

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

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

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## HOUSE

Tuesday, May 17, 1977

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

Prayer by the Reverend Charles Kinney of the United Methodist Church, Waldoboro.

The journal of yesterday was read and approved.

## Papers from the Senate

Bill "An Act Relating to the Powers of the Maine Seed Potato Board" (Emergency) (S. P. 498) (L. D. 1782)

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

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

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

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

Divided Report  
Tabled and Assigned

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-136) on Bill "An Act to Prohibit the Use of Electronic Devices for the Purpose of Detecting Radar" (S. P. 147) (L. D. 389)

Report was signed by the following members:

Messrs. GREELEY of Waldo  
McNALLY of Hancock  
— of the Senate.

Messrs. CARROLL of Limerick  
McKEAN of Limestone  
STROUT of Corinth  
ELIAS of Madison  
LITTLEFIELD of Herman  
JENSEN of Portland

— of the House.

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

Report was signed by the following members:

Mr. MINKOWSKY of Androscoggin  
— of the Senate.

Mr. LUNT of Presque Isle  
Mrs. HUTCHINGS of Lincolnville  
Messrs. BROWN of Mexico  
JACQUES of Lewiston

— of the House.

Came from the Senate with the Majority "Ought to Pass" report of the Committee on Transportation read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-136) as amended by Senate Amendment "A" (S-142) thereto.

In the House: Reports were read.

Mr. Strout of Corinth moved that the Majority "Ought to Pass" Report be accepted in concurrence.

On motion of Mr. Palmer of Nobleboro, tabled pending the motion of Mr. Strout of Corinth to accept the Majority Report in concurrence and specially assigned for Thursday, May 19.

Non-Concurrent Matter  
Tabled Unassigned

Bill "An Act Concerning Postgraduate Education in the Field of Medicine, Dentistry and Veterinary Medicine" (Emergency) (S. P. 131) (L. D. 311) on which the Minority "Ought to Pass" in New Draft (S. P. 491) (L. D. 1767) Report of the Committee on Education was read and accepted and the New Draft passed to be engrossed in the House on May 12, 1977.

Came from the Senate with that Body having adhered to its former action whereby the Majority "Ought to Pass" in New Draft (S. P. 490) (L. D. 1766) Report of the Committee on Education was read and accepted and the New Draft passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending further consideration.

## Non-Concurrent Matter

Bill "An Act to Provide Statutory Procedures for Grievances Against Attorneys" (H. P. 701) (L. D. 844) on which the Minority "Ought to Pass" Report of the Committee on Judiciary was read and accepted and the Bill passed to be engrossed as amended by House Amendment "A" (H-312) in the House on May 12, 1977.

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

In the House: On motion of Mr. Garsoe of Cumberland, the House voted to insist.

## Orders

A Joint Resolution (H. P. 1568) in memory of the Honorable Carl Stiphen of Rockland, who served in the 97th, 98th, 99th, 100th and 101st Legislatures.

Presented by Mr. Gray of Rockland.  
The Resolution was read and adopted and sent up for concurrence.

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Richard McKean of Limestone be excused May 17th, 18th, due to illness in the family.

House Reports of Committees  
Leave to Withdraw

Mr. Tozier from the Committee on Agriculture on Bill "An Act to Require the Department of Agriculture to Study the Feasibility of Establishing a Central Grain Handling Facility in Maine" (H. P. 1338) (L. D. 1620) reporting "Leave to Withdraw"

Mr. Raymond from the Committee on Election Laws on Bill "An Act Relating to Campaign Expense Reports" (H. P. 1416) (L. D. 1628) reporting "Leave to Withdraw"

Mr. Hall from the Committee on Agriculture on Bill "An Act to Permit the Commissioner of Agriculture to Inspect Meat Plants Doing Business with Firms in Other States" (H. P. 1063) (L. D. 1376) reporting "Leave to Withdraw"

Mr. Nadeau from the Committee on Public Utilities on Bill "An Act Providing for an Experimental Measurement of Electrical Residential Load and Demand Requirements" (H. P. 1324) (L. D. 1558) reporting "Leave to Withdraw"

Mr. Nadeau from the Committee on Public Utilities on Bill "An Act to Limit the Types of Advertising which Public Utilities may Charge to their Ratepayers" (H. P. 1284) (L. D. 1538) reporting "Leave to Withdraw"

Mr. Lynch from the Committee on Education on Bill "An Act to Require 2-Way Radios on School Buses Operated by School Administrative Units" (H. P. 1307) (L. D. 1544) reporting "Leave to Withdraw"

Mr. Cote from the Committee on Legal Affairs on Bill "An Act Relating to the Regulation of Watchmen, Guards or Patrolmen" (H. P. 990) (L. D. 1192) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

## Divided Report

Majority Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act Relating to Instruction Posting un-

der the Election Laws" (H. P. 454) (L. D. 559)

Report was signed by the following members:

Messrs. DANTON of York  
KATZ of Kennebec  
TROTZKY of Penobscot  
— of the Senate.

Mrs. DURGIN of Kittery  
Mr. BOUDREAU of Waterville  
Mrs. MITCHELL of Vassalboro  
Messrs. BUSTIN of Augusta  
BIRT of East Millinocket  
McMAHON of Kennebunk  
TRUMAN of Biddeford  
RAYMOND of Lewiston  
TALBOT of Portland

— of the House.

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

Report was signed by the following member:  
Mrs. BOUDREAU of Portland

— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, I move that we accept the Minority "Ought to Pass" Report and would speak to my motion.

The SPEAKER pro tem: The gentlewoman from Portland, Mrs. Boudreau, moves that the House accept the Minority "Ought to Pass" Report.

The Chair recognizes the same gentlewoman.

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: This is a very simple, straightforward little bill, and what it tries to do is educate the people how to mark their ballots and what to do if they spoil a ballot. This would be an instructional poster and it would be posted right in the voting booth.

Most people don't realize what they do when they spoil a ballot, so they erase and they ruin the ballot whereas they can obtain another one. This would be simple, easy to read instructions. The posters now being used are long and complicated and no one reads them and they are posted where they are never seen. There would be no additional cost and if this goes to second reader, I have an amendment prepared to delete the only section that anyone objected to, and that is the section that removes the requirement that the posters be printed in the French language.

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

## Consent Calendar

## First Day

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

(H. P. 719) (L. D. 854) Bill "An Act to Regulate the Placing by Nonutilities of Electric Utility Facilities within Public Ways" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-340)

(H. P. 621) (L. D. 762) Bill "An Act to Amend the Law Creating the Commission on Governmental Ethics and Election Practices" — Committee on Election Laws reporting "Ought to Pass"

(H. P. 213) (L. D. 223) Bill "An Act to Strengthen the Counties' Role in Human Services" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-338)

(H. P. 718) (L. D. 840) Bill "An Act to Amend the Charter of the Augusta Sanitary District" — (Emergency) Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-339)

(H. P. 877) (L. D. 1102) Bill "An Act Concerning County Contingent Funds and the Rate of Interest Which May be Charged for Delinquent County Taxes" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-337)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 18, 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. 1132) (L. D. 1350) Bill "An Act Relating to Expenditures of the Town Road Improvement Fund"

(H. P. 206) (L. D. 265) Bill "An Act Relating to Use of Motor Vehicles in Racing Events" (C. "A" H-323)

(H. P. 981) (L. D. 1187) Bill "An Act Concerning Sound Media Near Voting Places on Election Day" (C. "A" H-324)

(H. P. 1088) (L. D. 1312) Bill "An Act Converting Hammond Plantation into the Town of Hammond"

(H. P. 995) (L. D. 1184) Bill "An Act to Create the Voluntary Fish Products Inspection Program" (C. "A" H-331)

(H. P. 136) (L. D. 169) Bill "An Act Relating to Application Fees for Official Inspection Stations" (C. "A" H-332) (Later Reconsidered)

(H. P. 1220) (L. D. 1447) Bill "An Act to Define the Term Intersection" (C. "A" H-334)

(H. P. 656) (L. D. 799) Bill "An Act to Establish Procedures for Promulgation of Regulations Governing Travel Expense Reimbursement"

(H. P. 247) (L. D. 319) Bill "An Act to Permit Carpools Under the Public Utilities Law" (C. "A" H-333)

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

(S. P. 325) (L. D. 1085) Bill "An Act Concerning Ritual Burial by Certain Religious Groups" (C. "A" S-132)

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

(S. P. 423) (L. D. 1481) Bill "An Act Establishing the Maine Student Incentive Scholarship Program" (C. "A" S-133)

On objection of Mrs. Najarian of Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-133) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

#### Passed to Be Engrossed

Bill "An Act to Require a Cost-Benefit Evaluation of Government Regulation" (H. P. 1565) (L. D. 1779)

Bill "An Act Relating to Recoupment Procedures under the Maine Medical and Hospital Malpractice Joint Underwriting Association Act" (H. P. 514) (L. D. 632)

Bill "An Act to Limit Attorney's Fees under the Maine Tort Claims Act" (S. P. 268) (L. D. 826)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was passed to be engrossed in concurrence, and the House Papers were passed to be engrossed and sent up for concurrence.

#### Amended Bills

Bill "An Act Relating to the Motor Vehicle Excise Tax" (H. P. 243) (L. D. 316) (C. "B" H-335)

Was reported by the Committee on Bills in

the Second Reading and read the second time.

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

Mr. WYMAN: Mr. Speaker, I would like to move indefinite postponement of this bill, L. D. 316, and would like to speak briefly to my motion.

The SPEAKER pro tem: The gentleman from Pittsfield, Mr. Wyman, moves that this Bill and all accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this bill is to allow motor vehicles to be excised and excise taxes to be paid in individual towns where the vehicles are stored. It is going to allow individual companies who have vehicles upon which they pay excise tax to circumvent paying that excise tax by having their inventory spread around in many different communities, to be paying excise taxes or not paying them to those particular communities as opposed to the current situation in which they pay the excise tax to the community in which the business is based.

I would hope that we could defeat this particular bill. I believe that it is going to allow for unfair assessment. It is certainly going to deny many communities the benefits of having excise taxes paid to them, and while at the same time they are required to service the particular vehicle, they are not going to be the beneficiary of the excise taxes if this bill is passed. So I would hope, ladies and gentlemen, that we would be able to defeat this, and I would ask that when the vote is taken, that it be taken by the yeas and nays.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't defeat this bill. This bill has been around here for at least three sessions that I know of and we try to get at this each time. The only one that ever fights it is one of the largest contractors in the state and he has got as close as he can to his own family speaking for it at this time.

Each time this comes in, it is cheating some small town out of income, even the City of Bangor out of several dollars of excise money. I know there are a lot of people who will oppose this, but if you pay that excise in the town where these are housed, it would help out many municipalities, not just one or two municipalities in the state.

I hope you don't accept indefinite postponement motion on this.

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

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Many members of the House will remember this bill from the last session of the legislature, and I guess from what Mr. Churchill has said, it has been around long before that. It was a bill that we passed in this body by 113 to 21 margin, only to see it defeated at the other end of the hall after having made numerous, arduous trips back and forth in non-concurrence.

This bill changes the law only for domestic corporations, and I reiterate that, it has nothing to do with foreign corporations, partnerships or

individuals. We are talking strictly about domestic corporations.

Under the present law, foreign corporations, that is those that with headquarters outside the State of Maine, and partnerships pay the excise tax on their motor vehicles in the towns in which those vehicles are customarily kept. For some reason, domestic corporations are not subjected to the same law. This bill would eliminate that double standard.

If you assume that the purpose of the excise tax is in lieu of property taxes and also somewhat of a user fee for maintaining roadways, the same as any other motor vehicle, such as a car, it seems only fair that the municipalities in which those vehicles are housed receive some compensation. After all, they are the ones that must maintain those roads and its citizens are the ones who must put up with the noise and traffic caused by them. For this very reason, some companies would like to pay under this proposed system now strictly as a public relations matter but are forbidden from doing so.

I would point out to this body that under the present law, it would be possible for a corporation to have its corporate headquarter in Kittery, but have its office and all its vehicles in Fort Kent or any other town. Kittery and Kittery alone would be getting a bonanza while Fort Kent is stuck with providing all public services. In addition, should this company wish to expand to other locations throughout the state, no one but Kittery would be getting any excise tax revenue.

Going one step further, suppose this company decided to buy out an existing company. For example, in Saco. Not only would Saco not receive any increased revenue from additional vehicles placed there by the parent company, but they would, in fact, lose all excise revenue it had been getting before the buyout by the Kittery company. This is happening throughout the state and becoming progressively worse. We had all heard of the eroding tax bases at the local level. This is one chance we have to stop it.

I guess I would simply close by saying that this bill proposes to provide excise tax equity for municipalities throughout the state. It eliminates a double standard and will provide monies to the local municipalities where these vehicles are housed to offset their expenses.

I hope that you will go along with the unanimous "Ought to Pass" Report of the Taxation Committee and pass this bill to be engrossed.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I was expecting the gentleman from Pittsfield, Mr. Wyman, to get up and say a few words but apparently, he would prefer to let this go under the hammer.

This was a unanimous report out of Taxation Committee. It would properly take care of those areas such as Fairfield, Maine where the Cianbro Company has a concrete plant where they house normally five to six trucks. Those taxes would be currently paid in Pittsfield although those trucks may never see Pittsfield, Maine.

We are exempting by 24 months those pieces of equipment that are involved in construction where a contractor gets a road job someplace and he has two years to do the work. Fine. That still goes back to his own home town, but in those areas where trucks are customarily kept, and I know that Mr. Wyman is particularly concerned with his constituents because in fact the Cianbro Company gives a pile of money in excise tax to the town of Pittsfield, they are not the only ones. Foster Frederick is out there, there are countless amounts of people. It is a lot of revenue to Pittsfield and I can understand the gentleman's position. But those trucks may

never see Pittsfield, Maine and, therefore, the idea that this bill should be indefinitely postponed would create an undue burden to those communities that have to repair their roads because, in fact, these trucks are housed in other areas.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: While it is true that the town of Pittsfield would lose a considerable amount of revenue as a result of the passage of this bill, I believe that it is also proper to expect other communities who would also be in a similar situation and there are many, who want to try to defeat this bill. This bill is an attempt by those communities who are not fortunate enough to have a corporation or a business which pays excise tax located in their community to try to get some of the revenue at the expense of the communities which must service those vehicles and which must be responsible for those vehicles because they are customarily housed in the home base community. When those vehicles break down or they need to be serviced, they will be serviced in Pittsfield, not in any other community. The same is true with other communities around the state that are in similar situations.

This bill is an attempt to pay Paul by robbing Peter and it is a poor attempt and I would hope that you would defeat this. But I can assure all the members of the House of Representatives that my perspective is not one of special interest. There are other communities represented here in this House which would be adversely affected. I trust that those representatives who are here would also take very careful note of how this bill would impact upon their individual community.

I do take exception with the remarks made by the gentleman from Waterville, although I respect him, I disagree that this is a special interest attempt. This is an attempt simply to be fair to all those communities who have worked hard to locate a business in their community.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: I would just like to speak briefly to this issue. I would hope that you would vote against indefinite postponement and I would suspect very strongly that the same principle that applies to the excise tax on motor vehicles applies to the current tax system that we have with water craft in this state. That is, that if you live in the City of Auburn, for example, which I do, and you happen to own a water craft which my family does, and that particular water craft boat has never even been in the City of Auburn, we keep it in Boothbay Harbor, but we pay a property tax to the City of Auburn. The boat is kept in Boothbay, pollutes Boothbay Harbor waters, it traverses Boothbay Harbor waters and whatever inconveniences that this particular vehicle or boat might cause the people of Boothbay, it causes absolutely none to the people of Auburn and yet, we pay a property tax in Auburn. It is unfair, it is inequitable, there is legislation pending right now. I am not sure whether the Taxation Committee has heard this bill yet or not but there are bills in to correct it and I have a feeling this is the same type of legislation. It is unfair, inequitable, and I think it is time we corrected it so I would urge you to vote against indefinite postponement.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: Mr. Wyman has suggested that his approach is very fair. I would like to suggest to you that it is just the opposite.

I was fortunate enough to be allowed to co-

sponsor this bill because the town of Sidney which is a small town across the river, has the pleasure or the honor of housing several trucks from Blue Rock Industry. Those trucks, corporation headquarters, is not located in Sidney, it is located in another part of the state, but those trucks never see the town which receives the benefits of those excise tax monies.

I had a very simple letter from the selectman in Sidney. He said the trucks sure pound the "you know what" out of our roads and we would appreciate a little help from Blue Rock Industries in paying for them. The amount of money to Sidney is \$3,890. Now that probably doesn't seem like very much to you, but in a small, rural town, that means a great deal, especially when one of the highest cost government items is town road improvement.

I think the fair thing to do is to let those trucks pay a users tax where they are customarily kept.

I urge you to vote against the motion to indefinitely postpone.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that the gentleman from Pittsfield, Mr. Wyman, did not take my remarks to him as a personal insult. He is doing his duty as a representative from the town of Pittsfield and I can understand exactly what he is doing. If I were in the same shoes, I would do the very same thing.

I would also hope that my remarks do not center around the Cianbro Corporation. There are many other plants, many other contractors within the Pittsfield area that are blessed with the area of having the contracting center of the state located right there in Pittsfield. This also gets involved with other people, other corporations and I think that the gentleman would feel adequately safe with the provision that is built in which does allow 24 months of construction work to be done before any vehicle has to be registered in the other place.

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

Mr. DEVOE: Mr. Speaker, Men and Women of the House: I ask you to vote against the motion for indefinite postponement on this bill. As I said in committee, this is a happy tax bill because it is not a question of whether or not a tax is paid, but where a tax is paid. In this case, it will benefit the communities that bear the brunt of having the use of the highway and the streets and the roads pounded day after day, week after week and yet not get anything for it.

So I ask you again, please vote against the motion to indefinitely postpone.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would remind the House at this point that we are only talking about domestic corporations as I said before. Not only are we only talking about domestic corporations, we are talking about domestic corporations who happen to have more than one permanent place of business. We are not talking about a company that has one place of business and happens to move some vehicles into another town for a period of less than 24 months. They have to have a permanent place of business here.

The point was brought up about how it is going to benefit towns. I am not sure how it is going to benefit a number of towns. There is no computer printouts like we get from the Department of Education. It would seem to me that in many towns anyway, you may have a corporation that has its headquarters there such as Portland. However, there are also other industrial and commercial enterprises in the City

of Portland from which they are receiving no excise tax in the present law. I don't pretend to stand here and say that Portland is going to benefit out of it.

The only thing I am trying to bring out is that there is no way of telling at least unless you have done a lot of homework in some of the bigger cities as to who is going to be losing excise and who is going to be gaining excise tax.

In the good gentleman from Pittsfield's remarks, he talked about circumventing the law. I think everyone here realizes that when we talk about excise taxes, if you are going to register a vehicle, you are, in fact, going to have to pay the excise tax on that if you want a set of plates. It isn't going to make any difference whether you register it in Pittsfield or if you register it in Scarborough or if you register it in Nobleboro. You are going to pay the excise tax and that excise tax is figured on a state valuation. So the rate is set and they have to register them. So the idea that there is unfair assessment or some sort of a circumvention of the law is just not germane to this particular question. He spoke of servicing the vehicles and having to come back to Pittsfield to be serviced. I don't believe that is the case. I think that they, from what I have seen have got various plants throughout the state, various maintenance facilities and I am sure that if they have a vehicle that is in Presque Isle, they don't drive it all the way back to Pittsfield to have the thing serviced. I am sure they have an able bodied mechanic and probably more than one in Presque Isle.

The only other thing I would say is that this is an attempt to rob Peter to pay Paul, or whatever, and I don't think it is. It is not a special interest thing. It is a bill that deals with fair taxation, fair and equitable taxation.

I hope the House will not indefinitely postpone.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to anyone who could answer the question being "what is the effective date of this change? Since some communities, including Bangor, have a sizeable portion of its budget which depends on this kind of revenue and while there may be some long-term equity here, in the short run, it would be quite a disaster and disruption and I wonder if you could answer that question.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Henderson, has posed a question through the Chair to anyone who may care to answer.

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

Mr. HIGGINS: Mr. Speaker: I would hazard a guess that it is 90 days after the legislature adjourns, since it does not have an emergency preamble on it. As I recall, all excise tax on large motor vehicles are due in February, so it would be my guess, as I said, that it would not affect anyone's budget this year, but that perhaps in the next year because they are required to pay their excise tax by the end of February on these large trucks and whatever, that it would be in the calendar year 1978.

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

#### ROLL CALL

YEA — Boudreau, P.; Carter, D.; Chonko, Connolly, Hall, Henderson, Kelleher, Marshall, Najarian, Strout, Talbot, Wyman.

NAY — Aloupis, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.:

Bunker, Burns, Bustin, Byers, Carey, Carrier, Carroll, Carter, F.; Churchill, Clark, Conners, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hickey, Higgins, Hobbins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, LaPlante, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Tarbell, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Tyndale, Valentine, Whittemore, Wood.

ABSENT — Ault, Austin, Bachrach, Brown, K. L.; Dudley, Howe, Hughes, Jalbert, Laffin, LeBlanc, McKean, Moody, Pearson, Stubbs, Tarr, Wilfong, The Speaker.

Yes, 12; No, 122; Absent, 17.

The SPEAKER: Twelve having voted in the affirmative and one hundred and twenty-two in the negative with seventeen being absent, the motion does not prevail.

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

#### Second Reader Tabled and Assigned

Bill "An Act Concerning the Small Claims Laws" (S. P. 301) (L. D. 927) (C. "A" S-131)

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

On motion of Mr. Henderson of Bangor, tabled pending passage to be engrossed and specially assigned for Thursday, May 19th.

#### Passed to Be Enacted Emergency Measure

"An Act to Authorize Certain School Debt Service Payments to be Offset by Increased Payments to the Treasurer of State" (H. P. 975) (L. D. 1172)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of some and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure Tabled and Assigned

"An Act to Dissolve Vocational Region 9 and to Establish a Vocational Center to Serve Northern Oxford County" (H. P. 1113) (L. D. 1372) (C. "A" H-273)

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

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I have an unpleasant task to perform this morning, and that is to ask you to vote against this bill. It is my bill and I was sold on the idea that it was better than nothing, but now I find that it isn't, so I ask you to vote against it.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: This bill would dissolve Nova; that is North Oxford Vocational Area. The only way you can do that is by putting this out to a referendum vote, and the amendment

provides for that very thing to happen, and let the people themselves decide whether they want it or not.

I hope that you will go along with this bill and permit it to go through so the people will have a chance to vote and decide what they want.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do not defeat this bill. The problem in Northern Oxford County was one of lack of communication, lack of concern over what was being developed in the regional vocational area. Many problems developed because people simply didn't now what was going on. Problems developed because of a few strong-willed individuals who took things into their hands and proceeded to do what they wanted without regard for the rest of the area. I think you have to put this back in its right perspective; let the people decide once and for all if they want a region or if they want a center. There is protection. The majority vote of the towns, there are six towns, four must decide and Rumford must be one of the four.

The SPEAKER pro tem: The pending question is on passage to be enacted. 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.

50 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I move that we reconsider the action that we have just taken and I hope you seriously think about what you are doing when you vote the next time. If you vote to defeat this bill, you are locking the units in this area into a position in which they are not comfortable, in which they have had much discussion, much dissention. I think if you allow them to go to referendum vote, as the bill proposes, they will have a much better feeling through all six units. They may not dissolve the region, but I am sure that if they have a chance to vote on it, they will feel much better towards anything that goes on in the future.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't think the gentleman from Livermore Falls, Mr. Lynch, voted on the prevailing side, and I would also like to read you some of the reasons why I have taken the position that I have.

L. D. 1372 would give ultimate decision making to the town of Rumford. L. D. 1372 would give the Rumford Finance Committee full control in determining the vocational program for Region 9. L. D. 1372 would give the Rumford Finance Committee, a committee that is not elected but appointed control of funding vocational education in the region. L. D. 1372 eliminates the democratic method of operating a region and L. D. 1372 places the status quo on vocational education in the region.

I would ask for reconsideration and hope you all vote against me.

The SPEAKER: The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the House reconsider its action whereby this Bill failed of passage to be enacted. The Chair would inform members of the House that it was an unrecorded vote and that everyone is on the prevailing side, which was that the measure failed of enactment. The Chair will order a vote. All those in favor of

reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

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

Mr. TIERNEY: Mr. Speaker, I move this lie on the table for one legislative day.

Whereupon, Mr. Palmer of Nobleboro requested a vote on the tabling motion.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that this matter be tabled pending the motion of Mr. Lynch of Livermore Falls to reconsider and tomorrow assigned. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

69 having voted in the affirmative and 55 having voted in the negative, the motion did prevail.

Mr. Martin of Eagle Lake was granted unanimous consent to address the House.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The statement that I am about to make pains me dearly, but I feel that it must be made. It is being made also by the President of the Senate at the same time.

It has come to my attention during the past few days that attempts have been made to influence the votes of several members of this legislature through the offering of jobs and other financial benefits in regard to a bill pending before this body. Because of these revelations, I have reread Title 17-A, Section 601-B, of the Criminal Code which imposes an affirmative duty on any legislator to report any offer of that kind. For those of you who have not read that section recently, I urge you to do so now, and later today I will provide you with that copy. I am certain that a reading of that statute will dispel any reluctance you may have in reporting similar incidents which you may have experienced to the Criminal Division of the Attorney General's Office immediately. It does not matter whether you reject it; it only matters that you have failed to report that situation.

I would like to make it clear that to my knowledge nothing at present indicates any wrongdoing on the part of any member of this body. I would also like to make it clear that the seat which each of us holds in this body is a matter of public trust, and each of us holds not only our own integrity but the integrity of the political process itself in our hands. Each of us is sworn to uphold the laws of this state, and that includes exposing those who would violate the law and corrupt the system, to pass laws for the people of this state and ignore the violation of such laws would be the worst form of hypocrisy and would turn what we are doing here into a cruel hoax.

When we took our seats in this body, we gave up any right to look the other way. We are not only elected to participate in this democratic process but to defend it as well.

I have the greatest respect for the members of this body and even greater respect for the process in which we are engaged. That is why I know that each of you will do what the law and honor requires. I have always felt that it was a great honor and a privilege to serve in this body, and it pains me very much to even have to



raise this issue here today. I do so because I think it is far better that it be raised by us than by innuendoes that might be carried by the various press or individuals around the State House and across the state. The people's trust in their government must be maintained if our system is to survive, and the maintenance of that trust requires that innocence be protected and that wrongdoings, if any, be exposed without exception.

Mr. Ault of Wayne was granted unanimous consent to address the House.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: If it is a sad occasion for the Speaker, it is certainly a sadder one for me because of the friends that I have involved in this issue.

Earlier in this session, I was asked by a close friend to vote against L. D. 1019, the so-called fortified wine bill. I told him that he was a good friend of mine, but there were good friends on the other side of the issue and that I certainly couldn't vote for or against a bill because of friendship. I pointed out to him that one of the friends on the other side of the issue was a friend I have known for years, since he went to Bates College with my sister, and that is Charles Moreshead of Augusta.

He commenced to point out to me the contributions that Charles Moreshead has made to the Republican Party in the last few years compared to the contributions that he, himself, had made. I told him that I wasn't going to vote for the bill on a friendship basis but would consider its merits and would get back to him before I did cast my vote.

In the interim, he introduced me to Mr. Tony Jannace, saying he was connected with the Fairview Wine Company. On Friday, May 6, he introduced me to Mr. John Jannace, saying that it was Tony's brother. John Jannace commenced to tell me that the Fairview Wine Company was going to get involved in the next political campaign with contributions, and then Tony Jannace said, have you heard that Senator Speers is interested in running for Governor. I said, of course I have heard of it and John smiled and said we all know that he is. Tony Jannace said, do you know what that means, David? I said, no, I don't know what that means. He said, that means that you are the logical choice to assume Senator Speers' Senate seat, representing the City of Gardiner where Fairview Wine is located. I said I certainly have considered it but I haven't made up my mind yet. And Tony said, well, I want you to know that if you vote with us on this bill, we are prepared to make a generous contribution to your campaign.

This was the first time since I have been up here, and this is my fourth term, that I have heard anything like this in the halls of the House. I turned into the Minority Leader's office and the first person I met was Mike Barr, a friend and a constituent. I said, Mike, you can't believe what just happened to me out in the hall of the House, and he said, what was that? I said, well, it was the closest thing I have ever heard to a bribe. He said, what was it? And I told him that someone had offered a generous contribution to my campaign if I voted with them on a certain bill. Mike said, it sounds like a bribe to me.

I took the statutes in Lin Palmer's office and went through them, looking under the bribery statute, and found that it had been repealed by the Criminal Code which we enacted, and the one change that was made in the Criminal Code was that anyone that is offered a potential bribe is required to report it to a law enforcement officer or you are vulnerable to a Class C crime.

I went then to Senator Joseph Sewall's office, a good friend and advisor in the past, and when the Senate adjourned, he came into his office —

no, before, I went down to see him and the Senate was in session, so I made an appointment with his secretary to see Joe as soon as they got out. She said, fine. So I walked back down the corridor, ran into my good friend Norm Ferguson and said, Norm, you have got to stop walking the floors of the House talking about money to legislators and you have got to stop your friends from doing the same thing. He said, if you feel that way about it, you are a lot more thin-skinned than I am. I said, Norm, I am in a lot different position than you are, and he smiled and he walked away.

I went down to see Joe Sewall, told him what had happened, he called Senator Speers into the office, and I repeated it to Senator Speers and his only comment was, bad news. Senator Sewall then called in Senator Sam Collins, Chairman of Judiciary, and I repeated the story to him. He said — real bad news, go see Richard Cohen or John Atwood immediately.

I called Dick Cohen, Deputy Attorney General, he was not in his office, he was on his way to Boston. I caught him at his home at five o'clock, before he left, and told him the story. He said he was going to Boston and would be back Tuesday morning and would report to the Attorney General's Office Tuesday, May 10, which I did and gave them a statement. After I had given him the statement, he said he wanted to see if he would pursue this. On Thursday, the 12th, the bill came out of committee with a divided report. I ran into Tony Jannace and Norm Ferguson in the corridor. They reminded that they needed me. Tony Jannace reminded me that it costs a lot of money to keep one's name before the public, like Senator Speers is now doing with his television ads. I walked away, Mr. Ferguson followed me down the hall, caught me down close to the Senate Chamber and said, David, if Charlie Moreshead's bill for your recount runs three or four hundred dollars, I will take care of it.

I informed Dick Cohen of this and have met with him two or three times since. I was in a strange position when that bill came up that afternoon, and I informed Norm before I came in to vote that I was going to vote against indefinite postponement, which I did, and then I believe I voted against reconsideration. As you are aware, the bill was tabled Friday under rather strange circumstances because the Attorney General's Office wants to continue the investigation. The investigation is continuing now.

I feel very badly for this body and this legislature that this had to happen, but I also feel badly for my friends in the lobby, because I have never run into one of those lobbyists out there that did anything deceitful or in a dishonest way, and I just hope the press treats them and us fairly on this issue. Thank you.

Mr. Twitchell of Norway was granted unanimous consent to address the House.

Mr. TWITCHELL: Mr. Speaker and Members of the House: Probably as you all know, this is my first time on the floor. I am not a very great speaker, and it saddens me today to get up to speak to you.

I am the cosponsor of this bill, L. D. 1019, and I, too, have had very heavy pressure put on me being the cosponsor of this bill. I stand here today to openly state to you that I was one of the members who was approached in an attempt to influence my vote. I immediately made the fact known to the Attorney General's Office, and pursuant to the law, I have every confidence that this matter will be resolved by due process. Thank you.

#### Passed to Be Enacted

"An Act to Provide Certified Interpreter Service for the Deaf and Hearing Impaired" (S. P. 311) (L. D. 1031) (H. "A" H-294. C. "A" S-113)

"An Act to Exclude Sparklers from Prohibition against the Sale of Fireworks" (S. P. 379) (L. D. 1255)

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.

#### Failed of Enactment

"An Act to Establish a Presidential Primary in the State of Maine" (H. P. 187) (L. D. 249) (S. "C" S-121 to H. "A" H-223; H. "B" H-225)

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

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to make any motion on this particular measure, I am just going to urge this body to vote against final enactment. The bill that we are talking about is the presidential primary bill, which started out as a very good bill and has ended up as not much of anything at all.

I speak as a cosponsor of the original bill. In no way, would I want my name attached to the final results. The dream and the goal of a regional primary is gone with this bill. The meaningful voice for the people is gone the way the bill is now. Conventions would be electing committed delegates well before the presidential primary so-called would be held. I think that the bill in its current form is a deception of the people, deceiving them into thinking that they have a meaningful voice in the selection of a president of the United States.

In making this request to vote against final enactment, I regret to do it because I worked very closely with the gentlewoman from Waterville, Mrs. Kany, the prime sponsor of the measure, I know that she wants to have half a loaf rather than no loaf at all but, in my opinion, as I have told her, the bill as now constituted is not a half a loaf, it is not even a crumb.

I hope you will vote against final enactment.

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

Mrs. KANY: Mr. Speaker and Members of the House: The Representative from Augusta did indicate what the two primary reasons for sponsoring this bill were, to create a regional presidential primary and, secondly, and most important to me, I guess, was something that he did not mention and that was citizen participation. I believe that we still could have a lot more citizen participation, a voice in choosing the presidential selection from each of the major parties under the bill as it now stands.

The bill reads that it would be non-binding, but there is nothing to prevent the parties, through their rules, from making it binding upon the party. I would hope that you would consider going along with this measure as it is and we would have, of course, until 1980 to try and get a binding presidential primary and a regional presidential primary, but after these years of trying to get something in which the citizens can participate more easily, I would certainly hope that you would go along with this measure, even if it is a half a loaf; it is a lot better than nothing at all.

There are people who are literally disenfranchised now who are working, who are incapacitated or out of town who have no means of having any voice whatsoever in a caucus, which is their only opportunity to voice their preference for the presidential candidate from their party.

I ask you to go along with this half a loaf.

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

Mr. HIGGINS: Mr. Speaker, Ladies and

Gentlemen of the House: I have been voting for this bill right alone and I am quite perplexed today as to what I want to do.

I listened to the good gentleman from Augusta, Mr. Bustin, and I think perhaps he may be correct, but on the other hand, I would like to pose a question. As I understand the bill as it stands now, we are talking about a primary in June, and as I recall, most of the caucuses and conventions that I have been to are in March, April, or certainly before the middle of May and at that point in time is when the conventions select their delegates to go to the national convention and, again, as I recall, most of the people that are elected at the state conventions are usually pledged or at least they pledge themselves to a particular candidate. I wonder how the outcome of a presidential primary in June is going to have any effect whatsoever on the conventions that have already been held two months prior to the state primary?

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

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

Mrs. KANY: Mr. Speaker and Members of the House: I would be happy to answer that question. The Maine statutes call for a party holding its convention sometime between March 1st and August 1st. Representative Carey has mentioned to me through the years that he, personally, would like to see a convention held after our statewide primary elections. I think that in this case, that once every four years, that perhaps that could be done in that manner if this law stays as it is in 1980. Then the parties could bind together, could concentrate on their platforms and spend more time in selecting their delegates.

Also, I would like to point out to you that the bill still calls for a box in which you could check uncommitted, so I am sure that there would be some campaigning during that convention for those positions. There would still be some option as to who Maine delegates to state conventions wish to have go to the national convention.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: To further answer the question for the gentleman from Scarborough, with the Senate Amendments on this bill, there is practically no relationship between how the people vote in the primary and how the delegates vote at the national convention.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I wholeheartedly disagree with that statement and I see no reason why parties cannot make it binding upon their delegates as to how people had voted in that primary election. I would like to point out to you that I think a lot more people would enroll in a party because they were interested in the presidential level and they would also then have a first-step involvement in the party process. So I really think that it would be very beneficial both to the parties and to the people of Maine. I hope that you do consider this first step towards the presidential primary for the people of the State of Maine.

The SPEAKER pro tem: The pending question before the House is on passage to be enacted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. Whereupon, Mrs. Kany of Waterville requested a roll call vote.

The SPEAKER pro tem: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER pro tem: The pending question before the House is on passage to be enacted. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bennett, Berube, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Carrier, Carroll, Carter, D.; Cox, Curran, Diamond, Dow, Durgin, Dutremble, Fowlie, Gauthier, Goodwin, K.; Green, Hobbins, Huber, Jacques, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Locke, Mackel, McBrearty, McHenry, Mitchell, Nelson, M.; Nelson, N.; Peltier, Shute, Silsby, Spencer, Tarbell, Trafton, Valentine, Wood.

NAY — Aloupis, Ault, Bagley, Beaulieu, Benoit, Berry, Biron, Birt, Blodgett, Bunker, Burns, Bustin, Byers, Carter, F.; Chonko, Churchill, Clark, Conners, Connolly, Cote, Cunningham, Davies, Devoe, Dexter, Drinkwater, Dudley, Elias, Fenlason, Flanagan, Garsoe, Gill, Gillis, Goodwin, H.; Gould, Gray, Greenlaw, Henderson, Hickey, Higgins, Hughes, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Lewis, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McPherson, Mills, Morton, Nadeau, Norris, Palmer, Peakes, Perkins, Peterson, Post, Prescott, Quinn, Raymond, Rideout, Smith, Sprowl, Stover, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Wilfong, Wyman.

ABSENT — Austin, Bachrach, Brown, K. L.; Carey, Hall, Howe, Jalbert, LeBlanc, Littlefield, McKean, McMahan, Moody, Najarian, Pearson, Plourde, Rollins, Torrey, Whittemore, The Speaker.

Yes, 44; No, 88; Absent, 19.

The SPEAKER: Forty-four having voted in the affirmative and eighty-eight in the negative with nineteen being absent, the motion does not prevail.

Sent to the Senate.

"An Act to Establish an Annual Procedure for Updating Open Water and Ice Fishing Regulations" (H. P. 189) (L. D. 251)

"An Act Relating to Processing Certificates of Authority, Annual Statement Fees and Continuation of Broker and Adjusters' Licenses under the Insurance Law" (H. P. 313) (L. D. 404)

"An Act Relating to Acquisition of Interest in Financial Institutions" (H. P. 401) (L. D. 511)

"An Act Concerning Gubernatorial Appointments to the Board of Commissioners of the Profession of Pharmacy" (H. P. 503) (L. D. 622) (C. "A" H-281)

"An Act to Create a Division of Public Health Nursing within the Bureau of Health, Department of Human Services" (H. P. 699) (L. D. 882) (H. "A" H-300)

"An Act to Appropriate Money for Revolutionary War Veterans Grave Markers" (H. P. 794) (L. D. 906)

"An Act to Provide that Hancock County Commissioners Shall be Elected by Districts" (H. P. 829) (L. D. 1002)

"An Act to Correct the Used Car Information Law" (H. P. 903) (L. D. 1103)

"An Act to Repeal Certain Laws Relating to Occupations and Professions" (H. P. 962) (L. D. 1159) (C. "A" H-280)

"An Act to Limit the Duration of Sentences to County Jails" (H. P. 1078) (L. D. 1302) (H. "A" H-310 to C. "A" H-232)

"An Act to Require that Androscoggin County Commissioners Live within the District from which they are Elected" (H. P. 1145) (L. D. 1374)

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.

#### Enactor Reconsidered

"An Act Amending the Ambulance Service Law" (H. P. 1523) (L. D. 1748) (H. "A" H-298)  
Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Mr. Goodwin of South Berwick, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-345) was read by the Clerk.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: What I have done here is put on a clarifying amendment. On the last part of that bill, the committee put a section in there to make sure that in cardiac-pulmonary resuscitation courses that both the American Red Cross and the Maine Heart Association training would be considered as qualifications, but the way that it was worded, it sounds as if either one of those 10 hour courses would be considered as qualification for purposes of fulfilling any training requirements as ambulance personnel, and this just clarifies it to mean fulfilling the cardiac-pulmonary resuscitation training requirements as ambulance personnel.

Whereupon, House Amendment "B" was adopted.

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

"An Act to Provide for the Purchase of Certain Town Histories" (H. P. 1534) (L. D. 1759)

"An Act Relating to the Possession of Firearms by Persons Convicted of Certain Crimes" (H. P. 1536) (L. D. 1761)

"An Act to Modify the Grounds for Divorce and the Proceedings to Obtain a Divorce" (H. P. 1537) (L. D. 1762)

"An Act to Enable the Transfer of all Assets and Liabilities, Except Bonds and Notes, of the Lincoln Sanitary District to the Town of Lincoln and the Dissolution of the Lincoln Sanitary District" (H. P. 1538) (L. D. 1763)

"An Act to Repeal Certain Laws Relating to Defense and Veterans Services" (H. P. 1542) (L. D. 1764)

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

#### Orders of the Day

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

Bill "An Act Relating to Public Compensation to the Victims of Crime" (H. P. 707) (L. D. 841) — In House, Majority "Ought to Pass" in New Draft (H. P. 1535) (L. D. 1760) Report Read and Accepted and the Bill Passed to be Engrossed on May 10. — In Senate, Indefinitely Postponed.

Tabled — May 13, 1977 by Mr. Carter of Winslow.

Pending — Further Consideration.

On motion of Mr. Carter of Winslow, the House voted to Insist.

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

Bill, "An Act to Encourage Energy Conserva-



tion by Means of Reform of Utility Rate Designs" (H. P. 1553) (L. D. 1774)

Tabled — May 13, 1977 by Mr. Berry of Buxton.

Pending — Passage to be Engrossed.

On motion of Mr. Berry of Buxton, retabled pending passage to be engrossed and specially assigned for Thursday, May 19.

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

Bill, "An Act to Permit the Sale of Dessert Wine at Retail Stores" (H. P. 768) (L. D. 1019) (C. "A" H-305)

Tabled — May 13, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I move that this bill and all its accompanying papers be indefinitely postponed and would ask for yeas and nays.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps one immediate gut reaction to the high drama that we experienced this morning would be to say a "pox on both your Houses" and kill the bill. I would hasten to remind you that to kill the bill is the exact goal of the people who have allegedly made the offers. It would seem to me that we would be giving absolute victory to that side. That doesn't seem to me to be the thing we ought to do. There is lots of time to cast votes on this measure after it leaves this body and goes to the other body; it will be back here again. At that time, without the high drama, perhaps we could consider this bill on its merits.

I would hope that you would vote against indefinite postponement. If there are any reasons on the merits that people would like to discuss, I would be glad to debate this matter further.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I would like to ask the good gentleman from Augusta just what are the merits that this House should consider in supporting this bill? Because I, like Mr. Norris have supported voting against this bill not only this year but in years past. We have a problem, in my opinion, right now with the availability of beer in stores, the availability of wine in stores for youngsters, that is my sole reason and only reason for ever opposing this bill and I am not about to put a .38 in their hands when they have got .22's in the stores now to provide the problems that we have with alcoholic problems with youngsters in schools. So whatever the merits are, notwithstanding dollars, I would like to know what they are.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I apologize to the House and I stand corrected by the gentleman from Augusta. I feel that my motion was made in haste and in passion and I would ask permission to withdraw the motion to indefinitely postpone.

The SPEAKER pro tem: The gentleman from Brewer, Mr. Norris, requests permission to withdraw his motion to indefinitely postpone.

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

Mr. KELLEHER: I move the indefinite postponement of this bill, all its papers and I request the yeas and nays.

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair would thank the gentleman from Stonington, Mr. Greenlaw, for presiding.

Thereupon, the Sergeant-at-Arms escorted Mr. Greenlaw to his seat on the floor, amid the applause of the House and Speaker Martin resumed his Chair.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't call it a high light thing. I think it took an awful lot of guts and courage for the gentleman to put aside other things in order for us to hear it.

I voted against this bill. I am against it, just like Mr. Kelleher is for the same reason. Whether the highlights are here or not, I am still going to vote against it and I will vote against the postponement of all the papers.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: There is one thing that I would remind you of, and that is the tax break for the Fairview Wine Company, if this bill is killed, will remain in force. To my understanding, if this bill leaves this body and goes to the Senate, that an amendment to remove the tax break which is in this bill, which is in the current law, will be put on in the Senate. For that reason alone, I think this ought to leave this body with passage today.

So I hope you would vote against indefinite postponement.

Mr. Burns has an amendment he wants to put on, I have an amendment I want to put on, then we can send it down.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I move we reconsider our action whereby Committee Amendment "A" was adopted to this bill.

The SPEAKER: The Chair would advise the gentleman that the amendments could be offered at this time that deal with House Amendments to the bill itself, not the Committee Amendment.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I wholeheartedly support the position that Mr. Bustin is on dealing with the taxing provisions for Fairview Wine.

I had served at one time in the legislature on the Liquor Control Committee and I know the two gentlemen that we discussed here this morning very well. In my opinion, they used to irritate me to no end. I would support the repeal of that tax provision. I suggest the Taxation Committee can do that right now. No way am I ever here standing on my feet supporting those two fine gentlemen as some people may think they are, I don't because when there was a bill in here two years ago to give them special legislation so they could bid on a piece of property over in East Stoneham, Maine, here is one gentleman in this House that fought that bill because it was class legislation dealing with those two individuals.

Mr. Speaker, I hope that the House would support my motion to indefinitely postpone, not for anything for Fairview Wine, just for the protection of the kids in this state.

The SPEAKER: The Chair would caution the members of this House. Please restrict your remarks to the bill before us and to nothing else at this point in time. The merits or demerits of the bill is what we should be discussing.

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

Mr. TALBOT: Mr. Speaker, Ladies and

Gentlemen of the House: I was going to say a few words on this particular bill this afternoon, not that I always do but I have always voted against it. I don't really relish the task of debating the gentleman from Augusta, Mr. Bustin. He always seems to be at a disadvantage but I am going to vote against this bill for a couple of reasons that I would like to explain to you — one is consistency and the other is that I think we, as a legislature, seem to be like a dog trying to chase its tail. In that respect, we spend hundreds and thousands of dollars each year to support programs, halfway houses, alcoholism with one hand and then with the other hand, we make it more easier and available for everyone to reach. Just a few months ago, we took the rights away from the 18 year olds because we thought it was their thing. Now we are dealing with a bill that we think is our thing so we want to pass that bill.

I guess the other thing that bothers me is the inconsistency of it all. That is, yesterday, some members of this House, and I am afraid that the gentleman from Lewiston can't hear, I wish he were, vote against a bill dealing with the illiteracy program for \$250 and yet we want to pass a bill where we stand to lose \$440,000. That doesn't seem right to me and I am not a mathematician. But I don't see how we can pass a bill that would reflect on the loss of that much money and still vote against a bill that is going to deal with a sum of \$250. I just think that somewhere along the line, if we want to do anything about the conditions that we have in the state dealing with alcoholism, drinking and driving, crime, juvenile delinquents, we have to start somewhere.

When the gentleman from Westbrook, Mr. Laffin, was debating his bill on the death penalty, the gentleman from Waterville said that he was tired of people being clubbed to death, stabbed to death, shot, which we all are, where do we start? One of the places where we start is on a bill something as this, where on the one hand we try to pass the taxpayer's money on programs dealing with alcoholism and the like, on the other hand we make it more accessible to them.

I support the indefinite postponement of this motion and I would hope you would support it also.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: There are two or three reasons why I am particularly opposed to this bill. In the first place, it seems to me that the liquor interests are overreaching themselves in attempting to put high alcohol content wine more nearly in the hands of everyone.

I read the other day in a national magazine a statement that says for the first time since the repeal of prohibition, thoughtful, intelligent people are seriously considering working for prohibition again because of the excesses that are going on at the present time in regard to alcohol. It seems to me that the liquor interests themselves are hurting their own cause when they make this attempt.

The second thing I wanted to mention is the fact that one of the proponents of this bill told us definitely the other day that one of the attempts being made is to do away with the state liquor stores so that all alcohol will be sold in package stores or in grocery stores. Of course, we know that the grocery stores are open at all hours which would mean that this stuff would be available at all times. Of course all of you people must realize, but I found a lot of people back home who didn't realize, that so-called dessert wine is simply wine that is distilled so that it has its greatest natural alcohol somewhere 12 to 14 percent and then it is shot full of plain alcohol to bring it up to this 24 percent which a

lot of people do not realize a lot of people will get more than they realize they are getting and I am sure the condition will be worse than it is at the present time.

For all these reasons; I hope you will vote to indefinitely postpone this bill.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Bustin has raised a good point in dealing with this tax exemption for this particular industry in the state. If this is the only vehicle that is before the House, I still think this House should indefinitely postpone it. If there is nothing down in the Taxation Committee in terms of putting an amendment on a bill to take away this class legislation which these people seem to enjoy, they enjoyed it two years ago with this body and they seem to have it now, I would be more than happy to draft an order for this House and for the Senate, a joint order, requesting in fact that the Taxation Committee report out a bill to put the repeal in just as Mr. Bustin would like and as Edward Kelleher would like and I assume the rest of the House would enjoy.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am glad there is still an area for some agreement. Mr. Speaker, is a House Amendment in order at this time?

The SPEAKER: The Chair would answer in the affirmative.

Mr. Bustin of Augusta offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-327) was read by the Clerk.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Before the issue became as heavy as it did today, I was going to refer to this as my "anti-sneaky Pete amendment". What this amendment does is say there shall not be exceeded a 20 percent alcohol by volume. The issue was raised in the debate yesterday of just how powerful these dessert wines would be. Right now, in the grocery stores, there is 14 percent by volume. The overwhelming majority of dessert wines is 16 to 17 percent volume. Sherry, Port and the like. This amendment would guarantee that nothing would exceed 20 percent.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: Although this amendment seems to be a nice one and supposedly to help the bill, there is nothing that tells us that within a year or so or in the near future, that wines above the 20 percent volume will not be in the stores. If we pass this and this bill goes through, that will mean that all the wines in the grocery stores, none will be above the 20 percent volume. However, let us assume that we do have wines that come into this state with 21 percent or 22, what do we do with those wines? Put two or three types of wines in the liquor stores with the rest of the booze so that people that want to have two types of wines again will have to go to a grocery store for one kind and for a stronger wine they will still have to go to the liquor store? I don't see where this amendment is going to do us any good.

Mr. Speaker, I ask for the indefinite postponement of this.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Lewiston, Mr. Raymond, that the House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Bustin of Augusta 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. 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 Lewiston, Mr. Raymond, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Austin, Bagley, Bennett, Berube, Birt, Carter, F.; Cunningham, Devoe, Dexter, Dow, Dudley, Durgin, Dutremble, Penlason, Flanagan, Gauthier, Goodwin, K.; Gould, Hughes, Hunter, Immonen, Jackson, Jacques, Joyce, Kelleher, Kerry, Kilcoyne, LaPlante, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, Mackel, Mahany, Martin, A.; Masterman, Maxwell, McBrearty, McPherson, Morton, Nelson, M.; Nelson, N.; Peakes, Peterson, Plourde, Prescott, Raymond, Rollins, Smith, Stover, Strout, Talbot, Tarr, Teague, Theriault, Tierney, Tyndale, Valentine, Wood, Wyman.

NAY — Aloupis, Ault, Beaulieu, Benoit, Berry, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Bunker, Burns, Bustin, Byers, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Drinkwater, Elias, Fowle, Garsoe, Gill, Gillis, Goodwin, H.; Green, Hall, Henderson, Hickey, Higgins, Hobbins, Huber, Hutchings, Jensen, Kane, Kany, Laffin, MacEachern, Masterton, McHenry, McMahon, Mills, Mitchell, Nadeau, Najarian, Norris, Palmer, Peltier, Perkins, Quinn, Rideout, Shute, Silsby, Spencer, Sprowl, Stubbs, Tarbell, Torrey, Tozier, Trafton, Truman, Twitchell, Wilfong.

ABSENT — Bachrach, Brown, K. L.; Conners, Gray, Greenlaw, Howe, Jalbert, LeBlanc, Marshall, McKean, Moody, Pearson, Post, Whittemore.

Yes, 63; No, 73; Absent, 14.

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

Thereupon, House Amendment "A" was adopted.

On motion of Mr. Burns of Anson, under suspension of the rules, the House reconsidered 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-325) was read by the Clerk.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This is just a technical amendment requested by the Committee on Second Reading.

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

Mr. MacEACHERN: I would just like an explanation of what the amendment does.

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

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

Mr. BURNS: Mr. Speaker, in reply to the question, when we enacted the 20-year-old drinking bill, we also took out to any pauper which you see on the next to the last line of the front page of the amendment. It indicated that it had been changed by the public law whereby the 20

year old that in this session. What we are doing now is just bringing out what was last changed by that Public Law, Chapter 23 of 1977.

Whereupon, 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 Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Somewhere along the line, I had made a motion, apparently it got lost, that this bill and all its papers be indefinitely postponed. I request that that motion be presented before the House and I ask for the yeas and nays.

The SPEAKER: Is the gentleman now making the motion to indefinitely postpone?

Mr. KELLEHER: I thought I did but I move that this bill and all its papers be indefinitely postponed and request the yeas and nays.

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 Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I know that many of us are torn in this body today on what has taken place, but I feel that the most important thing is the bill that is before us.

I think that we must realize and search our own mind and our conscience as to what route we are going to take and the effect that it will have in the communities which we represent. I am a strong believer that the members of this House will make up their own mind and vote accordingly to their own conscience. I do not believe that we, as representatives, should ever be influenced by anyone other than what we feel is best for the people back home. I do not condone and I am sure the rest of the members of this House do not when we try to be influenced in the manner not prescribed by law. It is a hard decision for me as it will be for the other members of this House. Sometimes along the way we do meet these types of situations that are very hard. I feel that many of us who have been in politics a long time back in our hometowns and then coming up here, will probably never experience what took place this morning — I certainly hope I never do.

We must vote on the merits of the bill that lies before us. I have been thinking whether I would change my vote on this. One minute I think that I would like to; the other minute I feel that I don't know if I can. I am sure that many of you others, the colleagues of mine that are sitting in this House today, have that same feeling. We are going to vote on this bill very shortly and I don't know whether in good conscience I am going to be voting right on one hand and wrong on the other. I think that we as individuals are intelligent enough to know how it is going to affect the young people of this state, whether it is going to be accessible to them, whether the State of Maine should go out of the liquor business or whether it should be put into private businesses. In many cases, I agree with that solution. The small stores of the State of Maine stay open late hours. Twenty percent alcoholic contents of any beverage is hard, in my thinking, to let young people purchase this at late hours.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge this House to support my motion this morning. I think this House, in good conscience, realized

when we came in here in January the problem that we had with the availability of alcohol to the youngsters of this state. I, as I said before, have supported motions before to indefinitely postpone this legislation in the years past and I think that we know and reflect well back in our own communities what the problem is with youngsters with the availability of beer and wine now in the stores. That is my sole reason for doing it.

There is some provisions in the bill that I do agree with. Unfortunately, to get those provisions, we have to put fortified wines out in the stores. There is going to be a House Order in here tomorrow morning to do just what we want to do in terms of that taxing mechanism. I called Mr. Silsby and it is being drafted and we will even the score up where it belongs, hopefully, through the Taxation Committee and the wisdom of this House.

It is a difficult thing for all of us, I am sure, to be voting one way or another this morning here in the House, not because we are not dishonorable people, just because of the events that happened in the past few days. I would feel remiss if I didn't speak against the bill and vote against it. That is the way I personally feel about it. I have in the past and will continue to do so.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I was one of two House members to sign this bill out of committee "Ought to Pass". I did so because of my own philosophical viewpoints. One: I too believe that the state ought to be getting out of the liquor store business, that we promote the agency store type of operation which we are beginning to do now. Agency stores already sell fortified wines and they are now accessible. I just want the other storeowners to be able to do so. With the advent of the 20 year old drinking age, which will be in effect hopefully when this bill takes effect, I feel it will be a benefit to the state. I too am concerned about the younger people in this state. While I feel the storeowners are doing their job, the younger people of the state will not get the fortified wine.

So I urge you to vote against the indefinite postponement of this bill.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say from the outset that while I appreciate the support of the gentleman from Sanford on this measure this morning, I am not one who agrees with him relative to removing all the alcoholic beverages from the state liquor stores and putting them in grocery stores. I would vote against that if I had a chance this session. Nobody is suggesting it, and would vote against it in the future.

Relative to the merits, Mr. Kelleher's basic argument, I would like to have you think about that argument for a minute and push it through to its conclusion. You have table wines on the grocery shelves now and the dessert wines are sold in liquor stores. Anyone can go into a liquor store or a grocery store to get this particular product. I fail to see how, if this is on the grocery shelves for the convenience of all the people who use this kind of wine for cooking, or who like to give it as gifts, Harvey's Bristol Cream Sherry or something like that or enjoy it after dinner, to lay that convenience up against whether or not this will, in fact, put wine in the hands of people who are below the drinking age, the storeowners must not sell this, must not sell beer or anything else of this nature to young people. I don't think that issue should be the controlling one in this debate.

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

Mr. JOYCE: Mr. Speaker, Ladies and

Gentlemen of the House: I rise today to support the indefinite postponement of this bill. I am not going to bore you with long oratory. I always seem to make it pure and simple.

What are we talking about here today? We are talking about the ordinary wines that are in the grocery stores. They range, as I told you the other day from Yargo Sangria, seven to ten percent up to that scoundrel Thunderbird at 14 percent. In between is the average one. In between is that wine that I referred to the other day that you can see daily in your supermarkets, our Blue Nun Wine at ten percent. Ten percent, that is 20 proof that is what we are talking about. A person 150 pounds in weight can sit down and drink 36 ounces of that in a half hour before they come under that magic number of .10 that makes you eligible to be arrested for driving under the influence.

Now, what is that wine that they want to put up on the shelves? Remember how I told you last Thursday it is almost sacrilegious on that top shelf where the Blue Nun sits to put Sneaky Pete up there and Sneaky Pete is quite a collection. You know, Sneaky Pete includes sterno, this is what the winos take from the can, take off their stocking that hasn't been off their foot for six months and strain it through there and they get what we call the pink ladies and the pink fingers because their hands get discolored. This is a Sneaky Pete drink — wood alcohol. They also go to the drugstores, whether it be in Blue Hill or Portland and they buy that terpin hydrate with codeine — that is as good as Four Roses — for about \$1.60 you get four shots. That is a Sneaky Pete drink. But the big Sneaky Pete drinks are these fortified wines, just like the gentleman behind me said today, they take this juice of the grapes that has fermented to a maximum of 14 and they spike it with alcohol and they push it up to 40 proof — 40 proof to put up there on that shelf! And I think it takes only about 16 to 18 ounces to make you eligible for driving under the influence. It will put you under the table. If you brought some home to your wife and she only weighed 100 pounds, 12 ounces of it would knock her down under the table. And I am giving you professional secrets today. It is a real tragedy to put that demon, Sneaky Pete, up on that shelf beside my Blue Nun and I urge that you vote for indefinite postponement.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I will be as brief as I can. I know it is not fair to make comparison to other states. In fact, I ran into the Speaker on that when I was a freshman here.

About 10 years ago, I worked for a big company that did bottling of hard liquor and also these wines. In fact, one of my jobs was ordering it. We brought in tank car lots and handled the bottling of it. This was in a state where there were no state stores. I had some experience through the sales department of what goes on. We are not talking kids buying here. This is a minor issue. What we are talking here is money, we are talking a lot of money. We are talking \$200,000 as a fiscal note to the state and I think you should also consider what that means to the companies. They are looking for new markets. They are looking for ways they can sell it. The competition in this product is a cut throat competition. There are a lot of things that happen that aren't particularly nice that go on under the counter. I will tell you that the small storeowner is going to be much more subject to this than the state would ever be or the state liquor store. They can twist his arm. The competition for the counter space, mixing the bottles around and who is out in front and this type of thing and the payoffs. That is what we are talking. We are talking a lot of money. The best thing we can do is to kill this bill and then I hope Mr. Kelleher will be in here with his thing tomorrow and I will wholeheartedly support it.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: Ever since this bill started, I have been kind of at odds as to how I could best represent my constituency. I have talked with some storeowners. There seems to be kind of an indifference there. There doesn't seem to be any great push one way or the other. I have had lobbyists talk to me on both sides of the issue. I have heard arguments on both sides of the issue. I have heard the debate here on both sides of the issue. I guess probably the one lobby and the one storeowner that I listened to is my wife. She is at home keeping the store while I am up here. She doesn't seem to favor having the up to 20 percent volume wines available in her particular store.

The other day, I was convinced by the eloquence of that gentleman from Portland in regard to the sacrilegious aspect and, therefore, I voted against the bill. I think he does allude to some problems that storeowners have. There was one time in our store where we had to stop selling pure vanilla. We could only sell artificial vanilla because we were getting ripped off with the pure vanilla, it is so easy to put in your pocket and walk out with it. This is the type of thing that can happen in any kind of a store.

I also was in a position of being a school board member when a young junior high student was brought before the board on a disciplinary action situation. He was found with a bottle of the 14 percent wine and he was passing it around to some of his friends in the junior high. I think possibly, that same bottle of wine came from our store. It was quite a difficult issue to face at that time. These are the types of issues that we are talking about. These are the types of things we can avoid by supporting the motion to indefinitely postpone.

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure whether everyone had an opportunity to read the memo that was distributed Friday, I believe it was, but it contained some figures that I thought that this House should be aware of.

Presently, there is approximately 150,000 gallons of fortified wines sold through state stores which result in a net profit to the state of \$620,000 per year. Unlike the arrangements with the agency stores, who are required to purchase their liquor from the state stores, the retailers handling fortified wines would deal directly with the distributors. Even though the state would continue to collect a tax on each gallon, the loss of profit would be substantial.

Proponents of the bill tell us that if the bill passes, sales will triple. It is conceivable that the volume will be tripled for the first year due to wholesalers and retailers building up their inventories. But even by raising the excise tax from 60 cents to 90 cents per gallon as provided for in the amendment, we would go from a \$620,000 profit to a \$97,000 loss the first year. As inventory is leveled off and due to the fact that the sale of fortified wines has been on the decrease in Maine as well as nationally for the past several years, the loss of revenue for the second year would be approximately \$200,000. In two years, we are going from a \$620,000 profit to a \$200,000 loss. The most noticeable drop in the sale of fortified wines came in 1971. It is no coincidence that this was the same year that table wines went into the stores. So it stands to reason that any increase in the sale of fortified wines would affect the sale of table wines. I personally feel that the state can ill afford the loss of any revenue at this time. Should we find that additional revenues are necessary in the future to fund critical services, I per-

sonally would be hard pressed to justify voting to increase taxes after having voted away a reliable source of income.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: We have gone into the financial side of this particular matter and although many of us will not make our decisions based on it, I think that what Mr. Gray has laid on you here is heavy enough so that it might persuade you if you thought, in fact, he was correct. He isn't. Evidently as a result of the last debate, Mr. Gray dashed off to Mr. Robie's office and said quick, I need the fourth memo on this particular bill. I assume that only because I see his name as a person who receives a copy. Mr. Robie, the administrative assistant, is the man who did this. He has written four different memos on this bill and each time he has changed his approach. If you have got it around and you probably haven't by now, the underlying assumption in his figures is that 150,000 gallons of this wine will still be Fairview Wine at the beneficial tax rate that they enjoy. And it won't be. That is why they are here against the bill. It will not be Fairview Wine. That raises the total to \$405,000 and wipes out what he is trying to tell you is going to be a loss and, in fact, is a \$200,000 profit. I don't ask you to vote for the bill on the basis of the profit. But don't be misled by this kind of self-serving document.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: In response to Mr. Nadeau's comment that agency stores sell fortified wines and therefore he would, under this bill, have all grocery stores sell fortified wine, let me remind Mr. Nadeau that agency stores also are licensed to sell hard liquor, but I don't see any provisions in this bill to sell hard liquor in grocery stores.

In response to Mr. Bustin's comments, the reason this is the fourth memo from Mr. Robie's office is due to the fact that there have been four changes in the proponents' figures. These are changes that they would have us consider. I maintain that the figures that come from Mr. Robie's office show a loss of \$290,000 and not the profit that the proponents of this measure would like us to think.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am old enough to have lived through Prohibition and I can tell you that did not work. I have been consistently satisfied with the state monopoly and the state store concept and consistently opposed to any extension of the availability of most liquors, although I do not oppose table wines and beer in grocery stores or Sunday sales.

This bill, on its face, goes against my consistent position. This morning I became aware how a consistent position can be used to accomplish an entirely different and devious purpose. But the bill on its face makes abuses for a strong alcoholic beverage easier for children and alcoholics, despite the fact that laws are on the books to control the situation. Does anyone in this House doubt the greater difficulty in purchasing from a state store than from a corner grocery store, whether it be at 8:00 a.m. for the winos or late evening for the underaged. Ladies and gentlemen, the bill on its face should be defeated. So I hope you will go along with the motion to indefinitely postpone and I would be proud and happy to cosponsor the order that the gentleman from Bangor is contemplating.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: There is one fact here, I think, that should be emphasized. Right now,

the fortified wines that we have that are under the control of the Liquor Commission, they have to one day buy from the distributors or the wholesalers and they have to see to it that the populace of this state is well served so that when they do buy these fortified wines, they don't buy two or three kinds of wine, they don't buy simply from the biggest wine industry in the country, they have to see that a variety is bought to satisfy the majority of the people of the state. When and if this gets changed and it should go to the grocery stores, let's not forget one thing, that not all grocery stores will avail themselves of these wines.

Some of those stores that may will be very limited in shelf space on which kinds they will be buying, which means that any one of us that desires a particular wine may go to our corner store and say I want a certain wine, they will say, I am sorry but I don't have any. Then you will have to start searching for the type of wine that you may want at that particular time, whereas we don't have this problem. You have your liquor stores and they have all the kinds that are bought by the State Liquor Commission. The agency stores right now, some of them have problems because they cannot possibly carry all the whiskeys that the Liquor Commission carried. This has created some problems already with some of the agency stores. Can you imagine what kind of problems this will involve on the fortified wines?

Another point I would like to bring up is the question of the Fairview Wine tax that was brought up on the floor of this House this morning, and an order is being put in tomorrow, I guess. During our working session, these people mentioned that they could live with this 60 cent excise tax, that is was not a big problem with them. Well, it is not a big problem with me either, so I will go either way on it, but I don't think that should be the only basis we are going to vote on here today.

It is true that Mr. Frank Robie has sent four different letters with four different financial reports on them. However, I must also state that it is also true of the wholesale winers. I have had three different drafts from these people and two expensive reports, and none of them are the same, they are all different.

But I will reiterate one thing that I mentioned Friday, and this is the income because it is very serious. We have got a problem with financing in the state. We are trying to look at different types of taxation. We want to increase the sales tax on cigarettes and all kinds of things. Well, we have got an income right now that is on the books. Why take it away? These people are telling us that this is going to bring in \$210,000 a year increase in profits; they have got a hole in their hats. I don't care what system you take to figure these things out, whether you take the wholesaler's association, whether you take Frank Robie's figures or anybody else's, you will never get the same report.

It is a very simple thing. Right now, the State of Maine adds on to their cost 75 percent markup. This is the profit the State of Maine is making on a markup beyond the excise tax that the state is putting on. This is how come we are getting the income that we are getting right now.

This \$620,000 that the state realized last year doesn't come from the skies. Even the wholesalers agree with this figure because it is based on 150,000 gallons of wine that was sold in this state last year, and these are facts.

Taking the same formula that the wholesalers are taking, and they seem to think that next year there will be a 20 percent increase because people will be buying more wine to put on their shelves, stocking, so let's assume they are correct, 20 percent more. Let's assume they are also correct that the sales will triple. On that basis alone, and this is their own formula, the

State of Maine will go in the hole \$247,000.

I have asked a lot of these lobbyists that were at our hearing downstairs, which have done a tremendous job up here, to show me figures, show me where I was wrong. They still haven't done so. All they tell me is, we are going to make \$210,000 but they won't show me how they are going to do it and they won't dispute my figures. Not one has disputed my figures.

Ladies and Gentlemen of the House, it is not only the question that we don't want this available to the youngsters of today; let's be consistent. We brought up the age from 18 to 20. Let's not make this more accessible to them. And, by the way, I am not a dry, I am probably one of the wettest ones in this House, but I think that for the good of the people and our youngsters of today, let's vote to indefinitely postpone this. And remember one thing, in the liquor stores, it is a lot easier to find out if a guy is 18 years old or 19 or 20, because the restrictions are there, but in the grocery stores, you don't have those restrictions. There is a lot of pilfering, and we hear that on the floor of this House, we hear this all over the state, how much these grocery stores are being pilfered year after year after year. They have to get their own police force in there, their own guards and people still steal. Well, just imagine, if they steal a loaf of bread or anything else on the shelves, they would just as soon steal a bottle of wine.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, 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.

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

Mr. HOBBS: Mr. Speaker, I would like to pair my vote with the gentlelady from Bethel, Miss Brown. If Representative Brown were here, she would be voting yes and I would be voting no.

#### ROLL CALL

YEA — Austin, Bagley, Bennett, Berube, Birt, Blodgett, Brown, K. C.; Bunker, Carrier, Carroll, Carter, F.; Churchill, Clark, Connors, Connolly, Cox, Cunningham, Dexter, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Flanagan, Gauthier, Goodwin, K.; Gould, Gray, Greenlaw, Higgins, Huber, Hughes, Hunter, Immonen, Jackson, Jacques, Joyce, Kelleher, Kerry, Kilcoyne, Laffin, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Maxwell, McBreaity, McPherson, Mills, Moody, Morton, Nelson, M.; Nelson, N.; Palmer, Peakes, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Raymond, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tyndale, Wood, Wyman.

NAY — Aloups, Ault, Beaulieu, Benoit, Berry, Biron, Boudreau, A.; Boudreau, P.; Brennerman, Burns, Bustin, Byers, Carey, Carter, D.; Chonko, Cote, Curran, Davies, Devoe, Diamond, Dow, Elias, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Green, Hall, Henderson, Hickey, Hutchings, Jalbert, Jensen, Kane, Kany, LaPlante, Lewis, Masterton, McHenry, McMahon, Mitchell, Nadeau, Najarjan, Norris, Quinn, Rideout, Spencer, Stubbs, Tarbell, Tozier, Trafton, Truman, Twitchell, Valentine, Wilfong.

ABSENT — Bachrach, Howe, LeBlanc, McKean, Pearson, Whittemore.

PAIRED — Brown, K. L.; Hobbins.

Yes, 86; No, 56; Absent, 7; Paired, 2.

The SPEAKER: Eighty-six having voted in the affirmative and fifty-six in the negative, with seven being absent and two paired, the motion does prevail.



Sent up for concurrence.

The Chair laid before the House the fourth 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 — May 13, 1977 by Mr. Lynch of Livermore Falls.

Pending — Acceptance of the Committee Report.

On motion of Mr. Tierney of Lisbon Falls, retabled pending acceptance of the Committee Report and specially assigned for Thursday, May 19.

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

Bill, "An Act to Provide for Exemption of Farm Supplies from the Sales Tax" (H. P. 538) (L. D. 653)

Tabled — May 13, 1977 by Mr. Carey of Waterville.

Pending — Motion of Mr. Hobbins of Saco to Reconsider Accepting Majority "Ought Not to Pass" Report.

On motion of Mrs. Post of Owls Head, retabled pending the motion of Mr. Hobbins of Saco to reconsider and specially assigned for Thursday, May 19.

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

Bill, "An Act to Amend and Repeal Certain Laws Relating to Agriculture" (H. P. 1065) (L. D. 1292)

Tabled — May 16, 1977 by Mr. Spencer of Standish.

Pending — Adoption of Committee Amendment "A" (H-320)

Mr. Spencer of Standish offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-346) was read by the Clerk and adopted.

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

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

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

Bill, "An Act Relating to the Law Governing the Manufacturers, Distributors and Dealers of Beverage Containers" (S. P. 213) (L. D. 662) (C. "A" S-125)

Tabled — May 16, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

On motion of Mr. Mahany of Easton, under suspension of the rules, the House reconsidered 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-343) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence.

Mr. Mahany of Easton offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-344) was read by the Clerk and adopted.

On motion of Mr. Strout of Corinth, tabled pending the adoption of House Amendment "A" and tomorrow assigned.

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

"An Act to Revise the Measure of Damages Under the Unfair Trade Practices Act" (H. P. 277) (L. D. 341) — In House, Passed to be Enacted on May 12. — In Senate, Failed Passage to be Enacted.

Tabled — May 16, 1977 by Mr. Garsoe of Cumberland.

Pending — Motion of Mr. Sprowl of Hope to Recede and Concur. (Roll Call Ordered)

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

Mrs. GILL: Mr. Speaker, Ladies and Gentlemen of the House: I have seen the handwriting on the wall as far as this bill is concerned and I see death at the end of the hall for it.

I said before when I spoke on it that it was a people's bill, but there are some over in the other body who feel that it gives the Attorney General too much authority. Since I have been unable to convince the good people on the other side of the House, I think the only thing I can see at this time is just to let the inevitable happen.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill, L. D. 341, in my opinion, is one of the very best bills to protect consumer rights that has been introduced this session. As you all probably are aware, I just simply want to remind you before you vote on this, this allows for an individual who has sustained damages as the result of an unfair trade practice to be able to collect those damages as well as for the cost of the product.

I am sure that you are all aware and remember the illustration which the gentle lady from South Portland gave when she first spoke on this bill of the gentleman who had his snowmobile repaired, was going to have a clutch put in it and because of poor workmanship, because the individuals who worked on the snowmobile did not use the proper tools, there was damage done to the crankshaft which costs anywhere from \$150 to \$200, but under the current law, the only degree of suit that an individual can make or the Consumer Protection Division of the Attorney General's Office could make is for the \$5 that it cost to have the clutch repaired. This bill would correct that. This bill would correct that, would allow for any consumer who had sustained damages to be able to sue and collect for those damages as well as for the cost of the product.

I don't understand why the other body has not seen fit to enact this. I know that it is the same reason they gave in opposition to this bill as they gave in opposition to L. D. 347, that it would give the Attorney General too much power. But actually, the truth of the matter is that it does not give the Attorney General the power, it gives the consumer the power. It gives the consumer protection under the law that the consumer does not have today. It also gives protection for the business people of Maine that they do not have under the current law. So I would hope that you would vote against the motion to recede and concur so that a motion to insist could be made.

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

#### ROLL CALL

YEA — Aloupis, Bagley, Bennett, Berry, Biron, Birt, Boudreau, P.; Byers, Cote, Cunningham, Dudley, Durgin, Fenlason, Hutchings, Lewis, Lougee, Mackel, Masterman, Maxwell, McBrearty, McPherson, Moody, Morton, Peterson, Plourde, Rideout, Shute, Smith, Sprowl, Stover, Tarbell.

NAY — Ault, Beaulieu, Benoit, Berube.

Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connors, Connolly, Cox, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dutremble, Elias, Flanagan, Fowle, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hickey, Higgins, Huber, Hughes, Hunter, Immonen, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, LaPlante, Lizotte, Locke, Lunt, MacEachern, Marshall, Martin, A.; Masterton, McHenry, McMahon, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Perkins, Post, Prescott, Quinn, Raymond, Rollins, Spencer, Strout, Stubbs, Talbot, Tarr, Theriault, Tierney, Truman, Twitchell, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Austin, Bachrach, Brown, K. L.; Carter, F.; Devoe, Gauthier, Gould, Green, Hobbins, Howe, Jalbert, Kelleher, LeBlanc, Littlefield, Lynch, Mahany, McKean, Norris, Peakes, Pearson, Peltier, Silsby, Teague, Torrey, Tozier, Trafton, Tyndale, Valentine, Whittemore.

Yes, 31; No, 91; Absent, 29.

The SPEAKER: Thirty-one having voted in the affirmative and ninety-one in the negative, with twenty-nine being absent, the motion does not prevail.

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

On motion of Mr. Joyce of Portland, the House reconsidered its action of earlier in the day whereby Bill "An Act Relating to Application Fees for Official Inspection Stations," House Paper 136, L. D. 169, was passed to be engrossed as amended by Committee Amendment "A" (H-332) pursuant to Consent Calendar rules.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have somebody set this aside for one day, I have an amendment that would make this a better bill.

Thereupon, on motion of Mr. Quinn of Gorham, tabled pending acceptance of the Committee Report and tomorrow assigned.

Mr. Ault of Wayne was granted unanimous consent to address the House.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: Unfortunately, when one speaks as I did to you this morning, certain phrases can be misread and people take things into their minds that aren't necessarily so, and aren't so in this case. I want to make it very clear that the reasons that Senator Sewall called Senator Speers and Senator Collins into his office was to ask for legal advice, and the legal advice was unanimous when they told me to go see Richard Cohen.

The other point is that I referred to the fact that I was reminded that it costs a lot of money for someone to keep their name before the public, such as Senator Speers is doing on his television ad. People have asked me what I meant by that statement. In no way did I want to indicate that these same people were giving Senator Speers money for those ads. I apologize to the Senator and to you if I did give that indication. He has assured me that those ads were paid for with his own personal funds.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, is the House in possession of L. D. 1034?

The SPEAKER: The Chair would answer in the affirmative. Bill "An Act to Place the Office of Energy Resources in the State Planning," Senate Paper 314, L. D. 1034, is in the possession of the House, having been held at the

request of the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I held this bill at the request of the Governor's Office, and I move that we reconsider our action whereby we adopted the Majority "Ought Not to Pass" Report.

If the motion to reconsider passes, at that time, I plan to move that this item be tabled for two legislative days for the purpose of the Governor's Office. He wishes to contact the chairman of the committee.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose that motion to reconsider and let me give you just a brief history.

This bill went into the other body last week with an 11 to 2 "Ought Not to Pass" Report. The Governor's Office contacted the Senate Chairman and asked that it be tabled two days so that the Governor might get together with the Senate Chairman, who also voted on the Majority "Ought Not to Pass" Report. The Senator tabled it two days and had no further word from the Governor's Office. Then the Senate accepted the Majority Report and sent it down to this House where yesterday we did have limited debate.

Now there has been an appointment made with the Senate Chairman to meet Wednesday afternoon. If you will jar your memories a bit, you may go back to earlier in the session when a unanimous report out of the State Government Committee was tabled for some two weeks in this body so that the Governor could react. I don't feel that the State Government Committee should have its legislation filtered through the Governor's Office before it comes back to the House. We have given him over a week to respond, and I see no reason to hold up the legislative process. I would urge this House not to reconsider this matter. It has had its day in the legislature.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker and Members of the House: What the gentleman from South Portland says is correct; however, I held it purely out of courtesy to the Governor's Office. If this body wishes to honor that request, fine; if not, so be it.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Hallowell, Mr. Stubbs, that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted in concurrence on L. D. 1034. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

26 having voted in the affirmative and 66 having voted in the negative, the motion did not prevail.

On motion of Mr. Tierney of Lisbon Falls, the following matter was taken from the Unassigned Table:

Bill, "An Act to Equalize the Registration Fee on Dogs" (H. P. 509) (L. D. 628) (C. "A" H-182) — In House, Passed to be Enacted on May 4. — In Senate, Indefinitely Postponed.

Tabled — May 12, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of Mr. Davies of Orono to Insist and ask for a Committee of Conference.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I would withdraw my motion to insist and ask for a Committee of Conference and would then move to recede so that the gentleman from Easton, Mr. Mahany, might offer an amendment to this bill.

Thereupon, on motion of Mr. Davies of Orono, the House voted to recede.

On motion of Mr. Mahany of Easton, 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-342) was read by the Clerk and adopted.

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

The Bill was 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.

(Off Record Remarks)

On motion of Mrs. Beaulieu of Portland, Adjourned until nine o'clock tomorrow morning.