

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Friday, April 29, 1977

The House met according to adjournment and was called to order by the Speaker.
Prayer by the Reverend Stephen W. Holmes of the United Church of Christ, Winthrop.
The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:
The Senate of Maine
Augusta

April 28, 1977

Honorable Edwin H. Pert
Clerk of the House
108th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The Senate today Adhered to Bill, "An Act to Improve the Marketability of Real Estate" (H. P. 1415) (L. D. 1627).

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

The Communication was read and ordered placed on file.

**Reports of Committees
Leave to Withdraw**

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act to Provide Educational Benefits to Members of the Maine National Guard" (S. P. 310) (L. D. 1030)

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act Concerning Postgraduate Training in the Field of Osteopathic Medicine" (S. P. 318) (L. D. 1076)

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act Relating to Negotiability of Teacher Employment" (S. P. 330) (L. D. 1089)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Fund the Cost of the Employees Share of the Premium of the Employees' Health Insurance Programs at the University of Maine and the Maine Maritime Academy" (Emergency) (S. P. 171) (L. D. 488)

Came from the Senate with the Reports read and accepted.

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

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act Exempting New Machinery and Equipment used in the Hatching of Poultry from the Sales and Use Tax Law" (S. P. 290) (L. D. 916)

Report was signed by the following members:

Mr. MARTIN of Aroostook
— of the Senate.

Messrs. IMMONEN of West Paris
CAREY of Waterville
COX of Brewer
MACKEL of Wells
TWITCHELL of Norway
CARTER of Bangor

Mrs. CHONKO of Topsham
Mrs. POST of Owl's Head
— of the House.

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

Report was signed by the following members:

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

Mr. MAXWELL of Jay
— of the House.

Came from the Senate with the Bill and accompanying papers indefinitely postponed.

In the House: Reports were read.
The Bill and accompanying papers were indefinitely postponed in concurrence.

**Non-Concurrent Matter
Tabled and Assigned**

RESOLUTION, Proposing an Amendment to the Constitution to Prohibit Referendum Voting at Primary Elections (H. P. 427) (L. D. 535) on which the Majority "Ought to Pass" in New Draft Report of the Committee on Elections Laws was read and accepted and the New Draft (H. P. 1449) (L. D. 1675) passed to be engrossed in the House on April 27, 1977.

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

In the House: On motion of Mr. Garsoe of Cumberland, tabled pending further consideration and specially assigned for Monday, May 2.

Non-Concurrent Matter

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) which was passed to be engrossed as amended by House Amendment "A" (H-195) in the House on April 27, 1977.

Came from the Senate with that Body having Adhered to its former action whereby the Bill was passed to be engrossed in the Senate on April 21, 1977 in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act Relating to Mother's Day and Father's Day" (S. P. 202) (L. D. 600) which was Enacted in the House on April 25, 1977.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:
Mr. Biron of Lewiston moved that the House recede and concur.

Thereupon, Mr. Peterson of Caribou requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Biron, 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. Cote of Lewiston 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 Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: Just to familiarize you a little bit with what this bill is, it is simply to take Mother's and Father's Day and put it on the books as a law in the State of Maine. We do it anyway, and we are just going to clutter up the laws of the State of Maine by putting Mother's and Father's Day on it. I can't see the reasoning. You know, we have Mother's Day and we have Father's Day, so why put it as a state law? I just can't see the reasoning.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: Why do we want to put this on the books? Because everyone here, I think, loves their father and mother and we

don't have to wait for the Governor or anyone else to declare a day in their favor. I think it is a step forward for us in Maine to recognize legally our mothers and fathers and I hope we don't recede and concur.

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

Mrs. DURGIN: Mr. Speaker, Ladies and Gentlemen of the House: I do feel that this is a small tribute to pay to our mothers and fathers, and it does seem as if we could find just one small corner on those books to pay tribute to them.

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

ROLL CALL

YEA — Alopis, Bachrach, Berry, Biron, Blodgett, Boudreau, P.; Brown, K.L.; Bunker, Burns, Byers, Carrier, Carter, F.; Chonko, Clark, Cunningham, Dexter, Dow, Fenlason, Garsoe, Gill, Gray, Greenlaw, Hall, Henderson, Howe, Hughes, Immonen, Jackson, Jensen, Lewis, Lynch, MacEachern, Mackel, Marshall, Masterton, McHenry, McMahon, Morton, Najarian, Norris, Quinn, Rollins, Shute, Silsby, Stover, Teague, Twitchell, Valentine, Whittemore.

NAY — Ault, Bagley, Bennett, Benoit, Berube, Birt, Boudreau, A.; Brenerman, Brown, K.C.; Bustin, Carroll, Carter, D.; Churchill, Connolly, Cote, Cox, Curran, Davies, Diamond, Drinkwater, Dudley, Durgin, Dutremble, Elias, Flanagan, Fowlie, Gillis, Goodwin, K.; Gould, Green, Hickey, Higgins, Huber, Hunter, Jalbert, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LeBlanc, Littlefield, Locke, Lougee, Mahany, Martin, A.; Masterman, Maxwell, McBrearty, McKean, McPherson, Mills, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Raymond, Smith, Strout, Stubbs, Talbot, Tarr, Theriault, Torrey, Tozier, Trafton, Truman, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Austin, Beaulieu, Carey, Connors, Devoe, Gauthier, Goodwin, H.; Hobbins, Hutchings, Jacques, LaPlante, Lizotte, Lunt, Moody, Palmer, Peakes, Spencer, Sprowl, Tarbell, Tierney, Tyndale.

Yes, 49; No, 80; Absent, 22.
The SPEAKER: Forty-nine having voted in the affirmative and eighty in the negative, with twenty-two being absent, the motion does not prevail.

Thereupon, the House voted to insist.

Non-Concurrent Matter

Bill "An Act to Establish a Presidential Primary in the State of Maine" (H. P. 187) (L. D. 249) which was enacted in the House on April 21, 1977.

Came from the Senate failing of enactment in non-concurrence.

On motion of Ms. Benoit of South Portland, the House voted to recede from passage to be enacted.

On further motion of the same gentlewoman, the House voted to recede from its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-223) was read by the Clerk.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: Last week when this bill was before the House, I voted against it. I did so for several reasons, many of which were addressed by the good gentleman from Cumberland, Representative Garsoe.

I am not opposed to a presidential primary,

quite the contrary. However, I did not want to see the State of Maine play games with our neighboring state of New Hampshire. I am sure that all of us know that Governor Meldrim Thomson has said that his state would not allow Maine's presidential primary date to be the same as New Hampshire's. In my opinion, it would be a foolish waste of time for us to get involved in this type of a free-for-all with another state.

For these reasons, I now introduce House Amendment "A" to L. D. 249. This amendment provides that the State of Maine shall hold a presidential primary election on the first Tuesday in March each year when the President of the United States is elected. The remainder of the bill is not changed with the exception of any portions of the bill which refer to the New Hampshire primary.

I have been told by the gentlelady from Waterville, Mrs. Kany, that the date set forth in this amendment for Maine's presidential primary is the same date on which Massachusetts and Vermont also hold their primaries. This would be a step in the right direction towards a New England Regional Primary, exclusive of New Hampshire, which apparently does not wish to participate in a regional primary.

I would urge you to please support this amendment.

Thereupon, House Amendment "A" was adopted.

Ms. Benoit of South Portland offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-225) was read by the Clerk.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: This amendment provides for placement of names on the ballot by petition. If you look at L. D. 249, pages one and two, Section 472, you will see that this amendment eliminates all of subsection one and rennumbers subsections two and three.

It further amends the bill on page two, Section 475, Subsection two, by eliminating all of paragraphs A, B and C and inserting in their place a new paragraph, which is paragraph A in the amendment.

The purpose of this amendment is to satisfy some members of both bodies who objected to the Secretary of State having sole discretion in deciding whose names will be on the ballot. I hope with these two amendments we will be able to send this legislation to the other body and see it eventually become law.

Thereupon, House Amendment "B" was adopted.

Mrs. Kany of Waterville offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-228) was read by the Clerk.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "D" in its Statement of Fact, says that the intent of the amendment is to attach a fiscal note to acknowledge the fact that a presidential primary does carry a price tag. No appropriation is included in the amendment, however, since funding will not be required until the 1979-1980 fiscal year.

Thereupon, House Amendment "D" was adopted.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: I would just like to point out to the members of the House that every single, solitary, lone, individual objection that was raised to this measure at the other end of the hall has not been taken care of by the very good amendments of Ms. Benoit and Mrs. Kany, and

we will now find out whether the real motive is to prevent the people from having a voice in the selection of the presidential candidates or whether the power wants to be maintained firmly in control of the power actors.

I move passage of the bill, Mr. Speaker. Thereupon, the Bill was passed to be engrossed as amended by House Amendments "A," "B" and "D" in non-concurrence and sent up for concurrence.

Petitions, Bills and Resolves Requiring Reference

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

RESOLVE, to Apportion Multimember Districts of the House of Representatives into Single Member Districts (H. P. 1486) (L. D. 1723) (Presented by Mr. Martin of Eagle Lake) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

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

Mr. KELLEHER: Mr. Speaker, I move the rules be suspended and this resolve be given its first reading today.

Whereupon, Mr. Biron of Lewiston objected.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the rules be suspended for the purpose of giving this Resolve its first reading. This requires a two-thirds vote of those present and voting. All those in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken. 93 having voted in the affirmative and 18 having voted in the negative, the rules were suspended.

Thereupon, the Resolve was read once.

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

Mrs. KANY: Mr. Speaker, I would pose a question to the Chair. Is this Resolve being sent to the Committee on Business Legislation?

The SPEAKER: The Chair would answer in the negative.

Mrs. KANY: May I ask to which committee this is being sent for public hearing?

The SPEAKER: The Chair would advise the gentlewoman that it is not being referred for public hearing since public hearing has been held by the Reapportionment Commission, and under the Constitution, this Resolve must become law by Tuesday.

Mrs. KANY: Mr. Speaker, if one wishes to add an amendment to this Resolve, at what time would that be done?

The SPEAKER: The Chair would advise the gentlewoman from Waterville, Mrs. Kany, that like every other bill and resolve, it may be amended at second reading, and the Chair is going to assign second reading for Monday. At that point, it may be amended.

The Chair would advise the members of the House that the Resolve before us has to be on the Governor's desk sometime during the course of the day on Tuesday.

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

Mr. BIRON: Mr. Speaker, just a point of information. The amendment which the good lady from Waterville suggested, and also I have an amendment to this bill that it is very lengthy, and if this bill is to come before the body in second reading Monday and the bill needs to be enacted by Tuesday, I see some problems. Is there any way that the members of this body could be given the amendments prior to Monday?

The SPEAKER: The Chair would advise the gentleman that if he has signed his amendment and the gentlewoman from Waterville, Mrs. Kany, signs her amendment, it will be reproduced in the course of the day today and people could have them before they leave this evening.

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

Mr. BOUDREAU: Mr. Speaker, I would pose a question to the Chair. I have been told by members of the Reapportionment Committee that there will be no amendments that will be taken up on this matter. If there is, I would like the Chair to tell everyone here that amendments will be considered so that we all put in our amendments to redraw the lines that have already been drawn.

The SPEAKER: The Chair would advise the gentleman from Waterville, Mr. Boudreau, and members of the House that of course this Resolve may be amended like any other resolves. If the legislature does not enact a resolve by Tuesday, reapportionment will be handled by the Supreme Judicial Court of Maine.

Thereupon, the resolve was assigned for second reading the next legislative day.

Business Legislation

Bill, "An Act Relating to Providing Information Services to Maine Travelers" (H. P. 1505) (Presented by Mr. Hughes of Auburn) (Cosponsors: Mr. Higgins of Scarborough, Mr. Jackson of Yarmouth, Mr. Greenlaw of Stonington) (Ordered Printed)

Sent up for concurrence.

Legal Affairs

RESOLVE, Authorizing Donald LaRochelle as Executor for the Estates of Wilfred and Alice LaRochelle Late of Waterville or his Legal Representatives to Bring Civil Action Against the State of Maine (H. P. 1506) (Presented by Mrs. Kany of Waterville) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25) (Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Relating to the Maine State Employees Accident and Sickness or Health Insurance Program" (H. P. 1507) (Presented by Mrs. Byers of Newcastle) (Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Providing for Establishment of a State Tax Mix" (H. P. 1508) (Presented by Mr. Carter of Bangor)

Bill "An Act to Improve the Administration of the Maine Tree Growth Tax Law" (H. P. 1509) (Presented by Mr. Churchill of Orland) (Ordered Printed)

Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 1503) recognizing that:

DAVID CUNNINGHAM of Freeport will be honored on April 30, 1977 by that community for his many years of service and dedication.

Presented by Ms. Clark of Freeport.

The Order was read and passed and sent up for concurrence. By unanimous consent, ordered sent forthwith to the Senate.

House Reports of Committee

Ought Not to Pass

Mr. THERIAULT from the Committee on Veterans and Retirement on Bill "An Act to Grant Retirement Benefits to all Members of the Maine State Retirement System who have Acquired 25 Years of Creditable Service and Attained Age 55" (H. P. 849) (L. D. 1040) reporting "Ought Not to Pass"

Mrs. BYERS from the Committee on Judiciary on Bill "An Act to Establish a Minimum \$100 Fine for Shoplifting" (H. P. 1036) (L. D. 1269) reporting "Ought Not to Pass"

Mr. PEAKES from the Committee on

Business Legislation on Bill "An Act Further Defining the Attorney General's Authority Under the Unfair Trade Practices Act" (H. P. 276) (L. D. 340) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Laffin from the Committee on Veterans and Retirement on Bill "An Act to Restore the Formula Provision for Law Enforcement Officers of the Department of Marine Resources" (H. P. 736) (L. D. 835) reporting "Leave to Withdraw"

Mr. Tarbell from the Committee on Judiciary on Bill "An Act Relating to Direct Sentencing of Adult and Juvenile Offenders to Halfway Houses and Group Homes" (H. P. 1079) (L. D. 1303) reporting "Leave to Withdraw"

Mr. Peakes from the Committee on Business Legislation on Bill "An Act to Clarify which Violations of Law also Constitute Violations of the Unfair Trade Practices Act" (H. P. 315) (L. D. 406) reporting "Leave to Withdraw"

Ms. Clark from the Committee on Business Legislation on Bill "An Act to Provide for Residual Rights of Artists upon the Sale of Works of Fine Art" (H. P. 963) (L. D. 1160) reporting "Leave to Withdraw"

Mr. Peakes from the Committee on Business Legislation on Bill "An Act Pertaining to Parens Patriae Suits by the Attorney General on Behalf of Consumers" (H. P. 314) (L. D. 405) reporting "Leave to Withdraw"

Mr. Rideout from the Committee on Business Legislation on Bill "An Act Prohibiting the Unlicensed Practice of Funeral Services" (H. P. 350) (L. D. 443) reporting "Leave to Withdraw"

Mrs. Boudreau from the Committee on Business Legislation on Bill "An Act Pertaining to Suits by the Attorney General on Behalf of Consumers" (H. P. 583) (L. D. 710) reporting "Leave to Withdraw"

Mr. Henderson from the Committee on Local and County Government on Bill "An Act to Increase the Salaries of Kennebec County Officials" (H. P. 1379) (L. D. 1570) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

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 Washington County for the Year 1977 (Emergency) (H. P. 1504) (L. D. 1722) 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 Monday, May 2.

Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought to Pass" as amended by Committee Amendment "A" (H-217) on Bill "An Act Relating to Music, Dancing or Entertainment" (H. P. 875) (L. D. 1068)

Report was signed by the following members:

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

- Messrs. TWITCHELL of Norway
 - IMMONEN of West Paris
 - MAXWELL of Jay
 - RAYMOND of Lewiston
 - CONNERS of Franklin
 - JACQUES of Lewiston
 - LIZOTTE of Biddeford
 - NADEAU of Sanford
- of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill. Report was signed by the following members:

- Messrs. MARSHALL of Millinocket
 - GRAY of Rockland
- of the House.

Reports were read.

On motion of Mr. Maxwell of Jay, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-217) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Veterans and Retirement reporting "Ought Not to Pass" on Bill "An Act Concerning the Retirement Law Relating to Certain Employees of the Department of Mental Health and Corrections" (H. P. 1019) (L. D. 1073)

Report was signed by the following members:

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

- Messrs. THERIAULT of Rumford
 - AUSTIN of Bingham
 - BUNKER of Gouldsboro
 - MacEACHERN of Lincoln
 - Ms. CLARK of Freeport
 - Messrs. HICKEY of Augusta
 - LOUGEE of Island Falls
- of the House.

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

Report was signed by the following members:

- Messrs. LAFFIN of Westbrook
 - NELSON of Roque Bluffs
- of the House.

Reports were read.

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

On motion of the same gentleman, tabled pending his motion to accept the Majority Report and specially assigned for Tuesday, May 3.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Veterans and Retirement reporting "Ought Not to Pass" on RESOLVE, to Increase the Retirement Benefits of Helen B. Pearson (H. P. 1057) (L. D. 1287)

Report was signed by the following members:

- Messrs. LOVELL of York
 - O'LEARY of Oxford
- of the Senate.

- Messrs. THERIAULT of Rumford
 - MacEACHERN of Lincoln
 - NELSON of Roque Bluffs
 - AUSTIN of Bingham
 - BUNKER of Gouldsboro
 - Ms. CLARK of Freeport
 - Mr. HICKEY of Augusta
 - LOUGEE of Island Falls
- of the House.

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

Report was signed by the following members:

- Mr. COLLINS of Knox
- of the Senate.
- Mr. LAFFIN of Westbrook
- of the House.

Reports were read.

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

On motion of the same gentleman, tabled pending his motion to accept the Majority Report and specially assigned for Tuesday, May 3.

Divided Report

Majority Report of the Committee on Veterans and Retirement reporting "Ought Not to Pass" on Bill "An Act to Improve the Retirement Benefits for Teachers Under the State Retirement System" (H. P. 668) (L. D. 809)

Report was signed by the following members:

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

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

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

Report was signed by the following member:

- Mr. LAFFIN of Westbrook
- of the House.

Reports were read.

On motion of Mr. Theriault of Rumford, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Provide for Consideration of the Economic Impact of Decisions made by the Board of Environmental Protection" (H. P. 879) (L. D. 1070)

Report was signed by the following members:

- Mr. TROTZKY of Penobscot
- of the Senate.

- Mr. BLODGETT of Waldoboro
 - Mrs. HUBER of Falmouth
 - Mr. DEXTER of Kingfield
 - Mr. HUNTER of Auburn
 - Mr. GREEN of Auburn
 - Mr. WILFONG of Stow
 - Miss BROWN of Bethel
- of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-221) on same Bill.

Report was signed by the following members:

- Mr. O'LEARY of Oxford
 - Mr. REDMOND of Somerset
- of the Senate.

- Mr. HALL of Sangerville
 - Ms. BENOIT of South Portland
- of the House

Reports were read.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the signers of the "ought to pass," but looking over the amendment, it hasn't done one thing to help the towns because there is a battle between the environmentalists and the industries, so I now move for the "ought not to pass" report.

The SPEAKER: The gentleman from Sangerville, Mr. Hall, moves that the House accept the Majority "Ought Not to Pass" Report.

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

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to look at Committee Amendment "A" and see that it does something for the towns who might find themselves with problems because they weren't well enough acquainted with what they were having enacted on them. I would just like to say that the little change — and the environmental people agree with me — and in the

section underlined, it says, "Before making a decision authorized by this section, the board may receive testimony on the economic effect of any proposed project which is required and any proposed regulation." I submit to you that this is just one little step towards giving us a little more input into any situation where we might find ourselves with a real problem.

All we are doing is, we are being given a chance to give testimony before the Board of Environmental Protection before we make any moves that we find that we shouldn't make and can't live with later. I would urge you to defeat this motion and ask that you vote in favor of the "ought to pass", the minority report.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Boldgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to go along with the gentleman from Sangerville, Mr. Hall, to vote for the "ought not to pass."

This bill has a nice title. It sounds nice, but both sides agree, or had agreed, if you feel it is going to help economic development, in fact it will hurt economic development, because if anyone wants to block anything, they can use this bill to go in and do precisely what you would like to do, they can do just the opposite. It is going to hurt you, it is not going to help you one mite.

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

94 having voted in the affirmative and 7 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-224) on Bill "An Act to Repeal the Ban on Otter or Beam Trawls in Washington County Territorial Waters" (H. P. 626) (L. D. 767)

Report was signed by the following members:

Messrs. CHAPMAN of Sagadahoc

HEWES of Cumberland

LEVINE of Kennebec

— of the Senate.

Messrs. CONNERS of Franklin

MILLS of Eastport

BUNKER of Gouldsboro

TYNDALE of Kennebunkport

— of the House.

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

Report was signed by the following members:

Messrs. FOWLIE of Rockland

GREENLAW of Stonington

Mrs. POST of Owls Head

Messrs. JACKSON of Yarmouth

BLODGETT of Waldoboro

NELSON of Roque Bluffs

— of the House.

Reports were read.

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

Mrs. POST: Mr. Speaker, I move acceptance of the Minority "Ought Not to Pass" Report and would speak briefly.

The SPEAKER: The gentlewoman from Owl's Head, Mrs. Post, moves that the Minority "Ought Not to Pass" Report be accepted.

The gentlewoman may proceed.

Mrs. POST: Mr. Speaker, Men and Women of the House: Many times in the past, Maine has dealt with some of its conflicts between types of fishing gear by passing specific legislation outlining what kinds of gear can be used in what areas. What we often run into is that fish can be

caught in many different ways. You can use a curved seine or a stop seine or trawls, gill nets, etc. and lobsters can be caught with one mechanism, legally anyway, and that is with a lobster trap, so that in particular areas where both types of fishing are carried on, lobstering and either dragging or catching fish, very often the state says, all right, then lobsters can be caught in one way and that catching a fin fish can go on in that particular area only in ways that are compatible so that both can use that particular piece of bottom, and this was the case in Washington County.

With this particular bill, what would happen is, one of the types of fishing for fin fish, which is not compatible with the setting of lobster traps, would be allowed, and that is an otter trawl or beam trawl.

In recent years, in the recent year, anyway, there has been a particular new development in the use of otter trawls, beam trawls, which is called pair trawling, to make the thing even more complicated. Essentially what that means, you use two boats with a larger net, which is disastrous for lobster traps. They are having a great deal of problems in the Massachusetts area, and I think this is probably one of the first indications that we are going to have some of those problems in the State of Maine.

When we heard this bill, there were no proponents, there were no people speaking in favor of this bill. There were several people speaking in opposition to this bill. So I think those of us on the committee that voted for the "ought not to pass" report felt that with the decision that was made in the State of Maine approximately 10 years ago, at least the last time it was amended, with that decision made without a clear indication that there were overriding considerations why we would essentially say lobstering can no longer take place in this specific area, that the law should remain the same. Therefore, I would ask you to support the "ought not to pass" report.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill. It was brought in for the purpose of creating the industry down in the Eastport, Lubec area. As you all know, the Groundhog gale went through there and destroyed an awful lot of property. This is an effort being made by the committee down there to increase our economy, and as far as what the good lady said, it has been ten years since this bill was amended, that is not true, I amended it last year so they could drag for mackerel to provide the jobs on shore in the mill canning mackerel which is shipped foreign.

As far as this thing is concerned, the Town of Lubec has recently voted to build a commercial fishing pier and Eastport is doing the same thing. Those people in those two towns down there are trying to act on a grassroots level to build their own economy and create industry of their own. It has always been that way down in that county. Every time we try to do something down there, somebody wants to put us down, somebody wants to eliminate the possibility of producing industry.

As far as this one here is concerned, over in Lubec they are trying to set up a small fish processing plant over there. That is going to create jobs in the town. Let me inform you what the Town of Lubec had to do to get a commercial fishing pier started in their town, which lost all their wharfs in the groundhog gale. At their town meeting, by vote of the people to pay the cost of building a commercial fishing pier so they can have industry for their boats and a wharf for their boats to land at, the residents of the town voted to accept the payment by themselves as individual families of \$15 a year for ten years to fund the building of this industry. If you don't think that is worthy of con-

sideration, I do. We have handed out moneys and everything else to all kinds of organizations and all kinds of deals around the state. Here are people who are trying by their own efforts to recreate their industry, to recreate their economy and provide jobs in the future for the kids.

There is no question about this thing here. In committee, there were only two objections that I knew of. Now, on the report I find quite a few. The bill originally called for repealing this restriction on fishing in all Washington County waters. After discussion, I compromised on this thing. If you read the bill, you will find out that it goes roughly right down from Cutler East to be open for dragging, and from Cutler West, where the lobster pots are, restricted. That is all this bill is calling for, a chance for people to make a living.

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

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am for industry but not at the expense of perhaps another one. I did, in committee, sign this bill "ought to pass." There was an amendment offered to it which put the line east of Cutler. It says that the use of either otter or beam trawls within the territorial waters of Washington County west of 67 degrees ten minutes west longitude is prohibited. I went back into the Cutler area and I contacted lobster fishermen there. There are no draggers in Cutler. They said it would be disastrous to take that prohibition off so that they could come in there with beam trawls.

A law was put on about 25 years ago by a gentleman from Machiasport by the name of Will Hanson. He represented Washington County and that area for quite awhile. A beam trawl is what I call a killer trawl. Anything that comes into that trawl, it is a trawl that is hauled along the bottom of the ocean, whether it is mud flats, sandy bottom or ledges. They have improved them over the years so that they are a better killer than they used to be because they have sort of rollers on the front of them now. They just conform to the bottom of the ocean and they pick up everything that is on that bottom, whether it be a lobster trap or fish of any kind, lobsters, perhaps, or anything and they bring those to the surface. Once they get them to the surface, a lot of those fish smother to death right down there, because as they go against the back of that trawl the pressure builds up off the other fish coming against the fish that are against the outside twine or net, so-called, those fish will be crushed and smothered. As they are brought to the surface and dumped onto the deck of the ship or boat, they, what we call, blow their lights, coming up from a depth they just kind of explode. That is why I call them a killer trawl.

I have called Eastport and I have called Lubec, and I couldn't find anybody that was for this. So I came back and I changed my mind and I signed it out "ought not to pass." I have to because I find nobody that wants it, so there is nothing else that I can do but do that. I would urge you not to accept the "ought to pass" report.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: That was quite interesting for me to listen to for the very simple reason that East of Cutler lies Roque Bluffs, the home of the Representative who spoke. Also, it is quite interesting for me to know that he contacted these people and couldn't find anybody. The question is, who is going to build the pier in Eastport and who is going to build the one in Lubec if they are not in favor of this bill? Why are they moving in that direction if they are not in favor of this bill after the compromise was made?

As a closing remark, I will inform you that the man who spoke is a part-time lobster

fisherman. The lobstermen think they own the ocean.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: The gentlewoman from Owls Head put the arguments of this very clearly before the House, as did the gentleman on the other side of the issue, Mr. Mills from Eastport. These gear conflicts that take place in this area and other areas of the state are indeed unfortunate, but I think there are issues that have to be addressed because, as the gentlewoman from Owls Head indicated, of the fixed nature of lobster traps. I would like to add three points that I think were part of the reason why I signed this bill "ought not to pass" and hope that you would consider these in your deliberation.

I think one of the reasons why this prohibition was put on originally was because, as you all know, the tides down in this area are very very strong and move very rapidly. The lobster port buoys, during the swift move of these tides, are dragged underwater and the dragnet fishermen do not always see these lobster buoys as they are dragging in these waters. Consequently, what takes place is the otter trawl drags up the gear, the gear is destroyed and I think this is unfortunate. Lobster traps, today, probably cost, just in terms of materials alone, somewhere between \$15 and \$20 apiece, so they're not inexpensive by any stretch of the imagination.

This bill talks about within territorial waters of Washington County. I am not sure, very honestly, how you exactly described that, but I would suggest that probably it is within no more than a three mile radius from the shore. I would suggest that any of these boats down in the Lubec area, or the Eastport area, that do wish to fish would have no problem harvesting fin fish or mackerel, whatever the case may be, by going off shore. One of the methods of fishing today is known as gill netting. It has become very popular. I don't think in any way, shape or manner we are precluding a processing plant or industry from developing down in the Lubec or Eastport area. As I indicated, I heard no compelling reasons why this law should be changed at this time and I hope you do support the "ought not to pass" report.

Mr. Mills of Eastport was granted permission to speak a third time.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I was quite interested in that speaker's remarks, too, for the very simple reason that he has been on the Marine Resources Committee for a long period of time. Also, he knows that the Canadians come down through those waters dragging with the same kind of nets and they have never raised an objection before. Apparently, their objection is directed against the people of Lubec and Eastport from earning a living, trying to raise themselves by their own grassroots attempts. This is what this amounts to now.

The SPEAKER: The pending question is on the motion of the gentlewoman from Owls Head, Mrs. Post, that the Minority "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.

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

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

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

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think you should consider in this case that we are talking about an established industry working close to the shore. As Representative Mills has told you often, the weather is foggy and bad up there, the gray skies, the hard seas, it is hard for a man running an otter or beam trawl to pick up the lobster buoys floating on the surface. He is going to chop right through them and chew them up.

We have an established important industry. A method wants to enter waters that it has been excluded from for many years. I think they can do just as well three miles offshore without having to come into the lobsterman's area.

Mr. Mills of Eastport was granted permission to speak a fourth time.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I am totally disgusted with the last remarks made because they are not within three miles of the shore, they are out of sight of land in those waters.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I think essentially what Representative Jackson said is true. We have an established industry in this particular area that is fishing now. What we have is another industry that wants to come in. The situation is, there are other ways in which they could catch fish that would still allow the lobstermen to fish in that area. What you are saying is, perhaps this industry that might want to come in, who could catch fish in other ways, we are going to let you catch fish in ways but you are going to tell those lobstermen that they can't work there.

This prohibition which is presently the case is not year round. Prohibition on otter and beam trawl in Washington County now is from May first to December 15th. If they want to go ground fishing after that time with otter trawls, they can. Don't think for a minute that the only people that are going to come there may come up there with otter trawls or pair trawls are going to be from Washington County or Lubec, they can be from anywhere along the state, or from Massachusetts if they want to, for that matter.

We had absolutely not one single person appear at the hearing in favor of this bill — not one person. I have not received one letter in favor of this bill. We had fishermen appear at the hearing against this bill. The president of the Maine Lobstermen's Association has talked to fishermen in that area and has testified against this bill. Another Representative from the same county which would have been affected by this has said that his fishermen have talked to him and are against this bill. There is no question that it is a gear conflict, but there are ways in that particular area that both types of people who want to earn a living can do so. There are other kinds of fishing. The lobstermen do not have a right to own the bottom, but neither do the people who want to go pair trawling. If you have a particular piece of bottom in which there are different kinds of fish, we should set up a system which allows both people to use that particular area because neither one has the exclusive rights. That is essentially what we are dealing with.

We are not dealing with the ground hog gale and we are not saying that a particular industry can't come in. The issue is, if you have an established industry, if you all of a sudden hear with nobody else testifying in favor of the hearing, you want to use your judgment to say that those lobstermen can no longer lobster in that area.

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

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: I heartily concur with the gentlelady from Owls Head. No one did ap-

pear in favor of this bill. The gentleman from Eastport says that the territorial waters, they have to go out three miles. There is nothing in this bill that guarantees or says that they will go out three miles from the coast.

The purpose of this bill is to repeal the prohibition on use of otter or beam trawls in Washington County territorial waters from May 1st to December 15th of each year. That is right at the height of the lobster season. Again, I urge you to accept the "ought not to pass" report.

Mr. Mills of Eastport was granted permission to speak a fifth time.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: It now appears that they are not too familiar with those waters out there, because where the lobster pots are is all ledges. No lobster pot is on sandy bottom and they have to go out to the sandy bottom to do their dragging. It is as simple as that.

The SPEAKER: The pending question before the House is the motion of the gentlewoman from Owls Head, Mrs. Post, that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopous, Bachrach, Bagley, Benoit, Berry, Biron, Blodgett, Brennerman, Bustin, Byers, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connolly, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Durgin, Elias, Fowlie, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Henderson, Howe, Huber, Hughes, Hunter, Hutchings, Jackson, Jensen, Kane, Kany, Kilcoyne, Lewis, Locke, Mackel, Marshall, Masterman, Masterton, Maxwell, McKean, McMahon, Mitchell, Moody, Morton, Nadeau, Nelson, M.; Nelson, N.; Peakes, Post, Prescott, Quinn, Raymond, Rideout, Stover, Teague, Trafton, Valentine, Wilfong, Wood.

NAY — Austin, Berube, Birt, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Carrier, Carroll, Cote, Dow, Drinkwater, Dudley, Dutremble, Fenlason, Flanagan, Gillis, Gould, Green, Hall, Hickley, Higgins, Immonen, Joyce, Kelleher, Laffin, Lizotte, Lougee, Lynch, MacEachern, Mahany, Martin, A.; McBreairey, McHenry, McPherson, Mills, Pearson, Peltier, Perkins, Peterson, Plourde, Rollins, Shute, Silsby, Smith, Sprowl, Strout, Stubbs, Talbot, Tarr, Theriault, Torrey, Tozier, Twitchell, Whittemore, Wyman.

ABSENT — Ault, Beaulieu, Bennett, Boudreau, A.; Carey, Connors, Devoe, Gauthier, Hobbins, Jacques, Jalbert, Kerry, LaPlante, LeBlanc, Littlefield, Lunt, Najarian, Norris, Palmer, Spencer, Tarbell, Tierney, Truman, Tyndale.

Yes, 69; No, 57; Absent, 24.

The SPEAKER: Sixty-nine having voted in the affirmative and fifty-seven in the negative, with twenty-four being absent, the Minority "Ought Not to Pass" Report is accepted.

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

Mrs. POST: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action and hope you all vote against me.

The SPEAKER: The gentlewoman from Owls Head, Mrs. Post, having voted on the prevailing side, now moves that the House reconsider its action whereby the "Ought Not to Pass" Report was accepted.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: What we are about to vote on, I am not going to object to that. I am simply going to state to you that if you don't vote for reconsideration, you are voting against the people's right to work in Washington County.

The SPEAKER: The Chair will order a vote.

Those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Mills of Eastport requested a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of the gentlewoman from Owls Head, Mrs. Post, that the House reconsider its action whereby it voted to accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bennett, Berube, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Carrier, Carroll, Carter, F.; Connolly, Cote, Dow, Drinkwater, Dudley, Dutremble, Fenlason, Flanagan, Garsoe, Gill, Gillis, Green, Hall, Higgins, Immonen, Jalbert, Joyce, Kelleher, Laffin, LeBlanc, Lizotte, Lougee, Lynch, MacEachern, Mahany, Martin, A.; McBreairty, McHenry, McPherson, Mills, Pearson, Peltier, Perkins, Peterson, Plourde, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Strout, Stubbs, Talbot, Theriault, Torrey, Tozier, Twitchell, Whittemore, Wood, Wyman.

NAY — Bachrach, Bagley, Benoit, Berry, Biron, Birt, Blodgett, Boudreau, A.; Brennerman, Bustin, Byers, Carter, D.; Chonko, Churchill, Clark, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Durgin, Elias, Fowlie, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hickey, Howe, Huber, Hughes, Hunter, Hutchings, Jackson, Jensen, Kane, Kany, Kilcoyne, Lewis, Locke, Mackel, Marshall, Masterman, Masterton, Maxwell, McKean, McMahon, Mitchell, Moody, Morton, Nadeau, Nelson, M.; Nelson, N.; Peakes, Post, Prescott, Quinn, Raymond, Stover, Tarr, Teague, Trafton, Valentine, Wilfong.

ABSENT — Beaulieu, Carey, Conners, Devoe, Gauthier, Hobbins, Jacques, Kerry, LaPlante, Littlefield, Lunt, Najarian, Norris, Palmer, Spencer, Tarbell, Tierney, Truman, Tyndale.

Yes, 64; No, 67; Absent, 19.

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

Sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 1121) (L. D. 1339) Bill "An Act to Repeal Certain Laws Relating to Public Safety" — Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-218)

(H. P. 958) (L. D. 1150) Bill "An Act Concerning Ski Lift Services" — Committee on Business Legislation reporting "Ought to Pass"

(H. P. 1143) (L. D. 1367) Bill "An Act to Authorize the District Court to Order Psychiatric Evaluation in Criminal Cases" — Committee on Judiciary reporting "Ought to Pass"

(H. P. 1082) (L. D. 1306) Bill "An Act to Authorize Sentencing Courts to Specify Places of Confinement of Persons Convicted of Crimes and to Remove Age Restrictions on Sentencing to the Maine Correctional Center" — Committee on Judiciary reporting "Ought to Pass"

(H. P. 1080) (L. D. 1304) Bill "An Act Authorizing Intermittent Service of Sentences

of Confinement" — Committee on Judiciary reporting "Ought to Pass"

(S. P. 380) (L. D. 1256) Bill "An Act Establishing the Offense of Illegal Transportation of Alcoholic Beverages Onto or Off of the Premises of a Licensee Licensed for On-premise Consumption" — Committee on Liquor Control reporting "Ought to Pass"

(S. P. 174) (L. D. 491) Resolve, Directing the Commissioner of Transportation and the Secretary of State to Evaluate and Determine the Feasibility of Transferring the Functions of the Motor Vehicle Division to the Department of Transportation — Committee on State Government reporting "Ought to Pass"

(H. P. 667) (L. D. 808) Bill "An Act to Provide an Increase in Retiree and Survivor Benefits" (Emergency) — Committee on Veterans and Retirement reporting "Ought to Pass as amended by Committee Amendment "A" (H-220)

(H. P. 62) (L. D. 83) Bill "An Act to Permit the Inhabitants of Cranberry Isles to Withdraw from the Maine State Retirement System" — Committee on Veterans and Retirement reporting "Ought to Pass as amended by Committee Amendment "A" (H-222)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 2, 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. 971) (L. D. 1168) Bill "An Act Relating to the Payment of the Cost of Constructing a Pumping Station, Fire Hydrant and a Water Main for the New Stockton Springs Elementary School" (Emergency)

No objection having been noted at the end of the Second Legislative Day, the House Paper was passed to be engrossed and sent up for concurrence.

(H. P. 290) (L. D. 371) Bill "An Act Prohibiting the Sale of Certain Aerosol Sprays after January 1, 1979" (C. "A" H-211)

On the objection of Mr. Perkins of Blue Hill, was removed from the Consent Calendar:

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

Committee Amendment "A" (H-211) was read by the Clerk.

Mr. Perkins of Blue Hill offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-226) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for second reading Monday, May 2.

(H. P. 220) (L. D. 284) Bill "An Act Relating to the Payment of Special Education Tuition and Board for the Fiscal Year 1977" (Emergency)

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

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

Passed to Be Enacted

Emergency Measure

"An Act to Extend the School Budget Adoption Date until June 15th" (H. P. 1456) (L. D. 1718)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being

necessary, a total was taken. 120 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

Emergency Measure

"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 (H. P. 1413) (L. D. 1525)

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

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I would like to pose a question to either the sponsor of the bill, I don't see him in his seat, or to someone who is familiar with it. I would like to know how this particular bill relates to Blue Cross-Blue Shield and if the current rate dispute has any relation to this bill?

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

The Chair recognizes the gentlewoman from Freeport, Ms. Clark.

Ms. CLARK: Mr. Speaker, in response to the question posed by the gentleman from Portland, Mr. Connolly, the answer is nothing, absolutely nothing.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: In the Statement of Fact, Blue Cross and Blue Shield is referred to as becoming the carrier that is now going to take care of this particular program, so it would seem to me, at least according to the Statement of Fact, maybe I am in error.

The SPEAKER: The gentleman from Portland, Mr. Connolly, has posed an additional question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Freeport, Ms. Clark.

Ms. CLARK: Mr. Speaker, Men and Women of the House: Perhaps an explanation of this bill would be in order, and I would share with you, part of the testimony which was presented to the Committee on Business Legislation which, for the record, reported this bill out unanimous "ought to pass."

This bill is sponsored by the gentleman from Nobleboro, Representative Palmer, and cosponsored by Representative Boudreau and myself. L. D. 1525 proposes the deletion of one provision from the section of the non-profit hospital and medical service organization law which enables these types of organizations to provide certain services for governmental agencies and other nonprofit organizations. Currently, the last sentence of Subsection 7 of Section 2301 of Title 24 restricts the authority of any organization operating under this Chapter to the extent that it states that such utilization shall be on a cost basis resulting in no profit to the corporation. This provision, in essence, means that the corporation is only authorized to enter into contracts with governmental entities on a cost reimbursement basis.

Maine Blue Cross and Blue Shield is the only organization currently which operates under the authority of this chapter of Title 24. The federal government contracts with outside organizations to serve as the administrators of its medicare program. Maine Blue Cross and Blue Shield currently handles Part A of the medical medicare program for the government. This is the portion of medicare that is responsible for the hospital costs and other in-

stitutional care. Maine Blue Cross contracted with the Social Security Administration at a time when the government was contracting on a cost reimbursement basis.

Recently, a Maine based company, Union Mutual, which has been handling Part B of medicare, announced that they did not intend to renew its contract with the government when it expired in January 1978. Part B of medicare handles physician costs and other non-institutional services.

The federal government, in an effort to seek replacement, has issued a request of four proposals which set forth the requirements for any company or organization desiring to bid for the provision of this fiscal intermediary service. Modifying its past practices, the government is now requesting that bids be submitted on a fixed cost rather than a cost reimbursement basis. Questions have arisen as to whether the existing law would permit Maine Blue Cross to bid for such a service under its existing law, and L. D. 1525 seeks to remedy that.

As indicated in the Statement of Fact, and I would urge that you review that, the executive committee of the Board of Directors of Maine Blue Cross and Blue Shield has authorized the organization to present, only present, a proposal to the federal government under which Blue Cross would seek to become a fiscal intermediary for Part B of medicare for Maine recipients.

The organization believes that two major benefits will flow to the people of Maine if it is successful in being awarded the intermediary contract. First, it will reduce the number of agencies or organizations with which Maine's elderly citizens are required to deal concerning claims and inquiries relating to medicare benefits. Also, Maine Blue Cross believes that its inability to secure this contract would adversely affect 80,000 members of the 130,000 members who have companion plan coverage if the administration of Part B were to be provided from an out-of-state location. Secondly, the administration of the program will require the use of approximately 100 employees, and these employees would be new employees and would increase the availability of jobs in the Greater Portland area.

Maine Blue Cross and Blue Shield, as the Statement of Fact states, is required to file its bid with the government on May 1; therefore, I urge that we enact this measure today. It simply allows them to bid. It has no relation whatsoever with the current issue of rates.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

112 having voted in the affirmative and 3 having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

Passed to Be Engrossed

Bill "An Act to Require Committees and Subcommittees of the Board of Trustees of the University of Maine and of the Maine Maritime Academy to Hold Open Meetings" (S. P. 469) (L. D. 1681)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1977 (Emergency) (H. P. 1494) (L. D. 1713)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1977 (Emergency) (H. P. 1495) (L. D. 1714)

RESOLVE, for Laying of the County Taxes

and Authorizing Expenditures of Sagadahoc County for the Year 1977 (Emergency) (H. P. 1497) (L. D. 1715)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1977 (Emergency) (H. P. 1498) (L. D. 1716)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1977 (Emergency) (H. P. 1499) (L. D. 1717)

Were 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

Tabled and Assigned

RESOLVE, to Appropriate Moneys for Research on Black Fly Biology and Continued Research on an Environmentally Safe Insecticidal Control for Black Flies (Emergency) (H. P. 291) (L. D. 348)

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

(On motion of Mr. MacEachern of Lincoln, tabled pending passage to be engrossed and specially assigned for Tuesday, May 3.)

Second Reader

Tabled and Assigned

Bill "An Act Relating to Resident State Police Troopers" (Emergency) (H. P. 1493) (L. D. 1705)

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

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: The debate on this bill yesterday raised, I think, two legitimate questions which the Attorney General's Office has taken a look at. They, as a result, are drafting an amendment that hopefully we can present on Tuesday, and I would ask the gentleman from South Portland if he might table this for two legislative days.

Whereupon, on motion of Mr. Curran of South Portland, tabled pending passage to be engrossed and specially assigned for Tuesday, May 3.

Second Reader

Tabled and Assigned

Bill "An Act Relating to Conservation Restrictions" (H. P. 775) (L. D. 964) (C. "A" H-210)

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

(On motion of Mr. Garsoe of Cumberland, tabled pending passage to be engrossed and specially assigned for Tuesday, May 3.)

Passed to Be Enacted

Emergency Measure

"An Act Concerning Board of Directors of Transit Districts" (H. P. 556) (L. D. 673) (C. "A" H-178)

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

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

Mr. CONNOLLY: Mr. Speaker, I would like someone to explain this bill, please.

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

Mr. JENSEN: Mr. Speaker and Members of the House: I am the sponsor of this piece of legislation, and to assist the gentleman from Portland, the bill does two things. First of all, it requires a public hearing on the part of the transit district in the case where they change their rates or where they change their routes. Secondly, it changes the board of directors in such a way as to allow two thirds of those present and voting to actually conduct business. Presently, the law requires that two thirds of

the elected membership actually vote in favorable fashion on a measure in order for it to be a legal vote. One of the problems with that is, currently the members of the board of directors of the transit districts are essentially political animals, they tend to be city councilors, selectmen, people of that sort. The net result is that very often members of the city council are meeting at the same time as the transit district board, the end result being that they have a very very difficult time to actually turn around and be at the board meeting and actually vote. Because of this, they have had to reschedule meetings over and over.

It is my intention in putting the bill in to allow them to conduct their business in a normal fashion without causing this undue hardship. As a matter of fact, it is my understanding that the members from Portland are the prime offenders in this case.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

121 having voted in the affirmative and none having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act to Increase Certain Fees of the Registries of Deeds" (H. P. 591) (L. D. 718) (C. "A" H-181)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of same and 11 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed

Emergency Measure

RESOLVE, Allowing Cumberland County the Authority to Appropriate Funds from the Fiscal Year 1976 Surplus to Pay the Deficit from the 1976 Fiscal Year (H. P. 643) (L. D. 787) (C. "A" H-175)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of same and 4 against, and accordingly the Resolve was finally passed signed by the Speaker and sent to the Senate.

Passed to Be Enacted

"An Act to Require Minimum Standards for Automotive Fire Apparatus" (S. P. 212) (L. D. 661)

"An Act to Establish a Sign on the Maine Turnpike Announcing the Moosehead Lake Region" (S. P. 278) (L. D. 891) (C. "A" S-83)

"An Act Providing for the Revocation and Nonrenewal of Motor Vehicle Dealer Licenses for Nonpayment of State Taxes" (H. P. 399) (L. D. 519)

"An Act to Establish Registration for Governmental Vehicles" (H. P. 465) (L. D. 570) (C. "A" H-177)

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 Requiring the Marking of Ice Fishing Shacks on Frozen Tidal Waters" (H. P. 525) (L. D. 643) (H. "A" H-191 to C. "A" H-160)

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

Mr. Shute of Stockton Springs requested a vote.

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.

A vote of the House was taken.

71 having voted in the affirmative and 22 having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

"An Act to Require a Mandatory Transition Period for Certain County Officials" (H. P. 644) (L. D. 788) (C. "A" H-174)

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: This bill caught my eye and I just wondered if someone might explain to us why it is needed. The title of the bill says something about requiring a mandatory transition period. If I could just read to you what the engrossed copy says. It says, "There shall be a 30-day transition period for all newly elected county officials from December 1st to January 1st in each year. During this period, each newly elected county officer may, without pay, attend the office to which he had been elected in order to familiarize himself for the duties he is about to assume. During this period, all the personnel of the office he is about to assume, including the incumbent county officer, shall assist him in learning the duties of his office." For one thing, it is not mandatory and the other thing is, I wonder why it is necessary. It just seems like a piece of legislation that seems a bit superfluous to me and I just wondered if somebody could explain why we are supposedly making mandatory transition periods of county officers when we don't have them for anyone else, including State Representatives.

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

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I will try to explain this bill. It is very short and very concise and very much needed. The original bill said that the treasurer, the registrar of probate and the registrar of deeds should have a 30-day transition period when taking office at the county level. The amendment extends that to all county officials and the reason for this — I am the sponsor of this piece of legislation — is that when the registrar of probate in Cumberland County was elected to that office last year, he was not allowed to come into the office to familiarize himself with the duties of that office or the personnel. Mr. William Brown Hughes, who was at that time the registrar of probate, did not allow the present registrar of probate, Mr. Mulkern, to do this at all. Therefore, when Mr. Mulkern took the office in January and was sworn into office, he had to start from that point rather than to start from a point back further where he could have familiarized himself with that office. It is not costing the state a nickel, it is not costing the county a nickel. I hope that will explain it.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

"An Act Amending the Law Relating to Load Binding" (H. P. 846) (L. D. 1037) (C. "A" H-179)

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

Enactor

Tabled and Assigned

"An Act to Authorize a School Nursing Health Consultant in the Department of Educational and Cultural Services" (H. P. 868) (L. D. 1061)

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

(On motion of Mr. Lynch of Livermore Falls, retabled pending passage to be enacted and specially assigned for Monday, May 2.)

"An Act Repealing the Lucerne-in-Maine Village Corporation" (H. P. 1445) (L. D. 1669)

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

Orders of the Day

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

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

Tabled — April 27, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed 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 27, 1977 by Mr. Lynch of Livermore Falls.

Pending — Acceptance of the Committee Report.

On motion of Mr. Lynch of Livermore Falls, retabled pending acceptance of the Committee Report and specially assigned for Tuesday, May 3.

The Chair laid before the House the third 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 27, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Further Consideration.

On motion of Mr. Quinn of Gorham, retabled pending further consideration and specially assigned for Tuesday, May 3.

The Chair laid before the House the fourth 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)

Tabled — April 27, 1977 by Mr. Garsoe of Cumberland.

Pending — Adoption of House Amendment "A" (H-208) to Committee Amendment "A" (H-176).

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

Mr. MCKEAN: Mr. Speaker, I move that this be indefinitely postponed and would like to speak on my motion.

The SPEAKER: Would the gentleman please defer until we have adopted the amendment?

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

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

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I feel that this bill is a complete erosion of municipal control. Checking into this thing a little further, I find that the victualers license is issued by municipal officials and is predicated upon health and sanitary inspections made by the 10 inspectors assigned to the Health and Engineering Department of Human Services. The licensee pays a fee from \$17.50 to \$30, depending upon the classification of the establishment the inspectors are entering.

For example, in my particular district, this week we had the man from the U.S. Department of Agriculture who came in and checked our cooler and freezer temperatures, produce, dairy products, food items, food dispensing equipment and just about everything in the place. Also, about two days later, the man from the State Department of Human Services, Mr. Pierce, came in and checked water, water temperatures, cleanliness, sanitary measures and all items that they are concerned with in issuance of a health certificate. You must remember that in order to retain a victualer's license, you have to have the health certificate that accompanies it.

Now, issuances of the victualer's license is a municipal responsibility and it is tied to our state health certificate inspections. The municipalities do not need our mandate to manage the issuance of the license. Their administrative cost is adequately covered since the state issues a health certificate and makes the inspections.

Just today I talked to Mr. Datsis from our Human Services Department and he indicated that it was possible that the town of Falmouth was using this means to reimburse the City of Portland for sanitary inspections which he wasn't certain were even germane to the issuance of a victualer's license. I was unable to learn of any other town experiencing the same situation. I have the feeling that this is a local problem that could be taken care of locally by local government.

My suggestion in the matter, if there is problems of this type in other towns, that the state itself could take the action by simply raising the fee that the town can charge — let me put it this way, through a town meeting or a local referendum process, the town can set the fee that they need to issue these licenses. It is a very simple matter. The town clerk has a small piece of paper which they sign and give to you. In our town, it costs \$5, so there is not too much of a fee involved. All the state has to do is change the law which they have set, which has a limit, that the towns could charge on victualer licenses. Right now, that limit is \$10, which seems sufficient to cover it.

I feel that in the interest of our local community governmental process, this bill needs to be indefinitely postponed and I so move.

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: This bill does impact on Falmouth and, probably at this point in time, Falmouth alone. However, I believe the gentleman from Limestone, Mr. McKean, is incorrect in saying this can be resolved at the local level. The town of Falmouth has tried, in fact, to raise its fees to cover the cost of its licensing procedures and has been told that under state statute they are not in compliance. In fact, this bill is exactly what Mr. McKean has suggested that the town of Falmouth do; in other words, try to raise the fees.

I would like to give you a little background, if I may, so you might understand more clearly the situation as it now exists. In 1939, this legislature enacted a law which stated that the towns of under 10,000 population could charge up to \$10 to license innkeepers, victualers and

tavernkeepers — 1939 is 38 years ago. Thirty-eight years ago, the minimum wage was 25 cents an hour; 38 years ago, automobiles cost \$600; 38 years ago, we could buy a pair of trousers or a dress for \$2; 38 years ago, \$10 may have been a reasonable fee for a town to charge for these licenses; 38 years ago, the town of Falmouth had no complaint with this fee.

Even today, I am fully aware that most communities in the state are perfectly happy and find no need to charge more. There are, however, some communities that have gone further. There are some communities, because of location, perhaps, the fact that they are on say, Route 1 or in tourist areas where they have a fair number of these types of establishments, they have taken upon themselves to upgrade and supplement the state inspection services. Falmouth is one of these communities. Falmouth does, in fact, provide a regular scheduled inspection to insure sanitary conditions and cleanliness in the eating establishments in town. This costs money, it doesn't cost just \$10 for the year. The average cost of the inspection is about \$180, as a matter of fact.

When I first introduced my bill, my proposal was to set a limit on the amount of money a town such as Falmouth or any other town could charge, might charge, if they found the cost of the inspections were way over and above what they were charging for fees. My first suggestion to the Committee on Local and County Government was a \$250 limit for a town under 10,000 people. They found this high, to say the least and certainly it is, if you charge every single establishment the \$250 proposed as a ceiling. Frankly, I don't think that this is necessarily going to be the case and it certainly wasn't in Falmouth. The ordinance that we had, which was declared not in compliance, in fact had a schedule of fees based on essentially size and type of establishments that they were looking at. In other words, a small grocery store that sold Italian sandwiches was set at \$25; a larger Class A restaurant was set at \$200; a non-profit establishment paid no fee at all.

This schedule of fees, I felt, answered the concerns of the committee and that is why I tabled the bill earlier in the week and prepared the amendment which you have in front of you, 208. This amendment would be the bill if it were passed today. Basically, what it does is to say, if you wish in your community to inspect on a regular basis and if you wish to avoid having the great majority of this cost paid by the general property taxpayer out of general funds, you may set a schedule of fees as indicated in this amendment. That is the first part of the amendment.

The second part of the amendment, under Section B, I believe, answers concerns of the gentleman from Limestone and also, to me, gives the municipalities every right to do absolutely nothing, stay right where they are, forget about communities like Falmouth, which has gone to what I would to call, I guess, an intermediate schedule or an intermediate system of inspections.

If you don't want to charge more than \$10, ignore the whole business. While I can certainly sympathize with the gentleman from Limestone's welter of inspections and so on, keep in mind that the towns aren't responsible for this, the state and other regulatory agencies are. This is really enabling legislation to permit a town such as mine to charge what is more nearly the cost of their inspection process.

I have also talked to Mr. Datsis over at Health and Engineering and he assures me that there is nothing in this amendment that in any way conflicts with any of the state classifications. There is no problem here as far as he can see, and I feel very strongly that this amendment has answered two questions: one, the fact that the fees are inadequate for some com-

munities and two, it is the right of our local officials to set fees in order to avoid having a general property taxpayer pick up the burden of these inspections.

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

Mr. HENDERSON: Mr. Speaker. Ladies and Gentlemen of the House: I find it just a little amazing to argue that this bill preempts local control when, in fact, what it is doing is authorizing local municipal officials to do certain things. It seems to me that by voting against this indicates our lack of faith in those officials and not willing to have them make their own decisions.

As you know, as the law is now, a \$10 fee is the maximum and in some communities, there is only a \$1 fee charged, even though the amount is possible at \$10, which I think indicates some responsibility already on parts of certain officials, and just because the limit is higher to accommodate certain communities would not necessarily mean that all communities would go in that direction.

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 gentlelady from Falmouth, who I deeply respect and admire, she pointed out three areas which I think are in favor of dumping the bill. First of all, it is a local problem, which was pointed out. Second, there is a duplication of inspection effort on the part of the state, the federal people and also the local people. And third, and most important in my view, it is going to cost the workingman more money.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: The other day, the gentleman from Limestone had me ready to indefinitely postpone this bill but today I think things are more back in perspective and I hope we will keep this moving.

It is permissive legislation and I think we can also take some comfort from the fact that it tends to assign the cost to the services that generate the need for the service, so I think there is no threat in this whatsoever. It has been made clear to me now that this bewildering parade of permits and licenses is in no way being affected, and I think that the municipalities deserve the opportunity to, at the local level, make an adjustment in the fees that they charge for these services.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Limestone, Mr. McKean, 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 62 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 fifth tabled and today assigned matter:

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1977 (Emergency) (H. P. 1490) (L. D. 1703)

Tabled — April 28, 1977 by Mr. Henderson of Bangor.

Pending — Passage to be Engrossed. Mr. Morton of Farmington offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-229) was read by the Clerk and adopted. The Bill passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

The SPEAKER: The Chair recognizes the

gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, having voted on the prevailing side on "An Act Requiring the Marking of Ice Fishing Shacks on Frozen Tidal Waters (H. P. 525) (L. D. 643), I now move that the House reconsider its action whereby this bill was passed to be enacted.

The SPEAKER: The gentlewoman from Owl's Head, Mrs. Post moves that the House reconsider its action whereby L.D. 643 was passed to be enacted. Those in favor will say yes; those opposed will say no.

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

(Off Record Remarks)

On motion of Mr. Talbot of Portland, Adjourned until Monday, May 2 at ten o'clock in the morning.