

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

Index

**Senate Confirmation Session
September 16, 1977**

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KJ PRINTING
AUGUSTA, MAINE

HOUSE

Friday, May 27, 1977

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

Prayer by the Reverend Roland Lord of the First Baptist Church, Cherryfield.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

The Senate of Maine
Augusta

May 26, 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 'Ought Not to Pass' report on Bill, 'An Act Concerning Expenses of the Commission on Governmental Ethics and Election Practices'. (Emergency) (H. P. 816) (L. D. 989)

Respectfully,
(Signed) MAY ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Joint Order, an Expression of Legislative Sentiment recognizing that:

Katherine E. Pheeny of Millinocket has faithfully served the town government of her community for the past 45 years. (S. P. 517)

Came from the Senate read and passed.

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

**Reports of Committees
Ought Not to Pass**

Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Require Substantiation of Certain Advertising Claims" (S. P. 126) (L. D. 305)

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

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act to Create the Bureau of Community Antenna Television within the Public Utilities Commission" (S. P. 263) (L. D. 910)

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Messrs. CARPENTER of Aroostook
COLLINS of Aroostook

— of the Senate.

Messrs. SMITH of Mars Hill
CUNNINGHAM of New Gloucester
LUNT of Presque Isle
Mrs. TARR of Bridgton
Messrs. NADEAU of Sanford
BERRY of Buxton

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Create the Office of Community Antenna Television within the Public Utilities Commission" (S. P. 515) (L. D. 1808) on same Bill.

Report was signed by the following members:

Messrs. KELLEHER of Bangor
MCHENRY of Madawaska
WOOD of Sanford
PEARSON of Old Town

— of the House.

Came from the Senate with the Majority

"Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

(On motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of either Report and specially assigned for Tuesday, May 31.)

Non-Concurrent Matter

Bill "An Act to Repeal Certain Laws Relating to Alcoholic Beverages" (H. P. 1206) (L. D. 1434) which was passed to be engrossed as amended by Committee Amendment "A" (H-364) in the House on May 20, 1977.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-364) and Senate Amendment "A" (S-166) in non-concurrence.

In the House: On motion of Mr. Maxwell of Jay, the House voted to recede and concur.

**Non-Concurrent Matter
Later Today Assigned**

Bill "An Act to Prohibit the Sale and Use of Devices for the Detection of Radar" (S. P. 147) (L. D. 389) which was indefinitely postponed in the House on May 25, 1977.

Came from the Senate Passed to be Enacted in non-concurrence.

In the House: On motion of Mr. Perkins of Blue Hill, tabled pending further consideration and later today assigned.

Messages and Documents

The following Communication: (S. P. 516)

State of Maine

Office of the Governor

Augusta, Maine

May 25, 1977

Honorable Joseph Sewall
President of the Senate
and

Honorable John Martin
Speaker of the House
Dear Joe and John:

This is to officially notify you that Peter DeTroy of 23 Deerfield Road, Portland was nominated to serve on the State Employee Appeals Board today.

Mr. DeTroy, if confirmed, will be replacing Richard Sawyer whose term on the Board recently expired. In accordance with MRSA Title 5, Section 75, this nomination is subject to review by the Joint Standing Committee on Labor and to confirmation by the Legislature.

Your assistance in this area is greatly appreciated.

Very truly yours,

(Signed) James B. Longley
Governor

Came from the Senate read and referred to the Committee on Labor.

In the House, the Communication was read and referred to the Committee on Labor in concurrence.

Orders

On motion of Mr. Kerry of Old Orchard Beach, the following Joint Order: (H. P. 1604)

ORDERED, the Senate concurring, that the Department of Transportation when next publishing the Official Transportation Map shall include, where reasonable and feasible, bilingual legends in French and English.

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

An Expression of Legislative Sentiment (H. P. 1608) recognizing that: the Volunteer Fire Department of Athens, whose fire chief is Hoyt Hall, has just held a mortgage-burning celebration on its new firehall, a celebration which caps over 8 years of volunteer endeavor and sacrifice to pay off this mortgage.

Presented by Mr. Austin of Bingham.

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

A Joint Resolution (H. P. 1605) in memory of Edith Gertrude Pride Elliot who, during all of her century of life, contributed actively to the educational, cultural, political and charitable life of Windham.

Presented by Mr. Diamond of Windham.

The Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: Edith Gertrude Pride Elliot, known to us all in Windham as Aunt Edith, would have been 101 next month. She was the oldest citizen in Windham, she was the first valedictorian and the first graduate of Windham High School, and she taught immediately following graduation at \$6 a week. We all will miss her. She also was a long-time, in fact nearly 85 years, the Republican lady in town who contributed her time and efforts to the efforts of the children as well as the adults, and we certainly want to say we will miss this lady.

Thereupon, the Resolution was adopted and sent up for concurrence.

(Off Record Remarks)

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

Mr. JENSEN from the Committee on Transportation on Bill "An Act Concerning the Renewal of Special License Plates" (H. P. 1099) (L. D. 1323) reporting "Ought Not to Pass"

Mr. THERIAULT from the Committee on Veterans and Retirement on Bill "An Act to Amend Certain Provisions of the Maine State Retirement System" (H. P. 1515) (L. D. 1750) reporting "Ought Not to Pass"

Mr. TRUMAN from the Committee on Election Laws on Bill "An Act to Establish Presidential Primaries in Maine" (H. P. 1141) (L. D. 1368) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. BLODGETT from the Committee on Marine Resources on Bill "An Act to Create the Maine Coastal Protection Fund for Natural Gas and Liquefied Natural Gas" (H. P. 1322) (L. D. 1643) reporting "Leave to Withdraw"

Mr. IMMONEN from the Committee on Taxation on Bill "An Act to Insure That Low Paid Workers, the Elderly and the Poor of Maine are not Taxed at a Higher Rate Than All Other Citizens" (H. P. 1328) (L. D. 1613) reporting "Leave to Withdraw"

Mrs. DURGIN from the Committee on Election Laws on Bill "An Act to Make Certain Changes in the Election Laws" (H. P. 1350) (L. D. 1649) reporting "Leave to Withdraw"

Mrs. POST from the Committee on Taxation on Bill "An Act to Provide Property Tax Relief to Maine's Elderly Citizens" (H. P. 1479) (L. D. 1731) reporting "Leave to Withdraw"

Mrs. Durgin from the Committee on Election Laws on Bill "An Act to Provide for the Registration of Voters on Election Day in all Polling Places" (H. P. 748) (L. D. 953) reporting "Leave to Withdraw"

Mr. Raymond from the Committee on Election Laws on Bill "An Act Concerning the Inspection of Nomination Petitions by Boards of Voter Registration" (H. P. 1352) (L. D. 1623) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

**Ought to Pass in New Draft
New Drafts Printed**

Mr. Fenlason from the Committee on Education on Bill "An Act to Improve the Laws

Relating to Exceptional Children" (H. P. 450) (L. D. 555) reporting "Ought to Pass" in New Draft (H. P. 1607) (L. D. 1812)

Report was read and accepted, the New Draft read once and assigned for second reading the next legislative day.

Mr. Burns from the Committee on Legal Affairs on Bill "An Act Relating to the Regulation of Beano" (H. P. 50) (L. D. 71) reporting "Ought to Pass" in New Draft (H. P. 1606) (L. D. 1811)

Report was read:

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

Mr. HICKEY: Mr. Speaker and Members of the House: I rise in opposition to the increase in the daily cost of beano. Prior to this, all beans have been operated at a fee of \$2, and they have increased it to \$5 in this bill. My feeling is that all of these beano games throughout the State of Maine have been operated more or less as charitable and beneficial to the towns and cities, and I hate to see them increase this cost.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: There has been a slight increase in the cost of the license for beano and bingo, but it is not \$5 a day as the good gentleman from Augusta indicated. It changed from a \$2 a week license fee to a \$2 a day license fee, so it is not \$5 per game.

Thereupon, the Report was accepted, the New Draft read once and assigned for second reading the next legislative day.

Mrs. Mitchell from the Committee on Education on Bill "An Act Concerning the Effect of Specially Authorized Appropriations upon the Calculation of State Aid to Public Schools" (Emergency) (H. P. 811) (L. D. 986) reporting "Ought to Pass" in New Draft (H. P. 1612) (L. D. 1817)

Mr. Mackel from the Committee on Taxation on Bill "An Act to Exempt Incorporated Nonprofit Medical Facilities and Health Facilities From Maine Sales Tax" (H. P. 392) (L. D. 481) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Exempt Nonprofit Medical Facilities from the Maine Sales Tax" (H. P. 1609) (L. D. 1814)

Mr. Spencer from the Committee on Judiciary on Bill "An Act to Provide a Mandatory Sentence for Leaving the Scene of an Accident which Results in Death or Injury" (H. P. 1083) (L. D. 1307) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Sentences for Leaving the Scene of an Accident which Results in Death or Injury" (H. P. 1610) (L. D. 1815)

Mr. Gauthier from the Committee on Judiciary on Bill "An Act to Establish an Action in Trespass for Cutting Trees on Land of Another" (H. P. 1074) (L. D. 1296) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Actions in Trespass for Cutting Trees on the Land of Another" (H. P. 1611) (L. D. 1816)

Reports were read and accepted, the New Drafts read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" on Bill "An Act relating to Judicial Review of Public Utilities Commission Decisions" (H. P. 226) (L. D. 290)

Report was signed by the following members:

Mr. CURTIS of Penobscot

— of the Senate.

Messrs. TARBELL of Bangor
SPENCER of Standish

HOBBS of Saco
HENDERSON of Bangor
BENNETT of Caribou
HUGHES of Auburn
GAUTHIER of Sanford

— of the House.

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

Report was signed by the following members:

Messrs. MANGAN of Androscoggin
COLLINS of Knox

— of the Senate.

Mr. DEVOE of Orono

Mrs. SEWALL of Newcastle

Mr. NORRIS of Brewer

— of the House.

Reports were read.

On motion of Mr. Hughes of Auburn, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-423) on Bill "An Act to Establish the Maine Food and Farmland Study Commission" (H. P. 1336) (L. D. 1593)

Report was signed by the following members:

Messrs. LEVINE of Kennebec
HICHENS of York
JACKSON of Cumberland

— of the Senate.

Messrs. ROLLINS of Dixfield
WOOD of Sanford
HALL of Sangerville
TOZIER of Unity
MAHANY of Easton
CARROLL of Limerick
TORREY of Poland

— 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. STROUT of Corinth
SMITH of Mars Hill
LOUGEE of Island Falls

— of the House.

Reports were read.

On motion of Mr. Mahany of Easton, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-423) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Agriculture reporting "Ought Not to Pass" on Bill "An Act Relating to Exhibition Dates for Agricultural Fairs and Exhibitions" (H. P. 420) (L. D. 525)

Report was signed by the following members:

Mr. JACKSON of Cumberland

— of the Senate.

Messrs. ROLLINS of Dixfield
MAHANY of Easton
SMITH of Mars Hill
TOZIER of Unity
LOUGEE of Island Falls
STROUT of Corinth

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-413) on same Bill.

Report was signed by the following members:

Messrs. LEVINE of Kennebec

HICHENS of York

— of the Senate.

Messrs. HALL of Sangerville
WOOD of Sanford
CARROLL of Limerick
TORREY of Poland

— of the House.

Reports were read.

Mr. Mahany of Easton moved that the Majority "Ought Not to Pass" Report be accepted.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This is the bill that I got my fingers caught in the cookie jar over in the errors and inconsistencies report. It is back with us again today and I just want to briefly go through what had happened in the past and then let you make your own judgment. There is nothing earthshaking about this. It boils down now to being a controversy between two agricultural fair associations, the agricultural fair association in Farmington, which runs from five to six days and our little North New Portland fair that runs two days now.

Back in the 107th, in the first session, there was a Chapter 465 enacted into public law and in part it read that no two agricultural fairs could operate within a 30 mile radius of one another. We thought that was very fine. It satisfied our situation. We went on our merry way — well, not quite, we had to call the Attorney General in and have a discussion with the Agricultural Commissioner and he decided to go along with the law. Last year, the license was issued whereby the Farmington agricultural fair association would not be operating on Saturday, leaving the New Portland fair to have that fair date free and clear.

We made application this last fall to get our fair date for this year. We were told by the commissioner that that law had been repealed. It surprised me because I was not aware that anything had gone through. But lo and behold, I happened to run across the errors and inconsistencies bill and believe it or not, it had been repealed. How would anything like that slip through? We really did not know.

We started looking around to find out what had happened. I contacted the Chairman of Judiciary and he indicated to me that he had been approached by one Phil Andrews, a lobbyist in the Third House out here, who had requested that this change be put in the errors and inconsistencies report. Representative Spencer checked around. He went to who he thought was the sponsor of this bill and the individual being busy and not knowing too much about it said, "okay, put it in the errors and inconsistencies" and it went.

Checking this out, the only official in state government we could find, and that was an O.K. J. Williams written across a piece of paper accompanying this, so it went into the errors and inconsistencies. I tried to reinstate the law, this last errors and inconsistencies, and this is when my good friend from Farmington, Representative Morton, caught my fingers in the cookie jar. I think he is about to try to do the same thing in just a few minutes.

It boils down to this, ladies and gentlemen, the New Portland fair is a fair operated by the Lions Club of North New Portland. It is completely voluntary. There is no charge to the fair. We cannot charge an admittance. There is a parking charge, \$1 per car, but there is no admittance charge to this fair. It is all volunteer work, two days that the people really get out and work.

The Farmington fair, by their choice, operate from the Monday preceding this and they did operate up until Friday. Then about 12 years or so ago, they decided they would go into Satur-

day, which they did, and they cut into our attendance.

At the Farmington fair, they do have harness racing and we are not in contention of the harness racing because we do not have harness racing at the New Portland fair. We do not contend that in any way. We do feel that we should have our Saturday free and clear whereby if the weather is good we will have the few people that may be attending the Farmington fair that are not going to the horse races to come over to our fair.

We feel this way, that the Agricultural Association at Farmington is the big boy because they do have horse racing on their side and this is the reason they have been able to command the date, because of the racing. We have tried to work it out with them. We have met with them many many times. We have met with them and the Commissioner of Agriculture and it just keeps turning out the same way, that they want to move in and take over what we believe to be ours.

We have operated the fair for over 70 years. We could not come up with an exact time as to when it actually went into a fair. It was an agricultural sale show prior to that. We firmly feel that we should have this date free and clear.

This particular piece of legislation, true, is probably an insignificant piece, but it may come into play later on down the line because there is a proliferation of fairs and your small fair in your area may also be protected by this law if we enact it.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Anson, Mr. Burns, has stated a case very accurately for you this morning. Obviously, he feels a different way about it than I do. I am going to give you my point of view and the point of view of the people in the Farmington Fair Association, but I think this also represents the point of view of other fair associations around the state. I must point out to you that despite what the gentleman said, this is not a bill which pinpoints just these two fairs. All fairs in the State of Maine will be affected by this bill.

The bill, in its first instance, which is not what you have before you because the committee amendment is the bill now, purported to put back in some language that had been in the law and which was repealed, as the gentleman from Anson pointed out, in the last errors and inconsistencies bill. I would point out to you that that is the first and only time that that language was ever effective in the last 150 years. The Farmington fair and the New Portland fair have been living side by side for many many years. As the gentleman very carefully pointed out, when the Farmington fair went to Saturday, the New Portland fair continued to operate, continued to open, and I can assure you, ladies and gentlemen, that on Saturday at the end of Farmington fair week, the World's Fair is at New Portland.

I have been going to that fair for many years. In fact it is with a great deal of reluctance today that I am up here opposing the gentleman from Anson's bill because I have a tremendous personal affection for the World's Fair in New Portland. It has been held as he pointed out, by the Portland Lions Club on the Saturday at the end of the Farmington fair, now they do include Sunday. Because they have been so successful, by the way, this is one of the reasons they have gone to two days even in the last 12 years when all this tremendous conflict is alleged to have taken place, but I have a lot of affection for it because I am sure that if my wife ever had a start on cotton candy, she got it at the New Portland Fair because she was attending the New Portland fair long before she ever heard of

the Farmington fair and certainly long before she ever heard of me.

The bill which is now before you in its amended form, and the amendment is the bill, is an impossible situation for the Commissioner of Agriculture. There is a conflict and the bill perpetuates that conflict. It does not give him any chance at all, because it says he 'shall' approve the request of the association which has conducted its fair on the date, and that would be the Saturday, for the greatest number of consecutive years. The Farmington fair has been in operation for over 150 years. Of course in its early days it was a three day deal, then they moved to five and eventually to six with the parimutuel racing.

It would be my contention that this is unnecessary legislation, that we really do not need it, that the associations have been operating simultaneously for many many years. The crowd in Farmington on Saturday is confined to the racing crowd. The rest of the folks and all the kids go to the World's Fair in New Portland. They are in great shape and they don't need this bill, even if the gentleman from North Anson has been in the cookie jar. So I would hope that we would accept the 'ought not to pass' report.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I have been going to this fair probably longer than anyone else in this body. I started in going with my father and mother in the horse and wagon and we graduated to a Model T Ford in 1919. Of course, in those days it was a three-day affair in Farmington. I did not know about the North New Portland fair, that was a little farther away, until later years, and I started going there on Saturdays. Saturday is the day that I would not go to the Farmington fair, I would go to the World's Fair in North New Portland.

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

A vote of the House was taken.

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

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Exempt Property under Construction from Real Property Taxation" (H. P. 1327) (L. D. 1554)

Report was signed by the following members:

Messrs. CARTER of Bangor
TEAGUE of Fairfield
IMMONEN of West Paris
MACKEL of Wells
TWITCHELL of Norway
MAXWELL of Jay

Mrs. POST of Owls Head— of the House.
Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

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

Mrs. CHONKO of Topsham
Messrs. CAREY of Waterville
COX of Brewer — of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that the Minority "Ought to Pass" Report.

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

Mr. IMMONEN: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the Majority "Ought Not to Pass" Report, I would like to make a few statements why I voted that way. The title of this bill is well meant and it seemed to be desirable to encourage construction of industrial and commercial buildings. We have been suggesting local control.

We had some assessors that opposed this bill. The assessor from Gorham said that they had three substantial industries located in Gorham in the last few years and property taxation was not their consideration for locating there. In the past 30 years, New Hampshire has attracted many new industries and has not needed any inducements or exemptions. Local assessors would not be helped by this bill if it should be adopted, as they can appraise values at the local scene.

We, as a legislature, have granted on the state level sales tax exemptions for new machinery for manufacturers and inventory tax exemptions, and them the Maine Guarantee Authority which proved to be productive in developing in Maine. I believe this bill is not necessary, as the local assessors realize their own problems.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I sponsored this measure, I sponsored it because I feel the economy of the state needs help and it needs help in the proper perspective. This bill is not asking for state guaranteed loans. It is an entirely new approach. I suggest to you that it is a progressive approach and not regressive.

Taxation of property under construction acts as a deterrent. Nobody wants to pay taxes on property that is not productive or pay taxes on something that they have not even earned a dollar from. When you do have construction in a community, that type of construction generates sales tax revenues, generates income tax revenues and causes the whole economy to turn by the workers spending income they earn from working on those construction jobs.

We should be encouraging industry to locate in the State of Maine and to expand. At the same time, we should be preventing communities within the state from competing against each other to the use or misuse of property tax assessment. Some communities actually violate the Constitution of the State by granting exemptions that are not now allowed by the Constitution. This type of activity, for some reason or other, is not being enforced and I say we can wipe it all out by passing this type of legislation.

I went to see the department for their help in drafting this bill. When we first started out, we had construction tables received from a national organization. The department thought it was too complicated and they wanted it simplified, which we did. We worked out our differences. The department is not against this bill and I think it is a very good bill. It is one that really deserves serious consideration and passage.

There are currently nine states in the union that use this type of approach to promote industrial expansion and construction within their state, among the most successful of which is the State of Alabama. They are leaders in industrial recruitment. Much of the credit lies with this type of exemption. There is no doubt in my mind that this is the best approach by far. No firm wants to locate in an area with tax laws that act as a deterrent. Too often, all the good hopes and efforts of many people just end up in frustrations.

I would hope that this House would go along with the minority and accept this bill. I ask for a division.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I was one of those who voted "Ought Not to Pass" on this bill. I did so with some reluctance because all of us, I believe, do want to encourage the development of industry, the expansion of industry within the state. We want it for the sake of the jobs that new industry does provide, for the income that it provides to the state and to the local communities. In this case, I am afraid that this particular bill would be depriving the local communities of some of the income that they should be deriving from construction projects. We do want to encourage industry, but we want strong, viable industry. We want healthy industry to come in, industry which can carry its own weight in terms of taxes. We mean, of course, not only state taxes but local taxes. In this case we would be depriving the local communities of the income that I feel they need in order to compensate and pay for the services that would be provided to these buildings, even though they are under construction.

The gentleman from Winslow, Mr. Carter, indicated that these construction properties would not be earning any income while they are in the construction stage. This is true, but I would like to point out that many of us and perhaps most of us pay taxes on property that does not provide any income and never will. The property does have a value, it does require services. Someone has to provide these services at expense to someone. I feel, at least, that the companies that are building these developments should be the ones meeting these expenses.

I would like to point out also that the bill itself, the exemption could run as long as four years. That could be a rather substantial loss to some of the communities. I think the intent is very good. We do want to develop industry, but I think these arguments should be taken into consideration when you make up your mind how to vote in this issue.

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

Mr. CAREY: Mr. Speaker and Members of the House: The gentleman from Wells, Mr. Mackel, has made an excellent point. It has been a very hard decision for many committee members to vote on either side of this matter. I have been asked by a couple of members of the House to try to explain exactly what is within the bill.

It involves itself with the amount of money that is going to be the final construction figure, or that figure that is proposed. For instance, any properties under \$100,000, you would get no exemption whatsoever. The feeling is that they can build within a year for \$100,000, but it also goes up to as high as \$25 million and over. Obviously, people are not going to be able to build a new mill within a year if they are going to spend in excess of \$25 million. What happens is, the day they break ground is the day that the time limit starts on them to get into production.

As a municipal officer, I look at it in this light. My community will eventually reap the benefits of having that new plant within our municipality. Therefore, our community can wait, I feel, while this plant is being built because we will be reaping the benefits from that plant for many years to come. This is an inducement to get people to come to the State of Maine. I specifically spell out the State of Maine because this is currently being done today, illegally, but currently being done as industry plays one municipality versus another. What can you offer us that Bangor, Presque Isle or Portland cannot offer us? We can provide

services and say we will involve ourselves with expanding water and sewer and roads into your industrial site. We are not able to give a tax break and we refuse to give a tax break and many communities refuse to give tax breaks. This would put all municipalities in the state on the same footing and therefore would get away from these little sweetheart deals that have been happening between municipal officers, local assessors and what have you. It is, I think, the best approach to getting industrial development in the state that we have come up with so far. It will be an inducement to those companies where they do not have to pay a tax on property until they are getting a return on their investment.

Governor Longley, when he ran for office, as well as all people who ran for office at that time, said that we had to do something to get people interested in coming to the State of Maine. Governor Longley is completing his third year in office and whether it was him or anyone else, we have not had that much industrial expansion. We have to try yet another tax, and this seems to be the way that we might get better results.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: If you have not done so already, I would ask you to take a look at L.D. 1554. I think the title is a bit misleading. There are some things in the actual wording of the law that you might want to take a look at. The title says it is an act to exempt property under construction from the real property taxation. That is not exactly what the bill does. It exempts property which is constructed for up to a period from either one to four years, and that is determined by the value of the building which is constructed as of April first of any one year.

It only goes to the big guys. If you are a small commercial establishment, you get no kind of tax exemption. If you have a value of the building which is constructed as of April first of \$10 million, then you will get a property tax exemption for three years. That may not have been the intent of the sponsor, but that is the way the bill reads. If you go down into that next paragraph it says "the date upon which construction was commenced shall be the base year for computing the duration of the exemption." If you are building a building that is worth \$10 million as of April 1, 1977, you get a property tax exemption for three years.

Representative Carey said that he felt that if there was this big kind of industrial building in his community, he could wait because they were going to get other kinds of tax benefits for it for that three years and maybe a three years' tax exemption would be worthwhile because of the benefits that would come into his community. I want to remind Representative Carey that the tax monies from that building no longer belong to just his community. Maybe while Waterville can wait while that paper mill doesn't pay taxes for three years, what about the rest of the state? They are the ones that are going to have to pay more money through other taxes to make up for the difference that the paper company in that particular town is getting tax break for three years.

I would also ask you to look at the second sentence in the second paragraph. We are not just talking about construction. That sentence reads: "The amount of the exemption for additions or renovations of existing buildings shall be the value of the portions of the building added or renovated." What that means is, it is not only new construction. You can have a building, a portion of the building which was renovated. It does not even say the value of the renovations is going to be tax exempt. It says a portion of the building which is renovated shall be tax exempt. So if the paper company or whatever has

used up their three year tax exemption, they can sort of do a general renovation of the building. In this case it does not even have to be worth \$10 million, necessarily, and they will get another tax exemption.

I would ask you to look very carefully at this bill and consider the effects it would have, somewhat on individual communities but on the state as a whole.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to just ask a technical question to anyone on the Taxation Committee. My question is, in the third valuation there appears to be a technical error. It goes from zero to \$100,000; from \$100,000 to \$2,500,000. The next line is \$2,500 to \$10 million. I wonder if that is an error?

The SPEAKER: The gentleman from Ellsworth, Mr. Silsby, 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 it is my understanding from our Clerk, that is an error in the L. D. but that the bill reads correctly. I would ask the Clerk to check that.

The SPEAKER: The Chair would answer in the affirmative. It was a printing error but the original bill, the original L. D., contains the correction.

The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to take issue with the good lady from Owl's Head, Mrs. Post. If she will reread that sentence, I think she will agree that it reads "portions of the building added are exempt," not the entire building.

I think we are missing the point here. The point is that we are trying to come up with a means that is equal and just to all communities in the state, a means to induce industry to locate. We speak of one industry that has expanded to the tune of \$150 million. I ask you, how many such industries have we had in the State of Maine?

They seem to think that four years is an awful long time. Let me show you the schedule that we had originally planned to incorporate in this bill which the Department of Taxation objected to. It is very complicated. It was graded up to \$100,000. It was the exemption during the amount of days. I would like to point out to you that the \$100,000 category had hotels or motels; 1,205 days of construction time. Now, 1,205 days of construction time, that is three years; that is a long time.

I think this is a very conservative table that we have here before us. I would hope that you would not be swayed by some of the testimony has been given here that some communities will lose funds. I submit to you that a community will lose nothing unless it has an industry. If it does not get an industry, what has it lost?

It was stated at the hearing, the statement was made as a challenge and it was not answered. The statement was made by a certified assessor that there was no assessor in the State of Maine that could assess a building under construction and come out with the same figures. He challenged anyone in the room to disprove him and nobody rose to accept the challenge. They all agreed that when you speak of property under construction, it is a very difficult area to deal with. It lends itself to, as the good gentleman from Waterville has suggested "sweetheart deals" as a means of trying to induce some type of industry to locate in one community versus another. It was also stated at the hearing that one community lured an industry to locate in that community with a 10-year ex-

emption on property taxes. You know what happened to that industry? After the 10 years were up, the industry left. Who gained?

I submit to you that this is the proper approach. Give them the inducement where it will do the most good and you will have industry that will come to Maine and stay in Maine.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I have been listening to the debate with a great deal of interest because this has been a subject that I have heard discussed a number of times and I think the issue does have some validity.

I would like to perhaps pose a question to some member of the Taxation Committee. That is, did they receive any testimony or are they aware of any information as to whether or not any other states in this Union have a similar law and what effect it has upon attracting industry? I would further pose a question, somewhat of a question along the lines of what the gentleman from Winslow, Mr. Carter, just discussed, and that is, if we did have this type of inducement to attract industry to come to Maine, would it in fact perhaps allow for the possibility for them to maybe transfer the activities after the period of time has elapsed where they do not have to pay property taxes?

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, 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, in answer to the gentleman from Stonington, Mr. Greenlaw, the State of Alabama was pointed out to us as being one of those states that participates. I missed that very last part of his second question, however, so I will be unable to answer that. Alabama was pointed out as one that does this, and I think in the Carolinas, somebody suggested the Carolinas as being another. The number 13 sticks in my mind as that number of states that do that. I think that was brought forth to us by one of the assessors there, that there are as many as 13 states that get involved in some type of this particular construction phase exemption.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to respond to a point made earlier by Representative Carter. What the sentence reads is, "The exemption shall be proportioned to the building added." That is correct, but the sentence continues, "portions of the building added or renovated."

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: To answer the gentleman from Stonington's question, Mr. Greenlaw, on which states have this type of legislation, I just happen to have the list handy. The State of Alabama heads the list, Arkansas, Hawaii, Louisiana, Michigan, Mississippi, Ohio, South Dakota and Vermont.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The pros and cons of this bill have been very well covered by previous speakers. However, there is one point which I would like to mention, and that is, a possible unintended side effect of such legislation. This side effect could be to encourage existing industry now occupying older buildings in our industrial towns to put up a new building and abandon the old building which they are now using. In some of our communities, there are already too many of such empty factories in ex-

istence. I would question the incentive value of such a credit. The intention is good and I am all for industrial expansion, but many of our industries would expand whether or not we have this credit.

I regard this bill as just a further erosion of our tax base at the local level and I hope you will support the majority ought not to pass position.

The SPEAKER: The Chair recognizes the gentleman from Newcastle, Mrs. Sewall.

Mrs. SEWALL: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to Mr. Carter of Winslow. That is, of these states that do have the situation now, how many of them have a uniform property tax whereby if we give an exemption in one town, the rest of the state would pick up the loss from that exemption?

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that the Minority "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.

Whereupon, Mr. Carter of Winslow requested a roll call vote.

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 Waterville, Mr. Carey, that the Minority "Ought to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

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

Mr. BIRON: Mr. Speaker, I wish to pair my vote with the gentleman from Spencer of Standish. If he were here, he would be voting no and I would be voting yes.

ROLL CALL

YEA — Bagley, Boudreau, A.; Boudreau, P.; Brown, K.C.; Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Connolly, Cox, Dow, Goodwin, K.; Hall, Hickey, Huber, Jacques, Kany, Lynch, MacEachern, Marshall, McBreairty, McMahon, Mills, Nadeau, Najarian, Pearson, Peterson, Prescott, Talbot, Theriault, Tierney, Truman.

NAY — Aloupis, Austin, Beaulieu, Bennett, Benoit, Berube, Birt, Blodgett, Brenerman, Brown, K.L.; Bunker, Burns, Carter, F.; Clark, Conners, Cunningham, Davies, Dexter, Diamond, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Garsoe, Gill, Goodwin, H.; Gould, Gray, Greenlaw, Henderson, Higgins, Hobbins, Howe, Hughes, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kane, Kerry, Kilcoyne, Laffin, Lewis, Lizotte, Locke, Lougee, Mackel, Mahany, Masterman, Masterton, McHenry, McKean, McPherson, Mitchell, Moody, Nelson, M.; Nelson, N.; Palmer, Peltier, Perkins, Plourde, Post, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Teague, Torrey, Tozier, Trafton, Valentine, Whittemore, Wilfong, Wood.

ABSENT — Ault, Bachrach, Berry, Cote, Curran, Devoe, Dudley, Fowlie, Gauthier, Gillis, Green, Jalbert, Kelleher, LaPlante, LeBlanc, Littlefield, Lunt, Martin, A.; Morton, Norris, Peakes, Tarr, Twitchell, Tyndale.

PAIRED — Biron, Spencer.

Yes, 35; No, 89; Absent, 24; Paired, 2.

The SPEAKER: Thirty-five having voted in the affirmative and eighty-nine in the negative,

with twenty-four being absent and two paired, the motion does not prevail.

Thereupon, the Majority "Ought Not to Pass" Report was accepted.

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

Mrs. POST: Mr. Speaker, having voted on the prevailing side, I move we reconsider our action whereby we accepted the Majority "Ought Not to Pass" Report and hope you vote against me.

The SPEAKER: The gentleman from Owl's Head, Mrs. Post, moves that we reconsider our action whereby the Majority "Ought Not to Pass" Report was accepted. All 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.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "B" (H-418) on Bill "An Act Concerning Warrantless Arrests by a Law Officer" (H. P. 630) (L. D. 771)

Report was signed by the following members:

Messrs. COLLINS of Knox
CURTIS of Penobscot

— of the Senate.

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

— of the House.

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

Report was signed by the following member:
Mr. MANGAN of Androscoggin

— of the Senate.

Reports were read.

On motion of Mr. Hughes of Auburn, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "B" was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-417) on Bill "An Act to Prohibit Smoking at Public Meetings" (H. P. 361) (L. D. 453)

Report was signed by the following members:

Mr. GREELEY of Waldo
Mrs. SNOWE of Androscoggin

— of the Senate.

Mr. FOWLIE of Rockland
Mrs. KANE of Augusta
Mrs. PRESCOTT of Hampden
Mrs. NELSON of Portland
Mr. GOODWIN of South Berwick
Mrs. TRAFTON of Auburn
Mrs. GILL of South Portland
Messrs. BRENERMAN of Portland
TYNDALE of Kennebunkport
KERRY of Old Orchard Beach

— 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. PRAY of Penobscot

— of the Senate.

Reports were read.

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

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

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this bill and all its accompanying papers.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I am having difficulty in locating Amendment H-417 and I wonder if someone on the committee would explain that amendment?

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

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I am sorry that I don't have the amendment right in front of me, but from my best recollection of this, we had planned to table this bill today because our committee was in a hearing but we have just finished. The bill, as it is reported out of committee with Committee Amendment "A", states very clear and simply that smoking will not be permitted in any public meetings as defined under the title whereby we set the rules and regulations for the Right-to-Know Law. What it basically says that any meetings that are open to the public on any governmental agencies, boards or body, that there will be no smoking, plain and simple.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I have the amendment here, H-417, and the amendment says "no person shall smoke tobacco or any other substance in any form at any public proceedings as defined in Title I, Section 402, Subsection, 2 which is held inside. Violations of this section shall be a civil violation for which a \$50 fine may be adjudged."

Sections 402 of Title 1 under public proceedings, and it is just a short section, I would like to read it so we can see what we are talking about here. "Public proceedings as used in this subsection shall mean the transaction of any functions affecting any or all citizens of the State of Maine and there are three subsections: (a) the Legislature of Maine and all of its committees and all subcommittees; (b) any board, commission of any state agency or authority and the board of trustees at the University of Maine, the board of trustees at Maine Maritime Academy and (c) any board, commission, agency or authority of any county, municipality, school district or any other political administrative subdivision of the State of Maine."

So, I take it from this that under the Right-to-Know Law, which this is taken from, that would mean if three members of a subcommittee held a meeting and there were only three members there and they were all smokers, they wouldn't be able to have a cigarette because they would be having a subcommittee and it would be transacting business for the State of Maine. Also, it means that if three selectmen had their selectmen's meeting and no one showed up at the meeting and they all three smoked, they couldn't have a cigarette while the meeting was going on, and that is a two or three hour meeting. I think this is quite a far-reaching piece of legislation.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: It is with fear and trepidation that I rise to support the motion of the gentleman from Lincoln, Mr. MacEachern.

fear and trepidation because I realize that I am taking the risk of being accused of a conflict of interest. Mr. Carey is not in his seat, he may come in in a minute, and with Mr. McMahon sitting over there, I really hesitate to make a local control argument, but I almost think, I am not quite sure, maybe I can be persuaded that maybe a board of county commissioners should decide for themselves whether there should be a no smoking rule, maybe the selectmen could decide that at their meetings and maybe the school boards could decide that at their meetings and maybe just about any other group in the whole wide world could decide on their own too. I would advance the local control argument today and deny any conflict of interest whatsoever about this issue.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: We have had this bill in front of Legal Affairs several times and we have always come up with the same answer. It is already against the law to smoke in any meeting if those in charge of that meeting want to so post it. This is law now, so we would be stepping on local control if we say all of a sudden that the state is going to tell you what to do. If they want no smoking, they can so post it and there is a fine to be imposed.

I would request a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker and Members of the House: What these previous gentlemen have just been telling you is that they have the right to pollute. It is just as simple as that. In other words, if your neighbor had an open cesspool and it overflowed upon your land, you shouldn't do anything about it, because any way you want to slice it, smoking is pollution. If a person could smoke and keep it just to himself, that would be fine, but I don't know of anybody that can accomplish that purpose. I haven't seen anyone to date.

Let's suppose your neighbor had a dog and he barked continually and you complained to the local authorities and the local authorities happened to be, let's say, related in some way or another and they didn't want to act, so you take matters into your hands. The dog-house is right next to your fence so every night when the dog gets fed, you slip a little bit of arsenic into his dish. Pretty soon the dog tips over, all four feet in the air, so they investigate and find that you have doctored the food a little bit and you can be arrested, but, yet, a smoker can pollute my lungs and there is nothing I can do about it.

We have had some people here that have opposed a bill I put in here because of danger involved, the deer hunting bill. Some of those same people go right out behind the glass, tear the cellophane off a package of cigarettes — what does it say on that package of cigarettes? It says, danger, and you talk about inconsistency.

Let's talk about another little deal here. I have heard a lot about corporal punishment, some people, not all of course, but some people get up here and almost get hysterical, I don't want to strike my child, a terrible thing. Yet, some of those people will tell their children, don't smoke pot and they will blow cigarette smoke or cigar smoke into the face of that child. Sure, isn't that a form of child abuse? They blow enough smoke in that child's face to asphyxiate a billy goat 50 yards up wind.

Quite frankly, I didn't suppose I would have to debate an issue like this. If ever we have had a clear-cut bill put before us, this is it, so I really wasn't prepared to get onto my feet. But I have heard so much talk about this body being so compassionate to their fellow man, here is an opportunity, a golden opportunity. The Speaker has come down off the rostrum and told how

compassionate he is, and I know he is. So I am going to ask a favor of the Speaker of this House, I am going to ask that he allow these people that oppose this bill to bring their security blankets, Linus has his, and I am sure that he will grant me an audience. For other people, there is another solution, it came to me in the middle of the night. I realize that already I can hear the agony of withdrawal, cold turkey, I have heard it — the other solution is quite simple, most every household has one, it is non-polluting and it won't hurt the upper plate. Ladies and gentlemen, to those in need I offer my twins discarded pacifiers. That is all I will say, because I don't think this should be debated any further.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Kingfield, Mr. Dexter, said he wasn't ready for the debate today. I would certainly hate to see him when he was ready for debate.

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

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

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

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

Mr. BIRON: Mr. Speaker, I would like to pair my vote with the gentleman from Standish, Mr. Spencer. If Mr. Spencer were here, he would be voting no and I would be voting yes.

ROLL CALL

YEA — Austin, Beaulieu, Bennett, Benoit, Birt, Boudreau, A.; Brown, K.L.; Brown, K.C.; Bunker, Burns, Bustin, Carey, Chonko, Conners, Connolly, Dow, Garsoe, Gould, Green, Hickey, Higgins, Huber, Hunter, Immonen, Jacques, Kilcoyne, Laffin, Lizotte, MacEachern, Mackel, Mahany, Masterton, Maxwell, McHenry, McKean, Mills, Nadeau, Najarian, Palmer, Peltier, Peterson, Raymond, Rideout, Shute, Smith, Sprowl, Stubbs, Talbot, Tarr, Teague, Tozier, Truman, Twitchell, Whittemore.

NAY — Alopis, Bachrach, Bagley, Berube, Blodgett, Boudreau, P.; Brennerman, Carrier, Carroll, Carter, F.; Churchill, Clark, Cox, Cunningham, Davies, Dexter, Diamond, Drinkwater, Durgin, Elias, Fenlason, Flanagan, Gill, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hobbins, Howe, Hughes, Hutchings, Jackson, Jensen, Joyce, Kane, Kany, Kerry, Littlefield, Locke, Lougee, Lynch, Marshall, Masterman, McBairty, McMahon, McPherson, Mitchell, Moody, Morton, Nelson, M.; Nelson, N.; Peakes, Pearson, Perkins, Plourde, Post, Prescott, Quinn, Rollins, Sewall, Silsby, Stover, Strout, Tarbell, Theriault, Tierney, Torrey, Trafton, Valentine, Wilfong, Wood, Wyman.

ABSENT — Ault, Berry, Carter, D.; Cote, Curran, Devoe, Dudley, Dutremble, Fowlie, Gauthier, Gillis, Jalbert, Kelleher, LaPlante, LeBlanc, Lunt, Martin, A.; Norris, Tyndale.

PAIRED — Biron, Spencer.

Yes, 54; No, 75; Absent, 19; Paired, 2.

The SPEAKER: Fifty-four having voted in the affirmative and seventy-five in the negative, with nineteen being absent and two paired, the motion does not prevail.

Whereupon, the Majority "Ought to Pass"

Report was accepted and the Bill read once.

Committee Amendment "A" (H-417) was read by the Clerk and adopted.

The Bill was assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act to Require Direct Mailing and Verification of Absentee Ballots and Concerning the Marking of Absentee Ballots" (H. P. 452) (L. D. 557)

Report was signed by the following members:

Messrs. DANTON of York

TROTZKY of Penobscot

—of the Senate.

Messrs. BUSTIN of Augusta

McMAHON of Kennebunk

Mrs. BOUDREAU of Portland

Messrs. BOUDREAU of Waterville

RAYMOND of Lewiston

TALBOT of Portland

Mrs. DURGIN of Kittery

Mrs. MITCHELL of Vassalboro

—of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-419) on same Bill.

Report was signed by the following members:

Mr. KATZ of Kennebec

—of the Senate.

Messrs. TRUMAN of Biddeford

BIRT of E. Millinocket

—of the House.

Reports were read.

On motion of Mrs. Boudreau of Portland, the Majority "Ought Not to Pass" Report was accepted.

Subsequently, on motion of Mrs. Berube of Lewiston, the House reconsidered its action whereby the Majority "Ought Not to Pass" Report was accepted.

Mrs. Berube of Lewiston requested a division.

The SPEAKER: The pending question before the House is the motion of the gentlewoman from Portland, Mrs. Boudreau, 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.

Whereupon, Mrs. Berube requested a roll call vote.

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

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

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill; it is a very simple bill. It does one thing; it eliminates the third party in soliciting absentee ballots. In other words, neither the candidates nor the campaign workers would be allowed to solicit absentee ballots in nursing homes, hospitals, private homes and this sort of thing.

I would like to reiterate what was said here a few days ago on another similar bill and that Maine is the only New England state left that uses the third party and one of the very few states left in the whole 50 states that still utilizes this process.

I think also contrary to what has been said, eliminating the third party will strengthen indeed the system of absentee ballot voting because it will assure fair play on the part of candidates and workers and it will guarantee to

the voters and that is so important, that the voter who is unable to go to the polls will be guaranteed the same rights of privacy as he would have behind the curtain of the voting booth.

I would like to say also that I think in any race, all the contestants should always start at the same starting line and I don't think that anyone should have an advantage over the others if they have, indeed, methods or ways of selecting absentee ballots, especially from captive audiences in some of the homes.

One reason advanced against the bill in the public hearing and I must say there were only two or three people who opposed this bill, were town clerks, two or three town clerks and the major reason was that it would be costly. In fact, one of them said, extremely costly. The city clerk from my municipality said it would cost about \$200 and if that were the case, I think that is very inexpensive to guarantee fair play in absentee ballots.

In the City of Lewiston, and someone questioned the \$200, well, I researched it a little bit and I found that in the primary of 1972, in my home town, there were 656 absentees passed and at 26 cents would be \$175.76 and in 1976, it had gone down to 576. I would like to mention the general election which is what everybody is interested in, I suppose. In 1972, the City of Lewiston, had 1709 absentees; in 1974 it dropped by half but I think that came as a result of newspaper headlines at the time but in 1976, we had 1,338 absentee ballots and if you multiply that by 26 cents that would be \$347.88. However, out of 1,338 absentees, 20 percent were mailed to students, which would leave about 1,071 and from that 1,071, it was mentioned in the public hearing that 25 percent of those voting by absentee method presently would go to vote in person so if we bring that down to 804 absentee ballots to be mailed, it would cost my municipality \$209.04.

I would like to quote from a city clerk who said, I believe I understand some of the possible abuses in absentee voting which you are trying to correct in a proposed bill to eliminate the handling of the ballot by third parties would be helpful in achieving this goal. While we may not be able to rectify all the inequities, at the same time, I think this is a step in the right direction.

I would ask that you vote against the "Ought not to Pass" Report and accept the Minority Report.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the comments of the gentlelady from Auburn, Mrs. Berube. I believe that this is a good bill. We did have a bill a short while ago that was somewhat more complicated and some of the objections that were voiced on that bill are not present in this bill.

This does remove the third party; the third party should be removed. I hope you will vote against the "Ought Not to Pass" and then we will accept the "Ought to Pass" Report.

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

Mrs. KANY: Mr. Speaker and Members of the House: I hope that you do support this bill presented by Representative Berube. I really believe that the people of Maine would definitely support this move away from having those officials present, and we went into detail before on just who those officials are, so I won't go through that again.

I would like to point out to you that unsworn falsification, that is on any official paper, the penalty for that is a Class D crime, which is the same as false swearing under oath, so no one could say that they are incapacitated without involving themselves, if that were a misstatement, in a Class D crime. So I don't think there

would be problems with that, and I think this is a very very positive reform move, and I certainly hope that you support Representative Berube's position.

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

Mr. TIERNEY: Mr. Speaker, I have a question to pose to any of the proponents of this particular piece of legislation. In reviewing it, I honestly do not know the answer, although perhaps it is clear. I had one of the officials of my local Democratic Town Committee have a heart attack the night before an election a couple of years ago and was in the hospital, which is about 20 miles from my town. The question is, how would that individual receive an absentee ballot in the hospital under this bill if it were to pass?

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

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

Mrs. KANY: Mr. Speaker, in this short bill before us, it appears to me that that ballot could be taken by almost anyone to that individual and nothing would prevent that. Basically, this bill just does away with oaths, the requirement of the oath.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Portland, Mrs. Boudreau, that the Majority "Ought Not to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mrs. Speaker, I would pair my vote with Representative Spencer of Standish. If he were here, he would be voting no. If I were voting, I would be voting yes.

ROLL CALL

YEA — Bachrach, Bagley, Beaulieu, Bennett, Benoit, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K.L.; Brown, K.C.; Bunker, Burns, Bustin, Carey, Carrier, Carter, D.; Clark, Conners, Cunningham, Davies, Dexter, Diamond, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Goodwin, H.; Gould, Green, Greenlaw, Hall, Higgins, Hobbins, Hunter, Hutchings, Jackson, Jensen, Joyce, Kerry, Kilcoyne, Lizotte, Locke, Lynch, MacEachern, Mahany, Marshall, Maxwell, McHenry, McMahon, McPherson, Mills, Nadeau, Najarian, Nelson, N.; Peakes, Pearson, Peltier, Perkins, Plourde, Prescott, Raymond, Rideout, Shute, Silsby, Sprowl, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Tozier, Twitchell, Valentine, Wood.

NAY — Aloupis, Austin, Berube, Birt, Carroll, Carter, F.; Chonko, Churchill, Connolly, Cox, Dow, Garsoe, Gill, Goodwin, K.; Gray, Henderson, Hickey, Howe, Huber, Hughes, Immonen, Jacques, Kane, Kany, Lewis, Littlefield, Lougee, Mackel, Masterman, Masterton, McBreairty, McKean, Moody, Morton, Nelson, M.; Palmer, Peterson, Quinn, Rollins, Sewall, Smith, Stover, Strout, Tarbell, Torrey, Trafton, Truman, Whittemore, Wilfong, Wyman.

ABSENT — Ault, Berry, Cote, Curran, Devoe, Dudley, Fowlie, Gauthier, Gillis, Jalbert, Kelleher, Laffin, LaPlante, LeBlanc, Lunt, Martin, A.; Norris, Post, Tyndale.

PAIRED — Mitchell, Spencer.

Yes, 79; No, 50; Absent, 19; Paired, 2.

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

Sent up for concurrence.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Health and Institutional Services reporting "Ought Not to Pass" on Bill "An Act to Require that Savings from Substitution of Generic Drugs be Passed on to the Purchaser" (H. P. 147) (L. D. 177)

Report was signed by the following members:

Mrs. SNOWE of Androscoggin
Mrs. GREELEY of Waldo
—of the Senate.
Mr. TYNDALE of Kennebunkport
Mrs. GILL of South Portland
PRESCOTT of Hampden
NELSON of Portland
TRAFTON of Auburn
—of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-420) on same Bill.

Report was signed by the following members:

Mr. PRAY of Penobscot
—of the Senate.
Mrs. KANE of Augusta
Messrs. KERRY of Old Orchard Beach
BRENERMAN of Portland
GOODWIN of South Berwick
FOWLIE of Rockland
—of the House.

Reports were read.

Mr. Goodwin of South Berwick moved that the Minority "Ought to Pass" Report be accepted.

On motion of the same gentleman, tabled pending his motion to accept the Minority Report and specially assigned for Tuesday, May 31.

The following papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

Bill "An Act Authorizing the Approval of New School Construction in the Town of Stockholm" (Emergency) (H. P. 1613) (Presented by Mr. McBreairty of Perham) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Was referred to the Committee on Education, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Bill "An Act to Extend the School Budget Adoption Date until July 1st and Vocational Region Budgets to August 1st" (Emergency) (H. P. 1616) (Presented by Mr. Garsoe of Cumberland) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

On motion of Mr. Garsoe of Cumberland, under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Bill "An Act to Amend the State 'on' and 'off' Indicators for Extended Benefits" (Emergency) (H. P. 1614) (Presented by Mr. Bustin of Augusta) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

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

Mr. BUSTIN: Mr. Speaker, the Commissioner of Manpower Affairs has presented this bill to us and has advised us that through the machinations of the U. S. Congress, it has become necessary for us to pass this bill by June 1. So unless there is objection, I would like to have the same treatment given to this one that Mr. Garsoe just gave to the other one so

that we can have it enacted by Wednesday night.

Thereupon, by unanimous consent, the bill was read twice, passed to be engrossed without reference to any committee, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

RESOLVE, to Correct the Personal Services Appropriation for the Sheriff of Washington County for the Year 1977 (Emergency) (H. P. 1615) (Presented by Mr. Mills of Eastport) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Was referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Seante.

The following paper from the Seante was taken up out of order by unanimous consent:

From the Senate: The following Order:
ORDERED, the House concurring, that when the House adjourns, it adjourns to 9:30 in the morning on May 31; and that when the Senate adjourns, it adjourns to 10:30 in the morning on May 31. (S. P. 520)

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

Consent Calendar

First Day

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

(H. P. 146) (L. D. 176) Bill "An Act Relating to Voter Registration" — Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-438)

(H. P. 937) (L. D. 1134) Bill "An Act Revising Procedures for Certain Tied Elections" — Committee on Election Laws reporting "Ought to Pass"

(S. P. 162) (L. D. 428) Bill "An Act Relating to the Exemption of Financial Institutions from the Unfair Trade Practices Act" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-164)

(S. P. 429) (L. D. 1514) Bill "An Act Relating to Bidding Procedures Involving the Bureau of Public Improvements" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-165)

(H. P. 501) (L. D. 619) Bill "An Act to Limit the Liability for Damage to Underwater Lines" — Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-437)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of May 31, under listing of the Second Day.

(H. P. 1572) (L. D. 1788) Resolve, Authorizing a \$450,000 Advance from the General Fund to the Department of Educational and Cultural Services to Provide Working Capital on Renovation of and Equipping of Building at Eastport" (Emergency) — Committee on Education reporting "Ought to Pass"

On the objection of Mr. Lynch of Livermore Falls, was removed from the Consent Calendar.

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

On motion of Mr. Lynch of Livermore Falls, under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Seante.

(H. P. 999) (L. D. 1240) Bill "An Act Relating to Purse Seining and Stop Seining" — Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-436)

(H. P. 648) (L. D. 792) Bill "An Act Limiting Three Lobster Traps to One Warp" (Emergency) — Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-435)

(H. P. 549) (L. D. 666) Bill "An Act to Establish Procedures to Evaluate the Efficiency of Energy Utilization in State-financed and Leased Facilities" — Committee on Energy reporting "Ought to Pass"

(H. P. 946) (L. D. 1141) Bill "An Act to Amend the Land Use Regulation Commission Statutes" — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-428)

(H. P. 1017) (L. D. 1232) Bill "An Act to Clarify the Statutory Provisions Concerning the Legal Capacity of a School Bus" (Emergency) — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-427)

(H. P. 832) (L. D. 1005) Bill "An Act Requiring Permanent Markers Prior to the Sale or Conveyance of Land in an Approved Subdivision" — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-432)

(H. P. 1388) (L. D. 1660) Bill "An Act to Require that Certain Conditions be Met Prior to Certification of any Nuclear Power Plant by the Public Utilities Commission" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-431)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 31, 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. 1366) (L. D. 1597) Bill "An Act to Assist in the Determination of the Mental Condition of Criminal Defendants"

On the objection of Mr. Burns of Anson, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading the next legislative day.

(H. P. 1339) (L. D. 1619) Bill "An Act to Promote Direct-Marketing of Agricultural Commodities" (C. "A" H-422)

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

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

Second Reader

Tabled and Assigned

Bill "An Act Relating to the Definition of Deed under the Real Estate Transfer Laws" (S. P. 510) (L. D. 1797)

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

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: I would like to pose a question to someone on the Judiciary Committee. Just what does this bill do? It doesn't seem to be very much like the original bill. The original bill dealt with old deeds, and I guess I would like an explanation of this. I also

would like to know if there is a loss of revenue to the cities and towns and the state.

The SPEAKER: The gentlewoman from Portland, Mrs. Boudreau, has posed a question through the Chair to anyone who may care to answer.

Thereupon, on motion of Mr. Henderson of Bangor, tabled pending passage to be engrossed in concurrence and specially assigned for Tuesday, May 31.

Passed to Be Engrossed

Resolve, Authorizing Alban E. Cyr, Sr., and Cyr Brothers Meatpacking, Inc., and Cyr Food, Inc. of Caribou to Bring Civil Action Against an Agency of the State of Maine (S. P. 511) (L. D. 1798)

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

Bill "An Act to Amend the Law Regulating Mass Gatherings" (H. P. 1603) (L. D. 1806)

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

Mr. Goodwin of South Berwick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-441) was read by their Clerk and adopted.

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

Bill "An Act Relating to Communicable Diseases" (H. P. 1602) (L. D. 1805)

Bill "An Act Relating to the Declaration and Payment of Estimated Tax for Corporations under the Maine Income Tax Law" (H. P. 464) (L. D. 569)

Bill "An Act Providing for Improvements in the Sales Tax Collection Provisions Specified by Statute" (H. P. 395) (L. D. 501)

Bill "An Act to Revise the Excise Tax on Camper Trailers" (H. P. 953) (L. D. 1147)

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

Bill "An Act Concerning the Power of Podiatrists" (S. P. 280) (L. D. 893)

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

Mr. Goodwin of South Berwick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-421) was read by the Clerk.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: This just clarifies the original bill. In the original bill there was some conflicting wording. It looks a little wordy, but basically it just clarifies it so that everything is understandable.

Thereupon, House Amendment "A" was adopted.

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

Bill "An Act to Establish a Fund to Insure the Safe and Proper Decommissioning of Nuclear Energy Generating Facilities" (H. P. 1599) (L. D. 1804)

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

Thereupon, House Amendment "A" was adopted.

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

Bill "An Act to Establish a Fund to Insure the Safe and Proper Decommissioning of Nuclear Energy Generating Facilities" (H. P. 1599) (L. D. 1804)

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

Thereupon, House Amendment "A" was adopted.

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

Bill "An Act to Establish a Fund to Insure the Safe and Proper Decommissioning of Nuclear Energy Generating Facilities" (H. P. 1599) (L. D. 1804)

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

Thereupon, House Amendment "A" was adopted.

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

Bill "An Act to Establish a Fund to Insure the Safe and Proper Decommissioning of Nuclear Energy Generating Facilities" (H. P. 1599) (L. D. 1804)

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

Thereupon, House Amendment "A" was adopted.

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

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

On motion of Mr. Goodwin of South Berwick, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-442) was read by the Clerk.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment basically puts a fiscal note on this bill of \$10,000 in the second year of the biennium after the bill goes into effect and allocates it to the University of Maine Law School. It also removes the provision whereby any extension programs offered by the law school would have to be subsidized at the rate as the full-time. So basically what it does, it gives money to the law school to get these courses started that they want to, and it also allows them to charge a full tuition rate for those courses.

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

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

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Each session of this legislature we do have some good bills come in; we have a great number of bad bills that come in. I nominate this one as the worst of a sorry lot, introduced for the very worst of reasons. I think the excellence of the University of Maine Law School is considered one of the top three in the east, I am told, and it seems to me obvious that a school of this reputation is going to, every year, reject well-qualified candidates. But I think we are allowing this excellence to be threatened here today by actions such as this. We are attempting to put this school under the control of three masters. We have the trustees charged with the operation of the school. They must conduct those operations in conformance with the requirements of the accrediting institution, and now we are placing the heavy hand of this legislature right into the middle of that situation.

I don't think I need to say any more. I just hope that the narrow margin that this thing survived by yesterday can be turned around, and I move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, moves that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: I voted against this bill yesterday and I will vote in favor of the motion to indefinitely postpone this morning, but I must rise from my seat in strong objection to the remarks just made by the gentleman from Cumberland, Mr. Garsoe, when he impugned the motives behind this piece of legislation. I feel that the motivation which sponsored this bill, even though I am opposed to it, were of the highest. I feel that the sponsor of this piece of legislation feel that this is the best mechanism by which legal education which is vitally important to us all can be disseminated to as many members of the population of this state as possible. I think they have chosen the wrong way to go about it. The motives of those individuals are the highest, and I personally take objection to those indications.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Each session of this legislature we do have some good bills come in; we have a great number of bad bills that come in. I nominate this one as the worst of a sorry lot, introduced for the very worst of reasons. I think the excellence of the University of Maine Law School is considered one of the top three in the east, I am told, and it seems to me obvious that a school of this reputation is going to, every year, reject well-qualified candidates. But I think we are allowing this excellence to be threatened here today by actions such as this. We are attempting to put this school under the control of three masters. We have the trustees charged with the operation of the school. They must conduct those operations in conformance with the requirements of the accrediting institution, and now we are placing the heavy hand of this legislature right into the middle of that situation.

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The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, moves that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. CARROLL: Mr. Speaker and Members of the House: If I were to sit here today and let the remarks made here go by, I would consider myself a coward, a coward of the lowest order. How long since the Taj Mahal, the round house, I call it, in Portland, has been so prestigious, so glorious that a legislature cannot ask them what direction they are going in? How long has it been since a man on the street has had someone willing to stand up here and fight his battles? Ladies and gentlemen of the House, I think it is time politicians' hands were put in there. The politicians' hands were put in the high schools years ago, it was put in there in 1965, and we did this because our high schools were not teaching vocational education. Today you have vocational education throughout the land in all our high schools. That is the heavy hand of the politician. I ask you, is it wrong?

I urge you here today not to follow the leadership of the left, because the leadership of the left is not the leadership of the common man. I urge you to follow the leadership of the common man, to give the common man his place at the banquet table, because the banquet table of life is knowledge and the common man must have knowledge of law, for so many times he finds himself receiving the wrong information that he paid for. I think it is only proper, it is only just, it is only right that we should put the heavy hand of the politician in the Taj Mahal of the east, the great prestigious place in Portland that so many look at but is denied so many.

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

Mr. JENSEN: Mr. Speaker and Members of the House: I intend to vote against the motion to indefinitely postpone this bill. There is no question in my mind, and I suspect in anybody else's, what the ultimate fate of this piece of legislation is going to be looking at the first three signatures on the committee report, but I think there are a few things that I am very interested in. One of them is the fact that I would like to see some sort of alternative in the way of

Mr. GARSOE: Mr. Speaker, and Members of the House: I don't believe I impugned the motives of the sponsor. I was merely repeating what I heard said on the floor of this House yesterday, that this bill was introduced because of the rejection of a qualified candidate. I also heard, in the event this bill didn't receive passage, what I would call the threat of continued surveillance to see that the conduct of the law school was being carried out in a manner that would suit the individual, no challenges to personal integrity, but I do suggest that that material went onto the record yesterday and is a perfectly proper posture to respond to.

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

Ms. BACHRACH: Mr. Speaker and Members of the House: I don't intend to get into this discussion at all, but another fact came to my attention that I thought the members of the House might be interested in, and that is the question of accreditation. Apparently it isn't possible for the law school to maintain its accreditation if they do not conduct a complete program of law education on the premises. Obviously, people who would like to take courses in various aspects of law are not going to want to get tied into a complete law school program, some of which is very dull and pedestrian. I would like to suggest that they said to me that extension courses, either at UMP or at Augusta could be made available and they are looking into the possibility of doing this right now so that people could, in fact, take the courses in the type of law that they are most interested in without becoming involved in their full degree program. For this reason, I would vote against this bill, because I don't think that it really addresses the problem that is under discussion here.

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Mr. CARROLL: Mr. Speaker and Members of the House: If I were to sit here today and let the remarks made here go by, I would consider myself a coward, a coward of the lowest order. How long since the Taj Mahal, the round house, I call it, in Portland, has been so prestigious, so glorious that a legislature cannot ask them what direction they are going in? How long has it been since a man on the street has had someone willing to stand up here and fight his battles? Ladies and gentlemen of the House, I think it is time politicians' hands were put in there. The politicians' hands were put in the high schools years ago, it was put in there in 1965, and we did this because our high schools were not teaching vocational education. Today you have vocational education throughout the land in all our high schools. That is the heavy hand of the politician. I ask you, is it wrong?

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The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, moves that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: I voted against this bill yesterday and I will vote in favor of the motion to indefinitely postpone this morning, but I must rise from my seat in strong objection to the remarks just made by the gentleman from Cumberland, Mr. Garsoe, when he impugned the motives behind this piece of legislation. I feel that the motivation which sponsored this bill, even though I am opposed to it, were of the highest. I feel that the sponsor of this piece of legislation feel that this is the best mechanism by which legal education which is vitally important to us all can be disseminated to as many members of the population of this state as possible. I think they have chosen the wrong way to go about it. The motives of those individuals are the highest, and I personally take objection to those indications.

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Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Each session of this legislature we do have some good bills come in; we have a great number of bad bills that come in. I nominate this one as the worst of a sorry lot, introduced for the very worst of reasons. I think the excellence of the University of Maine Law School is considered one of the top three in the east, I am told, and it seems to me obvious that a school of this reputation is going to, every year, reject well-qualified candidates. But I think we are allowing this excellence to be threatened here today by actions such as this. We are attempting to put this school under the control of three masters. We have the trustees charged with the operation of the school. They must conduct those operations in conformance with the requirements of the accrediting institution, and now we are placing the heavy hand of this legislature right into the middle of that situation.

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Mr. CARROLL: Mr. Speaker and Members of the House: If I were to sit here today and let the remarks made here go by, I would consider myself a coward, a coward of the lowest order. How long since the Taj Mahal, the round house, I call it, in Portland, has been so prestigious, so glorious that a legislature cannot ask them what direction they are going in? How long has it been since a man on the street has had someone willing to stand up here and fight his battles? Ladies and gentlemen of the House, I think it is time politicians' hands were put in there. The politicians' hands were put in the high schools years ago, it was put in there in 1965, and we did this because our high schools were not teaching vocational education. Today you have vocational education throughout the land in all our high schools. That is the heavy hand of the politician. I ask you, is it wrong?

I urge you here today not to follow the leadership of the left, because the leadership of the left is not the leadership of the common man. I urge you to follow the leadership of the common man, to give the common man his place at the banquet table, because the banquet table of life is knowledge and the common man must have knowledge of law, for so many times he finds himself receiving the wrong information that he paid for. I think it is only proper, it is only just, it is only right that we should put the heavy hand of the politician in the Taj Mahal of the east, the great prestigious place in Portland that so many look at but is denied so many.

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

Mr. JENSEN: Mr. Speaker and Members of the House: I intend to vote against the motion to indefinitely postpone this bill. There is no question in my mind, and I suspect in anybody else's, what the ultimate fate of this piece of legislation is going to be looking at the first three signatures on the committee report, but I think there are a few things that I am very interested in. One of them is the fact that I would like to see some sort of alternative in the way of

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legal education exist, to take three years out of one's life, going to that school and doing absolutely nothing else. That is something that exists presently. There are a very limited number of students that may go.

Another thing along the same line that concerns me is the number of out-of-state students that go there. Certainly, you have got a situation because of court rulings and the like where anybody can go to school and become a resident very quickly, very easily, but I think if you allow some sort of additional part-time night training, call it whatever you wish, you are going to have primarily local Maine resident students attending it. You are not going to have out-of-staters coming in and attending this school.

I guess the ultimate thing that I would like to see occur is perhaps select a committee or a legislative committee or whatever to actually take a look at this entire thing, take a look at the accreditation process, take a look at the whole concept of part time or non-degree type candidates in law school to consider the alternatives, consider how they might be implemented and I suppose ultimately determine the feasibility of this type of system.

I suspect that because of this and my feeling in this direction, I am going to vote against indefinite postponement and I would hope you would as well.

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

Mr. CAREY: Mr. Speaker and Members of the House: I would echo the remarks of the gentleman from Portland, Mr. Jensen. I am going to oppose the motion to indefinitely postpone, because I would like to see Maine people from the Maine Law School graduate that is paid for with Maine money.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker and Members of the House: I have not spoken on this bill previously. It is one I find difficult discussing because it embarrasses me. But during the process of the legislative action taking place, it has been winnowed down to a bill whose motivations are not as blameworthy as they might have been earlier.

The bill, as it is presented before us, is an idea which is strongly supported by the university, strongly supported by me and I think most members of this House. The idea of part-time education, of education for our citizenry when they can get it, comfortable and convenient to them, is an idea that this university has been committed to since it was formed in 1968. And if you can get any idea of the statistics of where the shift in the university has taken place, it is to part-time education to the traditional full-time, daytime student population that we had in 1968. The university is committed to that direction and it is evident in every degree program they offer.

With regard to the law school, they have on several occasions investigated the possibility of moving in this direction, and they have on each occasion rejected them as economically unfeasible. Still, I understood that there was to be a fiscal note attached to this bill which would, in a sense, offer the university a certain sum of money if they chose to open their night law school program. And with that kind of realistic fiscal note, I would have voted for the bill, but a \$10,000 fiscal note is silly. That kind of program is incredibly expensive, \$100,000 might approach it, but you don't hire full-time lawyers to teach incoming lawyers, and you don't provide a library to support them, and you don't meet accreditation standards for a law school on this kind of fiscal note. So as much as the motivation is good and if the bill had left to the trustees of the university the final decision as to whether or not it was economically feasible to

establish this kind of program, I could have supported it, but not with this inadequate fiscal note.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.
Mr. GOODWIN: Mr. Speaker and Members of the House: I think the time has come for me to answer a few points that have been brought up, and I do want to thank the gentleman from Lisbon Falls, Mr. Tierney, for jumping up immediately after the good gentleman from Cumberland spoke, because if he hadn't, I would be a little bit afraid of what I might have said to the good gentleman.

I think if the good gentleman from Cumberland reads the record of yesterday, it would state that, yes, I began thinking about the law school and its role in the State of Maine after I was told that a good friend of mine was rejected from the law school. He was subsequently accepted at three others and is attending William and Mary right now, the point in that being that he had to leave the State of Maine and has moved his whole family down there. But that is not what I wanted to get up and talk about.

What I wanted to talk about was, that incident began my thinking in terms of the role the law school plays in the scheme of the educational picture in the State of Maine. Perhaps I should have expanded that a little bit to look at the total university picture and the post Bachelor Degree program; I am sorry I didn't.

What I tried to do with this bill was examine this role, and when I looked at it, I found that we had an institution that was subsidizing Maine and out-of-state people to get a law degree at a much greater rate than we are substituting Maine and out-of-state people in other areas of post Bachelor Degree programs, and I didn't think this was right. I have taken that section out of the bill. I understand the trustees are working on it; that is fine and good, and I hope something will happen on that. But where I am coming from is the fact that I have been tremendously involved in adult education in this state, and I am very proud of the way Maine has been involved with adult ed. We lead many many other states across the nation in our commitment to adult education. Nearly any adult in this state who wants to get ahead in education can do it through part-time programming.

One thing that has been brought up by the good lady from Brunswick, Ms. Bachrach, and I think if I understood what she said, because I have had several other people tell me this, they have got the word from some people down at the law school that if we pass this bill we are going to lose accreditation, ladies and gentlemen, I sent for this to the American Bar Association Standard Rules of Procedure for Approval of Law Schools. I have read it from cover to cover and there is nothing in here that states that a law school will lose their accreditation if they go to a part-time program. It even addresses that fact, it addresses how they can do that. It states some regulations in which part-time programming must come under, but it doesn't state that any accreditation will be lost. It also goes on a little bit further and it states in one section that if the law school has a program that permits or requires students to participate in studies or activities away from the law school or a format that does not involve attendance at regularly scheduled classes, the time spent in such studies or activities may be included as satisfying the resident and class hour requirements provided as a condition of this section is satisfied. It goes on, but the point is, throughout all these standards, it seems to allow law schools to experiment and vary their programs.

We are losing sight of exactly what we want here. The good gentleman from Auburn, Mr. Hughes, got up and stated that this appropriation is too small. Well maybe it would be for a

full-time, part-time program. The bill doesn't call for that; it calls for a part-time extension program. You know, an extension program doesn't even have to be at night. It could just mean that I, or any one of you, would take one or two or three classes, not be accepted as a full-time student but take a couple of classes during the day, during the regular classes. It doesn't even mean that you have to establish night programs, it doesn't mean that you have to establish programs in Augusta or Presque Isle or anything else; it just means that it has to be available to a part-time student.

The way I envision this starting would perhaps be that the school could offer one or two classes in the evening, maybe some of your basic first-year programs. If a person wanted to take, say, a minimum — if he wanted to work on a part-time basis towards a law degree, he could take the eight hours that he is required by the ADA, maybe two classes in the evening and one during the day, but this would still allow him the flexibility to hold down pretty nearly a full or part-time job.

Before I sit down, I would like to make an offer on the record to the law school, and I think I could probably get additional help from people in the adult education field, but I would like to make this offer to the law school here and now. If this bill passes, I will offer my services, as a consultant in adult ed, free of charge to the law school to help them set up this program. I don't say that facetiously, I say that in all honesty because I believe in adult education. I believe that we should have institutions in this state that are run democratically, and I don't mean that by party, I mean that by democracy. I don't want to see elitest institutions where only a select few can get the benefits of that institutions. The law school should be a resource for the total State of Maine for people who want to take courses, and this is what I have been trying to do with this bill. Now, if that is the worst motive, then I think the good gentleman from Cumberland and I have some very serious differences. I don't think that is what he means.

I would just like to see us continue our commitment to adult ed that the State of Maine has on other levels, such as adult basic diploma, general college level, into the field of law, and hopefully with this, maybe the trustees will look at some of the other programs that they offer too, but I think this is what I am trying to get at, to get this commitment to life-long learning to all phases of our educational institutions.

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

Mr. TARBELL: Mr. Speaker and Members of the House: I am in complete accord and sympathy with the objects that this bill attempts to bring about. As we all know only too well in this legislature and in this House, more and more laws are being passed on the state and federal level, and it is taking the average citizen in our state, in our country, more and more legal advice and counsel to do anything, to consummate any transaction to buy a house, to finance a car, consumer credit transactions, you need an attorney, you need some general legal knowledge. However, it would seem to me that if our intent and the goal that we are attempting to achieve is to disseminate and disburse to the citizens in our state as easily and as best as possible an education in legal affairs and in legal matters, the nuts and bolts so that it can be practical, a better approach would be to integrate through our campuses in the university system legal courses, night courses that our citizens can attend and participate in. If we limit it where it is limited, as I understand this bill, to a law school, it would only serve a minority of people in our state, and if the end-object is to disseminate practical legal knowledge to as many citizens and make it available and accessible to as many citizens as possible, it would seem to

me that we need to go in another direction.

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

Mr. QUINN: Mr. Speaker, I request that the vote be taken by the yeas and nays.

Mr. Garsoe of Cumberland was granted permission to speak a third time.

Mr. GARSOE: Mr. Speaker and Members of the House: I don't want anyone leaving here today, especially the gentleman from South Berwick, with any feeling that I was attempting to impugn his integrity. If I got carried away with my description of the motives of this legislation, let me rephrase it. As is so often the case, my mouth gets me into trouble. I am opposed to the concept of this legislature attempting to run either the University of Maine or the University of Maine Law School. We have duly constituted bodies that are charged with that responsibility, and if I had a concern such as this, I would be directing my remarks to them, because if we start in on this vein, will we then decide which specialties will be taught in the law school, where does it end? So if I could rephrase, Mr. Goodwin, what I put out at first, I hope you could accept it in the light that it is offered.

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 Cumberland, Mr. Garsoe, that this Bill and all accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

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

Mrs. BERUBE: Mr. Speaker, I would like to pair with the gentleman from Standish, Mr. Spencer. If he were here, he would be voting yes and I would be voting no.

ROLL CALL

YEA — Alopis, Austin, Bagley, Beaulieu, Bennett, Birt, Boudreau, A.; Brown, K.L.; Brown, K.C.; Bunker, Burns, Carter, F.; Churchill, Conners, Cunningham, Drinkwater, Dutremble, Fenslon, Garsoe, Gill, Goodwin, K.; Gould, Gray, Huber, Hughes, Hunter, Hutchings, Immonen, Kilcoyne, Laffin, Lewis, Littlefield, Lizotte, Lynch, Mackel, Marshall, Masterman, Masterton, McBreairty, McHenry, Mills, Mitchell, Moody, Morton, Najarian, Nelson, M.; Palmer, Peltier, Perkins, Peterson, Prescott, Quinn, Raymond, Rideout, Sewall, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Whittemore, Wyman.

NAY — Bachrach, Benoit, Biron, Blodgett, Boudreau, P.; Brenerman, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Dexter, Diamond, Dow, Durgin, Elias, Flanagan, Goodwin, H.; Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kerry, Locke, MacEachern, Mahany, McMahon, McPherson, Nadeau, Nelson, N.; Peakes, Pearson, Plourde, Post, Rollins, Shute, Tarr, Trafton, Valentine, Wilfong, Wood, The Speaker.

ABSENT — Ault, Berry, Curran, Davies, Devoe, Dudley, Fowlie, Gauthier, Gillis, Hobbins, Jalbert, Kelleher, LaPlante, LeBlanc, Lougee, Lunt, Martin, A.; Maxwell, McKean, Norris, Tyndale.

PAIRED — Berube, Spencer.

Yes, 72; No, 56; Absent, 21; Paired, 2.

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

Sent up for concurrence.

Second Reader

Tabled and Assigned

Bill "An Act Authorizing Control over the Electrical Rates Charged Maine Consumers by Out-of-State Electrical Utilities" (H. P. 835) (L. D. 1008) (C. "A" H-401)

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

(On motion of Mr. Pearson of Old Town, tabled pending passage to be engrossed as amended and specially assigned for Tuesday, May 31.)

Passed to Be Enacted

Emergency Measure

"An Act to Amend the Law Relating to Gas Tax Reimbursement" (H. P. 1219) (L. D. 1446) (C. "A" H-362)

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. 108 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.

Finally Passed

Emergency Measure

RESOLVE, Designating Weskeag Marsh at Thomaston as the "R. Waldo Tyler Wildlife Management Area" (H. P. 1533) (L. D. 1765) (S. "A" S-156)

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. 107 voted in favor of same and 5 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

"An Act to Repeal the Definition of Insane Person Contained in Title I of the Maine Revised Statutes" (S. P. 357) (L. D. 1182)

"An Act Concerning the Podiatrics Practice Act" (S. P. 425) (L. D. 1483)

"An Act Relating to Application Fees for Official Inspection Stations" (H. P. 136) (L. D. 169) (H. "B" H-370 to C. "A" H-332)

"An Act Concerning the Taking of Black Bass" (H. P. 265) (L. D. 333) (C. "A" H-353)

"An Act to Provide Limited Immunity to aid in Arson Investigation" (H. P. 959) (L. D. 1151) (C. "A" H-356)

"An Act Concerning Wharf and Piers under the Submerged Lands Law" (H. P. 1320) (L. D. 1550) (C. "A" H-367)

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

Orders of the Day

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

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

Tabled — May 25, 1977 by Mrs. Post of Owls Head.

Pending — Passage to be Engrossed.

On motion of Mrs. Post of Owls Head, retabled pending passage to be engrossed and specially assigned for Wednesday, June 1.

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

Senate Divided Report — Majority (11) "Ought Not to Pass" — Minority (2) "Ought to Pass" — Committee on Transportation on Bill "An Act to Establish a Sign on Interstate 95 Announcing Peaks-Kenny State Park" (S. P. 302) (L. D. 928) — In Senate, Majority "Ought Not to Pass" Report Read and Accepted. — In House, Acceptance of Majority "Ought Not to Pass" Report Reconsidered on May 25.

Tabled — May 25, 1977 by Mrs. Locke of Sebec.

Pending — Motion of Mr. Jensen of Portland to Accept the Majority "Ought Not to Pass" Report.

Thereupon, the motion to accept the Majority "Ought Not to Pass" Report failed.

On motion of Mr. Carroll of Limerick, the Minority "Ought to Pass" Report was accepted in non-concurrence, the Bill read once and assigned for second reading the next legislative day.

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

Bill, "An Act Clarifying the Saco River Corridor Commission Statutes" (H. P. 1281) (L. D. 1517)

Tabled — May 26, 1977 by Mr. Spencer of Standish.

Pending — Adoption of Committee Amendment "A" (H-425)

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker and Members of the House: I would just like to point out that it was tabled yesterday because Mr. Berry wanted to look at certain sections of the bill. He told me yesterday afternoon that the sections he was concerned with had been deleted by the Committee Amendment and he is not here today and I haven't heard from him, but I assume that everything is okay and I would ask that we could let this bill go on its merry way so that we can get those fire permit sections of the bill in action and in force as soon as possible.

Thereupon, Committee Amendment "A" was adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill, "An Act to Require Drivers License Renewal Examinations" (H. P. 397) (L. D. 509) (House Reconsidered Passage to be Engrossed on May 26)

Tabled — May 26, 1977 by Mr. Burns of Anson.

Pending — Adoption of Committee Amendment "A" (H-399) as Amended by House Amendment "A" (H-429) thereto.

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

Mr. CARROLL: Mr. Speaker, I would like to have this tabled until Tuesday. We have some difficulty with this legislation because we just passed some legislation and this is going to contradict some we just passed. I would like to get this bill in better order.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending adoption of Committee Amendment "A" as amended by House Amendment "A" thereto and specially assigned for Tuesday, May 31.

The Chair laid before the House the fifth 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 26, 1977 by Mr. Carter of Bangor.

Pending — Motion of Mr. Carey of Waterville to Accept the Majority "Ought Not to Pass" Report. (Roll Call Requested)

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

Mr. PETERSON: Mr. Speaker and Members of the House: Mr. Carey has an amendment to the bill. I don't see him in his seat.

Thereupon, on motion of Mr. Palmer of Nobleboro, tabled pending the motion of Mr. Carey of Waterville to accept the Majority Report and specially assigned for Tuesday, May 31.

The Chair laid before the House the following matter:

Bill "An Act to Prohibit the Sale and Use of Devices for the Detection of Radar" (S. P. 147) (L. D. 389) which was tabled earlier in the day and later today assigned pending further consideration.

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

Mr. BENNETT: Mr. Speaker, I move that the House adhere.

Whereupon, Mr. Marshall of Millinocket moved that the House recede and concur.

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

A vote of the House was taken.

Whereupon, Mr. Boudreau of Waterville 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 Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I realize there are not enough votes to pass this bill. I just wanted to say that I really think if we are concerned about energy conservation, concerned about the 55 mile an hour speed limit, this is the kind of bill we should pass. I understand that some members of this body who are friends of mine have these little toys in their vehicles and I guess they serve some purpose, but I think that if we are going to be reasonable here and be concerned about energy conservation and be concerned about speed limits, we should pass this type of bill.

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

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

Mr. BIRT: Mr. Speaker, I would like to pair my vote with the gentleman from Brewer, Mr. Norris. If Mr. Norris were here, he would be voting no and I would be voting yes.

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

Mrs. PRESCOTT: Mr. Speaker, I would like to pair my vote with the gentleman from Standish, Mr. Spencer. If he were here, he would be voting no and I would be voting yes.

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

Mr. GARSOE: Mr. Speaker, I wish to pair my

vote with the gentleman from Gouldsboro, Mr. Bunker. If he were here and voting, he would be voting nay and I would be voting yea.

ROLL CALL

YEAS — Boudreau, A.; Boudreau, P.; Burns, Carey, Carroll, Cox, Cunningham, Dexter, Diamond, Dow, Durgin, Elias, Goodwin, K.; Greenlaw, Henderson, Higgins, Huber, Hunter, Immonen, Kane, Kany, Kilcoyne, Marshall, Maxwell, McKean, Morton, Palmer, Peltier, Rollins, Silsby, Stover, Tarr.

NAYS — Aloupis, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Biron, Blodgett, Brenerman, Brown, K. L.; Brown, K. C.; Bustin, Carrier, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connors, Connolly, Cote, Davies, Drinkwater, Dutremble, Fenlason, Flanagan, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Hall, Hickey, Hobbins, Howe, Hughes, Hutchings, Jackson, Jacques, Jensen, Joyce, Kerry, Laffin, Lewis, Lizotte, Locke, Lougee, Lynch, MacEachern, Mackel, Mahany, Masterman, Masterton, McBrearty, McHenry, McMahan, McPherson, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Perkins, Peterson, Plourde, Post, Quinn, Raymond, Rideout, Shute, Smith, Sprowl, Strout, Stubbs, Talbot, Tarbell, Teague, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Whiteamore, Wilfong, Wood, Wyman.

ABSENT — Ault, Berry, Curran, Devoe, Dudley, Fowlie, Gauthier, Gill, Gillis, Jalbert, Kelleher, LaPlante, LeBlanc, Littlefield, Lunt, Martin, A.; Torrey, Tyndale.

PAIRED — Birt, Bunker, Garsoe, Norris, Prescott, Spencer.

Yes, 32; No, 94; Absent, 18; Paired, 6.

The SPEAKER: Thirty-two having voted in the affirmative and ninety-four in the negative, with eighteen being absent and six paired, the motion does not prevail.

Thereupon, on motion of Mr. Bennett of Caribou, the House voted to adhere.

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

Mr. BENNETT: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you all vote against me.

The SPEAKER: The gentleman from Caribou, Mr. Bennett, moves that we reconsider our action whereby we 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.

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

Mr. GREENLAW: Mr. Speaker, is the House in possession of An Act to Improve Prosecution Services, House Paper 1571, L. D. 1785?

The SPEAKER: The Chair would answer in the affirmative.

Mr. GREENLAW: Mr. Speaker, I move that we reconsider our action whereby we passed this bill to be enacted and further moved that it be tabled for two legislative days.

Thereupon, on motion of Mr. Greenlaw of Stonington, tabled pending his motion to reconsider passage to be enacted and specially assigned for Wednesday, June 1.

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

Mr. GREEN: Mr. Speaker, is the House in possession of Bill "An Act Relating to Instruction Posting under the Election Laws," House Paper 454, L.D. 559?

The SPEAKER: The Chair would answer in the affirmative.

Mr. GREEN: Mr. Speaker, I move that we reconsider our action whereby the Bill was passed to be engrossed as amended by House Amendment "A" thereto in non-concurrence.

The SPEAKER: The gentleman from Auburn, Mr. Green, moves that we reconsider our action whereby this Bill was passed to be engrossed as amended in non-concurrence.

The gentleman may proceed.

Mr. GREEN: Mr. Speaker, Men and Women of the House: The only problem I had with this bill yesterday, and it could probably be cleared up with a simple answer, and that is that House Amendment "A" to the bill, before it was amended by the second House Amendment "A" said that an instruction poster, pursuant to Section 572, shall be securely placed at eye level above the shelf for the purpose of aiding the voters. It says in the Statement of Fact that this amendment removes the requirement in the bill that posters be printed in the French language for use in French speaking communities. I was just wondering, it has been amended since then by another amendment and that amendment essentially deals with the height of which the poster will be placed in the voting booth. My only question with this bill is, I do have some people in my district who are Franco-Americans, and I was just wondering if in fact this provision has been deleted and if so, why? If somebody could answer that question, I would appreciate it.

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

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: In reply to Representative Green, it was removed at the request of the people in the general area of your district.

Thereupon, Mr. Green of Auburn requested permission to withdraw his motion for reconsideration, which was granted.

(Off Record Remarks)

On motion of Mr. Quinn of Gorham, Adjourned until Tuesday, May 31, at nine-thirty in the morning.