

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**January 5, 1977 to May 25, 1977**

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## HOUSE

Tuesday, March 22, 1977

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

Prayer by the Reverend Ralph Durgin of St. James Episcopal Church, Old Town.

The members stood at attention during the playing of the National Anthem by the Edward Little High School Band of Auburn.

The journal of the previous session was read and approved.

At this point, the Speaker appointed the following members to escort the Agricultural Queens to the Rostrum:

SMITH of Mars Hill  
ROLLINS of Dixfield  
DRINKWATER of Belfast  
HUNTER of Benton  
NELSON of Roques Bluffs  
HUGHES of Auburn  
CARROLL of Limerick

The following Agricultural Queens were escorted to the rostrum amid the applause of the House:

Luanne Burtchell, Farm Bureau Queen of Mars Hill

Michelle Trask, Apple Queen of Wilton  
Susan Brown, Broiler Queen of Northport  
Jackie Rush, Egg Princess of Clinton  
Linda Carroll, Dairy Princess of Alfred  
Tracie Simons, Blueberry Queen of Machias  
Karen Giasson, Miss Rodeo Queen of Auburn  
Miss LUANNE BURTCHELL: Mr. Speaker, Ladies and Gentlemen of the House: My name is Luanne Burtchell, I am 19 years old and the daughter of Mr. and Mrs. Dean Burtchell. I was crowned Maine Farm Bureau Queen last November 11 in Bangor at the Ramada Inn. I am from Aroostook County, which I might add is the largest county east of the Mississippi. I am from Mars Hill, which is one of the top eight leading potato producing communities in the State of Maine. I attend Husson College in Bangor, where I am majoring in the medical secretarial field. (Applause)

Miss MICHELLE TRASK: Hi, I am Michelle Trask and I am a junior at Mt. Blue High School in Farmington, Maine. I represented Androscoggin County in January, where I was chosen first runner up, and our Queen went on to become Junior Miss, which gave me the title. I am very happy to be here and would just like to say thank you. (Applause)

Miss SUSAN BROWN: Good morning everybody. My name is Susan Brown and I am from Belfast. I was crowned there last July, in the summer, it was a nice day and I am sure that many of you were there. I am a junior at the University of Maine in Presque Isle where I am studying physical education and next year I will graduate and hopefully become a teacher, if I can get a job, which I hope I will. Thank you very much for inviting us here, and it is very nice to see all of you. (Applause)

Miss JACKIE RUSH: Good morning. I am Jackie Rush and I am from Clinton. I was chosen Egg Princess at Pittsfield last July 31. So far, this year has been very interesting and I have had many experiences that I wish I had time to share with you. I go to Lawrence High School in Fairfield, I am a sophomore and I am 16 years old. My parents are Jack and Sonya Rush. When I finish high school, I would like to be a music major. Thank you for letting me speak to you today. (Applause)

Miss LINDA CARROLL: Good morning. My name is Linda Carroll and I am from Alfred, Maine. I am a junior at the University of Maine at Orono majoring in music. I am very happy to represent the dairy industry. I represented them this last June in the Miss Maine Pageant of 1976 and was honored to be a finalist. Hopefully, this next year I will also be in the Miss Maine Pageant; my title won't be given up

until July and hopefully I can represent the state on the national level.

I have been proud to represent them at several fairs, countless, I can't even remember how many. I have gone to Eastern States Fair. If any of you have been there, it is a real honor to go there and to represent the state and my industry down there.

I would like to thank all of you for inviting me here today, and I hope I see you again. (Applause)

Miss TRACIE SIMONS: Hi, my name is Tracie Simons and I am from Machias. I was crowned Blueberry Queen at Union Fair on August 28 this past summer. I go to Husson College and am majoring in the medical secretarial field. (Applause)

Miss KAREN GIASSON: My name is Karen Giasson, I am 24, and I was crowned Rodeo Queen July 31 at Scarborough Downs. It has truly been a very good time for me. I have represented this state in Oklahoma City and had a very good time out there, and I am pleased to represent you people. (Applause)

The SPEAKER: The Chair would like to, at this time, invite Peter Curran, who is President of the Maine Farm Bureau, to the rostrum.

Thereupon, Mr. Curran was escorted to the Rostrum by the Sergeant-at-Arms, amid applause of the House.

Mr. CURRAN: Thank you, Mr. Speaker. In behalf of the 3,300 members of the Maine Farm Bureau, it is my pleasure to present to you this basket of Maine produce. There are a great many things — maple syrup, dry beans, potatoes, home made bread and other things, and we appreciate the opportunity to be recognized today on Agriculture Day. Thank you very much. (Applause)

The SPEAKER: The Chair would like to recognize the Commissioner of Agriculture, who is in the back of the Hall of the House, Commissioner Williams.

On behalf of all the legislators, I want to thank all of you here for representing the various products in agriculture. You do a fine job for the State of Maine not only in this state but outside the state as well.

Mr. MILLS of Eastport was granted unanimous consent to address the House.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have been around this House for quite a few years. We have had these pageants before and it was very easy at that time to identify the kissing cousins of the Speaker. This time, I am mystified. Mr. Speaker, will you kindly identify those people?

Thereupon, the Agricultural Queens were escorted from the Hall of the House.

## Papers from the Senate

Bill "An Act to Provide for the Prevention of Alcohol Abuse" (S. P. 306) (L. D. 976)

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

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

## Reports of Committees

## Leave to Withdraw

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act to Permit Sunday Hunting in the Southern District During Deer Season" (S. P. 78) (L. D. 186)

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

## Ought to Pass in New Draft

Committee on Judiciary on Bill "An Act, Relating to Work Probation in Lieu of Fine" (S.

P. 108) (L. D. 237) reporting "Ought to Pass" in New Draft (S. P. 303) (L. D. 898)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, the Report was read and accepted in concurrence the new Draft read once and assigned for second reading tomorrow.

## Non-Concurrent Matter

Joint Order (H. P. 796) Relative to Maine Land Use Regulation Commission which was read and passed in the House on March 15, 1977.

Came from the Senate passed as amended by Senate Amendment "A" (S-28) in non-concurrence.

In the House: On motion of Mr. Blodgett of Waldoboro, the House voted to recede and concur.

## Non-Concurrent Matter

Bill "An Act to Authorize Use of Emergency Lights and Signals by State Liquor Inspectors" (S. P. 38) (L. D. 64) — In the Senate — Passed to be engrossed on February 16.

In the House — Indefinitely postponed in non-concurrence on February 17.

Came from the Senate with that Body having insisted on its former action.

In the House:

Mr. MacEachern of Lincoln moved that the House adhere.

Mr. Laffin of Westbrook moved that the House recede and concur.

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

Mr. MACEACHERN: Mr. Speaker and Members of the House: The other day in this body we soundly defeated this bill. I hope you will vote against the pending motion so that we can adhere.

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

Mr. MCKEAN: Mr. Speaker, before we vote on this issue, there are a couple of things this House did last week which I think are well in line with what the Senate has asked for.

First of all, we mandated a 20-year-old drinking law. Next, we are attempting to and we will probably mandate an open alcoholic beverages in automobiles law. However, I have not seen additional funding for law enforcement agencies to help us enforce those laws which we are mandating. There is a misconception that the liquor inspector wants a \$150 to \$200 light bar, and this is not correct. I have here a statement from the chief himself, and the only thing they are looking for is the \$12 or \$15 blue light that goes on the dash of the vehicle. If you take the 16 vehicles times the \$12, that is only about \$200 to be invested in enforcing the laws which we are trying to mandate. I think we ought to give these people the opportunity to enforce what we want them to enforce.

Let's vote to recede and concur and give them the opportunity to do what we want them to do.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope we would heed the remarks of Representative MacEachern from Lincoln dealing with this issue. The House soundly defeated this last week. If we want more police, then I suggest that we beef up the state police.

I noticed at the state basketball game the other night there were several liquor inspectors there and they stood out quite differently from the crowd with their green uniforms on, their mounty hats, their revolvers. Can you imagine giving liquor inspectors revolvers? This legislature did; we armed them two years ago, and now we want to put lights on their cars.

I would hope that the House would insist on its former action, defeat Mr. Laffin's motion, and

then we could accept the motion of Mr. MacEachern to adhere.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: If this legislature is going to support the enforcement of liquor laws that you pass, then we should give the liquor inspectors the tools to do the job or do away completely with enforcement of all liquor laws.

We have a State Police Department in this state that is well funded, well respected, and these gentlemen do a fine job. Their uniforms always look nice, so consequently, if we are going to try to obey the laws on the highways, try to have the people of Maine follow in the footsteps of the state police, then we must have the liquor enforcement people also do a good job. They must also be a symbol of the young people that liquor enforcement would not only be a deterrent but a step in the right direction of respect and ability.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: First, why the blue lights? Why do they need a blue light? The only reason you need a blue light on a police car is to let them know they are police officers and try to get ahead of somebody to stop them. I don't see any reason why the liquor inspectors would have to stop cars; that is done by police officers.

In any case, a man in uniform is respected and the cars will stop for a man in uniform if he is on foot, but there is no reason in the world to have a blue light on the liquor inspectors' cars, it is not needed and I don't feel that we should have it.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: About eight years ago, we got into a very similar hassle with our liquor enforcement department, and that came to a head when we found our liquor enforcement department was raiding the United States bonded liquor houses, so there had to be a drastic action taken at that time. I am totally opposed to this bill. I think Mr. MacEachern is right and I think that is what we should do with it.

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Laffin, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Bennett of Caribou requested a roll call vote.

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

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

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

Mr. McKEAN: Mr. Speaker and Members of the House: A few minutes ago a couple of questions came up on why do liquor inspectors need a blue light. First of all, when an 18 or 19 or 20 or 40 year old individual goes into a store and he buys booze, whether it be beer, wine or hard liquor, and he takes it out to the car loaded with a group of youngsters, one of them might be your son or daughter 14 or 15 years old, and the liquor inspector is in the area and he knows what is going on, or the store owner is conscientious and he lets him know what is going on, then he has the tool to stop that vehicle and put a stop to

what we have been trying to put a stop to right here in this House.

Another thing, when the liquor inspector knows that there is booze coming in from across the state line, which is illegal, he, again, has the tool to stop that vehicle. It is not necessary that a state police be in the area. In fact, in our particular area, he may not even be within 30 miles of where this is occurring.

Right now, we have one trooper in eight supervisory districts, so we are so far and thin on state troopers that we just don't have the manpower available. This is a tool that we could use to stop what we are trying to stop. Let's think about what we did last week and vote on this issue.

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

Mrs. BACHRACH: Mr. Speaker, I would like to pose a question to anyone who cares to answer. I would like to know whether the state liquor inspectors have training at the police academy in police methods?

The SPEAKER: The gentleman from Brunswick, Mrs. Bachrach, has posed a question through the Chair to anyone who may care to answer.

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

Mr. McKEAN: Mr. Speaker, yes, they go to the same academy as your state police.

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

Mr. MacEACHERN: Mr. Speaker and Members of the House: I have to disagree with that last statement. They don't go through the same training. I checked with the chief of the state police last week when we were discussing this, and they don't have the same training. Incidentally, I haven't heard any support from the State Police Department for a bill of this type.

I feel, as Mr. McKean says, we are very short of state troopers; I said this the last time we debated it and I will say it again — if we are that short of state troopers, let's do away with these 17 liquor inspectors and put on 17 well trained troopers and give them a blue light.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I am not a member of the committee which heard this bill, but we have been asking some of the same questions in the Judiciary Committee on similar bills that are there. They do not go through the same training but they go through a similar period of training as municipal and county police officers, and that period of training does include defensive driving courses, which was, I know, one concern of some members of the House.

I would urge your support of the recede and concur motion.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Trafton.

Mrs. TRAFTON: Mr. Speaker and Members of the House: I would like to amend Mr. Hughes' statement to say that some people have been grandfathered into this so that although people currently are being trained in those procedures, many of our current liquor inspectors have not had that training.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Westbrook, Mr. Laffin, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Austin, Bagley, Bennett, Berry, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Burns, Byers, Carroll, Carter, F.; Cox, Curran, Dexter, Diamond, Dow, Drinkwater, Durgin, Garsoe, Gill, Gould, Gray, Greenlaw, Hall, Henderson, Hickey, Higgins, Hughes, Hunter, Hutchings, Immonen, Joyce,

Kany, Laffin, Lunt, Mackel, Marshall, Masterman, Maxwell, McBreairty, McKean, McMahon, McPherson, Mills, Morton, Nelson, N.; Palmer, Peakes, Pearson, Perkins, Post, Rideout, Rollins, Shute, Spencer, Sprowl, Stubbs, Talbot, Tarbell, Tarr, Teague, Torrey, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Bachrach, Beaulieu, Benoit, Berube, Biron, Brown, K. L.; Brown, K. C.; Bunker, Bustin, Carey, Carrier, Carter, D.; Chonko, Churchill, Conners, Connolly, Cote, Cunningham, Davies, Devoe, Dudley, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gauthier, Gillis, Goodwin, H.; Goodwin, K.; Green, Howe, Huber, Jackson, Jacques, Jalbert, Jensen, Kane, Kelleher, Kerry, Kilcoyne, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lougee, Lynch, MacEachern, Mahany, Martin, A.; Masterton, McHenry, Mitchell, Moody, Nadeau, Nelson, M.; Prescott, Quinn, Raymond, Silsby, Smith, Stover, Strout, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Tyndale, Valentine, Whittemore, Wilfong.

ABSENT — Clark, Hobbins, Najarian, Norris, Peltier, Peterson.

Yes, 67; No, 77; Absent, 6; Vacant, 1.

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

Thereupon, the House voted to adhere.

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

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

The SPEAKER: The gentleman from Corinth, Mr. Strout, moves that we reconsider our action whereby the House voted to adhere on L. D. 64. All those in favor of that motion will say yes; those opposed will say no.

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

#### Non-Concurrent Matter

Bill "An Act Relating to Licensing of Theaters and Motion Picture Houses" (S. P. 152) (L. D. 269) which was recommitted to the Committee on Legal Affairs in the House of March 16.

Came from the Senate passed to be enacted in non-concurrence.

In the House:

Mr. Curran of South Portland moved that the House adhere.

Whereupon, Mr. Garsoe of Cumberland moved the House recede and concur.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I guess I need a little instruction on this piece of legislation. I need to know why a bill that comes out of committee with a unanimous "ought to pass", which is supported in its abolition of an archaic and needless regulation, supported in this action by the state fire marshal, who is responsible for the safety and effectiveness of the projection booths in theaters, is now being subjected to maneuvering that should end up attaching an amendment to it that completely reverses the thrust of the bill.

I can't believe there are many of us here who didn't run for office indicating that we intended to do what we could to relieve the people of this state from over regulation, needless regulation. I understand there has been a committee or another group that has searched our statutes for archaic and outmoded laws, so I would hope, unless you get information that causes these thoughts of mine to be overturned, that you would support the motion to recede and concur.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: If you will recall some almost two weeks ago, I tried to suspend the rules and amend this particular bill because I had some serious reservations about what is going to happen if it is enacted into law and so did many other members of this House.

There are two items I am concerned with. One is the abolition of the licensing for projectionists. I will readily admit that the type of film they are using now is not the explosive nitrate film, but there are other things involved here; one thing, in terms of safety to the operator, would be the gas light that is used in the projector. I know by talking with people who repair projectors that not just anybody should be playing around with that machine; they should have some skills and they should be licensed.

Another item in the bill, and this one bothers me even more, is that they have repealed the need for traffic supervision at drive-ins. Any of you who come from communities that have drive-ins that are well attended, you know that that kind of supervision is needed, and I would like to see that go back into the bill.

We tried to recommit this to the committee. Perhaps the licensing doesn't belong in the fire marshal's office now; perhaps it should be in central licensing, but unless this House votes to adhere, we are going to have a particular piece of legislation that, number one, will remove the traffic safety person from drive-ins; and, number two, it will allow anyone in the world to go in and run movie projectors.

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

Mr. BURNS: Mr. Speaker, I moved the recommittal of this document the other day so that we could take a look at the amendment Mr. Curran had proposed to put on.

While we were having the hearing on this particular bill, I posed a question to an individual, and I do not remember who the individual was, but I asked if there were any problems with the projectionists themselves, would they be protected whereby their jobs would be protected, and I was informed that they would be. We do need this bill, as Mr. Garsoe stated, but we also need this amendment on it very badly, so I go along with adhering.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I just bring back to your attention once more that the fire marshal's office, the ones charged with the responsibility in this area, pointed out that the present exam now, concern for the skills and safety, are not being met today, that the present exam is also archaic and meaningless. I would hope that you would support the move to recede and concur and, Mr. Speaker, when the vote is taken, I would ask it be taken by the yeas and nays.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: One item that I forgot to mention to this body is that I have been in touch with the fire marshal, and he suggested the wording in my amendment. If the exam is archaic, then I think it would behoove him to update it, but I did talk to Mr. Bissett and he suggested the licensing that I am suggesting in my amendment and the increase in the fees from \$5 to \$25, which is agreeable with the projectionists I have talked with and according to the fire marshal will more than cover the cost.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: This bill interests me very much because I was contacted by people in my area. I had not paid attention to this bill un-

til this gentleman contacted me. If this bill goes through, the owners or operators of the film theater will be able to hire unskilled personnel, such as a teenager, for less than they have to pay a professional operator. Men with skill and knowhow are going to be put out of work, and I am sure these men are family men. Ladies and gentlemen, don't you think we have enough unemployment of family heads in this state without causing more? It is another scheme of businessmen against the workingmen.

I agree that the films are not so dangerous to handle as they used to be, but I still think we are causing an injustice to the film operators if this bill passed.

Mr. Speaker, I ask for a roll call. There is an amendment on this which I am for; that is to put the licensing back. That is all I am looking for, to put the licensing back in the bill.

I also had a call from a man who repairs these things, and he said that if you have unskilled labor doing this, a half an amp of electricity can kill someone, and they work with 15 or more amps on these projects.

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

Mr. NELSON: Mr. Speaker and Members of the House: I am a projectionist in a theater. I substitute all over eastern Maine. I have worked in Bangor, I have worked in Machias, Ellsworth, and I feel — I haven't read the bill, but somebody says you don't need to take an examination to do this. You must take an examination because you are working with a carbon arc in most theaters today. If you don't know what you are doing in there, I am telling you, you could be in trouble. You must have that examination in there.

I am in favor of the \$25, because it is costing me \$10 each year now to keep my license current. I took the examination, and not just anybody can pass it, believe me, you have to know what you are talking about. I do hope that you would support 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. Those in favor will vote yes; those opposed will vote no.

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

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: It is not that unusual for those of you who have been here before that the good gentleman from Cumberland, Mr. Garsoe, and I find ourselves on opposite sides of issues when they deal with jobs and when they deal with labor issues. I am afraid that once again the good gentleman and I find ourselves on opposite sides of the fence. I urge you to vote no on the motion to recede and concur so that we can move to adhere and send this bill back to committee.

There are many arguments that can be used. I think the gentledady from Brunswick, Mrs. Martin, was extremely articulate in outlining the need to send this bill back in committee, but I think the real reason has to be the one given by the good gentleman from Roque Bluffs, Mr. Nelson. He has laid it on the line for everyone here, a man with practical experience who knows that there is a need for licensing requirements, and I urge all of you to vote no on the pending motion.

Mr. Garsoe of Cumberland was granted permission to speak a third time.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I was willing to overlook my good friend, the gentledady from Brunswick, Mrs. Martin's, reference to business vs. jobs, but I can't sit idly by while

Mr. Tierney attempts to put spikes into it and nail it down. This is not correct. I would ask you, as a starter, if you think that a businessman worthy of the name is going to put a teenaged, inexperienced person in charge of several thousand dollars worth of equipment.

No, I want this measure brought home to roost on the basis that I bet there isn't a one of us here that didn't promise our constituents that we were going to do what we could to eliminate unnecessary regulations. This is what is at stake here. I refuse to accept the fact that if you are going to pit me against job seekers or job holders, this is not the issue at all. We tend to believe up here that if we don't legislate, the world will stop tomorrow morning and this is another example of it. The gentleman from Roque Bluffs insists that the exam is a worthwhile one to follow. We are told by the fire marshal that it is a meaningless exam. There goes your safety and your amperage out the window.

Let's put this on the basis that when we find laws that aren't necessary, we will take them off. If this doesn't pass, I don't want to hear another word in this session about sunset.

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

Mr. NELSON: Mr. Speaker, I would ask for a clarification of how this vote will be taken. Would the Chair please explain what a nay vote would mean or a yea vote would mean?

The SPEAKER: The Chair would reply in the affirmative. This is the first time we have had a bill like this and the Chair will explain. If this body votes to recede and concur, this bill will be enacted and will be sent to the Governor. The other body has already enacted the bill and it comes to us in non-concurrence. If you wish to vote to recede and concur, then you will be voting for enactment of the bill; if you vote against it, then you will be voting to send the bill back to committee, which is what has been the action of this body.

The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: If this bill is enacted, is Representative Curran's amendment on it?

The SPEAKER: The Chair would answer in the negative.

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

Mr. BOUDREAU: Mr. Speaker, I would like to pose a question through the Chair to anyone who may care to answer. For those opposing the enactment of the bill, why did we wait until this point in this whole process to raise these objections?

The SPEAKER: Mr. Boudreau of Waterville has posed a question through the Chair to anyone who may care to answer.

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

Mr. CURRAN: Mr. Speaker, I preface my remarks today by saying that some week and a half to almost two weeks ago I stood up when we realized that this bill had gotten to the engrossing stage and tried to get suspension of the rules in this House in order to put my amendment on. I did not get suspension of the rules and my amendment was not introduced, so we then moved to getting it back to committee, and that is why we are where we are at today.

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

Mrs. KANY: Mr. Speaker, would a motion to suspend the rules be in order?

The SPEAKER: The motion to suspend the rules is always in order. The Chair would advise the gentlewoman that in this case, we are talking about Joint Rules and, therefore, you would have to be suspending the rules in the other

body as well, which is not within the prerogative of this body.

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

Mr. CARTER: Mr. Speaker, could I ask that we get the original report from the committee on this?

The SPEAKER: The Chair would advise the gentleman from Winslow, Mr. Carter, that the bill came from the committee unanimous "ought to pass" in new draft.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Cumberland, Mr. Garsoe, that this body recede and concur. A roll call has been ordered. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bagley, Bennett, Boudreau, P.; Bunker, Byers, Carter, D.; Carter, F.; Connors, Cote, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Durgin, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Hall, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kane, Kelleher, Lewis, Littlefield, Lougee, Lunt, Marshall, Masterman, Masterton, McBreairty, McMahon, McPherson, Moody, Morton, Palmer, Peakes, Perkins, Peterson, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Tarbell, Tarr, Teague, Torrey, Tyndale, Whittemore.

NAY — Bachrach, Beaulieu, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Brennerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Chonko, Churchill, Connolly, Cox, Curran, Davies, Diamond, Dow, Dutremble, Elias, Flanagan, Fowlie, Gauthier, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Henderson, Hickey, Howe, Hughes, Jacques, Jensen, Joyce, Kany, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lizotte, Locke, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Maxwell, McHenry, McKean, Mills, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Pearson, Post, Prescott, Quinn, Raymond, Spencer, Stubbs, Talbot, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Wilfong, Wood, The Speaker.

ABSENT — Clark, Hobbins, Jalbert, Najarian, Peltier, Wyman.

Yes, 63; No, 81; Absent, 6; Vacant, 1.

The SPEAKER: Sixty-three having voted in the affirmative and eighty-one in the negative, with six being absent, the motion does not prevail.

Thereupon, the House voted to adhere.

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

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

The SPEAKER: The gentleman from South Portland, Mr. Curran, having voted on the prevailing side, now moves that the House reconsider its action whereby this body voted to adhere. Those in favor will say yes; those opposed will say no.

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

#### Non-Concurrent Matter

Bill "An Act Authorizing Municipalities to Raise or Appropriate Money for a Consumer Action Program" (H. P. 7) (L. D. 17) which was passed to be enacted in the House on March 16, 1977.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

In the House:

Mr. Kelleher of Bangor moved that the House insist and ask for a Committee of Conference.

Whereupon, Mr. Carey of Waterville moved that the House recede and concur.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: As I sit as Chairman of Taxation and we are continually putting strains on the municipal appropriations by granting exemption after exemption for different things, it is certainly not time for us to start having new people come to the municipalities asking for new monies, and it is for that reason that I ask that we recede and concur.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would vote against the motion to recede and concur and just allow the people in our respective communities to petition their government whenever and however they want to and leave that judgment up to the municipalities in our respective communities whether they want to fund a program or not. I don't think that we should be slamming the doors shut on any group, no matter who they are.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Green.

Mr. GREEN: Mr. Speaker, as I understand it, it was pointed out in the other body when the debate on this issue arose the other day, that since there is currently no statutes on the books to prohibit programs of this nature from becoming before municipalities and towns, then there would be no reason for this legislation. I would like to ask that question and maybe somebody could correct me on that?

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: The Committee on Local and County Government did hear this matter and it arises in part from a problem or situation in the City of Bangor where a local consumer action organization would like to petition the city, and it has gotten a ruling from the local city solicitor that it would be fine if they petitioned us but they would have to get permission to do that from the legislature.

The section of the law that we are dealing with enumerates the particular kinds of agencies that may receive grants from municipalities, so if you are not on that list, the municipality may not grant you money or even consider your request because the legislature has already acted, that is, the legislature has already made the list, and if you are not on the list, then you may not petition the community. If there had been no listing whatsoever, that would be a different situation.

This is just allowing the local agency to petition the community. If you are in favor of local control, I think this is the kind of situation where the state has said in effect, no, you can't do this. All this is saying is, leave it up to the local people to make the decision on the matter. I would hope that you would support Mr. Kelleher's motion.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Representative Henderson from Bangor and I differ somewhat in our feelings on this matter. We are both municipal officers, as members of the legislature know, and one of the things that gets a little upsetting is that we would be funding or being requested to fund consumer action programs when in fact in many cases those very same consumer action programs are intended to harass and harangue and to sue local municipalities.

I think, for instance, of Pine Tree Legal, COMBAT, and many other outfits that originally were funded full-face by the federal government. The funding is running out, they are looking for other methods of funding and if those programs were good, I would think that they could be self-sustaining.

We do have a consumer protection agency that is run by John Quinn that has had a tremendous amount of publicity lately, and I think if we are going to do any consumer protection, it should be done at the state level and should not get involved at the local level.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate Mr. Carey's comments because it reminded me of a few other points that I would like to make. One is that among the groups that are permitted to receive funds from local communities are chambers of commerce, and it would only seem equitable that if we are going to provide funding or allow the merchants to come to the communities for funding, and in many communities they do, it seems only reasonable to allow representatives of consumers to at least approach the local communities.

Secondly, the consumer organization that I am talking about in Bangor, which is Northeast COMBAT, does not engage in the legal action; in fact, what they do is refer people to the Attorney General's Consumer Fraud Division if they get that far, but what they try to do is head off a situation before they even get to that point and provide a conciliatory opportunity to the consumer and the merchant before it gets to that point. If we don't allow this intermediate point, then things will become more expensive for everybody, the taxpayers as well as the consumers.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: Having served as a municipal officer for a long time myself, it is my understanding that the municipal officers of Bangor or Waterville now have the privilege of putting this before the people if they so desire. As Mr. Henderson is on this august body in Bangor, he and his colleagues can now put this without this law before the people in Bangor. This law has been drastically changed since I was a municipal officer.

I support Mr. Carey's view on this. I think he is right, and if the thing is justifiable and the city can live with it, and the municipal officers are generally reasonable people and will see that it is put before the people. I always tried to be reasonable, and if I were a municipal officer today and somebody wanted to put some of these things before me that didn't seem too outlandish, I certainly would see that they were put before the people and I think the municipal officers today are no different than when I was a municipal officer. I feel as though if Mayor Carey, for instance, thought that this was justifiable to him and his board, it would be put before the people of Waterville.

I think it is sort of a screening process. The municipal officers, it goes through them first, that is all, and then it would get to the people. I support Mr. Carey's views.

The SPEAKER: The Chair will order a vote. Those in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Green of Auburn requested a roll call.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Waterville, Mr. Carey, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.



**ROLL CALL**

**YEA** — Aloupis, Ault, Austin, Bagley, Beaulieu, Bennett, Berry, Berube, Biron, Birt, Bloodgett, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Byers, Carey, Carrier, Carter, D.; Carter, F.; Chonko, Churchill, Conners, Cote, Cunningham, Devoe, Dexter, Dudley, Durgin, Fenlason, Garsoe, Gauthier, Gillis, Gray, Hall, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, Laffin, LaPlante, Lewis, Littlefield, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Masterman, Maxwell, McBreairty, McMahon, McPherson, Mills, Morton, Pearson, Perkins, Peterson, Rideout, Rollins, Shute, Silsby, Sprowl, Strout, Stubbs, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Tyndale, Whittimore.

**NAY** — Bachrach, Benoit, Brenerman, Burns, Bustin, Carroll, Connolly, Cox, Curran, Davies, Diamond, Dow, Drinkwater, Dutremble, Elias, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Gould, Green, Henderson, Hickey, Howe, Huber, Hughes, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, LeBlanc, Locke, Marshall, Masterton, McHenry, Mitchell, Moody, Nadeau, Nelson, M.; Nelson, N.; Palmer, Peakes, Post, Prescott, Quinn, Raymond, Smith, Spencer, Stover, Tarbell, Tierney, Trafton, Valentine, Wilfong, Wood.

**ABSENT** — Clark, Greenlaw, Hobbins, Jalbert, McKean, Najarian, Norris, Peltier, Talbot, Wyman.

Yes, 80; No, 59; Absent, 10; Vacant, 1.

The **SPEAKER**: Eighty having voted in the affirmative and fifty-nine in the negative, with ten being absent, the motion does prevail.

**Messages and Documents**

The following Communication: (S. P. 304)

STATE OF MAINE  
DEPARTMENT OF AUDIT  
AUGUSTA, MAINE

March 16, 1977

To Governor James B. Longley

and Members of the  
One Hundred and Eighth Legislature

In compliance with statutory requirements, I submit herewith the 57th Annual Report of the State Auditor for the fiscal year ended June 30, 1976. The financial data presented are based on the accounting records maintained in the Bureau of Accounts and Control.

We have made extensive examination of major pertinent transactions. We do not make a detailed examination of all recorded transactions on the general books of the State for the year. We did, however, make a detailed examination of accounting records, procedures and internal controls, and verified financial transactions on a selective basis in our post audits of the activities of the various State Departments, Agencies, Boards, etc., during the year. The results of these audits, together with comments, observations and audit findings and recommendations are contained in our individual audit reports submitted to the respective State Departments, Agencies, Boards, etc.

Based on the scope of our examination, it is our opinion that, except for the exclusion of certain trust and operating fund transactions and balances recorded and controlled locally by State agencies and not reflected herein, the commentary and statistical information present fairly the financial position and operating results of the various State Departments, Agencies, Boards, etc., of the State of Maine for the fiscal year ended June 30, 1976 in conformity and with generally accepted governmental accounting principles applied on a consistent basis.

This report has been reduced to commentary and statistical information in order to implement recommendations from the Maine

Management Cost Survey Commission. Statements and schedules pertaining to the financial position of the various operating funds of the State of Maine at June 30, 1976 may be found in the Annual Report of the State Controller.

I would like to express my special appreciation to the Staff of the Department of Audit for their continued loyalty and devotion to duty and to the State officials for their cooperation with this department.

Signed:

Respectfully submitted,

R. RIDEOUT JR.  
State Auditor 1971-1977

Came from the Senate read and with accompanying papers ordered placed on file.

In the House, was read and with accompanying papers ordered placed on file in concurrence.

The following Enactors were taken up out of order by unanimous consent:

**Passed to Be Enacted  
Emergency Measure**

An Act to Suspend Certain Municipal Charter Provisions to Fiscal Year Transitions (S. P. 285) (L. D. 890) (H. "A" H-74)

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. 112 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

**Emergency Measure**

An Act Converting Wallagrass Plantation into the Town of Wallagrass (H. P. 543) (L. D. 656) (C. "A" H-76)

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. 115 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

**Petitions, Bills and Resolves****Requiring Reference**

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

**Agriculture**

Bill "An Act Concerning the Municipal Refund Claims for the Tree Growth Reimbursement" (H. P. 932) (Presented by Miss Brown of Bethel)

(Ordered Printed)

Sent up for concurrence.

**Business Legislation**

Bill "An Act to Provide for Notifying the Debtor before his Debt is Turned over to a Collection Agency" (H. P. 933) (Presented by Mrs. Mitchell of Vassalboro)

(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act to Amend Various Provisions of the Anti-Trust Laws" (H. P. 934) (Presented by Mr. Hughes of Auburn)

Committee on Business Legislation was suggested.

On motion of Mr. Spencer of Standish, the Bill was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

**Education**

Bill "An Act Repealing the Compulsory Physical Education Requirements in the Schools" (H. P. 935) (Presented by Mr. Carter of Winslow)

Bill "An Act Making Capital Construction and Improvement Appropriations from the General Fund for the Fiscal Year Ending June 30, 1978, to the University of Maine" (Emergency) (H. P. 936) (Presented by Mr. Hughes of Auburn) (Cosponsors: Mr. Devoe of Orono, Mrs. Boudreau of Portland)

(Ordered Printed)

Sent up for concurrence.

**Election Laws**

Bill "An Act Revising Procedures for Certain Tied Elections" (H. P. 937) (Presented by Mrs. Masterton of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

**Energy**

Bill "An Act to Authorize a Bond Issue in the Amount of \$10,000,000 for Energy Conservation Improvements for State-owned Buildings and Public School Buildings" (H. P. 938) (Presented by Mrs. Huber of Falmouth) (Cosponsor: Mr. Carter of Winslow)

(Ordered Printed)

Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act to Prohibit Fish and Game Wardens from Trapping for Animals unless a Local Trapper is Used for the Trapping" (H. P. 939) (Presented by Mr. Carroll of Limerick)

(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act Providing for Guardianship for Incapacitated Adults" (H. P. 940) (Presented by Mr. Goodwin of South Berwick)

Committee on Health and Institutional Services was suggested.

On motion of Mr. Goodwin of South Berwick, the Bill was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

**Health and Institutional Services**

Bill "An Act Relating to the Licensing of Air Ambulances" (H. P. 941) (Presented by Mr. Goodwin of South Berwick)

Bill "An Act to Increase State Reimbursement for Food Stamp Transactions" (H. P. 942) (Presented by Mr. Sprowl of Hope)

(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act to Reinstate the Death Penalty" (H. P. 943) (Presented by Mr. Laffin of Westbrook) (Cosponsors: Mr. MacEachern of Lincoln, Mr. Tozier of Unity, Mr. Cote of Lewiston)

(Ordered Printed)

Sent up for concurrence.

**Marine Resources**

Bill "An Act to Allow Escape of Sublegal Lobsters from Lobster or Crab Traps" (H. P. 944) (Presented by Mr. Bunker of Gouldsboro) (Cosponsors: Mr. Greenlaw of Stonington, Mr. Perkins of Blue Hill)

Bill "An Act Closing Certain Clamming Areas to Wormers or Worm Diggers" (H. P. 945) (Presented by Mrs. Hutchings of Lincolnville)

(Ordered Printed)

Sent up for concurrence.

**Natural Resources**

Bill "An Act to Amend the Land Use Regulation Commission Statutes" (H. P. 946)

(Presented by Miss Brown of Bethel)  
(Ordered Printed)  
Sent up for concurrence.

#### Public Utilities

Bill "An Act to Dissolve the Lincoln Sanitary District" (H. P. 947) (Presented by Mr. MacEachern of Lincoln)  
(Ordered Printed)  
Sent up for concurrence.

#### State Government

RESOLUTION, Proposing an Amendment to the Constitution to Revise the Legislative Apportionment Procedure and to Remove the Supreme Judicial Court as the final Apportionment Agent (H. P. 948) (Presented by Mrs. Masterton of Cape Elizabeth) (Cosponsors: Mr. Birt of East Millinocket, Mrs. Najarian of Portland, Mr. Kelleher of Bangor)

Bill "An Act Relating to a Single State Contact Agency for Matters Dealing with the Federal Fire Prevention and Control Act of 1974" (H. P. 949) (Presented by Mr. Strout of Corinth)

(Ordered Printed)  
Sent up for concurrence.

#### Labor

Bill "An Act Providing Automatic Cost-of-Living Wage Supplements for State, Maine Maritime Academy and University of Maine Employees" (H. P. 950) (Presented by Mr. Laffin of Westbrook)

Committee on State Government was suggested.

On motion of Mr. Curran of South Portland, the Bill was referred to the Committee on Labor, ordered printed and sent up for concurrence.

#### State Government cont'd.

Bill "An Act to Provide Funds for the Administration of the Uniform Crime Reporting Program within the Bureau of State Police" (Emergency) (H. P. 951) (Presented by Mr. Wilfong of Stow)

(Ordered printed)  
Sent up for concurrence.

#### Taxation

Bill "An Act to Establish Limits for Elderly Householders' Tax and Rent Refunds" (H. P. 952) (Presented by Ms. Goodwin of Bath) (Cosponsors: Mr. Greenlaw of Stonington, Mr. Valentine of York, Mr. Bagley of Winthrop)

Bill "An Act to Revise the Excise Tax on Camper Trailers" (H. P. 953) (Presented by Mr. Dow of West Gardiner)

(Ordered Printed)  
Sent up for concurrence.

#### Transportation

Bill "An Act Concerning Emergency Call Facilities on the Maine Turnpike" (H. P. 954) (Presented by Mr. Jensen of Portland) (Cosponsor: Mr. Brenerman of Portland)

Bill "An Act Concerning the Placing of Warnings on Driver's Licenses" (H. P. 955) (Presented by Mr. Higgins of Scarborough)

(Ordered Printed)  
Sent up for concurrence.

#### Orders

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

Mr. JALBERT: Mr. Speaker and Members of the House: When I got off the elevator this morning one of the first persons I saw really brightened my day. I am sure we really welcome back here a gentleman from the top of his head to the bottom of his feet; I refer to Representative Luman Mahany. Welcome back, Luman. (Applause)

Mr. Mahany of Easton was granted unanimous consent to address the House.

Mr. MAHANY: Mr. Speaker and Members of the House: I appreciate the good words from my friend Mr. Jalbert. I want to thank all those who made telephone calls to me and for the very many nice cards I received.

Two weeks away is quite a little while, especially when you spend part of that in a hospital. I have been fortunate during my lifetime never to be in the hospital much, but within five months I have had two operations, and that is quite a test. Let me tell you, I am mighty glad to be back here and see everybody happy and ready and willing to do business as they were when I left. (Applause)

An Expression of Legislative Sentiment (H. P. 929) recognizing that: Edith Smith, a senior at Winthrop High School has won the State Finals of the 1977 American Legion Oratorical Contest (Presented by Mr. Bagley of Winthrop)

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

An Expression of Legislative Sentiment (H. P. 930) recognizing that: all of the citizens of Maine will ever be grateful to Harold A. Alfond of Waterville for his generous contribution making possible the construction of the Multi-Purpose Arena at the University of Maine at Orono (Presented by Mr. Devoe of Orono) (Cosponsors: Mr. Carey of Waterville, Mr. Hughes of Auburn, Mrs. Masterton of Cape Elizabeth)

The Order was read.

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

Mr. DEVOE: Mr. Speaker and Members of the House: Some time ago, the Second Century Fund at the University of Maine developed plans for the eventual construction of two buildings on the university campus at Orono; one was to be a performing arts center and the other was hoped to be a sports arena. Last January, after the campaign had been proceeding for six months to a year, Mr. Harold Alfond of Waterville made a contribution in excess of \$400,000 which made possible the construction of the sports arena on the Orono campus.

Mr. Alfond has been a businessman in the Waterville area for over 35 years. This is not the first example of his philanthropy to the State of Maine. His local philanthropy has included the Thayer Hospital, the Waterville Boys' Club and the Waterville Y.M.C.A. He has made contributions to Colby College and Rollins College in Florida.

The arena, which his large contribution made possible is located on the north end of the campus at the University of Maine in Orono, permits competitive hockey, recreational and instructional skating and is so constructed that it can be converted to use as a graduation facility, for group functions and exhibitions.

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

A Joint Resolution (H. P. 931) in memory of Mrs. Gertrude M. Hennigar of Springvale (Presented by Mr. Wood of Sanford)

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

#### House Reports of Committees

##### Ought Not to Pass

Mr. Spencer from the Committee on Judiciary on Bill "An Act Relating to Examination of Motor Vehicles by Law Enforcement Officers" (H. P. 432) (L. D. 539) reporting "Ought Not to Pass"

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

#### Leave to Withdraw Tabled and Assigned

Mr. Boudreau from the Committee on Election Laws on Bill "An Act Relating to Removal of Nonvoters' Names from Voting Lists" (H. P. 87) (L. D. 113) reporting "Leave to Withdraw" Report was read.

(On motion of Mr. Boudreau of Waterville, tabled pending acceptance of the Committee Report and specially assigned for Thursday, March 24.)

#### Ought to Pass in New Draft

Mr. Smith from the Committee on Public Utilities on Bill "An Act to Clarify the Borrowing Capacity of the Fort Fairfield Utilities District and to Provide for the Imposition of Liens to Secure Payment of Sewer Rates of the District" (Emergency) (H. P. 293) (L. D. 350) reporting "Ought to Pass" in New Draft (H. P. 928) (L. D. 968)

Mr. Burns from the Committee on Legal Affairs on Bill "An Act Concerning Membership on Municipal Charter Commissions" (H. P. 381) (L. D. 470) reporting "Ought to Pass" in New Draft (H. P. 926) (L. D. 967)

Mr. Curran from the Committee on State Government on Resolve, Authorizing the Commissioner of Conservation to Convey Land to Somerset County Formerly Known as the Women's Correctional Center at Skowhegan (H. P. 10) (L. D. 27) reporting "Ought to Pass" in New Draft (H. P. 927) (L. D. 1017)

Mr. Mills from the Committee on Marine Resources on Bill "An Act to Revise the Eastport Public Landing Authority Law" (H. P. 29) (L. D. 37) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Create the Eastport Port Authority" (H. P. 925) (L. D. 966)

Reports were read and accepted, the New Drafts read once and assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Veterans and Retirement reporting "Ought Not to Pass" on Bill "An Act Establishing Retirement Age for State Fire Inspectors at 55 Years" (H. P. 284) (L. D. 367)

Report was signed by the following members:

Messrs. LOVELL of York  
COLLINS of Knox  
O'LEARY of Oxford  
— of the Senate.

Ms. CLARK of Freeport  
Messrs. THERIAULT of Rumford  
BUNKER of Gouldsboro  
AUSTIN of Bingham  
NELSON of Roque Bluffs  
HICKEY of Augusta  
LOUGEE of Island Falls

— of the House.

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

Report was signed by the following members:

Messrs. LAFFIN of Westbrook  
MacEACHERN of Lincoln

— of the House.

Reports were read.

Mr. Theriault of Rumford moved the Majority "Ought Not to Pass" Report be accepted.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: The bill that we are discussing today is a bill that concerns arson in this state. Fire inspectors are called in by towns and cities throughout the state when the fire chief suspects that a criminal act of arson against the people in the communities has been committed.

At the present time, we have 17 fire marshals



in this state divided up into districts. In Cumberland County, where I come from, we have two. These gentlemen are elderly gentlemen, and I feel that we should have younger men in this field.

The fire service is a specialized service; it requires young men to do the job, and I will admit, and I will be the first to admit, that a fire inspector does not have the hazards of a fireman. However, a fire inspector, when he has been contacted by the municipal fire chiefs because arson has been suspected in his community, regardless of what time of day, he responds. It might be two o'clock in the morning; he doesn't wait and say, well, I will be there at nine in the morning when I start my day. It might be in the middle of the night, and regardless of where he is and what he is doing, he responds to the situation at first hand. The object of this is that he must get there as soon as possible to detect in his own mind whether arson has been committed against the people of Maine.

We do have arsons in this state, and this is a very important part of the legislative function, to see that these men are qualified and well equipped for the protection of the people of Maine.

When he responds to a fire, he does not wait until the fire is completely out, he does not wait until bulldozers have had a chance to knock down chimneys and other parts, the walls that are hazardous. As soon as the fire chief has detected that arson has been committed, he will talk it over with the fire inspector and he will immediately, as soon as the firemen have put the fire down so that he can enter the building of the premises of some kind, then he will go into the fire. I have been at fires where we have knocked down a corner of a fire where we suspected that the fire had started, and two firemen will be there with a hose to keep it wet down and to be sure that the fire inspectors are protected from falling debris and that the fire will not start up again.

This is a hazardous occupation compared to what we have here in the House sitting behind our desks, and I think you as citizens of Maine should know more about the fire service in the field of arson. It is very important; it is your lives, your constituents' lives, and I don't think there is anyone in this House who wants to see a tragedy in the line of fire.

Most of these gentlemen are past 55 years old. I don't feel that they have been given the same consideration that other departments within the state have been given. I feel that they should be recognized for their ability, for their service to the State of Maine and the people of Maine, and in recognition they should be given a chance to retire at the age of 55.

There are many times when they do not want to retire, and so be it, but at least we are saying that because of smoke conditions, because of the poisons that they inhale, and there are those who will say they don't do like a fireman does, they don't go into a burning building and they don't receive the gases and the smoke in their lungs that firemen do, and this may be very true, but you must also remember that 99 percent of the fires that are fought by firemen are fought with Scott air packs and breathing apparatus for their protection. In an extreme emergency where a child or a person is in a burning building, only then do they take the chance and go into a building without a Scott air pack, because they are going on percentages and the life of a child is certainly worth the risk.

However, these men are dedicated men, and I would certainly hope that today, ladies and gentlemen, you would give them the consideration you would give to others.

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

Mr. THERIAULT: Mr. Speaker and

Members of the House: I don't deny that these men are doing a very important job, but I certainly don't feel that they should be put on the same level, as far as retirement, with people who are in hazardous occupations. There may be some danger in their job, but it is not endangered the same as in law enforcement and actual firefighting. They don't have to go into those buildings until everything is safe. The firefighters themselves have to go in whether the place is safe or not.

As far as law enforcement officers, they can't pick the time when they go to take care of a situation, they have to go when they are called. They have to answer that call and they have to be younger people. But in the case of the fire inspectors, I don't feel that it is necessary for them to be only 55 years of age or younger, they can be older, and if it is necessary for the department itself to set an age limit at 60, and many of the inspectors are more than 60 now, as I understand it, it is up to the department itself to set an age limit, and it is not our prerogative in the State Retirement System to set an age limit of 55.

To quote you the cost of this, if the state took over the entire cost, it would cost \$131,962. If the benefits were to be paid for by the people who would come under this, it would add a percentage of 5.07 deduction to their pay. That means that they would have quite a cut in pay actually. I don't think if they knew all the ramifications of this that they would want to take it. Actually, I think it is aimed at trying to knock off a couple of older people who they feel they should take care of at this time.

I certainly hope that you accept the "ought not to pass" report.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: This happens to be my bill. One of the reasons I introduced the bill — I don't know if you people are aware that the liquor inspectors right now can retire at 55, the state police, game wardens, foresters, Sea and Shore Fisheries, these people are all on it. The only ones who are not on it is the fire marshal.

The fire marshal has a unique job. Maybe you people don't understand their work, and the committee didn't understand it, I don't believe. These people are also licensing people who handle dynamite, they do report in any dynamite that is being shipped through the state or that is being used. The fire marshal is told about it and they are present most of the time when this dynamite is being used.

Also, they do go into these buildings when the fire is on, when they are called in, and most of the time they don't have to be called, they are present at the time of the fire, crawling into these buildings to look around to see what caused the fire, if the fire was set or not. These are jobs that to me are just the same, as a matter of fact are more hazardous than it would be for the forestry people or the game wardens. The game wardens are getting a 55 year retirement and the forestry people, and these people would like to have the same.

I hope, ladies and gentlemen of the House, that you do not accept the "ought not to pass" report and will go along with the bill.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This is one of the first of many bills coming to this session regarding changes in the State Retirement System. In 1975, the chapter was revised, and I have been interested to see just how quickly special groups would like to tear it apart. For the first time, in the revised version it said "all amendments to this chapter that are proposed to be enacted by the legislature shall be reviewed by the Board of Trustees, which shall report to the

proper legislative committee or authority on the impact of each such amendment on the Retirement System." You have heard from the chairman of the committee the dollars that are involved.

Past legislatures have enacted laws affecting the Retirement System with almost complete disregard for the financial impact on the Retirement System. You cannot pass off to the next and succeeding legislatures financial obligations that you are not willing to take on yourselves.

With the million of dollars going into the Retirement System each year, approximately \$20 million by the state and another \$20 million or so by employees' contributions and the return on prior investments, the Retirement System had a surplus over expenditures of benefits that were paid out of about \$4.5 million. You cannot give benefits without funding them, and when you lower the retirement age, you are taking on a burden of prior service that has not been adequately funded. I think you ought to think seriously before you enact any laws regarding changes in the Retirement System.

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

A vote of the House was taken.

81 having voted in the affirmative and 9 having voted in the negative, the motion did prevail.

Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Performance Audit reporting "Ought to Pass" as amended by Committee Amendment "A" (H-82) on Bill "An Act to Improve the Performance of the State Lottery" (H. P. 212) (L. D. 222)

Report was signed by the following members:

Messrs. WYMAN of Washington  
MORRELL of Cumberland  
MINKOWSKY of Androscoggin  
— of the Senate.  
Mrs. BENOIT of South Portland  
Mrs. BERUBE of Lewiston  
Messrs. BRENERMAN of Portland  
AULT of Wayne  
SHUTE of Stockton Springs  
AUSTIN of Bingham  
LIZOTTE of Biddeford  
WILFONG of Stow

— of the House.

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

Mr. DOW of West Gardiner  
— of the House.

Reports were read.

On motion of Mrs. Berube of Lewiston, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-82) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Divided Report

##### Tabled and Assigned

Majority Report of the Committee on Health and Institutional Services reporting "Ought Not to Pass" on Bill "An Act to Require that Savings from Substitution of Generic Drugs be Passed on to the Purchaser" (H. P. 147) (L. D. 177)

Report was signed by the following members:

Mrs. SNOWE of Androscoggin  
Messrs. PRAY of Penobscot  
GREELEY of Waldo  
— of the Senate.  
Mrs. NELSON of Portland

Mrs. KANE of Augusta  
 Mrs. GILL of South Portland  
 Mrs. TRAFTON of Auburn  
 Mrs. PRESCOTT of Hampden  
 Messrs. GOODWIN of South Berwick  
 TYNDALE of Kennebunkport  
 BRENERMAN of Portland  
 FOWLIE of Rockland

— of the House.

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

Report was signed by the following member:

Mr. KERRY of Old Orchard Beach

— of the House.

Reports were read.

Mr. Goodwin of South Berwick moved the Majority "Ought Not to Pass" Report be accepted.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill. I believed so strongly in the value and need for this bill that I guess I couldn't conceive of it being in serious difficulty in the committee, and it was only shortly before we left here last Thursday that I became aware that the bill was seriously in trouble.

I am having an amendment prepared, which I hope will overcome some of the objections, and I would appreciate it if someone would table this bill for one day.

Whereupon, on motion of Mr. Goodwin of South Berwick, tabled pending his motion to accept the Majority Report and tomorrow assigned.

#### Divided Report

##### Tabled and Assigned

Majority Report of the Committee on Veterans and Retirement reporting "Ought Not to Pass" on Resolve, Providing a Pension for Elizabeth S. Violette of Augusta (H. P. 466) (L. D. 571) (Emergency)

Report was signed by the following members:

Messrs. LOVELL of York  
 O'LEARY of Oxford  
 COLLINS of Knox

— of the Senate.

Ms. CLARK of Freeport  
 Messrs. NELSON of Roque Bluffs  
 THERIAULT of Rumford  
 BUNKER of Gouldsboro  
 AUSTIN of Bingham  
 LOUGEE of Island Falls

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Resolve.

Report was signed by the following members:

Messrs. MacEACHERN of Lincoln  
 HICKEY of Augusta  
 LAFFIN of Westbrook

— of the House.

Reports were read.

(On motion of Mr. Theriault of Rumford, tabled pending acceptance of either Report and specially assigned for Thursday, March 24.)

#### Consent Calendar

##### First Day

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

(H. P. 268) (L. D. 345) Bill "An Act Relating to Physicians Assistants" — Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 372) (L. D. 461) Bill "An Act to Repeal Certain Statutory Provisions Relating to the Regulation of Food, Cosmetics and Work Places" — Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 278) (L. D. 343) Bill "An Act to Clarify

the Authority of Members of Volunteer and Governmental Organizations to Render Emergency Assistance" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-83)

(H. P. 357) (L. D. 522) Bill "An Act to Provide Supervision of Persons Released from the Maine State Prison and the Maine Correctional Center Under Furlough, Work or Rehabilitative Release" — Committee on Judiciary reporting "Ought to Pass"

(H. P. 524) (L. D. 642) Bill "An Act to Clarify and Confirm the Municipal Boundary between the City of South Portland the the Town of Scarborough" — Committee on Local and County Government reporting "Ought to Pass"

(H. P. 40) (L. D. 57) Bill "An Act Establishing County Commissioner Districts in Cumberland County" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-80)

(H. P. 362) (L. D. 454) Bill "An Act Converting Caratunk Plantation into the Town of Caratunk" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-79)

(H. P. 336) (L. D. 427) Bill "An Act to Repeal Fishing Regulations on the Pemaquid River" — Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-78)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 23 under listing of Second Day.

(H. P. 301) (L. D. 357) Bill "An Act Creating a Mental Health Advisory Council (Emergency)" — Committee on State Government reporting "Ought to Pass"

On the request of Mrs. Lewis of Auburn, was removed from the Consent Calendar.

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

#### Consent Calendar

##### Second Day

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

(H. P. 438) (L. D. 545) Bill "An Act to Update Validation of Street Installations of Certain Utility Structures"

(H. P. 326) (L. D. 417) Bill "An Act to Clarify Authorization for Payment of Witness Fees for State Witnesses in Criminal Prosecutions"

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 Enacted

##### Emergency Measure

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 (S. P. 275) (L. D. 757)

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. 114 voted in favor of same and none 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 Relating to Incorporation of the Officers and Members of the Grand Royal Arch Chapter of Maine (S. P. 138) (L. D. 379)

An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly (H. P. 68) (L. D. 98) (C. "A" H-54)

An Act Eliminating the Requirement of January Annual Meetings by the Parishes of the Protestant Episcopal Churches of the Diocese of Maine (H. P. 331) (L. D. 422)

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

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

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:

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 16, 1977 by Mr. Curran of South Portland.

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

Thereupon, the Resolution was placed in the legislative files pursuant to Joint Rule 20.

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

Bill "An Act to Reduce the Cost of Electric Utility Services to Customers and Encourage Energy Conservation through Improvements in Electric Utility Rate Design" (H. P. 691) (L. D. 873) — In House, referred to Committee on Energy. — In Senate, referred to Committee on Public Utilities in non-concurrence.

Tabled — March 17, 1977 by Mr. Connolly of Portland.

Pending — Further Consideration.

On motion of Mr. Connolly of Portland, the House voted to recede and concur.

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

House Order Relative to Repealing House Order Passed January 18th

Tabled — March 17, 1977 by Ms. Goodwin of Bath (Pursuant to House Rule 54)

Pending — Passage

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I wish the good lady from Bath was here because there are one or two questions I would like to ask her, so would some kind member please table this until later today or until tomorrow?

I think the House would be remiss today if we accepted this order and repealed our House Appropriation Table. I think you people are well aware of how I feel about that table and the advantages of having it here in this House instead of sending all our money bills over to the Senate, that we do have an opportunity to deal with them fairly.

It is a controversial table, to be sure; it is a table that searches all of our consciences in dealing with individual members' bills in this House. It is a table that was drafted primarily to allow only members of the Appropriations Committee to put money bills on the table. Not all bills go on the table, as we witnessed last week, a bill that dealt with the loss of revenue to the state, which was of interest to me, to my community and apparently to a hundred other members of this House, because it took just that, 101 votes to pass that item.

The Loring bill is another example of emergency which should not have gone on the

table. We just passed a bill this morning dealing with \$2.5 million, federal money, I know; however, we were able to direct how that money was to be spent, and, theoretically, that money could have gone on the table.

I think the House Appropriations Table is an advantage to all of us, be we Republican or Democrat, and we do have a unique situation here simply because of one party controlling one grant and another party controlling the other.

In dealing with legislative priorities, it seems to me that if in fact this table is going to be repealed this morning, then a few questions should be put to our leadership, both the Democrats and the Republicans, as well as members of the Appropriations Committee, to inform us on the record here just what the posture and the program and the progress is going to be dealing with the appropriations bills.

My first question to any member of leadership or any member of the Appropriations Committee is, is the appropriations budget going to be that it comes out with no additional programs in terms of broadening programs that we now have, or is it the opinion of the leadership that bills that are submitted for consideration before the Appropriations Committee will not come out "leave to withdraw" and all of a sudden be found in the general appropriations act where we would all like to find our own bills? I think these are two legitimate questions, particularly for all of us who are just ordinary members who sit in our seats here and sponsor bills that are not part of the leadership team, although leadership does represent us, and not part of the Appropriations Committee; however, the House members do represent us.

I would just like to have an answer to two general questions — is, in fact, the appropriations bill going to remain as it is or will we be finding new programs in the appropriations act and not coming along as other bills will be reported out and determine their own merit before this body? I think it is an important consideration and I would hope that someone would answer those questions.

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

Mr. BIRON: Mr. Speaker, a point of clarification. Has this matter been tabled as requested?

The SPEAKER: The Chair would answer in the negative.

Mr. BIRON: I move we table this for two legislative days.

The SPEAKER: The Chair would advise the gentleman from Lewiston, Mr. Biron, that he has debated his motion; therefore, the motion to table is not in order.

Whereupon, Mr. Laffin of Westbrook moved that this matter be tabled for one legislative day.

Mr. Tierney of Lisbon Falls requested a vote.

The SPEAKER: All those in favor of this matter being tabled for one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

18 having voted in the affirmative and 97 having voted in the negative, the motion did not prevail.

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

Ms. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would consider passing this order this morning. I have felt from the very beginning that the House Appropriations Table was nothing but unnecessary duplication and that it provides us with no more leverage than we now have when we might indefinitely postpone a piece of legislation from the other body or table it unsigned. I think all it is going to do is engender one more debate on every piece of legislation which is on the table. I believe it is going to

prolong this session, it is going to cost the taxpayers money. I don't think it serves any useful purpose. The same process is going to be used in taking bills off the Appropriations Table in the other body as would be used here, and it seems rather strange that the one bill that really belonged on the House Appropriations Table is now lying on the Appropriations Table in the other body, and what leverage does this House now have in determining any priority on that particular piece of legislation?

I would hope that you would consider this morning this order very carefully. I don't think there is any need for a House Appropriations Table and I would urge passage of the order.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: If I held the esteemed position of being Chairman of the House Appropriations Table, I probably would feel the same way that the gentle lady does from Bath; however, I do happen to have somewhat more of a feeling for this House than I would for that position or any other position on that committee.

I would like to direct a question to the gentle lady from Bath or any member of the Appropriations Committee or any member of leadership to simply explain to the House what is going to be the formula and format for the appropriations act. Are L. D.'s going to come out and be presented and go along the legislative course, or will some L. D.'s be found and wrapped up in the general appropriations act? That is my first question.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: Obviously, as a freshman, I don't know the answer to Mr. Kelleher's question and, obviously, sitting next to leadership, they don't know the answer either. I think it is a serious, serious question that is being brought before us. I would urge that until we can get answers to these questions, we should defeat this order.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Green.

Mr. GREEN: Mr. Speaker, I just have a question to someone who might want to answer it, and that is, what will happen to the bills that are now lying on the House Appropriations Table if the gentle lady's request is granted?

The SPEAKER: The Chair would advise the gentleman and the members of the House that if the table should be abolished, then they would reappear tomorrow in their proper order on the calendar, wherever that might be, as enactors, or passage to be engrossed or whatever.

Mr. Kelleher of Bangor was granted permission to speak a third time.

Mr. KELLEHER: Mr. Speaker and Members of the House: Perhaps I should have put my comments in the form of a question; however, I would restate my question again because perhaps it is a little confusing.

I would just like to know, as a member from Bangor in Seat 121 of the Democratic Party, what in fact is going to be the program that the Appropriations Committee is going to be asking us to accept when the appropriations bill comes out of the Appropriations Committee Executive Room? Is the appropriations act going to be dealing primarily with just the programs we have now? Will there be an expansion of those programs? Will the appropriations act include some L. D.'s that may come out "leave to withdraw" with money hidden in the act? It is a very basic, easy question, and if the Republican leadership has the answer to that question, I would appreciate it, my own party or the members of the Appropriations Committee.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: The Appropriations Committee intends to divide the budget into Part I and Part II. Most of you may realize the budget which has been presented to us has new money in it in one budget. We are now attempting to break out all those items which will be new monies. For instance, there is an additional million dollars to expand the elderly householders' tax and rent refund act. That, as of right now, for instance, will not appear in the Part I budget, it will be out in a special bill.

As to how individual L. D.'s will be handled, that has not been discussed by the committee. I am not in a position at this moment to say how they would be handled. I would imagine they would come out individually, unless it is something, for instance, that has been left out of the budget as presented by the Governor and has been introduced to us as a special L. D., which I believe is something that the gentleman from Bangor himself has introduced.

Mr. Kelleher of Bangor 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 of House Order Relative to Repealing House Order Passed January 18. All those in favor of this Order receiving passage will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Byers, Carey, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Connors, Cote, Cunningham, Curran, Davies, Devoe, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Hickey, Higgins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Kane, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBrearty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Nelson, N.; Norris, Palmer, Peakes, Perkins, Peterson, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Whittemore, The Speaker.

NAY — Biron, Carrier, Connolly, Cox, Flanagan, Gauthier, Green, Henderson, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Nelson, M.; Pearson, Wilfong, Wood.

ABSENT — Clark, Dexter, Hobbins, Hunter, Najarian, Peltier, Torrey, Tyndale, Wyman.

Yes, 123; No, 18; Absent, 9; Vacant, 1.

The SPEAKER: One hundred twenty three having voted in the affirmative and eighteen in the negative, with nine being absent, the motion does prevail.

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

Ms. GOODWIN: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action whereby this order was passed, and I urge you to vote against me.

The SPEAKER: The gentlewoman from Bath, Ms. Goodwin, moves the House recon-

sider its action whereby this Order received passage. All those in favor of reconsideration 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:

House Divided Report — Majority (8) "Ought to Pass" — Minority (5) "Ought Not to Pass" — Committee on Legal Affairs on Bill, "An Act Pertaining to Birth Records" (H. P. 380) (L. D. 469)

Tabled — March 17, 1977 by Mr. Biron of Lewiston.

Pending — Motion of Mr. Moody of Richmond to Accept the Majority "Ought to Pass" Report.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: If we were to bring forward the thought in this L. D., the Speaker would have recognized me as Mr. 7349 from Township 74. That is exactly what this would lead to if we enacted this legislation.

I would like to direct your attention to the Statement of Fact in L. D. 469, the last sentence. "This is necessary in order to have uniformity in record keeping." Well, the best way to keep records would be by numbers.

The gentleman that presented this, or was the lead argument before our Legal Affairs Committee, was a clerk from Portland. He indicated there were some 65,000 or more people in the City of Portland and there are two or three people in the entire town with a hyphenated name. That doesn't appear to make a very big problem in filing.

I checked with the Vital Statistics people here in the state. They indicate there are approximately 10 people in the entire state with a hyphenated name. Again, I don't think it makes a very big problem in filing. They could be cross filed very easily.

A request was made to the Attorney General, and I now have his reply in reference to L. D. 469. It states in part: The Supreme Court has ruled that classification such as the one suggested here which discriminates on the basis of sex for the purpose of administrative convenience is unconstitutional. This is backed up by a decision. A mandatory preference to members of one sex over the members of the other merely for administrative convenience is a kind of arbitrary choice forbidden by the equal protection clause of the 14th Amendment. That is the decision of the United States Supreme Court. I would therefore urge that we do not accept the "ought to pass" report and then more to accept the "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Trafton.

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: I am amazed at the progress of this bill mandating the order of hyphenated names through the legislative process. There are clearly some very serious problems with its intent.

In the first place, this bill intrudes into our civil rights by attempting to legislate how we will name our children. There are many areas in which we cannot and should not try to govern by the making of laws.

As the gentleman from Livermore Falls, Mr. Lynch, so aptly pointed out in the recent debate on the helmet, common sense is one of these areas, and I would suggest that personal freedom is another. Surely the state is not interested in taking over the naming of newborns to facilitate administrative ease and uniformity.

The impetus for this bill seems to be a handful of cases in which parents have chosen to

hyphenate their child's name. We are asked to believe that such a child could never be identified as an heir to inherit his fair share of the parents' estate.

Although we often make fun of our wily friends, the lawyers, surely we can credit them with enough native intelligence to check for heirs under both the father's name and the mother's maiden name, particularly in light of our changing attitudes toward name taking in marriage. Let us remember, too, that the executor of the will is usually a family member or a very close family friend who has intimate knowledge of the heirs and their whereabouts and, finally, if the executor and the lawyer fail, we have the services of special heir finding businesses.

If some city clerks in Maine would like to aid the process of finding heirs, why not simply cross index those very few hyphenated names instead of advocating a general statute that sacrifices civil rights for bureaucratic convenience.

In closing, one of the most convincing arguments, and indeed perhaps the very heart of the matter, is that this bill is based on the unconstitutional premise of sex discrimination. By their actions, previous legislators have sought to affirm the belief in equal rights for all people without regard to race, creed or sex. Surely the 108th Legislature does not want to be responsible for denying this important commitment to human rights by adopting as law a bill based on sex discrimination.

Therefore, men and women of the House, I urge you, in the stirring words of the gentleman from Lewiston, Mr. Biron, "to deep six this bill and all its accompanying papers." Mr. Speaker, I move indefinite postponement of L. D. 469 and all its accompanying papers.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: In the vernacular of this great body, this is my bill. I introduced this bill as it was given to me by the Town Clerks and City Clerks Association of this state. They just wanted to clarify their records or make a uniform law. Now this bill was taken to the Attorney General's Office and he declared it unconstitutional. In the name of all these clerks, I accept that decision by the Attorney General and I also wish that this bill be indefinitely postponed.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: In this bill, when it came to our committee, the Maine Association of City and Town Clerks asked that we write into the law that the child's birth record be listed under the father's name, as it has been over the years. They also said they would, however, have no objections to recording the births under the mother's name. They seek only standardization.

I spoke to my leaders that told me this morning they were going to oppose this bill and I said, don't oppose it yet until I tell you what it is all about. I don't like people taking a stand on it until they know what it is all about. So now, in a few moments, if you will just lend me your ear, I will tell you the problem that they are having. I will do this briefly.

If Jane Quinn marries Jason Tierney and they choose to use the hyphenated name, Mr. and Mrs. Jason Quinn-Tierney, their child could be named John Quinn-Tierney. Later on in life, this off-spring could marry Susan Palmer-Garsoe and in turn, their sibling, under the present law, could be named Martin-Laffin. However, the off-spring would be more likely be named Roger Quinn-Tierney-Palmer-Garsoe.

I will remind you that later on in life Roger departs for college and he returns home at

Easter time with a young lass and he announces his intention to marry Susan Sewall-Speer-Conley-Danton. If this marriage is blessed, a child could be named Mary Jane Quinn-Tierney-Palmer-Garsoe-Sewall-Speer-Conley-Danton.

The Maine Association of City and Town Clerks need this L. D. They see difficulties when in a few years the Probate Court attempts to locate an heir, a parent. Perhaps in a few years, Maine's leading law firm of Devoe-Tarbell-Tierney-Spencer - McMahon - Hobbins and Hughes will have problems in locating Mary Jane Quinn-Tierney-Palmer-Garsoe-Sewall-Speer-Conley-Danton.

You know, I don't think the city and town clerks are asking for too much. I ask you to vote against dumping this bill and then I urge you to vote passage of this bill so at least we can give them a place to start.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: I thought that the Chairman of the Legal Affairs Committee had taken the wind out of my sails, but Mr. Joyce has given me the opportunity to puff them back up again.

I rise to oppose this bill. I just don't believe that the state or this body has any business telling people how to name their children.

If I may, I will give you a little bit of history on the court cases involving people's names in this state, or recent history at least, since I know a little bit about that. A couple of years ago, a woman in Cumberland County, in fact three of them, came before a probate court judge, not the gentleman who sits there presently, and asked to be given permission to use the names under which they were born. The judge said no, and to make a long story short, that case went to the State Supreme Court which said that it was an abuse of the judge's discretion to tell a woman, a married woman, that she could not use her birth name. So, women have the legal right to use the name under which they were born.

Later, a couple in Bangor approached — their child was born, the hospital there granted them permission to put on the birth certificate the mother's and the father's surnames, which were different, combined with a hyphen. The State Bureau of Vital Statistics said, no you cannot do this. It violates a custom or tradition, so when that case went to court, the court said that that custom of giving children their father's surname did not have the force of law, that people could give their children hyphenated surnames.

The present judge of probate in Cumberland County was in the hall this morning and I happened to ask him about this bill. Will failure to pass this bill cause a great deal of problem for Probate Court and inheritance procedures in the court? He said, no, it will not, it won't cause any problems at all. I then called my City Clerk in South Portland, Edna Morris, and she saw no problem there, and she did point out that an original certificate of birth contains the names of both parents anyway.

Some of you traditionalists may feel that wives and children ought to use their father's and/or husband's names. My wife uses my name, so do both of my daughters, but I hope that they don't do that out of force of law but because of a tradition which they choose to follow but which the state is not imposing upon them.

I urge you to vote to indefinitely postpone this bill.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Auburn, Mrs. Trafton, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.



A vote of the House was taken. 86 having voted in the affirmative and 14 in the negative, the motion did prevail. Sent up for concurrence.

Mr. Tierney of Lisbon Falls was granted unanimous consent to address the House.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to inform my good friend from Portland, Mr. Joyce, that my mother's name on the day she was born was Agnes Veronica Quinn.

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

Bill, "An Act Relating to Sales of Vending Machines Required by the Returnable Container Law" (S. P. 291) (L. D. 917) — In Senate, referred to Committee on Taxation.

Tabled — March 17, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Reference in concurrence.

Thereupon, the Bill was referred to the Committee on Taxation in concurrence.

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

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

Tabled — March 17, 1977 by Mr. Greenlaw of Stonington

Pending — Passage to be Enacted.

Mr. Greenlaw of Stonington moved that the bill be recommitted to the Committee on Marine Resources.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: A week ago, we referred a similar bill to the Joint Standing Committee on Marine Resources. It would appear that if we pass this bill today, we are doing so prematurely. I have talked with all the parties involved, the sponsor of the bill and the Chairman of the Committee, I think everyone agrees the wise thing to do is to recommit this to the Committee on Marine Resources and get the issue resolved in one piece of legislation.

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

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

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

Tabled — March 17, 1977 by Mr. Palmer of Nobleboro.

Pending — Adoption of House Amendment "D" (H-81)

Thereupon, House Amendment "D" was adopted.

The Bill passed to be engrossed as amended by House Amendments "C" and "D" in non-concurrence and sent up for concurrence.

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

The following Communication (S. P. 316)  
STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

March 17, 1977

Honorable Joseph Sewall  
President of the Senate  
and

Honorable John Martin  
Speaker of the House

Dear Joe and John:

This is to formally notify you that Carl E. Cianchette and A. Margaret Bok were

nominated to the Maine Maritime Academy, Board of Trustees today.

In accordance with Private and Special Law 1967, Chapter 177 as amended, these nominations are subject to review by the Joint Standing Committee on Education and to confirmation by the Legislature.

Thank you for your assistance.

Sincerely,

Signed:

JAMES B. LONGLEY  
Governor

Came from the Senate read and referred to the Committee on Education.

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

The following Communication (S. P. 309)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE

March 11, 1977

Sen. Richard H. Pierce

Rep. Nancy R. Clark

Chairpersons

Legislative Joint Standing Committee

on Business Legislation

State House

Augusta, Maine 04333

Dear Dick and Nancy:

Under the procedure developed for handling the Confirmation of Gubernatorial Appointments, we are officially notifying you of the Governor's nomination of Mr. John A. Durham to the position of Superintendent of the Bureau of Banking for the State of Maine.

The law requires that the Joint Standing Committee on Business Legislation hold a public hearing in Augusta at a time convenient to the public, within 20 days from the date of the Governor's notice to the President of the Senate and the Speaker of the House. Such notification was received in our offices on Wednesday, March 9, 1977.

Sincerely yours,

Signed:

JOSEPH SEWALL  
President of the Senate

Signed:

JOHN L. MARTIN  
Speaker of the House

Came from the Senate read and ordered placed on file.

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

Mrs. Byers of Newcastle was granted unanimous consent to address the House.

Mrs. BYERS: Mr. Speaker, Men and Women of the House: Tomorrow we have hearings in Taxation on Uniform Property Bills, and it has come to my attention that the Palmer Bill and the Mackel-Post Bill have not been printed yet. I was wondering if someone might give me an explanation.

The SPEAKER: The Chair would advise the gentlewoman that the bill was given at a very late date and is at the printers and will be back in the morning.

Mrs. BYERS: Then will the hearing be on those bills although people haven't had a chance to study them?

The SPEAKER: The Chair is not in the possession of that information.

Mr. Carey of Waterville was granted unanimous consent to address the House.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The gentlelady from Newcastle, Mrs. Byers, is exactly right. We do not have those bills in our possession while we had the original draft. Even I have been trying to get a copy of what was submitted from both Mr. Mackel, as Mr. Mackel can attest to, and Mr. Palmer, as certainly Mr. Palmer will at-

test to, so that we can at least reproduce copies for the committee to study and then they can hopefully ask some reasonably intelligent questions on those two bills.

I have been assured that these bills would be in printed form. We will carry as many of those bills as we possibly can over to the Civic Center so those people coming in for the public hearing can grab a copy there at the Civic Center. We are facing a deadline of the 1st of April; there has been no attempt whatsoever at this stage to change that deadline from the 1st of April to the 1st of May, or what have you, so we are proceeding under the presumption at this point that we are stuck with the deadline of the 1st of April. Therefore, those bills had to be scheduled for this time.

You might be interested in knowing that Senator Wyman had asked that we might even hold these hearings on the 30th of March, which makes it a little short time for us to work — hear those bills on the 30th of March and get them back and forth through the Houses after committee consideration for the 1st of April. If there is a better way to do things, certainly those of us on Taxation or any other committee would try to do something a little differently, but we have to restructure the way that we operate out of the Legislative Research Office and leadership is working on those things so that hopefully this problem will not occur in the future.

The SPEAKER: The Clerk has informed the Chair that the bills will be available for the public hearing tomorrow afternoon. The printer has indicated that the bill will be available by noon tomorrow.

Mr. Laffin of Westbrook was granted unanimous consent to address the House.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I sincerely hope that the Appropriations Table and Committee will not do this session what they did last session by presenting X-number of bills pertaining to one L. D. that many members of this House would be very confused on. We lost Mr. Jalbert's pay raise bill two years ago because of this. We had untold hours of doing nothing in this House. I am not putting the blame on anyone, but I do feel that many good pieces of legislation were defeated in the last legislature and many bad pieces was passed because of the Appropriations Table in their last minute rush to finish up our work.

Mr. Kelleher, this morning, was not too far off base, and I would like very much to see at the end of this session that we do not run into the same trouble where many of us were upset when we had to take a recess for two weeks so that we could all cool down. I hope that the wisdom of the great leaderships that we have in both parties and the ability of the Appropriations Committee members do not see fit to allow everything thrown into one package. Let each bill rise and fall on its own merits and the members of this House see a great difference when we adjourn this time than when we adjourned last time.

(Off Record Remarks)

On motion of Mr. Laffin of Westbrook, Adjourned until nine-thirty tomorrow morning.