

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Tuesday, April 19, 1977

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

Prayer by Father Michael Newman of St. Jude's Roman Catholic Church, Freeport.

The members stood at attention during the playing of the National Anthem by the Vinalhaven Town Band, Vinalhaven.

The journal of the previous session was read and approved.

Papers from the Senate

Bill "An Act Establishing the Division of Special Investigations within the Department of the Attorney General" (S. P. 439) (L. D. 1561)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Require Adequate Polling Facilities in Municipalities" (S. P. 445) (L. D. 1535)

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

In the House, referred to the Committee on Election Laws in concurrence.

Bill "An Act Authorizing an Increase in Payments to Foster Homes and Boarding Homes" (S. P. 444) (L. D. 1536)

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

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

Bill "An Act Relating to Hearings on Juvenile Offenders in Juvenile Court and on appeal in Superior Court" (S. P. 451) (L. D. 1534)

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

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

Bill "An Act to Amend the Conditions for Holding Executive Sessions under the Right to Know Law" (S. P. 452) (L. D. 1532)

Bill "An Act to Amend the Charter of the Ocean Park Association" (S. P. 443) (L. D. 1533)

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

In the House, referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Increase the Number of State Liquor Inspectors" (S. P. 454) (L. D. 1569)

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

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

Bill "An Act to Provide for Marine Resources Education by the Department of Marine Resources and to Establish a Marine Communication Center" (S. P. 441) (L. D. 1552)

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

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

Bill "An Act to Implement a 'Product of Maine' Designation" (S. P. 446) (L. D. 1551)

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

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

Bill "An Act to Lighten the Burden of

Property Taxes on the Elderly Widowed or Disabled" (S. P. 440) (L. D. 1531)

Bill "An Act to Relieve the Income Tax Burden of the Elderly Retired" (S. P. 442) (L. D. 1530)

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

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

Bill "An Act to Repeal Certain Laws Relating to Highway Taxes Assessed by Towns" (S. P. 449) (L. D. 1529)

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

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

Reports of Committees

Leave to Withdraw

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

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Provide Investigators for the Several District Attorneys" (S. P. 156) (L. D. 396)

Came from the Senate with the Reports read and accepted.

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

Non-Concurrent Matter

Bill "An Act Concerning the Hiring of Bus Drivers by School Administrative Districts" (H. P. 810) (L. D. 985) which was passed to be engrossed as amended by House Amendment "A" (H-155) in the House on April 13, 1977.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

Mr. Sprowl of Hope moved that the House insist.

Whereupon, Mr. Lynch of Livermore Falls moved that the House recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for a division.

I don't know that I can add anything that hasn't already been said on this bill; however, I would just like to reiterate, I guess, that now school bus drivers have 10 days to apply for a license, then they have four or five weeks in many cases before they take the test. They are able to drive all of this time. They fail their test, and then the school administrative districts, or whoever has control over hiring bus drivers, hires other people off the streets and the process starts again. The school buses, in many cases, are being driven with unlicensed drivers.

I hope that you will vote to insist, or vote against the pending motion to recede and concur.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: From testimony given and statements made, it almost makes you assume that they just go out on the street and hire anybody to drive a school bus. This is ridiculous. They don't just go out on the streets and hire anybody to drive a school bus. A school bus is a very expensive product. The students in it are God's most precious gift to us, and I can assure you, my experience serving as a director and also my experience with school buses. I sort of have a contract, we don't let just anybody drive that bus. They have to be people well qualified and people we know are of good character and will certainly be safe drivers on the highway.

I just want you to be sure and know that every time we legislate in Augusta, we do create some obstacles for those who are trying to carry out and perform a service in our school districts. I think the record of the school buses in the State of Maine is very, very good, and I hope you will stand on that.

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

A vote of the House was taken.

Whereupon, Mr. Morton of Farmington 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 Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion of the gentleman from Livermore Falls this morning, the recede and concur motion. I do it with some regret because I hate to be opposed to the gentleman from Hope, Mr. Sprowl, but I would like to point out to you ladies and gentlemen that the only thing that is concerned in this bill is whether or not school bus drivers can be hired whether or not they pass the state driver's examination. I submit to you ladies and gentlemen, the qualifications for the state school bus driver's examination are quite similar to those for which drivers have to pass an examination to drive a car or truck. In other words, they are the mechanical problems concerned with driving a school bus, maneuvering it properly, going through some cones and that sort of thing, and that is highly essential. However, there is a great deal more to driving a school bus than the mechanical ability to get up and maneuver that relatively large vehicle.

I discussed this matter thoroughly with the director of transportation in SAD 9, who is nationally recognized as one of the most expert men in transportation of schoolchildren in the country in addition to being one of the top men in the State of Maine. He points out to me that if you get the examination and pass, in SAD 9 this has nothing to do with your qualifications for becoming a school bus driver. There are a great many other criteria that are necessary to become expert and to be a good school bus driver — discipline, handling of children, understanding the school rules, many of these things are equally important to being able to mechanically move that bus down the road.

In SAD 9, the course consists of 80 hours of training, and no driver is allowed to go out solo with a school bus until they have shown amply with a trained school bus driver, who is always sent along with them for the first several days or even weeks.

What I am trying to point out to you is that if you set up this, you are inhibiting the ability of the local schools to hire drivers, but you are not insuring that they will be good school bus drivers. Becoming a good school bus driver has a lot more to do than just learning how to maneuver the vehicle in and around a bunch of cones, which is what the state exam does.

I hope that you will support the motion to recede and concur this morning that was made by the gentleman from Livermore Falls, Mr. Lynch.

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

ROLL CALL

YEA — Bennett, Benoit, Berry, Biron, Birt, Blodgett, Brown, K. L.; Brown, K. C.; Burns, Carroll, Carter, D.; Carter, F.; Chonko, Clark, Connolly, Cote, Cox, Cunningham, Curran, Dexter, Diamond, Dow, Elias, Fenlason, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hobbins, Howe, Huber, Hunter, Immonen, Jacques, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, LeBlanc, Littlefield, Locke, Lougee, Lynch, Mackel, Mahany, Marshall, Masterton, McBreairty, McHenry, McKean, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Peakes, Pearson, Peltier, Peterson, Plourde, Quinn, Rollins, Smith, Spencer, Stover, Theriault, Tierney, Torrey, Trafton, Truman, Valentine, Wilfong, Wood, Wyman.

NAY — Aloupis, Ault, Austin, Bachrach, Beaulieu, Berube, Boudreau, A.; Boudreau, P.; Brenerman, Bunker, Bustin, Carey, Carrier, Conners, Davies, Drinkwater, Durgin, Dutremble, Flanagan, Fowley, Gillis, Gould, Gray, Hall, Henderson, Hickey, Hutchings, Jackson, Jalbert, Jensen, Joyce, Lewis, Lizotte, MacEachern, Martin, A.; Masterman, Maxwell, McMahon, McPherson, Moody, Nelson, N.; Norris, Palmer, Perkins, Post, Prescott, Raymond, Rideout, Shute, Silsby, Sprowl, Stubbs, Talbot, Tarbell, Tarr, Teague, Tozier, Twitchell, Tyndale, Whittemore.

ABSENT — Bagley, Byers, Churchill, Devoe, Dudley, Gill, Higgins, Hughes, Kane, Kerry, Lunt, Strout.

Yes, 78; No, 60; Absent, 12.

The SPEAKER: Seventy-eight having voted in the affirmative and sixty in the negative, with twelve being absent, the motion does prevail.

Non-Concurrent Matter
Tabled and Assigned

Bill "An Act to Provide County Commissioner Districts in Washington County" (H. P. 1225) (L. D. 1359) which was passed to be engrossed in the House on April 12, 1977.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Quinn of Gorham, tabled pending further consideration and specially assigned for Thursday, April 21.

Non-Concurrent Matter

Bill "An Act Relating to use of Flashing Red Lights on School Buses when Negotiating Turn Arounds on Public Ways" (H. P. 207) (L. D. 266) on which the Minority "Ought to Pass" Report of the Committee on Transportation was read and accepted and the Bill passed to be engrossed in the House on April 13, 1977.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Transportation read and accepted in non-concurrence.

In the House:

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

Mr. CARROLL: Mr. Speaker, I move that we adhere.

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

Mr. JENSEN: Mr. Speaker, I move that we recede and concur and would speak to my motion.

The SPEAKER: The gentleman from Portland, Mr. Jensen, moves that the House recede and concur.

The gentleman may proceed.

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: The bill before us, to remind members of the House, is a bill which essentially allows buses to come up, stop, turn on their red flashing lights and do a turnaround in the middle of the road. The problem with this is essentially that right now you allow red lights to be used on school buses to protect the children's safety, you protect the kids by put-

ting on the flashing red light so that when the kids are getting on the bus or getting off the bus, all cars are required to stop, they are aware that the kids are embarking or debarking, they stop, the bus driver lets the kids off or takes them on and drives off.

This bill would broaden that. What it would do, it would provide an exception to what the State of Maine generally follows right now known as the Federal School Bus Safety Program, commonly known as Standard 17 that Maine and most other states comply with. The language of that standard says that the use of red warning lamps for any purpose and at any other time than when the vehicle is stopped to load or discharge passengers shall be prohibited. This bill would make Maine's law inconsistent with what the standard says.

The purpose of this restriction is to eliminate all confusion in the minds of the motoring public as to the action of others. Motorists know that there will be children on or near the highway when the bus is stopping or has stopped and the red lights are flashing. The act of loading or discharging passengers is perhaps the most hazardous portion of any school bus trip. To permit the use of these lights for other purposes will certainly reduce their effectiveness and would be detrimental to school bus safety in general.

Now, according to the Department of Educational and Cultural Services, in the last four years there have been four times when school buses have been stopped, they are making a turnaround in the road and have been involved in accidents. Once a motorcycle came up and the motorcycle and the bus were involved in an accident. Twice the bus driver simply backed up into a stationary car. The third time, or the fourth time that you had an accident, what occurred was that the bus was doing a turnaround, it came back, the front of the bus crossed the yellow line and hit another car. It seems to me that this indicates that the problem is with the school bus drivers and the problem of turning around in the middle of the road anyway. It would seem to me that you are much better off to have the school bus go into a specific turnaround area, some place where it is a safer kind of situation.

The value of the red flashing light right now is that everybody understands it, everybody is aware that it is a safety measure, it is something that is designed to protect the children getting on or off the bus. If we allow it to be used at any other time, it will simply dilute the measure of safety we are trying to provide. Any action on a school bus drivers part that causes indecision on the part of the motorist compromises school bus safety.

At one time, these lights were used to control traffic so that a bus could turn around. This was repealed some four or five years ago. One of the problems that existed was the use of the light for what appeared to be a non-safety purpose angered many motorists. They felt they were being taken advantage of and they ended up ignoring the law. Some considered it an unnecessary privilege and would ignore the lights when the bus was trying to turn. A duel practice of this sort simply caused the motorist to lower their guard and they weren't looking for children each time they saw the flashing lights because they weren't sure exactly what the bus was doing.

What we are attempting to do is insure pupil safety. The more we allow the red light to be used for other purposes, the more you reduce the importance in the motorist's mind of what we are attempting to do. It is not a matter of trying to enforce this law; it is a matter of insuring that the motorist respects the law and thinks of it as an important aspect of pupil safety.

I would urge you to vote to recede and concur.

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

Mr. CARROLL: Mr. Speaker and Members of the House: I will have to take issue with my brother, Representative Jensen, here on a couple of his statements. I think he seems to forget that in the rural areas we just don't have continuous roads for our buses, and they have to turn around. We are not fortunate enough to have streets that connect streets and streets going round and round in circles.

As I have mentioned before, you have here our most precious product, and I don't think it deters or slows up traffic too much to use these flashing lights when the bus has to turn around. It puts them on notice that this is a school bus, it is loaded with children, and you have just got to stop and let them negotiate the highways. It isn't just when a child is crossing the street that a school bus is in danger. As I mentioned the other day, we had a school bus that was hit in the rear on a bridge and it almost was pushed off into the Saco River this winter.

I want you all to know that we should use every means possible to be sure that our buses are safe, also to give them all the life they possibly can have when they are turning around to be sure that no one comes along and hits them broadside.

I know we don't like the situation where they have to back up and turn around on the highways, but if you all vote for town road improvement funds, I am certainly going to push this thing and push it very hard when it comes up, and I would ask you all to help me on this and we will try to have some good turnarounds for these school buses, because after all, they are your children and mine and we want them safe on the highways.

The SPEAKER: The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind you that the motorist becomes the biggest reason that this bus is difficult to turn around — that is the problem. I don't know how many of you have ridden on a school bus, or if you have ridden on one, has it been lately? But it is a difficult problem and it is one that the bus driver is asking you to consider — allowing him to use his discretion when he is going to turn that bus around. All I ask you is that when that light needs to come on, that you allow that bus driver to use his discretion and let him make the decision.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: We debated this bill at great length the other day. I just simply want to refresh your memory to that vapor or cloud of land fog, or whatever title you want to give it, that is on the ground up until ten o'clock in the morning. Those who are opposing the flashing red lights on the bus turning around, if there are no lights on that bus across the road and you are coming along in that fog, you are not going to see the bus, but if the flashing red lights are on, they are creating a glow in the fog and you are going to sense danger ahead. From there on, you can use your own judgment on how you want to die.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for being up on another school bill this morning, but, again, this is another one which I discussed with the director of transportation at MSAD 9, and his qualifications are just as good on this one as they were on the last one. The crucial question here, ladies and gentlemen, is, what is the meaning of a flashing red light? Across the United States, they mean that children are outside of the bus. This is the thing that we are trying to convey with flashing red lights. Out-of-state motorists are just as responsible as are our own in-state motorists for observing our laws. That is what flashing red lights mean everywhere,

and that is the only thing we are talking about this morning. If you give the driver discretion, you create doubt and that has created problems in the past in court cases as to who is to blame.

If we have a uniform law throughout the country, the flashing red lights mean one thing and one thing only, that children are outside the bus, then I think we will have, in the long run, safer operating school buses. I really believe that it would be a mistake if we do not recede and concur on this bill this morning.

The speaker; the Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker and Members of the House: The previous gentleman has stated what the purpose of the red lights are for. I will submit to your own judgment. If you have got a school bus loaded with kids turning around, which is the best, a dark bus or a bus with a flashing red light to show the motorist or the truck driver that there is an impediment in the road?

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

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Farmington, Mr. Morton, states that flashing red lights mean one thing and one thing only, that children are outside the bus. I have to disagree with that. Flashing red lights can also mean that children are going to get off that bus and to watch your step. Also, flashing red lights mean that you stop, then proceed with caution at intersections. I may be bringing this a little too far, but one thing and one thing only is not — flashing red lights are a safety measure, and if people see these, they are going to be a little more cautious. Some people don't even see them when they are flashing, so I think that any precaution that you can take to call attention to the fact that this bus is there and is turning, whether the children are getting off or not, at least slow down.

I have driven a bus for a few years and we have them go by and everything else, but this doesn't mean that everybody is going to stop when a flashing red light is there, but I feel that these flashing red lights when the bus is turning around — and I don't mean that it is going to turn around in the middle of the road, I have never turned one around in my life in the middle of the road, there is always a driveway or a filling station or some place to turn, we don't have to turn these in the middle of the highway.

I urge you not to go along with the recede and concur motion.

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

A vote of the House was taken.

53 having voted in the affirmative and 73 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to adhere.

Messages and Documents

The following Communication: (H. P. 1436)

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

April 14, 1977

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

I am this date returning without my signature and approval H. P. 212, L. D. 222, An Act to Improve the Performance of the State Lottery.

Since the inception of the Lottery in Maine, the Lottery Commission has taken the brunt of much unfair criticism for its operations from various sources. Although some of this criticism may have been justified, a preponderance of it has been unwarranted.

Personally, I did not vote for the Lottery but

as elected officials I believe we all have the responsibility to avoid unnecessary interference and to implement the Lottery as the people of Maine have directed. This does not mean transgressing or interfering with management, and yet if the Legislature wants to repeal the Lottery entirely, or go to the people in referendum with this question, I would support such a move. But as long as we have a Lottery, I believe we have the concurrent responsibility to allow the Commission to operate within reasonable limits and to avoid strapping the Commission with unnecessary red tape and interference.

Many of the provisions in L. D. 222 address aspects of the Lottery which I believe are management in nature. The Commission must be able to respond with detailed regulations and with flexibility, and I question the wisdom of legislative action. For example, the provision which would require the Lottery Commission to submit all advertising for review by the Attorney General is unnecessary legislation. An assistant attorney general is already assigned to the Lottery Commission and is present at all Commission meetings. It is that individual's responsibility to review the Lottery Commission's advertising to ascertain whether or not it meets the state consumer protection laws, and I am advised that this task is performed regularly.

Candidly, Lottery revenues may very well have already suffered from unfair criticism and attacks. While constructive criticism is helpful and appropriate, there has been unnecessary and unwarranted criticism. These critics must assume responsibility for any loss in revenues which results from their action.

In summary, while I would join with an effort that goes to the question of the state's involvement in the Lottery business, I cannot accept this kind of unnecessary interference with the management capability of the Lottery Commission.

For these reasons, I respectfully request that this Legislature sustain my veto.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question now before the House is, shall Bill, "An Act to Improve the Performance of the State Lottery," House Paper 212, L. D. 222, become law notwithstanding the objections of the Governor?

The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I don't like to have to rise to oppose the Governor, but in this case, I think this legislation is very much needed and it came about as the result of a study conducted by the Performance Audit Committee and an evaluation audit of the Lottery Commissioner.

The Governor admits in this veto message that criticism of the Lottery Commission is justified. This bill, therefore, attempts to correct the failings of the Lottery Commission.

I take issue with his comments of unnecessary interference with the operations of the commission, and I actually don't find them too convincing.

First, I would like to say that the commission, although it may be run as a business, is putting the integrity of the State of Maine on the line. Maine is the one being sued presently before the courts, not a private business. So submission of advertising programs and review of contracts by the Attorney General's Office, as called for in this legislation, would prevent misleading advertisements and prevent similar cases of litigation as are presently before our courts.

At one point in his veto message, he says, "I am advised that this task is being performed regularly." Well, if that were the case, we wouldn't have so many suits against us.

The bill would also prohibit the commission from further increasing over the present 8 percent commission paid to its agents. Originally, we were paying 5 percent commission to the sales agents. Most of the other states having lottery commissions pay 5 percent. One pays 6 percent and that is the State of New York. The commission, in its wisdom, increased it to 8 percent. They could not do so in the future without prior approval of the legislature.

But very, very importantly, passage of this legislation will prevent the expanding into and taking over of beano and beano games without legislative approval. I think that taking away these operations, which are run by fraternal organizations, by church groups, by religious groups, the funds are used to upkeep their own charities or their schools, I think this is wrong to try and take this over merely to cover deficiencies in the revenues of the Lottery Commission.

The director of the commission is a man of great integrity, and after his initial suggestion of taking these over, he disclaimed any intentions of doing so, as did the Governor, publicly, but there will be others who will come after Mr. Orestis to manage and direct the commission, as there will be others who will be Governor of this state, and they may not have the same code of ethics. So this bill assures that this will not happen.

Finally, I would add that the director of the commission admitted publicly at our public hearing that he could very well live with this legislation, so I am asking that you go along with me and the committee to override the Governor's veto.

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

Mr. CAREY: Mr. Speaker and Members of the House: I happen to have been a member of the Performance Audit Committee in the last session and chaired the subcommittee, which was made up of Mr. Norris and Senator Cianchette at the time, which heard the Lottery Commission, and we were joined by the House Chairman at our hearing, Mrs. Berube. There is full knowledge of exactly what transpired at some of those hearings, and I was impressed, Mr. Speaker, by the arrogance of the commission in the positions that they took. I have every kind word that possibly can be said for Mr. Orestis, who is an employee and who as Executive Director is trying to take care of the day-to-day operation. But the commission was outstanding in its opposition to taking any direction from anyone, and I find that we could very well end up with another bureaucracy here that will not take direction from anyone.

I would like to read to you a series of correspondence that transpired between the committee and the commission. We had sent the Lottery Commission a letter telling them that we wanted four things taken care of, that there would be a ceiling of 8 percent on the fees given to those ticket sellers. We are already 3 percent higher than any other state in the country on that. We wanted some control over their advertising, which tends to be a little misleading, and if you have had a chance to look at all at the "Win \$500,000 in the New Big Double," you can see on the very first column, it says "win \$10,000 instantly" and right next to it it tells you that you have one chance in eleven of winning \$10,000. Well, that certainly is not the way the people out there who are buying tickets found it.

We got the letter on December 23 from Mr. Orestis, who had some concern about us including free tickets as free tickets. We wanted to make sure they were included in the prize structure and that in effect, for every million tickets sold, would end up giving the State of

Maine an extra \$110,000 in revenues. We are somewhat concerned that the Lottery Commission is sticking by their guns in that they want to make sure that the public gets 45 percent in prize money. They have a 26 percent administrative cost, and if any of you are in business, you would be interested in knowing that 26 percent, obviously, is a little more than you are paying for your administration costs. We wanted to make sure that they did not get involved in beano, in spite of the fact that Mr. Orestis has been quoted on numerous occasions saying, sure, we would love to get into that, but then he turns around and says he doesn't want to get into it, and to make sure he doesn't get into it, the override of this veto is a necessity.

He agreed with us that the fee to sales agents shall not be increased beyond 8 percent. Then he said, the advertising of the Lottery Commission shall be reviewed by the Attorney General. Those are two of the points. Then we got a letter on the 29th, six days later, and apparently the commission had met by then and they said the lottery position remains the same as in the first letter where it will basically generate — no income cannot be considered potential monies — those are the free tickets. Then it says that the Lottery Commission feels that it is charged with the responsibility of defining parameters of game operations and questions relinquishing its power into the hands of any other agency. That is an open letter to me telling me that they are very interested in the beano operation.

The Lottery Commission cannot agree to any percentage, increase or decrease, granted to the sellers, and the Lottery Commission considers it its own right and privilege to review the advertising material. They have already been discredited with their incredible game when they promised the people in the area of \$25 for prizes and in their first drawing they ended up with about \$3 and in the second drawing they ended up with about \$2. Then they also refused to take direction from the audit people who were looking over their shoulder for the Performance Audit committee when it was found that tickets on the auto game, if they were not winners, would be left basically there for the seller of the tickets to collect and thus make a pair of five cards a lot easier than anybody else could and they refused to take direction from audit in trying to clean up their act there.

The Lottery Commission has discredited itself in the last few years and they need the supervision of the legislature to make sure that the integrity of the state remains aboveboard, and this is why we ask you to override the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Many of you have asked over the last couple of months, what is the fate of the L. D. that I have sponsored which goes specifically to the issue of prohibiting the Lottery Commission from entering the beano business. That bill is presently being held by the Legal Affairs Committee, although the subject matter is adequately covered here in L. D. 222. I asked the Legal Affairs Committee to please hold the bill, because while L. D. 222 was going well through the House and the Senate, it might be wise to keep the bill alive just in case. Well, just in case has occurred. You can't have the same effect of passing my bill by overriding this veto and I urge you to do that this morning.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope today that we will override the Governor's veto. This L. D. 222 is a bill that affects the people of Westbrook because we have beans in Westbrook every night, with the exception of Sunday. Churches, veteran organizations, all kinds of lodges, they control their own beano

and in return they throw a lot of it back into the community. They sponsor sports programs, churches buy new things for themselves and they sponsor kid's playgrounds, sports recreation programs and this is a very important part of the local community of my city. If the city refuses to do certain things, many times they can't find money, as we have the same problem here, why, one of the churches or one of the veteran organizations will support this program and, consequently, many times I have seen as many as 16 or 18 young children be able to be in a sports program where otherwise they would have been left out. The big important part of the beano program in Westbrook is that we always have enough money for the best sports kids, we always find money for them, but the few that are left out, we never seem to find enough money for them, so these beano programs because they make money on this, goes back onto the kids programs and many times I have seen them in the poorer section of our city where certain kids would not have a certain type of program, the church, whether it be St. Hyacinth's, St. Mary's or the Warren Church, they always seem to come up with a good amount of money so that these children can participate in this type of program. I think that that is important, because the local programs benefit the local people, and if the state takes over this type of thing, I am sure that a lot of your communities are not going to see any benefit from it whatsoever.

I would urge that we override the Governor's veto today.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: As far as I am concerned, the only part of this bill we need is the part that says the lottery will not take over the beano and, as Mr. Bustin said, he has a bill in the works that is being held that will do this.

I was the only one from Performance Audit Committee that signed this bill "ought not to pass" and I did it primarily for much the same reasons the Governor said in his veto message. If you ever try to run a business and run it with the regulations that they have in this bill, no wonder you couldn't make any money. It has, as they said, a percentage increase that you cannot go over 8 percent. In a large state like this with a small population, a lot of the small dealers couldn't and wouldn't do it for an 8 percent commission. They are not making any money. This part, for example, the provision which would require the Lottery Commission to submit all advertising for review to the Attorney General is unnecessary. They already have a man there from the Attorney General's Office who sits in on the meetings now. Even though they do review them, it does not mean that they can't get a suit just the same, it will happen regardless if somebody wants to. As far as I am concerned, it is unnecessary legislation.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I did serve with Mr. Carey and Senator Cianchette on the Subcommittee and did attend the hearings, and as Representative Carey has said and the good Chairman of the Performance Audit Committee, all the things they said were true.

I think this morning we are faced with a situation that the legislature has brought itself down to. We have a Performance Audit Committee and their function is to study various departments of state, various agencies, and to determine whether or not those agencies are acting in accordance with the legislation that was written or the intent of the legislation that was written. In this case and through the Subcommittee's findings and the report back to the full committee was that this commission was not operating as the legislature had intended it, so the Performance Audit Committee reported out

an L. D. that was presented to both branches of the legislature, it passed handily in both branches and it goes to the executive branch of government, and that is exactly what the Performance Audit's function is, to see that the executive branch of government is performing as the legislature intended.

We send this bill to the executive branch of government and it is vetoed, and I think it is inherent upon this House this morning and the other branch to override that veto. If you don't do that, you might as well do away with the Performance Audit Committee entirely because that is their function and if we can't back them up, then let's do away with them.

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

Mr. McKEAN: Mr. Speaker, I am going to eventually ask for a ruling from the Chair: I sell lottery tickets in my operation. I find the 8 percent figure almost covers the losses I incur. Therefore, the gas I spend running back and forth to the bank to get the tickets is on me. Since I am a recipient of funds from the Lottery Commission, would it be a conflict of interest for me to vote on this issue?

The SPEAKER: The Chair would call your attention to the fact that the bill does deal with the 8 percent as suggested by the gentleman from Limestone, Mr. McKean. The law under which we operate which deals with conflict of interest says, "where a legislator or member of the immediate family has or acquires a direct substantial personal financial interest distinct from that of the general public, an enterprise which financially benefits by the proposed legislation or derives a direct substantial personal financial benefit from close economic association with the person known by the legislator to have a direct financial interest in an enterprise affected by proposed legislation."

The Chair would rule that based on this fact, there is no conflict of interest since you are part of a general class of all store owners.

The pending question now before the House is shall Bill "An Act to Improve the Performance of the State Lottery," House Paper 212, L. D. 222, become law notwithstanding the objections of the Governor? Pursuant to the Constitution, a two-thirds vote of the members present and voting is necessary to override the objections of the Governor. According to the Constitution, the vote will be taken by the yeas and nays. All those in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Ault, Austin, Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Byers, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Conners, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, LeBlanc, Littlefield, Lizotte, Locke, Lougee, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBrearty, McHenry, McKean, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Pearson, Peltier, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Bunker, Carter, F.; Dow, Gillis,

Gray, Hall, Lewis, Mackel, McMahon, Perkins, Peterson.

ABSENT — Bagley, Dudley, Gill, Hughes, Kerry, Lunt, Strout.

Yes, 133; No, 11; Absent, 7.

The SPEAKER: One hundred thirty-three having voted in the affirmative and eleven in the negative, with seven being absent, the veto is not sustained.

Sent to the Senate.

The following Communication:

State of Maine
Office of the Governor
Augusta, Maine
April 14, 1977

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

I am this date, returning without my signature and approval, H. P. 340, L. D. 431, AN ACT to Provide an Excise Tax Credit for Construction and Operation of Breweries within the State.

Although I recognize the sincerity of those who are concerned with attracting industry to the State of Maine, I cannot support a special tax incentive or financial break for one particular industry or business.

This bill would allow an out-of-state or foreign brewery to sell its product in the State of Maine, and in effect be taxed at the rate established for in-state breweries. According to the scheme set forth in this bill, if such a brewery established its operation in Maine and its sales in Maine were the same after operation of the Maine brewery as they were in the two years prior to the operation, the brewery would have what would amount to tax free sales for over seven years.

However, it is not the specifics of the bill which I find most unacceptable; rather, it is the notion of providing one specific industry or business with a tax break or financial incentive which we do not provide for other businesses and industries. If we are going to be consistent and fair, we would not be able to refuse a similar break for other industries which one or more legislators or a governor may desire to attract to our State.

As such special incentives are created, there are no clear cut lines which permit a governor or legislature to objectively distinguish between such legislation measuring each against revenue considerations, fairness to existing industry and other new industries, and the overall impact and success actually achieved by providing special breaks or incentives.

The best incentive that we have to attract new industries is a fiscally responsible government which can hold the line when times are tough and which recognizes that there is no bottomless pocketbook of money that can be continuously taxed at increasing rates, without regard for the ability of the people and business to pay. Our best industrial incentive is the kind of fiscal responsibility that we are working together to bring to state government. It is this attitude and this goal which is attractive to the best industries in our country.

The best attraction that we can establish for industry, and perhaps the most difficult to achieve, is to establish a fiscally responsible and efficient environment for all the people of our state. It appears easy to pass piecemeal legislation which on its face is an inducement for a narrow purpose. However this approach is a poor and unacceptable substitute, its cumulative effect may be negative rather than positive, and it only diverts attention from our primary objectives.

As I stated, I recognize the sincere concern and attempt to attract quality jobs to our State. I do not, however, believe that this kind of legislation will offer the most productive ap-

proach or the fairest approach either to industry in general or to the citizens of our State.

For the reasons stated above, I respectfully request that this Legislature sustain my veto.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question now before the House is, shall Bill "An Act to Provide an Excise Tax Credit for Construction and Operation of Breweries within the State," House Paper 340, L. D. 431, become law notwithstanding the objections of the Governor?

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I have felt uneasy about this bill as it has moved through the House all along, and it was on our calendar for final enactment along with a lot of other bills and kind of went under the hammer and I missed it. I thought it would be set on the Senate Appropriation Table, which obviously it wasn't, so I was kind of relieved to learn that the Governor had vetoed it. The reason that I feel uneasy about this bill is because the loss of revenue is an unknown quantity. I voted to repeal the sales tax exemption from new machinery used in manufacturing because I always thought Maine was a rural state and we didn't have much manufacturing and it wouldn't be a very large amount, but that has turned out to be about a \$25 million to \$27 million loss of revenues to the state in the last four years. I don't know what this bill might cost the state and that is why I feel uneasy about it. It could turn out to be an awful lot of money in a few years when we may be needing it. I guess in the 30 or so bills that the Governor has vetoed, I have only voted to sustain him on one or two votes, but this is certainly going to be one of them. I hope the House will sustain his veto.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill, and to answer the good lady from Portland, there will be no problem with any loss of revenue if the brewery isn't built. There would be no possible way that you could lose anything unless they do build the brewery, as the bill states, unless they use Maine products in the brewing of the malt beverages.

I would take the Governor's message and simply state that he said that it would amount to tax resales for over seven years, and I feel that that would be incorrect, because the bill very distinctly states that the tax is paid in the two year period immediately preceding the date of commercial operation by the wholesale licensee pursuant to this section which exceeds 5½ cents a gallon. It means that the two years, the test period, instead of paying the 25 cents as you pay on imported brew now, they would pay the 5½ cents, so the difference between the 5½ and the 25 would be held in escrow and refunded if and when this brewery were built and in operation.

It is a Canadian outfit, if they do build here, if this bill passes and they do build here, it would mean eventually that they would be distributing beer and ale probably to the New England states, so you can't lose something that you don't have, and you ain't never going to have one dime of it, the state isn't going to lose one dime unless they build a brewery here and then they are going to lose the difference between the 25 cents and the 5½ cents for the two-year period immediately prior on their test sales. If they had built the brewery here today and didn't run the tests beforehand, they would pay only the 5½ cents, that is all they would pay. They

would never have to pay the 25 cents. All they are asking is the two-year break prior to the test.

I had a call here from Massachusetts this morning and they are very interested down there, they are very interested in breweries, so I would hope that we could pass this into law, the Governor notwithstanding.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to prolong the debate except to say that the Taxation Committee heard this bill and Mrs. Najarian's statement on revenue losses is somewhat correct and somewhat in error, only in that if the brewery does not locate in Maine, you can be sure that there will be no revenues coming in from it at any time.

The SPEAKER: The pending question before the House is, shall Bill "An Act to Provide an Excise Tax Credit for Construction and Operation of Breweries within the State," House Paper 340, L. D. 431, become law notwithstanding the objections of the Governor? All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopous, Ault, Austin, Benoit, Berube, Birt, Boudreau, P.; Carey, Carter, F.; Connolly, Davies, Devoe, Dow, Garsoe, Greenlaw, Howe, Kelleher, Laffin, Lougee, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Maxwell, Mills, Nelson, M.; Norris, Peakes, Peterson, Raymond, Rideout, Smith, Tarbell, Teague, Twitchell.

NAY — Bachrach, Beaulieu, Bennett, Berry, Biron, Blodgett, Boudreau, A.; Brennerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Byers, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connors, Cote, Cox, Cunningham, Curran, Dexter, Diamond, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gauthier, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Hall, Henderson, Hickey, Higgins, Hobbins, Huber, Hunter, Hutchings,, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kilcoyne, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lynch, Masterman, Masterton, McBrearty, McHenry, McKean, McMahon, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, N.; Palmer, Pearson, Peltier, Perkins, Plourde, Post, Prescott, Quinn, Rollins, Shute, Silsby, Spencer, Sprowl, Stover, Stubbs, Talbot, Tarr, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Bagley, Dudley, Gill, Hughes, Kerry, Lunt, Strout.

Yes, 36; No, 108; Absent, 7.

The SPEAKER: Thirty-six having voted in the affirmative and one hundred and eight in the negative, with seven being absent, the veto is sustained.

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

April 15, 1977

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

I am this date returning without my signature or approval H. P. 927, L. D. 1017, "A Resolve, Authorizing the Commissioner of Conservation to Convey Land to Somerset County Formerly Known as the Women's Correctional Center at Skowhegan".

As you are aware, the purpose of this bill is to authorize the sale to Somerset County of nine acres of land which was formerly part of the Skowhegan Women's Correctional Center. This land was to be sold for \$5,000.

I have three reasons for not supporting this

particular bill. First, I feel that this piecemeal sale of the land that made up the former Women's Correctional Center will weaken our effort to dispose of this entire property. The acquisition of a portion of the available land by Somerset County and the subsequent use of that land for a jail certainly would have some effect on both future sales effort and the potential uses of the adjacent property.

Secondly, I strongly feel that any disposition of property by the State should be based on a fair appraisal of the value of the property involved. There is no evidence in this particular bill that the fair market value of these nine acres is reflected in the purchase price. I fear that this would be a precedent that would endanger future projects of this nature whereby the State may be attempting to dispose of property no longer necessary for State needs and yet only attractive in part to the local government. The ability of the local government to take for a nominal value part of the property and at the same time make difficult the disposition of the remaining parts of a tract of land is a precedent that I would not like to see established.

Thirdly, the recipient of this land for the small fee of \$5,000 is a County government. I feel that County and local governments are receiving more than their fair share of State and Federal dollars. The original burden of purchasing and maintaining this State facility was assumed by all Maine taxpayers. The burden of providing property for a County Jail should be placed upon the taxpayers of that particular County and not upon all of the taxpayers of the State of Maine. Somerset County is in a position to bid on the property and the dollars received would go back to the Maine State Treasury. The County should not be seeking a special deal from the State which will result in benefits only to that particular County.

In summary, I feel that this particular bill will make much more difficult Maine's attempt to reach a successful conclusion in the disposition of the Women's Correctional Center at Skowhegan. But more importantly I feel that this bill is an example of a practice that must be seriously questioned. Transfers of this nature should be done on a basis of fair market value and any transfers to County and local governments that are already receiving substantial revenues from both the State and Federal levels should be done on a businesslike basis whenever individual counties or municipalities would receive special benefit at the expense of all other Maine taxpayers.

Sincerely,

Signed:

JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question now before the House is, shall RESOLVE, Authorizing the Commissioner of Conservation to Convey Land to Somerset County Formerly Known as the Women's Correctional Center at Skowhegan, House Paper 927, L. D. 1017, become law notwithstanding the objections of the Governor?

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take just a couple of minutes of your time to perhaps explain the position of the State Government Committee on this L.D. before the sponsor, Mr. Burns, gives you some additional information.

This particular L.D., and this can become a bit confusing with L.D. numbers and whatever — there were two bills before our committee, L. D. 27, and then L.D. 180. L.D. 27 was sponsored by the gentleman from North Anson, Mr. Burns, and it called for a quit claim deed selling the entire property containing the buildings at

the Women's Correctional Center in Skowhegan to the County of Somerset. The L.D. you have before you this morning is L.D. 27 in a new draft, 1017.

There was a great deal of discussion over this bill. In fact, the entire State Government Committee, after holding the public hearing here in Augusta, traveled to the Skowhegan facility and met with over 100 citizens of the county of Somerset to discuss this very issue. I, personally, find that there is nothing in the Governor's message this morning that we hadn't discussed and we hadn't found to be of any critical importance in our deliberations.

If you were to look at the new draft, 1017, you will find on the inside a map of the area under discussion and you will see that the lot that we are discussing is lot No. 11, and we tried to, in our deliberations, not cut up the piece of property, not stick the piece of property that we were going to sell to the County of Somerset right in the middle and thereby perhaps endanger the future sales of that particular property. We did not include any of the buildings, we did not include the sewer treatment plant. What we are discussing here is nine acres of fields that occasionally the state did some mowing on.

The Governor, in his message, talks about fair market appraisals. We went through the Office of Finance and Administration and asked about fair market appraisals and they did send a man up and he came back and reported to the State Government Committee that the value in ballpark figures, nothing was ever put in writing, was somewhere around \$45,000. Now, that \$45,000, ladies and gentlemen, would include, if that acreage had streets, sidewalks, sewers and electrical lines already put into it, well, obviously, it does not, it is just a field.

I did some further research, on this particular L.D., and I would like to call your attention to the Maine Management and Cost Survey, 1973, Page 145, Recommendations. Sell the outlying lands at the Women's Correctional Center, and it goes on to say that the present facilities at Skowhegan consist of approximately 280 acres. That figure is a little high, it is about 193 of open fields and wooded land. The area immediately surrounding the buildings amount to about 10 acres, retaining an additional 20 acres for security and future growth would leave some 250 acres of unnecessary land. These outlying acres should be sold. Implementation would provide a one-time income of approximately \$62,500 and a return of the land to the local tax base.

If you do some quick mathematics here, you will find that in 1973 the Governor was suggesting that we sell the acreage at the Women's correctional for approximately \$250 an acre. The present L.D. before you is charging the county of Somerset \$555 an acre. Even if you take and correct the acreage figures and reduce the 250 acres down to 160 acres, which is more likely what would be left, it only comes out to \$390 an acre. So, still the bill before you is charging the County of Somerset more than what the Governor had recommended in his report some three years ago.

I hope that you will take these things into consideration and I hope when it comes time to vote that you will not think of the fair market value but you think of what is fair for the people of Somerset County.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This veto is not a personal vendetta between the Governor and I, it is a meeting of the minds. He has his mind made up one way and I have mine made another. I would like to look, first of all, at the veto message itself. Mr. Curran has already covered a little bit of what I intend to cover.

The Governor's first objection is to the selling

of the property piecemeal. I also sponsored L.D. 180, which was the Governor's bill, and this deals only with the buildings, the ground immediately around them and the sanitary system. Therefore, the Governor's own bill was a piecemeal effect toward getting rid of the Women's Correctional Center, so I can't go for that particular argument.

In the original L.D. 27, we asked for both lot 10 and lot 11, which would include the eight buildings up there and a hay field immediately to the east. The reason why the hay field was divorced from L.D. 27 and placed into 1017 alone was the fact that we needed to acquire possession of that land almost immediately, which I will indicate below.

Fair market value, I believe Mr. Curran has gone over that very well.

The bid process is what is normally used in the disposition of state land, and we would most assuredly be available and want to bid on the lands and we thoroughly intend to bid on the Women's Correctional Center, including the buildings, but due to a time problem, we chose to take this route and the State Government Committee chose to go along with us.

Let's take a look at what was offered for this land — \$5,000 for nine acres. We are not dealing with downtown Lewiston or downtown Portland, we are up in Somerset County, a rural area, and it is good land, it overlooks the Kennebec, and I thought when the commissioners made a bid of \$5,000 for the nine acres, they were somewhat high. I was thinking two or three thousand might be a better figure, particularly when you take into consideration that this land has been under the control of the state for 61 years, it was acquired in 1916. During that 61 years, this land has laid there, some 200 acres, not paying one cent of property tax, thereby making a prorata tax in the Town of Skowhegan, which is the primary loser on this, and also the property taxpayers in Somerset County. We have been supporting the state for some period of time because that facility was there.

True, the acquisition of the property by the county will not put it back onto the property rolls, but it will save us some property tax money which I will get into in just a moment.

One statement which was in the Governor's veto message I take objection to very strongly. This was in his third area. He said, "I feel the County and local governments are receiving more than their fair share of State and Federal dollars." I have one question. Where do the dollars come from originally? They come from us and they come from the people in Somerset County.

The reason that we wanted to acquire the nine acres of land at the site was to build a jail. We have in, through EDA, the Economic Development Administration, a request for public works funds that we feel will be forthcoming within the very near future. We had to have title to the land or at least know that we were going to have the land before we could put our request in for this project through EDA. This was done originally on a plot of land up on Malvin's Mills road which was put together very rapidly and we did not particularly want to use that land. In the interim period, in that we did not receive our first EDA request, we then started taking a look at the Women's Correctional Center. It is ideally situated as far as a jail facility is concerned. It is located about a mile and two tenths from the Town of Skowhegan. It is out on a road in a farm area. The nine acre plot where the jail would be placed, a jail, incidentally, that will run in the figures of \$900,000 of public works money if we receive them, it will save the taxpayers of Somerset County probably a million dollars in bonding, because we have been told by Mental Health and Corrections that our current jail is unsatisfactory and therefore will

either have to be remodeled or a new jail will have to be built. It would run us somewhere in the area of \$600,000 to renovate the current jail and we still would have an unsatisfactory building.

We have an opportunity to acquire the EDA funds and build the jail. It is our intention that the jail will be built approximately a hundred yards back on the plot, and there would be sufficient room in front of the jail if at a later date the district court or another court wanted to build in front of the jail and they would be right there together.

We firmly will bid on the buildings and land. It is the intention there that this could at some future date become a Somerset County Park whereby we could house all of our county offices. Any state office that wanted to move out there, it would be available to them also. It would be out of the congested area where our courthouse and our jail currently are.

Our courthouse and jail is approximately a half a block from downtown Skowhegan. There is a plan by the Transportation Department to change the main routing if another bridge is built in Skowhegan that will put the main traffic of 201 and Route 2 right up past the jail. It is an impossibility now when court is on to get through during the wintertime when the banks are high.

For those reasons and for the people of Somerset County, I ask you to override the veto of the Governor.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Whittemore.

Mr. WHITTEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Being from Skowhegan, this is very important to the people of Skowhegan, as the jail is located in the downtown area right adjacent to a public parking lot and it is really detrimental to the community to grow, it is holding us back. The Governor says that if a jail is built up there on that property by the Women's Correctional Center, it will have a drawback on the sale of the other property, but he has not given us any consideration of the neighborhood where they wanted to move the jail before, it was near a residential area. This is out in the country and it will not affect any homes in the area, whereas if we don't get that property to put the jail on, it is going to have to be near some built up area and it is going to be very detrimental there.

I think everything has been pretty well covered here by the two previous speakers, and I hope you will strongly support us, Somerset County, on this property for the \$5,000 bid.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I would support the Governor on this veto for the simple reason that I feel the land should be sold; however, it should be sold at its fair market value. If someone is willing to come into the State of Maine and spend more than \$5,000 for this piece of property, they should have the right to do so.

I understand that this property is farmland and I know of several farmers who are looking for good farmland who would pay more money than \$5,000 for nine acres of land. I think this is a consideration we have to make here.

You know, the State of Maine is not Santa Claus, and I think it is time we started selling our land for its proper value, and I do support the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Silsby.

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: In going over this particular L.D., the members of the State Government Committee were concerned with this particular L.D. The members of the State Government Committee were concerned about the precedent of setting value of disposing of land for less than fair market value. However, we

went and looked at the land and we were all pretty much convinced in our own minds that \$550 an acre wasn't bad for that rural type of land. And after we had reported the bill out, I went and did some checking with the Bureau of Taxation for precedent on disposing of land and found five or six cases where it had been disposed of in the past for apparently no consideration. I would like to just review these briefly with you.

The first case was a resolve in 1941 which authorized the conveyance of six acres to the City of Portland; it was part of the School for Boys property. The consideration was stated to be \$1. The second instance was in 1955. It was the authorization for conveyance of approximately 40 acres of land to the City of Portland for airport construction. This was part of the School for Boys property — nominal consideration. The third transfer was made in 1967 authorizing the conveyance of approximately 8.2 acres to the City of Hallowell. This parcel had been separated from the Stevens School for Girls property by construction of the Maine Turnpike. It was a gift to the city. The fourth transfer was in 1969, a conveyance of approximately 4.7 acres of land to the City of Bangor. This parcel had been separated from other Bangor State Hospital property by construction of I-95. There is no record of this being a sale. The last transfer was made in 1973, and it authorized the Commissioner of Mental Health and Corrections to convey land at the Augusta State Hospital to the Augusta Sanitary District, approximately 1.36 acres in size — no consideration.

I would submit that there is a precedent in the State of Maine for making transfers for no consideration and there is also, in this particular case, a reason to make this transfer, because as far as our committee could find out, it was for fair consideration.

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

Mr. JALBERT: Mr. Speaker, could I inquire of a member of the committee what the report of the committee was on this bill?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has posed a question through the Chair to any member of the State Government Committee who may care to answer.

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

Mr. CURRAN: Mr. Speaker, the committee report was a unanimous "ought to pass in new draft."

The SPEAKER: The pending question before the House is, shall Resolve Authorizing the Commissioner of Conservation to Convey Land to Somerset County Formerly Known as the Women's Correctional Center at Skowhegan, House Paper 927, L.D. 1017, become law notwithstanding the objections of the Governor? Pursuant to the Constitution, a two-thirds vote of the members present and voting is necessary, and the vote will be taken by the yeas and nays. All those in favor of this Resolve becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Austin, Bachrach, Beaulieu, Benoit, Berube, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Byers, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Connors, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kilcoyne,

Laffin, LaPlante, LeBlanc, Lewis, Locke, Lougee, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, N.; Norris, Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Silsby, Spencer, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Bennett, Berry, Biron, Carter, F.; Clark, Dow, Dudley, Kelleher, Lizotte, Lynch, Mackel, Smith, Sprowl, Stover, Tarbell, Twitchell.

ABSENT — Bagley, Gauthier, Gill, Hughes, Kerry, Littlefield, Lunt, McKean, Nelson, M.; Strout.

Yes, 124; No, 17; Absent, 10.

The SPEAKER: One hundred twenty-four having voted in the affirmative and seventeen in the negative, with ten being absent, the Governor's veto is not sustained.

Sent to the Senate.

Petitions, Bills and Resolves Requiring Reference

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

Business Legislation

Bill "An Act to Require Compulsory Motor Vehicle Liability Insurance" (H. P. 1431) (Presented by Mr. Raymond of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Clarify the Term 'Population' for the Purposes of Apportioning the Membership of the Board of Directors of School Administrative District No. 15" (H. P. 1432) (Presented by Ms. Clark of Freeport)

(Ordered Printed)

Sent up for concurrence.

Energy

Bill "An Act to Prohibit the Sale of Gas Stoves with Pilot Lights" (H. P. 1433) (Presented by Mr. Davies of Orono)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Providing for Improved State Planning and Budget Development" (H. P. 1434) (Presented by Mr. Wilfong of Stow)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Provide a Maine Homestead Property Exemption for the Elderly" (H. P. 1435) (Presented by Mr. Henderson of Bangor)

(Ordered Printed)

Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 1426) recognizing that: the Honorable F. Ar-dine Richardson of Strong has to his credit a lifetime of public service comprised of Town Moderator for 50 years, 24 years as Chairman of the Board of Selectmen and 3 terms as a State Legislator among various other public service jobs. (Presented by Mr. Dexter of Kingfield)

The Order was read.

The SPEAKER: The Chair recognizes the

gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker and Members of the House: This order fails to mention that he also moderated 50 special town meetings, is also Master of the State Grange and former Speaker of the House.

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

An Expression of Legislative Sentiment (H. P. 1427) recognizing that: The Maine Nordiques, Maine's only professional hockey team, have just finished an exciting and very successful season (Presented by Mr. Raymond of Lewiston)

The Order was read.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: The Nordiques have been acclaimed as the best in the last four entrants that Lewiston has sent to the Northern American Hockey League. They have proven to be good for the State of Maine not only economically but as good ambassadors for the State of Maine.

I also wish to state for the record that this order is also being cosponsored by the entire delegation from Lewiston.

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

An Expression of Legislative Sentiment (H. P. 1428) recognizing that: Jeannine Trufant of Scarborough has completed her term as State President of the AMVETS Auxiliary (Presented by Mr. Higgins of Scarborough)

Was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1429) recognizing that: Ralph L. Winslow Sr., is retiring from the Sabattus Fire Department after 50 years of service, including 30 years as Fire Chief (Presented by Mr. LaPlante of Sabattus)

Was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1430) recognizing that: Elizabeth Sullivan of Bath is winner of the Sagadahoc County Spelling Bee (Presented by Ms. Goodwin of Bath) (Cosponsor: Mr. Stover of West Bath)

Was read and passed and sent up for concurrence.

House Reports of Committees Ought Not to Pass

Mr. Curran from the Committee on State Government on Bill "An Act to Authorize the Board of Trustees of the Maine Criminal Justice Academy to Enforce Certain Mandatory Police Training Provisions" (H. P. 533) (L. D. 648) reporting "Ought Not to Pass"

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act to Further Amend the 1975 Dental Health Act" (H. P. 588) (L. D. 715) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Spencer from the Committee on Judiciary on Bill "An Act Amending the Procedure for Charging Prior Offenses" (H. P. 375) (L. D. 464) reporting "Leave to Withdraw"

Mr. Spencer from the Committee on Judiciary on Bill "An Act to Pay for Out-of-Pocket Medical Costs of Victims of Criminal Assaults" (H. P. 759) (L. D. 1011) reporting "Leave to Withdraw"

Mr. Blodgett from the Committee on Natural Resources on Bill "An Act Relating to Public

Utility Gas Pipelines" (H. P. 652) (L. D. 850) reporting "Leave to Withdraw"

Mr. Lynch from the Committee on Education on Bill "An Act Relating to Optional Local Appropriations with State Participation" (Emergency) (H. P. 974) (L. D. 1171) reporting "Leave to Withdraw"

Mr. Berry from the Committee on Public Utilities on Bill "An Act to Increase the Membership of the Gardiner Water District to Six" (Emergency) (H. P. 834) (L. D. 1007) reporting "Leave to Withdraw"

Mr. Nelson from the Committee on Veterans and Retirement on RESOLVE, to Grant Creditable Service Under the Maine State Retirement System to A. Edward Langlois Jr. of South Portland (H. P. 1020) (L. D. 1074) reporting "Leave to Withdraw"

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act Appropriating Funds for Emergency Medical Training and Extrication Programs" (Emergency) (H. P. 983) (L. D. 1189) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Increase the Penalties for Violation of State Antitrust Laws" (H. P. 273) (L. D. 347)

Report was signed by the following members:

Messrs. COLLINS of Knox
MANGAN of Androscoggin
CURTIS of Penobscot

— of the Senate

Messrs. NORRIS of Brewer
DEVOE of Orono
TARBELL of Bangor

Mrs. BYERS of Newcastle

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-163) on same Bill. Report was signed by the following members:

Messrs. HENDERSON of Bangor
HUGHES of Auburn
HOBBINS of Saco
BENNETT of Caribou
GAUTHIER of Sanford
SPENCER of Standish

— of the House.

Reports were read.

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

Mr. SPENCER: Mr. Speaker, I move that we accept the minority "ought to pass" report.

Mrs. Byers of Newcastle requested a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 347 is a bill which I am sponsoring and I certainly hope that you will be able to support the minority "ought to pass" report. I do wish it had been a majority "ought to pass" report. I would like to take a few moments of your time this morning to explain to you very briefly, as briefly as I can, the purpose of the bill, what the bill does and why it is necessary.

Under the current law, violating a state antitrust law is considered a Class E crime under the criminal code. A Class E crime is the lightest of all possible sentences. The antitrust law now calls for up to a \$1,000 fine for anyone who is convicted of violating the state's antitrust law and up to six months in jail. That is comparable to using a stink bomb in a public place, the same seriousness of crime.

Under the bill, L.D. 347, the penalty, if someone is convicted or a business is convicted of violating an antitrust law, will be up to

\$10,000 in a fine and up to five years in prison. The prison provision of the law is very seldom used, so primarily we are talking about the fines. I really feel that it is remarkable that the committee was split as it was.

You know General James Weaver who was a Populist candidate for President of the United States in 1892 once wrote: "the trust is organized commerce with the golden rule excluded and the trustees exempted from the restraints of conscience." It is interesting, I think, to note that at the federal level, at any rate, this has not been a partisan issue. Both political parties have felt that it is very, very important that we have strong enforcement of our federal and state antitrust laws. By the way, I would say in passing that the federal government feels that it is more important than ever that the individual states begin to adopt strong antitrust laws.

In a letter to the Chairman of the House Judiciary Committee on March 31, 1976, President Gerald R. Ford wrote these words: "In October of 1974, I announced my support of amendments to the antitrust civil process act which would provide important tools to the Justice Department in enforcing our antitrust laws. My administration reintroduced this legislation at the beginning of this Congress and I strongly urge its favorable consideration."

I have two other points to make and I will let some others speak on this if they would like. I would like to share with you a quote from Business Week which appeared on June 2, 1975. This is a quote from a businessman, and this is what he says: "When you are doing \$30 million worth of business a year and stand to gain \$3 million by fixing prices, a \$30,000 fine doesn't mean much. Face it, most of us would be willing to spend 30 days in jail to make a few extra million dollars." I would submit to you that under the current law in Maine, a \$1,000 fine and up to six months in Jail, which wouldn't even be enforced, is hardly a deterrent, and if we truly believe in free competition and we believe in free enterprise in the market place, then certainly we ought to be very anxious to support a strengthening of our antitrust laws. This is not a departure from the current law, this is not a new law, this is simply a stronger enforcement of a law that is already on the books. The Attorney General already has the authority and this will simply increase the penalties so that it will be, hopefully, more of a deterrent. Right now, it is no deterrent at all.

Finally, I just want to quote to you, because you may have read or may be aware that some of the objections to this bill are because some people feel apparently that the bill is going to create a situation where the Attorney General has too much power and too much authority, and he will harass small businessmen in Maine. This argument was made at the federal level and the late Senator Philip Black, who was Chairman of the Senate Judiciary Committee, wrote in summing up the report calling for stronger antitrust laws, he wrote: "The Committee has carefully considered the contentions raised during and after extensive hearings on a markup of this measure that its enactment would result in ruinous liability to honest businessmen and subject them to harassment through the grant to the antitrust division of inquisitorial authority. The committee rejects these contentions and finds them to be totally devoid of merit."

I hope that you will support the motion of the gentleman from Standish, Mr. Spencer, to adopt the "ought to pass" report.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I did sign the Majority "ought not to pass" report. This is a bill that came into the Judiciary Committee a bad bill in my opinion, a bad bill when it came in. There was considerable testimony. It was drawn in

the Department of the Attorney General but they didn't draw it right so we redrafted it by the people in the minority report and sent it out.

The matters of antitrust are controlled by the federal government. They have been in here within the last few years, I think it has been within the last ten years, and prosecuted a case, I believe, against the lobstermen, it was brought out. There are some federal funds available on a grant basis to hire additional Attorneys General to enforce the law that we have on the books now with federal funds, and I will guarantee you that in a year or two or three, when these federal funds dry up, the Attorney General will be before this legislature for the extra funds to carry this function on. The only way that this House or this legislature will be able to deny that is to deny this bill this morning.

One further thing, if you want to really make life miserable for your little lobstermen and your farmers and your trappers, pass this bill, if you want to make these folks lives miserable, because they will be breathing down their necks.

I hope that you will vote against the minority report and accept the majority report. This is a bad bill and this is going where bad bills usually go.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: This isn't a bad bill at all, really. I guess what bothers me is that the founders of the Republican Party must be rolling over in their graves right now to hear the remarks of the good gentleman from Brewer, Mr. Norris. We have, if you look at the committee report, a good partisan issue here. The Republican Party, which brought to this country the Sherman and the Clayton Antitrust Acts when President Theodore Roosevelt was in power, have now for some reason come around full circle. The Republican Party, which said that we shouldn't have monopolies, we shouldn't have conspiracies in the restraint of trade, has now turned around and with a whole series of red herrings tried to cloud the issue.

I think the gentleman from Pittsfield, Mr. Wyman, set the issue out very nicely, and very clearly. The question is whether you're on the side of big business or small business, on the side of large corporations or small proprietors, on the side of monopolies or, yes, on the side of free enterprise.

At the present time, our antitrust laws are meaningless because the penalties are not large enough. Penalties don't hurt anyone. The federal government is trying everything they can, through grants of money, through changes in their statutes, they are doing everything they can to decentralize the enforcement of our antitrust laws. They are trying to put the enforcement of our laws back onto the states and all this bill does is make it worth the Attorney General's while to investigate.

Let's realize the significance of what we are talking about. We are talking about a large corporation which maybe owns a series of grocery stores, it that might joggle anyone's memory, and decides to undercut some of the Ma and Pa stores in this state by maybe a couple of cents on a jar of baby food or maybe a nickel on a box of cereal, and maybe they can run at a loss for awhile until they drive those Ma and Pa stores right out of existence. Then they can charge anything they want. That is what monopolies are all about. That is the goal. I know that McAllen's of Brunswick, for example, the only two grocery stores in the downtown section, are owned by the same company. They have different names on the outside but they are owned by the same company. That makes me a little nervous. I know, for example, that the same chain has decided that they are going to take over the pharmacy industry because they don't

like the small pharmacies that they are going into giant chains and undercut what is traditionally our small industry. I, for the life of me, cannot understand why the members on this committee could possibly oppose a bill which would simply make the penalties come into line with some of the other crimes.

Oh, this is white collar crime, to say the least. Monopolies are not fostered by high school dropouts. Monopolies aren't fostered by people that we would traditionally define as the criminal element. Monopolies and conspiracies to fix prices are set in some of our more genteel and more sophisticated environments. A crime is a crime. Antitrust violations are wrong. This bill increases the penalties for people who create and commit crimes. It is a good bill.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I cosponsored this legislation with the gentleman from Pittsfield, Mr. Wyman, and I, too, believe it is a good bill and it represents necessary changes in our statutes. Quite frankly, I think it is absolutely preposterous that this L.D. 347 didn't come out of committee with the unanimous "ought to pass" report. How can you be against antitrust legislation? I would like to give you a little background as far as L.D. 347 is concerned and please bear with me if I repeat some of the remarks that Representative Wyman has made, but I think it is important that you understand what this bill does.

On September 8, 1976, the United States Congress passed a modified antitrust bill. This measure authorized state attorneys general to bring antitrust suits on behalf of citizens. Up until that time, attorneys general could only sue on behalf of the state. Because of this mandate, we felt that it was necessary to update Maine's antitrust laws which had not changed since 1913. L.D. 347 does several things. It makes antitrust violations a Class C crime. Prosecution of a Class C crime would be by indictment with guaranteed trial of the matter in superior court before a judge and a jury. A Class C crime is punishable by imprisonment for a period not to exceed five years and/or by a fine not to exceed \$1,000 per person or not to exceed \$10,000 for an organization. Some examples of Class C crimes are assessed between \$1,000 and \$5,000, perjury and bribery in official matters and all common burglaries. As the law stands now, antitrust violations are a Class E crime, punishable by imprisonment for a period not to exceed 6 months and/or by a fine not to exceed \$1,000. This is far too lenient.

Prosecution of a Class E crime occurs in District Court along with other minor offenses such as a theft under \$500, reckless conduct, criminal trespass in dwellings and falsifying physical evidence. The problem with prosecution in District Court is that the defendant may not be guilty, but when a case is heard in District Court, what you really have is a public hearing. The most substantial reason for making the offense a Class C crime rather than Class E is jurisdictional. Alleged antitrust violations are exceedingly complex and require extensive trial time. The District Court is not adequate forum in which to try to set the case. This is a bill for all of us. Let's pass this bill and set the sanctions of a level commensurate with the crime. I urge you to accept the minority "ought to pass" report.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I suppose you preface your remarks by saying you didn't intend to speak on this bill, but I guess I probably did since the majority leader has successfully tried to make this issue a partisan issue. I would remind you simply to look at the report and you

will find that it indeed, is not a strictly partisan Report.

We have the usual red herring of the large corporation which is crucifying the people of Maine and yet if you read this bill very carefully, you will find that it refers to the small person as well. This is the first time in the history of this state, in my own experience, that I know that all big, bad businessmen, big and small, are Republicans and all those who wear white hats are Democrats. It is stupidly ridiculous and I think if ever a red herring was dragged across the floor of this House, the majority leader tried successfully to do it this morning.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would certainly not imply that all big businessmen in this country are Republicans because we certainly know that isn't true, many are Independents.

On a more serious note, what I was saying, I was trying to compliment the Republican Party here this morning because they were the ones who originally put these antitrust laws on the books in the Federal Congress. What I can't understand is why at least the Republican members of the Judiciary Committee were unwilling to go along with this proposal which was supported by President Ford and others, and I would suggest that if the good gentleman from Nobleboro wishes to prove me wrong, all he has to do is vote to keep this bill alive.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: If this bill did nothing more than simply increase the penalties for antitrust violations under the state law, I am confident that you would have seen a majority and perhaps a unanimous "ought to pass" report come out of Judiciary Committee. However, this bill goes far further than simply increasing the penalties. I would also like to add that although the criminal penalties under our antitrust laws on the books are 6 months maximum jail sentence or up to a \$1,000 fine, nobody has mentioned the trouble damages provision, which is the civil side of our antitrust statutes in the State of Maine. If any citizen, any consumer, any businessman, any corporation, any company, big or small, in the State of Maine, under Title 10, Section 1104, is injured and is damaged because a person in our state has violated the antitrust laws, the violator, the defendant, can be penalized up to three times the amount of damages to pay over to the consumer or the plaintiff, so the trouble damages are there as well.

This bill goes much further, and this is the aspect that I think those who signed the majority report "ought not to pass" were worried about. The bill changes the criminal process, it is as clear as that. It changes the Grand Jury process. Let me quote for you. It would the Attorney General what is called in the bill "investigative demand." In other words, before a criminal complaint is brought, before the person is brought before a Grand Jury for any of the hearings as to the merits, whether or not this probable cause for an indictment, the Attorney General may upon "investigative demand" begin to prosecute the case. This is a major exception to the criminal law. It also goes so far as to say that whenever it appears to the Attorney General that a person has engaged in, is engaging in, or is about to engage in a violation, the Attorney General may act. This is a novel doctrine. Whenever it appears to a law enforcement officer that someone or a corporation or a businessman or whatever is "about to," hasn't violated the law but might violate the law, then he can step in with prosecution.

I submit to you that the criminal law that we apply to all citizens throughout the State of

Maine and all citizens throughout the nation of our country is enough. This bill caused a major exception to that, a major exception to the complaint process, major exception to the Grand Jury process, a major exception to the indictment process.

There is one provision, in all honesty to you here today, that does tend to carve out an exception to this general rule, and that can be found under our Unfair Trade Practice Act, but I would also like to remind you that that is a civil offense, not a criminal offense. Under the Unfair Trade Practice Act, there are special provisions for the Attorney General's Office to investigate and to look into the matter. However, the provisions in this bill don't even track the language and the doctrines that are used in the Unfair Trade Practice Act, they go much further. It is this concern with what this type of blank check that this bill would provide to the Attorney General's Office, it is that concern which was registered in the committee. It was that language which was not cleaned up and was not cleared up for the committee, and I submit to you that that is the reason the majority voted "ought not to pass" in the committee.

If this bill simply did nothing more than increase the penalties for antitrust, there wouldn't be any difficulty. If it had been amended simply to increase penalties for antitrust violations, you would have seen it come out.

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

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Nobleboro, Mr. Palmer, mentioned that this bill was not a partisan issue, it shouldn't be phased as such, but I guess it is a partisan issue in that it divides individuals in this legislature and people of the state into two philosophical camps. There is one camp which professed to have an antitrust law which is weak and which has no teeth. Now, if you vote against this bill, you are in that camp. On the other hand, if you believe and have a philosophical belief that the antitrust laws of this state and this nation should be strong, then you will vote for the bill.

This bill does basically three things. First of all, it increases the penalty for violations of Maine antitrust laws. This makes it consistent with the federal government, nothing more, nothing less. Secondly, it clearly defines the right of the people of the State of Maine, through their Attorney General, to bring an action when damaged by a purchaser of a violation of antitrust laws. Thirdly, it gives discovery power, an increased investigative power, to the Attorney General in investigating violations of our antitrust laws. Under our present law, the Attorney General of our state has his hands tied. He cannot adequately put together a case to bring forward when someone violates the present antitrust law.

This bill is a good bill and I hope today that all of us will follow among the philosophical camp that feels that if we are going to have a law on the books, give it some teeth.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Stonington, Mr. Greenlaw, to the rostrum to act as Speaker pro tem.

Thereupon, Mr. Greenlaw assumed the Chair as Speaker pro tem and Speaker Martin retired from the Hall.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Bangor, Mr. Tarbell, has alleged that this bill gives the Attorney General some sweeping new authority that he fears, and one of the things he points to is that the Attorney General could in-

vestigate or act if an antitrust act was about to occur and he says that the law enforcement officials don't have that sort of authority, but I would submit to you that if the police see some robbers running into the bank with their guns drawn, they don't wait until the teller has been shot and the money is in the bag and they are in a getaway car before they do anything.

I sit as a freshman member of the Business Legislation Committee and I must admit that I am becoming more sensitive than I have been in the past to over-regulation of business. I think obviously there is a point at which business is saturated with regulations and some of that regulation, it is alleged, strangles the free enterprise system, but I would submit to you that nothing strangles the free enterprise system any more than anti-competitive monopolistic actions by business, and that is precisely what this bill is trying to prevent.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman from Bangor, there are two points that I would like to make. One is, he referred to the language in the bill that says that if the Attorney General feels that a business is about to engage in a violation, the Attorney General has powers under this bill, and that was aimed at dealing with the merger situation where it appeared that two businesses were merging and that the documents as drawn would result in a violation. The committee discussed this at some length and took that language out of the bill and we did not include it in the amendment because we felt that the likelihood of merger situations resulting in monopolies in Maine were pretty remote and that there was no need to give that power to the Attorney General. So the point that Representative Tarbell made is a valid one and the committee responded to that and took the language out of the bill, and the committee amendment, it is not included there.

The second point that he made was that the bill gave the Attorney General sweeping broad powers through the investigative demand process, and I would submit that the change they were recommending would actually, I think, be well received by businesses that were suspected of antitrust violations, because what it allows is the Attorney General to operate in a direct manner with the business by essentially communicating directly with the officers of that corporation and asking for the production of documents so the Attorney General's Office could determine whether in fact a violation has occurred before the matter becomes public, before there is a tremendous amount of publicity which could damage the reputation of the individual business.

Under the current law, there is a procedure which allows for a public hearing where the Attorney General feels that there may be an antitrust violation, and what would happen is that the Attorney General would call these businesses to this hearing and there would be a tremendous amount of publicity in a situation which might ultimately result in a conclusion not to prosecute. I don't think that we are talking about sweeping new powers.

What I think we are talking about is effective enforcement of the law combined with a procedure which will allow the Attorney General to establish with reasonable certainty before the matter becomes a matter that is subject to a tremendous amount of publicity.

In considering this bill, one of the things that was striking to me was that if you had a group of companies, for example, in the vending machine business who all got together and decided to raise prices on the goods being sold through vending machines and fixed the prices so they could put a cup of coffee up to 35 cents and a sandwich up to 65 cents, etc., and cost the

consumers of Maine tremendous amounts of money through those actions, the penalty for the businesses that were engaged in that kind of conspiracy and restraint of trade would be considerably less under the current law than the penalty for somebody who went in and put a slug into the vending machine to buy one of the items in the machine.

I think that if you look through the offenses in the code and the seriousness of them, a Class E crime is simply inappropriate to the magnitude of the offense that we are talking about here.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: As a freshman Republican to this body, Mr. Tierney's attempt to color this as a partisan issue is what I consider completely unacceptable and certainly not worth my consideration. I am going to support this legislation, the minority "ought to pass" report, based on the merits of the bill and completely divorced from Mr. Tierney's arguments.

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

Mr. DEVOE: Mr. Speaker, Ladies and Gentlemen of the House: My recollection of this hearing at which the testimony was originally given to the committee was that it was not a partisan issue. My recollection further is that after the committee started to consider this matter and after the jacket on the report of the committee was signed, suddenly it became a partisan issue, and my recollection is that at least two members of the minority report on this committee originally had signed what is now the majority "ought not to pass" report, and as a result of intense lobbying of at least a couple of members of the committee, they agreed, after they had originally signed what is now the majority report, after apparently having it pointed out to them that it was becoming a partisan issue, they were induced for one reason or another to change their minds and to vote on what is now the minority "ought to pass" report.

Listening to the discussion this morning by various speakers, I must credit them with being able to make a disarming presentation. The original sponsor of the bill, both during committee and in a couple of conversations with me in the corridor of the House, was quite specific in stating that all this bill did was simply increase the penalty from Class E to Class D crime. We went into the Majority Leaders office and looked at the statutes, and I pointed out to the bills sponsor that there was significant change made besides changing the penalty from a Class E to a Class D crime.

I would also like to point out to the members of the House that this bill makes a drastic change in the present law. Mr. Tarbell and other members have already addressed themselves to that. I would ask each and every member of this House, before they vote on this bill this morning, to consider whether or not anyone has yet made a case for the drastic change that this bill is now introducing. I ask you to look at the first page of your Committee Amendment, "to be engaging or to have engaged." How far back is a businessman or a group of businessmen going to have to perform these so-called illegal acts before they can be considered safe from prosecution?

One more comment that I would like to make — when someone on a committee asked the Assistant Attorney General from the antitrust division whether there have yet been any antitrust cases brought by the Attorney General's Office under the present statute, my recollection was that his answer was, no, we haven't. The question was then addressed to the man, what is the reason for no antitrust complaints

having been initiated? The reason was, we didn't think we could win.

Normally, it has always been my understanding that you amend a statute because past experience shows that the statute has some deficiencies but, ladies and gentlemen of the House, I submit to you that no testimony like that was given by any member of the Attorney General's staff. No testimony was given that we have tried under this present statute to do something about antitrust violations but have found that we have been unable to do so because we don't have these broad powers.

There is also another change in this statute that no one yet has addressed themselves to. Whether or not members of the House realize it, the present statute contains a provision that upon a petition of 50 citizens of this state, they can require the Attorney General to initiate an antitrust complaint. So if any 50 citizens anywhere in this state want to address themselves to a particular supposed antitrust violation, all they have to do is to get a petition and submit it to the Attorney General and the Attorney General, under the wording of the present statute, is required to do something. The Attorney General already has power, it is simply that, whether he has been a Republican or a Democrat Attorney General, for one reason or another, they have chosen not to exercise the power, but I submit to you that citizens already have the power to require the Attorney General to act. This amendment takes away that power.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I think there are a few other points that hope I can add to this without being too repetitive, but I think one of the points to bear in mind is, what is the basic underlying objection to this proposal? I am not sure that it is clear. If it is that we already have the authority and we are just adding more authority to do this, I think that is a pretty weak one, let's say. I can't recall really what the objection to this is. Is it that we are going to be giving our Attorney General such sweeping powers that he is going to be knocking on our doors in the middle of the night? Or do we not have any way to take care of that and regulate our Attorney General? Is that a real issue? I submit that it is not, and I still do not understand what the basic policy is that this bill intends to violate.

I have stood up many a time on our local county government and municipal bills and that sort of thing, talking about local control, and I don't really consider it to be an empty item and one of the things that we are faced with in this particular case is the argument that the federal government can regulate this area. Certainly they can and certainly they will if we don't, and one of the reasons that states and municipalities, but states as well, have lost authority over the many years is that they haven't been willing to accept their own responsibilities. In this case, we are given the opportunity to do just that, look at our own house, to consider what violations of antitrust laws there are here, provide the resources to enforce those laws.

There are a couple of reasons why there haven't been any prosecutions in the past, as I recall the testimony, one of which might have been that there wasn't a clear opportunity for a conviction because in many cases you could only do these things after the fact, which fact might then be ending, since there already had been some advantage taken place and it would be a moot question.

The other reason is that even if there were a conviction, it would be purely symbolic, it would be only a minor reprimand to the companies involved, or the individuals involved, and I think we already know that the Attorney General's Office is overwhelmed with many

kinds of items, including the Indian case that we are looking at right now and if it isn't the Indian case, it will be something else. What we have to do, it seems, is to provide the resources to enforce the laws and secondly, make sure that when the law is enforced, it has some effect.

Finally, I think a major provision of this bill is to allow the Attorney General to investigate cases which may be embarrassing, in a sense, to the business that may be about to engage in something that would be a violation of the law and they may not even realize that that is in the case.

In addition, if people do complain and allege that there is restraint of trade, it seems unfortunate to have to drag the business community through a formal hearing process, and after which there may not be any proof of the matter, when the same kind of thing could be resolved in an informal setting and discover if there is merit to the case and the Attorney General could drop it immediately.

I think this promotes the business climate, gives the Attorney General both the resources and the authority to carry out the law which I think we all feel is on the books, and this only makes that effective.

The SPEAKER pro tem: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I feel a little bit uneasy on this bill being a preacher among so many lawyers, but I certainly wouldn't want anyone to get the feeling that a man of the cloth would mislead anyone, and I just wanted to clarify a point that the gentleman from Orono made when he said that I told him specifically that the only thing this bill did was increase the penalties. I believe at the hearing, if I recollect, and I have the statement that I made before me, I did point out very clearly that this did grant the State Attorney General authority to issue civil investigative demand. I want that to be very clear just for my own satisfaction as well as for your knowledge and information.

The second point I would like to make is in regard to what the gentleman from Bangor said when he quoted, I believe, from the original bill, the last section of the bill which has been completely amended, rewritten and does not resemble in any great degree the original wording of the bill. What it does indeed do is what the gentleman suggested, and that is rewrite that particular section of the law exactly along the lines of the Unfair Trade Practices Act. I feel a little bit regretful that the gentleman wasn't aware of the amendment, especially since it was a committee amendment.

The late Senator Estes Kefauver, who was Senate Chairman of the Antitrust and Monopoly Subcommittee for many years, once said "The best friend that a businessman has are the antitrust laws. The time for businessmen to really worry is when our antitrust laws are not enforced in the presence of a clear need for them to be enforced."

Just one last thing, and at the expense of drawing this out, Mr. Speaker, I will beg the assembly's indulgence. In reference to the amendment to this bill, I find it ironic that members of this distinguished body would stand up on the floor of the House and make such wild accusations as "sweeping authority," and I read that some members of the other body felt that this would allow the Attorney General to go on a fishing expedition. How unfortunate and how untrue, because if you will notice the amendment on page 3, and I would like to compare this to current law as it reads, it says about half way down on page 3, "Any book, record, paper, memorandum or other information produced by any person pursuant to this section shall not unless otherwise ordered by a court of this state for good cause shown, be disclosed to any person other than the authorized agent or representative of the Attorney

General." Shall not — under the current law it can be disclosed, because under the current law, what they have to do is have a public hearing. And talk about a fishing expedition and talk about a circus, they have to have it public. This bill protects the person who may possibly be under investigation in keeping the initial investigation private, as it should be. If you are talking about legal matters, I don't feel that you should orchestrate it or that there should be a situation that would allow the orchestration of any of the legal facts.

Another thing that this bill does, this amendment to the bill, it allows the person who is about to be investigated the opportunity to have the whole investigation set aside. He can petition the court and ask for the whole investigation to just be dropped. Under the current law, the investigation cannot be dropped at all once it has been started. There is no provision for that. The bill says, "At any time prior to the date specified in the notice or within 21 days after the notice has been served, whichever is shorter, the court may, upon motion for good cause shown, extend such reporting date, or modify or set aside such demands."

One last thing. I believe it is on page 5, it says at the top of the page, "Nothing in this section shall be construed as infringing upon the rights of any person to refuse to incriminate himself is guaranteed by the Maine and United States Constitution." This bill is not a far-out bill, and, I might add, it is not a partisan bill. This bill is neither a Republican bill or a Democratic bill, and I expect there is going to be bipartisan support for it. It is a bill to help the consumers of this state, it is a bill to help protect the small businessmen of this state, it is a bill to give every citizen of Maine an equal opportunity to compete openly in our economic system, and I am so glad that the gentelady from Newcastle has asked for the yeas and nays. I was intending to because I think it is important, and I want to be able to get back to the people of Pittsfield, Hartland and Canaan and tell the small businessmen in those communities that I voted to protect their interest and I voted to give them an opportunity to compete.

I certainly hope that you will support this bill and support the report.

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

Mr. NORRIS: Mr. Speaker, I am neither a preacher nor a lawyer, and I would address this question of partisanship — Lord, had I known, I probably would have signed the other report, but seeing as I am with the folks with some responsibility this morning, it is a simple little bill, but it is a five-page amendment, very simple, and enough legal jigsaw puzzle in there to confuse apparently this morning, from what we hear, even the lawyers.

I am going to move indefinite postponement of both reports and bill and ask for the yeas and nays.

The SPEAKER pro tem: 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.

At this point, Speaker Martin returned to the rostrum.

The SPEAKER: The Chair wishes to thank the gentleman from Stonington, Mr. Greenlaw, for having acted as Speaker pro tem.

Thereupon, Mr. Greenlaw returned to his seat on the floor and Speaker Martin resumed the Chair.

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

ROLL CALL

YEA — Aloupis, Ault, Austin, Birt, Boudreau, P.; Brown, K. L.; Bunker, Byers, Carter, F.; Conners, Cunningham, Devoe, Drinkwater, Durgin, Dutremble, Kenlason, Garsoe, Gould, Gray, Hunter, Hutchings, Immonen, Jackson, Lewis, Littlefield, Lougee, Lynch, Mackel, Masterman, Masterton, Maxwell, McBreairty, McPherson, Morton, Nelson, M.; Norris, Palmer, Perkins, Peterson, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Stubbs, Tarbell, Tarr, Teague; Torrey, Twitchell, Tyndale

NAY — Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cox, Curran, Davies, Dexter, Diamond, Dow, Elias, Flanagan, Fowlie, Gillis, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lizotte, Locke, MacEachern, Mahany, Marshall, Martin, A.; McHenry, McKean, McMahon, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, N.; Peakes, Pearson, Plourde, Post, Prescott, Quinn, Raymond, Spencer, Talbot, Theriault, Tierney, Tozier, Trafton, Truman, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Bagley, Cote, Dudley, Gauthier, Gill, Hughes, Jalbert, Lunt, Peltier, Rideout, Strout.

Yes, 53; No, 87; Absent 11.

The SPEAKER: Fifty three having voted in the affirmative and eighty-seven in the negative, with eleven being absent, the motion does not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-163) 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 Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-162) on Bill "An Act to Promote Consistency Between Certain Regulatory and Proprietary Decisions of the State" (H. P. 338) (L. D. 429)

Report was signed by the following members:

Messrs. O'LEARY of Oxford
REDMOND of Somerset

— of the Senate.

Messrs. HALL of Sangerville
HUNTER of Benton
Mrs. HUBER of Falmouth
Mr. BLODGETT of Waldoboro
Ms. BENOIT of South Portland

— of the House.

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

Report was signed by the following members:

Mr. TROTZKY of Penobscot

— of the Senate.

Mr. WILFONG of Stow
Miss BROWN of Bethel
Messrs. DEXTER of Kingfield
GREEN of Auburn

— of the House.

Reports were read.

(On motion of Mr. Blodgett of Waldoboro, tabled pending acceptance of either report and tomorrow assigned.)

Consent Calendar

First Day

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

(S. P. 242) (L. D. 776) Bill "An Act to Clarify the Regulation of Public Utilities Owning Interests in Electric Generating plants and Related Facilities" — Committee on Public Utilities reporting "Ought to Pass"

(S.P. 297) (L.D. 923) Bill "An Act to Clarify the Town Line Between the Towns of Waterford and Stoneham" Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-60)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 20 under listing of Second Day.

(H. P. 473) (L. D. 579) Bill "An Act Appropriating Funds to the Maine Chapter of the Arthritis Foundation" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-164)

On the objection of Mr. Biron of Lewiston, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-164) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Second Reader

Tabled and Assigned

Bill "An Act to Enable the City of Portland to Collect its Sewer Assessments over a Period not to Exceed 10 Years" (H. P. 531) (L. D. 647)

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

(On motion of Mr. Kelleher of Bangor, tabled pending passage to be engrossed and tomorrow assigned.)

Tabled and Assigned

Bill "An Act Concerning Municipal Transit Districts" (H. P. 721) (L. D. 973)

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

(On motion of Mr. Jensen of Portland, tabled pending passage to be engrossed and specially assigned for Thursday, April 21.)

Passed to Be Engrossed

Bill "An Act Relating to Corporate Expenses in Public Utilities Commission Hearings" (H. P. 132) (L. D. 166)

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

Subsequently, Mr. Kelleher of Bangor, moved that the House reconsider its action whereby the Bill was passed to be engrossed.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending the motion of Mr. Kelleher of Bangor to reconsider.

Amended Bill

Tabled and Assigned

Bill "An Act Requiring the Marking and Removal of Ice Fishing Shacks on Frozen Tidal Waters" (H. P. 525) (L. D. 643) (C. "A" H-160)

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

(On motion of Mr. Shute of Stockton Springs, tabled pending passage to be engrossed as amended and tomorrow assigned.)

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, I move that this matter be tabled one legislative day.

Whereupon, Mr. Tierney of Lisbon Falls requested a division.

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.

Whereupon, Mr. Tierney of Lisbon Falls requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Stockton Springs, Mr. Shute, that this matter be tabled pending passage to be engrossed as amended and tomorrow assigned. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Berry, Birt, Boudreau, A.; Boudreau, P.; Brown, K. L.; Bunker, Byers, Carrier, Carter, F.; Churchill, Conners, Cunningham, Devoe, Dexter, Drinkwater, Durgin, Dutremble, Fenlason, Garsoe, Gillis, Gould, Gray, Hall, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Joyce, Kane, Kany, Laffin, Lewis, Littlefield, Lougee, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, McBreairty, McPherson, Mills, Moody, Morton, Nelson, N.; Norris, Peltier, Perkins, Peterson, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Stubbs, Tarbell, Tarr, Teague, Torrey, Tozier, Twitchell, Tyndale, Whittemore.

NAY — Bachrach, Beaulieu, Bennett, Benoit, Berube, Biron, Brenerman, Brown, K. C.; Burns, Bustin, Carroll, Carter, D.; Chonko, Clark, Connolly, Curran, Davies, Diamond, Dow, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Henderson, Hickey, Hobbins, Howe, Jacques, Jensen, Kelleher, Kerry, Kilcoyne, LaPlante, LeBlanc, Lizotte, Locke, Lynch, MacEachern, Maxwell, McHenry, McKean, Mitchell, Nadeau, Nelson, M.; Pearson, Plourde, Post, Prescott, Quinn, Raymond, Spencer, Talbot, Theriault, Tierney, Trafton, Truman, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Bagley, Blodgett, Carey, Cote, Cox, Dudley, Gauthier, Gill, Hughes, Jalbert, Lunt, McMahon, Najarian, Palmer, Peakes, Rideout, Strout.

Yes, 70; No, 64; Absent, 17.

The SPEAKER: Seventy having voted in the affirmative and sixty-four in the negative, with seventeen being absent, the motion does prevail.

Tabled and Assigned

Bill "An Act to Increase Flexibility in the Funding and Operation of the Vocational-Technical Institutes" (H. P. 221) (L. D. 285) (C. "A" H-158)

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

(On motion of Mr. Howe of South Portland, tabled pending passage to be engrossed as amended and tomorrow assigned.)

Bill "An Act Relating to Mother's Day, Father's Day and Sons' and Daughters' Day" (S. P. 202) (L. D. 600) (C. "A" S-53)

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

Passed to Be Enacted Emergency Measure

"An Act Providing for a Program of Support for Destitute Persons on Indian Reservations and Appropriating Additional Funds for the Department of Indian Affairs" (S. P. 187) (L. D. 573) (C. "A" S-43)

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. 113 voted in favor of same and 19 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act to Incorporate the Eastport Utilities District" (H. P. 498) (L. D. 627) (S. "A" S-49 to C. "A" H-98)

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. 128 voted in favor of same and one against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act to Make the Lobster Fund a Continuing Account and to Transfer \$10,000 from the Boat Fund to the Lobster Fund" (H. P. 1226) (L. D. 1360)

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. 127 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.

Emergency Measure

"An Act to Ensure that the Uniform Property Tax Rate Conforms to Limits on Educational Funding Established by Statute" (H. P. 66) (L. D. 91) (C. "A" H-116)

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. 121 voted in favor of same and 4 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure Tabled and Assigned

"An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1977, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government" (H. P. 1255) (L. D. 1413)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Mrs. HUBER: Mr. Speaker, L. D. 1413 contains an appropriation for spruce budworm control. I asked to be excused from voting on L. D. 1413 since this appropriation would benefit timberlands held by the J. M. Huber Corporation among others and thereby creates a conflict of interest for me.

The SPEAKER: The Chair will excuse the gentlewoman from Falmouth, Mrs. Huber, pursuant to House Rule 19, from voting on this matter.

The Chair recognizes the gentleman from Houlton, Mr. Peltier.

Mr. PELTIER: Mr. Speaker, as part of management in the J. M. Huber Corporation, where do I stand?

The SPEAKER: The Chair would inquire if the gentleman holds stock.

Mr. PELLETIER: No, it is a corporation.

The SPEAKER: Then the Chair would answer that he is not in conflict.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: Since this bill contains

part of the budget, I think there should be some discussion on it and I believe it should be tabled if we don't have the time to do it now.

Whereupon, on motion of Mr. Connors of Franklin, tabled pending passage to be enacted and specially assigned for Thursday, April 21.

Emergency Measure

"An Act to Amend the Laws Relating to Payments for Care of Children" (H. P. 124) (L. D. 157) (C. "A" H-96, H. "A" H-136)

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. 132 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.

Enactors

Tabled and Assigned

"An Act Prohibiting the Hiring of Illegal Aliens" (H. P. 126) (L. D. 159)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(On motion of Mr. McBreairsty of Caribou, tabled pending passage to be enacted and tomorrow assigned.)

"An Act to Provide Certain Travel Expenses for County Commissioners of all Counties" (H. P. 495) (L. D. 614) (C. "A" H-107)

Was reported by the Committee on Engrossed Bill as truly and strictly engrossed.

(On motion of Mr. LaPlante of Sabattus, tabled pending passage to be enacted and tomorrow assigned.)

Passed to Be Enacted

"An Act Concerning the Purchase of School Books" (H. P. 614) (L. D. 751)

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

Enactor

Tabled and Assigned

"An Act Relating to the Plans and Specifications Governing School Construction" (H. P. 143) (L. D. 173)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(On motion of Mr. Lynch of Livermore Falls, tabled pending passage to be enacted and specially assigned for Thursday, April 21.)

"An Act Relating to Town Hospitals" (H. P. 160) (L. D. 198) (C. "A" H-114)

"An Act Concerning Territories Included in Baxter State Park" (H. P. 203) (L. D. 263)

"An Act to Revise the Laws Relative to the State Military and Naval Children's Home" (H. P. 321) (L. D. 412) (C. "A" H-115)

"An Act to Clarify the Definition of Activities Reportable as Lobbying" (H. P. 1183) (L. D. 1236) (S. "A" S-55, S. "B" S-57)

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.

Finally Passed

RESOLVE, Appropriating Funds for Fire Protection Equipment in the Vicinity of State-owned Facilities and the Unorganized Territories at Greenville (H. P. 641) (L. D. 785)

Was reported by the Committee on Engrossed bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Mr. Kilcoyne of Gardiner, Adjourned until nine o'clock tomorrow morning.