

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

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

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## HOUSE

Wednesday, April 27, 1977

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

Prayer by Pastor Kenneth L. LaRose of the Bible Speaks, East Auburn.

The journal of yesterday was read and approved.

## Papers from the Senate

The following Communication:

The Senate of Maine  
Augusta

April 26, 1977

Honorable Edwin H. Pert

Clerk of the House

108th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate voted today to Adhere to its action whereby it accepted the Minority Ought Not to Pass Report on Bill, "An Act to Repeal the Habitual Offender Law"; (H. P. 325) (L. D. 416).

Respectfully,  
(Signed) MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

(Item 2) The following Joint Order, an expression of Legislative Sentiment recognizing that: Paul Harvey, Jr., a junior at Colby College, has been named a first team All-American in Division III basketball by the National Association of Basketball Coaches (S. P. 473)

Came from the Senate read and passed.

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

Bill "An Act to Clarify the Establishment of the Funding Level for Education" (S. P. 471) (L. D. 1691) (Approved by the Majority of the Legislative Council pursuant to Joint Rule 25)

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

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

Reports of Committees  
Ought Not to Pass

Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Increase Reimbursement for Legislative Expenses" (S. P. 234) (L. D. 736)

Was placed in the Legislative Files without further action pursuant to Joint Rule 20 in concurrence.

## Leave to Withdraw

Report of the Committee on Natural Resources reporting "Leave to Withdraw" on Bill "An Act to Appropriate Funds to Enable the Bureau of Parks and Recreation to Develop the Kennebec River Greenbelt" (S. P. 348) (L. D. 1176)

Report of the Committee on Natural Resources reporting "Leave to Withdraw" on Bill "An Act Concerning Standing before the Board of Environmental Protection" (S. P. 220) (L. D. 684)

Came from the Senate with the Reports read and accepted.

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

Non-Concurrent Matter  
Later Today Assigned

Bill "An Act to Provide that the Position on the Primary Election Ballot and on the General Election Ballot of the Names of Candidates for Major Offices shall be Determined by Lot" (H. P. 479) (L. D. 594) which was passed to be engrossed as amended by House Amendment

"B" (H-165) in the House on April 21, 1977.

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

In the House:

Mr. Birt of East Millinocket moved that the House recede and concur.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: I would urge the House to give this bill one more shot. We have passed it down here once, and I don't think we should let it die so quickly. It is not the most important thing in the world, but it is a definite reform, it is one on which we had a good deal of interesting and informative debate. It is one on which we clearly took position two different times.

The other body passed this once and failed to pass it the second time. I think, myself, it is well worth sending back, and I would urge you to vote against the motion to recede and concur and let's insist.

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

Mr. KELLEHER: Mr. Speaker, I agree with the gentleman from East Millinocket, but I do not see the sponsor of the Bill here, so perhaps some kind member would table it until later on in today's session.

Whereupon, on motion of Mrs. Najarian of Portland, table pending further consideration and later today assigned.

## Non-Concurrent Matter

Bill "An Act to Transfer Regulations Regarding the Security of Certain Parks, Grounds, Buildings and Appurtenances Maintained by the State from the Department of Finance and Administration to the Department of Public Safety" (H. P. 204) (L. D. 264) which was passed to be engrossed as amended by Committee Amendment "A" (H-153) in the House on April 14, 1977.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-153) as amended by Senate Amendment "A" (S-96) thereto, and Senate Amendment "A" (S-80) in non-concurrence.

In the House: on motion of Mr. Curran of South Portland, the House voted to recede and concur.

## Non-Concurrent Matter

Bill "An Act to Permit Vehicular Traffic to Turn Right at a Red Light" (H. P. 43) (L. D. 60) which was passed to be engrossed as amended by Committee Amendment "A" (H-152) as amended by House Amendment "B" (H-167) thereto in the House on April 22, 1977.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-152) in non-concurrence.

In the House:

Mr. McMahon of Kennebunk moved that the House recede and concur.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I would ask everyone to please not vote for the motion that is before you. I will state it very simply. I worked too long and too hard on the whole matter of this right turn on red. I filed an amendment with you, it went through this House and into the other body, and all the amendment asked for was to give the people in seven communities in this state where there are more than ten signaled intersections to please have the opportunity to go to their local officials and to ask them to support them in determining where a no right turn on red would be allowed at certain intersections. I don't think that is an awful lot to ask for, to give the people in the communities the right to have a voice.

I also wish to indicate, and although I am walking on very thin ground by doing so, that this matter was killed in the other body by someone who is very tied into the community as an official, a city councilor who has been on record many times as not wishing to hear from too many people.

I do not think I am asking for anything unrealistic, and I hope you will not support the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: You will recall, I think, the discussion about the gentledady's amendment a few days ago and I think you will also note the fact that I worked with her in drafting the amendment that is presently under discussion and supported that amendment.

It is obvious to me that the amendment was not acceptable to the other body. I think that the reasons it was not acceptable and the reasons for the gentledady's comments may reflect a problem that exists in the City of Portland.

I sympathize with the gentledady. I still have no real objection to her amendment, but I am not too enthused about jeopardizing the life of the bill by insisting on this amendment. The bill received a good hearing, it has a unanimous committee report. The bill itself, in this body, has not been attacked at all.

I respectfully request that we accept the inevitable in this case, which is also acceptable to me as the sponsor of the bill, and recede and concur.

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

Mr. CAREY: Mr. Speaker and Members of the House: I had the opportunity to talk to the gentledady from Portland, Mrs. Beaulieu, this morning, and after listening to her, I can see no reason why my city, which would be one of the seven, I understand, that would hold public hearings for the citizens to participate in which intersections may or may not have the right turn on red. We have absolutely no objection to maintaining her amendment within that bill, and I would hope that you would vote against receding and concurring so that she can insist and then get a chance to probably talk this over with the other body.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to urge you to defeat the recede and concur so that we may insist on the gentledady's amendment.

I have a great many people in my community who do have a concern over just where the right turn on red will be located and they want a guarantee that they are going to be involved in those decisions. You know yourselves that many times it becomes very easy when you are a busy municipal official to overlook citizen input in order to get something done because of a crowded calendar. I think we should support that amendment and mandate that the public shall have the input on this particular issue.

I urge you this morning to defeat the motion to recede and concur so that those seven communities involved, the people who live there can have a say in just what is going to happen.

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

Mr. JENSEN: Mr. Speaker and Members of the House: I rise to ask the members of the House to support the motion to recede and concur. I am a cosponsor of this bill. I don't have very strong feelings about the amendment that the good gentledady from Portland, Mrs. Beaulieu had offered, it doesn't really matter a whole lot one way or the other. I think the real issue involved is what is going to happen to the bill itself. If we attempt to adhere or insist, we

may lose the entire bill, and that is something that worries me.

When the bill was first put in, it was straightforward and simple. It said that right turn on red shall be allowed unless prohibited — that would be effective 90 days after the session adjourned.

In committee, we worked on this bill at some length. We did a number of things. First of all, in order to provide for pedestrian safety, educate the public and to prepare the kids, we went out and we tacked on an amendment to make it effective in about a year, May 1 of next year, as a matter of fact. We put in some requirements that the Department of Transportation consider several things in deciding where to post a sign prohibiting right turn on red, and I would like to read from the amendment. It says that the following factors shall be considered, the proximity of schools, the proximity of fire stations, the proximity of residences or institutions for the blind, the number of pedestrians using the intersection and complexity of the intersection. All vehicular traffic executing such a turn shall yield the right-of-way to pedestrians upon a crosswalk adjacent to the intersection and to all traffic moving in the lanes having green a ghost signal at the intersection.

We have placed some controls on there. You ought to consider one more thing, and that is the fact that the State Department of Transportation, by law, is the one that decides where signs shall go up prohibiting right turn on red or allowing it. The same thing occurs in terms of traffic lights and things of this sort. It is the state that has the ultimate authority, and I think that is something to consider.

If the good gentledady would require or request or desire a public hearing on the part of the people who actually have got to make a decision, the state DOT, that is one thing, but I think to require a public hearing on the part of people who do not make the decisions leaves something to be desired.

I would urge you to vote to recede and concur.

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

Mr. LYNCH: Mr. Speaker, a parliamentary inquiry. There is some expression that the bill might be lost if we insist. Would a better motion be made to insist and ask for a committee of conference?

The SPEAKER: The Chair would answer that either motion would not kill the bill.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise to agree with the gentledady from Portland, by the way of Eagle Lake. Our gentledady from Portland, by the way of Eagle Lake, is close to the people of my city. She has been concerned for a number of years with the safety of our children, and as a member of our local school board, she has been active in bringing many safety features to our city. I think today we should take a good look at this as a law. It is local control, and you are getting right down to a basic point of law.

Now, Justice Brandeis of the United States Supreme Court, one of the justices that I always admired, once said, "What good is the law if it does not serve the people?" You have a classic example here today. The good lady from Portland, by the way of Eagle Lake, is only asking that local government in these seven cities can determine what is best for them. I hope you defeat the motion before us and give a little respect to our gentledady from Portland by the way of Eagle Lake.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Kennebunk, Mr. McMahon, 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. Curran of South Portland 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 Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I have that feeling that I am about to see my motion sink out of sight, but I do want to make another comment on it.

I supported the gentledady's amendment the other day and I really feel like I am in a position that is very uncomfortable. I certainly have no opposition to public hearings. We are talking about seven communities. The fact of the matter is, this House extended every courtesy to the gentledady last week and the amendment was adopted and it was rejected in the other body. I have no reason to believe that the outcome will change in the other body. I do have reason to believe that the ultimate fate of the bill itself may be endangered if we continue to argue about the amendment.

I submit to you that the municipal officials of the seven municipalities involved have the power now to hold public hearings on this particular matter under the provisions of the bill that we are acting on if they want to. Although I don't disagree with the amendment, I don't think that by receding and concurring you are going to penalize your local officials or your local people in those cities at all.

I sincerely hope you do continue with your previous vote to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Truman.

Mr. TRUMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the cosponsors of this bill and we worked really hard on this matter and it was well accepted by the legislature and the Department of Transportation, so I would ask you to recede and concur.

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

Mrs. BEAULIEU: Mr. Speaker and Members of the House: I make one more plea to all of you. I don't wish to get parochial, but what is written into Committee Amendment "A" with all of the exceptions that detention will be made to certain intersections and what not is because I went before the committee and pleaded with them to please include, and I have not forgotten to thank the Transportation Committee for having it included in there, but I also asked for the public hearings. A letter was sent to every member of the Portland delegation or to me for distribution to the Portland delegation and to the members of the committee from my city manager who supported the two requests that I made that there be consideration given to school intersections, etc. and that a community with more intersections should have a public hearing. I ask you, please, in the name of pedestrian safety and people involvement, to not support the motion before you.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote no against the motion that is before us now. I think the gentledady from Portland, by the way of Eagle Lake, has earned your support on this amendment. Please vote no.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I rise to concur with

the gentleman from Kennebunk, Mr. McMahon, that I think the proper motion here today is to recede and concur.

The other day, I joined with a lot of you members here to support the good lady from Portland on her amendment. However, I feel that as sponsor of one of the L.D.'s to have a right turn on red, that rather than lose the whole bill, I think the provisions we made in the committee amendment will solve the problems that the cities will have and I guess what I am saying here today is that our only motion is to recede and concur and save the bill, because I feel very strongly that if we don't recede and concur, we are going to end up with no right turn on red this year. However, although I supported her amendment the other day to try to do what she wanted to do for the city of Portland, I cannot support her position today and I urge you to recede and concur.

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

#### ROLL CALL

YEA — Alopous, Ault, Austin, Berry, Biron, Blodgett, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Byers, Carter, D.; Carter, F.; Chonko, Cote, Cox, Cunningham, Dexter, Diamond, Durgin, Fenlason, Fowlie, Garsoe, Gillis, Goodwin, H.; Gray, Green, Hall, Hickey, Hobbins, Huber, Hunter, Hutchings, Jacques, Jalbert, Jensen, Kany, Kelleher, Kerry, Lewis, Lizotte, Lougee, Lunt, Mackel, Marshall, Maxwell, McHenry, McKean, McMahon, McPherson, Nadeau, Palmer, Perkins, Quinn, Raymond, Rideout, Rollins, Shute, Silsby, Stover, Strout, Tarbell, Torrey, Tozier, Trafton, Truman, Twitchell, Tyndale, Whittemore.

NAY — Bachrach, Bagley, Beaulieu, Benoit, Berube, Birt, Boudreau, A.; Brenerman, Burns, Bustin, Carey, Carrier, Carroll, Churchill, Clark, Connors, Connolly, Curran, Dow, Drinkwater, Dudley, Dutremble, Elias, Flanagan, Gill, Goodwin, K.; Gould, Greenlaw, Henderson, Higgins, Howe, Hughes, Immonen, Jackson, Joyce, Kane, Kilcoyne, Laffin, LaPlante, LeBlanc, Locke, Lynch, MacEachern, Mahany, Martin, A.; Masterman, Masterton, McBreairty, Mills, Mitchell, Moody, Morton, Najarian, Nelson, M.; Nelson, N.; Norris, Peltier, Peterson, Plourde, Post, Prescott, Smith, Spencer, Sprowl, Talbot, Tarr, Teague, Theriault, Tierney, Valentine, Wood, Wyman, The Speaker.

ABSENT—Bennett, Davies, Devoe, Gauthier, Littlefield, Peakes, Pearson, Stubbs, Wilfong. Yes, 69; No, 73; Absent, 9.

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

Thereupon, the House voted to insist.

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

Mr. BIRT: Mr. Speaker, I move that we reconsider our action whereby we voted to insist and would move that we insist and ask for a committee of conference.

Whereupon, Mr. Strout of Corinth requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that the House reconsider its action whereby it voted to insist. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

64 having voted in the affirmative and 31 having voted in the negative, the motion did prevail.

Thereupon, on motion of Mr. Birt of East

Millinocket, the House voted to insist and ask for a Committee of Conference.

#### Non-Concurrent Matter

Bill "An Act to Require County Commissioners to Notify Municipal Legislative Bodies of County Budget Hearings" (H. P. 646) (L. D. 790) which was passed to be engrossed as amended by Committee Amendment "A" (H-173) in the House on April 22, 1977.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-173) as amended by Senate Amendment "A" (S-97) thereto in non-concurrence.

In the House: The House voted to recede and concur.

#### (Off Recored Remarks)

On motion of Mr. Tierney of Lisbon Falls, Adjourned until 9:55 this morning.

#### After Recess

9:55 A.M.

The House was called to order by the Speaker.

#### Messages and Documents

The following Communication: (H. P. 1496)  
State of Maine

Office of The Governor  
Augusta, Maine

April 26, 1977

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

I believe we are at a crossroads in Maine. We have reached a critical point in our state government where we must decide what directions we are going to take in regard to fiscal responsibility, the assessment of spending priorities, the creation of a climate that will provide more and better jobs for our people and in relieving the heavy tax burden the people of Maine are already bearing.

It was with this realization and after the most careful and deliberate consideration, that I reached the conclusion that I had to return L. D. 1252, An Act Relating to School Funding and Inventory Tax Reimbursement, to this body without my signature and approval.

I was extremely reluctant to veto this legislation because of the time and effort spent by the 108th Legislature in debating this difficult issue. However, in the final analysis, I could not sign legislation which I feel places a higher priority on two large areas of government than it does on the real human and direct needs of the people of Maine.

This Legislature already knows many of my objections to provisions contained within L. D. 1252 and I will be brief in outlining them to you:

(1) I believe L. D. 1252 denies the people of the state to vote on two major spending and taxation questions which directly affect their lives. The people have been denied the right to vote on:

- (a) Whether they want to keep education spending the same,
- (b) Whether they want to increase education spending, or in fact,
- (c) Whether they want to decrease education spending.

They also have been denied the right to vote for themselves whether they want to impose an inventory tax at the local level and thereby reduce the burden on other local tax sources, including the personal property tax.

(2) L. D. 1252 continues to give a blank check to education and to the municipalities and does not require of either the fiscal responsibility we have had to practice in state government

(3) For the past two years in this administration, we have overcome deficits and carried out cost savings programs so we could be in a position to provide direct benefit(s) to the elderly

and low income. L. D. 1252 ignores the needs of these people or places them in a much lower category than the demands of the municipal and education lobbies. L. D. 1252 says loudly and clearly that such programs as tax and rent relief and free drugs for the elderly, sales tax exemptions on electricity for homeowners and other part two programs such as desperately needed money for mentally retarded youngsters must compete for the few pitiful crumbs left by education and the municipalities or that taxes have to be increased to fund them.

I did not sign L.D. 1252 because I do not believe either is necessary. I am convinced that the needs of the municipalities and education can be met and the priority programs of this administration and individual legislators can be funded without a tax increase.

We offered compromises to this Legislature in a genuine effort to fund all necessary and needed programs without a tax increase. We compromised on our position that the people should be allowed to vote on additional education spending and the question of the inventory tax. We compromised on our original recommendation for education funding and we compromised further and offered this Legislature what we felt was a fair plan for reimbursement of the inventory tax. In my address to this body last Friday, I offered still another compromise and said I would accept the decision of the Legislature in regard to the inventory tax reimbursement question.

We are not asking that education spending be reduced. Quite the contrary, we are asking that education spending be increased by \$24 million instead of \$28 million. We are only asking that we spend \$4 million less than the Legislature has proposed in its compromise legislation so we can free up that small portion of the spending pie for some desperately needed human service programs. More and more people, including this Governor, feel that education is receiving a disproportionate share of the available tax dollars. However, we are not asking this Legislature to debate education overspending. We are merely asking that spending be increased by only \$24 million instead of \$28 million.

We utilized the full statutory time limit to veto this measure because of the importance of the issue and because of reports in the media and from individuals that some lawmakers were discussing the possibility of a recall. We also wanted to give the Legislature every opportunity to explore that avenue.

The previous compromises we have made have been intended not only to avoid a tax increase, but to help relieve pressure from the Legislature in a very difficult matter. That is still my goal.

In that spirit, I want the Legislature to know that if it chooses to sustain my veto of L.D. 1252, I will commit to:

- (1) Signing a bill for a reduced level of education funding, not to exceed \$286 million with a mill rate of 11.5; or
- (2) Signing a bill for inventory tax reimbursements alone exactly as embodied in L.D. 1252; or
- (3) Signing a combined bill for education funding not to exceed \$286 million with a mill rate of 11.5 and the inventory tax reimbursement plan as presently contained in L.D. 1252.

Candidly, while I feel we are at a crossroads for Maine, I would like to ask the Legislature to place the will of the people first as this is not a question of the will of the Legislature versus the will of the Governor. The question is the will and needs of the people and whether or not this Legislature is willing to appropriate \$4 million additional to the elderly, the retarded and the needy of this state without a tax increase.

I do not ask you to sustain a veto as much as I ask you to sustain the needs of the people of

Maine and consider the alternative(s) we have presented.

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 Relating to School Funding and Inventory Tax Reimbursement," L. D. 1252, become law notwithstanding the objections of the Governor?

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

Mr. JALBERT: Mr. Speaker and Members of the House: Reading the very first few words of page 3 of our calendar, "I believe we are at a crossroads in Maine," I will go along with that.

We have had several bills come before us concerning this program. For weeks, like all of us, I wrestled with this program, for weeks I wrestled with it with paper and pencil in the appropriations room, while I was listening to debate here, at home at a table and propped up in bed figuring, making a call, changing figures, refiguring, until it came time to finally come out with a bill from the Appropriations Committee. As I recall it, the report of the committee was 9 "ought to pass," 3 "ought not to pass" and one abstaining. I was the one who abstained.

After the smoke got all cleared, I presented a proposal. That was amended in this body and was amended in the other branch but finally became the document that was placed on His Excellency's desk. Last Friday, I, not being present but I was privileged in having a copy of the message as given to us by His Excellency in joint session, heard a great deal concerning the mentally retarded. It suddenly dawned on me that through the anti-recession funds we had given 55 jobs at Pineland. The elderly — we have given money and we are going to continue to give money for the elderly and then drugs for the elderly. That reminded me of the message of His Excellency two years ago in which a program of drugs for the elderly was propounded upon us to be paid for with a one dollar bill appropriation. This veto program would cut \$4 million each year, as is told us, and that money, whether we believe it or we do not believe it, in my humble opinion, is a tax.

The proposal that I presented to this body which, after amendments, became for all intents and purposes a law as far as we were concerned and is now back to us in the form of a veto, had no tax. It even had guidelines that if we did not have money, which we found out yesterday we are going to have, we would retrench. So all areas were covered.

A great deal of time on Friday was spent concerning Part II of the budget. Now, bear in mind that the budget message indicated to us only one budget, not Part I and Part II, but one budget. And I am happy that His Excellency recognizes the fact and agrees with it, apparently, that the Appropriations Committee had divided Part I, which is current services, and is going to launch that on its own.

I saw no reason Friday, I see no reason now for discussing Part II. We cannot discuss what does not exist. We are yet in the C's as far as the department is concerned where it concerns Part I. It will be two weeks to three weeks before you even see Part I. How then can we conceivably discuss Part II? We do have money left, and as far as that goes, if we are to have a surplus, I, for one, and none of you would use it, because I know we would never put in an order raising the estimates. If His Excellency wants to do so, that is his prerogative. But to spend surplus money or balance money or savings cannot be done unless we would raise the estimates by order after the fiscal year closes or unless His Excellency indicates by directive that he wants us to do it.

How often have we heard the words "fiscal irresponsibility"? The words have been thrown at me through the media, they have been thrown at me personally, I have accepted it without any comment, but I must say this morning that if ever I would come up with a program such as this, I would be called "fiscally irresponsible" and I would agree.

As far as the programming of educational funding is concerned, the city and town fathers were told last October or November, December or even January, don't spend over "X" dollars because I will not go along with over "X" dollars. I show you here a blank piece of scribbled paper. I would never divulge where I got it, but on my honor before God, these figures come directly as recommended for this budget from the Budget Office. This is factual, this is plain truth, so help me God. It says, 77-78 uniform property tax retained, one thirty-three-four hundred thousand, which is what the cities and towns would pay, appropriations by us \$156,800. Total, \$290,200,000; 78-79 — 146, uniform property tax \$300,000 — appropriations by us, \$173,080 — total \$319,380,000. You know, there are ways and means somewhere along the line to procure figures.

I stand before you today, and as a personal note, if I may for a moment, say that I am neglecting my own personal work, this being the most important day in my personal work. I wrestled with the Speaker, talked with the Speaker and did everything else until finally, after discussing it with him, getting his good judgment and his honest judgment, regardless of differences that we might have had at times, the decision is for me to be here and here I am with complete and entire sincerity.

As far as I am concerned, we have some money left, make no mistake about it. You cannot use money you don't have. This surplus money, this lapsed balance money you will not have until the year ends and that is July one. By the time we know where we are, it will be July 10th or longer if the track records go along. I have stated oftentimes that we would wind up with a deficit, I have stated we would wind up with a surplus. To tell you where I am would be a falsehood because I have looked at the figures from the very first month to this month and one month we are up here and another month we are down.

I am not an expert and I am certainly not as much of an expert to figure out that situation. We have come to the crossroads. The Speaker in caucus was absolutely correct when he stated that this was held to the eleventh hour. As far as I am concerned, either the people in my community have some sort of faith in what I am doing up here, or they are totally ignoring me, because the only people that talked to me about this have said "do what you think is right" and I am going to do what I think is right.

The local communities have until May 1st under L. D. 407 to act, and that is Saturday. If we came to an impasse today, it would take us one month to come up with a situation or another measure, and I guarantee you, we would come up with something quite similar. One month is at least 20 days, and 20 days at \$30 a day is a substantial sum of money.

I shall vote to override His Excellency's veto this morning with a clear conscience that I am doing right and I beseech you to do the same.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I guess as you all know there is no one who cares any more for the programs which the Governor has been talking about than I do, such as the elderly. I was the original sponsor of the tax relief act and I am the sponsor of the Governor's tax relief bill this session. I also was the sponsor of the drug bill, but I also feel that we have other respon-

sibilities and I pledge to do all that I can to see that we can fulfill both.

I would suggest, perhaps, that if the Governor is really concerned about money for the elderly and some of these other social services, he might investigate why \$3.4 million of federal funds, earmarked mainly for the elderly and mentally retarded, was returned by this state to the federal government unused, and why there is a \$1.3 million surplus in the SSI account for the aged, blind and disabled?

The Governor speaks in his message of having compromised and compromised again. Well, I submit that we have compromised and compromised; in fact, we are about as compromised at this point as a kept woman, and I am a little bit sick of it.

If you want to start translating this veto into dollars, it amounts to about \$19 per pupil. If you want to take that and multiply it by the number of students in your various communities, you can find out just exactly what this means to your community. It is going to mean one or two things. It is going to mean a lessening of the quality of education in those communities or it means that burden is going to be shifted to the property tax. I submit that probably the latter will happen, and I think what is going to happen in the end, the very people that the Governor wants to help are the people that he is going to end up hurting. I would ask you this morning to override the veto.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I will try to temper my remarks, the remarks that I made in the Democratic caucus, for the record anyway.

I drove back to Augusta late yesterday afternoon to pick up a copy of this veto message so I could spend some time studying it, and I find that I have had to vote at one time or another during the past three years on about 30 of the Governor's vetoes, and I would say that this is probably the worst one that he has put out to date.

He has said in his veto message that he would not reduce the inventory level that this legislature has set in the bill that we sent down to him. You will notice on the last page that he said in Sections 1, 2 and 3, he would sign the bill for a reduced level of education at \$286 million, leave the inventory where it is at a tax rate of 11½, sign a simple inventory bill which would do what the legislature tried to do, so what he has done, in fact, is possibly renege on his word a little bit. I have a couple of clippings from earlier this month where he said "Longley has recommended a level of \$268 million, although he recalls he had agreed not to veto a \$290 million level of funding." Well, that is what this bill called for, \$290 million.

He has already told you that he wants to go along with the inventory part of the bill. He has already told you in the veto message that he will buy the 11½ mills. He never did address himself to the fact that leeway went from \$90 to \$115, so we can only assume that that is not a problem with him. So I am trying to figure out exactly why the veto message is in fact before us, because he had said that he would buy \$290 million, which we have in the bill, he will buy 11½ mills, which we have in the bill, and he will buy the reimbursement for inventories, which we have in the bill. There is no common sense reason at all for sustaining this veto.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I think I would like to react to the Governor's message in the context of what at least one local community has done in trying to be fiscally responsible. As you know, I am a municipal officer in the City of Bangor. I would like to comment on some of the

Governor's remarks on the question of local fiscal responsibility, on the impact of the Governor's alternatives on one municipality, the City of Bangor, and why I am going to vote to override his veto. I hope to be organized and relatively brief.

First of all, I would like to react to the comment in the message in which the Governor says that the bill denies the people of the state the right, I assume, to vote on two major spending and taxation questions having to do with the level of education spending. In the city of Bangor, we have an elected school committee, we also have an elected city council. Each of those have been dealing with the school funding at the local level and in addition there is a referendum procedure in our city charter if people feel that the level of spending is too high or too low.

Another comment indicates that L.D. 1252 continues to give a blank check to education and to the municipalities and does not require of either the fiscal responsibility we have had to practice in state government. This is obviously a case where the Governor does not understand what is happening in the local communities. For instance, in Bangor, during the budget process for the school committee, the proposed budget was reduced and reduced again by over \$400,000, and that involved a lot of questions about the quality of education that will be produced after that cut is taken, including larger classroom sizes, layoffs of teachers, reduction in special programs.

In addition, on the municipal budget, it has involved tremendous cuts, both from the department requests and from the city manager's requests, including some examples such as cutting out public health nurses, a welfare case worker, cutting out planning staff, reducing our public works budget, which will mean putting off improvements to the roads and sidewalks in the community.

Why has all this happened even at the local level? It is not because the municipality is free-wheeling and spending on every program it can possibly consider. The cost of heating school buildings and public buildings has gone up without an ability to control that at the local level. The cost of electricity and telephone service, every time it is granted an increase at the state level impacts on municipal budgets. The cost of fuel for police cruisers, fire trucks and school buses continues to rise, and the cost of insurance and state retirement benefits continue to rise without an ability of local officials to control that rise. There has not been an increase in the number of public employees in the city; in fact, it has been cut back.

What are the alternatives? The Governor's alternatives, after an analysis by the city manager's office in Bangor, it will cost the City of Bangor \$350,000. What can we do about that? One, we could further cut what is an already austere education budget, increase class sizes even more, put off school maintenance even more, which will bring nearer the time that new school construction must take place, or cut off even more special education programs for those in need. Or, another alternative is, we could cut additional municipal services, we could lay off more police officers, which would only increase the insecurity in the community, and there is already some concern that we do not have police services as it is. We could lay off more firemen, which would only result in an increase in insurance costs to homeowners, not to mention the personal risk that they would undergo. We could reduce the public works budget even more and therefore not maintain our streets as well, which would mean sooner will come the time that they will have to be reconstructed, the more punishment our automobiles will be taking and the more danger to the public in general. Or, we can do one other



thing — we can take that \$350,000 impact and instead of cutting these vital services, we can pass it on to the local property taxpayer. That \$350,000 means \$1.75 on every thousand of valuation in the City of Bangor, and that is a disservice, in my opinion, to the poor and elderly homeowners and renters in the community.

The people in Bangor are concerned about the uniform property tax as a principle and about what they consider the unfairness of lower income people in coastal areas having to pay a greater than fair share, but they are also concerned that education be funded through a broad base tax, so I think we have to separate that issue from the issue before us, and for those reasons, I plan to vote to override.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: This is a strange issue for me to get up on, but I have tossed an idea around for some time here to various members since we passed this bill last week, or two weeks ago. We talked about fiscal responsibility, everyone wants to do something for everyone in the state. Now, this bill doesn't do that for everyone. We talked about the \$19 per pupil; it was tossed around here just a few minutes ago by a previous speaker, and I can understand that part all right. But the Governor has recommended a budget reduction of \$4 million. As I remember it, the pay-in portion of the towns that are pay-in communities, contribute roughly \$6 million. If we want to do something for everyone in this state, why don't we reduce that budget \$2 million and eliminate that pay-in portion for the towns? We would be giving every town some — and a reduction for the low income and elderly in the form of property tax relief, because everyone, not only the people in the pay-in towns would receive a benefit, but the ones in the other areas would absorb some of that reduction.

I understand that this is going to cost more money, but why not eliminate that pay-in portion while we have an opportunity right here. It is only a matter of about \$2 million more, and then we will be doing something for everyone. That is all that I would request, that you think about it.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I think that my good friend from Orland, Mr. Churchill, has given the perfect foundation to what I am going to say. If we don't override this veto this morning, we are going to open up the can of worms and we are going to start from scratch. We are going right back and right back into all the issues repealing the uniform property tax. That will come up. Our good friend from Orland just recommended that this would be an ideal way to do it, and I am sure that there are many people who would follow his lead in this House. There will be other people who will want to increase the corporate income tax, there will be other people who will want to increase the level of funding, so if you think that this thing is going to die and go away by sustaining the veto this morning, you are absolutely wrong, you are going to start right from the beginning, right back where we were in January and go through the same process again with the whole body's input, the whole legislative input, because it is going to be the legislature that has to make this decision finally.

I would hope that you would join me this morning, and the rest of the folks who have spoken, to override the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I have sat here and listened to this crisis situation develop twice and I have heard

the same things pointed out this morning, and if we don't do something, we are going to create dire consequences back home. Well, I will promise you this. If we do decide to pass this bill over the Governor's veto, a year from today we are going to be right back in the same box. We are going to hear the same rhetoric and we are going to be faced with the same type of crisis situation that if we don't do something, we are going to create havoc back home.

The costs that are incurred, I am sure, are going to be as much as the costs that are involved in the passage of this bill right now. In fact, the excess spending that is involved in the passage of this bill hasn't been, in my opinion, faced up to and, in fact, is some places they have been put a little bit out of the way. I would like to say that was my statement, but it was not. History repeats itself — it was a statement made a year ago when we made a decision to override the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I would first of all like to reassure the gentleman from Brewer that insofar as I am concerned, the issue of repeal will not be raised again during this session.

I, and a good many of us who are on the Taxation Committee, spent many an hour, many a day and several weeks working on the school funding problem and related issues. I realize that L. D. 1252 was a product of compromise and frustration, and personally I had hoped not to see or hear from this bill again. However, this bill is back, and as all bad bills do, they do come back to haunt us, so we are faced with considering this issue again, and we are given another opportunity to reconsider the actions that we took.

Now, education and the related issues that are contained within L. D. 1252, I believe, deserve better than what we have done, and although it is quite distasteful to face these problems once again, I, for one, am willing to take them on and try one more time to do better than we have done in L. D. 1252 without any consideration for repeal.

I voted against the enactment of 1252. I did so because I felt that we were spending a disproportionate amount of money on education at the expense of other worthy programs, and I will vote again against any tax increases and with a clear conscience.

There are others within the House who voted for this bill, who voted for L. D. 1252, and many of those same people are determined not to have another tax increase and who will vote against any tax increase.

I don't see any justification for raising taxes, and I have defeated on several occasions addition taxes because I recognize, as has been pointed out here by several people, that within 1252 there is a built-in increase in tax, there is an increase in the uniform property tax of \$16 million. I recognize that fact and I think all of us should recognize it. However, I am saying that we don't want any additional increases, and I say there is no justification for increasing our taxes any further.

According to information that was provided by the Legislative Finance Office, this information is common, many people have it, it indicates that our anticipated revenues for the next biennium will increase by \$172 million. That is, we have \$172 million available for spending for the next biennium more so than we have for this current biennium. This represents an increase of 18 percent in revenues. That money has all been obligated with this bill, 1252, and we are left with \$1.7 million remaining in the General Fund. Of course, if you want to add on the \$2.1 million of the federal funds that we anticipate receiving, then it would bring you up to \$3.8 million remaining in the General Fund. I

find that that amount is entirely inadequate to fund the social services programs that we anticipate funding.

What we are being asked to do today is to reduce educational funding, by 1.6 percent or \$4.6 million. I would contend that any of our school units could reduce that 1.6 percent, take it right off the top of their budget and not suffer any serious consequences. I think it is quite reasonable and I do believe that the public wants us to reduce the spending on education. I believe that the public wants us to do something about funding the other programs, and I believe the public will object very strenuously if we were to even consider further increases in taxes.

Again, the proposal that is before us represents — if you want to look at it one way, of course it is a reduction in the funding level from the \$290.6 to the \$286 million, but if you turn it around and look at it from another viewpoint as to what we are funding this year's education, that is at \$262 million, and consider that and compare that with the \$286 million suggested to us, that does represent an increase of \$24 million. I don't know, perhaps we have lost a sense of value as to what a dollar means, but \$24 million is a lot of dollars, and I say that is a very, very substantial increase in funding education, and I say that it is a reasonable amount, it is a reasonable action that we are called upon to perform, that is to reduce it down to an increase of \$24 million.

I don't visualize sustaining this veto as causing any great problem to us as a legislative body if we are willing to sit down in good spirit and in a spirit of cooperation work out this problem. I maintain that if you were to sustain this veto, send this bill to us in Taxation, that we could take that \$4.6 million right off the top, provide you with the 11½ mills, provide you with the \$115 leeway, provide you with the inventory reimbursement as it is in the bill right now, give it all back to you with the exception of the \$4.6 million and have it on the calendar tomorrow morning.

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

Mr. LYNCH: Mr. Speaker and Members of the House: The Constitution requires that the legislature shall require the several towns to make suitable provision at their own expense, and since 1820, this has been done.

The Governor says L.D. 1252 denies the people of the state to vote on two major spending and taxation questions. The people of the state have already voted on this. Since 1820, they have been deciding in their own municipalities what to spend on education, and the state, early on, imposed a uniform property tax for the support of education. It has been an increasing burden, and when the people in their municipalities decide that they can no longer increase the funding of education year after year, they will decide in their own municipalities, and I think you have instances of where this is taking place across the state.

I think it is unreasonable for this legislature to tell the people of the State of Maine, you are spending too much money, you must cut it back. If you believe in local control, that is local control to decide how much they want to spend on education.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to ask for your support in overriding the Governor's veto of L.D. 1252. I do so not because I have any pride of authorship in this legislation, but because I feel that this bill does as much for the most number of people as could be hoped possible.

There has been a lot of talk about fiscal responsibility in the last three years, and I have

always considered myself one that fit into that category. I voted with the Governor against the \$18 million tax increase last session because I felt he was right and I still do, but I am voting against the Governor today because I think it is fiscally irresponsible to try to dupe the people of this state into believing that if we follow his recommendation there will be no tax increase. I think we here all know that is not true.

The Governor's plan merely adds \$4 million more in the property tax increase, on top of the \$16 million we have already included in the bill. In fact, if the Governor had his way, we would have raised another \$6 million from a 12 mill rate and then renege on a commitment to fund inventories for another twelve to fourteen million dollar burden on the property tax owner. That is a grand total of \$34 million, and that is a tax increase no matter how one cuts the pie or what words one uses to describe it. I would hope that everyone in the state would know that.

I think sometimes the Governor would like to have the general public believe that what we do here in Augusta has no impact on local taxes but that we can wave a magic wand and this \$4 million will just disappear because the local districts will choose to vote it out of their school budgets. Well, I can report to you that Scarborough, as well as 90 percent of Cumberland County, there is no choice, no choice at all. Not only did Scarborough raise all that it could through leeway, we also sought and were granted special permission to raise an additional \$400,000 over and above that. So far as I am concerned, any failure to fund education at less than what we have already prescribed will mean about \$50,000 in more local property tax for Scarborough, and then we will still have to get special permission to raise more money on the local level in addition to that, and I do consider our school board one that also falls into that fiscally responsible category.

The Governor has made accusations that this bill was written by professional politicians and lobbyists. First, I would just briefly like to say that I resent the connotation that he places on those rather nebulous terms that he chooses to use from time to time; and secondly, while I guess the six conferees could be considered professional politicians, I can assure you there were no lobbyists involved in the deliberations, unless you consider members of the Legislative Finance Office in that category.

The Governor has had his few days in the sun. He has told the people what he thinks they want to hear and it does sound good, but now I think the time has come for this legislature to act in what most people would agree is a fiscally responsible manner by overriding this veto and protecting the property tax payments of all Maine residents.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: We heard in this hall at a joint convention very recently that during the weekend we should go home and listen to the people. Well, two people approached me. One said that if the veto comes I should override it and the other one said, if there is any chance that if you veto that bill you can get the school funding back up to \$293 million, I would advise you to veto it.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor. Pursuant to the Constitution, the vote will be taken by the yeas and nays. A two-thirds vote is necessary to override the objections of the Governor. 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 — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Biron,

Boudreau, A.; Boudreau, P.; Brenerman, Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Dexter, Diamond, Dow, Drinkwater, Dutremble, Elias, Fenlason, Flanagan, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahan, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Pearson, Peltier, Peterson, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Smith, Strout, Stubbs, Talbot, Tarbell, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Tyndale, Whittemore, Wyman, The Speaker.

NAY — Berry, Berube, Birt, Blodgett, Brown, K. L.; Brown, K. C.; Bunker, Byers, Carter, F.; Churchill, Conners, Cunningham, Davies, Devoe, Dudley, Durgin, Fowlie, Greenlaw, Hall, Hughes, Hutchings, Mackel, Moody, Perkins, Post, Silsby, Spencer, Sprowl, Stover, Tarr, Valentine, Wilfong, Wood.

Yes, 118; No, 33; Absent, 0.

The SPEAKER: One hundred eighteen having voted in the affirmative and thirty-three in the negative, with none being absent, the Governor's veto is not sustained.

By unanimous consent, ordered sent forthwith to the Senate.

#### Study Report

##### Committee on Marine Resources

Mrs. Post from the Committee on Marine Resources to which was referred the study relative to Marketing, Extension and Research Activities relating to Marine Resources, pursuant to H. P. 253 of the 108th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Resolve Directing the Commissioner of Marine Resources to Lease Land and Buildings in West Boothbay Harbor to the Northeastern Research Foundation Inc. (Emergency) (H. P. 1492) (L. D. 1704) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: Because of the way this particular item is written, I wanted to be on the record as indicating that this is the preliminary findings of the Committee on Marine Resources as it relates to this study. We wanted to get this resolve into the legislative process so that hearings could be held on it. There will be further findings and a complete study coming in a week or so.

Thereupon, the Report was accepted, the Resolve referred to the Committee on Marine Resources, ordered printed and sent up for concurrence.

#### Orders

An Expression of Legislative Sentiment (H. P. 1487) recognizing that:

The Maine Maritime Academy has been fully accredited as a post-secondary school for a period of 10 years by the New England Association of Schools and Colleges

Presented by Mr. Greenlaw of Stonington.

The Order was read.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: In 1971, the Maine Maritime Academy was accredited by the New England Association of Schools and Colleges for

the first time. Last fall when the accreditation team arrived in Castine, there was some concern about whether the academy would be reaccredited. I am happy to report to you today that in early February the New England Association of Schools and Colleges indicated that the Maine Maritime Academy would receive an accreditation for a ten year period. I think this is noteworthy and I think that the academy is held in general esteem by members of this legislature, and I thought it might be appropriate to extend our best wishes to the academy on this occasion.

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

An Expression of Legislative Sentiment (H. P. 1488) recognizing that:

Janice Ann DeRoche of Biddeford has won the Miss Cumberland County Scholarship Pageant held on April 24, 1977, and will participate in the 1977 Miss Maine Pageant

Presented by Mr. Talbot of Portland (Cosponsor: Mr. Lizotte of Biddeford)

The Order was read.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: You may wonder what my name is doing on this as the sponsor, and I would just explain that last Sunday I did attend this pageant and at that pageant there were four very well qualified, excellent judges, three ladies and myself.

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

An Expression of Legislative Sentiment (H. P. 1489) recognizing that:

Terri Elaine Gilpatrick of Lincoln has been selected as Miss Greater Lincoln

Presented by Mr. MacEachern of Lincoln.

Was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1491) recognizing that:

The Honorable Kenneth M. Curtis has brought great credit to the State of Maine, both as Governor and as National Chairman of the Democratic Party

Presented by Mr. Curran of South Portland (Cosponsors: Ms. Benoit of South Portland, Mrs. Gill of South Portland, Mr. Howe of South Portland)

Was read and passed and sent up for concurrence.

#### House Reports of Committees Ought Not to Pass

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act to Establish Fees for Child Care Licenses" (H. P. 161) (L. D. 199) reporting "Ought Not to Pass"

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

#### Leave to Withdraw

Ms. Clark from the Committee on Business Legislation on Bill "An Act to Require Substantiation of Certain Advertising Claims" (H. P. 744) (L. D. 949) reporting "Leave to Withdraw"

Mrs. Trafton from the Committee on Health and Institutional Services on Bill "An Act Concerning Transfer of Assets for the Purpose of Qualifying for Medical Assistance" (H. P. 850) (L. D. 1041) reporting "Leave to Withdraw"

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act to Require the Department of Human Services to Make Reimbursements to Nursing Homes and Most Boarding Homes on the Basis of Reasonable Operating Costs" (H. P. 178) (L. D. 192) reporting "Leave to Withdraw"



Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act Relating to the Transfer of Property for Certain Recipients of Medical Care" (H. P. 486) (L. D. 606) reporting "Leave to Withdraw"

Mr. Curran from the Committee on State Government on Bill "An Act to Establish the Salary of State Legislators" (H. P. 725) (L. D. 847) reporting "Leave to Withdraw"

Mr. Elias from the Committee on Transportation on Bill "An Act Concerning Coach Plates Under the Motor Vehicle Law" (H. P. 249) (L. D. 321) reporting "Leave to Withdraw"

Mr. Jensen from the Committee on Transportation on Bill "An Act to Decrease the Registration Fee on Daily Rental Cars from \$30 to \$15" (H. P. 891) (L. D. 1099) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Mr. Curran of South Portland was granted unanimous consent to address the House.

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: If you would please refer to Item 6 on the "Leave to Withdraw" Reports, last evening, as I watched the news, there was a paid advertisement by the Majority Leader of the Senate referring to this particular L.D. He has urged the citizens of the state to write you in regards to legislative pay increases. I bring this to your attention so that if you do get flooded by mail, the bill is dead.

**Ought to Pass**

**Pursuant to Joint Order H.P. 138**

Mr. Henderson from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1977 (Emergency) (H. P. 1490) (L. D. 1703) reporting "Ought to Pass" pursuant to Joint Order (H. P. 138)

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

**Divided Report**

Majority Report of the Committee on Liquor Control reporting "Ought Not to Pass" on Bill "An Act Relating to Location of State Liquor Stores" (H. P. 1123) (L. D. 1341)

Report was signed by the following members:

Messrs. LEVINE of Kennebec  
LOVELL of York

— of the Senate

Messrs. TWITCHELL of Norway  
GRAY of Rockland  
MAXWELL of Jay  
RAYMOND of Lewiston  
CONNERS of Franklin  
JACQUES of Lewiston

— of the House.

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

Report was signed by the following members:

Mr. DANTON of York

— of the Senate.

Messrs. IMMONEN of West Paris  
NADEAU of Sanford  
MARSHALL of Millinocket  
LIZOTTE of Biddeford

— of the House.

Reports were read.

Mr. Maxwell of Jay moved that the Majority "Ought not to pass". Report be accepted.

The SPEAKER: The Chair recognizes the gentlemen from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take just a few minutes this morning and go into exactly what is being considered here. Back about four years ago, a couple of sessions ago, the ses-

sion before last, we passed a bill allowing agency stores to be developed. The concept of that piece of legislation was very clear in which it said that the State Liquor Commission shall have the authority to license and regulate in cities and towns and unorganized territories which have voted in favor of the operation of state stores under local option, and where there are no state stores — and then it goes on to some other language — but which have no state stores, retailers or special agency stores on an annual, seasonal or temporary basis. That was clearly to take care of some situations, cases like Lubeck, which is quite a long ways from a state store and it would provide that service. It is a concept that I have long agreed with, because I think if the state is going to be in the business of selling alcoholic beverages and regulating them, they should make them available to anybody without having to drive long distances. In Lubeck's case, I believe they had to drive about 70 or 80 miles. There is absolutely nothing wrong with that bill.

Shortly after the passage of it, there was the closing of several state stores and indications that they were going to close any store that cost over 8 percent to operate. Talking with many people in towns where there were stores, and this was in several cases, the merchants in those towns indicated that they did not want to take it over for the 8 percent. In the cases where they did initiate state stores, they were perfectly happy to do it because it did generate some business and keep some business in town.

Down through the years, there is one state that does use the agency store concept, and that is Vermont. Vermont has used it reasonably successfully ever since the state went into the liquor business, actually to repeal Prohibition in the middle thirties.

During the years in which you have had the concept of state stores as against locally controlled stores, there is no state that has gone from one to the other. There is no state that has gone from the controlled program to the uncontrolled program, or there is no state that has gone from the program of having so-called package stores, Massachusetts as an example, to the state store concept.

The concept of the 8 percent indicated that there were a lot of people who wanted these stores, but as I explained there are many who do not want them. In several cases I know of, they have actually turned them down.

What has happened this year, there have been two bills in to raise the state's discount which was not specified in the original law, the department was authorized to establish the amount of profit that would be realized. There are two bills in, one of them is to raise it to 15 percent, and there are only two or three state stores in the state that are costing over that to operate.

This last summer, and I think what actually happened, why I reintroduced this bill, I saw a couple of editorials in papers throughout the state, one of them which was in the Waterville Sentinel, went extensively into discussion of the state store concept and the agency store and what the ultimate results might be. It indicated that probably before we got all done we might make a decision that we gradually kept closing state stores and going to agency stores, that would create a situation that we wouldn't be happy with. It does lend itself more to abuse. The state stores have worked very successfully. There has not been any abuse. With the exception of one issue that came up in the early 1950's, there has been no scandal that I know of that that has been identified with the whole liquor control since the state abolished Prohibition back in the thirties.

The long-range potential, if we were to keep on, the way the language in the bill is and the law is right now is, the commissioner could theoretically, abolish every state store

and change the whole thing over the so-called package stores. I think the direction the legislature and the state wants to go. I think it should address that problem strictly in that light and not being allowed to do it by slowly closing of stores and doing it on an attrition basis.

The bill that you have before you just sets up some guidelines. The original law allowed the commission to set up the guidelines as far as the number of stores, the location of the stores, and very little direction was in the language of the law. The bill you have before you is a similar bill that, and it probably may be brought up that the governor did veto one last year, I think due to some of the legislation that come in that changes the picture a good deal, thus established the fact that if there was a state store within three miles, they can't close that store to allow the opening of an agency store, or if the cost of operating it is less than 15 percent. If it costs more than 15 percent of the gross income to operate the store, or if the store is more than three miles distant, he can establish an agency store.

I hope you will defeat the motion for the "ought not to pass" and then accept the "ought to pass" report. I think this is probably a case of the legislature wanting to exercise more direction in how the development of liquor stores and the dispensing of so-called hard liquor is handled.

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

Mr. MARSHALL: Thank you Mr. Speaker, Men and Women of the House: I voted for this minority "ought to pass" report regarding this measure for many of the same reasons that my very good friend from East Millinocket, Mr. Birt, did. Let me read one point that I think should be brought to the attention of this body. It says under Section 153, "Nothing contained in this section shall prevent the Bureau, with the approval of the State Liquor Commission, from closing a store which is not operating at a profit-making basis". This is not going to force the State of Maine to keep open non-profitmaking stores. It simply is going to allow for the local community needs, have a greater interest in their needs as opposed to a greater percentage of profitmaking by the state. I would urge that we defeat the motion to accept the "ought not to pass" and go with the "ought to pass" report.

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

Mr. RAYMOND: Mr. Speaker and Members of the House: It is true that the liquor commission will not be closing stores up to 15 percent; however, there is this possibility. Right now, there is a moratorium on agency stores. The Liquor Control Committee has asked the commission not to open up any more agency stores. We have presently got 30 in the state.

This is a new project that the legislature undertook about a year ago. We are in the process now of finding out the results of this one-year experience. The commission, I met with them yesterday afternoon, they are in the process of evaluating what the agency stores have done in the past year. It may or may not be feasible to continue these in the future, we don't know that yet. Presently, it is bringing into the state extra revenues. However, we don't feel and the commission doesn't feel that this bill is necessary. They are not going to close a liquor store without being able to replace it with an agency store. This would not make sense. Because if in small municipalities where they have to travel 35 or 50 miles in order to get a bottle of liquor, they don't make more than 15 percent gross, if they should close that store, it stands to reason that instead of going 50 miles to get a bottle of liquor, they may have to double that mileage, because no agency stores will be placed there.

So, I would ask the House to go along with the

"ought not to pass" report and let the Liquor Commission and the Liquor Control Committee study this a little further so that possibly, if not before the session is over this year, possibly next year, we will be able to give you a better report of the agency stores.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I am supporting this bill for one reason and one reason alone. I seem to be the person harking about liquor stores in the southern part of the state. Well, I will tell you, if the Liquor Commission happens to ever close the Sanford store, remember Rochester is only 18 miles away and that is the next closest liquor store. Go ahead, close the Sanford liquor store, then wonder why all the booze business goes to New Hampshire.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, I would like to pose a question through the chair to any member of the committee. I want to know, in regard to this moratorium, if there is any guarantee that no package stores will be opened before we are here next session?

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I don't know whether this will answer the gentleman's question or not, but I just received this letter here and what disturbs me a little bit is, I signed this bill out "ought not to pass." It says "Gentlemen" — it is from the Liquor Commission — "I have been instructed by the Maine State Liquor Commission to advise you that the Liquor Commission wishes to continue its moratorium on the expansion of agency liquor stores. We are implementing a new program of direct delivery and a more accurate accounting system so that we may properly determine what is being sold by our agents and by our state liquor stores. The commission has lived up to its agreement with the previous Liquor Control Committee that it would not open more than 30 agencies. The commissioners wish, however, to be removed from this gentleman's agreement and to use their discretion, as provided by law, to reassess their position and open more agency stores if they so desire."

I would like this clarified before we vote on this, myself. It disturbs me a little bit.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: During my meeting yesterday with the commission and the Director of Alcoholic Beverages, this was brought up. As far as the request that they made is concerned, this, naturally, will have to be left up to the Liquor Control Committee at our next meeting. However, all they are asking, and we were assured yesterday, by the way, by the chairman of the commission and the commissioners, that they would prefer not opening any more agency stores in the next few months anyway, because as the letter stated, they are in the process of reevaluating and they want a couple more months to find out what is the best thing to do. Their plan is not to close any more liquor stores.

However, before opening other agency stores, as I said before, they want to evaluate the entire state. It is very possible that at the next meeting of the Liquor Control Committee, I, for one, may give them permission to open other agency stores where needed. I am sure that you people that live up north or in some of the coastal areas have to travel great distances in order to go to a liquor store. This may not mean so much during the week, but I am sure during holidays, the summer season, this means a great deal not only to you people but to the

tourists. I think it would be to the advantage of those towns to have an agency store.

However, I cannot speak for the Liquor Control Committee. We are having a work session Friday morning. Hopefully, this will be brought up then and a decision can be made at that time.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that somebody is confused, probably me, I usually am. This thing doesn't say a word about opening stores. It simply says that they cannot close any stores. If a place is 25 miles away, or 15 miles away, or something like that, it looks to me that the present law, with this in addition, will take care of it. All this writes itself to is simply the matter of closing a present liquor store in order to open another store, not to serve anybody better. The liquor store that is there, it will serve people now, they simply are forbidden to close it unless there are certain provisions in here. It seems to me that the thing is clear-cut, that this will prevent closing stores for the sake of opening package stores, that package stores may be opened if they are needed anywhere to take care of these tourists, or whatever that are a long way from a liquor store.

The SPEAKER: The Chair recognizes the gentleman from West Paris, Mr. Immonen.

Mr. IMMONEN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question made earlier by the gentleman from Winthrop, Mr. Bagley, the moratorium is not a fact of law. After the commission or the director were both in agreement with the original bill, which he asked for for the three times that I have been previously in the legislature, first he wanted to have stores in isolated communities because of the fact that they were being discriminated against by not having any source of liquor. But then, in the last session, in the 107th, he came out with the idea of also closing some stores that have very little business, and maybe some local merchant might like to take over the business. Somehow or other, it seems to be that this bill has been used as a foot in the door to expand the business.

Then, after they had gone and opened up the stores or closed the state stores in Scarborough and in Saco and which are not for distant and isolated areas, they kind of popped into the committee for a gentleman's agreement. If you call it a moratorium or gentleman's agreement by the Liquor Committee as warrant and law, I don't believe so. The director has been using this bill or this law as a method of wheeling and dealing. I hope you defeat the motion and then support the original bill.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: To me, this is a good bill. I certainly cannot understand that a city such as Saco cannot afford a state liquor store, so we closed it. Now, for some unknown reason, the city can afford not one but two agency stores.

To me, this is not an accommodation as it was meant to be when we passed the agency store. I think it is time we buckled down and controlled the closing of state liquor stores.

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

A vote of the House was taken.

22 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

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

#### Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Eliminate the Requirement that Persons Over 70 Submit to an Eye Test in Order to be Issued a Complimentary Hunting License" (H. P. 562) (L. D. 679)

Report was signed by the following members:

Messrs. USHER of Cumberland  
PRAY of Penobscot

— of the Senate.

Messrs. MacEACHERN of Lincoln  
TOZIER of Unity  
McKEAN of Limestone  
DOW of West Gardiner  
GILLIS of Calais

— of the House.

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

Report was signed by the following members:

Mr. REDMOND of Somerset

— of the Senate

Messrs. PEARSON of Old Town  
PETERSON of Caribou  
ROLLINS of Dixfield  
MASTERMAN of Milo  
MILLS of Eastport

— of the House.

Reports were read.

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

Mr. DOW: Mr. Speaker: I would move that we accept the Majority "Ought Not to Pass" Report on this bill.

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

Mr. McBREAIRTY: Mr. Speaker, Members of the House: L. D. 679 is my bill, as many of you have said before. Several years ago, the legislature saw fit to give senior citizens over 70 a free hunting license which has a price tag of \$7.50. The only thing wrong with the gift is that they are required to take an eye test that in many cases costs more than the license. They are the only people who are required to take an eye test to get a hunting license. Why should senior citizens be forced to spend money to take an eye test to receive a free license when the fact is that if he doesn't pass the test, is actually found to be nearly blind, he can still pay \$7.50 and buy a license?

I am sure if you check your records you will find that the accident rate caused by hunters over 70 is very small. Let's not pretend to give senior citizens something and require them to do something no one else has to do. Let's pass this bill by turning down this Majority "Ought not to pass" Report and eliminate discrimination against 70-year-old recipients for a free hunting license.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I signed the minority report "ought to pass" on this bill dealing with people who are required to take an eye test if they receive a free license. I support the position of Mr. McBreairty of Perham, and I would ask you to vote against this bill because I think it is just hassle, hassle, hassle for old people. In order to get a license that is free, it says you have to take an eye test. If you don't pass the eye test, you can go out and buy a regular license and hunt anyway. I don't see any sense in the bill. I hope you will eliminate one little hassle for them.

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

Mr. DOW: Mr. Speaker and Members of the House: I am well aware that the people over 70 can purchase a license if they are refused the eye test, if the eye test is not right, but I would

rather see it tightened up on the other end than make it looser and make it available for them to get their license without a test. Also, the department has set up with the motor vehicles examiners that they can get a free eye examination with the Motor Vehicles Division.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Peterson.

Mr. PETERSON: Mr. Speaker and Members of the House: In response to my good friend Mr. Dow's remarks that they are setting up places where they might have exams, it still is incumbent on any of the recipients to travel many miles. For instance, if one were in the Allagash, it would be necessary for him to go to Fort Kent or even Caribou. Caribou is about 90 miles, to Fort Kent it is 35 miles, I believe.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I feel that the people over 70 are very responsible people. I am going to be in that category in three years. We have to take tests already for driving. I believe that's enough.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: The reason that I signed this the way I did is because we, the people in this age group, already have to pass an eye test for the Motor Vehicle Division and it seems to me that when they presented this drivers license, giving them the right to drive an automobile, certainly this should suffice if they went in for their license, what we are talking about this morning. The department informed me that because of the time involvement, maybe it would be too long between the time the test was given and when the driver's license was issued to them and that maybe their eyes had deteriorated, but I submit to you this morning that there isn't that length of time involved and that is the reason I signed the "Ought to Pass."

Mr. Peterson of Caribou requested a roll call.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: This is one more prime example of the Fish and Game Department to putting an obstacle in the way of the people we would like to help in our society. I say to you, instead of the person's eyesight deteriorating, I think the department has deteriorated slightly.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from West Gardiner, Mr. Dow, that the House accept the Majority "Ought Not to Pass" Report, on L. D. 679. Those in favor will vote yes; those opposed will vote no.

**ROLL CALL**

YEA — Boudreau, A.; Brown, K. L.; Burns, Dow, Gray, Hall, Hutchings, Immonen, Kane, Kany, MacEachern, Maxwell, Sprowl, Tozier, Twitchell, Whittmore.

NAY — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, P.; Brown, K. C.; Bunker, Bustin, Byers, Carey, Carrier, Carroll, Carter, F.; Chonko, Churchill, Clark, Connors, Connolly, Cote, Cox, Cunningham, Curran, Davies, Diamond, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Green, Greenlaw Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Jackson, Jacques,

Jensen, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, McBreairty, McHenry, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Spencer, Stover, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Torrey, Trafton, Truman, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Birt, Brenerman, Carter, D.; Devoe, Dexter, Gould, Jalbert, McMahon, Najarian, Post, Tarbell.

Yes, 16; No, 124; Absent, 11.

The SPEAKER: Sixteen having voted in the affirmative and one hundred twenty-four in the negative, with eleven being absent, the motion does not prevail.

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

**Divided Report Tabled and Assigned**

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Permit Hunting for Small Game on Sunday during Certain Months" (H. P. 520) (L. D. 638)

Report was signed by the following members:

Messrs. USHER of Cumberland  
REDMOND of Somerset  
— of the Senate.

Messrs. PEARSON of Old Town  
McKEAN of Limestone  
TOZIER of Unity  
DOW of West Gardiner  
ROLLINS of Dixfield  
PETERSON of Caribou  
GILLIS of Calais  
MASTERMAN of Milo  
MILLS of Eastport  
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.  
Mr. PRAY of Penobscot  
— of the Senate.

Mr. MacEACHERN of Lincoln  
— of the House.

Reports were read.

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

Mr. DOW: Mr. Speaker, after that last vote, I hesitate to get up on this one. I move we accept the Majority "Ought Not to Pass" Report and further move that it lay on the table one legislative day.

Whereupon, on motion of Mr. Dow of West Gardiner, tabled pending his motion to accept the Majority "Ought Not to Pass" Report and tomorrow assigned.

**Divided Report**

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Concerning the Collection and Use of Social Security Numbers by Educational Institutions Receiving State Funds" (H. P. 1068) (L. D. 1291)

Report was signed by the following members:

Messrs. HEWES of Cumberland  
CARPENTER of Aroostook  
Mrs. CUMMINGS of Penobscot  
— of the Senate.

Messrs. CARRIER of Westbrook  
BURNS of Anson  
Mrs. DURGIN of Kittery

Messrs. GOULD of Old Town  
SHUTE of Stockton Springs  
MOODY of Richmond  
JOYCE of Portland

DUDLEY of Enfield

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

Report was signed by the following members:

Messrs. BIRON of Lewiston  
COTE of Lewiston  
— of the House.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: Being practical, also seeing the alignment at the other end of the hall, and being number thirteen on the Divided Report, I now move that the House accept the Majority "Ought Not to Pass" Report.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: That perhaps doesn't vote as well as it might for this bill. I am the sponsor of it and I feel obliged to defend this and I do so without any reservations.

The Bill is L. D. 1299 and I feel the bill is as important in a symbolic sense as it is in a tangible sense and it is a bill that deals with the personal right of privacy, I feel. What it says is that an educational institution receiving state funds cannot demand that a student or a faculty member, for that matter, disclose his or her social security number. It may be made voluntary, and in either case, to tell the person how that number will be used.

To many people, this is an insignificant issue and I would say that my social security number or yours isn't an intimate personal detail. However, it is becoming increasingly a key to a great deal of information about all of us. The computer and data banks are proliferating at a tremendous rate. The ability to collect, store and retrieve information on all of us is mind boggling.

The military has converted to using social security numbers for serial numbers. When we fill out and apply for a bank account, the bank is required by law to get our social security number. If we have any medical assistance, at least if it is paid for by any government funds, our social security number is required to be disclosed. If we go to school now, our social security number is required to be disclosed. We are getting near to the point, it seems to me, where we are a nation of numbers, almost more than a nation of people with names, and by virtue of so many agencies, both public and private, using the social security number to key into all of this information about us, it makes it that much easier to retrieve. Some people will say, so what, I have nothing to hide and maybe the whole notion of this bill is a little bit paranoid, but I guess that is the way I felt when I was watching all the Watergate deliberations on TV, and the whole notion of the proliferating data banks kind of scares me whether I have broken the law or not, because information which may seem perfectly harmless may become somebody else's weapon against me or you. A lot of the people that ended up on previous National administration enemies lists may have felt they had nothing to hide, but information obtained by federal agents and others was used to create a list of political enemies. I just don't want to make it that much easier for that kind of thing to happen again.

This bill would not require any such educational institution receiving state funds to expunge any numbers they have collected on people in the past, it would merely require them to convert to a different system of numbering such as we have recently seen the State Motor Vehicle Bureau do on drivers' licenses, I think for much the same reason as this bill is put forth.

I think perhaps it is important for the state to

go on record as being concerned about increasing threats to personal privacy created by burgeoning data banks, computers, etc. The social security number of sort is a key into the file draw in a sense; therefore, I ask you not to accept the "ought not to pass" report but vote it down and accept the "ought to pass" report.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I was a signer of the "ought not to pass" and I feel I should give my reasons as to why.

This bill, during the hearing, the question was asked, was this a foot-in-the-door type concept, and the reply was, yes, forthcoming from this bill in later sessions, probably would be many, many different laws in regard to personal identification and the use of the social security number.

The Legal Affairs Committee was ordered to do a study after the regular session of the 107th on private data, private information and accumulation thereof, because there was quite a bit of concern in this area. The finding of the committee was that there already is sufficient law on the books to safeguard the individual, the individual information, and also the computers themselves have safeguards built into them whereby you must know what you are doing in order to get the data out of it. Here in state government, in order to get the information from a computer, you must be at a terminal that is geared in for that portion of the computer. In private industry where a computer is used, this is their bread and butter and I will guarantee you there are many, many safeguards built into the computer system. So, just because you have an individual's social security number does not mean that you are going to be privileged to the data available on that individual. Again, it is already against the law, it is against the federal law and most cases against the state law.

How do people get this information? It is very similar to testimony received on this bill in front of the committee. An individual stated that he got his friend's service number, which also is his social security number, and got his complete military history. When quizzed as to how he did this, he said he had a friend that happened to be in the National Guard and who had a friend in another place and another friend along the line. When asked the question, were you aware that you are violating a law when you did this, he answered in the affirmative, that he was aware that he was breaking the law when he got this information. So, by passing another law to make it illegal again does not make very much sense to me. I think we have enough laws on the books right now.

In all the testimony on this bill from the people who generated the bill, we asked what the problem was. The only problem that we could ascertain was a problem in their mind, it was something that was bothering them. When asked for any specific irregularities in this area, they could not cite any.

This was brought about by the University of Maine, primarily. Dr. Allen came in front of the committee and informed the committee that the University of Maine has already taken steps whereby they will not be using the social security number of students, faculty and other people who are there unless there is a legal requirement for it. They are going to go to a numbering system of the students for identification.

I therefore urge you to vote for the "ought not to pass" report.

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

Mr. WOOD: Mr. Speaker, Men and Women of the House: I would like to relate two ex-

periences that would lead me to support this bill.

One of my past jobs was working as a Management Information Specialist and my job was basically to gather statistics on people. It was people that I worked with, their dream and hope that someday social security would be used to gather all sorts of data and if they could punch in a social security number and gather all the data that we were trying to gather, and that type of philosophy scared me at the time and I was convinced at that time that if there was anything I could do to stop using social security numbers, I would.

The other incident occurred to me when I went to a bank and tried to open a savings account and I was told that I would have to give my social security number, that it was part of the law. I said, well, it is my understanding that it is not part of the law and I guess I won't open an account here. It was, at that time, a fairly sizable account and the bank called me up later to say, well, it really isn't part of the law, you can open an account here without giving us your social security number. So, my fear is that although there are safeguards, a lot of people feel that a social security number is demanded in a lot of cases when it isn't, and knowing the management field from my experience, I do not want to give them any more tools to gather data on people than they already have.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: Right now I am in the minority of one. I did sign this report "ought to pass." I am going to stand on my guns.

Let's talk a little bit about the bill and what it is. Obviously, Mr. Burns, in his conversation, has told you that the University of Maine has already recognized the problem they were having in demanding that the students use their social security number on their applications. The purpose for the social security number is not to make a national system so we can pinpoint and find people. The Social Security Administration itself has said that. The purpose for the social security number is simply to be used by the Social Security Administration. Yet, we have found people, businesses, educational systems throughout the country using this number because it is easier to use. There is no reason on earth why they can't use a different number and that is really what this bill is all about. Already the University of Maine has said that they are going to change their system. All this legislation will do is guarantee that they will continue doing that in the future. They have recognized that they are making mistakes. They have recognized that they shouldn't be using social security numbers for identifying their students, therefore, I can't understand why anybody should be opposed to this legislation. All it says is that if a student wishes to use his social security number, he can, but if a student says no, and they have that right, they can't. That is all the legislation says and I urge you to support the "ought to pass" report.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: In response to the good gentleman from North Anson, he asked me if this bill was a foot-in-the door, and I said, yes, if you want to look at it that way, that I was contemplating a more comprehensive bill dealing with records kept by the state government. The reason I didn't put one in was because I don't know yet how necessary that is. I certainly don't contemplate many, many more bills.

He did point out accurately that it is illegal to collect data on other people under certain circumstances but yet it happens. This bill doesn't, again, make it illegal to do so, what it does is to

take away the tool that could be used improperly to more easily gather that data illegally. I would like to make sure, and the University has apparently agreed to do this although the bill would apply to any other educational institution receiving state funds, and I would like to see passage of the bill to insure that that policy is written into the law and that the state government shows its sensitivity to these concerns. I would ask for a division.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I also rise to support this bill. On the Judiciary Committee, we have had a lot of discussions dealing with the criminal history record information law and we have put penalties into the law for disclosure of the records in certain circumstances. I had an experience this fall before coming to the legislature which I thought was interesting in regard to the effectiveness of the prohibitions that we had written into the law.

I was visiting one of the police barracks that has a computer terminal that is hooked into the criminal history record information systems around the state, and just to see how careful the procedures were about disclosing the information, when they were showing me the computer system, I said, could I take a look at my traffic record? They said, sure, and they pushed out the thing and my traffic record came on the computer. Then I said, I wonder if there are any other Richard Spencers in Maine, and they said, huh, let's see, and they typed out Richard Spencer and it turned out that there were 17 Richard Spencers. Then I said, I wonder if any of them have done anything and they typed out the computer to see what their records looked like. I think, although we do have the prohibitions in these kinds of systems, that the potential for the information getting out in spite of the prohibition is very high, and this bill, which was aimed at simply using another number so that it doesn't get into the computer in a highly usable form, seems to me to be a good idea.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Mrs. Kane.

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: There is just one point that Representative Burns made that I would like to address. Personally, I support this bill because of the concept of personal privacy and I personally fear the age of big brother, which seems to be almost upon us. Mr. Burns made a great deal about the safeguards involved in these systems. I have been a computer programmer, and having been involved in designing computer programs, I know, and I can guarantee that any safeguard that anyone can design, there is another person that can get around it. Safeguard systems, computer programs, anything it is only as good as the person who designed it and there is always someone smarter who, if he or she wants to, can find a way to get around it.

So, if you support the idea of this bill or oppose it, at least don't do it with the idea that they will be absolutely safe because safeguards are there, they can be gotten around.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: If you will notice, I signed the minority report, the "ought to pass" report because I felt the same way that many of you people here today feel. Except after I looked at the makeup and what was going to happen in the other body, I shouldn't assume that probably, I felt that as a matter of being practical and saving the legislature a little bit of money by writing those bills back and forth, that is why I made the motion to accept the



"ought not to pass" report, but if this is not accepted, I will be happy to vote the other way myself.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the signers of the "ought not to pass" report on this bill and would like to give you a couple of reasons why.

I called the University here in Augusta concerning this bill and talked with the registrar and also talked with the Business Manager about it and asked what some of the objections might be to passing legislation of this type. Here are some of the answers that I received and where the problems might come in by passing this legislation.

First, if we direct the university to assign numbers to students, if a student is attending three different universities in the state, maybe under CED courses, they are going to have to have three separate numbers. When the student gets out of college and a few years later writes back pertaining to some of his records, ordinarily the student will have in his possession his social security number but most likely will have lost or forgotten his student number, the nine digit number assigned by the university.

They have put this system into effect to some degree at Orono and, as I understand it, it cost the salary of an extra clerk at Orono assigning these new numbers to the students at the University of Maine in Orono, so it is going to be an extra cost to the state.

I think we should talk about the number of people that object to the use of their social security numbers. Up at the University of Maine here in Augusta, there are approximately 8,500 students registered. That is daytime and part-time students. Out of that 8,500 students we are talking about 20 students. Out of that 20 students that we are talking about, 10 of those students are foreign students and don't have social security numbers. Out of those 10 students, one student at the University of Maine here in Augusta objected to using his social security number. So I wonder if we should change all of our state laws for one student here in Augusta when we have 8,500 students and 8,499 of them didn't object.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: In reference to the comments just made by Mr. Shute, I would like to inform the House that the University of Maine has already decided not to use social security numbers in the future.

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

Mr. HOWE: Mr. Speaker, Members of the House: In response to the gentleman from Stockton Springs, Mr. Shute, I am interested to learn that he knows exactly who those students are who object. I don't know who they are but they also include some faculty people, but I also think that many people tend to fill out forms and put down anything that is asked for without thinking to question it, whereas, if they thought there was some opportunity to protest, they might very well protest if they thought about it. I don't know why three different campuses would need separate numbers, even if the social security number is not used.

Under the bill, those who have no objection to the continued use of the number, the university may continue to use it. It is a bill designed for that minority, whether it is one or a hundred or thirty, I don't know.

I guess, philosophically, we can justify the use of social security numbers on anything in terms of bureaucratic and administrative efficiency. There has been seriously proposed in the Congress, data banks that would provide

complete personal histories on people, and there is perhaps some justification for that, but philosophically I am sort of on the other side of that. I believe that my individual privacy, personal privacy, dignity, if you will, in some cases has got to outweigh that administrative or bureaucratic efficiency, and that is why I put in the bill.

I request a roll call, Mr. Speaker.

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

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: I have just gone through my wallet and I have come up with various items, my drivers license, my pilots license, my government operator's license, the card that they gave me when I went into the hospital at Eastern Maine Medical Center. I don't like that concept at all. I feel that if these people are too lazy to put a number besides my social security number, then they ought to hire somebody else. That social security number, I am only concerned in one respect, that they recognize that when I apply for pension when I get to that age and a lot of people say slowly reaching that age, but I feel I am rapidly approaching that age.

I would like to keep this out of the hands — well, another big brother concept that they want to institute, so if there is anything I can do to prevent this concept of the social security number being a number for everything that you deal with in life, I shall do so. So, I urge you to vote against the "ought not to pass" report.

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

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: The main fare in this bill, the reason for sponsoring this bill, seems to appear about one's criminal record and one's privacy, though I agree wholeheartedly with Mr. Burns that there already are enough safeguards on the books for an individual's privacy. The gentleman from South Portland said, yes, but those laws are being broken. Any law that you pass isn't going to be totally followed by the rule. Just to give you an example, a law enforcement officer can get just about all the information he wants to know about you even without your social security number. He can take the registration number on your car, call into SP Headquarters here in Augusta. When you fill out the back of your form, your registration form, and turn it into the Secretary of State to pay your fee, you recall you put your date of birth there. That is all they need, your date of birth, and they can get just as much information with your date of birth as with your social security number, so this piece of legislation here is just going to add more red tape to our books which really isn't going to amount to anything.

It was nearly unanimous in the committee that this bill was more or less a waste of time, that we already had safeguards. I hope you go with the "ought not to pass" report.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "ought not to pass" report for many reasons. They seem to try to pull at your heartstrings this morning saying this might be an invasion of your personal rights to privacy. I submit to you, if you are entitled to personal rights of privacy, the only ones that are enforced today are the ones that are criminals. If you want any information on them, according to law it makes it awfully hard to get it if you don't know how to proceed with it.

I also want to submit to you whether you use a social security numbers or whatever, in one day I can come up with a report on any one of you right here in the House if I haven't got it already. Getting a report on someone is not that hard to do.

This is a student bill. A couple of students from somewhere popped up, this apparently comes from the Senate of the University of Maine, whatever that is, so the fact is, what they are interested in is some little thing that bothers them. The fact is, from the things that were said, you could see they were scared because if they got hung up here in Maine and took your social security number, the example that was used, if they went down to Texas and they got held up in the desert somewhere and the state trooper looked at your number, he might find out something wrong about you. Well, maybe he should be able to find out about you. Maybe he would find out that you are a fugitive from justice or that you are drawing things that your shouldn't be drawing of monetary value. I say to you, when the students go to the University of Maine or they go somewhere else, they go there on their own, and if they want to get in there, before they go there they know what is going to be demanded of them, and my true feeling about all this, protecting the good students and everybody else, whether you go to the University of Maine or whether you go to work somewhere, you have got to abide by the rules. They know what the rules are when they go in there, and this social security number is not being abused.

It was said here a little while ago that there were 17 Richard Spencers. The fact is, this is one of the reasons why the social security numbers are there, to differentiate one from the other. If you don't think it is so, let them give the wrong pension to the wrong guy and let the guy who is supposed to get it holler and see if he can get it.

I also say to you that it is very clear that if you tell the students or anybody else that they can get something for free, they won't object to using their social security number. These are things which you can think about. I don't care what the University of Maine says, the ones that come to these hearings, especially in front of us, they seem to take an attitude of yes, no and trying to please everybody. They don't come up here and say, we will do this and we should do it, we have no objection if this is what people want.

So I am not in favor of catering to anybody, two or three or four or ten in numbers, I am in favor of protecting everybody's personal rights, but if you haven't done anything wrong, why should you worry about people invading your personal life. There is nothing to be ashamed of. If you live by the law, whether you are 20 or 30 or 40 or 50, you have nothing to be scared of. They can look at my personal record anytime they want to, as long as they come out with the truth, and that is what we are basing this on, the truth. I don't care what they know about me.

I submit to you that this is not a good bill, that the social security number, in effect, is a good protection for different people in different types of life, for widows, for kids whose husbands will die, and they are in the University of Maine right now, and to make sure that they get what is coming to them according to law. According to law they want what is coming to them, well, let them also obey the law, the one that is accepted by this society.

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

Mr. KILCOYNE: Mr. Speaker, Ladies and Gentlemen of the House: The federal government, in itself, does not allow many of its agencies to use social security numbers for identification purposes. I just question the legality as to whether the use of identification numbers by schools receiving state funds is legal or not.

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

Mr. SHUTE: Mr. Speaker, to answer the gentleman's question, I also spoke to the business manager at the University of Maine concerning this question. Students that now get

basic education grants or national direct student loans, if they fail to pay the university and after the university attempts three times to collect the loan, puts the loan in the hands of a collector, they are unable to collect it, then the university can get the social security number from the Department of Health, Education and Welfare to help in the collection of that loan.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Cote, that the Majority "Ought not to pass" Report be accepted on L.D. 1291. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Alopis, Ault, Bagley, Bennett, Berry, Berube, Birt, Boudreau, P.; Brown, K. L.; Bunker, Burns, Carey, Carrier, Carter, D.; Carter, F.; Churchill, Cote, Cunningham, Dow, Drinkwater, Durgin, Fenlason, Flanagan, Fowlie, Garsoe, Gillis, Gould, Gray, Hickey, Hunter, Hutchings, Immonen, Jackson, Joyce, Laffin, LeBlanc, Littlefield, Lizotte, Lougee, Lunt, MacEachern, Mahany, Marshall, Masterman, Masterton, Maxwell, McBrearty, McPherson, Moody, Morton, Palmer, Peltier, Perkins, Peterson, Plourde, Raymond, Rideout, Rollins, Shute, Smith, Sprowl, Stover, Strout, Tarr, Teague, Torrey, Tozier, Truman, Twitchell, Whittemore.

NAY — Austin, Bachrach, Beaulieu, Benoit, Biron, Boudreau, A.; Brenerman, Brown, K. C.; Bustin, Byers, Carroll, Chonko, Clark, Connors, Connolly, Cox, Curran, Davies, Dexter, Diamond, Dutremble, Elias, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Higgins, Hobbins, Howe, Huber, Hughes, Jalbert, Jensen, Kane, Kany, Kerry, Kilcoyne, LaPlante, Lewis, Locke, Lynch, Mackel, Martin, A.; McHenry, McKean, McMahon, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Post, Quinn, Silsby, Spencer, Stubbs, Talbot, Theriault, Tierney, Trafton, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Blodgett, Devoe, Dudley, Gauthier, Jacques, Kelleher, Norris, Prescott, Tarbell.

Yes, 70; No, 72; Absent, 9.

The SPEAKER: Seventy having voted in the affirmative and seventy-two in the negative, with nine being absent, the motion does not prevail.

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

#### Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Prohibit the Use of Headphones While Operating a Motor Vehicle" (H. P. 845) (L. D. 1036)

Report was signed by the following members:

Messrs. GREELEY of Waldo  
MINKOWSKY of Androscoggin  
— of the Senate.

Messrs. LITTLEFIELD of Hermon  
CARROLL of Limerick  
JENSEN of Portland  
BROWN of Mexico  
ELIAS of Madison  
JACQUES of Lewiston  
STROUT of Corinth  
Mrs. HUTCHINGS of Lincolnville

Mr. LUNT of Presque Isle

— of the House.

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

Report was signed by the following members:

Mr. McNALLY of Hancock

— of the Senate.

Mr. McKEAN of Limestone

— of the House.

Reports were read.

Mr. Carroll of Limerick moved that the Majority "Ought Not to Pass" Report be accepted.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: In deference to the gentlewoman from Portland, I signed the minority report on this bill, the "ought to pass" report, and I would like to give you a few reasons why. When I signed this thing, I knew I was going to be alone and I was very happy to see Senator McNally with me.

On the way down here a couple weeks ago on Highway 1, I was in some heavy traffic which was ahead of me, there was nothing behind me, because I had checked my rearview mirror, but an ambulance came up behind me, lights flashing and so forth, but I noticed that ambulance only after he used his siren. I had the radio on in the car and it was kind of hard to hear the siren, so he was pretty close behind me when I knew that he wanted to go by. I pulled off the road and let him go by, as did the traffic ahead of me. Now, if I would have had a set of stereo headsets on, I would never have heard that ambulance, and it may have been a few minutes before I checked my rearview mirror, and he was in a hurry to get by me.

Stereo headsets are becoming more popular, especially with our young people. This past weekend, I went to Bangor and spent the weekend in Bangor and I noted a half a dozen automobiles with people driving them with headsets on. I am beginning to wonder, as we closely watch the ads in our newspapers, we find that the FM stereo headsets and the FM stereo set that you put into your automobile is becoming increasingly popular. As we come off the luxury, larger cars because of the energy crisis that we now are in, we find that the smaller cars are going to be becoming more luxurious, and one of the things that they are going to advertise and put in the cars is your FM stereo unit, that is with the headsets that can be plugged in.

We do have an amendment — I won't say I do, the gentlewoman from Portland does, has an amendment on this bill that will take care of the problems that I personally had with it when it came into committee. First of all, there are pieces of heavy equipment where you have to wear headsets, and they use these pieces of equipment on municipal ways, so the original bill did not make allowance for this. It did not make allowance for the farmer in the field running his tractor using a headset with a radio, because a tractor is a rather loud piece of equipment. So the amendment is going to take care of these problems that we have found.

Perhaps if we fail to take action on it now, it may be a little bit too late later when we find out that somebody was killed due to the inattentive driver, and if you check the cases on inattentiveness in driving where fatalities are there, you will find there are a great many of them, because I did check them and I was surprised.

The only thing that I am asking is this. In deference to the gentlelady who does have an ear for safety and who is trying, I would like to see this go to second reader so that we could see the amendment. If it is not good, then we can do our deep six act. However, let's give her a chance.

In the interest of highway safety, and this could possibly become a problem, please vote no on the majority report and let's take a look at the amendment, vote yes on the minority report.

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

Mrs. BEAULIEU: Mr. Speaker and Members of the House: As a freshman, I find myself getting into all kinds of trouble, but I am not afraid of trouble. I like to hang in there tough, although it is very difficult to do.

When I presented this bill to the Transportation Committee, I told them that fire trucks and ambulances aren't the only things that have sirens, that there are intersections that have bells that need to be heard, especially in the vicinity of schools for the blind and near playgrounds, and those need to be heard.

The motivation for my filing of this bill was based on personal observation of seeing young people trucking around in their cars with headsets on listening to Elton John, and that concerned me. How could they possibly hear when I know in fact that there are rules and regulations, for example, in the trucking industry where if a driver is hard of hearing and has to wear a hearing aid, it is mandated that he carry a spare hearing aid in case of failure of the one he has, so hearing in the operation of vehicles is very important.

Summer is slowly coming or fastly approaching, and the car windows will go down, the convertible tops will go down, the sun roofs will be moved, and people want to hear their music. You see advertisements, and I brought an ad to the Transportation Committee to demonstrate my point that the equipment is being sold with earphones, ear plugs, which go into one ear. I am not opposed to that. It is when that kind of equipment can be augmented to be used with a complete headphone set.

I am not asking to ban the use of this equipment or to ban the sale of this equipment, what I am asking for is to say when the vehicle is in motion, the driver shall not utilize that equipment.

The newspapers went at me in my community quite strongly. They said that when there is no evidence of recorded accidents due to this, then the law is not needed and that we have got enough things to do up here in Augusta without passing laws where there is no evidence of need. Well I submit to you, with all due respect, that an ounce of prevention is worth a pound of cure. Do we have to wait for someone to be hurt or killed before we pass a law? If you are concerned about safety, prevention is the word, and because of all of the inherent problems that were demonstrated by members of the Transportation Committee, which I appreciated when they brought it to my attention that farmers use headsets for their own personal safety, OSHA demands particular safeguards and that kind of thing, so I prepared an amendment, and I hope to present it, that will cover and take care of these people. I guess what it really boils down to is, do you feel that in the area of highway safety that you wait until the accident occurs before you put something on our books to try to prevent it? I trust that someone would respectfully grant me the courtesy of having an opportunity to present the amendment, and I assume that that would have to be done — I will only get that opportunity if someone with table it. I don't know. I would like to have the opportunity to make my case with all of you again tomorrow.

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



A vote of the House was taken. 31 having voted in the affirmative and 69 having voted in the negative, the motion did not prevail.

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

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on State Government on Bill "An Act Relating to Resident State Police Troopers" (Emergency) (H. P. 84) (L. D. 104) reporting "Ought to Pass" in New Draft (H. P. 1493) (L. D. 1705)

Report was signed by the following members:

- Mr. MARTIN of Aroostook — of the Senate.
- Messrs. CHURCHILL of Orland
- VALENTINE of York
- SILSBY of Ellsworth
- Mrs. MASTERTON of Cape Elizabeth
- Messrs. DIAMOND of Windham
- CURRAN of S. Portland
- Mrs. LOCKE of Sebec
- Mrs. KANY of Waterville — of the House.

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

Report was signed by the following members:

- Mrs. SNOWE of Androscoggin
- Mr. COLLINS of Aroostook — of the Senate.
- Mr. STUBBS of Hallowell
- Mrs. BACHRACH of Brunswick — of the House.

Reports were read.

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

Mr. CURRAN: Mr. Speaker, I move we accept the Majority "Ought to pass" Report and further move that this item lie on the table one day pending acceptance of that report.

Thereupon, on motion of Mr. Curran of South Portland, tabled pending his motion to accept the Majority 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:

(H. P. 991) (L. D. 1193) Bill "An Act Reinstating the Malt Liquor License Application Filing Fee" (Emergency) — Committee on Liquor Control reporting "Ought to Pass"

No objection being noted the above item was ordered to appear on the Consent Calendar of April 28, under listing of Second Day.

(H. P. 1413) (L. D. 1525) Bill "An Act to Amend Certain Provisions of the Laws Relating to Nonprofit Hospital or Medical Service Organizations in Order to Facilitate the Creation of Jobs for Maine People" (Emergency) — Committee on Business Legislation reporting "Ought to Pass"

On the objection of Ms. Clark of Freeport, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once.

On motion of Ms. Clark of Freeport, under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(H. P. 193) (L. D. 255) Bill "An Act Concerning Prosecution of Fish and Wildlife Law Violators Who are 16 Years of Age or Older" — Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-205)

On the objection of Mr. Tierney of Lisbon Falls, was removed from the Consent Calendar.

On further motion of the same gentleman, the Bill was recommitted to the Committee on Fisheries and Wildlife and sent up for concurrence.

(H. P. 581) (L. D. 708) Bill "An Act Concerning Cruelty to Animals" — Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-206)

(S. P. 359) (L. D. 1214) Resolve, Authorizing Ronald G. Valente, Deceased, and Formerly of Bradford, County of Essex, State of Massachusetts, by his Legal Representatives, to Bring Civil Action Against the State of Maine — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-86)

(S. P. 370) (L. D. 1220) Resolve, Authorizing Charles S. Estes, or his Legal Representative, to Bring a Civil Action Against the State of Maine — Committee on Judiciary reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 28, under listing of the Second Day.

**Consent Calendar  
Second Day**

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

(H. P. 604) (L. D. 741) Bill "An Act Concerning the Bee Industry Law" (C. "A" H-198)

(H. P. 594) (L. D. 849) Bill "An Act to Clarify Procedures Concerning the Issuance of General Obligation Bonds for Indian Housing Mortgage Insurance"

(H. P. 951) (L. D. 1145) Bill "An Act to Provide Funds for the Administration of the Uniform Crime Reporting Program Within the Bureau of State Police" (Emergency)

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

**Passed to Be Engrossed**

RESOLVE, Directing the Bureau of Taxation to Provide Credits for the Commuter's Income Tax Imposed by New Hampshire for the Period January 1, 1975 to March 19, 1975 (H. P. 1482) (L. D. 1698)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1977 (Emergency) (H. P. 1481) (L. D. 1690)

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1977 (Emergency) (H. P. 1483) (L. D. 1699)

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

Mr. Gray of Rockland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-207) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution to Prohibit Referendum Voting at Primary Elections (H. P. 1449) (L. D. 1675)

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

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to ask the sponsor or a member of the committee to

explain the rationale for this particular item. It troubles me somewhat. I haven't completely formed an opinion, but I would like to have some explanation.

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

The Chair recognizes the gentlewoman from Kittery, Mrs. Durgin.

Mrs. DURGIN: Mr. Speaker and Members of the House: The purpose of this resolution is to increase voter participation in the referendum process. Referenda in the primaries have not received a fair vote. Although the independent voter has the privilege of voting in the primaries on a referendum, they do not exercise this privilege.

In my district, we have 1,100 independent voters, and in the last primary, we had one referendum, the Bigelow issue, and out of that 1,100, we had 10 independent voters vote on that issue. Also, there is a cost saving. It may not be substantial but there is some for the state and the municipalities, and it will also eliminate the chance of error, and that is the candidates' ballots being passed out to the independent, and I am sure this has happened.

I have a statement from the Secretary of State, Markham L. Gartley, and with your indulgence, I would like to read it. "I am writing to express my thoughts concerning the concept of not holding referendum and initiative elections on the same day as primary elections. I think the purpose of the referendum in the initiative process is to give the citizens an opportunity to place questions of importance before the legislature and the people of the state. By holding such elections on the same day as the primary elections, the questions are not receiving the broadest possible input from the voters in the state.

"As you know, of course, it is perfectly legal for unenrolled voters to vote only on the referendum and initiative questions at primaries, but in practice, very few avail themselves of this opportunity. If approved, your constitutional amendment would place some limits on the number of elections during the year at which referendum and initiative questions could be voted on. This limitation could possibly be counter balanced by a broader participation expected if the elections were held in November rather than on primary election day.

"I do not see any significant cost benefits or liabilities from this proposal at this time."

In conclusion, I would like to say, the primary is a bipartisan election, referendum is a non-partisan issue.

Thereupon, the Resolution was passed to be engrossed and sent to the Senate.

**Amended Bill  
Tabled and Assigned**

Bill "An Act Concerning the Penalty for Sale of Alcoholic Beverages to Minors" (S. P. 249) (L. D. 758) (C. "A" S-84)

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

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I was just wondering what the provisions of this bill are. I was wondering if the cosponsor could explain it to me.

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

Mr. SPENCER: Mr. Speaker, I don't have any connection with this bill, but I did read it. It is my understanding that what this does, it makes it a Class D crime to well or furnish alcohol to a minor. I think the language is "sell, furnish or give," so that it would have the effect of making it a Class D crime with up to a year in

jail and a \$1,000 dollar fine for giving or furnishing liquor to a minor. There are some exceptions in the amendment which would cover the parents of the minor, but it would create a situation where a roommate in college, for example, who was 21 who gave a beer to his roommate who is 19 would be committing a Class D crime. It does seem to me to be somewhat disproportionate to the range of other penalties established in the code.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a further question perhaps to be more specific. Would this provision lower the penalties for selling liquor to minors?

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

Mr. SPENCER: I don't know what the current penalty is.

Thereupon, on motion of Mr. Carey of Waterville, tabled pending passage to be engrossed and tomorrow assigned.

Bill, "An Act Providing for the Service of Warrants by Agents of the State Tax Assessor" (H. P. 391) (L. D. 480) (C. "A" H-199)

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

#### Second Reader Recommitted

Bill "An Act Relating to the Motor Vehicle Excise Tax" (H. P. 243) (L. D. 316) (C. "A" H-201)

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

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

Mr. CAREY: Mr. Speaker, I want to thank the gentlelady from Vassalboro, Mrs. Mitchell for having laid this to one side while I was tied up with another matter. I would hope, Mr. Speaker, that we might be able to recommit this to the Committee on Taxation. The committee amendment has not come out in a form that many of us who are in the committee felt it should have, so we would like to have it recommitted, and I would so move, Mr. Speaker.

Thereupon, the Bill was recommitted to the Committee on Taxation and sent up for concurrence.

#### Second Reader Tabled and Assigned

Bill "An Act Relating to the Real Estate Commission's Rulemaking Authority" (H. P. 151) (L. D. 181) (C. "A" H-187)

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

(On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed as amended and specially assigned for Friday, April 29.)

#### Passed to Be Enacted

An Act Relating to the Fair Trade Act (S. P. 188) (L. D. 585)

An Act to Correct the County Officers Salary Act (S. P. 459) (L. D. 1582)

An Act to Provide Civil Immunity for Persons Participating in Administering Immunizing Agents (S. P. 460) (L. D. 1583)

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.

An Act Appropriating Funds to the Maine Chapter of the Arthritis Foundation (H. P. 473) (L. D. 579) (C. "A" H-164)

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

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: In our action yesterday, this House took some responsibilities in funding. We defeated three bills, one that dealt with children, the other bill dealt with industry, and one bill dealt with the elderly. We have also, in previous votes, passed a bill through this body which allocated approximately \$85,000 to different agencies that the State of Maine is committed to. The question before us today is the enactment of a bill which calls for \$30,000 for the Arthritis Foundation. I spoke approximately three or four days ago in reference to this bill. I think each of you know what my feelings are on it. It is not an attack against the Arthritis Foundation. However, it is, on my part, a move to bring responsibility to this body. I would ask that when the vote is taken, it be taken by the yeas and nays.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I happened to note that the sponsor of this bill is not in the House and it might be a little unfair to have a vote without his presence, and I would hope this could be tabled for one legislative day.

The SPEAKER: The Chair would advise the gentleman from Nobleboro, Mr. Palmer, that the gentleman is in the back of the House.

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

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

The SPEAKER: The pending question is on passage to be enacted. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K.L.; Brown, K.C.; Bunker, Burns, Bustin, Byers, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Curran, Davies, Dexter, Diamond, Drinkwater, Durgin, Elias, Fenalson, Flanagan, Fowlie, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Henderson, Hickey, Higgins, Hobbins, Howe, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kane, Kany, Kilcoyne, Laffin, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lunt, MacEachern, Mahany, Martin, A.; Masterton, Maxwell, McBrearty, McHenry, McKean, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Perkins, Plourde, Prescott, Rideout, Rollins, Shute, Silsby, Spencer, Strout, Talbot, Tarbell, Tarr, Theriault, Tierney, Tozier, Trafton, Twitchell, Valentine, Wilfong, Wyman, The Speaker.

NAY — Berry, Biron, Birt, Carter, F.; Connors, Cunningham, Dutremble, Garsoe, Gray, Hall, Huber, Hughes, LaPlante, Lougee, Lynch, Marshall, Masterman, McMahan, McPherson, Peltier, Post, Quinn, Raymond, Smith, Sprowl, Stover, Stubbs, Teague, Torrey, Truman, Whittemore.

ABSENT — Aloupis, Carey, Devoe, Dow, Dudley, Gauthier, Jacques, Jalbert, Kelleher, Kerry, Mackel, Norris, Peterson, Tyndale, Wood.

Yes, 105; No, 31; Absent, 15.

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

Signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Mr. Wyman of Pittsfield, Recessed until five o'clock this afternoon.

After Recess  
5:00 P.M.

The House was called to order by the Speaker.

#### Orders of the Day

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1978 and June 30, 1979 (Emergency) (H. P. 266) (L. D. 334) (C. "A" H-133)

Tabled — April 22, 1977 by Mr. MacEachern of Lincoln.

Pending — Passage to be Enacted.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: In early August, I called the department and asked for a financial statement for the fiscal year 1976. I did not receive a copy of this financial statement. In September I again made the inquiry of the department. Again I did not receive the statement. I contacted Legislative Finance and they called the department every two weeks from then until January when we came in session. Then, by underhanded methods, I was able to acquire a copy of the financial statement for the fiscal year 1976. The department's reply was that they have no mandate as to when the financial statement must be prepared. My question to anybody, is there a requirement in this budget as to when the financial statement for 1979 will be made available?

The SPEAKER: The gentleman from Anson, Mr. Burns, has posed a question through the Chair to anyone of the Fisheries and Wildlife Committee that may care to answer.

Thereupon, on motion of Mr. Burns of Anson, tabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the second item of Unfinished Business:

Bill "An Act to Amend the Vocational Education Laws" (Emergency) (H. P. 1209) (L. D. 1329) (H. "B" H-183)

Tabled — April 22, 1977 by Mr. Lynch of Livermore Falls.

Pending — Passage to be Engrossed.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to tell you briefly what we are going to do in the next few minutes, and after we have done it, if you don't understand what we have done, then I hope you will table it and look it over tonight so that we can engross it tomorrow.

This bill has been delayed now for some time because there were some sections in the errors and omissions bill and we had to wait until the Governor signed it.

What we propose to do, Mr. Blodgett will ask for reconsideration to remove the amendment that is now on the bill. Mr. Burns will then move to have his amendment considered. His amendment deals with the errors and omissions bill that brings it up to 1977 with the enacting clause. It also puts back into the law three com-

munities: Monhegan, Matinicus, and Isle au Haut, which were not included in the law. It deals with 2356G, Subsection C, which is a present law except for one additional sentence.

The amendment that Mr. Blodgett will then offer will take out the three communities that Mr. Burns puts in. There is an objection from the legislative Representatives from the area that Matinicus, Monhegan, and Isle au Haut should not be included. I am not sure that that is wise, but I will go along with it. They do not have any students. The cost to Matinicus for the one student that they have would be \$30. Now, if they want to take these three communities out of the law, what they are in effect saying, these communities will not be within the vocational region and in the future, if they have any students that want to go to a vocational region and they do not have a direct access to a slot, they will have to ask the governing board of the region to accept their students and the board has the right to decline if they so wish. The community must come up with the full tuition and they will be reimbursed for 10 percent of it. That, in brief, is what we are going to do.

On motion of Mr. Blodgett of Waldoboro, the House reconsidered its action whereby House Amendment "B" was adopted and on further motion of the same gentleman, the Amendment was indefinitely postponed.

Mr. Burns of Anson offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-190) was read by the Clerk.

Mr. Blodgett of Waldoboro offered House Amendment "A" to House Amendment "C" and moved its adoption.

House Amendment "A" to House Amendment "C" (H-204) was read by the Clerk and adopted.

House Amendment "C" as amended by House Amendment "A" thereto was adopted.

On motion of Mr. Theriault of Rumford, tabled pending passage to be engrossed as amended and tomorrow assigned.

The Chair laid before the House the third item of Unfinished Business:

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

Tabled — April 22, 1977 by Mr. Jensen of Portland.

Pending — Passage to be Engrossed.

Mr. Jensen of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-203) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

The Chair laid before the House the fourth item of Unfinished Business:

Bill "An Act to Abolish the Mental Health and Mental Retardation Improvement Fund" (H. P. 1470)

Tabled — April 25, 1977 by Mrs. Najarian of Portland.

Pending — Motion of Mr. Goodwin of South Berwick to refer to Committee on Health and Institutional Services.

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

Mrs. NAJARIAN: Mr. Speaker, I move this be referred to the Committee on Performance Audit and would speak to my motion.

The SPEAKER: The Chair would advise the gentlewoman that before that motion could be entertained, the motion before us would have to be defeated.

The gentlewoman may proceed.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill and for most of my bills it really doesn't make any difference which committee they go to, but this bill is almost made for the Performance Audit

committee. Although if you look at the title "An Act to Abolish the Mental Health and Mental Retardation Improvement Fund," your natural instinct would be to think that this should go to the Health and Institutional Services Committee, but the key word in the title is fund: What the bill is concerned with was the way this money is acquired and the way the money is expended. I really don't want to get into the whole background of this mental health improvement fund but it is often referred to laughingly in this body as the money making machine.

The irony of it is, they go through all sorts of manipulations to acquire federal money and they establish this fund to avoid the legislative process and to avoid the personnel system. The irony is that they could acquire the same federal funds from a direct appropriation of the same amount of state dollars in our state budget. If we did that, then the legislature would be able to do state audits, such as community mental health centers which you saw headlines in the Kennebec Journal today and in all of the newspapers across the state, of abuse of this money that is going to the community mental health centers. There have been lots of other ways where this federal money has been used which I am sure the legislature would not have approved of had we had the ability to have some say in how these funds are expended. I will just give you a few examples that this fund has been used, — well, I just know that it built, for example, the swimming pool at the Augusta YMCA. It has been used for scholarships, even. The Department of Mental Health and Corrections, in the past, has also given this money to the local community health centers and then they have in return, given it back to the Department of Mental Health and Corrections to hire additional state employees when the legislature had not authorized those additional employees.

The Health and Institutional Committees tried to address some of these problems in the last session, but there are still many problems.

The money is still acquired in the same manner, there are still no state audits required, they still avoid the personnel system in the community mental health centers and the language of the existing statute isn't clear. The legislature must approve a plan prior to the expenditures but the approval process isn't described and apparently we can't change any plans. They tell us what to do, what they are going to do with the money instead of us telling them how we would like to have it spent.

There is more than \$5 million in this fund, and, in addition, it is used both by the Department of Human Services and the Department of Mental Health and Corrections, and just as late as February 15, the Department of Human Services was about \$5 million in arrears in turning the money over to the Department of Mental Health and Corrections.

There are a whole lot of problems with this fund. I think it is more appropriate for Performance Audit to look at it. I ask for a division, and I hope you will vote against sending it to Health and Institutions Committee.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that we again have to get into these reference fights. I would plead with you to let the bill go to Health and Institutional Services Committee. The Health and Institutional Services Committee has been the committee that has dealt with this fund in the last session of the legislature, in the special session just about a year ago. At that time, we passed a whole new section of the law, Chapter 757, which sets up the whole approval procedure for the mental health improvement fund. This would be the first year of the operation of that. There is a bill in before our committee now which will be heard in a couple of weeks, L. D. 1366, which outlines where the

department is asking to send these monies to and the various programs. The committee will be taking a look at these programs and deciding whether or not we want to do this. We can change any of these if we want to, we can decide where the money will go if we don't like what the department has said. It just doesn't make sense for one committee to be dealing with one aspect of this fund, spending the money and everything and another committee dealing with whether or not they are going to abolish it.

I would also like to say that as I understand it, the Performance Audit Committee has several bills before it that will help control all federal monies coming into the state and being used and also help to control how the contracts are written. But I think in terms of when we deal with the fund itself, which has tremendous implications about the programs offered by the Department of Mental Health and Corrections and the Department of Human Services, they should be in the committee that works with the policies of those departments, because if we did approve the abolishment of this fund, it is going to have a tremendous impact on various programs that these two departments are going to be running, and I think the committee that is dealing with these programs should be dealing with the fund so that we can try to coordinate what is going to be happening.

I would urge you to support the motion to send this to the Health and Institutional Services Committee. As I said, we dealt with it last session, we have already got a bill before us this session, and I just think it makes logical sense to keep this within the Health and Institutional Services Committee.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Ms. Bachrach.

Ms. BACHRACH: Mr. Speaker, Men and Women of the House: The Performance Audit Committee did consider some facets of this fund in the last session, and I think it would be appropriate for them to look at it for this reason — if the Health and Institutional Services Committee is considering only questions of what to do with the fund, perhaps another committee might look at whether it ought to be retained in its present form. They would have a more objective viewpoint and might well decide in the long run that it could be retained, but I think that if it is to be looked at from the point of view of public relations, perhaps a committee that wasn't as much involved with the actual spending would be a better avenue for doing that assessment.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I would just point out that the Performance Audit Committee has similar bills referred to that committee related to this, plus the fact that the Performance Audit Committee only has 12 bills referred to that committee. They have already reported out six, so they have six left. The Health and Institutional Services Committee has 93 bills and they have only reported out 16 so far. So as far as workload is concerned, I think the Performance Audit Committee is also in a better position to handle it.

The SPEAKER: The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, that this Bill be referred to the Committee on Health and Institutional Services. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Najarian of Portland 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 South Berwick, Mr. Goodwin, that this Bill be referred to the Committee on Health and Institutional Services. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Biron, Birt, Blodgett, Brenerman, Brown, K.L.; Brown, K.C.; Burns, Carey, Carrier, Chonko, Cox, Curran, Davies, Dexter, Diamond, Dow, Durgin, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Hall, Henderson, Hickey, Hobbins, Hughes, Jensen, Kane, Kelleher, Kerry, Kilcoyne, LeBlanc, Littlefield, Locke, Lynch, Mackel, Mahany, Martin, A.; McBreairey, McHenry, McKean, McMahon, Mills, Moody, Nadeau, Norris, Pearson, Perkins, Plourde, Post, Prescott, Quinn, Smith, Spencer, Sprowl, Stover, Stubbs, Tarbell, Teague, Theriault, Tierney, Tozier, Trafton, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Boudreau, A.; Boudreau, P.; Bunker, Bustin, Byers, Carroll, Carter, D.; Carter, F.; Clark, Connors, Connolly, Cunningham, Devoe, Fenlason, Flanagan, Garsoe, Gauthier, Gillis, Gould, Gray, Green, Higgins, Howe, Huber, Hutchings, Immonen, Joyce, Kany, Laffin, LaPlante, Lewis, Lizotte, Lougee, Lunt, MacEachern, Marshall, Masterman, Masterton, Maxwell, Mitchell, Morton, Najarian, Nelson, M.; Nelson, N.; Peltier, Raymond, Rideout, Rollins, Silsby, Strout, Tarr, Torrey, Truman, Twitchell.

ABSENT — Ault, Austin, Bagley, Churchill, Cote, Drinkwater, Dudley, Dutremble, Elias, Greenlaw, Hunter, Jacques, Jalbert, McPherson, Palmer, Peakes, Peterson, Shute, Talbot, Whittemore.

Yes, 69; No, 62; Absent, 20.

The SPEAKER: Sixty-nine having voted in the affirmative and fifty-two in the negative, with twenty being absent, the motion does prevail.

Ordered printed and sent up for concurrence.

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

Mr. GOODWIN: Mr. Speaker, having voted on the prevailing side, I now move that the House reconsider its action and hope you all vote against me.

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, moves that the House reconsider its action whereby H. P. 1470 was referred to the Committee on Health and Institutional Services. Those in favor will say yes; those opposed will say no.

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

The Chair laid before the House the fifth item of Unfinished Business:

Bill "An Act to Require Telephone Companies to List the Name of a Customer's Spouse in the Telephone Directory if the Spouse so Chooses" (S. P. 344) (L. D. 1128)

Tabled — April 25, 1977 by Mr. Kelleher of Bangor.

Pending — Passage to be Engrossed.

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

House Amendment "A" (H-195) was ready by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

The Chair laid before the House the sixth item of Unfinished Business:

Bill, "An Act to Increase the Penalties for Violation of State Antitrust Laws" (H. P. 273)

(L. D. 347) (C. "A" H-163) In House, Minority "Ought to Pass" as Amended by Committee Amendment "A" Report accepted and the bill passed to be Engrossed as Amended on April 20. In Senate, Majority "Ought Not to Pass" Report accepted.

Tabled — April 25, 1977 by Mr. Spencer of Standish.

Pending — Further Consideration.

On motion of Mr. Spencer of Standish, the House voted to recede from its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, the House receded from its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-194) was read by the Clerk.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" to the Committee Amendment to the antitrust bill would take out the provisions of the Committee Amendment which increased the powers of the Attorney General and substitute for that a simple provision that the hearing on an antitrust violation could be either private or public at the request of the person who was being investigated. Under the current law, the hearing has to be public, and this would allow the person being investigated the opportunity to have this initial investigation conducted in private. The amendment will leave the penalty for an antitrust violation as a Class C Crime.

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

Mr. TARBELL: Mr. Speaker, I would like to pose a question through the Chair to the Chairman of the Judiciary Committee. Does this amendment, as proposed, House Paper 194, leave intact the current law and simply change the language permitting a private proceeding?

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, has posed a question through the Chair to the gentleman from Standish, Mr. Spencer, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. SPENCER: Mr. Speaker, the answer is yes.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the seventh item of Unfinished Business:

Bill, "An Act to Equalize the Registration Fee on Dogs" (H. P. 509) (L. D. 628) (C. "A" H-182)

Tabled — April 25, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I have had an amendment prepared but I have been talked into not introducing it, so I won't. In my towns, we are not too worried about this bill. We think if the present dog leash law is enforced, everything will be all right. I hate to think we are going to do the same thing as increase our real estate taxes about three times on dogs. We are not asking for equal rights and we don't want equal responsibility.

Therefore, I would move that this bill and all

its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would be remiss in not saying something on this because I have a great deal of feeling for dogs. Although I do feel that the fee could go up some, I don't feel that they should go to \$5.50 on all dogs. It is difficult enough to collect the \$2.50 fee and a \$5.00 fee on a female dog that hasn't been spayed. If you jump this to \$5.50, I think it is going to be very difficult to collect this. There will be a lot of people who will never pay. Evidently they are not trying to collect them right now in most towns.

I think if this license fee went to \$3.50, if you want to equalize, this was my proposal and I talked to one gentleman about putting in an amendment and keep \$2 in your town to help pay for the dog collection, going out and having a dog catcher to catch these dogs and house these loose dogs that aren't leashed or penned up and send a dollar into the state and keep 50 cents in your town for the clerk or whoever sells the licenses, but to jump this to \$5.50, I think is a little high.

I hope we go along and defeat this bill. If someone wants to amend it, go ahead, but I think \$5.50 is a little steep.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a good bill as amended by the committee and I hope you will not indefinitely postpone this bill as amended. The bill calls for an equal license for both male and female who are capable of reproduction or a spayed female and a castrated male, the license is the same, \$1.50. The \$5.50 license for both male and female equalizes both sexes capable of reproduction and \$3 going to the towns as an incentive, that the towns and municipalities may do a better job than they have done in the past in collecting the dog license.

I would like to quote a few figures. The income and the taxes on dogs is \$196,582.50 for the last fiscal year. There was appropriated from the General Fund \$125,027. Paid out from this fund for livestock claims was \$9,275 and poultry, \$2,140; for stray dogs, and this is where the big cost is, for fees in care and shelter, \$118,295.50. Also, the administration costs were \$48,427.07; refunds to the towns was \$18,443. The proposed budget for next year is \$182,972; 1979, \$184,102. Each year for the past seven years that I have been here, we have had many dog bills. In the last two years, much of the testimony that we have heard has been for increasing the license. It is hoped that the increase of a license and the equalization of the male dog and the female dog license that are capable of producing young be the same.

We have done a lot of work on these bills and I think we have come up with a good bill that will enable the towns and cities to collect taxes. They will have \$3 left from the license of the dogs to go to the towns. The town may use 50 cents of that or more, — no, that is wrong, I think that will still carry the 50 cents that the towns may use for the town clerk's salary.

I would like to point out, too, that the estimated castrated males probably of \$1.50 would be \$10,000, that would be about \$15,000; the spayed females, last year, at \$1.50 was \$54,000. It is estimated the male would bring in \$51,315 this year. The spayed female would bring in \$36,296. I think it would be folly to indefinitely postpone this bill and I hope you will go along with the bill and the committee amendment.

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

Mr. MORTON: Mr. Speaker, Ladies and



Gentlemen of the House: if you examine the amendment that the committee has provided us with, you will see that the amendment is the bill, and this is a good bill. The whole thrust of this is not to raise more money, that is not what we are shooting for; but we are endeavoring to cut down on the number of unwanted animals, animals that have to be destroyed in this day and age. This is a very easy way to at least put some pressure on to get a great many male dogs taken care of. Female dogs, presently, if they are capable of reproduction, have to pay the high fee. I see absolutely nothing out of line to require male dogs capable of reproduction to pay the same high fee. I think this is a step in the right direction.

The gentleman from Easton, Mr. Mahany has given you a very good rundown on the figures involved. There are thousands and thousands of animals each year that reproduced which are not wanted and have to be destroyed. This is one way that we can perhaps begin to cut down on that carnage. I certainly hope that you will not vote to indefinitely postpone this bill; it is a good bill.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Dog is known as a poor man's friend. I think of that little boy, years ago, who used to take our collie, walk down across the field, no one ever knew where he was but we could hear the collie barking and we knew he was safe, but now we have lost all our friends of dogdom. Everybody wants to alter the male dog, equal rights for the female they call it, I guess, but the only thing I can say here today, if you have ever had a good watch dog and you took him down to the veterinarian, when he came back, he was never much of a watch dog thereafter. The veterinarian will make a killing on this bill. This is an ideal veterinary bill, I even think they drafted it.

I have my reservations on raising the license fees so high. I think this is an extraordinary increase. I believe part of the problem with the paying out a fee for dogs was that they would take a female dog with ten puppies to the pound and they wouldn't even feed the little puppies, they would be living off their mother and they would still have to pay the board fee for a full grown dog. The department says it has corrected it now.

I know that perhaps I cannot sway you in your feelings; therefore, I will not betray all dogdom and go along with you on the vote. I shall vote against this bill because I think it is certainly directed to those who are financially able to afford and I think when a little boy in a big family who wants to have a pet, his parents are going to say, we can't afford it because it cost \$10 or \$15 to take him down to the veterinarian, so you can keep him. This is the thrust of the whole thing. It will be only the rich who will have dogs in the future; the poor won't be able to have anything. We are getting to be a rich man's society.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I have to rise this afternoon and disagree with the good gentleman from Limerick, Mr. Carroll. What we have worked here in the last month concerning dog licenses is that we had eight or nine bills that would have raised the fee from \$5.50 to \$15. What the majority of the committee came out with was that the committee amendment that would equalize the male and female non-producers and the male and female producers.

What the gentleman from Limerick, Mr. Carroll, is trying to tell you is that we are going to require him to take his male dog and have him doctored. This is not the case. What we are saying in this amendment is that he will be able

to keep his male dog, all he will have to do is pay an additional \$4 fee.

I think one of the big problems in the communities today is the law enforcement of the dogs that are not licensed. I feel in this committee amendment that we have made a step in the right direction with the increased fee allowing \$3 of this increase staying within the community, and I feel very strongly that raising the fees will not necessarily help get the dogs licensed, but I think the \$3, leaving it with the community, is going to enable our small towns up our way to better enforce the dog laws. This seems to be where our problem is. Therefore, I would urge you not to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: When I attended nine of the town meetings in my district, outside of the town dumps, the next biggest issue was how are we going to handle these dogs. They tried to appoint a dog catcher and nobody wanted to be a dog catcher because there wasn't 10 cents in it for them. What we are trying to do here is make a little money available so that we can enforce the law that is already on the books.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I had one of the nine bills. I presented one of the bills to the Committee on Agriculture and we had a good hearing on my bill. This doesn't do just exactly what I wanted. At the hearing, there was a young lady there with a bumper sticker and she got some for me and if any of you folks that are for equal licensing for males and females, I would be happy to provide you with one of these bumper stickers. That was the general thrust of my bill. I even went so far as to want to include the spayed female, but I am happy with the compromise and I feel that the Committee on Agriculture has spent a lot of time and done a lot of research and has come up—because I wasn't aware—of course the big problem is the deer problem and the question of controlling the proliferation of dogs.

I would hope you would vote against the motion to indefinitely postpone. Anybody that would be interested in one of these stickers to go on your automobile, I would be happy to give you one after the session.

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

A vote of the House was taken.

39 having voted in the affirmative and 75 in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended and sent up for concurrence.

The Chair laid before the House the eighth item of Unfinished Business:

Bill "An Act to Provide for Licensing of Bottle Clubs" (H. P. 232) (L. D. 295) (C. "A" H-166)

Tabled — April 25, 1977 by Mr. Raymond of Lewiston.

Pending — Motion of Mr. Jacques of Lewiston to Indefinitely Postpone bill and all accompanying papers.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: As you all are aware, I had this tabled two days ago for an amendment. I still haven't got the amendment and, yet, I have seen amendments go through this House within hours. I have had to wait two days for mine and I still haven't got it.

Therefore, Mr. Speaker, I do not wish to present the amendment which I don't have and ask that we go on and do whatever has to be done with this bill.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: This bill is an act to require licensing of bottle clubs. In the last couple of years, there has been a proliferation of these kinds of clubs all over the state. I think they are good clubs and I think they are serving a useful purpose, but I do think that liquor laws and liquor enforcement should be part of the whole situation here.

As things now stand, there are no liquor laws that apply to these clubs whatsoever. They stay open, they open when they want and close when they want, charge admission, and if there is one thing I can stress here is that these clubs are profit-making businesses or corporations or whatever you want to call them. I really think that we have to get a handle on these clubs. Nobody knows how many there are in the state. Liquor enforcement has had some problems, some complaints on different clubs. There are a lot of good clubs around, there are some bad clubs around.

I met with the bottle club people and they support this bill, the good clubs do. As a good friend of mine, Mr. Green, commented yesterday on a bill out of Natural Resources, it appears that the only people who are fighting this bill are those who might be breaking the law. The other comment I have heard about this bill is, well, I don't like liquor inspectors. I don't see why anybody in the year 1977 should be paranoid about liquor inspectors. Another thing I have heard is, well, we have a club in my area and there is no problem with it. We don't have any people that break traffic laws in Waterville so maybe we shouldn't have any traffic laws.

I would just like to say that I think this is a good bill and I think if we are going to raise the age, the legal drinking age to 20 years old, I really can't see how we are going to say we shouldn't license bottle clubs, because if I had a bottle club, I can say to anybody, 17, 18 19 years old, come on in. There is no sanction placed against me, because who is going to bring any sanction against me, it is private property. Nobody can come in and say, are you serving minors here? I can say, this is private property, will you please get off my property.

All I am saying is, these clubs are serving a function, let's let them continue to do what they are doing, let's just have a little bit of liquor enforcement, let's be able to inspect these places and see what is going on. Like I have said, the bottle club people got together with me, we wrote this bill, our good Speaker offered an amendment to the bill and I have the amendment in front of me, I think it is a good bill and I hope you oppose indefinite postponement.

The SPEAKER: The pending question before the House is on indefinite postponement. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Boudreau of Waterville requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor 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 Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I really would like

someone to get up and give me one good reason why we shouldn't license bottle clubs except for the two that I have heard, that they don't like liquor inspectors or that there is no problem with the club they have. I really think that we are going to have a problem with these clubs if we don't do something about them soon.

All I can say is, there are plenty of good clubs around and I really don't see how licensing is going to affect them. They are going to be able to do the same thing they are doing now. If they are doing what they are supposed to be doing legitimately, then licensing isn't going to affect them any. I really think there is a lot of potential for abuse if we don't get a handle on these clubs soon, and I would hope you would vote against the indefinite postponement.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: I will give you one good reason. What I don't like about this bill and what my amendment intended doing if I had presented it, this bill gives permission to license bottle clubs, gives them a potential opening of 23 hours a day out of 24. That is what this bill is going to do. We have got legitimate licensees, presently, restaurants, clubs, various organizations, they are all under liquor control. Some pay as much as \$1,000 a year for their licenses. The Liquor Commission says they have to close their doors and not serve any liquor at one o'clock in the morning. What we want to do now is license the bottle clubs at \$100 a year and give them permission to stay open four hours longer than the people that are paying \$1,000 for their license. I don't think this is fair and I think it is prejudicial. That is why I am voting against the bill.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: To answer my good friend, Mr. Raymond, the big difference between these \$1,000 establishments and this \$100 bottle club is the fact that that the \$1,000 establishment is selling booze for a profit. The bottle club does not sell booze, is not making a profit on booze, but providing an area of entertainment for people, for the poor man, as it is often referred to in this House. I think many people misunderstand this bill. It has got the support of the bottle club people. I think its intention is to prohibit such activities as prostitution and other unlicensed activities that may have gone on with certain establishments in a particular urban area of this great state. I would urge us to vote to pass this bill, and I expect some rebuttal on that.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: In looking over the bill, I fail to see where the problem of prostitution is addressed in this legislation.

Mr. SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: This bill came out of the committee with a large majority "ought to pass" and I would hope that is what we do this afternoon. I would hope that we defeat the present motion so we can move the bill on.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to comment on Mr. Raymond's comments. At present, bottle clubs are not licensed. Presently, they are able to stay open as long as they want, until four or five in the morning. So I don't see how he is saying we're changing anything. They can stay open now until five in the morning. The reason the five in the morning thing is in there is, number one, there are some people that have bottle clubs that open at midnight. If they

want to open at midnight and be licensed, fine, that is fine with me. I don't mind and I think there are two or three people that came to the hearing who opened at midnight and I don't want to put those people out of business. If you are going to say that this is prejudicial or some other word he used, I would think it is prejudicial now not to have them licensed.

As far as the sexist comments that have been made here today, I really didn't have any intention for putting the bill in for that reason. I basically think there is potential for abuse in these clubs and I just haven't heard a good reason yet why we shouldn't license the bottle clubs.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: To be very serious on this bill, I would like to give the gentleman from Waterville a very good reason why we shouldn't. The bottle club, in most instances, caters to a lower income type person. The City of Lewiston for an example, many establishments or manufacturing firms in Lewiston are open until 11 o'clock at night. These people deserve and should have the right for entertainment. If this bill should pass, the "boys in green," as I refer to them, will be able to go into these bottle clubs and check to see if any liquor is being sold.

I don't think that is a serious problem now anywhere in the state, but let me give you a hypothetical situation of what could happen. A gentleman who works in the mill, gets out at 11 o'clock and this bottle club that he goes to opens at ten and closes at three in the morning. Because of the fact that he does work so late, many local grocery stores are closed. He calls the owner of the bottle club and says, would you pick up a six pack for me? The guy does, which I don't see anything wrong with. We have picked up six packs for friends before. The gentleman then walks into the bottle club, our friendly boy in green is sitting there. The gentleman behind the bar gives him his six pack, he pays him and gets busted. That is what would happen under this present legislation. Here is a good reason for it.

Mr. Boudreau of Waterville was granted permission to address the House a third time.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I think to bring up all these hypothetical situations as to what might happen, the fact is that there are many bottle clubs around; the fact is, it is public drinking, the fact is that I can go to any town in this state, rent a building, put an ad in the paper and say come to Boudreau's bottle club, four bucks to get in and you can stay all night there and drink. If people want to do that, fine, but let's license them. It is as simple as that. It is public drinking, and I think we have to get a handle on it soon. I think it is pretty inconsistent for people in this House to get up and give these fiery speeches on the abuse of alcohol by young people and this and that. When you talk about doing something about any kind of alcohol abuse, they get up and say, hypothetically this could happen and the boys in green could do this and the boys in green could do that.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I have sat through this one now for about three days. Bottle clubs — I know what they are. I know what they are in Portland. They are the high crime area. I gather from what I have heard, the bottle clubs in the valley are the kind we would like to have in Portland, but unfortunately, we do not.

In the City of Portland, the legal minds (you know we've got the high-priced lawyers there), they tell us that it is free enterprise, those bottle clubs, that we cannot license them. They do not serve food and no license is required in

Portland for a bottle club. I used to support bottle clubs. It made the job of law enforcement very easy. You had about a nine out of ten shot of making good arrests there. It was the high crime area.

I support the gentleman from Waterville, Mr. Boudreau on this one. He is trying, and I am not getting into a fiery speech, I rose only to give you a few words of wisdom. The thing has happened in Portland and I have seen it happen there. I am not going to mention the naughty words that were mentioned here because we will have our day with those shortly.

We have a real serious problem with bottle clubs in Portland. It wouldn't be nice at this hour for me to mention the type of crimes that are going on there, but I think the gentleman from Waterville, Mr. Boudreau, deserves your support on this one. He is really trying to help you, believe me.

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to this bill for licensing bottle clubs. One reason is that they do not sell liquor. I think that this could be a municipal license, licensed under the municipalities and that any of the bottle clubs they set up where you bring your liquor and they furnish the mixes, those that I have been to have a law enforcement officer there to keep law and order. I have heard the argument that there is a lot more drinking and driving from establishments like this, but I can't see where there is any more driving under the influence from your bottle clubs than there is from a regular bar, and these are some of the reasons why I oppose this bill.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: To begin with, this bill in no way reflects upon whether a working man can go to a bottle club or not. The situation that the gentleman from Lewiston, Mr. Biron, reiterated, to begin with, is not illegal and, in fact, it is a common practice for our taxi drivers to perform this same errand.

The purpose of this bill is to apply the rules and regulations of the State Liquor Commission in an equitable manner to all facilities on which alcoholic beverages are sold or consumed. Presently, bottle clubs are not under any regulation and actions deemed illegal for licensed establishments are not illegal for bottle clubs. This bill will correct this inequity.

The amendment to it exempts from the licensing requirements of this bill recreational and social organizations that are non-profit and tax exempt under the Internal Revenue Code, and recreational facilities that own and maintain ten or more contiguous acres for recreational purposes. In other words, we are exempting those clubs whose primary purpose may be snowmobile clubs and clubs such as that. The majority of the bottle club operators do not object to being brought under the regulation of the Liquor Commission; in fact, they prefer it. On the other hand, there are those who are abusing their privileges as private clubs by engaging in certain illegal enterprises. The activity of these certain clubs reflects on all bottle clubs. This is why the clubs who conduct themselves within the law prefer the licensing of bottle clubs. I cannot accept the idea of municipalities regulating bottle clubs because I do not think it is the job of municipalities to enforce the liquor laws.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would hope you would support the indefinite postponement of this bill. I think it is another bill that maybe there are a couple of problems in one or two cities of this state. The good gentleman from Waterville



probably felt that he could try to correct these problems, but the result of this, and you can say we shouldn't think about hypothetical situations, but we have to because this bill is going to deal with everybody in the state. There are going to be a lot of situations. If you really take a look at this bill and try to interpret the way the Liquor Commission is going to interpret it, it is the type of thing that if a guy was going to have some sort of a fundraiser at his home and maybe charge a buck a head to come in and people bring their own booze to maybe raise funds for some group or something in town, conceivably under this they would have to get a liquor license.

There are what I consider some conflicting parts on this because at the same time it says that you have got to maintain a clubhouse, or if a group wanted to hold a fundraising function but didn't have a clubhouse and maybe wanted to have it in a field or something like this, there are just too many variables in this that are going to apply to too many different groups and I think create too many different hassles. Perhaps if there is a problem in one city or two cities, maybe some city ordinances could take care of that and there would be one less group of state rules and regulations that the people of the state will have to deal with.

Mr. Boudreau of Waterville was granted permission to address the House a third time.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: Under this bill, 501 of the internal revenue code, almost everybody in the state is exempt from it — fraternal and beneficiary societies, labor, agricultural, horticultural organizations, civic leagues, but I think the key word is profit — the key word is profit. All those clubs, I am not going to read them, there are four pages of them that are exempt under the Internal Revenue Code included in this bill. They are all exempt. The key word is profit. The people in the bottle club business are in the business for a profit, they are making a profit. It is as simple as that. They don't have bottle clubs to cater to the common man because they like him, but have the bottle clubs because it is a business, and that is their business and they make money doing it.

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

#### ROLL CALL

YEA — Ault, Bachrach, Beaulieu, Bennett, Berry, Berube, Biron, Blodgett, Brown, K.L.; Brown, K.C.; Bunker, Bustin, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko; Connors, Connolly, Curran, Davies, Dow, Durgin, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Hickey, Hobbins, Howe, Kelleher, Kerry, Laffin, LaPlante, LeBlanc, Lizotte, Locke, Lunt, MacEachern, Mackel, Mahany, McHenry, McKean, McMahon, Mills, Mitchell, Moody, Nadeau, Najarian, Peltier, Plourde, Post, Quinn, Raymond, Rideout, Silsby, Smith, Spencer, Sprowl, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Wilfong, Wyman.

NAY — Alopis, Benoit, Birt, Boudreau, A.; Boudreau, P.; Brenerman, Burns, Byers, Churchill, Clark, Cox, Cunningham, Devoe, Dexter, Diamond, Fenslon, Garsoe, Gill, Gillis, Gould, Gray, Henderson, Higgins, Huber, Hughes, Hutchings, Immonen, Jackson, Jensen, Joyce, Kane, Kany, Kilcoyne, Lewis, Littlefield, Lougee, Lynch, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBrearty, Morton, Nelson, M.; Nelson, N.; Norris, Palmer, Peltier, Perkins, Prescott, Rollins, Shute, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Torrey, Tyndale, Wood.

ABSENT — Austin, Bagley, Cote, Drinkwater, Dudley, Dutremble, Gauthier, Hunter, Jacques, Jalbert, McPherson, Peakes, Peterson, Talbot, Whittemore.

Yes, 73; No, 62; Absent, 15.

The SPEAKER: Seventy-three having voted in the affirmative and sixty-two in the negative, with fifteen absent, the motion does prevail.

Sent up for concurrence.

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

House Divided Report — Majority (8) "Ought Not to Pass" — Minority (4) "Ought to Pass" — Committee on Judiciary on Bill "An Act Relating to Judicial Review of Public Utilities Commission Decisions" (H. P. 226) (L. D. 290)  
Tabled — April 25, 1977 by Mr. Spencer of Standish.

Pending — Acceptance of either Report.

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

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

House Report — "Ought to Pass" as Amended by Committee Amendment "A" (H-159) — Committee on Education on Bill "An Act to Facilitate Out-of-state Post Graduate Education in Certain Professions" (H. P. 408) (L. D. 502)

Tabled — April 25, 1977 by Mr. Lynch of Livermore Falls.

Pending — Acceptance of the Committee Report.

On motion of Mr. Lynch of Livermore Falls, tabled pending acceptance of the Committee Report and Specially assigned for Friday, April 29.

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

Joint Order — Relative to Joint Rule 20A — Reports of Committees (H. P. 1440) Read in House April 20.

Tabled — April 25, 1977 by Mr. Quinn of Gorham.

Pending — Passage.

Mr. Gillis of Calais was granted permission to withdraw the Joint Order.

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

Bill "An Act to Provide County Commissioner Districts in Washington County" (H. P. 1225) (L. D. 1359) In House, Passed to be Engrossed on April 12. In Senate, Indefinitely Postponed.

Tabled — April 25, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Further Consideration.

On motion of Mr. Tierney of Lisbon Falls, retabled pending further consideration and specially assigned for Friday, April 29.

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

Resolution, Proposing an Amendment to the Constitution to Eliminate the Office of Justice of the Peace as a Constitutional Office (H. P. 655) (L. D. 798)

Tabled — April 25, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Final Passage. (Roll Call Ordered)

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I believe I have the information that many of you expressed concern over last Friday when this bill was up for final enactment, and I will take just a minute of your time to explain this particular L. D. and what the consequences would be of final enactment.

Presently, for the position of justice of the peace, the process is that the Governor nominates and the Governor confirms. We are suggesting that this be sent out to referendum and that we take the nominating procedure for justice of the peace out of the Constitution. At that point, there were some fears of what this would do to people who presently hold a commission. I went to the Attorney General's Office, and he said it would not automatically terminate the commission of those justices of the peace then in existence, because the position of justice of the peace is contained in 4 M.R.S.A. 1001.

Presently, ladies and gentlemen of the House, the position of notary public was removed and has been placed in the Office of Secretary of State as an administrative task. You file, they decide if the application is a valid one and then they award the position of notary public. The position of notary public, as you well know, does carry a little more power than that of justice of the peace, because with it you can do interstate business, whereas the position of justice of the peace is only intrastate, within the State of Maine.

We are recommending that this be taken out of the Constitution so that the Governor will not have to handle the nominations and then the confirmations of this particular office. If the people were to agree next November, the effective date would be the day that he validates the elections, somewhere around January 1. At that point, we would not have a procedure for additional justices of the peace until the legislature, if they so desired in the next session, instituted a procedure similar to that of notary public to reinstate the position. Those who have the commissions would retain the commissions until the expiration date. There would not be a process for renewal for justice of the peace. However, they could apply for the notary public. It does not affect a notary public at all.

We are still recommending to this House that we do take that out of the Constitution. If the people agree, then next January, reinstate in statute the process for becoming a justice of the peace and the net effect might be that perhaps for a month or six weeks or so next session there would not be the possibility of getting that title, justice of the peace.

The SPEAKER: A roll call has been ordered. The pending question is on final passage of L. D. 798. All those in favor of this Resolution being finally passed will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Alopis, Ault, Bachrach, Beaulieu, Bennett, Benoit, Berube, Biron, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K.C.; Bunker, Burns, Bustin, Byers, Carter, F.; Chonko, Churchill, Clark, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Durgin, Elias, Fenslon, Flanagan, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hickey, Higgins, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Jackson, Joyce, Kane, Kany, Kerry, Kilcoyne, LaPlante, LeBlanc, Lewis, Lizotte, Locke, Lougee, Lynch, Mackel, Mahany, Marshall, Martin, A.; Masterton, Maxwell, McBrearty, McHenry, McKean, McMahon, Moody, Morton, Nadeau, Najarian, Nelson, M.; Norris, Palmer, Peltier, Perkins, Plourde, Post, Quinn, Shute, Silsby, Smith, Sprowl, Stubbs, Tarbell, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Tyndale, Wyman, The Speaker.

NAY — Berry, Birt, Blodgett, Brown, K.L.; Carroll, Carter, D.; Connors, Connolly, Cox, Dow, Fowlie, Gillis, Green, Hutchings, Immonen, Jensen, Kelleher, Laffin, Lunt, Masterman, Mills, Mitchell, Nelson, N.; Pearson, Raymond, Rideout, Spencer, Tarr, Twitchell, Wilfong, Wood.

ABSENT — Austin, Bagley, Carey, Carrier,

Cote, Drinkwater, Dudley, Dutremble, Gauthier, Hunter, Jacques, Jalbert, Littlefield, MacEachern, McPherson, Peakes, Peterson, Prescott, Rollins, Stover, Strout, Talbot, Whittemore.

Yes, 97; No, 31; Absent, 23.

The SPEAKER: Ninety-seven having voted in the affirmative and thirty-one in the negative, with twenty-three being absent, and ninety-seven being more than two thirds of the members present and voting, the Resolution is finally passed.

Signed by the Speaker and sent to the Senate.

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

Bill "An Act to Revise Fees Which may be Charged by Towns for Licensing Innkeepers, Victualers or Tavernkeepers" (Emergency) (H. P. 640) (L. D. 784) (C. "A" H-176)

Tabled — April 26, 1977 by Mr. Palmer of Nobleboro.

Pending — Passage to be Engrossed.

On motion of Mrs. Huber of Falmouth, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentlewoman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-208) was read by the Clerk.

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

Mrs. HUBER: Mr. Speaker and Members of the House: This amendment does, I believe, answer the concerns that have been expressed concerning this bill. The amendment allows local officials to set fees at what I believe are reasonable levels, and if you will look at the amendment, I hope you will agree as well.

If a town wishes to leave its fees at \$10, it may. If it in fact finds itself forced, in effect, to charge more, it must follow a schedule which places realistic limits on these fees. The purpose of these fees is to more nearly reflect the actual cost to many towns of making sure that these establishments are clean and sanitary.

I hope you will vote to adopt the amendment.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: When I first read this bill, I began to have hot flashes; now it has turned to cold sweat.

In all due respect to the gentlelady from Falmouth, I know what she is trying to accomplish and I admire her for her efforts. I do see some problems with the amendment and with the basic bill itself. First of all, I called Mr. Datsis from the Department of Human Services and I don't think there has been a lot of homework on this particular bill. Presently, there are 28 different classifications of victualer licenses and they have to have an associated health certificate from the state which range in prices from \$17.50 to \$30, depending on the business. So this is a problem here, because we are going to have to make a determination on classifications.

As I read House Amendment "A" I keep seeing the word victualers. Our particular town charges \$5 for all victualer licenses, and then you go to the state and you pay a fee of \$17.50 for the associated health certificate that goes with the license. As we go through the classifications, we look and in classification D it states, "Any business establishment such as but not limited to retail grocery stores." Well, first of all, the retail grocery that does not serve food to be consumed does not have to have a victualer's license. If the grocery store does have a hot dog machine or some sort of a device, such as an infra-red oven for sandwiches, then, are you going to classify that grocery store un-

der D or are you going to go back and say, okay, you have to have a victualer's license so we will have to classify you under A. In other words, I see little problems that start to crop up with this thing.

If we classify the grocery store under A because he does hold a victualer's license, then, of course, his fee could go up to \$50, according to the municipality. This is about a thousand percent rise in some of the present fees. If we classify it under D, it would go up to \$25. This is a five hundred percent rise in the people's license fees.

Just to give you a little idea of what happens, if you own a small grocery store, and I own one, there are a lot of retired people who own small grocery stores and you will find that they are not really wealthy, if I sell beer and wine in my grocery store, then I pay the State of Maine \$260 for a fee to do that. I pay for a \$54 federal tax stamp on top of that, I pay \$10 to the state for testing the water, because now I have got to go into the victualer's license, since I have a hot dog machine, then I have to pay the state \$17.50 for a health certificate to go along with the victualer's license. Then I go to the town office and they give me the victualer's license and they charge me \$5. In other words, I am beginning to get up to the point where it is cheaper to stay out of business than it is to get into business.

Who in the city or the town or municipality will have the expertise to make the determination of the classification of the business? What standards are they going to use? Are they going to be consistent standards throughout the state? Who is going to determine the cost of the classification of the license? We have a broad rule here we can use; however, again, are we going to be standard throughout the state?

I submit to you that we begin to raise these fees to where it becomes almost impossible for the small businessman to stay in business and I think we have to put a stop to it somewhere.

I believe in the concept that she has, but I do believe that we need some homework, especially with the Department of Human Services. Therefore, Mr. Speaker, my great leader, I may need your help. I would like to see this tabled unassigned so there could be some more homework done on this by the gentlelady. Is that in order, sir?

The SPEAKER: The Chair would answer that it is in order, but the gentleman may not table since he has obviously debated, but others might.

Whereupon, on motion of Mr. Garsoe of Cumberland, tabled pending adoption of House Amendment "A" to Committee Amendment "A" and specially assigned for Friday, April 29.

The Chair laid before the House the following matter:

Bill "An Act to Provide that the Position on the Primary Election Ballot and on the General Election Ballot the Names of Candidates for Major Offices shall be Determined by Lot" (H. P. 479) (L. D. 594) which was tabled earlier in the day and later today assigned pending the motion of Mr. Birt of East Millinocket to recede and concur. In House, passed to be engrossed as amended by House Amendment "B" (H-165) on April 21. In Senate, the Bill and accompanying papers indefinitely postponed in non-concurrence.

Whereupon, Mr. Birt of East Millinocket requested permission to withdraw his motion to recede and concur, which was granted.

Mrs. Nelson of Portland moved that the House insist and request a committee of conference.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: A short time ago, the Secretary of State was up here on the third floor and we had a drawing by lot to see what should be the demise of this particular bill, and the first let-

ter drawn was an R and the second letter drawn was a C, so I think the fate of the bill should be recede and concur.

Thereupon, Mr. Kelleher of Bangor moved that the House recede and concur.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, 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.

48 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mrs. Nelson of Portland, the House voted to insist and ask for a Committee of Conference.

On motion of Mr. Moody of Richmond, Adjourned until nine o'clock tomorrow morning.