

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, June 3, 1977

The House met according to adjournment and was called to order by the Speaker.
Prayer by the Reverend George Moore of St. Mark's United Methodist Church, Kittery.
The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:
The Senate of Maine
Augusta

June 2, 1977

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

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act Authorizing Municipalities to Create Development Districts" (H. P. 1216) (L. D. 1482).

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

The Communication was read and ordered placed on file.

The following Communication:
The Senate of Maine
Augusta

June 2, 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 to Establish a Fund to Insure the Safe and Proper Decommissioning of Nuclear Energy Generating Facilities" (H. P. 1454) (L. D. 1694).

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

The Communication was read and ordered placed on file.

The following Communication:
The Senate of Maine
Augusta

June 2, 1977

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

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Require Towns without Secondary Schools to Provide Transportation to Secondary Schools" (H. P. 1025) (L. D. 1273).

Senators:
CHAPMAN of Sagadahoc
JACKSON of Cumberland
USHER of Cumberland

The President today also appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Amend the Requirement for Public Notice of Public Proceedings under the Right to Know Law" (S. P. 426) (L. D. 1484).

Senators:
CUMMINGS of Penobscot
SNOWE of Androscoggin
CARPENTER of Aroostook

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

The Communication was read and ordered placed on file.

The following Communication:
The Senate of Maine
Augusta

June 2, 1977

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

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Provide for Exemption of Farm Supplies from the Sales Tax" (H. P. 538) (L. D. 653).

Senators:
JACKSON of Cumberland
PIERCE of Kennebec
MARTIN of Aroostook

The President today also appointed the following members of the Senate to the Committee of Conference on Bill, "An Act Relating to the Spending Ceiling for Education Purposes" (H. P. 968) (L. D. 1165).

Senators:
MORRELL of Cumberland
HUBER of Cumberland
MERRILL of Cumberland

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

The Communication was read and ordered placed on file.

Tabled and Assigned

Bill "An Act to Ratify Certain Action Taken Relating to Construction of a York County Jail and to Provide for Acceptance of Gifts and Grants for such Purpose" (Emergency) (S. P. 523) (L. D. 1827)

Came from the Senate passed to be engrossed without reference to a Committee.

In the House: On motion of Mr. Tierney of Lisbon Falls, tabled pending reference and specially assigned for Tuesday, June 7.

Ought to Pass as Amended

Tabled and Assigned

Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-154) on Bill "An Act to Clarify Sex Discrimination in the Maine Human Rights Act" (S. P. 260) (L. D. 821)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-182).

In the House, the Report was read.
(On motion of Mr. Talbot of Portland, tabled pending acceptance of the Committee Report and specially assigned for Monday, June 6.)

Ought to Pass in New Draft

Committee on Performance Audit on Bill "An Act to Simplify, Improve and Reduce the Cost of State Agencies Auditing Human Service Contracts and Grants" (S. P. 435) (L. D. 1647) reporting "Ought to Pass" in New Draft (S. P. 522) (L. D. 1826)

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

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for its second reading Monday, June 6.

Non-Concurrent Matter

Bill "An Act to Increase the Use of Wood Fuel as a Supplement to Conventional Energy Sources in Residential Space Heating" (S. P. 295) (L. D. 921) on which the Majority "Ought Not to Pass" Report of the Committee on Energy was read and accepted in the House on

June 1, 1977.

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

In the House:
Mr. Davies of Orono moved that the House adhere.
Whereupon, Mr. Torrey of Poland requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Davies, and that the House adhere. All those in favor will vote yes; those opposed will vote no.
A vote of the House was taken.

61 having voted in the affirmative and 23 having voted in the negative, the motion did prevail.

Non-Concurrent Matter

Bill "An Act to Require that Savings from Substitution of Generic Drugs be Passed on to the Purchaser" (H. P. 147) (L. D. 177) which was passed to be engrossed in the House on June 1, 1977.

Came from the Senate on which the Majority "Ought Not to Pass" Report of the Committee on Health and Institutional Services was read and accepted in non-concurrence.

In the House: On motion of Mr. Goodwin of South Berwick, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act to Clarify the Non-liability of Physicians and other Persons Submitting Reports to the Secretary of State Relating to the Physical and Mental Status of Motor Vehicle Operators" (H. P. 706) (L. D. 886) which was Indefinitely Postponed in the House on May 31, 1977.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-439) in non-concurrence.

In the House: Mr. Spencer of Standish moved that the House recede and concur.

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

Mr. HENDERSON: Mr. Speaker, I would ask for a division, and I would just remind you that this is the bill we killed the other day which violates the privacy between an individual and his physician as far as reporting to the Secretary of State is concerned, and I hope you would not recede and concur so that we may adhere.

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

Mr. SPENCER: Mr. Speaker, Ladies and gentlemen of the House: This bill simply provides that if a physician becomes aware of a condition which he feels would substantially or might substantially impair the ability of his patient to operate a motor vehicle on the highways of the state, he may notify the Secretary of State of that condition. The Secretary of State's Medical Review Committee would then have to conduct an investigation and hold a hearing to determine whether in fact the person was capable of operating a motor vehicle.

The problem that we are trying to address is the person who for one reason or another loses their capacity to drive but is unwilling to admit that either to themselves or to anyone else.

The original bill, I felt, created a substantial breach of the doctor-patient relationship because it allowed the doctor to turn over the medical records to the Secretary of State's Office, which I felt was inappropriate. But all this provides is that the doctor can notify the Secretary of State that there appears to be a serious problem and the Secretary of State will then, through the Medical Review Committee, have a hearing and determine whether or not the person can drive.

It is a difficult situation where somebody loses the ability to operate a motor vehicle, and I think that the report would only be made in extreme cases where a person could not safely operate a vehicle and the doctor felt that he had to make such a report in order to protect the lives of the other citizens of Maine. It is essentially a balancing between the interests of the people who may be killed or maimed by a driver who cannot operate a vehicle against what concluded is a relatively slight loss of confidentiality in the physician-patient privilege relationship.

I would urge you to recede and concur and accept the bill as it was amended in committee.

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

A vote of the House was taken.

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

Thereupon, on motion of Mr. Henderson of Bangor, the House voted to adhere.

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

Mr. HENDERSON: Mr. Speaker, having voted on the prevailing side, I move we reconsider and hope you all vote against me.

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

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

Non-Concurrent Matter

Bill "An Act Relating to the Regulation of Beano" (H. P. 50) (L. D. 71) on which the "Ought to Pass" in New Draft (H. P. 1606) (L. D. 1811) report of the Committee on Legal Affairs was read and accepted and the New Draft passed to be engrossed as amended by House Amendment "A" (H-454) in the House on May 31, 1977.

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

In the House: On motion of Mr. Cote of Lewiston, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act to Establish a Pipeline Privilege Tax" (H. P. 1252) (L. D. 1476) on which the "Leave to Withdraw" Report of the Committee on Taxation was read and accepted in the House on June 1, 1977.

Came from the Senate with that Body having voted to Recommit the Bill and accompanying papers to the Committee on Taxation in non-concurrence.

In the House: On motion of Mr. Carey of Waterville, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Amend the Law Regulating Mass Gatherings" (H. P. 1603) (L. D. 1806) which was passed to be engrossed as amended by House Amendment "A" (H-441) in the House on May 27, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-180) and House Amendment "A" (H-441) in non-concurrence.

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

Non-Concurrent Matter

Joint Order Relative to the Study of Maine's Dog and Coyote Problems (H. P. 1624) which was read and passed in the House on June 1, 1977.

Came from the Senate read and indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Dow of West Gardiner, the House voted to insist.

Orders

An Expression of Legislative Sentiment (H. P. 1640) recognizing that: Ralph Hadakin of Lewiston has been named Handicapped Worker of the Year by Goodwill of Maine (Presented by Mr. Talbot of Portland) (Cosponsor: Mrs. Beaulieu of Portland)

The Order was read.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: Ralph Hadakin is from Lewiston, is now living in Portland, and has spent the last year at Goodwill. Ralph Hadakin was referred to Goodwill of Maine in September of 1975 by the Division of Vocational Rehabilitation of the Department of Human Services. Hadakin was unable to work because of a physical disability, missing a right leg from the knee down and epileptic. Following a one-month reevaluation at Goodwill of Maine's evaluation center, he entered the work adjustment program to prepare for a job in the community.

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

An Expression of Legislative Sentiment (H. P. 1646) recognizing that: Armand A. Pelletier of Millinocket has a distinguished record of service to the American Legion and veteran's programs of his community.

Presented by Mr. Marshall of Millinocket.

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Nadeau of Sanford, it was Ordered:

ORDERED, that Armand LaBlanc of Van Buren be excused for the week of June 6th for personal reasons,

AND be it Further Ordered, that Donald Carter of Winslow be excused May 31st and June 1st for personal reasons.

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

Mr. CAREY: Mr. Speaker, I move that we reconsider our action whereby we voted to adhere on the pipeline privilege tax.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that the House reconsider its action of earlier in the day whereby it voted to adhere on Bill "An Act to Establish a Pipeline Privilege Tax," House Paper 1252, L. D. 1476. 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.

(Off Record Remarks)

House Reports of Committees Ought Not to Pass

Mr. Mackel from the Committee on Taxation on Bill "An Act to Provide for State Valuation of Certain Property" (H. P. 1131) (L. D. 1349) reporting "Ought Not to Pass"

Mr. Teague from the Committee on Taxation on Bill "An Act to Provide for a Multi-Tiered Corporate Income Tax Structure" (H. P. 1158) (L. D. 1401) reporting "Ought Not to Pass"

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act Repealing the Law Governing Disbursements from the Aid to Families with Dependent Children Account" (H. P. 488) (L. D. 608) reporting "Ought Not to Pass"

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act to

Increase State Reimbursement for Food Stamp Transactions" (H. P. 942) (L. D. 1138) reporting "Ought Not to Pass"

Mr. Curran from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution Providing that all State Revenues with the Exception of those now Designated to the Highway Fund, with the Exception that the Legislature may provide Dedication of Revenues to the Department of Inland Fisheries and Wildlife, with the Exception of Provisions Attached to Federal Funds, and with the Exception of Private Gifts be Credited to and Appropriated from the General Fund (H. P. 1557) (L. D. 1777) 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. McHenry from the Committee on Labor on Bill "An Act to Increase the Minimum Wage to \$2.75 an Hour" (H. P. 1084) (L. D. 1308) reporting "Leave to Withdraw"

Mrs. Lewis from the Committee on Labor on Bill "An Act to Establish a Sliding Scale Minimum Wage Law" (H. P. 1274) (L. D. 1502) reporting "Leave to Withdraw"

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act to Make Allocations and Appropriations from Title XX Social Services Programs" (Emergency) (H. P. 1355) (L. D. 1755) reporting "Leave to Withdraw"

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act Relating to Rehabilitative Programs Within Penal and Correctional Institutions Under the Control of the Bureau of Corrections" (H. P. 754) (L. D. 957) reporting "Leave to Withdraw"

Mrs. Sewall from the Committee on Judiciary on Bill "An Act to Permit Nonprofit Legal Service Organizations" (H. P. 758) (L. D. 1018) reporting "Leave to Withdraw"

Mr. Blodgett from the Committee on Natural Resources on Bill "An Act to Repeal Certain Provisions Regulating Log Driving" (H. P. 717) (L. D. 853) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Ms. Clark from the Committee on Business Legislation on Bill "An Act to Revise the Laws Relating to Barbers and Cosmetologists" (H. P. 508) (L. D. 578) reporting "Ought to Pass" in New Draft (H. P. 1639) (L. D. 1838)

Report was read.

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

Ms. CLARK: Mr. Speaker, Men and Women of the House: I must report for the record that I was notified perhaps one half hour ago that a gentleman from the other body, Senator Farley, wishes to be placed on record as in opposition to this item, which reflects a unanimous committee report in New Draft, L. D. 1838. I would also like to place on record that if the attendance had been more responsible, the error would have been noted in a divided report.

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

Mrs. Huber from the Committee on Energy on Bill "An Act to Exempt Energy Conservation Materials from the Sales Tax" (H. P. 786) (L. D. 1095) reporting "Ought to Pass" in New Draft" (H. P. 1642) (L. D. 1841)

Miss Aloupis from the Committee on Business Legislation on Bill "An Act to Revise the Oil Burner Men Law" (H. P. 681) (L. D. 863)

reporting "Ought to Pass" in New Draft (H. P. 1644) (L. D. 1844)

Mr. Rollins from the Committee on Fisheries and Wildlife on Bill "An Act Regulating Ice Fishing in the Various Counties" (H. P. 1032) (L. D. 1328) reporting "Ought to Pass" in New Draft under New Title Resolve, Authorizing and Directing the Commissioner of Inland Fisheries and Wildlife to Promulgate Rules and Regulations Pertaining to Ice Fishing" (H. P. 1637) (L. D. 1839)

Mr. Connolly from the Committee on Education on Bill "An Act to Provide for Regional Special Education Compacts" (H. P. 1576) (L. D. 1796) reporting "Ought to Pass" in New Draft under New Title Resolve, to Provide for Regional Special Education Compacts" (Emergency) (H. P. 1643) (L. D. 1842)

Mr. Jensen from the Committee on Energy on Bill "An Act Exempting Solar and Wind Energy Equipment from Sales Tax" (H. P. 841) (L. D. 1044) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Encourage the Use of Solar Energy in Maine Through Tax Exemptions" (H. P. 1645) (L. D. 1845)

Reports were read and accepted, the New Drafts read once and assigned for second reading Monday, June 6.

Divided Report

Majority Report of the Committee on Education on Bill "An Act Relating to Special Education Tuition and Board" (Emergency) (H. P. 585) (L. D. 712) reporting "Ought to Pass" in New Draft (H. P. 1638) (L. D. 1836)

Report was signed by the following members:

Messrs. PIERCE of Kennebec
KATZ of Kennebec
USHER of Cumberland

—of the Senate.

Messrs. CONNOLLY of Portland
LYNCH of Livermore Falls
Mrs. MITCHELL of Vassalboro
Messrs. WYMAN of Pittsford
BAGLEY of Winthrop
FENLASON of Danforth
BIRT of East Millinocket
Mrs. BEAULIEU of Portland
Mr. PLOURDE of Fort Kent

—of the House.

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

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

—of the House.

Reports were read.

On motion of Mr. Lynch of Livermore Falls, the Majority "Ought to Pass" Report was accepted, the New Draft read once and assigned for second reading the next Legislative day.

Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Prohibit State Officials From Appearing on Media Advertising Funded by the State" (H. P. 440) (L. D. 547)

Report was signed by the following members:

Mr. COLLINS of Aroostook
Mrs. SNOWE of Androscoggin

—of the Senate.

Mr. CHURCHILL of Orland
Mrs. KANY of Waterville
Ms. BACHRACH of Brunswick
Messrs. SILSBY of Ellsworth
STUBBS of Hallowell
Mrs. MASTERTON of Cape Elizabeth

—of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-468) on same Bill.

Report was signed by the following members:

Mr. MARTIN of Aroostook

—of the Senate.

Mr. DIAMOND of Windham
Mrs. LOCKE of Sebec
Messrs. VALENTINE of York
CURRAN of South Portland

—of the House.

Reports were read.

Mr. Curran of South Portland moved that the Minority "Ought to Pass" Report be accepted.

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

Ms. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that we felt very unenthusiastic about either way, but the fact is that the problem being addressed by this bill was not of any vast importance. It seemed to stem from the objection of some people to the fact that the head of the Lottery Commission, Mr. Orestis, had appeared on media advertising. As far as I know, that is the only instance of this occurring. I didn't feel it was necessary to address it in legislation, and I hope that you will refuse to accept the "Ought to Pass" and go on to delete the bill.

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: There are lots of ways that legislation arrive in these halls. As you know, there is a lobby that develops bills, we sponsor them, and there are department head bills and there are a number of special interest groups that have bills, your friends have bills, relatives have bills, but there should be some special merit to a bill that a legislator has thought up all by him or herself, and I thought up this bill all by myself one night when I was watching television and I saw about 16 ads with the lottery director coming on and telling us how wonderful it was to solicit a particular lottery ticket. That happened to be the lottery ticket that fell into disrepute and we haven't seen him on the tube since. That was probably just an accident that that particular problem happened with that particular lottery game.

To be very serious for a moment, we all know that part of the way to get ahead politically is to become known, to get your name out there, and the best way to do that is through television. All of us who have been involved in some kinds of dubious efforts for political advancement have tried to find ways to become known, to get on television and this kind of thing and some with more success than others. But there seems to me to be one way where someone in public life, whether or not he is now acclaimed as a candidate or whether he has any thought of being a candidate but someone in public service, there should be some way to prevent a person in public service from promoting himself or herself through the media, paid for by public funds. This is the problem the bill addresses. It does not go to the issue, for example, of someone like the Secretary of State appearing on television in a free promotional announcement to say "drive safe over Memorial Day weekend" or something like that. This is not affected by the bill.

All we are talking about here is paid advertising which features the heads of state agencies. Committee Amendment "A" limits it to the heads of state agencies, and I would hope that since the committee is not enthusiastic one way or the other, I am enthusiastic for the minority report and I hope we will send this along.

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

Mrs. KANY: Mr. Speaker and Members of the House: I would hope that we wouldn't clutter up our statutes with a bill such as this. It would take about a half a page in the Maine Statutes. It does prohibit any official or head of any agency from appearing in an advertisement paid for with any state funds, and then it goes on to list a bunch of exceptions, and one exception would be appearing or being quoted in any newsletter prepared and circulated by or for the agency, as long as the purpose of this

newsletter is to inform interested persons about the activities or issues related to the activities of the agency and so on. I think even that exception would allow the lottery director to appear on television in the manner that Representative Bustin indicated. I think this is just a silly bill, just a lot of wordage, a lot of verbage, and I think it is silly to clutter up our very important statutes with such language.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from South Portland, Mr. Curran, that the House accept the Minority "Ought to Pass" Report. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Bustin 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 South Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I wanted to rise to let you know that I do not think it is a silly bill nor do I think it would waste space in the Maine Statutes. I think that the bill does address an area of potential abuse, and that is someone advancing their political career by using monies that belong to the citizens of the state in order to get their face in the living room.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question. I wonder if the official who appears on the media advertising gets paid for it just as a professional actor would get paid for appearing on media advertising, or does this official give his time and therefore it might be a less expensive ad than it might be if you had to pay a professional to do it? Could somebody answer that question, please?

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

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: I guess you didn't ask specifically, Mrs. Lewis, how they got paid. They do get paid in terms of free advertisement. As far as the monetary pay, I guess not. The pay they receive is exposure, which they may be looking for.

The reason I signed the "ought to pass" is because it is a very good bill. In some research that I did which points to this and probably you should be aware of, the lottery director of Maryland ran for governor, did not make it, and then he ran for senator. The time between running for governor and running for senator. he was appearing on television as directing the lottery efforts of Maryland, so I think you ought to take that into consideration. That is the kind of thing that can happen and I think this is, as Mr. Curran stated, a very important bill and it does not clutter up, as you might be led to believe, it is a very important bill. I think it is a safeguard which we should take before a serious event does take place.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out, at the hearing on this bill, there was only one proponent, and that was the sponsor, Mr. Bustin. I, myself, and I think the majority of the committee felt that this was perhaps ad-

dressings some potential problem but there appears to be no need to address the problem as far as I can see at this time. I would regard it as unnecessary legislation. I feel that within the departments they can handle any such situations that might occur through their personnel rules and also through their departmental budgets regarding advertising. I feel it is unnecessary legislation.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman from Ellsworth, Mr. Silsby, I would only point out that the department head usually is the one who controls that particular department's budget.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry I don't have the amendment, but I would just inquire whether, at least according to the bill, it looked like any kind of circular which had a state official on it. I am wondering, the governor's picture of course is on all of these road maps that go throughout the state, would that involve him as well? With the same argument, should it not?

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

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

Mr. CAREY: Mr. Speaker, to the gentleman from Bangor, Mr. Henderson, I would only say that maps are provided as a public service.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from South Portland, Mr. Curran, that the Minority "Ought to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Beaulieu, Benoit, Berube, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K.C.; Burns, Bustin, Carey, Carroll, Carter, D.; Clark, Connolly, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dutremble, Elias, Flanagan, Fowle, Garsoe, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Huber, Hughes, Jackson, Jalbert, Kane, Kerry, Kilcoyne, Laffin, Lynch, MacEachern, Mahany, McHenry, McMahan, Nadeau, Norris, Palmer, Pearson, Plourde, Post, Raymond, Rollins, Shute, Spencer, Talbot, Tarbell, Theriault, Tierney, Trafton, Truman, Twitchell, Valentine, Wilfong, Wood, Wyman.

NAY — Aloupis, Ault, Bachrach, Bagley, Bennett, Berry, Biron, Birt, Bunker, Carter, F.; Churchill, Connors, Cote, Devoe, Dudley, Fenlason, Gauthier, Gill, Gillis, Gould, Gray, Higgins, Howe, Hunter, Immonen, Jacques, Jensen, Joyce, Kany, Lewis, Littlefield, Lougee, Lunt, Mackel, Marshall, Masterman, Masterton, Maxwell, McKean, McPherson, Mitchell, Moody, Morton, Najarian, Nelson, M.; Peltier, Perkins, Peterson, Prescott, Quinn, Rideout, Sewall, Silsby, Smith, Sprowl, Stover, Stubbs, Teague, Torrey, Tozier, Whittemore.

ABSENT — Brown, K.L.; Carrier, Chonko, Durgin, Hutchings, Kelleher, LaPlante, LeBlanc, Lizotte, Locke, Martin, A.; McBrearty, Mills, Nelson, N.; Peakes, Strout, Tarr, Tyndale.

Yes, 71; No, 61; Absent, 18.

The SPEAKER: Seventy-one having voted in the affirmative and sixty-one in the negative, with eighteen being absent, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-468) was read by the

Clerk and adopted and the Bill assigned for second reading the next legislative day.

Divided Report Tabled and Assigned

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Appropriate Funds to the Maine Amateur Athletic Union Cultural Exchange Program" (Emergency) (H. P. 1343) (L. D. 1590)

Report was signed by the following members:

Messrs. MERRILL of Cumberland
HUBER of Cumberland
MORRELL of Cumberland
— of the Senate.

Ms. GOODWIN of Bath
Mr. HIGGINS of Scarborough
Mrs. NAJARIAN of Portland
Messrs. PERKINS of Blue Hill
MORTON of Farmington
JALBERT of Lewiston
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-469) on same Bill.

Report was signed by the following members:

Messrs. GREENLAW of Stonington
McBREAIRTY of Caribou
LeBLANC of Van Buren
— of the House.

Reports were read.

(On motion of Ms. Goodwin of Bath, tabled pending acceptance of either Report and specially assigned for Monday, June 6.)

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Repeal the Age Limit for Directors of Mutual Institutions" (H. P. 860) (L. D. 1049)

Report was signed by the following members:

Mr. FARLEY of York
— of the Senate.

Messrs. KILCOYNE of Gardiner
WHITTEMORE of Skowhegan
Mrs. BOUDREAU of Portland
Messrs. PEAKES of Dexter
JACKSON of Yarmouth
Ms. CLARK of Freeport
Miss ALOUPIS of Bangor
Messrs. SPROWL of Hope
RIDEOUT of Mapleton
— of the House.

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

Report was signed by the following members:

Messrs. PIERCE of Kennebec
CHAPMAN of Sagadahoc
— of the Senate.
Mr. HOWE of South Portland
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Ms. Clark.

Ms. CLARK: Mr. Speaker, I move that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The gentleman from Freeport, Ms. Clark, moves that the House accept the Majority "Ought Not to Pass" Report.

The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I today find myself on the downhill side of a Majority "Ought Not to Pass" Report on a bill which is mine. I feel it deserves a little more consideration from this House, and I would ask you to bear with me for a few moments while I explain it. This bill is the result of some very diligent work on the part of

the Business Legislation Committee of the last session and which I, unfortunately, voted in favor of which, in fact, requires that the state mandate to savings bank directors that they retire at age 72. This, on the surface, I think, is unfortunate, because I just do not feel that the state should be mandating anything from Augusta in this manner. I think if savings bank institutions feel that their people should retire at age 72, they should put it in their own by-laws and it should not be mandated from Augusta. I think also at age 72 we have many people who are very active mentally and physically and while they may have retired from gainful occupations, are thus more apt to give fulltime consideration to their labors as directors of these institutions and can give yeomen's work and do give yeomen's work in this type of occupation.

I frankly feel, in very frank terms, that letting this bill go through under the banking code was a cop-out on the part of the local banks because they are then saying that the state says you must do this. We are sorry for you people, but you must retire at age 72. I just feel that this House deserves to give a little more consideration to our elderly and perhaps would in this case consider the elderly and not say to them, all right, now is the time, you go to the rocking chair and stay there because we have no more use for you in the banking profession.

I would ask you not to accept the Majority "Ought Not to Pass" Report and favor the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Ms. Clark.

Ms. CLARK: Mr. Speaker, Men and Women of the House: The majority committee report is reflective of the Governor's Banking Study Advisory Committee, the committee, which at the time of its recommendation, publication of report, was composed of 26 individuals, three of them represented the Mutual Savings Bank. The recommendation reads: "The Banking Bureau should have the power to comment on the sociological composition of boards of mutual thrift institutions. Corporations and trustees of mutual savings banks should have a mandatory retirement age of 72. This provision should become effective two years after the enactment of such legislation," which is why this legislation is before us today.

At the public hearing on this bill, we had a single proponent and a number of opponents. Believe me, it is not easy to report out an "Ought Not to Pass" Report in majority on an issue such as is before us. I would remind you that the opponents of the measure were representative of the financial institutions of this state as well as the banking study advisory committee.

It is interesting to note that in the savings and loan institutions across the state, of which 50 percent are savings and loan state chartered institutions, there is the mandatory age of 72 as imposed by the recodification of the act which we passed last year. Seventy is the mandatory retirement age for the nationally chartered institutions, so we here in Maine are granting the two years additional service on these boards.

It is the opinion, and I am attempting to summarize the opinion which was reflected in the opponents testimony, that a good mix of age on these boards is beneficial to the institutions, more representative, indeed. Age really is not the question here, although it is suggested that that is so. It is really only a symptom of a problem which has been experienced across the state in these kinds of financial institutions. I would simply suggest that we set aside the issue of age and address the issue of the necessity of maintaining a good cross section of the populace on the governing boards of institutions which have such impact on all of our financial lives.

Boards of directors tend to be self-

perpetuating groups of people, and they continue on and on sometimes too long, and it is difficult to suggest to people that perhaps it might be better if they retired and/or resigned. It is an awkward question. It was addressed by the advisory committee, and the recommendation was unanimous. That is reflective in the Majority "Ought Not to Pass" Report, and I would ask that we vote in favor of that motion.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I almost can't believe my ears here today, that we are being asked to vote against a bill that would prevent people being forced to retire from what may be their only source of interest and involvement with life at age 72 and ask not to be considering it as age bill — what else can you consider it as? That is what it is; 72 is an age, and we are being asked to say in a state law that when age 72, you are over the hill, you can't do the job, you can't do the work. I am a young person, probably one of the younger people in the House, but I can just imagine myself at age 72, and I don't think I would like it if someone treated me that way after a productive life of service.

It seems to me the argument of the gentlewoman from Freeport, Ms. Clark, is that we should do the dirty work for the banks, that the banks don't want some particular people on their board at a certain age, they would like to have a better mix, but they don't want to say to someone, well, we are going to replace you with someone so we can have a better mix, someone younger, they want us to do it for them. Well, I don't intend to do the dirty work of the bank. I don't intend to say that we are old men and some, maybe little old ladies, their only joy in life and only involvement is working and doing this service for a bank and they feel they are doing something worthwhile and gives them a sense of value to their lives. I don't intend to say "sorry, we don't want you." If the banks feel that they want to say that, let them do it. I don't see why this House should do it.

I would ask for the yeas and nays.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I, too, am surprised and somewhat dismayed this afternoon that L. D. 1049 comes to this House as a divided report, for all it asks is that membership on a board of directors of a mutual institution be determined by ability, not age. If you were a member of such a board and today was your 72nd birthday, you would automatically be deemed useless to that board, although yesterday, at age 71, you were a valuable and active member. Such arbitrary determinations of continued membership are discriminatory and ageist. It says that we believe categorically that those age 72 and over are no longer useful in our society, in a society where jobs are of supreme importance in defining and individual's worth and community role. We continue to set off the elderly as second-class citizens and not worthy of the very positions we ask our young people to strive for.

A mutual institution is formed to serve its total membership and to articulate the desires and interests of the bank's depositors, and no one can argue that experience is oftentimes the best teacher, and no one will argue that age brings such experience.

The Maine Committee on Aging and the 1,000 delegates to the Blaine House Conference on Aging are committed to any legislation that seeks to abolish mandatory retirement provisions. We must stop the arbitrary labeling of the elderly as no longer useful. We in this body, of all places, know that age alone is not an accurate indicator of competence. L. D. 1049 seeks to allow boards of directors of mutual institutions to be comprised of competent

members and free them from the discriminatory holds of an arbitrary forced retirement age which removes vital board members simply because they have had one too many birthdays.

Age discrimination is probably the most insidious of all, because many people who practice and condone it don't even realize that they are discriminating. All people should be judged according to ability, not their race, their religion or their sex, and certainly not by their chronological age. Older people should not be denied their right of equal protection under the law, and L. D. 1049 does nothing more than guarantee that right which is believe is already theirs, and I ask you not to accept the Majority "Ought Not to Pass" Report.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I hesitated to say anything about this because I am one of these people who would be barred without this particular bill, but my courage was sustained by the fact that two young ladies got up on the floor and defended some of us old people.

It seems to me that the trend nationwide is to do away with some of these discriminatory age rules. The purpose, originally, I guess, was to give young people more opportunity. I guess probably the young people will make their own opportunities. Some people who have been on a job for years and years and have acquired experience probably would be all right for another year or two.

I suspect that we ought to leave this up to the organization, be it a bank or school board or whatever it might be, in determining what age anybody is over the hill.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: It would seem to me that there could be a less harsh manner of approaching this particular question. If an individual has mental or physical disabilities which prevents or precludes him or her from performing his or her duties, then it seems to me that we could approach it from that angle. But this type of 72 age cut-off line is extremely arbitrary and capricious in my opinion.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to come to the support of that age group that is represented by Mr. Bagley. I think if you are aware of what has been going on in recent years, you will find that the indiscretions, the mistakes and illegal operations in the financial world have been primarily among the younger members. I also would say that history is vivid to the older group, it is simply something that comes out of the book to the younger people. I think there has to be a mixture of the old and the young.

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

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

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

Mr. PERKINS: Mr. Speaker, I would request a Division.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Yarmouth, Mr. Jackson, that this bill be tabled for two legislative days. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.
7 having voted in the affirmative and 84 in the negative, the motion did not prevail.

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

Ms. CLARK: Mr. Speaker, Men and Women of the House: It has been quite a few months

and probably almost a year since I stood on this floor and did what I have to do because I believe in it, knowing I am going to lose. I can feel the eyes and the fingers. I can almost feel the glances, and I know what the colors of the boards are going to be, but I do believe that the mandatory retirement age has a salutary effect on the turnover of the boards of directors.

I must tell you, people who spoke in opposition to passage of this bill, John Durham, Superintendent of the Bureau of Banks and Banking; Robert Masterton, President, Maine Savings Bank; Merton Henry, Legislative Council, Maine Savings and Loan League; Leslie Hilton, Deputy Bank Superintendent speaking for himself and the former Superintendent of Bureau of Banks, Mr. Robert Brown who is now President of Franklin Savings who was the engineer, if you wish, of the complete recodification of the financial laws dealing with Maine's banking and financial institutions. It was a unanimous recommendation of the committee of 26 people, all of whom were representative of cross-sections of business industry and the public and the legislature and the state. That is reflected in our committee report and I will abide by your wishes.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: If those fine folks that the honorable chairman of the committee just mentioned want to discriminate against the elderly, I submit they do it in their own charters and leave the legislature out of it.

Mr. Speaker, when the vote is taken, I would ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I think I, like Mr. Norris, will preface my remarks by saying I will be very brief. I think I should defend my position in signing the "Ought Not to Pass" Report.

I think we do mandate retirement age in most every field that you can think of. I think now the boards, for the most part of these banks are made up of older people and if you leave it up to the banks or these boards to set their age, they just won't do it. It was brought out in the hearings, in many cases, the boards are stagnated. They are made up of all older people. I submit that what you are doing is effectively keeping young people from serving on these boards. This came about because of the banking code. There has been ample lead time to get into this. This passed, I believe, in 1974 and this doesn't go into effect until October of 1977. I think that most of the directors who serve on these boards have had time to realize what is happening and I think provisions have been made for younger people to serve on the boards. I just feel that the boards are stagnated and reiterating, I think we are keeping the young people from keeping new blood off these boards. I think that it made sense the way it was prior to this bill. That is my position.

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

Mr. DAVIES: Mr. Speaker and Members of the House: In the past, unfortunately, this country has discriminated against individuals on a number of grounds whether it be race, sex, religion, national origins. We have found all of these to be offensive and we have stricken them from our laws. Now it has become obvious that one of the most heinous ways that we deal with our citizenry is to discriminate against them based on their age.

I am proud to be a sponsor of a bill that I hope will be reaching the floor of this House within a week or so which will eliminate mandatory retirement ages throughout the society for public and private employers. Pending the arrival of that bill and the action of this body

and the body at the other end of the hallway, I think this is one small step in one small area to make a statement on the behalf of the people of the state of Maine, that we will no longer discriminate against people because of their age. If we are going to discriminate for any purposes whatsoever, those discriminations should be based on ability, competence and choice, not age, sex, race, religion, or any of those other factors.

Let us send this bill sailing through this House with a huge vote down to the other body and say to our elderly citizens, the people who made this state and this country great, that we remember them, that we care about them and that we do not want to make them useless. We want to tell them that, in fact, as long as they can function in society and they can contribute, we want them to do so to the fullest.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I think is a little too bad that this debate has generated into a ———

The SPEAKER: The Chair would ask that the back of the hall be cleared and be cleared permanently until further notice. The House will be at ease until everyone leaves or takes their seats.

The Chair apologizes to the gentleman from Farmington. The gentleman may proceed.

Mr. MORTON: Mr. Speaker I think it is rather too bad today that this debate has generated into a matter where we are talking about discrimination because that certainly was not the intent of this legislation. I do not believe, although I have not been following it and was not too much aware of it until today.

I am a director of a bank. It is not one of the institutions that is covered under this bill but we have a requirement that directors retire at age 70, not 72 as this bill calls for.

I think you should all be aware that the directorship in any institution is a relatively important one but in a bank in particular, it is doubly important because these people are responsible for the funds of depositors. It is very necessary that they be alert, they be up-to-date on modern thinking and that they know what is going on. Unfortunately, it is true despite what we may wish to think, that when one reaches the age of 70, 72, 75, he tends to become a little less vigorous, a little less able to handle many of the tasks which he must legally face, if he is a member of a board of directors of a bank. These people handle millions of dollars of the people's money.

It has been said today that we would be doing the bank's dirty work. In a sense, I suppose this is true. It is very difficult to take a colleague, whom you have been working with for 10, 20 and 30 years and say, "I am sorry but you just are not competent any more. We just can't have you on this board of directors." It is so much easier, so much simpler to have a retirement age set into the by-laws or in this case it would be in the statutes and then when the time comes, everybody is planning on it but is ready for it. There is no hassle and you don't have to get by that old boy's club which definitely exists among boards of directors. Most institutions, contrary to what you may have heard today, don't turn elderly directors out to pasture. They are, in most cases, considered directors emeritus, are invited to all board meetings, all functions of the bank, participate in the discussion, the only thing they can't do is vote. Their counsel is available to the board for many years, as long as they feel capable of coming.

I think that this legislation does have merit, ladies and gentlemen. It is not discriminatory. I feel as though it will definitely improve the makeup of boards of financial institutions to have this sort of legislation available to help them out. You heard the tally of the people who

were in favor of it. They are the folks that are there now. If you call this doing their dirty work, so be it. I think it makes sense.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: Many of the things that the gentleman from Farmington relates are, to a degree, fact. Many of the things that the gentlelady from Freeport relates are fact.

When I walked into the hearing room and saw the crowd there, I said "I guess there must be some other bill all these people are here for. It can't be mine. This is just a very simple little bill, but indeed, it was for my bill. They did feel strongly enough that they did send the big guns. I feel to their detriment because I feel that they are instead of being farsighted are being shortsighted.

With regard to the gentlelady's reference to the national institutions, fine. I am not proud of that either. As far as the age factor in the mix on the board, I made, in my testimony to the business legislation committee, I suggested that perhaps there should be a percentage factor for all ages, thus giving representation. I would not affect any of those who have by-laws of their own. I think that is their privilege. If they want to have by-laws of their own, fine. I think that is their privilege. This is what I am saying today. Make your own rules. Don't let me make them and don't make us make them.

I can't really buy the fact that a gentleman who is in a position to either accept or reject loans and monies to the extent of the millions of dollars that has been referred to here is not capable of then relating to a different mix on the board. I can't accept that. I think if he is capable of handling all those millions, his education is a little lacking if he can't handle the other part too. I believe he should be handling it.

I am here, ladies and gentlemen today to say I made a mistake when I voted for this portion of that banking bill and I hope you will help me correct it. I hope you also will say with me to these banks who say to the elderly "Give us your money, but don't ask us to give you representation."

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to briefly refer to parts of the statements made by the gentleman from Blue Hill, Mr. Perkins.

When he says that all of the big guns were there at the hearing, that is probably true. They were. I would like to say that I made my mind up not because of the fact that the big guns were there. I thought about this and I hope that I have made the right decision. It isn't because of the big guns being there or because the hearing room was filled.

I had a bill here a short while ago that went to the Veterans and Retirement Committee. It was for a constituent of mine who was forced to retire. He was a coastal warden who served 20 years and was forced to retire because I think his age was 60. If he had been able to work two or three more weeks, he would have been able to obtain the 6 percent increase in his retirement benefits. I think I got around 14 votes on that bill. It wasn't from all of you people who are now standing up and talking about a retirement age of 72. Two and two generally makes four and today the two and two isn't making four.

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

Mr. DRINKWATER: Mr. Speaker and Members of the House: I, too, had a birthday party a few years ago, my 50th. I remember what happened and I think it brings about my first exposure to realizing that I was becoming elderly. We had several people, anti-business associates, family, etc. and while we were waiting for dinner to be served, I was reading

the Bangor Daily News, this is factual, I was reading the Bangor Daily News and I see datelined Ashland: "Elderly Gentleman Beaten and Robbed." I was reading the story because I figured I might just know this elderly gentleman. I found out that he was 50 years old. Therefore, I started to learn right there that you start to be elderly at 50 and I would encourage you to vote "Ought to Pass."

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 Chair recognizes the gentleman from Dexter, Mr. Peakes.

Mr. PEAKES: Mr. Speaker, Ladies and Gentlemen of the House: I supported the "ought not to pass" vote on this issue. It is with a strong conviction that too often, these boards tend to not have a fair representation of all ages but they generally have people anywhere from 98 down. I think that with Governor Curtis, when we came up with a new banking code, we were trying to revitalize and to move forward in this industry and to have people in these positions who would think about expansion and new ideas and so forth. I really feel that this really is not a vote against the old ages because I have very strong feelings for them. I think that in this particular capacity that we should have some individuals who are going to be active and be current with their ideas and interests.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: I, too, voted this bill "ought to pass." I did it thinking of the senior citizens. This affects mutual savings organizations. That is where most of the senior citizens have their money. I want that managed by the best people possible. I don't want the board to become just a club. I want the people who are managing that money to know what they are doing.

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Freeport, Ms. Clark, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no, a roll call having been ordered.

ROLL CALL

Aloupis, Austin, Boudreau, A.; Brown, K.L.; Bustin, Carter, D.; Carter, F.; Clark, Cote, Devoe, Gould, Greenlaw, Hall, Hughes, Jackson, Jacques, Kilcoyne, Masterton, McPherson, Morton, Nelson, M.; Palmer, Peakes, Prescott, Quinn, Rideout, Sprowl, Stubbs, Tierney, Torrey, Tozier, Whittemore.

NAY — Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Boudreau, P.; Brennerman, Bunker, Burns, Carey, Churchill, Connors, Connolly, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gray, Green, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hunter, Immonen, Jalbert, Jensen, Joyce, Kane, Kany, Kerry, Laffin, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, MacEachern, Mackel, Mahany, Marshall, Masterman, Maxwell, McHenry, McMahon, Mitchell, Moody, Nadeau, Najarian, Norris, Pearson, Peltier, Perkins, Peterson, Post, Raymond, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Stover, Talbot, Tarbell, Teague, Theriault, Trafton, Truman, Twitchell, Valentine, Wilfong, Wood, Wyman.

ABSENT — Blodgett, Brown, K.C.; Carrier, Carroll, Chonko, Hutchings, Kelleher,

LaPlante, LeBlanc, Lynch, Martin, A.; McBrearty, McKean, Mills, Nelson, N.; Plourde, Strout, Tarr, Tyndale.

Yes, 32; No, 99; Absent, 19.

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

Whereupon, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading Monday, June 6.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-485) on Bill "An Act Relating to an Increase in the Volume Fees Paid by Major Creditors under the Maine Consumer Credit Code" (H. P. 180) (L. D. 242)

Report was signed by the following members:

Messrs. CHAPMAN of Sagadahoc
PIERCE of Kennebec
—of the Senate.
Messrs. KILCOYNE of Gardiner
WHITEMORE of Skowhegan
Mrs. BOUDREAU of Portland
Ms. CLARK of Freeport
Mr. HOWE of South Portland
Miss ALOUPIS of Bangor
Messrs. JACKSON of Yarmouth
PEAKES of Dexter
SPROWL of Hope
—of the House.

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

Report was signed by the following members:

Mr. FARLEY of York
—of the Senate.
Mr. RIDEOUT of Mapleton
—of the House.

Reports were read:

The SPEAKER: The Chair recognizes the gentleman from Freeport, Ms. Clark.

Ms. CLARK: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report.

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

Mr. GARSOE: Mr. Speaker, I would like to pose a question, or a couple of brief questions, through the Chair to any member of the committee. I have heard that this outfit has been in trouble financially and I noted in the Statement of Fact that that seems to be confirmed, and I have also heard that this agency is not subject to audit and that these overdrafts seem to be a recurring event. I wonder if the committee examined that background as they came to this conclusion on the report?

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

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think that there has been a financial problem with this. I think it very simply is that there wasn't enough money funded to the department in the first place.

There is some controversy on this department. I think that possibly proves that the department is doing its job. The committee looked over the bill and we did make some changes in it. The Statement of Fact on it. I think covers it pretty well. We worked on \$50,000 instead of \$100,000 in the original bill. Then we spread the paying of the fees a little wider, which I think is a good idea so it isn't as heavily on the big financial institutions. This should properly fund the Consumer Protection Branch and I think will solve the problems in the future with it.

I would add that, no, it has not been audited. We did have a complete financial breakdown from the department though when we were working on this bill.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-485) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Divided Report Tabled and Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Limit Access to Security Interest Records Filed in a Municipality" (H. P. 1271) (L. D. 1499)

Report was signed by the following members:

Messrs. HEWES of Cumberland
CARPENTER of Aroostook
Mrs. CUMMINGS of Penobscot
— of the Senate.
Messrs. COTE of Lewiston
CARRIER of Westbrook
BURNS of Anson
GOULD of Old Town
DUDLEY of Enfield
SHUTE of Stockton Springs
JOYCE of Portland
— of the House.

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

Report was signed by the following members:

Mr. MOODY of Richmond
Mrs. DURGIN of Kittery
Mr. BIRON of Lewiston
— of the House.

Reports were read.

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

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

Whereupon, on motion of Mr. Garsoe of Cumberland, tabled pending the motion of Mr. Burns of Anson to accept the Majority Report and specially assigned for Monday, June 6.

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act Prohibiting a Utility from Automatically Passing on Fuel Cost Increases to Customers by a Fuel Adjustment Clause" (H. P. 1090) (L. D. 1314)

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Messrs. COLLINS of Aroostook
CARPENTER of Aroostook
— of the Senate.
Mr. SMITH of Mars Hill
Mrs. TARR of Bridgton
Messrs. LUNT of Presque Isle
CUNNINGHAM of New Gloucester
— of the House.

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

Report was signed by the following members:

Messrs. KELLEHER of Bangor
NADEAU of Sanford
WOOD of Sanford
PEARSON of Old Town
BERRY of Buxton
McHENRY of Madawaska
— of the House.

Reports were read.

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

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

The SPEAKER: The Chair recognizes the

gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I feel it is my duty to defend the majority on this particular issue. And of course the majority of the committee voted "ought not to pass."

I would like to explain some of the reasons that we feel this bill should not pass today. The previous legislature, only two years ago, enacted a new piece of legislation on behalf of the electricity consumers of the State of Maine, a law that required the utilities to show the total amount of fuel cost per kilowatt hour rather than keeping a portion of the fuel costs within the base rates. What you have now when you get an electricity bill is, you have somewhat of an itemized bill. You have your basic rate for your electricity and then you have the itemized amount as to how much the fuel cost which is passed on to the customer.

I don't want to have to remind anyone, but the utilities are not allowed to make any profit on the fuel adjustment charge. In other words, if the fuel costs \$15 a barrel, they can only charge \$15 a barrel to the consumer, so the electricity companies make no profit on the fuel adjustment. They do make a profit on the basic rates.

One of the reasons for showing the fuel cost separately was, at that time, a need to emphasize the cost of conservation and how much we needed conservation. This bill, L.D. 1314, would have us remove completely the opportunity for electric utilities in Maine to receive a somewhat timely payment for a portion of their electric costs over which they have little or no control but which under their legal requirements to serve consumers, they must, without any option, incur. In other words, if they don't have the fuel to produce the electricity, they can't deliver the electricity to the consumer.

The largest power company in Maine, Central Maine Power, in 1976 had to spend more than \$36 million on fuel to provide power for its customers. If the company had not been able to recover much of this expenditure through the fuel adjustment charges, obviously the company would have had to file for rate increases in that amount, and doubtless they would have to wait the full nine months statutory period before getting rate relief. In the meantime, you have carrying charges. Can you imagine the carrying charges on \$36 million? And let's not kid ourselves, it is the customer who would have to pay that extra carrying charge in the long run.

I feel that passage of this bill would seriously jeopardize the ability of Maine's utilities to adequately serve the Maine people and on an economical basis. Not only that, such a measure would be a step backwards in the area of energy conservation, because what it would do is give the people a temporary false impression that their electricity is cheaper than it really is.

I submit that the law passed two years ago, whether we like the itemized bill or not, that protects the public and the utilities properly and we should soundly defeat this bill. Therefore, I move for the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from New Gloucester, Mr. Cunningham, moves that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief, just as Mr. Norris usually is, because I can sum this up in very few words. I think the crux of this whole thing is that under the present law there is some reason to believe that the utilities don't try to buy the fuel at the lowest possible

cost because they simply, no matter what price they get it at, can pass it on to the consumer, so the incentive is not there.

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

Mr. WOOD: Mr. Speaker and Members of the House: I feel duty bound to speak. I realize that having worked here I had benefits, but I didn't realize they included being recognized without getting up.

On this bill, I would echo the thoughts of Representative Pearson. What we are saying in this bill is that the burden of proof is on the utilities, that if they are going to buy fuel and pass that charge on to the consumers and it is a legitimate charge to pass on, the utilities should get the best buy and the consumers should get the best break. And under the present system, they are allowed to pass on any charge and there is no watch dog making sure that they are getting the best buy and the consumer is getting the best protection. This bill just affords the consumer a little more protection.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: Could I ask the sponsor, in the event this bill gets a favorable report, what alternative or what recourse has Central Maine got in presenting their bills?

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

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

Mr. WOOD: Mr. Speaker and Members of the House: I am not the sponsor of the bill, but if you look at the bill, under it it says that they just follow a normal procedure and that they can pass on that cost. All we are saying is that the commission should have some power to say whether that cost is legitimate. It doesn't prevent them from passing that cost on. I think the title of the bill could be a little misleading, but if you look at the Statement of Fact, it is very clear that all they would have to do — and I will read, "The Commission shall not permit any fuel cost increase incurred by a public utility to be charged to any utility customer unless the utility has complied with the provisions of Chapter 3" etc. All it is saying is that once they meet this requirement, they can pass it on.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: We are all shoppers and every one of you know the high rising costs of fuel. Before you fill your tank up at the beginning of every winter, you want to try to find the place you are going to get the best service at the cheapest amount for the oil. That is all we want to do. Every month when you get that bill from CMP and you have got that fuel adjustment clause, don't you want to make sure that CMP went out and got the best deal they could get and make sure you are going to pay the least cost? That is all we are asking.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: Just so the folks back home will know how we voted, I request a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 New

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

ROLL CALL

YEA — Aloupis, Ault, Austin, Bagley, Birt, Brown, K. L.; Bunker, Carter, F.; Churchill, Connors, Cunningham, Devoe, Dudley, Garsoe, Gill, Hunter, Immonen, Lewis, Lougee, Lunt, Marshall, Morton, Palmer, Peltier, Perkins, Peterson, Sewall, Silsby, Smith, Stover, Stubbs, Teague, Torrey, Whittemore.

NAY — Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Burns, Bustin, Carey, Carroll, Carter, D.; Clark, Connolly, Cote, Cox, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, Littlefield, Lizotte, Locke, MacEachern, Mackel, Mahany, Masterman, Masterton, Maxwell, McHenry, McKean, McMahon, McPherson, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Peakes, Pearson, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Spencer, Sprawl, Strout, Talbot, Tarbell, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Brown, K. C.; Carrier, Chonko, Gauthier, Hutchings, Kelleher, LaPlante, LeBlanc, Lynch, Martin, A.; McBreairty, Mills, Nelson, N.; Norris, Plourde, Tarr, Tyndale, Valentine.

Yes, 34; No, 99; Absent, 18.

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

Thereupon, on motion of Mr. Nadeau of Sanford, the Minority "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 State Government reporting "Ought Not to Pass" on Bill "An Act to Clarify the Organization of Cultural Boards and Commissions within the Department of Educational and Cultural Services" (H. P. 804) (L. D. 1055)

Report was signed by the following members:

Mrs. SNOWE of Androscoggin
Mr. MARTIN of Aroostook — of the Senate.

Mr. STUBBS of Hallowell
Mrs. KANY of Waterville
Ms. BACHRACH of Brunswick
Mr. VALENTINE of York
Mrs. MASTERTON of Cape Elizabeth
Messrs. DIAMOND of Windham
CURRAN of South Portland
Mrs. LOCKE of Sebec
Messrs. CHURCHILL of Orland
SILSBY of Ellsworth — of the House.

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

Report was signed by the following member:
Mr. COLLINS of Aroostook — of the Senate.

Reports were read.

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

Consent Calendar

First Day

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

(H. P. 356) (L. D. 451) Bill "An Act Empowering the State of Maine to Enter into the Interstate Corrections Compact" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-495)

(H. P. 1261) (L. D. 1490) Bill "An Act to Avoid Delays in Payment of Workmen's Compensation Claims because of the Involvement of Two or More Insurance Carriers" — Committee on Labor reporting "Ought to Pass"

(H. P. 1128) (L. D. 1345) Bill "An Act to Amend the Membership and the Legislative Mandate of the Capitol Planning Commission" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-496)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of June 6, under listing of Second Day.

(H. P. 1468) (L. D. 1711) Bill "An Act to Encourage Energy Conservation in Maine" — Committee on Energy reporting "Ought to Pass" as amended by Committee Amendment "A" (H-497)

On the objection of Mr. Palmer of Nobleboro, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-497) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

(H. P. 1466) (L. D. 1720) Bill "An Act to Provide for Adult Education for Certain Students under the Provisions of the School Finance Act of 1976" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-498)

(H. P. 1217) (L. D. 1453) Bill "An Act Appropriating Funds to Provide Road and Bathing Facilities on Lucia Beach at Owls Head" — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-499)

No objections being noted, the above items were ordered to appear on the Consent Calendar of June 6, 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. 723) (L. D. 856) Bill "An Act to Provide for Legislative Confirmation of gubernatorial Nominations to the Maine Human Services Council" (C. "A" H-475)

(H. P. 1265) (L. D. 1492) RESOLVE, to Provide for an Agreement Between the Department of Educational and Cultural Services and the City of South Portland to Establish a Greenbelt Area on the Southern Maine Vocational-Technical Institute Campus (C. "A" H-467)

(H. P. 1283) (L. D. 1641) Bill "An Act to Amend the Oil Pollution Control and Discharge Prevention Laws" (C. "A" H-484)

(H. P. 15) (L. D. 24) RESOLUTION, Proposing an Amendment to the Constitution to Repeal the Section Concerning Continuity of State and Local Government in Case of Enemy Attack (C. "A" H-483)

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

Second Reader Tabled and Assigned

Bill "An Act Relating to the Practice of Real Estate Brokers and Salesmen" (H. P. 1631) (L. D. 1833)

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

(On motion of Mr. Palmer of Nobleboro, tabled pending passage to be engrossed and specially assigned for Tuesday, June 7.)

Passed to Be Engrossed

RESOLVE, Authorizing the Attorney General to Undertake Proceedings on Behalf of Certain Taxpayers of this State to Recover Certain Taxes Paid to the State of New Hampshire (H. P. 1633) (L. D. 1834)

Bill "An Act to Provide for the Department of Transportation to Participate in the Federal Railroad Administration Track and Equipment Safety and Inspection Program and to Administer Railroad Safety Investigation Provisions of the Maine Statutes" (H. P. 1632) (L. D. 1835)

Bill "An Act Concerning Proof of Residence Required for Certain Inland Fisheries and Wildlife Licenses" (H. P. 261) (L. D. 329)

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

Bill "An Act Relating to Granting Administration of an Intestate's Goods or Estate under the Law of Decedent's Estates" (H. P. 1202) (L. D. 1431)

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

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

House Amendment "A" (H-502) was read by the Clerk.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1431 is the bill. The amendment simply deletes one word, the word "husband," which is redundant and unnecessary in the bill. The bill pertains to someone who dies without a will and the probate court must appoint an administrator to administer the estate of the deceased person.

Under our current statute, the language favors that the court appoint a male administrator over female relatives. This provision, based on sex discrimination or sex-based discrimination has been struck down by the Supreme Court of the United States. This bill would simply bring our current statutory laws into compliance with the United States Constitution and the Maine Constitution.

Thereupon, House Amendment "A" was adopted.

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

Second Reader Tabled and Assigned

Bill "An Act to Amend the Maine Income Tax Law" (H. P. 1514) (L. D. 1749)

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

On motion of Mr. Carter of Bangor, tabled pending passage to be engrossed and specially assigned for Tuesday, June 7.

Second Reader Tabled and Assigned

Bill "An Act Relating to the Regulation of the Blueberry Industry" (H. P. 598) (L. D. 739) (C. "A" H-474)

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

(On motion of Mr. Connolly of Portland, tabled pending passage to be engrossed as amended and specially assigned for Tuesday, June 7.)

Passed to be Enacted Bond Issue

"An Act to Authorize Bond Issue in the Amount of \$5,965,000 for the Construction and Renovations of Higher Education Facilities at

the University of Maine." (H. P. 613) (L. D. 750) (C "A" H-391)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution and a two-thirds vote of the House being necessary, a total was taken. 102 voted in favor of same and 7 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act to Authorize the Towns of Beals and Jonesport to Withdraw from the Moosabec Community School District and Form a New District" (H. P. 47) (L. D. 68) (C "A" H-407)

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. 114 voted in favor of same and one against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act to Permit State Aid to be Distributed to the Unit or School which the Student Attends" (H. P. 1348) (L. D. 1651) (C "A" H-409)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 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.

Passed to Be Enacted

"An Act Concerning Unfair Trade Practices of Financial Institutions" (S. P. 162) (L. D. 438) (C "A" S-164)

"An Act Concerning the Power of Podiatrists" (S. P. 280) (L. D. 893) (H "A" H-421)

"An Act Relating to Bidding Procedures Involving the Bureau of Public Improvements" (S. P. 429) (L. D. 1514) (C "A" S-165)

"An Act Concerning the Practical Training of Electricians" (H. P. 122) (L. D. 155) (C "A" H-406)

"An Act Concerning the Membership of the Standardization Committee" (H. P. 134) (L. D. 171) (C "A" H-405)

"An Act Concerning the Payment of Workmen's Compensation Pending an Appeal to the Supreme Judicial Court" (H. P. 281) (L. D. 375) (H. "A" H-330 to C. "A" H-269 and S. "A" S-171)

"An Act Relating to Instruction Posting under the Election Laws" (H. P. 454) (L. D. 559) (H. "A" H-424 to H. "A" H-341)

"An Act to Regulate the Placing by Nonutilities of Electric Utility Facilities within Public Ways" (H. P. 719) (L. D. 854) (S. "A" S-173 to C. "A" H-340)

"An Act to Authorize an Archeologist for the Maine Historic Preservation Commission" (H. P. 781) (L. D. 934) (C. "A" H-404)

"An Act Concerning the per Pupil Cost of a School Administrative Unit Losing More than 33% of its Enrollment between June and September" (H. P. 907) (L. D. 1106) (C. "A" H-410)

"An Act to Amend the Method of Collecting Municipal Costs in the Abatement of Malfunctioning Domestic Sewage Disposal Units" (H. P. 1323) (L. D. 1557)

"An Act to Adjust the Civil Process Fees and Travel Allowances for Deputy Sheriffs" (H. P. 1378) (L. D. 1571) (H. "A" H-394 to C. "A" H-375)

"An Act to Provide for Legislative Review of Federal Grant Applications by State Agencies" (H. P. 1393) (L. D. 1636) (C. "A" H-392; H "A" H-411)

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

"An Act to Clarify the Role of the Department of Educational and Cultural Services Relating to Local School Systems" (H. P. 1586) (L. D. 1799) (H. "A" H-412)

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

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: I must confess I was caught asleep at the switch again. When L. D. 1799 was L. D. 123, it got by me in the House and it was only at the enactment stage that we were able to oppose it. As you may remember, after much debate, L. D. 123 was recommitted to the Committee on Education. Was I naive! I thought the idea of recommitting was to correct some part of the bill I objected to. I even asked my good friends on the Education Committee to let me know when they had a working session on the bill so that I could attend the meeting. How simple can you get? I really believed they would do that. Instead, they pulled off another razzle dazzle on me. Now you see it, now you don't. It is sort of a magician's trick.

The bill that would have dissolved nova was put out of committee and while my attention was on that, out comes the redraft of L. D. 123 as L. D. 1799 and slips right by me and I don't even notice. Some trick! I only blame myself. I should have been more alert about L. D. 1799. This was put out as a redraft of L. D. 123 but before it was engrossed, the committee was still not satisfied and a House Amendment was added to the bill. It seems to me that even the committee is not too sure of this bill.

By the way, the redraft has very little changes from the original. The title of the paragraph changed, some words could be changed without changing the meaning, nothing that I can see was changed that warranted being recommitted. If you take the House Amendment and read it, you will find you will have trouble to find anything it does to the bill. The bill itself is aimed directly at Rumford, and not elsewhere, vocational area to force them in the future, to do what the Department of Education wants them to do or else.

The bill and the amendment serves one purpose and one purpose only. That is to tighten the squeeze on municipalities, forcing them to spend their education money only as the Department of Education directs them.

The part that really gets me is Paragraph 5 on local control. This is what it says: "It is the intent of the legislature that the control and management of the public schools be vested in the legislative and governing bodies of the several local school administrative units so long as those units are in compliance with appropriate state statutes." This is a dilly. Local control. Local control "if." Local control "maybe." Local control, well, "if you do what you are told." Some local control! If you are in compliance, this is the real catch. They say that it is all according to law, nothing but what the law says you have to do. Let me tell you again about these laws.

Last summer, when all the turmoil was going on in the North Oxford vocational area, the director signed a lease on an old store that would have cost \$40,000 rental and \$30,000 to remodel and maintain the building for one year. The director told the selectmen they had nothing to say about this and would have to provide the funds for this. The payoff was when the selectmen and interested people all over the area would not accept this and came to Augusta to the State Board of Education. They were told they had better do what the director was telling them to do or they would be in non-

compliance. There you have it. Where is local control? The director does something and he is backed by the State Board of Education all the way, no matter what. People from our area are stubborn and they refuse to comply. The state board threatened to take them to court. This is when they found they could do nothing and this is when the idea of this bill was formed.

I say again, if this bill becomes law, it will not only be Rumford and the North Oxford vocational area that will be affected, but everyone all over the state will be. Check your own areas. Is everyone satisfied with vocational education on the high school level? From what I have been told, nova is not the only area that is dissatisfied.

For this reason, I move that L. D. 1799 and all its accompanying papers be indefinitely postponed.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't consider indefinite postponement.

I hesitated to bring Rumford back into this but it has been opened up for me. The Rumford situation was one of lack of local control. When we had the hearing and the committee tried to find out the circumstances that gave rise to the disturbance in the nova region, we questioned some of the witnesses, one of them was a school committee member. Did you know what your cooperative board member was doing? No. Does the cooperative board have minutes of their meetings? We don't know. That was the gist of the testimony that we were getting until suddenly the Senator from Rumford said "We don't want to wash our dirty linen in public." This bill is not directed at nova.

This bill has been proposed because of the nova situation. The Commissioner of Education found that he had no standing in the court except in two areas. One regarding special education and the other on the reporting requirements under the School Finance Act of 1975.

The gentleman from Rumford said that you are going to be harassed by the Commissioner of Education if you pass this. The Commissioner of Education will seek compliance only with the laws that the legislature has enacted, not guidelines and rules and regulations put out by the department on their own say so, but only what the legislature tells him to do. If you seek to have legislation enacted and put into force, you have to give the commissioner some powers. If you don't give him power, then wipe these laws off the books because they are meaningless.

You have laws on the books that say you must have so many days of school in the year, that you must do this and you must do that. There is no power that the commissioner has to enforce these. There is only one power in the State of Maine that can withhold subsidy for non-compliance and other reasons. That rests on the second floor with the Governor and when the Governor has reason to believe that a unit is not in compliance with certain sections of the law, he can simply tell the Treasurer of the State of Maine, to withhold their subsidy. The unit has no choice except to go to the courts for satisfaction. Is that the type of law enforcement that you want in the State of Maine to rest with one man on the second floor with no due process except to go immediately to the courts?

Under the bill that is before you now, there is a due process. The commissioner will notify the unit that they are not in compliance. They can appeal. The State Board of Education will sit and hear the case and decide if there is sufficient reason to refer to the Attorney General. The Attorney General can make the decision himself whether to seek compliance in the courts or not.

You enact laws in every area of state govern-

ment and you give enforcement powers to the wardens, to the state police, to your environmental people, consumer protection. You do it in every area of the state except in education and look at the tremendous number of millions of dollars you spend and you don't know whether you are going to get a dollar back for it or not.

I hope you do not indefinitely postpone this bill. It is a good bill and long overdue.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: You probably remember a lot of the debate because it seems like the debate went on about three months ago and we recommitted this bill through the Education Committee. I thought at that time that they were going to make some changes.

It looks as though it came out about the same.

Right now, under this particular proposal, a commissioner can arbitrarily withhold funds without holding a hearing if the school doesn't make the right report. There is no due process and there is no hearing procedure when the commissioner wants to withhold funds because somebody hasn't filed the right papers. He can do that arbitrarily. The due process only comes in when someone says that they don't think that a school is living up to its program requirements.

Even though Representative Lynch mentioned, and he made it sound as though it were a bad thing that the Governor can now, arbitrarily tell the Treasurer to stop payments and we don't want to have that happen. That is why we have this bill. I want to make it very clear that that isn't repealed. He can still do that. They didn't repeal that provision. Now there are about three ways that funds can be withheld from schools if somebody, whomever, be it the Governor or the Commissioner or the board decides that they want to do it.

I would support the motion to indefinitely postpone this bill.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: What the gentleman told you about the reporting requirements: Yes, he can withhold subsidy because the legislature told him, it is in law and the commissioner is directed to withhold funds by the legislature.

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

A vote of the House was taken.

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

Mr. WILFONG: Mr. Speaker, I request a roll call.

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 before the House is on the motion of the gentleman from Rumford, Mr. Theriault, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Austin, Boudreau, A.; Brown, K. L.; Bunker, Carey, Carter, F.; Connors, Cote, Davies, Dudley, Elias, Flanagan, Fowlie, Goodwin, K.; Gray, Greenlaw, Hunter,

Jackson, Jensen, Kane, Kilcoyne, Littlefield, Mackel, Maxwell, McHenry, McPherson, Moody, Nadeau, Palmer, Peakes, Perkins, Post, Sewall, Silsby, Spencer, Sprowl, Stover, Theriault, Tozier, Whittemore, Wilfong.

NAY — Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Biron, Birt, Blodgett, Boudreau, P.; Brennerman, Burns, Bustin, Carroll, Carter, D.; Churchill, Clark, Connolly, Cox, Cunningham, Curran, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Fenlason, Garsoe, Gill, Gillis, Goodwin, H.; Gould, Green, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Immonen, Jacques, Jalbert, Joyce, Kany, Kerry, Laffin, Lewis, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mahany, Marshall, Masterman, Masterton, McKean, McMahon, Mitchell, Morton, Najarian, Nelson, M.; Norris, Pearson, Peltier, Peterson, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Smith, Strout, Stubbs, Talbot, Tarbell, Teague, Tierney, Torrey, Trafton, Valentine, Wood, Wyman, The Speaker.

ABSENT — Berube, Brown, K. C.; Carrier, Chonko, Devoe, Gauthier, Hutchings, Kelleher, LaPlante, LeBlanc, Martin, A.; McBreairty, Mills, Nelson, N.; Tarr, Truman, Twitchell, Tyndale.

Yes, 42; No, 91; Absent, 18.

The SPEAKER: Forty-two having voted in the affirmative and ninety-one in the negative with eighteen being absent, the motion did not prevail.

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

"An Act to Standardize Some of the Procedures and Statutes Administered by the Department of Environmental Protection." (H. P. 1588) (L. D. 1800) (S. "A" S-172)

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

"An Act Concerning the Motor Vehicle Certificate of Title and Anti-theft Laws of Maine" (H. P. 1595) (L. D. 1803)

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

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: Just several questions in regard to this L. D., (1) Does this change our title law whereby may all vehicles be titled now? Secondly, back in the 107th, we passed a law whereby if a vehicle should happen to run out of its registration, it was impounded immediately by the police officer. I wonder if this has been rectified in this new law?

The SPEAKER: The gentleman from Anson, Mr. Burns, has posed a series of questions through the Chair to anyone who may care to answer.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I talked to the gentleman outside. I don't have the answers at this time. I tried to call the Secretary of State's office. I would hope that maybe somebody would table this for one day.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I will withdraw my questions at this time and get them answered later.

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

Finally Passed

RESOLVE, to Convey Land from the State of

Maine to Clarence E. Nichols (H. P. 726) (L. D. 846)

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

Orders of the Day

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

"An Act to Increase Flexibility in the Funding and Operation of the Vocational-Technical Institutes" (H. P. 221) (L. D. 285) (S. "A" S-167 to S. "A" S-158)

Tabled — June 1, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Enacted.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the gentleman from Lisbon Falls, Mr. Tierney, for tabling this measure. At the time, I didn't feel that I wanted to debate the measure. Thank you very much.

This bill as it has been amended now is absolutely useless. It just would be cluttering up the books for no reason at all. I am not going to make any motion but the amendment just rips off the bill completely. It was no good in the first place and it is worse now.

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

Mrs. NAJARIAN: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentlewoman from Portland, Mrs. Najarian, moves that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: I agree, to some extent with the gentleman from Lewiston, in that this amended bill is somewhat watered down from its original version. I don't believe it is at all useless.

Let me go through the original bill as it was criticized in earlier debate. It provided that all the funds generated by and received by the VTI's be kept in a special fund for their use, tuition, gifts, and so forth and so on. It also said that the Department of Education could allocate the faculty administrative positions as it saw fit. There was criticism, at that time, that that provision of the bill would take that power out of the hands of the legislature. That provision of the bill has been completely done away with. The first provision, dealing with the VTI fund has been amended so that the only funds that will be retained by the VTI's are those funds received by tuition and other gifts which exceed the Governor's estimate of the VTI's income through tuition. That estimate must be reviewed by the legislature. The legislative review it seems to me will prevent the tinkering with the enrollment figures by VTI administrators which was the concern of at least one member of the House. If one of the VTI's should find a necessity of starting up a new program on short notice, the increased tuition which presumably would be over the Governor's estimate, could be kept by the school to pay the cost of that program without having to wait a year or two for legislative appropriation. To that extent, I think it is a useful bill.

I would urge that we not indefinitely postpone the bill but enact it here today.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentlewoman from Portland, Mrs. Najarian, that L. D. 285 and all its accompanying papers be indefinitely postponed.

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

A vote of the House was taken.

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

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

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

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

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, having voted on the prevailing side, now moves that the House reconsider its action whereby this Bill was passed to be enacted.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Being in a lollypop-giving feeling today, I hope that you all go along with Mr. Higgins.

The SPEAKER: The Chair will order a vote. Those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Bill, "An Act to Authorize Bond Issue in the Amount of \$11,500,000 for the Highway and Bridge Improvement Program" (S. P. 65) (L. D. 136)

Tabled — June 2, 1977 by Mr. Carroll of Limerick.

Pending — Passage to be Engrossed.

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

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

Senate Divided Report — Majority (9) "Ought to Pass" — Minority (4) "Ought Not to Pass" — Committee on Judiciary on Bill "An Act Relating to the Jurisdiction of the Administrative Court" (S. P. 241) (L. D. 733) — In Senate, Majority "Ought to Pass" Report Read and Accepted and the Bill Passed to be Engrossed.

Tabled — June 2, 1977 by Mr. Palmer of Nobleboro.

Pending — Motion of Mr. Tierney of Lisbon Falls to Accept the Minority "Ought Not to Pass" Report. (Roll Call Requested)

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry for being too swift on Item 3. Don't worry, I have heard that pun many more times than you have.

As I promised yesterday, I prepared an amendment to this bill. I would urge you not to go along with the Minority "Ought Not to Pass" Report. I would urge you to defeat that so that I might place this amendment that is on your table today on the bill.

The principal bill separates out the judicial powers of the Consumer Protection Agency Commissioner, places the judicial powers underneath the auspices of the administrative court. The argument, and a very sound one, in our Republican caucus is that if this is good enough for the consumer protection agency, is it not also wise to do the same thing with the banking and the insurance industry? The answer is yes.

The amendment would simply bring the banking commissioner and also the insurance commissioner whenever they exercise judicial powers, the banking commissioner when he exercises removal powers which is judicial in nature, the insurance commissioner when exer-

cising licensing powers which is judicial in nature, it would bring these judicial powers also under the administrative court. As you are probably aware, the commissioners in all three of these areas, consumer protection, banking and insurance wear three hats. They serve an investigation role, a prosecution role in bringing complaints and also a judicial role in many cases. It is a conflict of interest I submit to you, to be prosecuting a case and judging a case at the same time. It makes a charade of the due process hearing at that level.

I would urge you to defeat the Minority "Ought Not to Pass" Report so that I might submit this amendment today.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to support the "Ought Not to Pass" Report on this bill. The further I get into this, the more it seems to become a can of worms.

The original bill would provide that the Bureau of Consumer Protection would have to present its cases to the administrative court. The administrative court right now is undergoing a very serious situation where the judge of the administrative court is currently in a coma with a very serious prognosis as to his health. The administrative court, in the past, has had a tremendous backlog and it has taken six to eight months to get a decision out of the administrative court on a liquor violation.

The legislature in the last session authorized the creation of an additional judge for the administrative court in order to begin to try to deal with the tremendous volume of work which the administrative court has had to handle. That person is just being appointed. The Judiciary Committee will be holding a hearing next week to consider his nomination. Depending on the situation with Judge Robinson, who is extremely ill right now, there is a serious possibility that a great many cases, which have already been heard, will have to be reheard so that the decision can be made by the person who has held the hearing. It seems to me that it is a very difficult and poor time to be transferring powers to the administrative court.

Another problem with this bill is that it deals simply with one of the bureaus that has the combination of investigatory and a judicatory function. The proposed solution to that is to add to the bill the Bureau of Insurance and the Bureau of Banking which would then compound the burden which currently exists and will continue to exist with the administrative court system. There is also a problem with the procedures of going to the administrative court if that results in long-term delays. That problem is that there is a very short statute of limitations on the truth and lending requirements. It is a one-year statute of limitations. If there are protracted delays in the administrative court proceedings, some of those individuals who have a remedy may not know the judication of the truth and lending statutes may not occur until after the statute has passed for them to initiate their own individual cases. The underlying principle in this bill that the functions should be separated, the investigatory function and the judicatory functions is a sound principle.

There is currently legislation that has been introduced to the State Government Committee which would establish an administrative procedure act which would deal with this problem in a comprehensive way. It would provide additional funding for the administrative court and it would move the administrative court into the judicial department.

In working with this particular bill, it seems to me that we really have two choices. If we decide to try to amend this bill, what we will, in effect, end up doing is writing an ad-

ministrative procedure act for all three of the agencies in the form of an amendment without having a public hearing on the impact of doing that on the Bureau of Banking and the Bureau of Insurance. The bill that would deal with this whole problem in the administrative procedure act is having a hearing before the State Government Committee next week.

I would urge you to accept the "Ought Not to Pass" Report on this bill, have this problem addressed in the administrative procedure act and I think that we would probably get out of the legislature two or three days sooner than if we try to deal with all of this and then deal with it over again in the administrative procedures act.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: In response to the multitude of points raised by the gentleman from Standish: First of all, we had before us an announcement of a nomination of a second administrative court judge yesterday. It is my understanding that we have before the Appropriations Committee with preliminary or advisory clearance, sufficient clearance for another administrative court judge. This would place two judges and double the capacity of the court, to double their workload.

I would also submit to you that there is not going to be much of an increased burden on the administrative court by enactment of this bill and the amendment that I would propose. Sixteen cases were heard only by the Consumer Protection Agency last year. A number of cases that might be added from the insurance industry or the insurance commission and the banking commission might be one or two. We are talking about somewhere around 18 cases.

I would also like to add that if there is any concern that there might be delay in someone getting a hearing or in the commissioner bringing a hearing before the administrative court, the administrative court procedures today on the statute books has a provision for a seven day emergency hearing, a motion for a speedy trial for emergency hearing to ensure a speedy trial. This is a due process measure. It is only a measure of fairness that the judge be impartial and independent from the agency or the body that is prosecuting and investigating a case.

Imagine if you are involved in a hearing before a commissioner who is prosecuting the case in alleging that there has been a violation of law and then after prosecuting the case, turns around and puts on another hat and judges his own prosecution, is that a fair due process hearing? There is current legislation, it is true, before the State Government Committee that would adopt extensive and comprehensive administrative court reform. However, it is also my understanding that it would take five to six additional judges, and the funding for five or six additional judges for the administrative court for that bill to even become a political reality, I question whether or not that is feasible in this current session with the financial restraints that we are operating under.

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

Mr. HOWE: Mr. Speaker and Members of the House: I hope you will take heed to the words of the gentleman from Standish, Mr. Spencer, and that we not permit this bill to be accepted as amended. While I do not criticize the motives of the gentleman from Bangor, I think his motives are pure and I think he believes sincerely in the due process argument here which is not totally without merit.

The motives behind this original bill are not nearly as pure. There has been a great deal of discussion in the halls of this State House and in both caucuses now, and I think most people in this House recognize this as the anti-John Quinn bill. It has been put in by the lobbyists

representing the banks and the auto dealers and some other interests who feel that this sometimes aggressive regulator has overstepped his bounds, that he stepped on some toes, that he occasionally may be somewhat arrogant. I happen to think that a regulator doing his job ought to be stepping on a few toes now and then, whether it is the PUC, the Bureau of Consumer Protection, the Bureau of Banking or the Bureau of Insurance. But even if this gentleman in this job were not the right man for the job, I submit that the way to deal with that is not restrict the powers of his office, the office that he and his successors will hold but to remove him from that office. I happen to think that also would be inappropriate.

Now, we are talking about the powers of the unique aspect of government, that administrative regulatory body which, in fact, does have powers to make rules, to investigate and to a limited extent, enforce those rules. I would disagree with the definition however that that enforcement power is really judicial. The Superintendent of Consumer Protection cannot put anybody in jail, he can't even fine anybody without going to court. What he can do, after conducting a hearing and listening to evidence, is to find someone or a business in violation of that act with which he is charged with enforcing. He can issue what is called a cease and desist order. In other words, if they are violating the law, stop it, but he can't order anybody in jail at that point. He can't even fine them. His decision is immediately appealable to the courts of the state, and if the persons charged were to refuse to obey that order, the Superintendent of Consumer Protection, to take any further action, would have to go into court, and I submit that the appeal mechanism and the fact that the superintendent would have to go to court to provide a sanction does provide sufficient due process.

I am also concerned about the practical effects of this bill which Representative Spencer has alluded to. The backlog of the administrative court is long and even though we may add a second judge to that court, we will, without question, be adding to its burden if we give it the load of cases from these three bureaus.

I talked with the Director of the Real Estate Commission—yesterday. That commission, in order to suspend a real estate salesman's license, does have to go to the administrative court. I said, Mr. Sawyer, how long does it take for that to happen, for you to get the administrative court to act? He said, anywhere from six months to four years. That is a very simple kind of a case. I am very concerned about what is going to happen if we send a very complicated truth-in-lending case, a case dealing with the banking or the insurance laws before the administrative courts, how long those cases will take.

This bill was put in, I believe personally, in the hopes that these cases would drag out to the point where the one year statute of limitations on a consumer credit code will expire before the case is ever heard. If we go ahead and add two more agencies to that load, the load is going to be more severe and I think we will be in greater danger that those cases will die before they are ever heard.

Now, if it is get John Quinn that you want, this is your bill, but I think this is an intemperate type of action for the legislature to take. I hope that we will take a serious look at L.D. 1768 because the State Government Committee, the Attorney General's Office and the Subcommittee of the Bar Association have been studying administrative court for a year now. They have come up with a comprehensive bill to deal with it which at least in part takes care of the concerns of the gentleman from Bangor. I hope we will look at that bill and not deal harshly and intemperately with the

problem today and I hope we will accept the "Ought Not to Pass" Report.

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

Mr. TARBELL: Mr. Speaker and Members of the House: Very briefly, I would like to first of all state that when this bill was heard before the Judiciary Committee, it initially came out with the unanimous "Ought to Pass" Report. I also submit to you that the majority of the members on the Judiciary Committee are not of any frame of mind to out to "get John Quinn," with this bill. It is a bit appalling to me, and it was appalling to me to learn that the banking industry of Maine, the insurance industry and in the consumer protection industry of Maine, we don't have due process hearings for license revocations, for removal of officers or for complaints from violation in cease and desist orders for violation of laws. We have the same commissioner wearing the same three hats, investigator, prosecutor, judge, jury and executioner. It is not due process of law as accorded under the Constitution of Maine or the United States.

This is not going to add a major burden to the administrative court. Sixteen cases were heard last year, I don't think any cases were heard last year from the banking or the insurance industry. This is a civil process, it is not criminal. The due process or the concern about the statute of one year limitations could easily and probably should be remedied to say that the statute would not even begin to run until final adjudication before the court administration or the administrative court.

The last point is the point of irreparable damage, if it can be shown in any case before the administrative court, if it can be shown in any case that the plaintiff, the consumer, would suffer irreparable harm and damage, if his or her case could not be heard quickly, and promptly, there is a provision for seven day trial, within seven days, on the merits, a full trial.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: First of all, for the record, I would like to clarify the question as to whether this was a unanimous report from the Judiciary Committee. After the bill was heard, the committee did vote on the bill and, at that time, I stated that I wanted to get further information about the impact of the bill before I voted on the bill. I subsequently contacted a number of people about the bill, including the bureau that is involved, concerning the administrative court, and I returned to the committee and signed the bill "Ought Not to Pass." Three other members of the committee also signed the bill "Ought Not to Pass" who would, as far as I know, never sign "Ought to Pass." So it isn't that we changed our minds on this matter. It is simply that on looking into the matter and soliciting information that was not presented at the hearing, we came to the conclusion that this bill would create more problems than it could hope to help solve.

I would urge you to accept the "Ought Not to Pass" Report and address the comprehensive question, if that is what the concern is, in the administrative procedures act. The principal tenets of this act, as I understand it, is to examine the area of the separation of investigative and adjudicative functions and to establish some uniform rules that are applied to all of the agencies that combine these powers. I think that we would make a great mistake to try to amend this little bill to deal with all of the aspects of the much broader bill when there is the broader bill being considered in having a hearing next week. I think that the case for this bill can very easily be made in conjunction with the administrative procedures act.

I would urge that we act now on the "Ought Not to Pass" Report here and then allow this matter to be considered as part of the general problem.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: I hope you do accept the "Ought Not to Pass" Report. Representative Tarbell did say that probably there would be one complaint from the insurance industry. I have here a letter from Alfred Perkins, the Commissioner of Business Regulation. It happens to concern another bill we have before our committee, but he lists seven insurance companies in the state they have had several complaints with in the past year, the total number I don't know, but several with each of the seven companies, so this would add quite a bit.

Also, we have many complaints from collection agencies. Several of them are involved in the 16 cases that have been talked about from the Bureau of Consumer Protection. If we had to wait to go to the administrative court, many of these people would still continue to do what they are doing, maybe for a year or so. Many of them are operating at the collection agency after their license has been suspended or before they get a license. There has been many practices that if we had to wait a year or two could amount to a lot of money.

We had one auto dealer in my own city of Portland who sold the wrong type of insurance. They investigated and found that he was doing this against the insurance laws. He had to refund over \$7,000 to the people injured. This could have gone on for a couple of years. There is just so much that can happen, I just don't think we should wait this length of time.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I probably will not be of any help but I don't want to let my friend from Bangor carry all of this. We did have a good hearing on this bill. We had many proponents and a few opponents. I did not consider it a vendetta in any way against Mr. Quinn or his agency, nor did I feel that many of the members of the Committee felt that way. It was felt that it was a better due process which we are supposed to provide for all of the citizens of the state, and after finding that we did have a serious problem, some of the members of the committee I know were influenced because we do have a problem in the administrative court. I submit that that is not a solid reason for not providing all of the citizens of this state due process. I find that to be a very weak argument.

In Alabama, they have a pay-as-you-go court system. They run out of money and, as you know, the legislature in Alabama usually is a little tight fisted, but they are going to have to cough up and come up and change their plan and come up with enough money to provide due process for their citizens. I submit that we have to do the same thing here in the State of Maine.

I would hope that you would vote to allow this to go along to second reader and let Mr. Tarbell submit his amendment, then talk about it. As he says, if we need a third judge, I am sure that we can provide for that, but let's not kill this legislation on the proviso that we do not have the number of judges, because I am sure that this legislature can provide the number of judges that are needed.

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

Mrs. KANY: Mr. Speaker and Members of the House: In addition to the delays within the administrative courts, there are other problems, casual, handwritten rules of procedure, and it isn't even clear in which branch the administrative court now belongs. The Chief Justice seems to believe that it is in

the Executive Branch, and other people think that it should be part of the Judicial Branch. So, I do urge you to wait, as Representative Spencer has urged, for the administrative procedures act to deal with this problem when we can deal with the administrative court in improving that, in addition to dealing with the subject within the bill before you.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me we are faced with a Hobson's choice here today. The gentleman from Standish has pointed out that we have a problem that really needs to be addressed and yet he says let's take it up in another bill.

We are also told that in order to have that bill at all and get it on the books is going to take a great many more administrative judges, a great many more dollars, and as one member of the Appropriations Committee, I don't know where those dollars are going to come from, so as far as I can see, if you want to provide for this due process that the gentleman from Standish acknowledges is necessary, which the gentleman from South Portland is a little hazy about whether it is necessary or not but he seems to acknowledge it is necessary, then I see no alternative but to let this bill go along and provide for the use of the two administrative judges that we have. Unfortunately, one of them is extremely ill at the present time, and I think it is in the cards that his services are no longer available to us because of his illness, that he can be replaced and will be replaced. Two judges, apparently, can handle the thing nicely. The funds are there for those two judges. I would think the only alternative we have today, if you want to provide due process is to keep this thing alive.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I say to Representative Howe, you are right on target. We have played with it too long already. Let's give it a good funeral right now.

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 Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: At the personal request of the gentleman from Limerick, Mr. Carroll, he has asked me to deliver a eulogy this afternoon for this particular piece of legislation. At least I hope it turns out to be a eulogy.

I think it should be clear who the opponents of this bill are. I do not blame the good gentleman from Farmington, Mr. Morton, for speaking against this bill. As a matter of fact, I have heard from other auto dealers and bankers on this subject and they seem to consistently oppose this bill. I would just like to tell you about a practical experience I have had with the administrative law judge to show you the very severe practical problems we have with increasing the load in the administrative court. About 80 percent of the cases the administrative court hears are liquor cases. I represented an individual in a liquor case. There is no uniform courtroom for the administrative law judge; he just sits where he can, it is very informal. In Androscoggin County he sits in the Probate courtroom in the back. I waited three or four hours with all my witnesses for the case to get on. About five thirty in the afternoon

one of the liquor inspectors came out and said, I am sorry, we can't get your case on today, the case we have today before us is a major liquor violation, it should last several more hours, so it looks like you are out of luck. So I waited another three months to get my case heard, and because the judge realized that he had cancelled me once, he put me on first, so at least I had the case heard. Then after the hearing — and this is the problem with Mr. Tarbell's article about the expedited hearing — after the hearing, we had to wait eight months before we had a decision on a very simple routine selling liquor to a minor violation by a storeowner. The whole case consumed over a year. There is no verbatim report or records taken down in the administrative court. You have someone taking shorthand as best as she can to try to get the record down, and that was when the administrative court was current.

Now should this judge not be able to return to the bench, which is entirely likely and extremely unfortunate, current estimates say that over 200 cases that have already been heard will have to be reheard because they do not keep a verbatim record, so these 200 cases will have to be reheard, plus the backlog which has occurred since his illness where no cases have been heard, which is the last several months.

We have a court which some people do not even consider a court. We have had a great many problems with it, just practical, logistical problems, and we can't pass the problem off by saying, well, we will just put one more little function on top of the administrative law judge and then Mr. Tarbell, at second reading, is going to put even more responsibility on him, I say it is a serious problem. I say, don't be fooled by the due process argument. We keep talking about the citizens of this state, and it is true, banks are corporate citizens of the state and they are the defendants we are talking about and banks do have the right and the responsibility for due process, and I would say to you that if you bothered to check the current law, you will find that the commissioner of this department is clearly erroneous on his ruling. There is ample appeal available for the banks to the superior court system to have their day in court.

I can assure you that this bill, when it was put through with the support of the banking industry, clearly realized and protected for themselves an avenue of appeal. Obviously, they are a little upset, there is no question it is a "get Quinn" bill. Maybe the members of the committee don't think so. The lobbyist who contacted me wanted me to sponsor the bill. He said it was a "get Quinn" bill but he kind of winked and said, don't worry, there will be more work for lawyers too.

Ladies and gentlemen, this is not the way to go about our problems. This is not the way to handle the problems in the field of banking, it is not the way to handle the problems of these administrative law courts. Let's kill this bill. We have other vehicles before us, as the gentleman from Standish, Mr. Spencer, has assured us.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I would state that this bill was heard so far back and has been within our committee such a long time that the honorable administrative court judge did appear before the committee and testify at that time that he would be very able to handle the extra load, particularly where he was going to have another judge to work with him. So if you look to the future, realizing that we will shortly have a proper number of justices on this court, it probably won't create the great problem that has been indicated here today.

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

Mr. LYNCH: Mr. Speaker and Members of

the House: I object to any system in which you go into court and the judge says you are guilty, now you prove to me you are innocent.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that the Minority "Ought Not to Pass" Report be accepted on L. D. 733 in non-concurrence. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Bachrach, Beaulieu, Benoit, Berry, Biron, Blodgett, Boudreau, A.; Brenerman, Burns, Bustin, Carey, Carroll, Carter, D.; Clark, Connolly, Cox, Curran, Davies, Diamond, Dow, Dutremble, Elias, Fenlason, Flanagan, Fowle, Gill, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, Lizotte, Locke, MacEachern, McHenry, McKean, McMahon, Mitchell, Moody, Nadeau, Najarian, Peakes, Plourde, Post, Prescott, Quinn, Raymond, Spencer, Strout, Stubbs, Talbot, Theriault, Tierney, Tozier, Trafton, Valentine, Wood, Wyman, The Speaker.

NAY — Ault, Austin, Bagley, Bennett, Birt, Boudreau, P.; Brown, K. L.; Bunker, Carter, F.; Churchill, Conners, Cote, Cunningham, Dexter, Drinkwater, Dudley, Durgin, Garsoe, Gillis, Gould, Hobbins, Hunter, Immonen, Lewis, Littlefield, Lougee, Lunt, Lynch, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McPherson, Morton, Nelson, M.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Rideout, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Tarbell, Teague, Torrey, Whittemore, Wilfong.

ABSENT — Berube, Brown, K. C.; Carrier, Chonko, Devoe, Gauthier, Hutchings, Kelleher, LaPlante, LeBlanc, Martin, A.; McBreaity, Mills, Nelson, N.; Rollins, Tarr, Truman, Twitchell, Tyndale.

Yes, 77; No, 55; Absent, 19.

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

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

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

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, having voted on the prevailing side, now moves that we reconsider our action whereby the Minority "Ought Not to Pass" Report was accepted in non-concurrence.

The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if I could ask just one question before we reconsider. Somebody mentioned that there were other bills before us that would alleviate this situation of one person being judge, jury and executioner. Is that so? As far as I can see, that seems to be the purpose of this bill, to alleviate that condition. I don't know Mr. Quinn, I have never seen him, so I have nothing against him at all, but if that is the situation, that one person is judge, jury and executioner, I do hope there is another bill that is going to alleviate that. Is there?

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

Mr. CURRAN: Mr. Speaker, in answer to the gentleman's question, I refer her to L. D. 1768, An Act to Create the Maine Administration Procedure Act. It is a 21-page bill with a 13-page Statement of Fact. It deals with all of those areas. We have four lawyers working with the State Government Committee next Wednesday afternoon, and I do believe the issue is addressed in the L. D.

The SPEAKER: The Chair recognizes the

gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker and Members of the House: On Page 17 of the bill . . .

The SPEAKER: The Chair would advise the gentleman that the bill is not before us. However, he may refer simply to the fact that there are other bills, but the pending question is the bill that has just had the "Ought Not to Pass" Report accepted.

The gentleman may continue.

Mr. TARBELL: Mr. Speaker, with respect to Representative Lewis' question, there is provision for the licensing powers, there is provision for complaint powers. There is no provision for injunctive relief, cease and desist power.

The SPEAKER: The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that the House reconsider its action whereby the Minority "Ought Not to Pass" Report was accepted in non-concurrence. 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.

Sent up for concurrence.

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

Bill, "An Act to Amend the Laws Relating to Criminal History Record Information" (H. P. 1629) (L. D. 1832)

Tabled — June 2, 1977 by Mr. Hobbins of Saco.

Pending — Motion of the same gentleman to Reconsider

Passage to be Engrossed.

On motion of Mr. Spencer of Standish, retabled pending the motion of Mr. Hobbins of Saco to reconsider and specially assigned for Monday, June 6.

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

The following Communication: (H. P. 1651)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE

June 3, 1977

To: All Members of the 108th Maine Legislature

Pursuant to Joint Rule 23, the Legislative Council has voted to extend the deadline for reporting out bills from Friday June 3rd to Tuesday June 14, 1977.

Signed:

JOSEPH SEWALL
President of the Senate

Signed:

JOHN L. MARTIN
Speaker of the House

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

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

Mr. DOW: Mr. Speaker, is the House in possession of L. D. 250?

The SPEAKER: The Chair would answer in the affirmative. The House is in possession of Bill "An Act to Eliminate Weight Limits on Certain Species of Fish and to Provide for Uniform Possession Limits by Numbers," House Paper 188, L. D. 250, having been held at the gentleman's request.

The Chair recognizes the same gentleman.

Mr. DOW: Mr. Speaker, I move that we reconsider our action whereby we voted to recede and concur, so I can make a motion to insist and ask for a committee of conference.

Mr. Elias of Madison requested a division. Whereupon, Mr. Burns of Anson requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one

fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from West Gardiner, Mr. Dow, that the House reconsider its action of yesterday whereby it voted to recede and concur on L. D. 250. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Ault, Bagley, Bennett, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Carey, Carter, F.; Conners, Connolly, Cote, Cox, Dow, Green, Henderson, Jacques, Jalbert, Kane, Kilcoyne, Laffin, Lewis, Littlefield, MacEachern, Mackel, Marshall, Masterman, Maxwell, McKean, Najarian, Pearson, Quinn, Rideout, Sewall, Stubbs, Teague.

NAY — Austin, Bachrach, Beaulieu, Benoit, Berry, Brenerman, Brown, K. L.; Bunker, Burns, Bustin, Carroll, Churchill, Clark, Cunningham, Curran, Davies, Dexter, Diamond, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowle, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Immonen, Jackson, Jensen, Joyce, Kany, Kerry, Locke, Lougee, Lunt, Lynch, Mahany, Masterton, McHenry, McPherson, Mitchell, Moody, Morton, Nadeau, Nelson, M.; Norris, Palmer, Peakes, Peltier, Perkins, Post, Raymond, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Talbot, Theriault, Tierney, Trafton, Valentine, Whittemore, Wilfong, Wood, Wyman.

ABSENT — Berube, Biron, Brown, K. C.; Carrier, Carter, D.; Chonko, Devoe, Gauthier, Gould, Hutchings, Kelleher, LaPlante, LeBlanc, Lizotte, Martin, A.; McBreaity, McMahon, Mills, Nelson, N.; Peterson, Plourde, Prescott, Rollins, Tarbell, Tarr, Torrey, Tozier, Truman, Twitchell, Tyndale.

Yes, 37; No, 83; Absent, 30.

The SPEAKER: Thirty-seven having voted in the affirmative and eighty-three in the negative, with thirty-being absent, the motion does not prevail.

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

In reference to the action of the House on May 24 whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following Conferees on the part of the House:

Mrs. POST of Owls Head
Messrs. MAXWELL of Jay
McBREAITY of Perham

Reference was made to (H. P. 1216) (L. D. 1482) Bill "An Act Authorizing Municipalities to Create Development Districts"

In reference to the action of the House on June 1 whereby it Insisted and asked for a Committee of Conference, the Chair appointed the following Conferees on the part of the House: Messrs. MacEACHERN of Lincoln
HENDERSON of Bangor
DRINKWATER of Belfast

Mr. Birt of East Millinocket was granted unanimous consent to address the House.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: On your desks this afternoon, you have a publication, the Flight of the Grand Eagle. The Flight of the Grand Eagle was written, as you may have noticed, by the Speaker's staff assistant, James Mundy, and Earl Shuttleworth who is presently head of

the Historic Preservation Commission. This book was partly funded by a grant from the Bicentennial Commission, one of the earlier grants that came out and at that time I became aware of it. I have followed somewhat the course of it. I think it is a rather interesting publication. I think you will enjoy taking it home.

Charles Bryant, who was apparently the Grand Eagle, was an architect and engineer and an adventurer. He did much of the design work on some of the older buildings in Bangor. For a long while, the Bangor House was considered to have been developed by some of the Boston architects because of the grandeur of the building. Lately, it has been found, through the research of these two gentlemen, that the Bangor House was actually designed by Charles Bryant, a fellow who was born in Belfast and worked his way up through Bangor. There are many other houses, a couple of churches in Bangor that were designed by Charles Bryant.

Later, after the financial crash in 1837, he left Bangor and got involved in a couple of episodes, finally ending up in Texas where he got involved in the rebellion in Texas and was eventually killed there.

I think it is a rather interesting publication. I hope you will get a chance to sit down when the session is over and have time to read it. I think you will enjoy it. It is one of the lesser known but probably one of the more interesting characters that has come out of the State of Maine. There are a few copies of it still left, and if you want an extra copy to take home to your library or something of that nature, there are not enough copies so you can have a large number, but if any of the legislators want another copy, it can be obtained by contacting Earl Shuttleworth at the Historic Preservation of Maine.

(Off Record Remarks)

Mr. Pearson of Old Town was granted unanimous consent to address the House.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The Republican Message is out and I would urge every Democrat in the House to try to get a copy of it for a lighter material this weekend.

On motion of Mr. Garsoe of Cumberland,
Adjourned until Monday, June 6, at nine-thirty in the morning.