

# MAINE STATE LEGISLATURE

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



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

**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

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

KJ PRINTING  
AUGUSTA, MAINE

## HOUSE

Wednesday, May 25, 1977

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

Prayer by the Reverend Harland de Brun of the First Baptist Church, Waldoboro.

The journal of yesterday was read and approved.

Under suspension of the rules, the members were permitted to remove their jackets for the remainder of the session.

The following Communication:

The Senate of Maine  
Augusta

May 24, 1977

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

The Senate today Adhered to its action whereby it accepted the Majority 'Ought Not to Pass' Report on Bill, "An Act Concerning Residential Utility Consumer Action Groups" (H. P. 1285) (L. D. 1507).

Respectfully,

(Signed) MAY ROSS

Secretary of the Senate

The Communication was read.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I couldn't let this opportunity go by. The other body has seen fit to kill this good consumer bill, and I would only suggest that you save a copy of this bill, because if I am fortunate enough to be back in the 109th, I think that you might see a similar legislation. It is my feeling that next time around I won't be trying to put buttons on, I am going to be putting rivets on.

Thereupon, the Communication was ordered placed on file.

The following Communication:

The Senate of Maine  
Augusta

May 24, 1977

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

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Revise the Measure of Damages Under the Unfair Trade Practices Act" (H. P. 277) (L. D. 341).

Senators:

CHAPMAN of Sagadahoc

KATZ of Kennebec

MANGAN of Androscoggin

Respectfully,

(Signed) MAY ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Bill "An Act to Establish a Health Facilities Cost Review Board" (S. P. 506) (L. D. 1794)

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

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

## Reports of Committees

## Ought Not to Pass

Report of the Committee on Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Regulate Clear Cutting of Timber" (S. P. 433) (L. D. 1511)

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

## Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Concerning the Criminal Offense of Aggravated Assault" (S. P. 360) (L. D. 1215)

Came from the Senate with the Report read and accepted.

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

## Ought to Pass in New Draft

Committee on Natural Resources on Bill "An Act to Revise the Water Quality Program" (S. P. 265) (L. D. 881) reporting "Ought to Pass" in New Draft (S. P. 508) (L. D. 1793)

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

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

## Ought to Pass

Report of the Committee on Local and County Government reporting "Ought to Pass" on RESOLVE, to Extinguish Certain Debts Owed by Counties to the State of Maine (S. P. 315) (L. D. 1035)

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

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

## Non-Concurrent Matter

Bill "An Act to Strengthen the Counties' Role in Human Services" (H. P. 213) (L. D. 223) which was Indefinitely postponed in the House on May 19, 1977.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-338) in non-concurrence.

In the House: Mr. Nadeau of Sanford moved that the House adhere.

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

Mr. HENDERSON: Mr. Speaker, I move that the House recede and concur and would speak to my motion.

The SPEAKER: The gentleman from Bangor, Mr. Henderson, moves that the House recede and concur.

The gentleman may proceed.

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: Though the last time we spoke about this, which was also the first time, there were many members who weren't in the House, and I think that might have been the reason for its demise, but there may have been substantial reasons for its demise and I may be wrong.

This is an act to strengthen the county role in human services. It is one of the bills that is the result of the study report of the Committee on Local and County Government, and one of the things that we found was that there was a lot of overlapping in human services within counties, not necessarily funded by counties, although that is some of it, but also by municipalities. We also found that many regional planning commissions, councils of government, were, in fact, providing some coordination in some areas and in other areas they were not.

This particular proposal does not require counties to do anything new. What it does do is allow them to coordinate human services in their region and try to put some structure to them so that people are not funding activities that are basically doing the same thing and that are overlapping. It is a modest proposal, but I think it is a progressive item, and I hope that

you would this morning recede and concur.

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

Mr. McMAHON: Mr. Speaker and Members of the House: I spoke on this at length the other day, and I recollect that quite a few members were in this body, and I won't go through it item by item the way I did the other day to spare you the repetition.

We did indefinitely postpone this bill last week by an overwhelming margin. I hope we accept the gentleman's motion to adhere. And I would just tell you very succinctly the reason why I oppose this bill, although I have a great deal of respect for the County Government Committee, having served on that committee myself in the past session. I believe they are establishing a structure before they are establishing a function, and I think that is wrong.

You understand, I am sure, that there is a division of opinion amongst us as to what direction county government should go in. Some of us feel that county government ought to remain as it is, which is relatively weak in the scheme of things, and others feel that it should be empowered to do a great deal more. The result has been, kind of, that the status quo has remained, although we have made a few changes in past sessions that I think are good, like shortening the term of commissioners to four years and allowing the hiring of managers and allowing the counties to contract with municipalities on a subregional basis. All of these things are small but collectively important steps toward upgrading the role of county government, and I support those steps.

The bill you have before you, and particularly the amendment, which is really the substance of the bill, filing number H-338, I think is unnecessary. As I said the other day, there are presently several people or units that can perform the functions that are being suggested here.

I think Mr. Henderson was trying to imply to you that if we are concerned about human services that we kind of need this amendment. I think that is incorrect. We are all concerned about human services, and I know in the York County budget we fund several human service agencies that perform functions that the state is unable to perform because they perform a public service.

So the issue is not whether we are for or against human services. The issue is whether we want to add another person and/or layer of bureaucracy to county government without really assigning that person any job.

Again, without going through the amendment line by line, I would simply recap what I said the other day by telling you that a county manager, if a county has one, the clerk to the commission, which each county has, the commissioners themselves, the delegation or the agency — that is four or five different people or units that can perform the functions that are suggested right here right now. And I will predict to you that if this is enacted, we will end up with another layer of bureaucracy for which a purpose has not yet been assigned in the bill and that it will ultimately be much more expensive for someone to perform services that can be performed and are being performed right now by one of the several people that I mentioned earlier.

If you are concerned about controlling costs and avoiding adding an unnecessary layer to county government, particularly before this body decides what the final role of county government will be in this state, then I urge you to accept the motion of the gentleman to adhere and to defeat the motion to recede and concur.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I appreciate the remarks of the gentleman from Kennebunk. He

is very articulate and I think he does articulate some of the concerns, but I think they are not well founded in many respects.

First of all, the question of the functions of county government and whether they are well defined — the committee had some options when it was reporting out bills about county government; one was to report out bills concerning the structural changes that we might suggest in county government. The other was to first report out functional changes, or functional bills, and we felt that the latter was more appropriate, that the House and the legislature ought to consider the various functions before they had to make a decision about any kind of structural changes, which is precisely why this bill and a bill on law enforcement are now before this body. So I would argue that we are in fact suggesting a function and one of the functions we are suggesting for county government is that it coordinate the human services activities that are taking place within that area, not the State of Maine human service activities, although this bill would provide some overview of those, the activities funded by counties and funded by municipalities.

I didn't want to in any way imply that a vote on this bill is related to whether you are in favor of or opposed to human services delivery at all but rather if you are in favor of coordinating those things and not wanting to have them overlapping and be a bit wasteful, then I think just from that point of view this is an improvement.

In addition, I don't think this is necessarily adding another layer. As you know, every member of this body has an influence over its county budget, and county budgets are on a line basis, which basically means that this function could not really be performed without the consent of a particular county's delegation. So we are not saying that this has to be done anywhere, but we are giving the option to those counties that feel this is appropriate in their area.

One final comment in the general notion of county government, and that is that it is really not a question, in my own point of view, of whether we should leave counties as they are on the one hand, or expand their role on the other hand, because there is really a third and what I think is a compelling option, and that is that counties will continue to wither away, which I know is the goal of many people. I would argue that there is no standing still.

There is a bill, as somebody pointed out to me this morning that I was aware of earlier, that court officers which are now appointed by the sheriff departments may now be appointed by the state court system. You know, of course, that the court system has been taken over more by the state. You know that we have had proposals for resident state troopers and you know that there are many other things that are basically being taken over by the State of Maine, mainly because people don't trust the counties to do it, and I don't blame them, quite frankly, I think there should be some changes, but I think we have to start deciding that we can't stand still, that things are not going to stay the way they are, they are either going to continue in their progression of state administration of things, or we are going to have to put more responsibility at an intermediate level since the small municipalities are just not capable of doing some of these things, at an intermediate level such as the county. Change them, make them more responsive, but give them some important roles so that everything doesn't have to be done at the state level.

Mr. Speaker, I just ask that when the vote is taken, it be taken by the yeas and nays.

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

Mr. NADEAU: Mr. Speaker, Ladies and

Gentlemen of the House: I would hope that you would vote against the motion to recede and concur today and then go along with the motion to adhere on this bill.

I find that this legislation forms a very dysfunctional purpose and that it could create many more problems which you are already seeing at the county level. I would hope that you would go along with me and defeat this bill once and for all, as we did the other day.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I, too, hope we will defeat this bill soundly this morning. I am from Penobscot County and the people that I represent have made it very plain to me that they don't want to expand county government in any way. They look at that as a back-door approach to taxation on real estate property, because of these new programs we set up for county government, regardless of what you are told, that they don't cost money, they end up costing money and added to the county tax which is given to the towns and put on their property tax. I have been told by many prominent people that I represent to be careful of this type of legislation, and I want you to know that I am against it and will certainly vote against it.

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

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

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

#### ROLL CALL

YEA — Ault, Bachrach, Berube, Burns, Dow, Drinkwater, Elias, Gray, Henderson, Hickey, Martin, A.; McPherson, Quinn, Talbot, Tarr, Wyman.

NAY — Aloupis, Bagley, Bennett, Benoit, Berry, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. C.; Bunker, Bustin, Carrier, Carroll, Carter, F.; Chonko, Churchill, Clark, Connors, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dudley, Durgin, Dutremble, Fenlason, Flanagan, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Higgins, Hobbins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBreaity, McHenry, McKean, McMahon, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Tarbell, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Tyndale, Valentine, Whittemore, Wilfong, Wood.

ABSENT — Austin, Beaulieu, Brown, K. L.; Carey, Carter, D.; Fowlie, Gauthier, Hughes, Jacques, Jalbert, LaPlante, LeBlanc, Moody, Norris, Peakes, Twitchell.

Yes, 16; No, 118; Absent, 16.

The SPEAKER: Sixteen having voted in the affirmative and one hundred eighteen in the negative, with sixteen being absent, the motion does not prevail.

Thereupon, on motion of Mr. Nadeau of Sanford, the House voted to adhere.

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

Mr. NADEAU: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action whereby the House voted to adhere and I hope you all vote against me.

The SPEAKER: The gentleman from Sanford, Mr. Nadeau, moves that we reconsider our action whereby this body voted to adhere. All those in favor of reconsideration will say yes; those opposed will say no.

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

#### Non-Concurrent Matter Later Today Assigned

Bill "An Act to Facilitate Out-of-State Post Graduate Education in Certain Professions" (H. P. 408) (L. D. 502) which was passed to be engrossed as amended by House Amendment "A" (H-381) in the House on May 20, 1977.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-159) and House Amendment "A" (H-381) in non-concurrence.

In the House: On motion of Mr. Lynch of Livermore Falls, tabled pending further consideration and later today assigned.

#### Messages and Documents

The following Communication: (H. P. 1600)  
State of Maine  
Department of Audit  
Augusta, Maine

May 24, 1977

To the President of the Senate and the Speaker of the House of Representatives  
Dear Joe and John:

Several weeks ago, I was contacted by the Treasury Department in Washington. My name had been suggested for a federal position and they wanted to know if I was willing to be considered. I agreed to this request.

The usual chain of events has happened and, as a result, I have accepted the post of Deputy Director, Office of Revenue Sharing. Accordingly, I wish to submit my resignation as State Auditor effective Friday, June 10th.

I will have many pleasant thoughts of my association with the members of both the Senate and the House. Thank you for helping to make my employment with the State government such a gratifying and agreeable period. I hope our paths will cross in the near future. If I can ever be of service, please let me know.

Sincerely,  
(Signed) ROD SCRIBNER  
State Auditor

The Communication was read and ordered placed on file and sent up for concurrence.

#### Petitions, Bills and Resolves Requiring Reference

The following Bill was received and referred to the following Committee:

#### Local and County Government

Bill "An Act Repealing the York Beach Village Corporation" (Emergency) (H. P. 1601) (Presented by Mr. Valentine of York) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25) (Ordered Printed)

Sent up for concurrence.

#### Orders

An Expression of Legislative Sentiment (H. P. 1596) recognizing that:

The City of Biddeford, on May 18 to 21, 1977, hosted the Maine All-State Music Festival, in which over 480 students and their teachers participated.

Presented by Mr. Dutremble of Biddeford. (Cosponsors: Mr. Lizotte of Biddeford, Mr. Truman of Biddeford, Senator Farley of York)

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

An Expression of Legislative Sentiment (H. P. 1597) recognizing that:

The Lawrence High School Bulldogs have won a victory in the boys' division of the 1977 Kennebec Valley Conference Track and Field Championships Meet, the sixth straight time they have accomplished this feat.

Presented by Mr. Teague of Fairfield (Cosponsors: Mr. Hunter of Benton, Senator Levine of Kennebec)

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

An Expression of Legislative Sentiment (H. P. 1598) recognizing that:

St. Joseph's Maronite Church of Waterville is celebrating its 50th anniversary.

Presented by Mr. Boudreau of Waterville. (Cosponsors: Mr. Carey of Waterville, Mrs. Kany of Waterville, Senator Pierce of Kennebec)

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

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Louis Jalbert of Lewiston be excused for the duration of his illness.

Mr. Masterman of Milo was granted unanimous consent to address the House.

Mr. MASTERMAN: Mr. Speaker and Members of the House: As you know, I had two orders in yesterday recognizing the valedictorian, Cheryl Ann Wibberly and the salutatorian, Susan Lumbra, and it was poor timing on my part. I would like to have the Clerk of the House listen to me. I thought it might be a couple of days before these orders were in and I thought today, being the day that these young people are here, it would be so thrilling for them to have the two recognized that I asked for the order to be drafted, and we have such a darned efficient Clerk of the House, it was in yesterday. My timing was a little off, but I am delighted that they are here today.

The following Joint Resolution from the Senate appearing on Supplement No. 1 was taken up out of order by unanimous consent:

The following Joint Resolution: (S. P. 513) Joint Resolution Recognizing the Gift of The Maine Tourmaline Necklace to the People of The State of Maine.

WHEREAS, it is desirable that the State should encourage the promotion of materials which are the products of the State, its history and traditions; and

WHEREAS, the advancement of knowledge and understanding of the State is accomplished in part by objects of artistic, cultural and educational interest; and

WHEREAS, tourmaline, by virtue of its discovery during 1820, the year in which Maine became a State, its association with Vice President Hannibal Hamlin and other illustrious Maine people, and its prominence in the gem and mineral field since the recent discovery of the largest tourmaline find in the world at Newry in 1972, has richly deserved its designation as the official mineral for the State of Maine bestowed upon it by the One Hundred and Fifth Legislature; and

WHEREAS, the rendering of Maine tourmaline and gold into the Maine Tourmaline Necklace by a Maine artisan, Addison W. Saunders of Ellsworth, not only achieves the symbolic concept of a beautiful example of state resources, pride and craftsmanship, but also as an original work of art, it represents a form of expression which will significantly promote a deeper knowledge and understanding of the history and skills of Maine people; and

WHEREAS, the Governor has accepted on behalf of the State of Maine the gift of the Maine Tourmaline Necklace made by the Maine Retail Jewelers' Association and will take such action as may be necessary to carry into effect the purposes of the gift; now, therefore, be it

RESOLVED: That We, the Members of the 108th Legislature on behalf of the people of Maine, hereby record our deep appreciation and our enduring gratitude for this gift which, in terms of those unseen and eternal things that make it priceless, depicts the grace, charm and pride of Maine people; and be it further

RESOLVED: That suitable copies of this Resolution be prepared and be transmitted by the Secretary of State to the Maine State Museum and the Maine Retail Jewelers' Association.

Came from the Senate read and adopted.

In the House, the Resolution was read.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to speak briefly about the Maine tourmaline necklace and Mr. Saunders, the designer and creator. Mr. Saunders is a resident of Ellsworth and he is the creator designer of the necklace which is to be presented to the State of Maine in an official ceremony at eleven o'clock this morning at the museum. This will become the property of the State of Maine and will be on permanent display, I understand, and will also be for the use of the first lady of the state for state occasions in the future.

Mr. Saunders, in talking with his mother, he took up rock collecting when he was a young boy and he has been interested in such things ever since. He went to the Colorado School of Mines and has, in later years, become involved in jewelry design.

In an effort to publicize our native gem, tourmaline, the Maine Retail Jewelers' Association solicited designs for a necklace. Mr. Saunders was ultimately selected to design the necklace. It was his idea to use native Maine gold in the necklace, which was acquired mostly in small quantities from various collectors in the state. He spent over 1,200 hours constructing the necklace.

Perhaps some of you will remember Mr. Saunders' mother, Emily Saunders, who was a member of this House in the 107th Legislature and is currently serving as administrative assistant to the Committee on Veterans and Retirement.

Mr. Saunders was escorted to the rostrum by the Sergeant-at-Arms to display the tourmaline necklace. (Prolonged applause)

Thereupon, the Joint Resolution was adopted in concurrence.

#### House Reports of Committees

##### Ought Not to Pass

Mr. CURRAN from the Committee on State Government on Bill "An Act to Transfer the Responsibility for Administering and Enforcing the Human Rights Act to the Attorney General" (H. P. 1326) (L. D. 1612) reporting "Ought Not to Pass"

Mr. KILCOYNE from the Committee on Business Legislation on Bill "An Act to Require Alcoholism Treatment Benefits in Health Insurance Policies" (H. P. 904) (L. D. 1104) reporting "Ought Not to Pass"

Mr. RIDEOUT from the Committee on Business Legislation on Bill "An Act to Provide Owners of Noncommercial Airports with Liability Exemption" (H. P. 966) (L. D. 1163) reporting "Ought Not to Pass"

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

(Off Record Remarks)

#### Leave to Withdraw

Mr. CURRAN from the Committee on State Government on RESOLVE, Authorizing the Director of the Bureau of Public Lands to Convey the State's Interest in a Lot in Richmond, Sagadahoc County, to Clarify Title (H. P. 240) (L. D. 302) reporting "Leave to Withdraw"

Mr. WHITEMORE from the Committee on Business Legislation on Bill "An Act Modifying Financial Institutions Exemption from the Statutory Provisions Governing Unfair Trade Practices" (H. P. 582) (L. D. 709) reporting "Leave to Withdraw"

Mr. KILCOYNE from the Committee on Business Legislation on Bill "An Act Relating to the Imposition of Finance Charges on Purchases or Leases of Goods or Services Purchased During a Billing Period" (H. P. 965) (L. D. 1162) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass in New Draft

##### New Drafts Printed

Mrs. KANY from the Committee on Human Resources on Bill "An Act to Create a Clients' Bill of Rights and Responsibilities" (H. P. 429) (L. D. 532) reporting "Ought to Pass" in New Draft (H. P. 1594) (L. D. 1802)

Mr. JENSEN from the Committee on Transportation on Bill "An Act to Revise the Certificate of Title and Antitheft Laws under the Motor Vehicle Division" (H. P. 446) (L. D. 552) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning the Motor Vehicle Certificate of Title and Anti-theft Laws of Maine" (H. P. 1595) (L. D. 1803)

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

#### Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-398) on Bill "An Act to Eliminate Weight Limits on Certain Species of Fish and to Provide for Uniform Possession Limits by Numbers" (H. P. 188) (L. D. 250)

Report was signed by the following members:

Mr. REDMOND of Somerset

—of the senate.

Messrs. MASTERMAN of Milo  
DOW of West Gardiner  
MacEACHERN of Lincoln  
PEARSON of Old Town  
TOZIER of Unity  
MILLS of Eastport  
PETERSON of Caribou  
McKEAN of Limestone

—of the House.

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

Report was signed by the following members:

Messrs. USHER of Cumberland  
PRAY of Penobscot

—of the Senate.

Messrs. ROLLINS of Dixfield  
GILLIS of Calais

—of the House.

Reports were read.

On motion of Mr. Dow of West Gardiner, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-398) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

Thereupon, Mr. Greenlaw of Stonington as-

sumed the Chair as Speaker pro tem and Speaker Martin retired from the hall.

#### Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Require Drivers License Renewal Examinations" (H. P. 397) (L. D. 509)

Report was signed by the following members:

Messrs. McNALLY of Hancock  
GREELEY of Waldo  
MINKOWSKY of Androscoggin

—of the Senate.

Messrs. STROUT of Corinth  
CARROLL of Limerick  
Jacques of Lewiston  
LUNT of Presque Isle  
ELIAS of Madison

—of the House

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-399) on same Bill. Report was signed by the following members:

Mrs. HUTCHINGS of Lincolnville  
Messrs. JENSEN of Portland  
McKEAN of Limestone  
LITTLEFIELD of Hermon  
BROWN of Mexico

—of the House.

Reports were read.

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

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: I sponsored this bill and I ask you not to accept the "ought not to pass" report. L.D. 509 now, the complete bill is amendment H-399. What this does, it requires each applicant for renewal of a driver's license, after age 40, every eight years to have a vision test. This will not present a great hardship to anyone. This can be done right at the Motor Vehicle Registration Office, or if you are in the custom of sending in for your driver's license, all you have to do is send in a doctor's certificate that is less than a year old showing that you did have your eyes tested.

Many people now wear glasses and continue to drive, they are not restricted to glasses. There are many who are driving that probably don't realize what condition their eyes are in or else they don't want to admit it.

We have our automobiles inspected every six months. It seems only reasonable that the driver should be as responsible and in as good condition.

When I presented this bill, even people who are blind came and testified in favor of this bill, because they said they know of people who are receiving aid to the blind who are driving, and there is no way that we can touch that information at the present time because we would be invading their privacy. But the one way that we can prevent this is by a vision test.

All the states are getting very strict on competent people out there driving on the road. You might be interested in some cases regarding incompetent drivers that was written up recently in the Trial Lawyers Magazine. In California, a victim collected \$200,000 in damages because the driver who struck his truck had his license renewed without the state checking on his mental or physical condition. In Iowa, a victim won \$235,000 in damages. In Nevada, the state settled out of court for \$35,000, and I am sure that Maine is not immune to such suits.

An attorney for the Insurance Institute for Highway Safety commenting on the large damage claims said he believes that state motor vehicle commissioners will be required to prove that they made a genuine effort to identify and eliminate drivers who later cause serious accidents. L.D. 509 is one step in that direction.

I am really surprised that this didn't receive a better committee report. We had a long discussion the other day on providing transportation for school children. With our energy crisis and with all the motorcycles and the mopeds are coming out on the roads, I think it is very important that people out there driving automobiles really have good vision.

I do hope you will reject the "Ought Not to Pass Report" so that we may accept the "Ought to Pass."

The SPEAKER pro tem: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, Members of the House: I would like to strongly concur with Mrs. Boudreau.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I cannot go along with this L.D. in its present shape. This would mean that people in my area are either going to have to drive to Augusta or they are going to have to pay the expense for the examination of their eyes.

Possibly if this was amended whereby the driving examiners could perform this examination, I might be able to go along with it then.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I have great compassion for the problems of my society. I would like to let you know what the problems are in the area in which I live. We don't walk down Congress Street and find a doctor or an optometrist. We live in the rural areas. We have to travel many miles for services. We have a doctor at a clinic in Steep Falls. We lost the doctor and we didn't have a doctor for three months. There are problems there. We didn't have a doctor at West Newfield while the doctor was ill for a little while. The new clinic opened up at Kezar Falls and they are having problems keeping a doctor up there. You make it all sound so simple, so easy, so efficient. All you have to do is go in and get an eye test. There is nothing to it. I agree with you.

If you live in the city of Portland, you have got everything coming your way, but if you live out in the rural areas of the State of Maine, you drive many miles. You plead, you beg for appointments and you wait your turn in line. I have waited as long as three hours to see a doctor at a clinic. Now let us not be ridiculous. Let's take into consideration that when we pass legislation, it affects every citizen in the State of Maine. This is the big problem. We do not have the people to give all these tests. We do not have doctors. We do not have the optometrists.

So I would hope that you would accept the Majority "Ought Not to Pass" Report today.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: I will keep this brief. I would just like to say that I concur wholeheartedly with the good lady from Portland, Mrs. Boudreau and I would just direct my comments to Mr. Carroll and Mr. Burns and I would simply ask them if they can possibly justify a slight inconvenience on the part of some of the people that live in the rural areas as opposed to the risks involved with people driving on Maine highways that might have visionary problems.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I guess just to bring to your point this morning, I am opposed to this bill. I am opposed to it as amended. It wouldn't make any difference what you did here if you

amended to have it so it could be done with the examiners or however.

I guess what I am saying is that I do not want to require that the people of the State of Maine over 40, every eight years, have got to have an eye examination. I believe that when the time comes that their eyes need to be examined because they feel this problem they are going to go and have their eyes tested.

I think also you have got to look at the amendment and realize that there is a fiscal note on this bill. I guess I would ask the sponsor or anybody else where the money is coming from. I see in our highway budget this year a very tight budget. I see no plans for this additional cost and I just can't stand up here today and support legislation that is going to require me after the age of 40 to have my eyes examined to drive an automobile. I have been driving on the road 20 odd years. Next year I am going to reach my million mark, hopefully. Maybe my eyes will go bad in the next year or so. When that time comes, I think I will realize without having a law that says I am going to be required to go to the motor vehicles department to have my eyes examined.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I can sympathize with the good gentleman from Limerick, Mr. Carroll. When I think about the laws that we here in the legislature passed that mandate safety and the ones that we have now: headlights on on motorcycles and until this year we required people to wear helmets, we have raised the drinking age under the auspices of helping prevent accidents on the road. We have inspection stations where all our cars must be inspected every six months. It just amazes me that people are not required under all these laws that we have despite they get their license once, they can continue to drive even though they, I suppose, could be legally blind.

I got my license 14 years ago when I was 15. At that time, I had pretty good vision. If I take my glasses off today, I can't read the board on the other side of the hall. I think, at that point, I should have some sort of a designation on my license that say restricted to glasses. I don't feel that I would be safe driving on the roads in this state without my glasses. I don't think it is asking much for people at age 40, I think the bill that was originally put in was every four years. I cannot remember exactly how it was now, but it has been amended up so that it does not start until age 40 because, at that point, it was felt that if anybody's eyes had changed drastically, it would happen before the age of 40. Well, mine have changed a little bit prior to that time.

At any rate, I do feel that we have passed a lot of laws in this state and I am not greatly in favor of mandation of programs, but I am in favor of safety and I think this is one safety feature that the state is desperately in need of and I hope you will reject the "Ought Not to Pass" Report and hopefully the bill could be amended. Perhaps there could be a Committee of Conference at some point in time, but I would hate to see the House give up on this today and accept the "Ought Not to Pass" Report without at least giving it some considerable consideration.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I think this bill is just a harassment of the motorist who pays all the taxes. I feel it is probably a good doctor's bill. But how about the fellow mentioned a little while ago in the rural areas? How about the fellow that works in the shoe shop or the mills who has to take half a day or a day's work in order to get himself an appointment with the doctor? He would be losing his wages in addi-



tion to paying \$25 or \$40 or \$50 for a doctor's examination. And if we leave it up to the examiners, that means they are going to need 10, 12, 15, maybe 25 more examiners to take care of this problem. How far can we go to harass the poor motorist who is paying all the taxes now including the sales tax on his car, the gasoline tax, the excise taxes and everything else? Now we are going to subject him some more to examinations. I think it is foolish.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Since I signed the "Ought to Pass" Report on this, I guess I ought to state my views. Up until, in fact, this morning, when I read the amendment, I thought I had signed the wrong jacket because as the bill originally came out, it stated that you had to have an exam on your 40th, 41st and 42nd birthday and on your 50th, 51st and 52nd birthday which means there is a lot of space in between. If you were 38 years old, you would miss two exams, so you were getting off better than going up to 70 years old. So they came to me with the idea of the amendment, and then I started to see the light.

I think all of us have a tendency and I know myself, I am probably as vain as the next fellow or lady, we have a tendency when we reach 40 years old, I do not like to admit that I may be going a little bit blind and, in fact, I spent a year without glasses when I finally went and got a set and they told me I needed them. I just could not understand why I couldn't see as well as I could 10 years ago but I did not want to admit it to myself. The best thing that ever happened to me is when I went down to get a driver's license after I got out of the military service and I had to have an eye exam because I was changing from one state to another. They told me at that time that I needed glasses. This is the biggest favor I believe those people have ever done for me. This is one of the reasons I signed the "Ought to Pass" Report.

If you look around this House, look how many people wear glasses. How did you find out you needed them? You took an eye exam. I think not only is the safety aspect a big thing in my favor on this bill, but the fact that it is going to help the citizen who does need glasses and may not recognize it at this time. If he does not get the glasses, later on, he is going to regret it. This is the reason that I signed the "Ought to Pass" Report.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am a prime case of 40 years old to have glasses. I got my license years and years ago. At forty, I have to have glasses and I have still got a license without restriction to glasses and I am lots over 40 years old, I can tell you.

The SPEAKER pro tem: The pending question before the House is the motion of the gentleman from Limerick, Mr. Carroll, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Cote of Lewiston 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 present having expressed a desire for a roll call, a roll call was ordered.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: I just wanted to let everyone know that this bill does not call for the services of an optometrist. Your own medical doctor can give you this certificate that you can mail in.

I cannot believe that there is anyone no matter how small an area they live in that doesn't sometime, within eight years, have a physical exam for one reason or another.

There is a fiscal note on this and I have talked to the Secretary of State's Office, they are supposed to get back to me because I think it is ridiculously high.

As far as the highway funds, Roger Mallar supports this bill. He is a member of the highway safety committee on which I serve and they support it.

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 like to make one further comment on this issue. The gentleman from Lewiston, Mr. Cote, talks about the poor motorist and sees this bill as being a further harassment by the state legislature on that motorist. All I would say to him is what about the poor motorist that might be out there and be subjected to a driver who might be legally blind? What about that poor motorist?

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

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the "Ought to Pass" on this bill. I would like to cite an actual experience, my own experience. After you reach the age of 40, sometimes you have to be driven for fear that you are not having all the qualities that you should have physically. I had glasses prepared for myself for reading. The doctor would examine me for distance and it checked out okay but periodically I would get the glasses changed for reading. Finally he decided to give me the bifocals for distance and reading. I didn't use them very often other than reading.

However, I happened to be out to Minnesota and it was quite cold in the latter part of the fall. It so happened on a Saturday that Minnesota was playing Michigan State and I could not resist it and had to go over to the ball park to see it. The wind was really howling and it was bitter cold. I took my glasses out of my pocket to shield the wind from my eyes. It was then I recognized how much better I could see that football field with those glasses than I could without them. It just awakened me to the point that I had been missing the boat for a long while, not getting the complete use out of these glasses. I think after the age of 40, this bill is nothing but protection for the individual.

I urge you to pass this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Old Town, Mr. Gould.

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: This is a good bill. I am 42 years old and I will be affected by this bill.

But I want to tell you what happened at home to a guy 37 years old. He was having his physical examination and the doctor was examining him and he said "say, Freddie, did you ever have glasses?" Freddie says "no, I don't need glasses." The doctor says, "look at that chart." Freddie says "what chart?" He says "on the wall over there." Freddie says "what wall?" So he needed glasses.

The SPEAKER pro tem: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Limerick, Mr. Carroll, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bennett, Berry, Blodgett, Boudreau, P.; Brown, K. L.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Connors, Cote, Cunningham, Curran, Devoe, Dexter, Dudley, Dutremble, Elias, Garsoe, Greenlaw, Hickey, Hunter, Jacques, Kelleher, Laffin, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Maxwell, McBreaity, McHenry, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Palmer, Peterson, Plourde, Raymond, Rideout, Shute, Silsby, Smith, Spencer, Sprowl, Strout, Stubbs, Talbot, Tierney, Torrey, Troutier, Truman, Twitchell

NAY — Aloupis, Bagley, Benoit, Berube, Biron, Birt, Boudreau, A.; Brennerman, Brown, K. C.; Clark, Connolly, Cox, Davies, Diamond, Dow, Dudley, Dutremble, Fenlason, Flanagan, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Hall, Henderson, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, LeBlanc, Lewis, Locke, Martin, A.; Masterton, McKean, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Pearson, Peltier, Post, Prescott, Quinn, Rollins, Sewall, Stover, Tarbell, Tarr, Teague, Theriault, Trafton, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman.

ABSENT — Austin, Beaulieu, Fowlie, Jalbert, LaPlante, Littlefield, Moody, Peakes, Perkins, Talbot, The Speaker.

Yes, 66; No, 74; Absent, 11.

The SPEAKER pro tem: Sixty-six having voted in the affirmative and seventy-four in the negative with eleven being absent, the motion did not prevail.

Whereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-399) was read by the Clerk and adopted and assigned for Second Reading tomorrow.

#### Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-391) on Bill "An Act to Authorize Bond Issue in the Amount of \$5,470,000 for the Construction and Renovations of Higher Education Facilities at the University of Maine" (H. P. 613) (L. D. 750)

Report was signed by the following members:

Messrs. USHER of Cumberland

KATZ of Kennebec

PIERCE of Kennebec

— of the Senate.

Messrs. BAGLEY of Winthrop  
CONNOLLY of Portland  
LYNCH of Livermore Falls

Mrs. MITCHELL of Vassalboro

Messrs. FENLASON of Danforth

BIRT of E. Millinocket

WYMAN of Pittsfield

Mrs. BEAULIEU of Portland

Mr. PLOURDE of Fort Kent

— of the House.

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

Report was signed by the following member:  
Mrs. LEWIS of Auburn

— of the House.

Reports were read.

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

Mr. LYNCH: Mr. Speaker, I move that we accept the Majority "Ought to Pass" Report.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: In case you are wondering what the difference is since we are all in favor of the bill, you will notice there is

not an "Ought Not to Pass," it is a difference in the bond issues.

The original bill that I do support and I think some of you have found this on your desk this morning that has been distributed by Representative Morton. I did support his original bill. His bill did call for the two buildings that are described in this brochure.

However, I did not feel that it was proper to add another bill into this one to increase the bond issue. It is not a great deal as bond issues go, it is \$595,000, but it is an addition to the bond issue. It, of course, would increase the state's bonded indebtedness if the whole thing should be passed by the people when it goes to referendum. The first two items, the university building at Farmington, which is a building for teaching teachers of special education. With our new laws on special education, it is important that we do have the facilities to train these teachers.

The other building at Orono is an environmental science building which, if the state will build it for \$1,500,000 the pulp and paper industry will totally equip it so we will have two completed buildings there.

The other two items, the Portland-Gorham Science Building Equipment and the Orono English-Math building completion and equipment are to finish buildings. Why the university does not consider them top priority, I haven't really been able to find out, but it doesn't. The university does consider the first two, the Farmington and the Orono pulp and paper buildings to be top priorities and not the other two.

Therefore, I wish that the bills had been kept separate the way they were presented in the first place and that we had an opportunity to vote on them separately. That is the reason that there are the two reports. I really hate to hold out and be a member of one from a committee but I would ask for a division on this.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I respect the position of the gentlelady from Auburn. She certainly has her reasons, and I cannot gainsay. However, I would point out to you that the two additions to this bond issue, one is for adding science building equipment in a building which has already been completed at the Portland-Gorham campus is for \$445,000. The other addition for \$150,000 to the bond issue is to complete the third floor and equip an English-mathematics building at the Orono campus. These two items are three and four on the university's list of priorities. The Farmington classroom-laboratory building being number one, the Orono environmental science building being number two. With these four items on this bond issue, we have the university's priorities lined up one, two, three, four. It is true that the three and four items listed here, the Portland-Gorham equipment and the completion at Orono were the subject of another L. D., L. D. 1133 which also had included in it \$450,000 for general capital improvements around the whole university system.

In his part one budget, the governor saw fit to include \$100,000 of that \$450,000. That is in the part one budget and will be addressed there. That happened to be the number five priority item on the university's listing. Obviously, the people who are interested in the completion of the two buildings, the science equipment at Portland-Gorham and the classroom building at Orono saw that it was going to be extremely difficult, if not impossible, and I can assure you they received no encouragement from the members of the appropriation committee, that we would be able to find \$595,000 in general fund money to make these two completions.

Therefore, it was a matter of some discussion with me, the sponsor of the bill, the co-sponsor of the bill, the chancellor's office, the campus

presidents involved and it was finally decided that these two, since they were the next two priorities on the university's list should become included in the bond issue. Everyone concerned has agreed to that.

I feel it is not an unreasonable change in the bill. The final bond issue total will still remain in the \$5 million bracket. I feel that the people of the State of Maine are ready and willing to support their university and that the addition of \$595,000 to a bond issue will not be a critical factor in the adoption of that bond issue.

On that basis, ladies and gentlemen, I urge you to support the majority 12 to 1 report of the committee and send this on its way to the people.

The SPEAKER pro tem: The pending question before the House is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

67 having voted in the affirmative and 13 in the negative, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-391) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Permit Hunting with Muzzle-loading Rifles" (H. P. 568) (L. D. 693)

Report was signed by the following members:

Messrs. REDMOND of Somerset  
PRAY of Penobscot

— of the Senate.

Messrs. MacEACHERN of Lincoln  
TOZIER of Unity  
PEARSON of Old Town  
McKEAN of Limestone  
DOW of West Gardiner  
PETERSON of Caribou  
MILLS of Eastport

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Create a Special Hunting Season for Muzzle-loading Firearms" (H. P. 1591) (L. D. 1801) on same Bill.

Report was signed by the following members:

Mr. USHER of Cumberland

— of the Senate.

Messrs. ROLLINS of Dixfield  
GILLIS of Calais  
MASTERMAN of Milo

— of the House.

Reports were read.

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

Mr. DOW: Mr. Speaker, I move the acceptance of the Majority "Ought Not to Pass" Report.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "Ought to Pass" in new draft report for the reason that our neighbor states, Massachusetts and New Hampshire have this law. They have far less deer than we have and it seemed to me that we should give these people a right to hunt with the muzzle loaders.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: The reason I signed the "Ought Not to Pass" Report on this bill is because, during the hearing, we had five people

who spoke in favor of the bill. Of the five, all were muzzle loading enthusiasts except one. During the hearing, I asked three questions to the people in the room, how many of them owned muzzle loaders. There were 11 people that held up their hands. How many owned a regular firearm, not a muzzle loader, ten of them held up their hands. Then I asked, how many would hunt with either one or use both of the weapons during the seasons and two or three of them held up their hands after the rest of them put them up and put them back down. That indicated something to me.

There are an estimated 1,400 muzzle loading enthusiasts in the State of Maine. As it stands right now, these people can hunt deer with the muzzle-loading rifle at the same time that another individual can hunt deer with a regular rifle. I think the muzzle-loading rifle of the .44 caliber range with 100 grain bullet has an effective range of well over 100 yards. The accuracy rate of that particular weapon is very very high indeed. A good muzzle loader can reload that weapon in 20 seconds. This is the reason that I signed the "Ought Not to Pass" Report. If he wants to hunt, he can hunt the same as a man with a regular rifle during the regular season. He can do that right now.

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

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am not very excited about this bill. But I think it should have its day in court.

I would submit to you that these are a rare breed of people, these people who depend on one shot only. That is what we are talking about, one shot. This is a good deal like Mr. Nadeau's bill on the taking of suckers with bow and arrows. On that one I said, why not? When this appeared before our committee, I was in great opposition to it. When we had come to the work session, I had changed my mind because I thought of the ramifications of this bill. I submit to you they have one shot. Contrary to what my good friend says, there is probably only one out of a hundred that can reload in 20 seconds. I have a muzzle loader myself and I asked the committee if I would be able to use this if this bill was passed into law and they told me no. I would like to tell you the reason why.

I have a muzzle loader that was made by a gunsmith in Bangor, Maine for my grandfather many many years ago. It is so heavy that I can hardly hold it up. They must have made real men in those days. It is a beautiful piece with a cheekpiece on it, all engraved with pheasants and dogs all over it but it is two shots from a single barrel. There are two tubes on it for two caps. You prime it with one load, then you prime the second load. You can pull the hammer back and engage the little gadget on the side and you fire the front load. You can pull the hammer right back and then from the same barrel, fire the second load. The committee, in no way, would allow this. We are talking about a one shot deal.

I submit to you if any of you have seen a muzzle loading rifle fired, it is so noisy and smoky that I submit to you the next week of hunting it is going to be pretty hard to get a deer when those fellows have been around smoking up the area and with all the loud noise it sounds like the fourth of July like you and I who are the older set knew it years ago. So I submit to you this is not any big deal but I would like to see the yeas and nays and give these gentlemen, because they are fine gentlemen, their day in court and I would ask for the yeas and nays.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: The good gentleman from Milo, Mr. Masterman, said that this is not a big deal.



I would only draw your attention to the Minority Report. A point of reference, Mr. Speaker, is the Minority Report before us at this time?

The SPEAKER pro tem: Both reports are before the House.

Mr. GREEN: Mr. Speaker, Men and Women of the House: I would just make reference to that and I would draw your attention to L. D. 1801 and I would just read to you section 2522. It is an open season for hunting deer and bear with muzzle-loading firearms. Whether or not you agree that muzzle-loading firearms are indeed appropriate for hunting deer and bear, I believe it is totally inappropriate to what that particular section addresses itself to. What it says is this. "There shall be an annual open season during the six days excluding Sunday prior to the opening of the season on deer in any area of the state open to the hunting of deer for the purposes of hunting deer and bear with muzzle-loading firearms only." What this bill does, and maybe I am wrong and if I am, I would stand corrected, is it extends the hunting season in this state an additional week. To me, that is a pretty big deal. It is an entirely different issue than muzzle-loading firearms and so on and so forth. I would just caution this House very carefully before voting on that to take a look at the bill.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the gentlelady from Bridgton, Mrs. Tarr.

There seems to be some disagreement of the rapidity with which one can reload a muzzle loader and knowing very well that she is the resident expert on that, I would like to know if that 20 seconds is accurate.

The SPEAKER pro tem: The Gentleman from Old Town, Mr. Pearson, has posed a question through the Chair to the gentlewoman from Bridgton, Mrs. Tarr.

The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, Men and Women of the House: I have been getting notes all morning on this muzzle loading. It is not my bill and it was not two years ago but I was asked to support it. I was asked to support it again this year, but I was just going to sit here real quiet and not say anything. But if I am going to get drawn in, I am going to get drawn in all over.

Two years ago, when this bill came before us, I was asked to support it and I didn't know much about muzzle loading. In fact, I really didn't know what it was. So I said I would go out with the muzzle loading guys and they could show me what it was all about and then when I got back on the floor of the House, I could explain just what is involved in muzzle loading. So I did go out with a hunter. He showed me how to load the gun. You have to take your powder, it is all pre-measured ahead of time and you put in your powder in that muzzle loading rifle and underneath the rifle there was a plunger thing, you just plunge the powder right into the barrel. This hunter I was with had all kinds of little things in his pockets and everything was all pre-measured. Then you use a little mini ball and they grease those. I think he used Crisco or something and it slid in the barrel easier. Then after you go all through that, you have a percussion cap. You pull the hammer back and you put that percussion cap on. With any kind of luck at all, I guess you are ready to shoot. I had a target and I shot the thing. I tell you, after the smoke cleared, all the twigs had fallen off the tree, so I didn't hit the target. There is a lot more to this muzzle loading than meets the eye. I never could reload in 20 seconds and these hunters were real good sportsmen. They enjoy the sport. You get one shot off at a deer and you miss, you have had it because it would take 20

minutes to reload. Some of them might be faster than that but I certainly could not.

I am going to support the bill. You can do what you want.

The guy that I went out hunting with last time around had his house broken into and they stole all his muzzle loaders so I have not heard from him again this year. I would say you can't reload in 20 seconds, Mr. Pearson.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: We had this muzzle loading bill before the Fish and Game two years back. During the time they were taking testimony then, this turned into being something other than just an antique weapon. The testimony was given there that these muzzle loading rifles were now being made by fine precision manufacturers and they range in price from \$3,500 up as high as \$5,500 to \$6,000. When you start doing a thing like this, you are getting into special privilege class.

My reason for signing this "Ought Not to Pass" is the fact that this is an elite group that is organized in the different states to have their own special season to go hunting. I do not think it is fair to the average person who can only afford a cheap rifle and buy his license and take his chances to open up the woods before the hunting season really starts and turn these people loose with these muzzle loading guns because it is not fair to the majority of the people that are supporting our Department of Fish and Game.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I have got to correct a couple of things here. You can buy a muzzle loader at the Value House for about \$100. I have built a couple from kits and also from other things and you can build them very cheaply. Basically, you are talking a hollow tube with a plug in one end and some way to set off the powder that you are pouring in there. I do not think it is an elite sport by any means. Maybe elite in the knowledge and the ballistics you have to learn and things like this. But certainly, as far as cost goes, it is not elite. You can obviously buy a gun, have a custom gunsmith make it for you, have it engraved and spend a lot of money but if you just want a muzzle loader, you can get them for under \$100 now, certainly for \$100 and you can get a very fine one for about maybe \$235 or you could build one and if you built one from a kit, I think it would be anywhere from \$60 up.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: All this bill does is give a privileged few an extra six days of hunting. That is the reason that I signed it "Ought Not to Pass." I have got a suggestion, if you decide to pass the bill, restrict it to moose hunting only.

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

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I was delighted this morning when Representative Tarr stood up. I was delighted to know this morning that she is not in labor.

I would like to make one more remark. I already made the remark once but I would like to make the same remark again. This may be a conservation measure. I made the remark once and I will make it again. There is so much noise and smoke involved that when these gentlemen start firing, believe me, the deer are going to be scarce the next week, so it may be a good conservation measure.

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

Mr. SILSBY: Mr. Speaker, I would like to pose a question through the Chair if I may to any member of the Fisheries and Wildlife Committee. I was looking over the statute that we passed recently, earlier in the session, on the open deer season for Maine residents. That provides the Saturday preceding the deer season shall be for Maine residents only. When I look at this L.D., it provides an open season during the six days, excluding Sunday, prior to the opening of the season on deer. There appears to be a conflict. I am wondering whether or not under this L.D. a non-resident muzzle loader might be able to come in and hunt on that first Saturday?

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

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

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Old Town, Mr. Gould.

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I just want to tell you about the guy who went in a bar telling the bartender about being out hunting with his muzzle loader. He saw a bear and the bear started to run. He said "I chased him about a hundred yards and he went over a stone wall. As he was going over the wall, I shot him in the yours". The bartender said "what's yours?". He said "give me a beer."

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: As the prime sponsor of this bill, I suppose I should say just a few words on my own bill. I was asked to sponsor this bill by a sportsman's club down in my area. I can assure you that they would not be considered an elite group.

Since introducing this bill, I have received a number of letters and correspondence from around the state in support of this bill. L. D. 1801, if enacted, would permit a six day deer season for muzzle-loading firearms. This season would be prior to the regular annual open season for conventional firearms. The proposed fee for this special license is \$5 for Maine residents and \$15 for non-residents. The hunter would also have to possess a regular Maine hunting license.

If the hunter bags the deer or bear with the muzzle loader, he is precluded from further hunting during that year. If he is unsuccessful during the six-day season, then he can hunt the remainder of the regular season.

In recent years, there has been a significant growth in the use of muzzle-loading firearms. A number of states have primitive weapon hunting seasons. However, efforts here in Maine have failed. New Hampshire has had a muzzle-loading season for 16 years and it appears to be working successfully.

Opponents are going to tell you that this bill is merely a scheme to squeeze in another six days of hunting, that they can hunt during the regular season with muzzle loaders if they want to, but if you stop and think about it, you will realize there is quite a difference between the high powered automatic or semi-automatic rifles and the primitive muzzle-loading weapon. With the primitive weapon, as it has already been

pointed out, they only get one shot. This adds more sportsmanship to hunting wild game. According to one hunter who testified before the committee, the odds are better with a bow and arrow, simply because there is no noise to startle the game and you can stand there and get several shots unless the game sees you.

It is not going to create any burden on the deer herds in this state. It would still be only one deer per hunter. If the hunter bags the deer during the muzzle-loading season, as I mentioned before, he is precluded from hunting during the regular season.

New Hampshire has seen fit to continue their primitive weapon season for 16 years, I do not see why Maine cannot do the same. The department could use the extra money and the special licenses would bring in additional fees, so I would urge you to vote against the majority report and support the minority "Ought to Pass."

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote for the Majority "Ought Not to Pass" for a couple of reasons, the biggest reason is that I honestly do not think that the deer herd in this state can stand another six days' hunting. As far as being that one-shot deal, I think most of the hunters will agree that one shot in an automatic rifle is always the best shot. I have never shot many deer with the second shot, it was always on the first one. These guns are very accurate weapons.

The SPEAKER pro tem: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the cosponsors of this bill because I, too, had a constituent who was very interested in this form of sport. Prior to our presentation of this bill, the sponsor and cosponsors went down to the commissioner's office and through some talk with them, tried to allay their concerns because their concerns were that this was going to be before the regular hunting season. At the time of presentation, we suggested to the committee that if the concern was that this was going to deplete the deer herd for the conventional hunter or in any way give an unfair advantage, we would be happy to have this placed at the commissioner's discretion, which would be either half before, half after the regular season or at the end of the regular season, because my particular constituent would be very happy, indeed, to have it at the end of the regular season, which would not, in fact, deplete the deer season.

This is what I had hoped would come out when I saw the new draft of the bill, because I felt that we might encompass this discussion here today. Unfortunately, we have not and I would ask you to let us give it the first reading and if this House is thus inclined, I would be happy to amend it to give the commissioner discretionary powers as to the season so we would not deplete the deer herd in favor of a special group nor would we try to give them favors over some other groups but would in fact give these people the same as we have in the past given the bow and arrow hunters, a special hunting season for their special weapons.

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I am also cosponsor of this bill and I was asked by several muzzle loaders down through my district if I would do this, so I have put it in and, as the previous speakers said, we have been in contact with the commissioner and possibly we could amend this

and let the commissioner take it on the last end of the season or split it up or whatever.

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

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: I have to answer the good gentleman from Blue Hill. In reference to the bow and arrow hunting season, this is a completely different ball game. The method of stalking and chasing and trying to shoot a deer with a bow and arrow is quite a complicated thing. The reason for the season is that they cannot stalk them when there are rifles going off. The muzzle loaders, on the other hand, can go out and hunt right alongside someone with a rifle. I do not think they deserve a special privilege. They can hunt during the regular season.

The SPEAKER pro tem: A roll call has been ordered. The pending question is on the motion of the gentleman from West Gardiner, Mr. Dow, that the Majority "Ought Not to Pass" Report be accepted. Those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Benoit, Berry, Berube, Biron, Boudreau, P.; Brenerman, Brown, K. C.; Burns, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cox, Curran, Davies, Diamond, Dow, Elias, Fenlason, Gillis, Goodwin, K.; Green, Hall, Howe, Huber, Hughes, Hunter, Jacques, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Lizotte, Lougee, Lynch, MacEachern, Mahany, Martin, A.; Maxwell, McBreairey, McHenry, McKean, McPherson, Mills, Mitchell, Peltier, Peterson, Plourde, Post, Quinn, Rideout, Sprowl, Stover, Stubbs, Theriault, Tierney, Torrey, Tozier, Trafton, Wilfong.

NAY — Aloupis, Ault, Bagley, Bennett, Blodgett, Boudreau, A.; Brown, K. L.; Bunker, Carter, F.; Churchill, Connors, Cote, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Durgin, Dutremble, Flanagan, Garsoe, Gauthier, Gill, Goodwin, H.; Gould, Gray, Greenlaw, Henderson, Hickey, Higgins, Hobbs, Hutchings, Immonen, Jackson, Kane, LeBlanc, Lewis, Littlefield, Locke, Lunt, Mackel, Marshall, Masterman, Moody, Nadeau, Nelson, N.; Norris, Palmer, Pearson, Perkins, Prescott, Raymond, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Tarbell, Tarr, Teague, Truman, Twitchell, Tyndale, Valentine, Whittemore, Wood, Wyman, the Speaker.

ABSENT — Austin, Beaulieu, Birt, Bustin, Carey, Fowle, Jalbert, Laffin, LaPlante, Masterton, McMahon, Morton, Najarian, Nelson, M.; Peakes, Strout, Talbot.

Yes, 65; No, 68; Absent, 18.

The SPEAKER pro tem: Sixty-five having voted in the affirmative and sixty-eight in the negative, with eighteen being absent, the motion does not prevail.

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

Mr. PEARSON: Mr. Speaker, having voted on the prevailing side, I now ask for reconsideration and ask that you vote with me so I may speak on the motion.

The SPEAKER pro tem: The gentleman from Old Town, Mr. Pearson, having voted on the prevailing side, moves that the House reconsider its action whereby it failed to accept the Majority "Ought Not to Pass" Report.

The gentleman may proceed.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that this distresses the Speaker, but it distresses me also because the situation is this and I am not sure that everybody is cognizant of it and I want to be sure of it. If you have a muzzle loader, you can hunt now while everybody else hunts. What this is asking for is a special privilege to have the pick of the crop in a season six days prior to

everybody else hunting with muzzle loaders. You are extending the hunting season for another week. You are allowing people to be able to buy firearms which we have heard can be purchased for \$100, which is a pretty cheap price for a firearm. A longer season, more deer killed, it is a bad bill.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will reconsider, because if this bill goes as it is, as Mr. Pearson has said, you will extend the season and possibly shorten the regular hunting season. I do not think the herd will stand the kill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I would reiterate again, if we let this bill go through first reading, I would be most happy to see that this bill does not extend the season nor deplete the deer herd. With your acceptance of an amendment which would let the commissioner have the discretion of when this season shall be applied so that it will not affect the deer herd, because it is my understanding and I stand to be corrected that the commissioner has the discretionary powers, if he sees the deer herd being depleted, to shorten the season. It is not the intention of the muzzle-loading people to shorten the season for the conventional hunter. Therefore, we are willing to take our chances with the others and let it be at the discretion of the commissioner.

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

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: I can see if you pass this bill a boom in the sale of muzzle-loading rifles. Every Tom, Dick and Harry, whether he is 15 years old or 100 is going to buy a muzzle loader and go out in the woods and start shooting. I see a very dangerous situation developing. I would like you to think very strongly before you pass this bill.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: If you remember, not long ago we passed a bill which passed this House and the other body and was signed by the Governor and will be a law this coming fall which will allow the residents of Maine to have the Saturday preceding the regular hunting season to be open to Maine residents only. The Commissioner of Inland Fisheries and Wildlife is very concerned about that bill. He says that pending the reports of his game biologists around the state that he is going to consider making the season a little shorter on the end perhaps and maybe even on the beginning. He is teetering right on the verge of that decision. I think that if you put the muzzle loader in here with the extra six days before the hunting season, what is going to end up is, you are going to have a shorter season for the regular hunter. I do not say that loosely, because I have had several conversations with the commissioner and he is concerned and he was a little upset with the actions of the Fisheries and Wildlife Committee, the other body and the man on the second floor.

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

Mr. GREEN: Mr. Speaker, Ladies and Gentlemen of the House: I would just draw your attention again to L. D. 1801, which is the new draft of this particular bill. The Statement of

Fact says, "The purpose of this new draft is to revise portions of the bill by inserting firearms in place of rifles" — fine — "establishing the length of the barrel" — fine — "removing references to birds and upland game and fur-bearing animals" — fine, that is it. There is nothing in the Statement of Fact which says they are extending the season on deer and bear by six days. If they are so concerned and so intent upon extending the season by six days, why is it not reflected in the Statement of Fact? Keep that in mind when you vote for reconsideration. They are extending the hunting season in this state six days. I, for one, am not convinced that that is totally justified from the debate that has taken place this morning. It has been clearly pointed out by members of their own committee who have traditionally supported bills dealing with hunting and they are not convinced. I would please ask this House to take that into consideration and please vote for reconsideration.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been around for three sessions that I know of. There is nothing the matter with the bill. The people that oppose this are the archers. We offer a special season for the archers, a whole month, mind you. They are asking for six days and this will probably interrupt the archers' season for six days. They are very accurate rifles and it is a fine group of people that hunt with these muzzle loaders. The bill at one time only called for 35 caliber and I believe now it has to be a maximum of 50 caliber, which is very effective on game, especially deer. These people deserve a special season just the same as the archers in the state. The muzzle loaders are becoming well organized and it should be an added revenue for the Fish and Game Department. I hope you will not reconsider this bill.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: There are several people in my district also who are interested in the sport of hunting with muzzle-loading firearms. Generally speaking, the type of person is a sportsman. He is probably training hunting dogs for other areas. Generally they belong to the sportsmen's clubs and local sport associations. They have to do quite a bit of studying on how to load these firearms properly and they are very accurate. As a matter of fact, I have fired a muzzle loader at a swinging string and I hit it, and I am not a sportsman at all, I am not a hunter at all.

It has been alluded to the fact that we already have a special season for a particular sport, the bow and arrow sport. I think that is a good idea. I concur that it is a good idea that we give the muzzle loaders, another particular sport, have them have their season.

I think we have given this good consideration this morning. If you want to consider it further, you will have the opportunity to consider this bill further as we debate the amendments which will be proposed to have the season at a time when it would not be in conflict with the current hunting season and so forth. I think we have given this enough consideration today. Let's consider it in the next few days as this bill goes on its way with the "ought to pass" report. Let's give it consideration then. Let's stop considering it today. Let's vote against reconsideration right now.

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

Mr. QUINN: Mr. Speaker, Members of the House: Speaking as a Representative from District 30 and on a subject which I normally

never address; not being either a hunter or fisherman, I normally leave this kind of thing to those who have great interest in the area. But this is a very simple, clear-cut, straightforward thing. It is a privilege to go out and kill deer for an extra six days for a group of people who have an unusual hobby. I admire hobbyists, I think they are fine, they contribute, they occupy themselves gainfully, they are not on the streets causing difficulty and I think that is fine, but if they wish to shoot deer and they wish to shoot with muzzle loaders, then they can go out and shoot deer with muzzle loaders when everybody else is shooting with machine guns or whatever they use. I don't think it is necessary to give six more days. It will have serious ramifications on our deer herd and it most certainly is legislation for privileged groups.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Old Town, Mr. Pearson, that the House reconsider its action whereby it failed to accept the Majority "Ought Not to Pass" Report. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Perkins of Blue Hill 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 pending question is on the motion of the gentleman from Old Town, Mr. Pearson, that the House reconsider its action whereby it failed to accept the Majority "Ought Not to Pass" Report. All those in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Berry, Berube, Biron, Birt, Blodgett, Brennerman, Brown, K. C.; Burns, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Clark, Connolly, Cox, Curran, Davies, Devoe, Diamond, Dow, Durgin, Dutremble, Elias, Gillis, Goodwin, K.; Green, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Hunter, Jacques, Jensen, Kany, Kelleher, Kerry, Kilcoyne, Lizotte, Locke, Lougee, Lynch, MacEachern, Mahany, Martin, A.; Maxwell, McBrearty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Nadeau, Najarian, Pearson, Peterson, Post, Quinn, Rideout, Sprowl, Stover, Stubbs, Theriault, Tierney, Torrey, Tozier, Trafton, Whittemore, Wilfong, Wood, Wyman.

NAY — Aloupis, Ault, Austin, Bagley, Bennett, Boudreau, P.; Brown, K. L.; Bunker, Churchill, Connors, Cote, Cunningham, Dexter, Drinkwater, Dudley, Garsoe, Gauthier, Gill, Goodwin, H.; Gray, Greenlaw, Higgins, Huber, Hutchings, Immonen, Jackson, Kane, Laffin, Lewis, Littlefield, Lunt, Mackel, Marshall, Masterman, Masterton, Moody, Nelson, N.; Norris, Palmer, Perkins, Plourde, Prescott, Raymond, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Tarbell, Tarr, Truman, Twitchell, Tyndale, Valentine.

ABSENT — Beaulieu, Benoit, Boudreau, A.; Bustin, Carey, Fenlason, Flanagan, Fowlie, Gould, Jalbert, Joyce, LaPlante, LeBlanc, Morton, Nelson, M.; Peakes, Peltier, Strout, Talbot, Teague, the Speaker.

Yes, 75; No, 55; Absent, 21.

The SPEAKER pro tem: Seventy-five having voted in the affirmative and fifty-five in the negative, with twenty-one being absent, the motion does prevail.

Thereupon, on motion of Mr. Dow of West Gardiner, the Majority "Ought Not to Pass"

Report was accepted and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-400) on Bill "An Act to Provide for Visitation Rights for Grandparents of Children Involved in Divorce or Custody Proceedings" (H. P. 704) (L. D. 885)

Report was signed by the following members:

Messrs. CURTIS of Penobscot  
COLLINS of Knox

— of the Senate.

Messrs. TARBELL of Bangor  
NORRIS of Brewer  
BENNETT of Caribou  
GAUTHIER of Sanford  
Mrs. BYERS of Newcastle  
Messrs. HOBBS of Saco  
HUGHES of Auburn  
SPENCER of Standish  
HENDERSON of Bangor

— 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. MANGAN of Androscoggin

— of the Senate.

Mr. DEVOE of Orono

— of the House.

Reports were read.

Mr. Spencer of Standish moved that the Majority "Ought to Pass" Report be accepted.

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

Mr. DEVOE: Mr. Speaker and Members of the House: I would move that the House accept the Minority "Ought Not to Pass" Report.

The SPEAKER pro tem: The Chair will order a vote. The pending question is on the motion of the gentleman from Standish, Mr. Spencer, that the Majority "Ought to pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

62 having voted in the affirmative and 12 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-400) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought to Pass" on Bill "An Act to Amend the Method of Collecting Municipal Costs in the Abatement of Malfunctioning Domestic Sewage Disposal Units" (H. P. 1023) (L. D. 1557)

Report was signed by the following members:

Messrs. TROTZKY of Penobscot  
REDMOND of Somerset

— of the Senate.

Messrs. BLODGETT of Waldo  
HALL of Sangerville  
Mrs. HUBER of Falmouth  
Mr. DEXTER of Kingfield  
Ms. BENOIT of South Portland  
Messrs. HUNTER of Benton  
WILFONG of Stow  
GREEN of Auburn  
Miss BROWN of Bethel

— of the House.

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

Report was signed by the following member:

Mr. O'LEARY of Oxford

— of the Senate.

Reports were read.

Mr. Blodgett of Waldoboro moved that the Majority "Ought to Pass" Report be accepted. The SPEAKER pro tem: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Members of the House: I really have no objection to this bill, but I just don't understand it. I wonder if someone would explain it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: This bill simply allows the municipality, if it adopts by ordinance the privilege of being able to have septic systems, malfunctioning septic systems repaired and the pay back by the homeowner be spread over a ten-year period rather than a one-year period, which is necessitated by the present law. It allows a little more flexibility by the municipality if that municipality adopts it. It is completely up to the municipality to do so.

Thereupon, the Majority "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. 122) (L. D. 155) Bill "An Act Concerning the Practical Training of Electricians" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-406)

(H. P. 781) (L. D. 934) Bill "An Act to Authorize an Archeologist for the Maine Historic Preservation Commission" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-404)

(H. P. 134) (L. D. 171) Bill "An Act Concerning the Membership of the Standardization Committee" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-405)

(S. P. 446) (L. D. 1551) Bill "An Act to Implement a 'Product of Maine' Designation" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-153)

(H. P. 726) (L. D. 846) RESOLVE, to Convey Land from the State of Maine to Clarence E. Nichols — Committee on State Government reporting "Ought to Pass"

(H. P. 47) (L. D. 68) Bill "An Act to Authorize the Town of Beals to Withdraw from the Moosabec Community School District" (Emergency) — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-407)

(H. P. 1348) (L. D. 1651) Bill "An Act to Permit State Aid to be Distributed to the Unit or School which the Student Attends" (Emergency) — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-409)

(H. P. 907) (L. D. 1106) Bill "An Act Concerning the per Pupil Cost of a School Administrative Unit Losing More than 33% of its Enrollment between June and September" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-410)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 26, 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. 970) (L. D. 1167) Bill "An Act Authoriz-

ing School Administrative Units to Charge a Driver Education Course Fee during the School Year" (C. "A" H-395)

(H. P. 763) (L. D. 931) Bill "An Act to Amend the Benefit Financing Provisions of the Employment Security Law" (Emergency)

(H. P. 1540) (L. D. 1770) Bill "An Act to Amend the Charter for the Maine Institution for the Blind" (Emergency)

(H. P. 237) (L. D. 300) Bill "An Act Relating to Expenditures of Municipalities for General Assistance" (C. "A" H-393)

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

(H. P. 1393) (L. D. 1636) Bill "An Act to Provide for Legislative Review of Federal Grant Applications by State Agencies" (C. "A" H-392)

On the objection of Mrs. Berube of Lewiston, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-392) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 848) (L. D. 1039) Bill "An Act to Permit Municipalities to Renew Motor Truck Registrations" (C. "A" H-397)

(H. P. 1221) (L. D. 1448) Bill "An Act to Establish a Sign on the Maine Turnpike Showing the Exit for Coastal Maine" (C. "A" H-396)

(H. P. 1369) (L. D. 1594) Bill "An Act Relating to Use of Criminal Records in Occupational Licensing"

(H. P. 1282) (L. D. 1518) Bill "An Act to Permit Local Plumbing Inspectors to Approve Repairs to Existing Septic Systems"

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

#### Passed to Be Engrossed

Bill "An Act Concerning Insurance Coverage for Deaf, Mentally Retarded, Blind and Developmentally Disabled Persons" (S. P. 507) (L. D. 1792)

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

Bill "An Act to Clarify the Role of the Department of Educational and Cultural Services Relating to Local School Systems" (H. P. 1586) (L. D. 1799)

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

Mr. Lynch of Livermore Falls offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-412) was read by the Clerk and adopted.

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

Bill "An Act to Standardize Some of the Procedures and Statutes Administered by the Department of Environmental Protection" (H. P. 1588) (L. D. 1800)

Bill "An Act to Exempt Public Libraries from the Sales Tax" (H. P. 1052) (L. D. 1285)

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

#### Amended Bills

Bill "An Act to Clarify and Reform the Laws Relating to County Law Enforcement" (H. P. 214) (L. D. 224) (C. "A" H-387)

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

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

House Amendment "A" (H-416) was read by the Clerk.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is purely a technical amendment. I just wanted to assure people of that fact. It just deletes reference to clerks of courts which is now irrelevant and replaces that with county commissioners, and that is where the filing of the names of the deputies lies.

Thereupon, House Amendment "A" was adopted.

On motion of Mrs. Post of Owls Head, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-415) was read by the Clerk.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: This particular amendment defines the mechanism under which a county may provide ambulance service. If they desire to provide ambulance service to only a part of the county under a municipal-county contract, then it specifies that county tax funds not be used for that purpose. That is that all of the county would not be paying tax monies to subsidize an ambulance service which is provided under a contract perhaps to only one or two communities, and it also specifies that if they are going to provide ambulance to the county with tax funds, then it has to be done to all the county, except those municipalities who request not to be included in the service.

Thereupon, House Amendment "A" to Committee Amendment "A" was 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 and House Amendment "A" and sent up for concurrence.

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair thanks the gentleman from Stonington, Mr. Greenlaw, for acting as Speaker pro tem.

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

#### Second Reader Later Today Assigned

Bill "An Act to Increase the Salaries of the Judiciary" (H. P. 310) (L. D. 401) (C. "A" H-379)

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

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

Mr. CARRIER: Mr. Speaker, I move this be tabled for one day.

Whereupon, Mr. Tierney of Lisbon Falls requested a vote on the tabling motion.

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

A vote of the House was taken.

12 having voted in the affirmative and 56 having voted in the negative, the motion did not prevail.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Carrier, Mr.



Gauthier and myself are trying to work out an amendment. I think if Mr. Carrier had indicated that to the House, you might have extended that courtesy to him. I would ask that some kind member table this now for two days so that we can present an amendment to this body dealing with this issue.

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

Mr. CARRIER: Mr. Speaker, I move that this be tabled for two days.

Whereupon, Ms. Goodwin of Bath requested a division.

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

A vote of the House was taken.

Whereupon, Mr. Kelleher of Bangor requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that this matter be tabled for two legislative days pending passage to be engrossed. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Austin, Bagley, Berube, Biron, Boudreau, P. Brown, K. L.; Bunker, Carey, Carrier, Carroll, Carter, D.; Churchill, Connors, Connolly, Cox, Cunningham, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Garsoe, Gauthier, Gray, Green, Hall, Hickey, Higgins, Hunter, Jackson, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Littlefield, Lizotte, MacEachern, Mackel, Martin, A.; Masterman, McHenry, McKean, McMahon, McPherson, Mills, Moody, Nadeau, Nelson, N.; Prescott, Quinn, Raymond, Rideout, Shute, Stubbs, Tarr, Teague, Torrey, Twitchell, Tyn-dale.

NAY — Aloupis, Bachrach, Bennett, Benoit, Berry, Birt, Boudreau, A.; Brennerman, Brown, K. C.; Burns, Bustin, Carter, F.; Chonko, Clark, Curran, Davies, Devoe, Elias, Fenlason, Fowle, Gill, Gillis, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hobbins, Howe, Huber, Hughes, Hutchings, Jacques, Jensen, LeBlanc, Lewis, Locke, Lougee, Lunt, Lynch, Marshall, Masterton, Maxwell, McBairty, Morton, Nelson, M.; Norris, Palmer, Pearson, Plourde, Post, Sewall, Silsby, Spencer, Sprowl, Theriault, Tierney, Trafton, Truman, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Beaulieu, Blodgett, Cote, Dudley, Flanagan, Gould, Immonen, Jalbert, Joyce, LaPlante, Mahany, Mitchell, Najarian, Peakes, Peltier, Perkins, Peterson, Rollins, Smith, Stover, Strout, Talbot, Tarbell, Tozier.

Yes, 63; No, 64; Absent, 24.

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

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak to the bill. I reserved my speech yesterday over some difficulty. The first difficulty that I had to overcome was the unanimous recommendation of the Appropriations Committee. There is in my mind no more able group and conscience group and hard working group of people in this legislature than those 13 people on that committee. And when those 13 people on that committee recommend something to me unanimously,

then I take exception to it under only the most grave of circumstances, but I am forced to.

The second objection I had to overcome in my own mind and heart on the matter was the position of my two leaders, both of whom I respect tremendously. In fact, I pledged at the time I campaigned for this position that I would be loyal to Mr. Martin as leader of my party, the acknowledged leader, in all party matters. So the question came to my mind, is this a party matter? It had never been raised in caucus; therefore, it obviously was not a party matter.

My other leader displayed his unusual forensic talents in oratory, and when I first heard it outside on the speakers, I thought we must have a party issue because he rises normally to defend the poor and the oppressed people and the workingman, and I came in.

The third thing I had to overcome was the fact that I agree with the Appropriations Committee, I agree with my two leaders and I agree with the fact that our judges do need a raise. To get me on my feet with those three objections is considerable.

I went home last night and I took a question that was used in debate yesterday. We are going to raise these people \$7,000 a year, \$3,500 this year and \$3,500 next if this bill passes. I heard the speech made yesterday that the judge is the best friend the workingman and the common man in the State of Maine has. I thought, well, this has to be a Democratic bill, but I question. We have the guards who work in our institutions that are the lowest paid in the United States. I have seen no bills to raise their pay. The University of Maine faculty is either 49th or 50th, depending on how you read this year's statistics in their pay — I have seen no bill coming out of Appropriations unanimously to raise their pay, or state workers, some of whom are below welfare rates, which was pointed out yesterday, I have seen no bill for them.

I wonder if this is really the first of the priorities that I as a Democrat should address, and after the speeches yesterday, I am willing to say yes, I do think that it is sufficiently grave, the condition of our judiciary, that they do need a raise, and I am for a raise. My objection is the \$7,000.

I took the question, the statement compounded with the question, and the statement was, it is said that the judges are the best friend the workingman has. We propose in Augusta tomorrow to raise their pay \$7,000 a year, all 40-odd of them. How do you like this? I identified six people in my district, four men and two women, who were working class people, and they agreed to that description. I would like to read to you the results of a poll.

The first person said, with friends like them, who needs enemies? I put that down as biased. The second retort was, you have got to be kidding? The third one was, you want a punch in the nose? The fourth one was, who did you say belonged to this idea? The fifth one broke into tears and the sixth one said, oh, my God! So I have classed that as three no, one in favor and two undecided. Having put that to the Falmouth testing group, which predicted Mr. Mitchell's win, I still can't come up with the fact that the working people in my district are remotely interested in the \$7,000 raise. The figure is distasteful, the figure is almost indecent, it is more than we pay school teachers for an entire year's wage.

The argument has been made that our judiciary is in dire straits, it is rapidly falling apart. The quality of the people filling the jobs is rapidly falling down. In personal argument last night, a man whose opinion I respect, said this was true, so I asked six brother attorneys yesterday afternoon and last night, and all six of them feel that the quality of the judiciary in the State of Maine in the last two and a fraction years has been good and that the appointments

made and importantly the people accepting those appointments have been by and large of higher caliber than we have experienced in the past. So while there is, if you will accept this argument, certainly a grave problem in the judiciary, I do not think that that problem is sufficiently grave, as evidenced by the quality of the people we are getting to serve, that we need to give them this huge \$7,000 raise all at once.

I think that the House should seriously consider offering them a raise of something on the order of 10 percent a year for the next three years. That would raise them nearly the \$7,000 we are talking about now. It would do it gradually, it would do it reasonably, it will allow us a little bit of money to play with. One gentleman said yesterday that this \$300,000 or \$400,000 wouldn't make much difference to the elderly, but as I say to my wife when she makes her budget, \$300,000 here, \$300,000 there, it makes a difference when you balance your checkbook.

I would submit that we should make this a lesser, more reasonable, more graduated raise, and I do feel that we should consider tabling. We can no longer table for one day or for two days because we have been procedurally defeated, but we could certainly table this until later today, offer an amendment of the order I have suggested and let's have a vote. It is that simple. If we don't want it, I shall cease and be forever quiet, but I don't think people should be afraid of that kind of option. I would urge that someone would consider tabling until later today.

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

Mr. TIERNEY: Mr. Speaker, I would like to pose a question through the Chair to my good friend and seatmate, the gentleman from Gorham, Mr. Quinn. If he would have us to believe that he does indeed favor a judicial pay increase, I would like to ask the good gentleman why he voted to indefinitely postpone the entire bill yesterday morning?

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, has posed a question through the Chair to the gentleman from Gorham, Mr. Quinn, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. QUINN: Mr. Speaker and Members of the House: I voted to indefinitely postpone the bill to clearly indicate to everybody that I opposed the kind of thing that was occurring yesterday and the kind of thing that was just attempted today.

If this bill passes this House today, it goes down the hall, hopefully will pass from the point of view of the proponents. It will then return here and you will then be in a position of having — those of you who are opposed — to try to find one third to keep from the emergency. Whereupon, the emergency can be stripped and you will be faced with the alternative of \$7,000 or nothing. Reluctantly, I probably would vote for that \$7,000 if it came to the nothing, but I would be hurt by it and I think my party and I think my people would be hurt by it. Appearance, as I said the other day, is very frequently reality in this business. I think we should consider the money, and I think my vote yesterday to indefinitely postpone at a stage which did not kill the bill, as my leader very well knows, a vote taken at that stage is not indicative of the final fate of the bill. I did it to indicate clearly to people that this was not a Democratic issue, it was not an issue of the party, it was not something that the caucus had spoken to. When we see our Speaker come off the platform twice, once to save the forests of Maine and once to save the judges, it impresses me, but I simply wanted you to know that I had some reservations.

The SPEAKER: The Chair recognizes the



gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Gorham, Mr. Quinn, objects to the \$7,000 figure, and he quotes a remark that was made yesterday that there are state employees on welfare wages, or below the welfare level, or below the poverty level. This may be true, I am not aware of it, but I am sure it is not the perception of the people of the State of Maine who are paying the taxes to pay those salaries. There are many people who are living out there in the State of Maine who are paying the wages of state workers and they do not perceive that state workers are at the poverty level. Be that as it may, I am very surprised this morning to find the gentleman from Gorham, who speaks very astutely, falling into the trap of comparing wages. He mentioned school teachers. Does anyone here feel that school teachers are trained, have the experience to assume the responsibility of judges at the Supreme Judicial Court of the State of Maine or the Superior Court or the District Court? I think not.

You can compare their salaries with any other job that you wish to in the State of Maine, and when you compare it, there are very few that are even higher than this, but no one in this whole debate, long and arduous yesterday, starting up here again today, has indicated that these people can be duplicated anywhere else in state government for the responsibilities that they have to assume.

The \$7,000 figure stands up, ladies and gentlemen of the House, because we have so long neglected these people, inflation has passed them by. There is nothing immoral or obscene about recognizing a fact, and the fact is that our judges are not properly paid, they should be properly paid; it is an issue of fairness, ladies and gentlemen. I urge you to support this and I would remind the gentleman that the Appropriations Committee, for which he has given so much appropriation, did not put this through at \$7,000, we did cut it to one half for the first year of the biennium and only reached the \$7,000 figure in the second year. There was a compromise for some members on the committee, but they felt that for many of the reasons that the gentleman from Gorham spoke about, this was an expedient way to go.

I certainly trust that you will not do the unfair thing today and do anything to jeopardize this bill.

Thereupon, on motion of Mr. Biron of Lewiston, tabled pending passage to be engrossed and later today assigned.

#### Passed to Be Enacted Emergency Measure

An Act to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Year Ending June 30, 1978. (S. P. 105) (L. D. 234) (C "A" S-145)

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

#### Emergency Measure Failed of Enactment

An Act to Clarify Vocational Education Reimbursement in Vocational Centers and Vocational Regions (H. P. 98) (L. D. 122) (H "C" H-328; S "A" S-151)

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would just pose a couple of questions on this before we vote. I

would ask a person from the Education Committee if this is a bill that deals with the \$18 per pupil reimbursement on basic allocation that at one time we were trying to remove and then place into the actual classification of vocational reimbursement? The other question I have is the dollar cost, if there is any to this bill, perhaps not this year but in subsequent years?

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

Mr. LYNCH: Mr. Speaker and Members of the House: House Amendment "C" removes that \$18 figure. It makes the bill effective for cost reporting purposes only on July 1 of 1977; for subsidy purposes on July 1, 1978. This allows the next session of the legislature to address the funding properly.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: The \$18 was, in fact, removed for this year. What it means for next year is that vocational costs for subsidy purposes shall include all costs incurred by the vocational region. That is a substantial change in policy, and what we are doing again is changing a law to take effect next year so that we don't have to worry about the cost this year.

As I said when we discussed this issue previously, I see no justification for saying that if a school, when it provides a regular education, it pays a regular share of lights, janitorial services, that somehow there is something special and something different when an education is provided in a vocational center and then the state is all of a sudden responsible for picking up 90 percent of the cost. I think while in fact you don't have to make the fiscal decision this year, the decision has got to be made by next year and next year you are going to have to decide whether or not to raise extra money or whether or not to cut back on your regular basic allocation and pump some money into your vocational centers.

The SPEAKER: The pending question is on passage to be enacted as an emergency measure. This requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Lynch of Livermore Falls requested a roll call vote.

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

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

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Unless you enact this bill, the only vocational costs that can be included are those unique to the course. You must realize that vocational costs include many items that are not unique and the vocational centers and vocational regions are being operated, their costs are being funded, and they are being paid, and I think if you pass this bill, you identify on your local priorities how the money is to be spent.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I think that certainly what Mr. Lynch says is correct. However, I don't think we should add additional funds to vocational education.

This particular bill changes the definition of vocational education. The definition that is currently used was very deliberately changed during the session of the 107th. It was changed in order to bring under control the growing

costs of the vocational education program.

Now, I should point out to you that the cost per pupil of a vocational education program is roughly twice the cost of that of the typical pupil of the secondary level, so that is a very substantial amount of money going into the program as of right now.

One of the previous amendments indicated that by changing this definition, and this would be the amendment that would have been applied to the next fiscal year, that is fiscal 1978, and of course we did not adopt that amendment, but it did indicate that the cost would be well in excess of a million dollars. So what we are talking about at this point is adding to the cost of education something in excess of a million dollars for fiscal 1979, or it will be taken from the per pupil allocation at the secondary level and transferred to the vocational program.

I think really we should restrain ourselves in regard to this particular program and not pass this bill.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This is a game of semantics. You say that you are adding money to the cost of vocational education. Who is funding vocational education now? These centers and these regions are being operated, the bills are being paid. By redefining the vocational education costs, you are simply putting this in the right perspective. If a center or a region wants a duplicating machine, do you think they can't take it out of their ordinary academic budget and simply put the machine in the vocational area? Let's get things on the table, let's identify actual costs and know where we are going.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: This wording, "costs unique to vocational education," does not include lights, they are not unique, they have to have them lighted. It includes heat, it includes various other items and, the attempt is being made that the vocational education figures, when they are in, will include the actual cost of running the part of the building where that is taken care of as well as supplies and the teachers. It is simply an order of adjusting the costs to the places where those costs occur.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I think this bill is a little bit more than putting things in the right perspective.

Essentially what we are being asked to do is to make a decision now that will lock us into either raising more money next year or reducing the basic educational allocation which goes to all of our schools. I think the time to make the decision on whether we are going to increase the subsidy costs or the basis for subsidy costs in the vocational centers is the time when we are drawing together the budget, that is when we set priorities. Then we can determine at that time whether or not it is worthwhile to give vocational education, say, an extra million dollars or whether that money should more properly go to the basic educational allowance. That is what the education report did when it first came out. This legislature made the decision that they didn't want to do that for this year. Then they came back with this amendment which now takes the price tag off and is saying, we are just sort of making a philosophical decision now and are completely ignoring the fact that it is going to either cost you extra money next year or you are going to have to cut down on cost of the educational subsidies for running your own local schools. The time to make that decision properly is when you have the money figures in front of you for that year.

Mr. Lynch of Livermore Falls was granted permission to speak a third time.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I can see where the opposition is coming from, it is coming from the sending units who are not sending pupils to vocational centers and regions. When you don't send pupils to these centers and regions, you are getting a little extra gravy in your subsidy. You are not contributing toward the cost of vocational education in the state. This does flow some of the money that is actually spent in the centers and regions for vocational education by the sending units.

Mrs. Post of Owls Head was granted permission to speak a third time.

Mrs. POST: Mr. Speaker, Men and Women of the House: Representative Lynch is at least incorrect in one instance. I do represent communities which send students to vocational schools.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. If this bill is enacted, is it true that it would more fairly distribute the costs which are now being paid by someone?

The SPEAKER: The gentlewoman from Waterville, Mrs. Kany, has posed a question through the Chair to anyone who may answer if they so desire.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: That is what I have tried to get across, that the costs are being borne now but they are not being fairly borne.

The SPEAKER: A roll call has been ordered. The pending question before the House is on passage to be enacted as an emergency measure. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bagley, Bennett, Benoit, Berube, Biron, Birt, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cox Cunningham, Curran, Dexter, Diamond, Dow, Dutremble, Elias, Fenlason, Garsoe, Gill, Gillis, Goodwin, K.; Gould, Gray, Hall, Henderson, Hickey, Hobbins, Howe, Hunter, Immonen, Jackson, Jacques, Jensen, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Littlefield, Lizotte, Locke, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreaity, McHenry, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Pearson, Peltier, Plourde, Prescott, Quinn, Rideout, Rollins, Silsby, Smith, Spencer, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Valentine, Whittemore, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Berry, Blodgett, Bunker, Carter, F.; Connors, Davies, Drinkwater, Durgin, Fowlie, Green, Greenlaw, Higgins, Huber, Hutchings, Lougee, Mackel, McKean, McMahon, Moody, Palmer, Perkins, Post, Raymond, Shute, Sprowl, Stover, Strout, Stubbs, Trafton, Tyndale, Wilfong.

ABSENT — Beaulieu, Churchill, Cote, Devoe, Dudley, Flanagan, Gauthier, Goodwin, H.; Hughes, Jalbert, Joyce, LaPlante, LeBlanc, Norris, Peakes, Peterson, Talbot.

Yes, 99; No, 35; Absent, 17.

Yes, 99; No, 35; Absent, 17.

The SPEAKER: Ninety-nine having voted in the affirmative and thirty-five in the negative, with seventeen being absent, and ninety-nine being less than two thirds, the Bill fails of enactment.

Sent up for concurrence.

#### Enactor

#### Indefinitely Postponed

An Act to Prohibit the Sale and Use of Devices for the Detection of Radar (S. P. 147) (L. D. 389) (S "A" S-142 to C "A" S-136)

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

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

Mr. BENNETT: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this bill and all its accompanying papers and I would ask for 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 Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Caribou, Mr. Bennett — what are his objections to the bill? It would seem to me that anyone who would want one of these devices would simply use it to break the law and I would like to know what his objections are to the bill?

The SPEAKER: The gentleman from Waterville, Mr. Boudreau, has posed a question through the Chair to the gentleman from Caribou, Mr. Bennett, who may answer if he so desires. The Chair recognizes that gentleman.

Mr. BENNETT: Mr. Speaker, Ladies and Gentlemen of the House: I am not so sure that I am against the idea of the bill, but I would refer the gentleman to the second paragraph of the bill, that is where my objections are. I don't think it is workable.

It says "The presence of any such prohibitive device or mechanism in or upon a motor vehicle upon the highways of the state shall constitute prima facie evidence of the violation of this section and the state need not prove that the device in question was in operative condition or being operated" and that is the section that I object to.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: I think Mr. Bennett has raised some valid points. I object to the bill on a basic philosophical idea that it is another attempt to use police powers for questionable purposes at best in what are really unenforceable manners to accomplish ends that aren't necessarily the ones we strive for.

Since it was passed so heavily, again, I restricted myself from talking about it but I think the objections raised by Mr. Bennett, we can add to this.

If you were picked up on the highway with one of those in your car even if you are in the process of bringing it home for a Christmas present for your cousin in Des Moines, your car is frozen, you can't move it, you walk home.

Let's take the case of a young aspiring politician, who has worked very hard to be elected to the Maine Legislature, he has knocked on a couple of thousand doors and he is as clean as the houndstooth, he has never even seen a lobbyist, let alone talk to one and he borrows my automobile and he is busted for having a buzzer in his car and it is in the local newspapers and there goes another fine representative for democracy down the tube, for no particular advantage. These things are self-returning radar sets themselves and they don't indicate that the radar is on you until it is on you and their use in an attempt to escape the law is extremely limited at best and if the radar sets are planted

properly, read constantly and used properly by the police, they are practically worthless as a defensive measure.

There is also the consideration that you might possibly get around this law by not using a buzzer device by having an FM radio that switches to AM when the police go on and then we are tied up in the courts again and our district judges are hard put to resolve this particular law we have laid on them. The law is another attempt to increase police power for little advantage and I think that it doesn't offer or is worthy of passage and I think some of the objections to it could prove to be severe.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: If you fail to pass this bill, you might as well take the motors out of all police cars and the speedometers, that is how effective the police will be.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I would suggest that any adult who has a drivers license does not need one of these toys in his vehicle. I think the objections raised so far are the same kinds of objections we had when we were talking about the open bottle law, that someone who is going to be stopped and brought to jail for having a rubbish bag with an empty beer bottle in it with a drop in the bottom, is a very similar kind of argument and I think that any responsible driver need not bother to have one of these little toys to detect whether or not the police has radar in the area or not.

The SPEAKER: The pending question before the House is the motion of the gentleman from Caribou, Mr. Bennett, that L. D. 389 and all its accompanying papers be indefinitely postponed, a roll call having been ordered. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Bennett, Benoit, Berry, Blodgett, Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Carrier, Carter, D.; Carter, F.; Chonko, Clark, Connolly, Davies, Dow, Drinkwater, Dutremble, Gillis, Goodwin, H.; Gray, Green, Hall, Hickey, Hobbins, Howe, Hughes, Hunter, Hutchings, Immonen, Jacques, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, McHenry, McMahon, McPherson, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peterson, Plourde, Post, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Smith, Spencer, Sprowl, Stubbs, Teague, Torrey, Tozier, Trafton, Truman, Twitchell, Tyndale, Valentine, Whittemore, Wilfong, Wyman.

NAY — Berube, Birt, Boudreau, A.; Boudreau, P.; Burns, Carey, Carroll, Cox, Cunningham, Curran, Dexter, Diamond, Durgin, Elias, Fenlason, Fowlie, Garsoe, Gauthier, Gill, Goodwin, K.; Gould, Greenlaw, Henderson, Higgins, Jackson, Jensen, Kane, Kany, Marshall, Martin, A.; Masterman, Masterton, McBreaity, McKean, Morton, Palmer, Pearson, Peltier, Perkins, Silsby, Strout, Tarbell, Tarr, Theriault, Tierney, Wood.

ABSENT — Beaulieu, Biron, Bustin, Churchill, Connors, Cote, Devoe, Dudley, Flanagan, Huber, Jalbert, Joyce, LaPlante, LeBlanc, Littlefield, Locke, Maxwell, Moody, Norris, Peakes, Stover, Talbot.

Yes, 81; No, 47; Absent, 22.

The SPEAKER: Eighty-one having voted in the affirmative and forty-seven in the negative with twenty-two being absent, the motion does prevail.

The Chair recognizes the gentleman from Caribou, Mr. Bennett.

Mr. BENNETT: Mr. Speaker, having voted on the prevailing side I now move reconsidera-

tion and hope you all vote against me.

The SPEAKER: The gentleman from Caribou, Mr. Bennett, having voted on the prevailing side now moves that we reconsider our action whereby this Bill was indefinitely postponed. Those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

#### Passed to Be Enacted

"An Act Relating to Membership on the Maine Council on Alcohol and Drug Abuse Prevention and Treatment" (S. P. 190) (L. D. 587) (C. "A" S-144)

"An Act to Eliminate the Requirements that Registrars View Naturalization Papers of Naturalized Citizens" (S. P. 343) (L. D. 1127)

"An Act to Designate the Arnold Trail Highway" (S. P. 367) (L. D. 1217) (C "A" S-146)

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

##### Tabled and Assigned

An Act Relating to Instruction Posting under the Election Laws (H. P. 454) (L. D. 559) (H "A" H-341)

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

On motion of Mr. Carter of Winslow, tabled pending passage to be enacted and tomorrow assigned.

An Act to Amend the Law Creating the Commission on Governmental Ethics and Election Practices (H. P. 621) (L. D. 762)

An Act Concerning the Powers of the Eagle Lake Water and Sewer District (H. P. 1521) (L. D. 1747) (S "A" S-148)

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.

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands with Brown Company (S. P. 375) (L. D. 1390) (H "A" H-371)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, the Resolve finally passed, 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 to Adjust the Civil Process Fees and Travel Allowances for Deputy Sheriffs" (H. P. 1378) (L. D. 1571)

Tabled — May 23, 1977 by Mr. Henderson of Bangor.

Pending — Adoption of Committee Amendment "A" (H-375)

Mr. Burns of Anson offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-394) was read by the Clerk.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This makes very little difference in the bill itself, it does not change the mileage per diem, the 13 cents a mile will remain there. What I am attempting to do is change it from the figure of 13 cents, which is the current figure paid for state employees, so it would be the same as paid by the state employees, so when we change the mileage for state employees, this also would change.

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

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

and the Bill assigned for second reading tomorrow.

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

Bill, "An Act Relating to the Powers of Plantations and their Organization" (H. P. 1396) (L. D. 1635)

Tabled — May 23, 1977 by Mrs. Post of Owl's Head.

Pending — Passage to be Engrossed

On motion of Mrs. Post of Owl's Head tabled, pending passage to be engrossed and specially assigned for Friday, May 27.

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

Bill, "An Act Concerning Expenses of the Commission on Governmental Ethics and Election Practices" (Emergency) (H. P. 816)) (L. D. 989) — In House, Minority "Ought to Pass"

Report Read and Accepted and the Bill Passed to be Engrossed on May 19. — In Senate, Majority "Ought Not to Pass" Report Read and Accepted.

Tabled — May 24, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of Mrs. Boudreau of Portland to Recede and Concur.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I very reluctantly oppose the good gentlelady from Portland, Mrs. Boudreau but perhaps she might consider withdrawing her motion.

All this bill does is provide a \$25 per diem for members of the Commission on Governmental Ethics and Election Practices. I just don't think we ought to ask anybody to work for absolutely nothing the way these individuals currently are. I think it is a reasonable approach, so I guess I would ask for a division.

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

Mrs. BOUDREAU: Mr. Speaker, I withdraw my motion to recede and concur.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, the House voted to insist.

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

Bill, "An Act Authorizing Municipalities to Create Development Districts" (H. P. 1216) (L. D. 1482) (C. "A" H-377)

Tabled — May 24, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

Mr. MacEachern of Lincoln offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-414) was read by the Clerk.

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I am surprised that this bill got as far as it has without being questioned. It was a bill that was heard before the Local and County Government Committee, and I am not even sure that it was the proper committee to hear it.

In the words of the State Tax Assessor, "L. D. 1482 as drafted appears to be, at best, vague in regard to its impact on the uniform state property tax and the county tax."

I would like to read to you from the Statement of Fact. It says "The purpose of this bill is to authorize municipalities to create development districts. Within these districts which are already developed to a greater or lesser extent, the municipality may construct and operate further facilities to improve the living and economic conditions for the district. These improvements may include improved pedestrian and parking facilities, improved access to shopping and living areas, greater open space and the

provision of other facilities to provide an impetus to other commercial development." This next paragraph is the real sleeper. "To accomplish these goals, the municipality may retain all property taxes derived from the added property value created by the developments to be applied against the development cost."

Because of the bill's title, the State Tax Assessor's Office did not identify this as having an effect on property tax, and nobody from his office attended the hearing. So I went to his office with a number of questions, and in response to a question, and in his words again, "we are unable to understand how the statute as drafted would operate without causing shortages in the county and uniform state property tax for education."

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

Mr. HENDERSON: Mr. Speaker, a point of order. That is, the pending question is the adoption of the House Amendment which Representative Gray may or may not know eliminates the impact on the state property tax and county tax. He may know that, but if not, I thought I would point that out.

The SPEAKER: The House Amendment does deal with the same thing as the bill, so the gentleman is in order.

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

Mr. GRAY: Mr. Speaker and Members of the House: I would just add before I continue that I did read the amendment, and it is just as vague as the bill, and I really can't see where the amendment has corrected what I consider the problem with the bill.

I will continue that the solution the State Tax Assessor pointed out, he couldn't see how they could avoid falling short as far as the uniform property tax goes and the county tax.

Personally, I believe the solution to the problem is obvious, that the shortages would have to come from somewhere else, and if you think that you have got 55 pay-in towns that are hopping mad now, wait until we tell them that the property tax dollars are going to help finance urban development. But of course it wouldn't be just the pay-in towns that would have to make up the shortages, I think it would affect everyone.

Of course the proponents will tell us that the rural communities will be able to take advantage of this tax increment financing also, but of course the rural communities would not be able to attract the scale of investment that the larger industrial cities could. So while the rural communities were retaining a few thousand dollars in revenues from their county and state assessments, the industrial areas, with their valuable commercial sites, could and would be retaining millions of dollars for their so-called development sinking fund for periods up to 30 years as provided for in Section 4867 of this bill, which is on Page 6. At this point, I just ask you, wouldn't it be nice if your town or your community could be paying the tax rate on 1947?

I question the wisdom of passing a bill that could and probably would have a profound effect upon property taxes with such broad implications that even the State Tax Assessor cannot fully evaluate its impact. At this point, even with the amendment, I would urge that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair would advise the gentleman from Rockland, Mr. Gray, that the motion to indefinitely postpone the bill at this time is out of order. The pending question is on the adoption of House Amendment "A".

The Chair recognizes the gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the signers of the "Ought to Pass" on this bill and I hope that you will support it.

We see many towns and communities in our state who for one reason or another have applied for federal grants, urban renewal and do not fulfill all the requirements, and as a result are hit with serious urban blight. This bill offers them an alternative, and to me the amendment removes the provision allowing the municipality to retain state and county tax increments and also removes the restrictions on the size of the development district.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak in opposition to the statement that was made by the gentleman from Rockland, Mr. Gray. I am a cosponsor of this measure, and this is one of the very areas that I had problems with and is being clarified by this amendment. Obviously, I made my objections known to the committee while I appeared as a proponent of this bill, and the committee may very well have used that as a way to report the bill as a majority "ought not to pass." We have been able to salvage part of the bill up to this point to get it here so it can be amended to take out those particular provisions.

As Chairman of Taxation, I deal quite frequently with the Bureau of Taxation and I can understand that they are unable to come up with an impact on this bill. The simple reason is, they don't know how many communities are going to get involved with this.

What this amendment does, it takes away that tax benefit that would have been accrued in that the new construction would not have been counted in as far as county or state taxes were concerned for valuation. This amendment takes care of that problem and the burden will then fall on the local municipality where it rightfully belongs. If the municipality wants to make improvements, then it should be the people within that municipality that bear the burden and it should not be passed out to the rest of the communities throughout the state.

I would hope that you do not listen to the gentleman from Rockland, Mr. Gray. I have listened to the gentleman from Augusta, Mr. Hickey, speak very, very infrequently, but he certainly made sense this morning. The committee did work extremely hard on this bill. I don't know what is going to happen at the other end, that is not our problem, but if we can get this bill in a posture where it might be more salable, it is more salable to me now.

I am one of those communities that does get deeply involved with community development going after federal funds. We are in the third year of a five-year community development program. We are funded, but that day is going to run out. I would like to have my community take advantage of this type of thing, if they so desire, when our federal funds run out. I would also like to have communities that do not have community development funds have the very same advantages that we have currently, and because of that, I would strongly support the amendment.

Thereupon, House Amendment "A" was adopted.

On motion of Mr. Gray of Rockland, the rules were suspended for the purpose of reconsideration.

On motion of the same gentleman, the House reconsider its action whereby Committee Amendment "A" was adopted, and the Amendment was indefinitely postponed.

Mr. Gray of Rockland requested a vote on passage to be engrossed.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair. I apologize for not knowing as much about this bill as I probably should, but

I know it has been taken out of it, and my question is, what is left in it. Does it mean, for instance, that a town, a municipality can retain the tax increment on the valuation and put it back into the development of that district while the State assesses the uniform property tax on the total valuation, meaning that the residential property owners are going to have to pick up what is lost from that increased valuation?

The SPEAKER: The gentlewoman from Owl's Head, Ms. Post, has posed a question through the Chair to anyone who may care to answer.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The gentlelady from Owl's Head, Mrs. Post, has about summed up the whole thing in her very question. What happens if a piece of property within a community, an area, a block or what have you is worth a million dollars currently and it goes through, because the municipal officials or the town government has authorized a redevelopment of that area, the value goes to \$4 million; there is net gain of some \$3 million. The income from that \$3 million would be dedicated to paying off the debt for the improvements that were made. There would be a liability on the people within that municipality who will eventually benefit from that improvement within the municipality. In the meantime, the state and the county are not prohibited from getting the full value of the added \$3 million valuation. That would go in so that Community B does not have to make up for the fact that Community A is making itself better.

I hope that answers the lady's question.

The SPEAKER: The pending question is on passage to be engrossed as amended by House Amendment "A". All those in favor will vote ye; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 18 having voted in the negative, the motion did prevail.

Sent up for concurrence.

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

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

Tabled — May 24, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Enacted.

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

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

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

Tabled — May 24, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Enacted.

On motion of Mr. Greenlaw of Stonington, retabled pending passage to be enacted and tomorrow assigned.

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

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (3) "Ought to Pass" as Amended by Committee Amendment "A" (H-383) — Committee on Human Resources on Bill "An Act to Provide for 4-Year Terms of Office for Representatives, Governors, and Lieutenant Governors of the Passamaquoddy Tribe of Indians" (H. P. 870) (L. D. 1063)

Tabled — May 24, 1977 by Mr. Pearson of Old Town.

Pending — Acceptance of either Report.

Mr. Burns of Anson moved that the Majority "Ought Not to Pass" Report be accepted.

On motion of the same gentleman, tabled pending his motion to accept the Majority Report and tomorrow assigned.

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

House Divided Report — Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass" as Amended by Committee Amendment "A" (H-380) — Committee on Taxation on Bill "An Act Clarifying the Tax Status of Regional Planning Commissioners and Councils of Government" (H. P. 555) (L. D. 672)

Tabled — May 24, 1977 by Mr. Palmer of Nobleboro.

Pending — Motion of Mr. Carey of Waterville to Accept the Majority "Ought Not to Pass" Report.

On motion of Mr. Palmer of Nobleboro, retabled pending the motion of Mr. Carey of Waterville to accept the Majority Report and tomorrow assigned.

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

Senate Report — "Ought to Pass" — Committee on Health and Institutional Services on Bill "An Act Concerning the Power of Podiatrists" (S. P. 280) (L. D. 893) (In House, Engrossment Reconsidered on May 24)

Tabled — May 24, 1977 by Mr. Goodwin of South Berwick.

Pending — Acceptance of the Committee Report.

On motion of Mr. Goodwin of South Berwick, retabled pending acceptance of the Committee Report and tomorrow assigned.

On motion of Mrs. Locke of Sebec, the House reconsidered its action of yesterday whereby it accepted the Majority "Ought Not to Pass" Report in concurrence on Bill "An Act to Establish a Sign on Interstate 95 Announcing Peaks-Kenny State Park," Senate Paper 302, L. D. 928.

On motion of the same gentlewoman, tabled pending the motion of Mr. Jensen of Portland to accept the Majority "Ought Not to Pass" Report in concurrence and specially assigned for Friday, May 27.

The Chair laid before the House the following matter:

Bill "An Act to Facilitate Out-of-State Post Graduate Education in Certain Professions" (H. P. 408) (L. D. 502) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Mr. Lynch of Livermore Falls, the House voted to recede and concur.

(Off Record Remarks)

On motion of Ms. Clark of Freeport.

Adjourned until nine o'clock tomorrow morning.