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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 confidence 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 gentleman from Bangor, Mr. Henderson, moves that the House recognize this body voted to adhere. All those in favor of recommending 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 NewDraft (H. P. 1606) (L. D. 1811) report of the Committee on Legal Affairs was read and accepted and the NewDraft passed to be engrossed as amended by House Amendment "A" (H. 441) 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 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-189) 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 Dedication of Revenues to the Department of 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 Establish a Pipeline Privilege Tax" 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 Amend the Law Regulating Materials from the Sales Tax" (H. P. 988) (L. D. 688) reporting "Leave to Withdraw"

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act to Increase the Minimum Wage to $2.75 an Hour" (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.

Ought to Pass in New Draft
New Drafts Printed
Ms. Clark from the Committee on Business Legislation on Bill "An Act to Amend the Law Relating to Barbers and Cosmetologists" (H. P. 508) (L. D. 578) reporting "Ought to Pass" in NewDraft (H. P. 1639) (L. D. 1383) Report was read.

The SPEAKER: The Chair recognizes the gentleman 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 NewDraft, 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 NewDraft read once and assigned for second reading the next legislative day.

Mrs. Huber from the Committee on Energy on Bill "An Act to Exempt Certain Construction Materials from the Sales Tax" (H. P. 786) (L. D. 1095) reporting "Ought to Pass" in NewDraft (H. P. 1642) (L. D. 1841) Report was read.

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 and "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, Resolved, Authorizing and Directing the Commissioner of Fish and Game to Report the Status of Ice Fishing, to Prolong 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. 1794) reporting "Ought to Pass" in New Draft under New Title, Resolved, Authorizing and Directing the Commissioner of Education and Wildlife to Promulgate Rules and Regulations Pertaining to Ice Fishing" (H. P. 1637) (L. D. 1839).


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

**Divided Report**


Report was signed by the following members:

- Messrs. PIERCE of Kennebec
- KATZ of Kennebec
- Usher of Cumberland

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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

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Reports were read.

On motion of Mr. Lynch of Livermore Falls, the Minority "Ought Not 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 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

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Minority Report of the same Committee. Reporting "Ought Not to Pass" as amended by Committee Amendment "A" (H-468) on same Bill. Report was signed by the following members:

- Mrs. MARTIN of Aroostook
- Mr. DIAMOND of Windham
- Mrs. LOCKE of Scobey
- Messrs. VALENTINE of York
- CURRAN of South Portland

Reports were read. Mr. Curran of South Portland moved that the Majority Report of the House be accepted.

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

Ms. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House, that we felt very unenthused about either way, but the fact is that the problem being addressed by this bill was not of any vast importance. It seemed to me that the problem was a problem 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 South Portland, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: This is a bill that we think is silly and we voted against. First of all, 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, Men and Women of the House: I guess you didn’t ask a question 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 him 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?

**The SPEAKER:** The gentleman 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 would like to ask a question 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 bill give him 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?

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House, I would like to ask a question 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 him 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?
dressing 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 and through their departmental budgets regarding their offices. I feel that this legislation is unnecessary legislation.

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 infer 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 roads that involve boats 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. And now I call on those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL


ABSENT - Brown, K.L.; Carrier, Chonko, Freeport, Ms. Clark, moves that the House accept the Majority “Ought to Pass to” Report and specially assigned for Monday, June 8.)

Divided Report


Report was signed by the following members:

Mr. FARLEY of York - of the Senate.

Ms. KILOYNE of Gardiner - Whittemore of Skowhegan - HENRY of Portland - Mrs. BOYD of Portland - REPORTERS - DIXON of Yarmouth - Ms. ALLOUPS of Freeport - Miss AULT of Hope - Messrs. SPIROLO of Hope - RIDEOUT of Mapleton - Minority Report of the same Committee reporting “Ought to Pass” on same Bill.

Report was signed by the following members:

Ms. PIERCE of Kennebec - CHAPMAN of Sagadahoc - of the Senate.

Mr. HOWE of South Portland - Trafton of Great Northern - of the House.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I today find myself on the downwind side of a Majority “Ought Not to Pass” Report on a bill which is mine. I feel, however, that it deserves a little more consideration from this House, and I would ask you to hear 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 musters to save them. I feel that whole 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. I think that age 72 benefits those bank institutions feel that 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 that age 72 benefits those bank institutions who are very active mentally and physically and while they may have retired from gainful occupation, there is no time to consider the labor of directors of these institutions and can give yeomen’s work and do yeomen’s work in this kind 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 they are 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 the elderly and I feel in this case consider the elderly and not to say 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 professional world.

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 at the time of its recommendation, publication of reports composed of experts and one of them represented the Mutual Savings Bank. The recommendation reads: “The Banking Board 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 it or not, 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 this bill here were reporting 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 opinions which was reflected in the opponents testimony, that a good mix of age on these boards is beneficial to the institutions, so we, here in Maine are granting the two years additional service on these boards.

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 predict which 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 that we adopt an advisory committee which would reflect 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 gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I think I, like Mr. Bagley, am 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 people to serve on the boards. I just feel that 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 simply do the 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. We are going to replace them, 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 good, and everyone has a sense of value to their lives. I don't intend to say "soror, we don't want you." If the banks feel that they want to replace, 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 gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I think I, like Mr. Bagley, am aware of what has been going on in recent years. I am saying I will be very brief. I think I should defend my position in signing the "Ought Not to Pass" Report. I think we 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 to you all, that it will be keeping young people from serving on these boards. This came about because of the banking code. There has been ample time lead into get to this. The date the bill 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 discriminating against 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 down. I believe that one of the most heinous ways that we deal with our citizenry is to discriminate against them based on their age. I can feel the pinch of the arrival of that bill and the action of this body and probably almost a year since I stood on this floor and did what I have to do because I believe that there is an injustice if I don't feel the pinch of the arrival of that bill and the action of this body and probably almost a year since I stood on this floor and did what I have to do because I believe that there is an injustice if I don't feel the pinch of the arrival of that bill and the action of this body and
and the body at the other end of the hallway, I think this is one small step in one small area to make a difference 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, I believe we should base it on ability, on 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, and I think that means 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 it 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 true 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 tends to become a little less vigorous, a little bit difficult to handle 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 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, when you are working on it in the evening and you do not have this problem of it. There is no hassle and you don't have to get by that old boy's club which definitely exists obtain the 6 percent increase in his retirement age, which was forced to retire because I think his health was not good enough.

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. Sproll.

Mr. SPROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make a statement on behalf of the people of the state of Maine, we were in favor of it. I am a director of a bank. 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 health was not good enough.

When he says that all of the big guns were there at the hearing, that is probably true. I think he is capable of handling this millions of dollars that has been referred to here is not for the old boy's club. I want the people who are 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 gentleman from Farmington, Mr. Morton, on the pending question of the pending question of the House, to strike out the word "ought to pass" and insert the word "ought not to pass." Those in favor will vote yes; those opposed will vote no, a roll call having been ordered.

ROLL CALL VOTE

Aloupis, Austin, Boudreau, A.; Brown, K.L.; Bustin, Carter, D.; Carter, F.; Clark, Cote, Devoe, Gould, Greenlaw, Hall, Hughes, Jackson, Jacobs, Kilcoyne, Masterton, McPherson, Morton, Nelson, M.; Palmer, Peakes, Prescott, Quinn, Rideout, Sproll, Stubbs, Tierney, Torrey, Tozier, Whittmore. N.; Balf, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Boudreau, P.; Brenerman, Bunker, Burns, Carey, Churchill, Connor, Connolly, Cox, Cunningham, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowle, Garoche, Gauthier, Gill, Gills, Goodwin, H., Goodwin, K.; Gray, Green, Henderson, Hickey, Higgins, Hobkins, Howe, Huber, Hunter, Immonen, Jalbert, Jensen, Joyce, Kan, Kary, Kerr, Lafiffin, Lewis, Littlefield, Lilzette, Locke, Louise, Lunt, MacEachern, Mackel, Mahany, Marshall, Masterman, Maxwell, McHenry, McMonah, Mitchell, Moody, Nadeau, Najarian, Norris, Pearson, Petticord, Philbrick, Pope, Potter, Reilley, Sewall, Shute, Slbsby, Smith, Spencer, Stover, Talbot, Tarbell, Teague, Theriault, Trafton, Truman, Twitchell, W., W.; Absent — Blodgett, Brown, K.C.; Carrier, Carroll, Chonko, Hutchings, Kelleher, Bangor Daily News, this is factual, I was reading the Bangor Daily News and I see dated June 3rd, 1977 and the words "ought to pass." I was reading the story because I figured I might just know this elderly gentleman. I found out that he was 50 years old. This morning, I started thinking that you start to be elderly at 50 and I would encourage you to vote "Ought to Pass."

The SPEAKER: The pending question has been ordered. 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. Peaks.

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 generally have people over 55 or 60 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 let my colleagues in these situations who would think about expansion and new ideas and so forth. I really feel that this really is not a vote against the old age but 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 gentleman 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. This 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 gentleman from Farmington, Mr. Morton, on the pending question of the pending question of the House, to strike out the word "ought to pass" and insert the word "ought not to pass." Those in favor will vote yes; those opposed will vote no, a roll call having been ordered.
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

Report was signed by the following members:
Messrs. CHAPMAN of Sagadahoc
PIERCE of Kennebec

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

Report was signed by the following members:
Messrs. KICLON of Gardiner
WHITTEMORE of Skowhegan
Mrs. NORTON of Portland
Ms. CLARK of Freeport
Mr. HOWE of South Portland
Miss ALQUIUS of Bangor
Messrs. CARPENTER of Yarmouth
PEAKES of Dexter
SPROWL of Hope

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 been looking over this bill and I haven't seen what the need was there to pass this bill. Somebody else has been in trouble financially and I noted in the Statement of Fact that there wasn't enough money through 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, that the department 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. 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.

The original, 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 to Pass" as amended by Committee Amendment "A" (H-485) 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

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

Report was signed by the following members:
Mr. MOODY of Richmond
Mrs. CUMMINGS of Penobscot
Mr. BIRON of Lewiston

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.

The SPEAKER: The gentleman from New Gloucester, Mr. Cunningham.
Mr. CUNNINGHAM: Mr. Speaker, I move that the House accept the Majority "Ought Not to Pass" Report.

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

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

Report was signed by the following members:
Mrs. CUMMINGS of Penobscot
Messrs. COLLINS of Aroostook
CARPENTER of Aroostook

Affirmative Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-485) on Bill "By the Senate.

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

Report was signed by the following members:
Mrs. SMITH of Mars Hill
Mrs. TAYLOR of Bridgton
Messrs. LUNT of Presque Isle
CUMMINGS of New Gloucester

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

Report was signed by the following members:
Messrs. KELLER of Bangor
NADEAU of Sanford
WOOD of Sanford
PEARSON of Old Town
BERNHARD of Machias
McHENRY of Madawaska

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.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I feel it is my duty to present the major issue.

And of course the majority of the committee voted "ought not to pass."

I would like to explain some of the reasons that I feel we 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 their rates. While you get an electricity bill, 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 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 base 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 need 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 the fuel costs over which they have little or no control. But which under their legal requirements to serve consumers, they must, without exception, 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 waited 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 forget that the company would have to pay that extra carrying charge in the long run.

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 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 so 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 SPEAKER: 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.

Mr. Pearson 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 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 it is the burden of proof of 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 benefit first. If 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 regard to the bill, if there was 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 says that they just follow a formula 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. If 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 can prove the charges made under the provisions of Chapter 3" etc. All it is saying is that once you meet this requirement, they can pass it on.

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

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 making sure you are going to pay the least cost? That is all we are asking.

The SPEAKER: The Chair recognizes the gentleman from 1ston Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: Just so the folks back home 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 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


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

The SPEAKER: The 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 Roll

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 Education and Cultural Services" (P. 1062) was read. Report was signed by the following members:

Mrs. SNOWE of Androscoggin — of the Senate.

Mr. MARTIN of Aroostook — of the Senate.

Mr. STURBS of Hallowell

Ms. RAK of Waterville

Ms. BACHBRACH of Brunswick

Mr. VALENTINE of York

Mrs. MASTERTON of Cape Elizabeth

Messrs. DIAMOND of Windham

CURRAN of South Portland

Mrs. LOCKE of Saco

Messrs. CURRILL 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. 358) (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. 1281) (L. D. 1490) Bill "An Act to Avoid Delays in Payment of the Insurance Compensations Claims Because of the Involvement of Two or More Insurance Carriers" — Committee on Labor reporting "Ought to Pass" (H. P. 1298) (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 5, 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 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. 1285) (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-475)

(H. P. 1283) (L. D. 1461) Bill "An Act to Amend the Oil Pollution Control and Discharge Prevention Laws" (C. "A" H-475) (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 the Certain Inland Fisheries and Wildlife Licenses (H. P. 261) (L. D. 329)

Bill "An Act Relating to the Regulation of the Blueberry Industry" (H.P. 598) (C "A" H-421)

Passed to be enacted, signed by the Speaker and sent to the Senate.

Bill "An Act Relating to the 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, read the second time, passed to be engrossed and sent to the Senate.

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 certain individuals 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.

The amendment, 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, read the second time, passed to be engrossed and specially assigned for Tuesday, June 7.

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, read the second time, 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-381)

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) (C "A" H-412)

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 to Authorize the Towns of Beals and Jonesport to Draw from the Maine 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.

"An Act to Permit State Aid to be Distributed to the Unit or School which the Student Attends" (H. P. 1346) (L. D. 1631) (C "A" H-408)

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.

"An Act Concerning the Membership of the Standardization Committee" (H. P. 154) (L. D. 171) (C "A" S-171)


"An Act to Authorize an Archivist for the Maine Historical Preservation Commission" (H. P. 781) (L. D. 694) (C "A" H-694)

"An Act to Amend the Method of Collecting Municipal Costs in the Abatement of Malfunctioning Domestic Disposal Units" (H. P. 135) (L. D. 1557)


Passed to be enacted, signed by the Speaker and sent to the Senate.
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 what that gave rise to a disturbance in the nova region, we questioned some of the witnesses, one of them was a school committee member. Did you know what your cooperation was doing? 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. Didn't repeal that provision. Now there are concerns.

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 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 the law, he can simply tell the Treasurer of the State of Maine, to withhold subsidy. The unit has no choice except to go to the courts for satisfaction of the penal provisions. It is a 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. In the case of the Education Commissioner, he will 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 he sees compliance in the courts or not.

You enact laws in every area of state government 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 people that don't comply and you don't know whether you are going to get a dollar back for it or not.

I say we do not indefinitely postpone this bill. It is a good bill and long overdue.

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

Mrs. Post: My name is Margaret Post and I am a member of the House: You probably remember a lot of the debate because it seems like the debate went on for about three weeks and we recommitted this bill. We then thought at that time that they were going to make some changes.

It looks as though it came 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 they think that they don't think that a school is living up to its program requirements.

Even though Representative Lynch mentions and he has raised some questions, I think it was 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 this isn't to be taken

...
Orders of the Day

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


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

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 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 has been in a coma for some weeks 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 things off 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 that it may 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 judicial function. The proposed solution to that is to add the Bureau of Banking and the Bureau of Consumer Protection which would then compound the burden which currently exists and will continue to exist with the administrative court system. There is nothing 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 have a reason to believe that the judicature of the truth and lending statutes may not occur until after the statute has passed for them to initiate their own individual cases. The point is that we don't know what the functions should be separated, the investigatory function and the judicial function is a sound principle.

The current 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 manner. It would provide additional funding for the administrative court and it would move the administrative court into the judicial department. Working with that, 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 administrating 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 are concerned with protection, banking and insurance wear three hats. They serve an investigatory role, a prosecution role in bringing complaints and 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 here.

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.

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 negative prevailed.

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 Portland, Mrs. Higgins.

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

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

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.

15 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:

"An Act Regarding the Bond Issue in the Amount of $11,500,000 for the Highway and Bridge Improvement Program" (S. P. 65) (L. D. 138)

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

Pending — Passage to be Engrossed.

The Speaker: The Chair recognizes the gentleman from Portland, Mrs. Najarian.

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

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 the same attack on the amendment just rips off the bill completely. It was good no in the first place and it is worse now.

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

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 yesterday. 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 would allocate the faculty administrative positions as it saw fit. There was criticism, at that time, that provision of the bill would take 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 who was the estimate 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.
ministerial 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 banking and insurance industry. The bill that would deal with this whole problem in the administrative procedure act is having a hearing before the State Government Committee. 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 probably before the middle 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 appointment before the end of this legislative session. The case is ever heard. If we go ahead and add problems than it could hope to help solve. The restraints that we are operating under. The case for this bill can very easily be made in due process argument here which is not totally mute, the Attorney General's Office and the powers. I think that we would make a great due process hearing? There is current legislation, it is simply a kind of a case. I am very concerned with the administrative court, and I return to the committee that is prosecuting and investigating a case.

Imagine if you are involved in a hearing before a commissioner who is prosecuting the case in all likelihood, as we have been in the past, have a judge for a speedier trial. That 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 can see that is feasible in this current session with the financial restraints that we are operating under.

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

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 be so hell-bent on putting two more agencies on that load, the load is going to go to court to provide a sanction does provide sufficient due process. I am a proponent of 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 the load of cases from these three bureaus.

I met with the Director of the Real Estate Commission, the Superintendent of Consumer Protection, the Bureau of Consumer Protection, the Bureau of Banking or the Bureau of Insurance. The bill that would deal with this was heard before 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 this bill before I commented. I look forward to that, for he said, anywhere from six months to four years. That is a very significant period of time, and I am 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 hope that these cases would drag out to the courts of the state, and if the personal 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 to double their workload. I said, anywhere from six months to four years. That is a very significant period of time, and I am 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.

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Now, it is not John Quinn that you want, this is your bill, but I think this is an intertemporal type of action for the legislature to take. I hope that we will take a serious look at the Superintendents of these two agencies in 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. I think that the Committee that was tasked 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 intertemporally with the problem today and I hope we will accept the "Ought Not to Pass" Report.

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

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 Committee that considered it there with the unanimous "Ought Not to Pass" Report, I also submit to you that the majority of the members on the Judiciary Committee are not of a mind to kill this bill, and we are attempting to change that by voting on this bill. It is a bit appalling to me, and it was appalling to me that the banking industry of Maine, the insurance industry, and the banking or 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 gentleman to deal with that, it is to deal with that is, that has restricted the powers of his office, the office that he and his successors will hold but to remove him from that office. I happen to the Attorney General's Office and the powers. I think that we would make a great due process hearing? There is current legislation, it is simply a kind of a case. I am very concerned with the administrative court, and I return to the committee that is prosecuting and investigating a case.

Imagine if you are involved in a hearing before a commissioner who is prosecuting the case in all likelihood, as we have been in the past, have a judge for a speedier trial. That 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 can see that is feasible in this current session with the financial restraints that we are operating under.

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 there was a misunderstanding of the intentions of the Banking and Insurance 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 this bill before I commented. I look forward to that, for he said, anywhere from six months to four years. That is a very significant period of time, and I am 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.

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Now, if it is John Quinn that you want, this is your bill, but I think this is an intertemporal type of action for the legislature to take. I hope that we will take a serious look at the Superintendents of these two agencies in 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. I think that the Committee that was tasked 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 intertemporally with the problem today and I hope we will accept the "Ought Not to Pass" Report.
The Chief Justice seems to believe that it is in procedure, and it isn't even clear in which legislation on the proviso that we do not have this legislature can provide the number of submit his amendment. then talk about it. As of this state due process. I find that to be a very little tight fisted. but they are going to have to do the same thing here in the State of Maine. know, the legislature in Alabama usually is a solid reason for not providing all of the citizens to go along to second reader and let Mr. Tarbell of these people would still continue to do what. They investigated and found that he was doing this against the insurance laws. He had to refund over $7,000 to the 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. After all, if they have not done anything wrong type of thing, they too have rights. They did have a serious problem, some of the members of the committee know were influences from people who have problems in the administrative court. I submit that there was not a solid reason for not providing all of the citizens of this state due process. I find that to be a very real concern. 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 with providing administrative law judges. Mr. TIERNY: 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. The 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 feel that this bill is being used as a tool for the lobbyist who contacted me wanted me to sponsor the bill. He said it was a "get Quinn" bill. Maybe the lobbyists of the 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 lobbyists of the two that would see an alternative to this. The lobby 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 Auburn. Mr. Lynch, from Livermore Falls, Mr. Lynch. The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris. Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: In addition to the delays within the administrative courts, there are other problems, casual, handwritten rules of procedure, even clear administrative law judges. I think 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 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, we still don't have a proper number of justices on this court, it probably won't create the great problem that has been indicated here today.
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. If there are other bills, the pending question is the bill but note that the "Ought Not to Pass" Report accepted.

The gentleman may continue. Mr. TARBELL: Mr. Speaker, with respect to Representative's record, 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 adjourned the House to the hour of 5 p.m.

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

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 House from Lisbon Falls, Mr. Tierney, having voted on the prevailing side, now moves that we reconsider our action whereby we voted to reconsider its action of yesterday whereby it voted to recede and recommit Bill, "An Act to Amend the Laws Relating to Criminal History Record Information" (H. P. 1628) (L. D. 1832) by vote of 65-32, held on June 2, 1977 by Mr. Hobkins of Saco.

Pending - Motion of the same gentleman to Reconsider Passage to be Engrossed. On motion of Mr. Spencer of Standish, retained pending the motion of Mr. Hobkins of Saco to reconsider and specially assigned for Monday, June 6.

The following paper appearing on Supplemental Paper 188, L. D. 250, having been held at the House Paper 188, L. D. 250 in non-concurrence.

The following Communication: (H. P. 1561)

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

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

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, 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.

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The Chair adjourned the House to the hour of 5 p.m.
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.