolish acts sometimes on the highway, only I am in a four-wheel vehicle, protected by a certain amount of steel around me and have a certain amount of protection within the body of a vehicle for my personal self. But the person on a motorcycle who travels down the highway, he has very little protection and should he even have an animal come out in front of him, he could be thrown from his vehicle and go skidding down the highway on his side, on his back or in any position.

I happen to have in my family a daughter-in-law who is a nurse and works for a doctor and has had a case come into them where this young man was thrown from his motorcycle, went scaling down the highway, and had he not had a helmet on, he would have had a hole worn in his head, but with his helmet, he had protection. It wore a hole in the helmet, but it just took the flesh off the side of his head. She asked me if I wouldn't give a little added incentive to try to retain this law.

When all these young men appeared before us in our committee, I had great concern for them also as individuals. We have the snowmobile public, they travel on their snowmobiles, and we did not mandate that they should wear a helmet; yet, about every snowmobiler in the state wears a helmet, you never see them without one.

Naturally, I have mixed emotions and mixed feelings. Therefore, when this appeared before us prior to this, I declined to rise and speak on the subject, because I felt that I was outnumbered and that I would merely be a voice speaking in the wilderness. But I do, today, hope that you will use your best judgment and realize there was a good and justifiable reason for the helmet law.

There are many people who say that this is not properly manufactured, that it is a hazard, that it has its good points, but it also has many factors outweighing, and they would like to have the prerogative of wearing this helmet or not wearing it.

I would like to point out to you that a person who is injured on a motorcycle could very easily become a charge of the public; he could become a person whose insurance would be all gone, and then he would be turned over to us, the citizens of the state, to support him and to maintain his family. I know of an instance where the State of Maine is paying a substantial amount of money every month to support a family of eight children because the father was riding a motorcycle and was seriously injured.

Therefore, realizing that I may be outvoted here today, but also realizing I have a responsibility to all the people and not to just those who ride motorcycles, I would hope that we would retain our motorcycle helmet law. I trust that you will use your good judgment and your wisdom and that you will render a wise decision here this morning; therefore, I will not sustain this debate one minute longer. I feel this is in the hands of the legislature. You have an opportunity here now to keep the helmet law or to vote it down. I leave this to your good judgment, but I hope that when you vote, you will weigh this very carefully.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin. Mr. GOODWIN: Mr. Speaker, Men and Women of the House: It is not often that I get honored in a veto message. I really want to thank the Governor for that.

I would like to point out just a couple of points because, as I stated when we voted on it before,

just about everything has been said that could be said. I would just like to touch on a couple of points that the Governor made in his veto message.

First of all, he mentioned the New Jersey study. I have gone over that and I have had other people who have gone over that, the American Motorcycle Association went over this study, and rather than get into a hassle about statistics, I would just like to point out that when you take a look at the New Jersey fatality rates, based on the number of accidents, it is almost equal from before they had the helmet law and after they had the helmet law.

The Governor also mentions the Rhode Island situation. He mentions that only one of these deaths occurred in the five-month period when the motorcycle helmet law was in effect, and the remaining 18 fatalities occurred in the seven months after repeal. Well, if someone takes a look at the Rhode Island situation, they would realize that the one death before the repeal came during the winter months and the repeal went into effect, I think, in May and it was off during the summer months when everybody was riding.

He also mentions a Maryland study. The only thing I have to say on that is the fact that the Maryland Legislature has just recently passed a repeal of the helmet law.

Rather than get into a prolonged discussion here, I think we have all heard the pros and cons, I could bore you for half an hour with statistics from studies in other states, what has happened in California, which has never had a helmet law, yet contains 25 percent of all the motorcycles registered in the country and the fact that they have lower fatality rates than most of your other states that do have helmet laws. I could tell you my experiences riding on a bike. I have ridden in states that don't have helmet laws. We have got about 14 states right now that don't have them, and there are bills to repeal it in many other states. New Hampshire's is going through the mill, Vermont is going through.

Everything else aside, I think we come right down to the basic question of whether or not an individual who rides a motorcycle should be allowed to make up his own mind on whether or not he wants to wear a helmet. I think it is the same argument as whether or not you want to wear a seatbelt when you are driving a car, and I just think the whole thing comes right down to an individual right situation.

I would hope that you would vote to override the Governor's veto today.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: Just a quick point to answer a question, or at least a point, made by the previous speaker. If it were as simple as simply having those who are driving a motorcycle to wear the helmets or not wear the helmets, that would be fine, I would certainly vote to override the Governor's veto. There is one other point that should be considered, that point being that today we have fathers and mothers riding motorcycles and behind them you see children, and that is my concern. I am wondering if a father would really spend \$25 to buy his son or daughter a helmet if he didn't have to. I am concerned about that passenger, but I am mainly concerned about the kids. I really am wondering if the children riding behind their parents, or behind an adult, will get their protection. Having that concern and knowing that it is more than just the person driving the motorcycle, I would hope you would not override the Governor's veto.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "ought to

pass" report on this bill, and I feel that I was justified in making that decision, and I will tell you why. I wonder where it is going to stop; I wonder how long we are going to insult the intelligence of our constituents. The majority of the people who ride motorcycles are intelligent enough to realize that they need a helmet. Any responsible adult, any responsible parent, is intelligent enough to realize that if he had somebody on the motorcycle with him, they also need a helmet.

I will make it very short. Where do we stop? Heart attacks kill more people than motorcycles. Does that mean next year we are going to come back and say, okay, smoking causes heart attacks, so let's pass a bill and say you can't smoke or you can't eat eggs because they cause heart attacks also. Where does this thing stop? I think it is time to put a stop to it now.

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

Mr. McBREARTY: Mr. Speaker and Members of the House: Being one of the older motorcycle riders in this House and the victim of a similar veto two years ago, I have to speak on this issue.

In his veto message, the Governor has mentioned many studies that indicate that motorcyclists are safer from head injuries if they wear helmets. What the Governor did not tell us is that if similar studies were made, the same thing would be true on many things we do today. Thousands receive head injuries every year from riding in automobiles, horseback riding, playing baseball, bicycling, walking along the highways, snowmobiling, skiing, skating, and many other activities too numerous to mention.

One of my town's greatest losses was when former Congressman Clifford McIntyre died from head injuries he received when he slipped on a ladder and fell in a seven foot cellar hole. I am sure that if it had been mandatory to wear a helmet to climb a ladder, Clifford would be alive today.

If the Governor is really concerned for our safety, why doesn't he send the helmet bill back and request that it be amended to protect all the people of the State of Maine?

I am sure those of you who were here in the regular session of the 107th must remember L. D. 1030. L. D. 1030 was my snowmobile bill that the Governor vetoed because he read something that told him many snowmobilers would be killed if he did not veto the bill.

I am very pleased to report today that in the two years since we overrode the Governor's veto and L. D. 1030 became law, the fatality rate for snowmobilers has been slightly more than half of the fatality rate for the two years prior to passage of L. D. 1030.

Studies can be conducted in such a way that many times we get the answers we want. I am sure it would be wrong, but possible, to say a study of snowmobilers the last two years indicates that our override of Governor Longley's veto of L. D. 1030 prevented him from being guilty of the death of several snowmobilers.

Governor Longley states in his veto message to us, "If the Legislature should choose to enact L. D. 9 over my veto, I would plead with motorcyclists to ride with helmets and to provide themselves with the best possible protection in all motoring circumstances." I feel sure that if we override this veto, motorcycle riders and the motorcycle industry will do just that.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I was here when this helmet law was enacted. At that time, I was in opposition to Mr. Goodwin, but I believe something should be told to the House here that hasn't been brought out, and that is the fact that before the helmet bill was enacted, Congress had made certain decisions down there, and

they also had passed this requisition. Here in the State of Maine it was whispered that we wouldn't get federal money if we didn't enact this bill. That was the big whisper behind it. Whether that is so or not, I can't prove, but right now, with Congress turning around and reversing themselves on this helmet bill and revoking it down there, I don't think we should keep it any longer. I think you are now being mandatory on our citizens. I think they should have the right of their own free judgment. I will vote to override the veto.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I welcome this as a coming trend. I welcome the fact that we will soon be able to get rid of seatbelts and the buzzers, we will have fireworks back, and those darn little medicine bottles that you can't open, you will be able to get them open again.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the provisions of the Constitution, the yeas and nays are ordered. If you are in favor of this Bill becoming law notwithstanding the objections of the Governor, you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Bagley, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Brennerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Byers, Carey, Carter, D.; Carter, F.; Chonko, Churchill, Connors, Connolly, Cote, Cunningham, Curran, Devoe, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jacques, Jalbert, Jensen, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Marshall, Masterman, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peltier, Perkins, Peterson, Post, Prescott, Raymond, Rideout, Shute, Silsby, Smith, Spencer, Sprowl, Stubbs, Tarbell, Teague, Theriault, Torrey, Tozier, Trafton, Truman, Tyndale, Valentine, Whittemore, Wilfong, Wood, The Speaker.

NAY — Austin, Bachrach, Beaulieu, Boudreau, A.; Boudreau, P.; Bustin, Carrier, Carroll, Clark, Cox, Dexter, Diamond, Flanagan, Gauthier, Gray, Higgins, Hunter, Jackson, Joyce, Martin, A.; Masterton, Pearson, Quinn, Rollins, Stover, Talbot, Tarr, Tierney, Wyman.

ABSENT — Davies, Littlefield, Lizotte, Mahany, Norris, Palmer, Peakes, Strout, Twitchell.

Yes, 112; No, 29; Absent, 9; Vacant, 1.

The SPEAKER: One hundred and twelve having voted in the affirmative and twenty-nine in the negative, with nine being absent, and one hundred twelve being more than two thirds, the Governor's veto is not sustained and the Bill becomes law notwithstanding the objections of the Governor.

On motion of Mr. Birt of East Millinocket, Recessed until the sound of the gong.

#### After Recess 11:30 a.m.

The House was called to order by the Speaker.

#### Petitions, Bills and Resolves Requiring Reference

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

#### Appropriations and Financial Affairs

Bill "An Act Concerning the State Revenue Sharing Funds" (H. P. 855) (Presented by Mr. Carey of Waterville)

RESOLVE, Appropriating \$255,665.36 for Unpaid Liability of State of Maine to Eleanor Turner, as Administratrix of the Estate of Durwood G. Turner, Durwood G. Turner Jr., David G. Turner, Ellen S. Turner, and Francis Fitzmaurice (Emergency) (H. P. 856) (Presented by Mr. Morton of Farmington)

Bill "An Act to Allocate Money from Federal Antirecession Fiscal Assistance Funds for the Expenditure of Municipal Government" (Emergency) (H. P. 857) (Presented by Mr. Greenlaw of Stonington)

(Ordered Printed)

Sent up for concurrence.

#### Business Legislation

Bill "An Act to Eliminate an Exception to the Statutory Requirement that Financial Institutions have Deposit Insurance" (H. P. 858) (Presented by Mr. Laffin of Westbrook)

Bill "An Act to Require all Commercial Banks in the State to be Members of the Federal Reserve System" (H. P. 859) (Presented by Mr. Laffin of Westbrook)

Bill "An Act to Repeal the Age Limit for Directors of Mutual Institutions" (H. P. 860) (Presented by Mr. Perkins of Blue Hill)

(Ordered Printed)

Sent up for concurrence.

#### Education

Bill "An Act Relating to the Computation of per Pupil Cost by School Administrative Units Operating New Physical Plants" (H. P. 861) (Presented by Mr. Bagley of Winthrop)

(Ordered Printed)

Sent up for concurrence.

#### Election Laws

Bill "An Act to Restrict Election Day Political Activities Near Voter Registration Offices" (H. P. 862) (Presented by Mr. Kelleher of Bangor)

Bill "An Act to require Nomination Petitions for State and County Officials to be Approved by the Board of Registration" (H. P. 863) (Presented by Mr. Laffin of Westbrook)

Bill "An Act to Regulate the Reporting on Disputed Elections and to Regulate the Issuance of Election Certificates" (H. P. 864) (Presented by Mr. Cunningham of New Gloucester)

(Ordered Printed)

Sent up for concurrence.

#### Fisheries and Wildlife

Bill "An Act to Expedite Court Handling of Fish and Wildlife Violations of a Misdemeanor Nature by a System of Convenient Payment" (H. P. 865) (Presented by Mr. Churchill of Orland)

(Ordered Printed)

Sent up for concurrence.

#### Health and Institutional Services

Bill "An Act to Amend the Laws Relating to Payments for Care of Children" (H. P. 866) (Presented by Mr. Kelleher of Bangor)

Bill "An Act to Provide Dental Care to Developmentally Disabled Boarding and Nursing Home Clients and to other Persons" (H. P. 867) (Presented by Mr. Goodwin of South Berwick)

Bill "An Act to Authorize a School Nursing Health Consultant to the Department of Educational and Cultural Services" (H. P. 868) (Presented by Mrs. Trafton of Auburn)

Bill "An Act Concerning Licenses for Camping Areas and Eating Establishments" (H. P. 869) (Presented by Mr. Perkins of Blue Hill)

(Ordered Printed)

Sent up for concurrence.

#### Human Resources

Bill "An Act to Provide for 4-Year Terms of Office for Representatives, Governors and Lieutenant Governors of the Passamaquoddy Tribe of Indians" (H. P. 870) (Presented by Mr. Fenlason of Danforth)

Bill "An Act to Establish a 6 Month Residency Requirement for Eligibility to Vote in Tribal Elections on the Indian Township Reservation of the Passamaquoddy Tribe of Indians" (H. P. 871) (Presented by Mr. Fenlason of Danforth)

(Ordered Printed)

Sent up for concurrence.

#### Judiciary

Bill "An Act to Prohibit Prison Furloughs for Persons Convicted of Certain Serious Crimes" (H. P. 872) (Presented by Mr. Laffin of Westbrook)

(Ordered Printed)

Sent up for concurrence.

#### Labor

Bill "An Act to Improve the Seasonality Provision of the Employment Security Law" (H. P. 873) (Presented by Mr. MacEachern of Lincoln)

Bill "An Act Relating to Workmen's Compensation for State Law Enforcement and Institutional Personnel" (H. P. 874) (Presented by Mr. Flanagan of Portland)

(Ordered Printed)

Sent up for concurrence.

#### Liquor Control

Bill "An Act Relating to Music, Dancing or Entertainment" (H. P. 875) (Presented by Mrs. Hutchings of Lincolnville)

(Ordered Printed)

Sent up for concurrence.

#### Local and County Government

Bill "An Act Concerning County Contingent Funds and the Rate of Interest Which May be Charged for Delinquent County Taxes" (H. P. 877) (Presented by Mr. Higgins of Scarborough)

(Ordered Printed)

Sent up for concurrence.

#### Marine Resources

Bill "An Act to Transfer \$10,000 from the Boat Fund to the Lobster Fund" (H. P. 878) (Presented by Mrs. Post of Owl's Head)

(Cosponsor: Mr. Jackson of Yarmouth)

(Ordered Printed)

Sent up for concurrence.

#### Natural Resources

Bill "An Act to Provide for Consideration of the Economic Impact of Decisions made by the Board of Environmental Protection" (H. P. 879) (Presented by Mr. Masterman of Milo)

(Ordered Printed)

Sent up for concurrence.

#### Marine Resources

Bill "An Act to Increase the Amount Allocated to Research and Development from the Maine Coastal Protection Fund" (H. P. 880) (Presented by Mr. Valentine of York)

Committee on Natural Resources was suggested.

On motion of Mr. Blodgett of Waldoboro, the Bill was referred to the Committee on Marine Resources, ordered printed and sent up for concurrence.

#### Public Utilities

Bill "An Act to Prohibit the Telephone Companies From Charging More Than \$17.50 for the Installation of a New Telephone in a Residence" (H. P. 881) (Presented by Mr. Laffin of Westbrook)

Bill "An Act to Require the Public Utilities Commission to Conduct a Study of Telephone

Rate Structures" (H. P. 882) (Presented by Mr. Tyndale of Kennebunkport)

Bill "An Act Changing the Name of Webster Water District to Sabattus Water District and Providing Compensation for the Trustees" (H. P. 883) (Presented by Mr. LaPlante of Sabattus)

(Ordered Printed)

Sent up for concurrence.

#### State Government

Bill "An Act Concerning Cardiovascular Injury or Disease Suffered by State Police Officers" (H. P. 884) (Presented by Mr. Flanagan of Portland)

Bill "An Act Providing Approval Authority to the State Tax Assessor Over Revaluation and Mapping Contracts" (H. P. 885) (Presented by Mr. McPherson of Eliot)

(Ordered Printed)

Sent up for concurrence.

#### Taxation

Bill "An Act Exempting Newly-added Returnable Beverage Container Storage Structures from the Property Tax" (H. P. 886) (Presented by Mr. Higgins of Scarborough)

Bill "An Act to Lower the Uniform Property Rate to 6½ Mills" (H. P. 887) (Emergency) (Presented by Mr. Maxwell of Jay)

Bill "An Act to Provide for a Property Tax Credit to Veterans In Place of a Property Tax Exemption" (H. P. 888) (Presented by Mr. Sprowl of Hope)

Bill "An Act to Repeal the Uniform Property Tax" (H. P. 889) (Emergency) (Presented by Mr. Mackel of Wells) (Cosponsors: Mrs. Post of Owl's Head, Mr. Valentine of York, Mr. Perkins of Blue Hill)

(Ordered Printed)

Sent up for concurrence.

#### Transportation

Bill "An Act to Authorize a Feasibility Study for a Lewiston River Road from Lewiston to Lisbon" (H. P. 890) (Presented by Mr. Jacques of Lewiston)

Bill "An Act to Decrease the Registration Fee on Daily Rental Cars from \$30 to \$15" (H. P. 891) (Presented by Mr. Diamond of Windham)

Bill "An Act Regulating the Transportation of Radioactive Materials in the State of Maine" (H. P. 892) (Presented by Mr. Greenlaw of Stonington)

(Ordered Printed)

Sent up for concurrence.

#### Orders

An Expression of Legislative Sentiment (H. P. 853) recognizing that: Mrs. Blanche "Grammie" Howe of Kingfield, an active practical nurse for over 40 years, will celebrate her 100th birthday on March 24, 1977. (Presented by Mr. Dexter of Kingfield)

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

Mr. Mills of Eastport presented the following Joint Order and moved its passage (H. P. 852) (Cosponsor: Mr. Gould of Old Town)

WHEREAS, We, the Members of the 108th Legislature, have special feelings of honor and respect for those individuals who have walked these halls in the past; and

WHEREAS, a great debt of gratitude is owed to those notable figures who by their outstanding ability and foresight have fashioned the laws of this State; and

WHEREAS, it is our fond wish that these friends and former colleagues be appropriately received with special honor and distinction in the setting of their past accomplishments; now, therefore, be it

ORDERED, the Senate concurring, that

Wednesday, April 20, 1977, be set apart and designated as "Welcome Back Day" at the Maine Legislature and that a special legislative committee composed of 3 members chosen by the President of the Senate and 10 members chosen by the Speaker of the House be hereby named and authorized to make all plans and arrangements to provide an appropriate homecoming for these returning individuals; and be it further

ORDERED, that all former presiding officers and members of the House and Senate are hereby cordially invited to be the guests of the 108th Legislature in session on that date; and be it further

ORDERED, that each member of the 108th Legislature be charged with the pleasant duty of urging all colleagues of former legislatures within their districts to make every effort to return on "Welcome Back Day" and share the friendship and pleasant memories of their years of service to this State.

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

A Joint Resolution (H. P. 854) in memory of Albert E. MacPhail Sr., of Owls Head who served as a member of the House of Representatives and as Town Moderator in Owls Head. (Presented by Mrs. Post of Owls Head)

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

A Joint Resolution (H. P. 893) in memory of W. Frank McWilliams Jr., Principal of Farrington School of Augusta. (Presented by Mr. Bustin of Augusta) (Cosponsor: Mr. Hickey of Augusta)

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

#### House Reports of Committees

##### Ought Not to Pass

Mr. Henderson from the Committee on Local and County Government on Bill "An Act to Appropriate Funds to Purchase Copies of 'Franklin Sesquicentennial 1825 to 1975' by Bruce Carter, and 'History of Franklin' by Henry Oberman for Sterling Douglas, Deceased" (H. P. 332) (L. D. 423) reporting "Ought Not to Pass"

Mr. Henderson from the Committee on Local and County Government on Resolve, to Provide for the Purchase of Copies of "A History of the Town of Hollis" by Olive Hannaford and Martin Jewitt (H. P. 233) (L. D. 296) reporting "Ought Not to Pass"

Mr. Henderson from the Committee on Local and County Government on Resolve, to Authorize the Purchase of 100 Copies of "Acadian and Van Buren History" (H. P. 234) (L. D. 297) reporting "Ought Not to Pass"

Mr. Raymond of Lewiston from the Committee on Election Laws on Bill "An Act Prohibiting Candidates from being Present when an Absentee Ballot is being Marked" (H. P. 8) (L. D. 18) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 20, and sent up for concurrence.

##### Leave to Withdraw

Mr. Bustin from the Committee on Election Laws on Bill "An Act to Provide for Columnar Arrangement of the General Election Ballot by Party" (H. P. 259) (L. D. 335) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

##### Referred to Committee on Performance Audit

Mr. Perkins from the Committee on Appropriations and Financial Affairs on Bill "An Act to Maintain General Assistance Reimburse-

ments to Municipalities" (H. P. 605) (L. D. 742) reporting that it be referred to the Committee on Performance Audit.

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

##### Ought to Pass With Committee Amendment

Mr. Maxwell from the Committee on Liquor Control on Bill, "An Act to Provide for the On-premises Sale of Alcoholic Beverages by Indoor Racquet Sport Clubs" (H. P. 436) (L. D. 543) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-71)

Mr. Hall from the Committee on Natural Resources on Bill "An Act to Adjust Allocation of Funds from Certain Public Lands" (H. P. 168) (L. D. 206) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-72)

Reports were read and accepted and the Bills read once. Committee Amendment "A" to each was read by the Clerk and adopted and the Bills assigned for second reading tomorrow.

##### Ought to Pass in New Draft

###### New Draft Printed

Mr. Henderson from the Committee on Local and County Government on Bill "An Act to Provide for the Purchase of Copies of 'The History of the Town of Cumberland' Edited by Phyllis Sweetser" (H. P. 335) (L. D. 426) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide for the Purchase of Certain Town Histories" (H. P. 876) (L. D. 899)

Report was read.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: The Committee on Local and County Government, in an attempt to be fiscally responsible, killed all those histories a few minutes ago, you might have noticed.

This is a new draft, and that is where all the other histories are in case some people are getting nervous. In item nine, the histories that you saw go down the tube on page are back, reincarnated, with the wholesale price and a systematic number.

Thereupon, the Report was accepted, the New Draft read once and assigned for second reading tomorrow.

##### Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought to Pass" on Bill, "An Act Providing for the Revocation and Nonrenewal of Liquor Licenses for Nonpayment of State Taxes" (H. P. 383) (L. D. 474)

Report was signed by the following members:

Messrs. LEVINE of Kennebec  
LOVELL of York  
DANTON of York

— of the Senate.

Messrs. MAXWELL of Jay  
GRAY of Rockland  
MARSHALL of Millinocket  
NADEAU of Sanford  
CONNERS of Franklin  
TWITCHELL of Norway  
IMMONEN of West Paris  
LIZOTTE of Biddeford

— of the House.

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

Report was signed by the following members:

Messrs. RAYMOND of Lewiston  
JACQUES of Lewiston

— of the House.

Reports were read.

Mr. Maxwell of Jay moved that the Majority

"Ought to pass" Report be accepted.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: As one of the minority signers, I feel that a few words should be said.

First of all, the reason I signed it "ought not to pass" is that I felt that this bill is somewhat discriminatory. What this bill will do, in effect, is any licensee, whether they be grocery stores, clubs, restaurants, whatever, owing the State of Maine taxes, whether it be sales tax, income tax, any kind of tax except the property tax, that department, after requesting the money owed to them, if the licensee refuses or for whatever other reason he does not pay these taxes, that Tax Department would notify the Liquor Commission, they, in turn, would take the liquor license away from that licensee. This is where I feel it is discriminating.

Let's assume for one moment that some of these grocery stores that do not have a liquor license, or restaurant owners, they don't pay their taxes. What will happen to them? They have no liquor license to lose.

I feel that every licensing division in this state has the means at their disposal to collect these taxes, and they should use these particular means they have available to them and not have to go to blackmail and take away a liquor license in order to collect an income tax or sales tax or whatever.

It seems that when this bill was heard, and I was not at the hearing because I was attending another hearing, but at the work session we were told, at least I was advised that this was mentioned, that there was over a million dollars in back taxes, the sales tax mainly, that was due from licensees. I asked the question at that hearing, which licensees? Was it a full-time licensee, a part-time licensee? They could not answer me.

I may be fighting a losing battle here this afternoon, being a minority of two, but I sincerely feel that this is the wrong approach to collecting taxes. Let the Sales Tax Division or the Income Tax Division follow through with the statutes we have presently to collect these taxes and not have to blackmail anyone, that if you don't pay your taxes you won't get a liquor license. I think this is wrong. If there should be a clothing store, a department store or anyone else that owes the state taxes, I am sure they will find a way to get these people to pay them, because they have no way to take a liquor license away from them since they don't have one.

Mr. Speaker, I ask for a division when the vote is taken.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I was the other one who voted against the bill. I don't know if you remember a few years back when the court ruled that it was unconstitutional for a person who didn't pay his poll tax — you remember the time that you couldn't get your driver's license unless you paid your poll tax? That was one of the laws that was ruled unconstitutional, they couldn't do that. Well, this is the same thing again. Just because a person hasn't paid his sales tax, there are other ways they can get that tax and I don't see why this has to be done this way.

I was one of the minority on the committee that voted against doing this because I believe it is unconstitutional to do it. So I move for the indefinite postponement of the bill.

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I signed this out as "ought to pass" because if I don't pay my taxes, whether it is sales tax or whether it is my real

estate tax, they can put a lien on my real estate and they have ways of collecting, but why should an establishment that stays within the law and meets their tax obligations, and then some other establishment doesn't meet their taxes and they can stay open and operate their business without doing it, I think this is one way of having it so the state will be able to collect their taxes very easily or the business should be shut down, which they would do with me if I didn't pay mine.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: In reference to the poll tax that was brought up by my learned compatriot, I would say that tax that was declared unconstitutional was not declared unconstitutional on the money-oriented basis but simply because it was discrimination according to sex.

I supported this measure because I feel that this proposed bill would in fact allow for a more systematic and complete way of putting the pressure on those individuals who for one reason or another fail to pay their taxes. There is over a million dollars outstanding to the state, and I think this measure will help see some of that find its way back into our treasury.

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

A vote of the House was taken.

37 having voted in the affirmative and 64 having voted in the negative, the motion did not prevail.

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

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act to Provide an Excise Tax Credit for Construction and Operation of Breweries within the State" (H. P. 340) (L. D. 431)

Report was signed by the following members:

Messrs. WYMAN of Washington  
JACKSON of Cumberland  
MARTIN of Aroostook  
— of the Senate.

Messrs. MAXWELL of Jay  
CARTER of Bangor  
Mrs. CHONKO of Topsham

Messrs. TEAGUE of Fairfield  
IMMONEN of West Paris  
CAREY of Waterville  
TWITCHELL of Norway  
MACKEL of Wells  
— of the House.

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

Report was signed by the following members:

Mrs. POST of Owls Head  
Mr. COX of Brewer  
— of the House.

Reports were read.

On motion of Mr. Carey of Waterville, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought Not to Pass" on Bill "An Act to Allow the Purchase of Liquor at a Reduced Price in the Town of Sanford" (H. P. 285) (L. D. 369)

Report was signed by the following members:

Messrs. TWITCHELL of Norway  
GRAY of Rockland  
IMMONEN of West Paris  
RAYMOND of Lewiston  
JACQUES of Lewiston  
LIZOTTE of Biddeford  
MARSHALL of Millinocket

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-70) on same Bill.

Report was signed by the following members:

Messrs. LOVELL of York  
DANTON of York  
LEVINE of Kennebec  
— of the Senate.

Messrs. MAXWELL of Jay  
NADEAU of Sanford  
CONNERS of Franklin  
— of the House.

Reports were read.

On motion of Mr. Maxwell of Jay, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-70) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought Not to Pass" on Bill "An Act Concerning Open Alcoholic Beverage Containers in Motor Vehicles" (H. P. 83) (L. D. 103)

Report was signed by the following members:

Messrs. LEVINE of Kennebec  
DANTON of York  
— of the Senate.

Messrs. MAXWELL of Jay  
RAYMOND of Lewiston  
NADEAU of Sanford  
JACQUES of Lewiston  
LIZOTTE of Biddeford  
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-69) on same Bill.

Report was signed by the following members:

Mr. LOVELL of York  
— of the Senate.

Messrs. GRAY of Rockland  
MARSHALL of Millinocket  
CONNERS of Franklin  
TWITCHELL of Norway  
IMMONEN of West Paris  
— of the House.

Reports were read.

Mr. Maxwell of Jay moved that the Majority "Ought Not to Pass" Report be accepted.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: The law presently prohibits drinking and driving in motor vehicles; however, there is a flaw. They are not prohibited from having an open container in the vehicle. Unless an officer sees them with the container actually to their lips, no action can be taken.

This bill, with Committee Amendment "A", requires that a container with alcoholic beverages being carried in a motor vehicle must be capped, not necessarily sealed, but the cap be secured.

Common sense and the law of gravity requests that beverages being carried in a moving vehicle have a secured top, unless it is being consumed en route.

L. D. 103 was originally drafted to prohibit any unsealed container with alcoholic beverages in it from being transported in the passenger section of a vehicle. Containers opened or with the seal broken would have to be

carried in the trunk. There were a number of legitimate questions raised here. Of course, some vehicles aren't equipped with a trunk; also, the question was raised about chartered trips by groups on buses, so we amended the bill to accommodate these problems. At the same time, the bill, as amended, will no longer be able to — in other words, an individual will no longer be able to travel down the highway with an open container in his hand, knowing that if they are stopped that no action can be taken, and this is done. There is a certain element in society that knows that this law is no longer on the books, and they can sit there with the can or container in their lap, knowing full well that no action can be taken unless they are actually seen in the process of drinking.

This bill is designed to slow down, if not stop, the driving and drinking.

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

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: What this bill actually boils down to is simply this — it is a tool for our law enforcement officers as a means of controlling drinking in a motor vehicle and also operating under the influence of intoxicating liquor.

Presently, it is illegal to drink and consume liquor in a motor vehicle; but, presently, the law enforcement officers actually have no way of enforcing this, because before our law enforcement officer can charge somebody, they have to actually catch them in the act of consuming. I have even seen court cases go to the point where the defense attorney or the judge would question the officer, "did you actually see his Adam's apple move?" I realize that is quite unrealistic, but that is exactly what is happening in our court rooms under existing laws.

Of course, the additional thing you would do, it would reduce operating under the influence, I feel.

The fourth thing I feel it would do is, it would certainly help our litter problems along our highways. We are all familiar with the beer bottles and everything else on our highways. Number one, it is illegal to drink in a motor vehicle anyway. That would be at least one means of helping control our liquor problem.

Another problem I find, being a former law enforcement officer, is simply this — a lot of teenagers go out, and not just teenagers, people in their twenties and thirties, they go out drinking in a motor vehicle, get under the influence, after they get through drinking their beer, they go past houses, RFD routes, and shoot their beer bottles at mailboxes. This has happened a number of times. I am sure if you talked with any postmaster that has any rural route delivery, I am sure he would tell you that that is happening day after day. Therefore, Mr. Speaker, I request that when the vote is taken, it be taken by the yeas and nays. I hope that you will definitely vote no on the Majority "Ought not to pass" Report so that the Minority Report can be accepted.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I always thought that this was a law, and it was a surprise to me to find out that it isn't a law. Unfortunately, from some of the complaints from some of the people that I know, a lot of younger people are finding out that it isn't a law, and we have quite a problem with drinking in these public parking lots. As Mr. Moody did say, it is pretty hard now to convict someone in court for drinking, particularly when there is no law against drinking unless it is being tipped to the lips.

This will provide a tool to help law enforcement officers enforce a law that many of us agree with. I have heard it argued that it is not

going to reduce any drinking. That may be true; however, when we do come across someone who happens to have it setting in his lap, we will be able to do something about it.

I would hope that you would go along with the minority report and reject the "ought not to pass" majority.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I have two problems that arise from this bill. Number one, this might not seem of big consequence to some people, but if your wife or someone in your family was cleaning up from a party you might have had the night before and they take an empty six-pack of bottles, supposedly empty, you might have an inch or two of beer in the bottom, they put it in the back seat, they then get stopped by a law enforcement officer and they would then be under violation of this law.

Secondly, in order to circumvent what this bill would do, you can take a can of beer, put it in a jar, put it in your lap, drink it, if you see you are going to get stopped, close the cover. You still are going to be drinking in a car and I think under this bill you would still be within the restrictions of the law.

What else gets me is that I was driving through the City of Lewiston one day, going back to school in Orono, and I was a passenger in a car. I had a can of pepsi and was drinking it. A state trooper happened to be coming the other way, directly turned a 180, stopped us, came to the car and looked at me very connivingly, thinking that he had me bagged for something, and when he saw I had the pepsi, he started to apologize very quickly. He said, sorry, I thought you had a Budweiser.

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

Mr. MORTON: Mr. Speaker, I would just like to ask the gentleman from Rockland a question. He pointed out that the bill was rewritten, and I believe that the amendment is still in front of us. I don't believe we have adopted the amendment yet, and I would like to ask if that is not correct. However, in order to adopt the amendment, of course, we would have to get the bill before us.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I have several questions. First of all, I think I will vote to keep this around a little bit. Maybe we can do some work on it.

One problem is the word 'secured' and what is meant by securing the top. Second, I would like to disagree with my good friend Mr. Moody that this would be a bill that would stop littering. I think it would add to the litter, because if I had an open can of beer, and there is going to be some residue in that can after you have emptied it, so it still would be an open can in your car, then I am going to get rid of that because that would be evidence under the law, so it would add to the litter problem.

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

Mr. MCKEAN: Mr. Speaker and Members of the House: I have reservations with this one also. Of course, I, myself, do not partake of alcoholic beverages, but I have two dogs at home that do. I have to take my beer bottles to the dump, and I would hate to think that if they didn't get it all out of one bottle, I was going to be stopped, even though I am practically a teetotaler.

The only other reservation I have, and I think I would like to make it in the form of an announcement, all of you who attend those BYOB parties, you had better make sure you buy a brand new bottle and take it with you, and in order to make sure you can get part of it home,

you have to drink it all. This should cause some good confusion on the highways on the way home.

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

Mr. NADEAU: Mr. Speaker, in order to avoid all confusion, I now move the indefinite postponement of this bill and all its accompanying papers.

Whereupon, Mr. Gray of Rockland requested a roll call vote.

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

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: I grant you, one can see that this bill does need some work on it. However, I hope that you will vote against the indefinite postponement of this bill so that possibly we can recommit it to the committee to have some more work done on it.

I think to kill this bill at this time would be about the worst thing that we could do to this bill. I think we could at least vote to keep it alive and let the committee do some more work on it. Therefore, I hope you will vote against the indefinite postponement of this bill.

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

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

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

#### ROLL CALL

YEA — Alopis, Beaulieu, Bennett, Berry, Berube, Biron, Brennerman, Brown, K. C.; Carey, Carroll, Carter, D.; Connolly, Cote, Curran, Devoe, Dow, Elias, Goodwin, H.; Hall, Hobbins, Hughes, Hutchings, Jacques, Jalbert, Jensen, Kany, Kelleher, MacEachern, Maxwell, McBreairty, McHenry, Nadeau, Norris, Peltier, Peterson, Quinn, Raymond, Rideout, Silsby, Tierney, Trafton, Truman, Valentine, Whittmore, Wilfong.

NAY — Ault, Austin, Bachrach, Benoit, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. L.; Bunker, Burns, Bustin, Byers, Carrier, Carter, F.; Chonko, Churchill, Clark, Conners, Cox, Cunningham, Dexter, Diamond, Drinkwater, Durgin, Dutremble, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Gillis, Goodwin, K.; Gould, Gray, Green, Greenlaw, Henderson, Hickey, Higgins, Howe, Huber, Hunter, Immonen, Jackson, Joyce, Kane, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Locke, Lougee, Lynch, Mackel, Marshall, Martin, A.; Masterman, Masterton, McKean, McMahon, McPherson, Mitchell, Moody, Morton, Najarian, Nelson, M.; Nelson, N.; Pearson, Perkins, Post, Prescott, Rollins, Shute, Smith, Spencer, Sprowl, Stover, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Torrey, Tozier, Twichell, Tyndale, Wood, Wyman.

ABSENT — Bagley, Birt, Davies, Dudley, Littlefield, Lizotte, Lunt, Mahany, Mills, Palmer, Peakes, Strout.

Yes, 45; No, 92; Absent, 12; Vacant 1.

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

The question now before the House is on the motion of the gentleman from Jay, Mr. Maxwell, that the Majority "Ought Not to Pass" Report be accepted.



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

Mr. GRAY: Mr. Speaker, Men and Women of the House: I would just like to point out that if we want to accept the minority report as amended, we should defeat the majority report and then I will move to accept the minority report as amended, which takes care of the problems previously raised with people traveling to and from a bottle party.

The amendment only provides that if you are carrying a container where the seal has been broken, that the top be secured, and by secured we mean the cap screwed on tight.

Also, if the gentleman up back has a dog that can drink from a bottle, I would like to get together and talk about him; I am sure it would be quite an enterprise.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: Being on that committee, I think I should say something about this.

At the hearing, it was pointed out by the state police that a man traveling, we will say a party goes to Boston to a hockey game, they are picked up with a bottle in their hands on the bus, they could be prosecuted. Now, why do you take a bus in the first place? So you won't have to do the driving. So whoever is going there, they are going there to have a good time. What do they do if they get caught with a bottle in their hands? Opened or closed, I don't care what it is, they still can be prosecuted.

The amendment says — and actually we are not working on the amendment — the bottle be securely closed. We are having problems with bills now about loaded trucks with sawdust. The state police are bringing them in because they are not covered properly, and we have to change the law to make that right so the state police won't pick them up. What do you think that would leave the state police with, with a bottle secured? Who is going to decide this?

I hope you do indefinitely postpone this bill.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out that under Committee Amendment "A" we have taken care of the bus situation so that anybody riding on a commercial bus would be exempted from the provisions of this bill, so that should satisfy anybody's complaint in that area.

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

Mr. MacEACHERN: Mr. Speaker and Members of the House: I think we also ought to amend this bill to include Coke bottles and the refuse that you get from take-out stands and all these other good things. I think this is a ridiculous bill and we should kill it.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: We have this excursion train that goes to Canada. What are we going to do about that? What are we going to do about private buses? You are talking about public buses. There are a lot of private buses — what are you going to do about those? This thing is wide open.

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

Mr. MARSHALL: Mr. Speaker and Members of the House: Under Committee Amendment "A" that we have suggested, if you read carefully, you will find that it refers to any bus, and that bus would have 14 or more passengers, so you are exempt from that.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I am a little reluctant

to talk about Committee Amendment "A" because I don't think that is the issue before us. However, it has been brought up about six or seven times now, and if the Speaker doesn't gavel me down, I would just like to make a comment or two relating to that.

I have no problems with Committee Amendment "A". I do have some problems with the bill without the amendment. We aren't supposed to be talking about Committee Amendment "A" at this point, so I would just like to say that I will vote for the "ought not to pass" report first time around.

If and when we ever do get to Committee Amendment "A", I have a question in my mind about what does 'top secured' mean? Does that mean that if you have removed a top and screwed it back on, is that a secured top? Will the person who wears the badge read it that way? I think there might be some better language to explain that.

Also, when you get to talking about buses, what is a van-type vehicle? How does this apply?

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

Mr. MCKEAN: Mr. Speaker and Members of the House: I have a note from a good friend in another seat who asked me to announce that my dogs don't drink directly from the bottle, they do use a straw.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Jay, Mr. Maxwell, that the Majority "Ought Not to Pass Report be accepted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Alopous, Ault, Austin, Beaulieu, Bennett, Berry, Biron, Brennerman, Brown, K. C.; Bustin, Byers, Carey, Carroll, Carter, D.; Connolly, Cote, Curran, Devoe, Dow, Elias, Fenlason, Gillis, Goodwin, H.; Green, Hall, Hickey, Hobbins, Hughes, Hutchings, Jacques, Jalbert, Jensen, Kany, Kelleher, MacEachern, Maxwell, McBreairty, McHenry, McKean, Nadeau, Nelson, N.; Norris, Peltier, Peterson, Quinn, Raymond, Rideout, Silsby, Tarbell, Tierney, Tozier, Trafton, Truman, Tyndale, Valentine, Whittemore, Wilfong.

NAY — Bachrach, Benoit, Berube, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. L.; Bunker, Burns, Carrier, Carter, F.; Chonko, Churchill, Clark, Conners, Cox, Cunningham, Dexter, Diamond, Drinkwater, Durgin, Dutremble, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Higgins, Howe, Huber, Hunter, Ilmonen, Jackson, Joyce, Kane, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Locke, Lougee, Lynch, Mackel, Marshall, Martin, A.; Masterman, Masterton, McMahon, McPherson, Mitchell, Moody, Morton, Najarian, Nelson, M.; Pearson, Perkins, Post, Prescott, Rollins, Shute, Smith, Spencer, Sprowl, Stover, Stubbs, Talbot, Tarr, Teague, Theriault, Torrey, Twitchell, Wood, Wymon.

ABSENT — Bagley, Birt, Davies, Dudley, Littlefield, Lizotte, Lunt, Mahany, Mills, Palmer, Peakes, Strout.

Yes, 57; No, 80; Absent, 12; Vacant, 1.  
The SPEAKER: Fifty-seven having voted in the affirmative and eighty in the negative, with twelve being absent, the motion does not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-69) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Consent Calendar

##### First Day

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

(H. P. 318) (L. D. 409) Bill "An Act Relating to Notification of Results of Election Contests by the Commission on Governmental Ethics and Election Practices" — Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (C. "A" H-67)

(H. P. 149) (L. D. 179) Bill "An Act Amending the Aggravated Unlawful Gambling Statute" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (C. "A" H-88)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 17, 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. 286) (L. D. 368) Bill "An Act Appropriating Funds for the Purchase of Sets of 'The History of Old Broadway' by Jasper J. Stahl"

(H. P. 236) (L. D. 299) Bill "An Act to Improve the Viability and Efficiency of Local Conservation Commissions" (C. "A" H-63)

(H. P. 334) (L. D. 425) Bill, "An Act Appropriating Funds for the Purchase of Copies of 'Archaeological Excavations at Pemaquid, Maine, 1965-1974', by Helen Camp" (C. "A" H-62)

(H. P. 322) (L. D. 413) Bill "An Act to Expand Protective Services to Mentally Retarded Individuals" (Emergency)

(H. P. 298) (L. D. 354) Bill "An Act Concerning the Administration of the Office of the Chief Medical Examiner"

(H. P. 379) (L. D. 468) Bill "An Act Pertaining to Hospital Liens"

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.

#### Passed to Be Engrossed

Bill "An Act Relating to Powers of District Court Judges to Order Persons Produced for Trial" (H. P. 376) (L. D. 465)

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

Bill "An Act Concerning Chemical Control of Vertebrate Animals" (H. P. 800) (L. D. 812)

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

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

Mr. BURNS: Mr. Speaker and Members of the House: The hard working Committee on Bills in the Second Reading did find an error in this bill so, therefore, I offer House Amendment "A" and move its adoption.

House Amendment "A" (H-73) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

Bill "An Act to Allocate Money from Title II of the Public Works Employment Act of 1976 for

the Expenditures of State Government for the Fiscal Year Ending June 30, 1977, and for the Fiscal Year Ending June 30, 1978" (Emergency) (S. P. 275) (L. D. 757)

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

#### Amended Bills

Bill "An Act to Remove Service Facilities from Tax Exemption Granted to the Maine Turnpike Authority" (H. P. 42) (L. D. 59) (C "A" H-57)

Bill "An Act Relating to Abatements by Municipal Tax Assessors" (S. P. 36) (L. D. 44) (C "A" S-24)

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

#### Passed to Be Enacted Emergency Measure

An Act to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979 (S. P. 105) (L. D. 234)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Correct Errors and Inconsistencies in Laws of Maine (S. P. 186) (L. D. 531) (H. "B" H-52, H. "C" H-53)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of same and one against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act Authorizing Municipalities to Raise or Appropriate Money for a Consumer Action Program (H. P. 7) (L. D. 17) (H. "A" H-59 to C. "A" H-6)

An Act to Provide that the Saturday Preceding the Open Deer Season shall be for Maine Residents Only (H. P. 11) (L. D. 20) (C. "A" H-51)

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.

#### Orders of the Day

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

Bill "An Act to Exempt Energy Conservation Materials from the Sales Tax" (H. P. 786) (Committee on Taxation suggested)

Tabled — March 10, 1977 by Mr. Carey of Waterville.

Pending — Reference.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: In an effort to try to promote some other types of energy, and in an effort to try to keep some peace in the family that we have here, and in an effort to try to give the Energy Committee something to do, I would move that this be committed to the Committee on Energy, and I would hope that we consider in the future that if a committee is useless, it should be abolished.

Thereupon, on motion of Mr. Carey of Water-

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

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

House Report — "Ought Not to Pass" — 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)

Tabled — (Under Suspension of the Rules) March 10, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Placing in the Legislative Files (Pursuant to Joint Rule 20)

On motion of Mr. Curran of South Portland, under suspension of the rules, retabled pending being placed in the legislative files and specially assigned for Tuesday, March 22.

The Chair laid before the House the third 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 10, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Enacted.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This bill, I suspect this morning, is going to run eventually into trouble whether we pass it out of here, not only on the merits of the bill but whether it goes on the Appropriations Table.

I urge the House this morning to pass this bill, to disregard a motion that would be made perhaps later on in putting it on the Appropriations Table, because time is a definite factor in dealing with the issue that is before you dealing with L.D. 14.

Most of you in this House are well aware of the history of Bangor International Airport and the situation that confronted my city in 1969 which, in fact, has put the people in northern Aroostook County in a similar situation dealing with Loring. Bangor was able, through an aggressive city council and a city administration, to recoup the financial losses of the federal government moving from Dow Air Base and we were able, because of that excellent facility, to streamline a very modern and efficient program at Bangor International Airport dealing not only with our domestic flights but the encouragement of being able to solicit foreign flights to come in and use our facility.

The history of Bangor International is not only just for my city alone, but there has been a sincere contribution on the part of the people of this state, this legislature and other legislatures by keeping that a very operable business venture in my area, which is the City of Bangor, and the northeastern part of the state which services Washington County, Aroostook and the surrounding counties. Bangor International Airport probably should not be called Bangor International Airport at all. It should be called, in my opinion, Eastern Maine Regional International Airport, because it services so many people outside of my own particular area.

What we are confronted with here this morning is what I term an economic development piece of legislation because of the high availability of competition in this particular field. This bill deals primarily with the tax, the sales tax that is put on and was put on by this state in its wisdom a few years ago dealing with bonded fuel, but the bonded fuel situation, in terms of competition, has taken a 180 degree change since 1973 dealing with the Arab oil boycott and the high cost of fuel.

There is a definite tax loss on this bill to look at, \$300,000. However, I don't think that that is a complete picture, and I think members of the

appropriate committee, which is Taxation, can justify to some degree that perhaps the \$300,000 loss is a misnomer simply because of the number of flights that come into Bangor and the potential flights that would come into that airport if, in fact, we could remove this tax.

There are somewhere around 1,500 international flights that come into that great airport that we have up there, and because business is so competitive, we are in a difficult situation right now where some carriers have written to the airport director and also to the city councilmen notifying the city that if this legislature or the state would fail to remove this tax, the possibility of them continuing using the services at that facility may terminate. I say 'may' because I cannot give you concrete confirmation of that, that is a fact, but it appears to be that way. This is a sincere appeal that I am making before this House this morning to pass this bill.

There is an Emergency Preamble put on the bill which was put on by the committee. We, as members of the delegation, discussed putting it on, and I think realistically we demonstrated to the Taxation Committee, or rather the city fathers and the director of the airport, that there was an emergency and with the wisdom of that committee it was put on.

The \$300,000 is a considerable amount of money, but without the planes coming in to use that facility, there is a considerable amount of money that would be lost besides that. There is a state excise tax of one percent per gallon. When a plane comes into Bangor, it generally leaves around \$2,300 in the community in terms of fuel bought, rooms, food and everything else that goes with it. It is a very viable business in my area. There are a number of jobs up there connected directly with the airport operation.

There will be other people who will speak on this and perhaps in greater detail than I am doing this morning, so I would appreciate it if you would weigh all the considerations that are going to be offered in terms of support of this bill. I would hope that the House, in its wisdom, if our arguments are strong enough, that it will not go on the House Appropriations Table but it would be passed here this morning.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: In defense of some of the positions that the gentleman from Bangor has taken, I would say that it is true that the Taxation Committee did in fact put the Emergency Preamble on that. We could understand very well the plight of the Bangor people, especially the fact that they had a very high tourist business during the summertime that contributed greatly to the economy in Bangor and out at the airport.

On another point, the gentleman from Bangor is exactly right; the figure that we have from the Bureau of Taxation as to \$300,000 is a figure representing \$300,000 in the sales tax, and if those flights are lost to Bangor, that \$300,000 not only would be lost but so would some employment at the site. The catering service that goes on there produces a substantial amount of money for the state and what have you. So in those respects, the gentleman from Bangor is correct and I wish to substantiate those facts.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: It was with some dismay that I heard the gentleman from Bangor refer to the possibility that this bill, an emergency measure of significant impact to his area, might be dropped into the fly paper of our perfidious House Appropriations Table. So I would like to ask everyone who listens to the voice in this corner, that if that does materialize,

we oppose it. I think this Bill should go up or down on its own merits.

I would hope that at some later date we might get together and talk again about the House Appropriations Table, but you may recall the scolding I gave this body about two months ago and I think we are beginning to see some of the effects of it. I think we should allow for this not to be put on that table.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I happen to do business with a company that does use charter flights and I have been on a few trips with them, and they tell me that we wanted to take a flight out of Bangor at one time and the extra cost would have been \$4,000, the difference between Boston and Bangor. Well, these are some of the extra costs that would help our State of Maine if we were ble to do this. As a matter of fact, the trip that we took was a flight to Mexico, and I certainly would rather take the flight out of Bangor than out of Boston. This would help tremendously for our state also; not just for Bangor but for our state.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I think we are dealing with two different issues here. One is the tax exemption itself and the other is the process. As far as the tax exemption is concerned, I voted for it "ought to pass" out of committee because I felt that from a consistency standpoint it made sense to exempt fuel used on international flights, but I did so with the full understanding that when it came time for this bill to be taken off the table, that the Taxation Committee would participate in the processes of weighing this worthy bill along with other worthy bills that our committee is considering, such as the tax exemption for Girl Scouts, the tax exemption for gas, etc. I think if we bypass that process, we are making a big mistake here.

We were given no evidence in the committee that a two or three-month period was going to make the difference between whether Bangor International closed or whether it stayed open. That is why we put the emergency Preamble on, so if this bill was passed, we would not have to wait until November until the sales tax exemption took place but rather it could become effective during the summer months when the traffic was the highest. For this reason, I would urge that it be tabled.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: Just a few other comments about why we feel it is important to pass this at this time. As you know, and has been stated, the flying season is June, July, August, etc., and the charter airlines make their plans ahead, as you well know, that is the nature of the system. If we were to say that this is a fine idea in principle and then come July 1 we decide it is time to pass the bill and we do it, it would really not affect many, many flights that would have otherwise come to Bangor International Airport. That is an argument why I suggest that if we are in favor of this principle, that this is different from many of the other items that come before us that may be reasonably laid on the Appropriations Table. This thing relates to the time of year. If we pass this, if we have to take off the emergency and if it goes into effect in October, then it is absolutely of no use in terms of this year at least.

The question of how much will be lost to the General Fund is an open question I would argue. It is \$300,000 but we may, in fact, lose some of that money if we do not maintain the business that we have had in the past. If we expand the business that we have in the past, we will gain

more of an income to the State of Maine in terms of the continuing excise tax which is on each gallon that is pumped into the jet plane. That will be continuing and that is more than any other of our competitors have anyway. We are just asking to take away one of the two taxes that are on this fuel. In all of the competition, neither of these taxes exists.

In addition, the continuing business would attract money involved in sales and income taxes which go into the economy of this state and are turned over several times. This is, in effect, an import industry to the State of Maine. This is not Maine citizens exchanging money with each other; this is people from out of the state and sometimes out of the country putting their dollars into this economy; they are new, fresh dollars. For those various reasons, I would urge you to oppose any motion to put this on the Appropriation Table and move it through this House.

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 oppose my good friend from Bangor, and I certainly can sympathize with the delegation from Bangor to support anything that would be good for their area, because I am sure that you would all do it for your sections.

The only thing that I object to is giving big companies and big corporations tax breaks. That is the one thing that seems to bother me with this bill. I can realize that they — and we all do, we all need economy in our community, we need businesses, we need people working, we want our people to be working, we want income for our communities and I am kind of torn between that and letting these big corporations get another break. Every time they want a break, they come to the legislature, whether it is the telephone company, the gas company, the utilities or who they are, they always come crying to give them a break and they are making millions of dollars off the people, and just maybe it looks to me like it is two evils, one or the other. Probably, if we have a chance or have to think this thing out, we might be better off to give these big corporations a little break and help the Bangor area. Maybe they are right, but it is just hard for me to give these big corporations any tax break whatsoever. They use every loophole, every legal angle that their high-priced lawyers can figure out and come up with to beat the tax law in the first place.

They are always trying to gyp the people of this state, but it is just very possible that maybe this is one of the exceptions, and I would certainly hate to think I voted for something to help the big corporations of this land. These big companies are not even based in Maine but they pay a small tax on their oil. This is a very hard bill, something we will all have to wrestle with in our own conscience, and I really am at a loss for words today.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I will try to answer my friend from Westbrook, Mr. Laffin. It is a question of competition. It is just the same as people selling gasoline in your own city. If there is a fellow that will sell it for 53.9 cents a gallon or a fellow that is charging 63.9 cents a gallon, you are going to go buy the gasoline from the fellow that is selling it for 53.9 cents.

Maine is the only state that requires a sales tax on international fuel. Let me make it perfectly clear that it is international fuel and fuel used in international flights. The domestic flights will continue, such as Delta, to pay the sales tax on their fuel just as they are doing now. These are only those carriers that are flying international and are landing in Bangor and refueling, and the only way that we can remain

competitive in the City of Bangor, the only incentive we can get, because these people can buy the fuel anywhere else without the sales tax, is to repeal this law.

I would hope today that you would move along. There has been some debate about a question of priority; the priority here is that you are going to lose the \$300,000, in my opinion, or a great portion of it, one way or the other, because the international flights are not going to come into Bangor if they have to pay the 5 percent. If they don't come in and they don't pay the 5 percent, you won't have the \$300,000, so you will lose it anyway, along with the penny on the excise tax. You are going to lose it if you don't put Bangor International on a competitive basis with those international ports along the eastern seaboard.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out something in relation to what we might call a threat of these companies who leave our state because of our tax laws. There is always a question of whether this is a toothless threat or not, what the Chinese call a paper tiger or a toothless tiger, but I would like to point out that these companies, being international companies and using this international arrival facility at Bangor, have no investments in Bangor International Airport. If they decide to pull out, they have no problem or worry about investments that they have paid which they would still have to pay property taxes on. The only thing they would have to do would be to simply change their schedules, type out or pencil in a new landing point, so it would be very easy for them to remove their flights from Bangor International Airport.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, I move that this lie on the Special Appropriations Table.

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

Mr. KELLEHER: Mr. Speaker, I object and I request a roll call.

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

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

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

Mr. TIERNEY: Mr. Speaker, a parliamentary inquiry? Pursuant to that rule, is it the position of the Chair that the bill is now on the table?

The SPEAKER: The Chair would answer in the affirmative.

Mr. TIERNEY: So that those individuals who want to take it off the table would vote yes; and those individuals who want to leave it on the table would vote no?

The SPEAKER: The Chair would answer in the affirmative.

The pending question is on suspension of the rules to remove L. D. 14 from the Special Appropriations Table. This requires a two-thirds vote of those present and voting. All those in favor of this Bill being removed from the Special Appropriations Table will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Beaulieu, Bennett, Benoit, Berube, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Bustin, Byers, Carrier, Carter, F.; Churchill, Conners, Cote, Cox, Cunningham, Devoe, Dexter, Dow, Drinkwater,

Durgin, Dutremble, Fenlason, Flanagan, Fowle, Garsoe, Gill, Gillis, Goodwin, H.; Gould, Gray, Green, Hall, Henderson, Hickey, Higgins, Hobbins, Huber, Hutchings, Immonen, Jackson, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Lewis, Lougee, Lynch, MacEachern, Mackel, Marshall, Martin, A.; Masterman, Masterton, McBreairey, McKean, McMahon, McPherson, Mills, Morton, Nadeau, Nelson, N.; Norris, Pearson, Peltier, Perkins, Peterson, Prescott, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Stubbs, Talbot, Tarbell, Tarr, Teague, Torrey, Tozber, Valentine, Whittemore, Wyman.

**NAY** — Berry, Biron, Brenerman, Burns, Carey, Carroll, Carter, D.; Chonko, Clark, Connolly, Curran, Elias, Goodwin, K.; Greenlaw, Howe, Hughes, Jensen, Laffin, Locke, Maxwell, McHenry, Mitchell, Moody, Najarian, Nelson, M.; Post, Quinn, Spencer, Theriault, Tierney, Trafton, Truman, Twitcheil, Wilfong, Wood.

**ABSENT** — Bagley, Birt, Davies, Diamond, Dudley, Gauthier, Hunter, Jacques, Jalbert, LeBlanc, Littlefield, Lizotte, Lunt, Mahany, Palmer, Peakes, Strout, Tyndale.

Yes, 96; No, 35; Absent, 18; Vacant, 1.

The **SPEAKER**: Ninety-six having voted in the affirmative and thirty-five in the negative, with eighteen being absent, the Bill is removed from the Appropriations Table.

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

Mr. **BERRY**: Mr. Speaker, Ladies and Gentlemen of the House: Two or three times since I have been here, we have had bills of this nature or very similar to it — Sobin Chemical was one of them; Martin Marietta came close to that category, but probably the most repulsive one of all, to me at least and I know several other members that were in, was a tax rebate that was given to railroads. We heard the very same arguments that we are hearing today. If we don't do this, all of this disaster is going to happen; they are going to pick up and move; they are going somewhere.

One of the things that disturbs me a little bit is, if this is all true, and I suspect that that is difficult to prove, I have to ask myself, why did they come to Bangor in the first place? Wasn't the tax there then when they did come to Bangor and didn't they know that? If they did come there knowing that, why do they now want to leave?

I suspect that there are other reasons that international flights land and take off at Bangor. I suspect that it is very convenient and it is probably a good facility to land at when a number of others are fogged in and things of that nature.

I don't think that I will end up supporting this issue and I really think I would like to hear a lot more about just what is going to happen and have something to substantiate some of the claims that are being made.

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

Mr. **BIRON**: Mr. Speaker, Ladies and Gentlemen of the House: As a freshman in this body, I am a little upset with the procedures that are going on right now. I was told when I got here that it would be a great idea to have an Appropriations Table, and Mr. Kelleher, which I supported, said that this is going to give everybody an equal chance at the money in the end. All of a sudden, the Bangor bill is an emergency —

The **SPEAKER**: The Chair hates to interrupt the gentleman from Lewiston, but the matter of the Appropriations Table is not before this body.

Mr. **BIRON**: My point is before this body.

The **SPEAKER**: The Chair understands that, except that the only matter before this House is on passage of this bill.

Mr. **BIRON**: I urge all of you to give it the deep six.

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

Mr. **KELLEHER**: Mr. Speaker, Ladies and Gentlemen of the House: I can appreciate the frustrations from the gentleman from Lewiston in dealing with the House Appropriation Table; I believe in that table. I worked with some degree to make that a House Rule, but I think situations arise, Mr. Biron, that we all have to consider at times. There was a bill that passed here a couple of weeks ago that, without question was an emergency, whether it was for \$5 or for \$500,000, it would have been inappropriate for us in this House to put that bill on the table if, in fact, it had gotten to a point of discussion.

I view this bill in a similar manner, and I feel somewhat defensive because of the fact that I happen to be from Bangor and this happens to be a bill and I happen to be in the position of dealing with the Appropriations Table; however, I don't feel uncomfortable in justifying the fact that this bill does mean a considerable amount of dollars to Bangor, which I understand is in Penobscot County, which I understand to be one of the sixteen counties in this state which I have consideration for, as I am sure the other members of this House do.

In answer to Mr. Berry's question in terms of "is the world going to come to an end?" Well, financially we have a difficult situation up there. This tax was put on in 1962. The competition, the problems at that time was inconsistent with where we are right today. This type of tax is a very selfish tax in terms of it's only levied on one type of fuel and one type of fuel operation.

Competition, because of the Arab boycott and inflation, has put this particular business in a position where they are down here asking for help to continue. The problem is, is this going to be the end of Bangor International Airport? No, that is not going to be the bottom line right today, but the question is, in fact, are we willing to jeopardize the loss of business that we now have and the possible gaining of new business? I think it is a fair gamble.

I gambled with Martin Marietta; I gambled with Sobin Chemical, and I am willing to ask this House this morning to gamble with us, because I don't think there is going to be a direct tax loss to this state. I think it is going to generate money for this state in terms of new business, but I can't give you a bonded letter or certificate of agreement that it is going to happen, but I think it is possible. I don't think we should be in a position to jeopardize that.

I can understand your frustrations, Mr. Biron, and I sympathize with you, but there are going to be other bills come in here that aren't going to go on the Appropriations Table because they justify the fact that the case is now and not five months from now, and we are going to have to accept that.

The **SPEAKER**: The Chair would ask the members to please refrain from referring to the Appropriations Table in continuance of the debate. The Chair would ask you to discuss the emergency of this bill and the merits or demerits of the passage of the bill.

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

Mr. **CAREY**: Mr. Speaker, Ladies and Gentlemen of the House: In attempting to answer the question that the gentleman from Buxton, Mr. Berry, posed, one of the problems that has developed, obviously, is the tremendous increase in the cost of fuel oil which has more than accelerated the benefits the state is receiving in the 5 percent sales tax. The 5 percent sales tax is not based on gallons, it is based on cost, so the state has assumed a tremendous amount of money from the inflation costs.

Also you will notice, if you received one of these charts on your desks earlier, you will notice that in 1974, with the Arab embargo, they used to be able to, on the overseas flight, get what was called a bonded fuel which was in ef-

fect exempt from the sales tax. It was fuel that was being put into airplanes that were going overseas, out of the country, and, therefore, were exempt from the sales tax. Because of the Arab embargo, there has been a tremendous shift, that bonded fuel is no longer available. You will notice that this is the first year that it was not available, the 1976 year, and therefore all of the burden has fallen back onto the domestic fuel, which is bound by that 5 percent sales tax, and it has put Bangor at a disadvantage to the tune of about 7 cents per gallon for the cost of fuel. When airplanes are using thousands of gallons at a time, obviously they can bypass Bangor and go into the international fields in New York and get that savings.

The **SPEAKER**: The Chair recognizes the gentlewoman from Bangor, Miss Alopis.

Miss **ALOPIS**: Mr. Speaker, Ladies and Gentlemen of the House: Bangor International Airport needs this sales tax exemption to be competitive with other international airports. BIA will not be able to increase its sales, and perhaps will not be able to maintain the sales it now has.

The estimated loss of revenue to the state would decline anyway without the tax exemption, for fuel sales will decline. The state's tax revenue will increase through expanded business in airport related services, such as motels, restaurants, merchandise, and other retail sales.

BIA's survival will depend upon its capability to compete. For as we all know, a business which cannot be competitive does not remain status quo; it declines and fades out.

The airport is an established business. Let us allow it to remain and expand, for truly it is of benefit to us all in the state of Maine. We will all share throughout the state the rewards of BIA's success.

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

Mr. **MORTON**: Mr. Speaker, Ladies and Gentlemen of the House: I don't think the people from Bangor and the eastern part of the state need to apologize for supporting this, because the use of the Bangor Airport for international flights is of benefit to the whole State of Maine.

Certainly, we attempt to tailor our tax policies to bring business to the state, and this is one which will do that.

I think the gentleman from Waterville answered most of the objections of the gentleman from Buxton. I would point out that we were successful, with the help of the gentleman from Buxton, from keeping the railroad from getting that tax break here in the House, and I appreciated his help at that time and I believe the actions of the Sobin Chemical Company justified our actions on that particular bill. I hope this one is equally as profitable. I certainly think that everybody in the state benefits from Bangor International doing everything it can to collect international flights.

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

Mr. **GILLIS**: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the Bangor bill. Down in Washington County, in particular the City of Calais, we are making every effort we can to improve our economic development down there. This spring we will open a new industrial park. We formed this industrial park board last fall, which I was chosen to be chairman of, and we are doing everything in our power to bring industry into that end of Washington County and into the State of Maine. We need the Bangor International Airport and we ask your support.

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

Mrs. **MARTIN**: Mr. Speaker, Ladies and Gentlemen of the House: I do not come from

that part of the country, I come from another part. We have our own problems here, but I will make no excuses for voting for tax exemptions on the other bills we have had before us in the last two years, because the only reason I did vote for these bills was that if it provides employment for the people of Maine, I am all for it.

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

Mr. CUNNINGHAM: Mr. Speaker and Members of the House: I don't rise and speak very often because I spend so much time reading all the facts that come over my desk. One of these is that in 1973, there were over 2,500, nearly 2,600 flights out of the Bangor International Airport, and subsequent to that time, we have seen a drastic reduction in the number of flights coming out of the Bangor International Airport.

I think if we are concerned about whether or not we collect the sales tax, let's consider from the viewpoint of a small store owner. As the owner of a small store, I have a large number of sales taxable items. I would like to state that I am unable, totally unable to collect that tax from people who do not come into my store.

Mrs. Post of Owls Head requested a roll call vote.

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

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

The SPEAKER: The pending question is on passage to be enacted of L. D. 14. This being an emergency measure, it requires a two-thirds vote of those present and voting. All those in favor of this bill being passed to be enacted will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Beaulieu, Bennett, Benoit, Berube, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Bustin, Byers, Carrier, Carter, D.; Carter, F.; Clark, Connors, Cote, Cox, Cunningham, Curran, Devoe, Dexter, Dow, Drinkwater, Durgin, Dutremble, Fenlason, Flanagan, Garsoe, Gill, Gillis, Goodwin, H.; Gould, Gray, Greenlaw, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hutchings, Immonen, Jackson, Jacques, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Lewis, Locke, Lougee, Lynch, MacEachern, Mackel, Marshall, Martin, A.; Masterman, Masterton, McBreairty, McKean, McMahon, McPherson, Mills, Morton, Nadeau, Nelson, N.; Norris, Pearson, Peltier, Perkins, Peterson, Prescott, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Stubbs, Talbot, Tarbell, Tarr, Teague, Torrey, Tozier, Valentine, Whittemore, Wyman, The Speaker.

NAY — Berry, Biron, Burns, Carey, Carroll, Chonko, Connolly, Diamond, Elias, Fowle, Goodwin, K.; Green, Hall, Hughes, Jensen, Laffin, McHenry, Mitchell, Moody, Najarian, Nelson, M.; Post, Quinn, Spencer, Theriault, Tierney, Trafton, Truman, Twitchell, Wilfong, Wood.

ABSENT — Bagley, Birt, Churchill, Davies, Dudley, Gauthier, Hunter, Jalbert, LeBlanc, Littlefield, Lizotte, Lunt, Mahany, Maxwell, Palmer, Peakes, Strout, Tyndale.

Yes, 101; No, 31; Absent, 18; Vacant, 1.

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

Thereupon, the Bill was passed to be enacted,

signed by the Speaker and sent to the Senate.

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

Mr. KELLEHER: Mr. Speaker, I now move that we reconsider our action whereby this Bill was passed to be enacted, and I would ask the House to vote against my motion.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that the House reconsider its action whereby the Bill was passed to be enacted. All those in favor will say yes; those opposed will say no.

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

The Chair laid before the House the fourth 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 10, 1977 by Mr. Carey of Waterville.

Pending — Reference.

On motion of Mr. Carey of Waterville, the Bill was referred to the Committee on Energy, ordered printed and sent up for concurrence.

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

Bill "An Act to Restrict Oil Firms to One Phase of the Oil Industry" (H. P. 808) Referred to the Committee on Business Legislation in the House on March 15 (Reference reconsidered on the same date)

Tabled — March 15, 1977 by Mr. Palmer of Nobleboro.

Pending — Reference.

On motion of Mr. Carey of Waterville, the Bill was referred to the Committee on Energy, ordered printed and sent up for concurrence.

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

Bill "An Act Exempting Solar and Wind Energy Equipment from Sales Tax" (H. P. 841) (Committee on Taxation suggested)

Tabled — March 15, 1977 by Mrs. Huber of Falmouth.

Pending — Reference.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, I would like to take this opportunity to thank the House Chairman of the Taxation Committee, Mr. Carey, for his understanding in referring what are essentially energy policy bills to the Committee on Energy.

Thereupon, on motion of Mrs. Huber of Falmouth, the Bill was referred to the Committee on Energy, ordered printed and sent up for concurrence.

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

Bill "An Act to Regulate Use of Physical Force by Persons with Special Responsibilities against Persons under their Care or Supervision" (H. P. 812) Referred to Committee on Education in House on March 15.

Tabled — March 15, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of Mr. Bagley of Winthrop to Reconsider Reference to Committee on Education.

Thereupon, the House reconsidered its action whereby the Bill was referred to the Committee on Education.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I am acting in behalf of the sponsor of this bill, Mr. Bagley, the gentleman from Winthrop, and I move the indefinite postponement of this Bill and all its accompanying papers. He has found a bill that is in here

similar, so he is relieving us of the necessity of any further consideration.

Thereupon, on motion of Mr. Garsoe of Cumberland, the Bill and all accompanying papers were indefinitely postponed.

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

An Act Relating to Licensing Theaters and Motion Picture Houses (S. P. 152) (L. D. 269)

Tabled — March 15, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of Mr. Curran of South Portland to Indefinitely Postpone the Bill and all accompanying papers.

Thereupon, Mr. Curran of South Portland withdrew his motion to indefinitely postpone.

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

Mr. BURNS: Mr. Speaker and Members of the House: This was one of the first bills heard by Legal Affairs. There is a good possibility that the advertisement did not get out to all areas. We understand there are other people interested in this bill now and changes should be made in it. Therefore, I move that this Bill be recommitted to the Committee on Legal Affairs.

Thereupon, the Bill was recommitted to the Committee on Legal Affairs in non-concurrence and sent up for concurrence.

The Chair laid before the House the ninth 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 15, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Enacted.

On motion of Mr. Tierney of Lisbon Falls, retabled pending passage to be enacted and tomorrow assigned.

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

Mr. SPENCER: Mr. Speaker, is the House in possession of L. D. 781?

The SPEAKER: The Chair would answer in the affirmative. Bill "An Act to Require Certain Criminal Justice Agencies to make Permanent Records of all Apprehensions and Arrests," Senate Paper 258, L. D. 781, is in the possession of the House.

On motion of Mr. Spencer of Standish, the House reconsidered its action whereby the Bill was referred to the Committee on State Government in concurrence.

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

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

Mr. SPENCER: Is the House in possession of H. P. 838?

The SPEAKER: The Chair would answer that Resolution, Proposing an Amendment to the Constitution Allowing Certain Crimes to be Prosecuted by Information, House Paper 838, is in the possession of the House.

Thereupon, on motion of Mr. Spencer of Standish, the House reconsidered its action whereby the Bill was referred to the Committee on State Government.

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

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

Mr. CAREY: Mr. Speaker, I would ask if the House is in possession of L. D. 739?

The SPEAKER: The Chair would answer in the affirmative. Bill "An Act Relating to the Regulation of the Blueberry Industry," House Paper 598, L. D. 739, is in the possession of the House.

Mr. CAREY: Mr. Speaker, I move we reconsider our action whereby this body voted to adhere.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I would oppose the motion to reconsider our action. I would like to see the House maintain its position of adhering. If you will look at the bill, you will see that the tax issue in this particular piece of legislation is only incidental to the bill. The need of the legislation does involve abolishing the Blueberry Advisory Board and setting up an entirely new commission, which is the function of the State Government Committee.

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

Mr. CAREY: Mr. Speaker and Members of the House: The gentleman from South Portland, Mr. Curran, is exactly right. There are three sections in the bill which refer to the increasing of the tax on the blueberries three quarters of a mill per pound. The intent of the legislation, I have been told, has been to drop the other matters and in fact only consider the tax part of it. I am afraid I would have to agree with the gentleman from South Portland that in effect the heart of the matter is in the commission.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that the House reconsider its action of yesterday whereby the House voted to adhere. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

27 having voted in the affirmative and 59 having voted in the negative, the motion did not prevail.

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

Mr. CURRAN: Mr. Speaker, is the House in possession of House Paper 804?

The SPEAKER: The Chair would answer in the affirmative. Bill "An Act to Clarify the Organization of Cultural Boards and Commissions within the Department of Educational and Cultural Services," House Paper 804, is in the possession of the House.

On motion of Mr. Curran of South Portland, the House reconsidered its action whereby this bill was referred to the Committee on Education.

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

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

Mr. TIERNEY: Mr. Speaker, is the House in possession of L.D. 165?

The SPEAKER: The Chair would answer in the affirmative. Bill "An Act Clarifying the One-year Period Between Public Utilities Rate Cases," House Paper 131, L.D. 165, is in the possession of the House.

On motion of Mr. Tierney of Lisbon Falls, the House reconsidered its action whereby the Bill was passed to be engrossed.

On motion of the same gentleman, tabled unassigned pending passage to be engrossed.

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

Mr. TIERNEY: Mr. Speaker, is the House in possession of L.D. 352?

The SPEAKER: The Chair would answer in

the affirmative. Bill "An Act Granting Implied Power to the Public Utilities Commission," House Paper 295, L.D. 352, is in the possession of the House.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, tabled unassigned pending passage to be engrossed.

The Chair laid before the House the following matter:

Senate Joint Order relative to the Hampden Academy Boys' Basketball Team (S. P. 277) which was tabled earlier in the day and later today assigned pending passage in concurrence.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: Although I have absolutely nothing against the Hampden Academy Boys' Basketball Team, I move that this order be indefinitely postponed.

Thereupon, the Order was indefinitely postponed in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

Senate Joint Order relative to Alta Rogers of Hampden (S. P. 276) which was tabled earlier in the day and later today assigned pending passage in concurrence.

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

Mr. TIERNEY: Mr. Speaker, while I had nothing against the Hampden Boys' Basketball Team, I really have nothing against Alta Rogers, but this order is a duplicate; we passed something in the House the other day, so I move that this Order be indefinitely postponed.

Thereupon, the Order was indefinitely postponed in non-concurrence and sent up for concurrence.

#### (Off Record Remarks)

On motion of Mr. Hughes of Scarborough, the House reconsidered its action of earlier in the day whereby Bill "An Act Concerning County Contingent Funds and the Rate of Interest Which May be Charged for Delinquent County Taxes," House Paper 877, was referred to the Committee on Local and County Government.

On further motion of the same gentleman, tabled pending reference and tomorrow assigned.

On motion of Mrs. Nelson of Portland, Adjourned until two o'clock tomorrow afternoon.