

MAINE STATE LEGISLATURE

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



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

LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

Index

**Senate Confirmation Session
September 16, 1977**

Index

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Monday, June 13, 1977

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

Prayer by the Reverend Peter L. Misner of the Winthrop United Methodist Church of Winthrop and the Wayne Community Church of Wayne.

The members stood at attention during the playing of the National Anthem by the Moosebeac Community School District Junior Band of Jonesport.

The journal of the previous session was read and approved.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Authorizing Municipalities to Create Development Districts" (H. P. 1216) (L. D. 1482) asks leave to report:

That the House recede from passing the bill to be engrossed as amended by House Amendment "A" (H-414), recede from adoption of House Amendment "A" (H-414), Indefinitely Postpone House Amendment "A" (H-414), adopt Committee of Conference Amendment "A" (H-590) submitted herewith, and pass the bill to be engrossed as amended by Committee of Conference Amendment "A".

That the Senate recede from passing the bill to be engrossed as amended by Committee Amendment "A" (H-377) and House Amendment "A" (H-414), recede from adoption of Committee Amendment "A" (H-377), Indefinitely Postpone Committee Amendment "A" (H-377), recede from adoption of House Amendment "A" (H-414), Indefinitely Postpone House Amendment "A" (H-414), adopt Committee of Conference Amendment "A" (H-590) submitted herewith, and pass the bill to be engrossed as amended by Committee of Conference Amendment "A" (H-590) in concurrence.

Signed:

Messrs. MacEACHERN of Lincoln
HENDERSON of Bangor
DRINKWATER of Belfast
— of the House.

Messrs. JACKSON of Cumberland
PIERCE of Kennebec
O'LEARY of Oxford
— of the Senate.

The Committee of Conference Report was read.

On motion of Mr. MacEachern of Lincoln, the Report was accepted.

The House receded from passage to be engrossed as amended by House Amendment "A", receded from the adoption of House Amendment "A" and the amendment was indefinitely postponed.

Conference Committee Amendment "A" (H-590) was read by the Clerk and adopted.

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

Papers from the Senate

The following Joint Order, an expression of Legislative Sentiment recognizing that: The Boys' Baseball Team of Marshwood High School has won its first Southern York League Baseball Championship. (S. P. 544)

Came from the Senate read and passed.

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

**Reports of Committees
Leave to Withdraw**

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act Appropriating Funds for the Expansion of the

Portland International Jetport" (S. P. 267) (L. D. 825)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act Requiring Motor Vehicles Registered in This State to Carry Liability Insurance" (S. P. 253) (L. D. 760)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Agriculture reporting "Ought Not to Pass" on Bill "An Act Concerning Euthanasia of Cats and Dogs" (S. P. 333) (L. D. 1092)

Report was signed by the following members:

Messrs. JACKSON of Cumberland
LEVINE of Kennebec
— of the Senate.

Messrs. STROUT of Corinth
LOUGEE of Island Falls
CARROLL of Limerick
MAHANY of Easton
HALL of Sangerville
TOZIER of Unity
TORREY of Poland
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-213) on same Bill. Report was signed by the following members:

Mr. HICHENS of York
— of the Senate.

Messrs. ROLLINS of Dixfield
WOOD of Sanford
SMITH of Mars Hill
— of the House.

Came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "A" (S-213) Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-213)

In the House: Reports were read.
(On motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of either Report and tomorrow assigned.)

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Veterans and Retirement reporting "Ought to Pass" on Bill "An Act to Revise the Judicial Retirement System" (S. P. 497) (L. D. 1776)

Report was signed by the following members:

Messrs. COLLINS of Knox
O'LEARY of Oxford
LOVELL of York
— of the Senate.

Mr. HICKEY of Augusta
Ms. CLARK of Freeport

Messrs. THERIAULT of Rumford
LAFFIN of Westbrook
AUSTIN of Bingham
NELSON of Roque Bluffs
BUNKER of Gouldsboro
— of the House.

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

Report was signed by the following member:
Mr. LOUGEE of Island Falls
— of the House.

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.
(On motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of either Report and specially assigned for Wednesday, June 15.)

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill, "An Act to Require that Commercial Home Builders who Accept Earnest Money Deposits be Required to Maintain an Escrow Arrangement to Protect These Funds" (S. P. 354) (L. D. 1179)

Report was signed by the following members:

Messrs. CHAPMAN of Sagadahoc
PIERCE of Kennebec
— of the Senate.

Messrs. JACKSON of Yarmouth
RIDEOUT of Mapleton
PEAKES of Dexter
SPROWL of Hope
HOWE of South Portland

Miss ALOUPIS of Bangor
Mr. KILCOYNE of Gardiner
Mrs. BOUDREAU of Portland
Mr. WHITTEMORE of Skowhegan
Ms. CLARK of Freeport
— of the House.

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

Report was signed by the following member:
Mr. FARLEY of York
— of the Senate.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

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

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

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I had an opportunity to read this bill very quickly and certainly on the face of it it seems to be quite a desirable bill. I would ask the gentlelady to explain the committee's majority report and request a division on the motion.

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, has posed a question through the Chair to the gentlewoman from Freeport, Ms. Clark, who may answer if she so desires.

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

Ms. CLARK: Mr. Speaker and Members of the House: This is a bill which would require commercial home builders who accept earnest money to make deposits and be required to maintain an escrow account. This is a bill, I believe, which originated from some difficulties which occurred with home builders in York County. It is the feeling of the committee that these kinds of monies which are tendered in these contractual arrangements are generally in the area of mortgage money which is adequately supervised by the financial institutions involved therein. While there may be some instances where home builders are now following what might be accepted as proper and positive business practices and using earnest money to pay their continuing debts because they have money flow difficulties, it is the feeling of the majority of the members of the Business Legislation Committee that we shouldn't penalize all Maine home builders because of perhaps the failings of a few.

The SPEAKER: The pending question is on the motion of the gentlewoman from Freeport, Ms. Clark, that the Majority "Ought Not to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.
74 having voted in the affirmative and 11 having voted in the negative, the motion did prevail.

Divided Report

Report "A" of the Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-204) on Bill "An Act to Impose a 4-Quart Limit on the Taking of Smelts Throughout the Entire Smelting Season" (S. P. 320) (L. D. 1077)

Report was signed by the following members:

Messrs. CHAPMAN of Sagadahoc
LEVINE of Kennebec
HEWES of Cumberland

— of the Senate.

Messrs. CONNERS of Franklin
GREENLAW of Stonington
JACKSON of Yarmouth

— of the House.

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

Report was signed by the following members:

Messrs. FOWLIE of Rockland
BLODGETT of Waldoboro
NELSON of Roque Bluffs
BUNKER of Gouldsboro

Mrs. POST of Owls Head

Mr. TYNDALE of Kennebunkport

— of the House.

Came from the Senate with Report "A" of the Committee on Marine Resources read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-204)

In the House: Reports were read.

On motion of Mrs. Post of Owls Head, Report "B" "Ought Not to Pass," was accepted in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act Relating to Public Utility Electrical Transmission Lines and Gas and Oil Pipelines" (H. P. 1659) (L. D. 1855) which was passed to be engrossed as amended by House Amendment "A" (H-543) in the House on June 8, 1977.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-543) and Senate Amendment "A" (S-221) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Change the Deadline for Change in Party Enrollment in Order to Qualify for Voting in a Primary Election" (H. P. 1028) (L. D. 1246) which was passed to be engrossed as amended by House Amendment "A" (H-489) in the House on June 2, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

In the House: On motion of Mrs. Boudreau of Portland, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act to Authorize Bond Issue in the Amount of \$2,348,000 for Construction of an Educational Wing at Central Maine Vocational-Technical Institute, a Mechanicals Buiding at Eastern Maine Vocational-Technical Institute and a Building Construction Facility at Southern Maine Vocational-Technical Institute" (H. P. 1618) (L. D. 1819) which was passed to be engrossed as amended by House Amendments "A" (H-487) and "B" (H-494) in the House on June 2, 1977.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-487) as amended by Senate Amendment "A" (S-218) thereto in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Revise the Water Quality Program" (S. P. 508) (L. D. 1793) which was Passed to be Enacted in the House on June 2.

Came from the Senate passed to be engrossed as amended by Senate Amendments "C" (S-217) and "D" (S-220) in non-concurrence.

In the House: On motion of Mr. Blodgett of Waldoboro, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Prohibit Campaign Activities Within 250 Feet of Voter Registration on Election Day" (H. P. 518) (L. D. 636) on which the Majority "Ought to Pass" in New Draft under New Title Bill "An Act to Regulate Campaign Activities on Election Day" (H. P. 1663) (L. D. 1863) Report of the Committee on Election Laws was read and accepted and the New Draft passed to be engrossed as amended by House Amendment "A" (H-562) in the House on June 9, 1977.

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

In the House: On motion of Mrs. Boudreau of Portland, the House voted to insist and ask for a Committee of Conference.

Orders

An Expression of Legislative Sentiment (H. P. 1708) recognizing that: Scott Richard Palmer, Donavon Joseph Pfeiffer, Jr., Kirk LaMar Robinson, Meade Christopher Swenson and Daniel Keith Whitten, of Boy Scout Troop 304 of Christ Church in Kennebunk, have been awarded the high personal honor and achievement of Eagle Scout

Presented by Mr. McMahon of Kennebunk (Cosponsor: Senator Farley of York)

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

Mr. Dow of West Gardiner presented the following Joint Order and moved its passage: (H. P. 1709)

WHEREAS, the 107th and 108th sessions of the Legislature have received a number of bills and a significant amount of testimony regarding the problems caused by dogs and coyotes; and

WHEREAS, these 2 populations are reported to be commingling and producing a new breed of animal known as a "Coydog;" and

WHEREAS, both the dog population and coyote population are growing at an alarming rate; and

WHEREAS, both dogs and coyotes do damage to the state's wildlife, especially the deer herds, and to domestic animals; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Inland Fisheries and Wildlife study and assess the problems and dangers posed by both the dog and coyote populations in Maine; and be it further

ORDERED, that upon finding that these coyotes and dogs pose a genuine and significant threat to domestic animals and wildlife, the committee shall study means by which these animals can be controlled; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977, and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

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

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Frederick Lunt of Presque

Isle and Armand LeBlanc of Van Buren be excused the week of June 13th for personal reasons.

AND BE IT FURTHER ORDERED, that Maynard Connors of Franklin be excused June 13th and 14th for personal reasons.

House Reports of Committees

Mr. Curran from the Committee on State Government on Bill, "An Act to Insure Citizen Participation in the Adoption, Amendment, and Repeal of Agency Rules and to Provide Legislative Review of Agency Rules" (H. P. 1395) (L. D. 1663) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Kilcoyne from the Committee on Business Legislation on Bill "An Act Establishing Alternative Compliance Status for Itinerant Vendors" (H. P. 677) (L. D. 912) reporting "Leave to Withdraw"

Mr. Tarbell from the Committee on Judiciary on Bill "An Act to Establish a Judicial Qualifications Commission" (H. P. 1370) (L. D. 1680) reporting "Leave to Withdraw"

Mr. Spencer from the Committee on Judiciary on Bill "An Act to Establish a Commission on Judicial Tenure and Disabilities" (H. P. 1311) (L. D. 1584) reporting "Leave to Withdraw"

Mrs. Boudreau from the Committee on Election Laws on Bill "An Act Concerning the Size of Squares on Election Ballots" (H. P. 814) (L. D. 987) reporting "Leave to Withdraw"

Mrs. Post from the Committee on Marine Resources on Bill "An Act Concerning Trap Limits for Lobster Fishing in Hancock County and around Isle au Haut" (H. P. 1423) (L. D. 1633) reporting "Leave to Withdraw"

Mr. Jacques from the Committee on Transportation on Bill "An Act to Authorize the Issuance of 5-Year Registration Plates for Certain Trailers" (H. P. 447) (L. D. 553) reporting "Leave to Withdraw"

Mr. Whittemore from the Committee on Business Legislation on Bill "An Act to Require that Insurance Coverage for Outpatient Community Mental Health Services be Provided in Group Health Care Policies and Contracts" (H. P. 1464) (L. D. 1700) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

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

Mr. Spencer from the Committee on Judiciary on Bill "An Act Relating to the Commitment of Mentally Ill Individuals to State Mental Hospitals" (H. P. 705) (L. D. 911) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to the Commitment of Mentally Ill Individuals" (H. P. 1707) (L. D. 1880)

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

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Provide for an Income Tax Credit for Limited Political Contributions" (H. P. 1406) (L. D. 1568)

Report was signed by the following members:

Messrs. JACKSON of Cumberland
MARTIN of Aroostook
WYMAN of Washington

— of the Senate.

Mrs. CHONKO of Topsham
Messrs. TEAGUE of Fairfield

IMMONEN of West Paris
CAREY of Waterville
TWITCHELL of Norway
POST of Owls Head

Mrs. — of the House.
Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-573) on same Bill. Report was signed by the following members:

Messrs. MAXWELL of Jay
CARTER of Bangor
COX of Brewer
MACKEL of Wells

— of the House.

Reports were read.

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

Mr. CAREY: Mr. Speaker, I move that we accept the Majority "Ought Not to Pass" Report.

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

Mr. QUINN: Mr. Speaker and Members of the House: The bill you have before you presents an idea that is very important to government, it is very important to political parties and it is very important to this legislature. I am practical enough to realize that it has little chance of passage, but I just wanted to share with you for about one or a half minute why it will not pass and why it should pass. It will not pass because there is a cost estimate on it. In the State of Maine, if you wish to give a donation to a political party or have the state give it for you on your income tax form, you simply indicate that you wish a dollar given to whichever party you wish it given. It is not deductible from the income tax; it is simply a donation that you make. The federal system, of course, as you know, provides a deduction. This has been in effect now for some four or five years and its history has shown contributions to political parties ranging from a high of about \$8,000 to a low last year of about \$3,500 or \$4,000. That is the total money that has been given to both parties.

This bill proposes to make (it is a very small innocuous thing, really) that \$1. deductible from your income tax form, in effect shifting the balance of the \$1 contribution from the individual to the State. This requires a cost estimate. The cost estimate said that in Maine — and, incidentally, I would like to share with you the keen sense of humor that the people in our Taxation Division must have, they said the people of Maine, if we allowed them to have this dollar deductible from their tax, would increase their contributions from \$3,500 last year to \$185,000 next year. I, knowing something about the finances of the Democratic Party and understanding through the Rockefeller Publication some of the finances of our friendly Republican Party, assure you that if we should ever receive one half of \$185,000, we would be in absolute fiscal clover for ever and ever. We can't conceive of such huge amounts of money. The fact of the matter is that if this \$1 present charge were made tax deductible, likely the present giving would double and it would go from three or four thousand to six or eight thousand, depending on how much publicity we manage to get, but we cannot quarrel with the figures that Taxation Division gives us and, therefore, the Taxation Committee had to act in what I consider to be a responsible way. They could in no way recommend anything in these days of tight money that on paper at least would cost the Treasury \$180,000.

So I reluctantly will concede the point, we cannot pass the bill but I would like to point out to each of us that we do have an obligation. If we do not save our political parties, if we do not make these parties strong, if we do not keep them as responsible organizations, we defer our choice of government and the exercise or the influence and authority to interest groups. Someone is going to have to develop public

policy: someone is going to have to choose candidates and support them; someone is going to have to be responsible for the kind of things that our people and our government need. And if you don't have political parties for this purpose, then it is going to end up being small groups or it is going to end up being financially influential groups. You know as well as I do the kind of fate that will mean eventually for our democracy. Political parties are necessary, political parties are in trouble and political parties need money. It has been recognized at the federal level, it has been recognized by more than half of the other states.

I would urge you, after we accept the "Ought Not to Pass" Motion, to give this consideration and when you see the bill back before you in the 109th Legislature with no fiscal statement on it, I urge favorable consideration at that time.

Thereupon, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-568) on Bill "An Act Concerning Weekly Benefits Paid to Persons who are Partially Unemployed" (H. P. 125) (L. D. 158)

Report was signed by the following members:

Messrs. REDMOND of Somerset
PRAY of Penobscot

— of the Senate.

Mrs. TARR of Bridgton
Messrs. PELTIER of Houlton
FLANAGAN of Portland
BUSTIN of Augusta
Mrs. BEAULIEU of Portland
Mrs. LEWIS of Auburn

— 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. McNALLY of Hancock

— of the Senate.

Messrs. LAFFIN of Westbrook
DUTREMBLE of Biddeford
McHENRY of Madawaska

— of the House.

Reports were read.

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

Mr. BUSTIN: Mr. Speaker, I move the House accept the Majority "Ought to Pass" Report of the committee.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: I am in favor of the Majority "Ought to Pass" Report, and I would only like to speak briefly to ask all members of the House to analyze this particular piece of legislation. It is a good bill, it is one of the bills that we discussed during the debate last week on L. D. 452. It is a bill that gives working people who are on unemployment an incentive to go out and take part-time jobs. It means they are not going to lose everything that they make. It is a good bill and I think we should all support it and I urge you all to analyze it so that you can tell your constituents that this legislature is trying to take constructive attempts to deal with our unemployment problem.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-568) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on

Bill "An Act to Provide a Temporary Disability Plan for State Employees" (H. P. 1248) (L. D. 1470)

Report was signed by the following members:

Mr. MARTIN of Aroostook
Mrs. SNOWE of Androscoggin
Mr. COLLINS of Aroostook

— of the Senate.

Messrs. CURRAN of South Portland
VALENTINE of York

Mrs. KANY of Waterville
Ms. BACHRACH of Brunswick
Mr. SILSBY of Ellsworth
Mrs. LOCKE of Sebec
Mr. CHURCHILL of Orland
Mrs. MASTERTON of Cape Elizabeth
Mr. DIAMOND of Windham

— of the House.

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

Report was signed by the following member:
Mr. STUBBS of Hallowell

— of the House.

Reports were read.

(On motion of Mr. Palmer of Nobleboro, tabled pending acceptance of either Report and tomorrow assigned.)

Divided Report

Later Today Assigned

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-567) on Bill "An Act to Provide for Local Registration of all Motor Vehicles" (H. P. 847) (L. D. 1038)

Report was signed by the following members:

Mr. MINKOWSKY of Androscoggin

— of the Senate.

Messrs. ELIAS of Madison
JACQUES of Lewiston
STROUT of Corinth
BROWN of Mexico
CARROLL of Limerick
JENSEN of Portland

— of the House.

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

Report was signed by the following members:

Messrs. McNALLY of Hancock
GREELEY of Waldo

— of the Senate.

Messrs. McKEAN of Limestone
LUNT of Presque Isle

Mrs. HUTCHINGS of Lincolnville
Mr. LITTLEFIELD of Hermon

— of the House.

Reports were read.

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

Mr. STROUT: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report.

On motion of Mr. Jensen of Portland, tabled pending the motion of Mr. Strout of Corinth to accept the Majority Report and later today assigned.

Divided Report

Later Today Assigned

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-569) on Bill "An Act to Recognize Mopeds as being in a Different Classification than Motorcycles" (H. P. 174) (L. D. 212)

Report was signed by the following members:

Messrs. GREELEY of Waldo
McNALLY of Hancock
MINKOWSKY of Androscoggin

— of the Senate.

Messrs. CARROLL of Limerick

McKEAN of Limestone
STROUT of Corinth
LUNT of Presque Isle
Mrs. HUTCHINGS of Lincolnville
Messrs. LITTLEFIELD of Hermon
JACQUES of Lewiston
ELIAS of Madison

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-570) on same Bill.

Report was signed by the following members:

Messrs. BROWN of Mexico
JENSEN of Portland

— of the House.

Reports were read.

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

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

On motion of Mr. Jensen of Portland, tabled pending the motion of Mr. Jacques of Lewiston to accept the Majority Report and later today assigned.

Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" on Bill "An Act to Promote the Preservation of Historic Districts within the State of Maine" (H. P. 1192) (L. D. 1440)

Report was signed by the following members:

Mr. DIAMOND of Windham
Mrs. LOCKE of Sebec
Ms. BACHRACH of Brunswick
Mr. CHURCHILL of Orland
Mrs. KANY of Waterville
Mrs. MASTERTON of Cape Elizabeth
Mr. STUBBS of Hallowell

— of the House.

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

Report was signed by the following members:

Messrs. MARTIN of Aroostook
COLLINS of Aroostook
Mrs. SNOWE of Androscoggin

— of the Senate.

Messrs. CURRAN of South Portland
SILSBY of Ellsworth
VALENTINE of York

— of the House.

Reports were read.

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

Mr. CURRAN: Mr. Speaker, I move that we accept the Minority "Ought Not to Pass" Report.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I strongly urge you not to accept the Minority "Ought Not to Pass" Report and urge that you support the Majority "Ought to Pass" Report. This is a very clear-cut bill, it provides local control. It requires a public hearing prior to the construction, reconstruction or alteration of the highway in an historic district within the State of Maine.

There are some 34 districts within the State of Maine that are historic districts and each has its own uniqueness of character. Those people who are most directly involved in these districts, those people who live there are the ones that know why we should save these historic districts. Everything possible must be done to preserve our heritage in this state; it is irreplaceable.

Municipalities are now able to protect districts in the private sector through ordinances and other things such as this. When the expenditure of federal funds is made in historic districts, why, there are checks and balances so that

highways cannot be blasted down through the middle of historic districts. However, there is one loophole, and this is in about 5 percent, only 5 percent of the time, and that is when state and only state funds are spent on proposed highway districts and historic districts.

This is what this bill attempts to control by requiring a public hearing prior to the reconstruction or construction of our highway and the plan to build this road or any other road must be approved by a local legislative body, by a city council or what have you. That is all this bill does. If they disapprove it, the highway department modifies the plans so they are acceptable or builds the road outside the district. That is all this bill does, nothing more and nothing less.

Needless to say, there is a historic district in my legislative district in the City of Hallowell. This particular district is the best surviving example of an inland seaport of the late 1700's and early 1800's. Seventy five percent of the buildings now in existence were built prior to 1840. Since the establishment of an historic district in the City of Hallowell, restoration has been on the upswing. Passage of this bill unquestionably would provide it additional economic stimulus. However, for 25 long years, we have been threatened with a highway that would blast right down through the center and wipe out half of these buildings, one plan wiped out everything on the riverside; the other one abolished all parking, which would have been disastrous economically. The survival of any district depends on its economic viability. We cannot afford to keep all buildings as museums, they must be self supporting.

When this plan was proposed by the Department of Transportation, a tremendous effort to oppose it was launched. It was absolutely necessary to do so. Only by this effort petitions were passed, 10,000 signatures were made, a march on the State House; many of you, I am sure, remember it.

This bill, however, is not just supported by citizens of the City of Hallowell, it is supported statewide. The DAR supports it, the League of Women Voters, the Maine State Museum Commission. At the hearing, there were 12 people who testified in favor, only one in opposition, a paid representative of the Department of Transportation. It is they and only they who have been lobbying against it. They are afraid they are going to lose a little bit of power to local control.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I think it is only fair that I offer you some reasons as to why I want you to accept the Minority "Ought Not to Pass" Report. I guess the greatest reason is that there is no real need for this legislation. Areas that are on the National Register of Historic Districts are already protected from adverse impact and, indeed, we are talking about somewhere between less than 2 to 3 percent of the cases. The Maine Department of Transportation has already worked out a procedure with the Maine Historic Preservation Commission that they have adopted mutually based on reasonableness. In addition to that, there is, of course, the A-95 Revue Procedure under the direction of the State Planning Office through which federally-funded dollars must be processed before they are approved.

I think that the passage of this particular L. D. would unnecessarily drag the Maine Historic Preservation Commission into every petty highway and street alteration squabble in this state. People who want to forestall roads would try and get their area designated an historic area as one of the techniques to prevent further expansion.

I think there is ample opportunity for people to be heard on this particular issue. I think this

bill attempts to solve a problem for one particular community, Hallowell, as Mr. Stubbs has mentioned. Instead of increasing local control, passage of this bill would just bring another agency into the decision making at the local level, and I therefore urge you to support the "Ought Not to Pass" Report.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: You have heard that this is unnecessary legislation. However, I hold here in my hand a plan, and it is a plan that was devised by the Department of Transportation, showing a proposed demolition of all of the buildings on the east side of the road in the City of Hallowell, all of the buildings in the road in the City of Hallowell, all of the buildings in the historic district on the east side of the road. They would not have planned to do this, they would not have made the plans if they had not thought of demolishing these buildings. That is what this bill attempts to stop, that 5 percent of the time when they want to use state funds to demolish our heritage.

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Curran, that the Minority "Ought Not to Pass" Report be accepted. 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 53 having voted in the negative, the motion did not prevail.

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

Consent Calendar

First Day

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

(H. P. 1) (L. D. 1) Bill "An Act to Require Certification of Nomination Petitions" — Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-586)

No objection being noted the above item was ordered to appear on the Consent Calendar of June 14, under listing of the Second Day.

Tabled and Assigned

(H. P. 1409) (L. D. 1684) Bill "An Act to Appropriate Money for Improvements to Airports and to Authorize General Fund Bond Issues in the Amount of \$1,200,000" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-591)

On the objection of Mr. Tierney of Lisbon Falls, was removed from the Consent Calendar.

Committee Amendment "A" (H-591) was read by the Clerk.

On motion of Mr. Strout of Corinth, tabled pending adoption of Committee Amendment "A" and specially assigned for Wednesday, June 15.

(S. P. 173) (L. D. 490) Bill "An Act Appropriating Funds for Maine Health Systems Agency, Incorporated, to Ensure that Quality Health Services are Available at a Reasonable Cost to all Maine People" (Emergency) — Committee on Appropriations & Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (C "A" S-210)

(S. P. 107) (L. D. 236) Bill "An Act to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Emergency) — Committee on Appropriations & Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (C "A" S-209)

No objections being noted the above items

were ordered to appear on the Consent Calendar of June 14, under listing of the Second Day.

Consent Calendar Second Day

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

(S. P. 92) (L. D. 216) Bill "An Act Relating to Motor Vehicle Fees Collected by the Public Utilities Commission" (C. "A" S-205)

On the objection of Mrs. Tarr of Bridgton, was removed from the Consent Calendar.

On motion of the same gentlewoman, tabled pending acceptance of the Committee Report and tomorrow assigned.

(S. P. 336) (L. D. 1121) Bill "An Act to Provide that Regular Annual Reports of the Executive Branch be Made Through the Maine State Government Annual Report" (C. "A" S-207)

(S. P. 252) (L. D. 778) Resolution, Proposing an Amendment to the Constitution to Combine the Guarantee Limits for the Insurance of Enterprises within the State (C. "A" S-206)

(H. P. 1142) (L. D. 1366) Bill "An Act to Approve the Expenditure of Funds from the Mental Health and Mental Retardation Program Improvement Fund for the Fiscal Year ending June 30, 1978"

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

(H. P. 952) (L. D. 1146) Bill "An Act to Establish Limits for Elderly Homeholders' Tax and Rent Refunds" (C. "A" H-574)

On the objection of Mr. Carey of Waterville, taken from the Consent Calendar.

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

Committee Amendment "A" (H-574) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 870) (L. D. 1063) Bill "An Act to Provide for 4-Year Terms of Office for Representatives, Governors and Lieutenant Governors of the Passamaquoddy Tribe of Indians" (C. "B" H-575)

On the objection of Mr. McKean of Limestone, was removed from the Consent Calendar.

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

Committee Amendment "A" (H-575) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 2) (L. D. 2) RESOLUTION, Proposing an Amendment to the Constitution to Mandate the Appropriation of Funds for State Employee and Teacher Retirement Costs (C. "A" H-572)

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

Second Reader

Later Today Assigned

Bill "An Act to Improve the Administration of the State's Merit System" (Emergency) (H. P. 239) (L. D. 398)

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 later today assigned.)

Passed to Be Engrossed

Bill "An Act Permitting the Director of Public Lands to Sell Small Parcels of Public

Reserved Lanes with Legislative Approval" (H. P. 1681) (L. D. 1875)

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

Bill "An Act to Revise the Maine Tort Claims Act" (Emergency) (H. P. 1680) (L. D. 1874)

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

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I could ask the Chairman of the Judiciary Committee, I am wondering why the state can't self-insure? I understand that some small towns are going to have to pay exorbitant insurance rates because of this bill. I wish that the state could self-insure starting right now. I wonder if the Chairman of the Judiciary Committee could explain why that can't be done?

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 Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker. In response to the question of the gentlewoman from Auburn, under the Tort Claims Act, as it was passed at the beginning of the session, the state will self-insure for claims against the state. There is a fund of \$400,000 which is included in the budget to deal with possible claims against the state.

With regard to the municipalities, under the current proposal, the state would not be insuring the municipalities. They would be purchasing insurance on the private market. The bill which is now before the legislature has been reviewed by the insurance industry and we have made a number of changes in the original Tort Claims Act in order to improve the insurability of the municipalities. With the changes which have been made, the committee has been assured by representatives of the insurance industry and the Maine Municipal Association that the areas where we have open liability are insurable at reasonable cost.

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

Bill "An Act to Require that a Hospital Pharmacist, a Chain Pharmacist and an Independent Pharmacist be Appointed to the Board of Commissioners of Pharmacy" (S. P. 251) (L. D. 759)

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

Tabled and Assigned

Bill "An Act to Expedite Court Handling of Fish and Wildlife Violations of a Misdemeanor Nature by a System of Convenient Payment" (H. P. 865) (L. D. 1053)

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

On motion of Mr. Dow of West Gardiner, tabled pending passage to be engrossed and tomorrow assigned.

Amended Bills

Bill "An Act Relating to Discharges, Emissions and Leakages from Nuclear Generating Facilities" (H. P. 1382) (L. D. 1662) (C. "A" H-550)

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

Passed to Be Engrossed Emergency Measure

"An Act to Amend the Elderly Homeholders Tax and Rent Refund Act to Allow Access to

State Tax Assessor's Records by the Department of Human Services" (H. P. 919) (L. D. 1115)

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 none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act to Amend the Law Regulating Mass Gatherings" (H. P. 1603) (L. D. 1806) (H. "A" H-441; H. "B" H-525; S. "A" S-180)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of same and 10 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act Authorizing the Approval of New School Construction in the Town of Stockholm" (H. P. 1613) (L. D. 1821) (C. "A" H-505)

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

Emergency Measure

"An Act Relating to Special Education Tuition and Board" (H. P. 1638) (L. D. 1836) (H. "C" H-517)

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. 117 voted in favor of same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, to Correct the Personal Services Appropriation for the Sheriff of Washington County for the Year 1977 (H. P. 1615) (L. D. 1822)

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. 119 voted in favor of same and 2 against and accordingly the Resolve was finally passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed

Emergency Measure

RESOLVE, to Provide for Regional Special Education Compacts (H. P. 1643) (L. D. 1842)

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. 119 voted in favor of same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

"An Act to Permit Trial Work Periods under the Workmen's Compensation Statutes" (S. P. 394) (L. D. 1353) (C. "A" S-185)

"An Act to Regulate Security Deposits on Residential Rental Units" (S. P. 519) (L. D. 1813) (S. "B" S-190)

"An Act to Improve the Management of the

Department of Conservation" (S. P. 525) (L. D. 1840)

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 Relating to the Regulation of Games of Chance (S. P. 527) (L. D. 1846)

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

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to anyone that might answer. I just had a chance to glance through this bill and I wanted to be sure that it didn't affect the existing provisions of law that provide that a raffle does not need a license from the state police.

In looking at the bill, the definition of games of chance excludes bingo and beano but it doesn't exclude raffles. I wonder if there is an exclusion for raffles by non-profit organizations somewhere else in the law or in the bill?

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

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

Mr. COTE: Mr. Speaker, in the bill, as the law stands now, raffles are excluded.

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

An Act to Prohibit State Officials From Appearing on Media Advertising Funded by the State (H. P. 440) (L. D. 547) (H. "A" H-511; C. "A" H-468)

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

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I believe this bill is sponsored by Mr. Bustin from Augusta. It is a bill that was discussed here in this House last week. The bill, I believe, stems from an idea which Mr. Bustin had, the problem that he apparently had with someone who is serving on the state level as a state official appearing on a paid television advertisement.

I really don't think, personally, that we need legislation on our books to prohibit members of the state government from appearing on state advertisements and some of the questions that were brought forth last week, which I didn't understand at the time but maybe I could answer now, were that the possibility that if, for an example, Mr. Orestis, and that was brought up last week, Mr. Orestis with the Lottery Commission, would appear on television, which he did, that should be prohibited through this kind of legislation. I don't see why we should because obviously if Mr. Orestis, being a Maine native, appears on a television advertisement for the Maine State Lottery, it, first of all, saves the lottery money in talent fees which is a consideration we should make. Secondly, it puts credibility, as far as I am concerned, in the advertisement itself to our Maine residents seeing a person who is in charge of the lottery appearing in behalf of that lottery.

So, I think that the problems that Mr. Bustin had are primarily problems that he has with the lottery and I don't think that we should pass legislation prohibiting someone on the state level, not only a member of the State Lottery, but other state officials from appearing on a paid television advertisement. Oftentimes their appearance in these advertisements will add credibility to the advertisement itself and, therefore, I move that this Bill and all its accompanying papers be indefinitely postponed and ask for the yeas and nays.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am glad to see that the debate on this issue has raised to another level and that there actually is at least one member of this body who will forthrightly say he does think public officials should appear in media advertising paid for by state funds. No one said that the last time we debated the bill and in fact it was attacked because people were saying that this isn't going to happen anyway, don't worry about it, therefore, we don't need the law on the books.

But now we have it forthrightly set forth that that should be able to happen. I ask you to consider that, whether you really think that public officials in this state should be able to promote themselves under the guise of appearing in a state advertisement for some other source.

Now let me also say, Mr. Biron, you are absolutely in error, I don't have any problems with the State Lottery. In fact, I hesitate to say this, because I may develop many more friends than I have now in a very short period of time. The fact is my mother is a finalist in the half million dollar drawing, and she thinks Mr. Orestis is far better on television than the current actor who is doing the lottery advertising. Lest you get too excited about that, there probably are many thousands of finalists and evidently the next step is that they draw seven names from the finalists for the people who are really eligible for the big money.

That notwithstanding, I don't believe that we should permit the potential abuse of media advertising by agency heads. The only instance that we have seen, plagiarism instance that we have seen is the Lottery Commission advertising. I would suggest to you that were this law not on the books it would be very possible for any agency head who had some kind of political ambition for the future to build into his budget a public relations advertising scheme which would, of course, feature himself as the spokesman, the person on the tube.

I think this is a good bill and I think we ought to send it on its way and I am glad he asked for the yeas and nays because I think we ought to vote that way.

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 Lewiston, Mr. Biron, 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 — Bachrach, Bagley, Bennett, Biron, Birt, Brown, K.L.; Carter, F.; Churchill, Fenlason, Gillis, Gould, Gray, Henderson, Howe, Hunter, Jacques, Jensen, Joyce, Kany, LaPlante, Lewis, Lizotte, Lougee, Mackel, Masterman, Moody, Morton, Perkins, Peterson, Rideout, Silsby, Smith, Stubbs, Talbot, Torrey, Whittemore.

NAY — Ault, Austin, Beaulieu, Benoit, Berry, Berube, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Bunker, Burns, Bustin, Carey, Carrier, Carroll, Chonko, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Flanagan, Fowlie, Gauthier, Gill, Goodwin, K.; Green, Greenlaw, Hall, Hickey, Higgins, Hobbins, Huber, Hughes, Hutchings, Immonen, Jackson, Jalbert, Kane, Kilcovne, Laffin, Littlefield,

Locke, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Maxwell, McBreairty, McHenry, McKean, McMahan, Mitchell, Nadeau, Najarian, Nelson, N.; Palmer, Pearson, Peltier, Plourde, Post, Prescott, Quinn, Raymond, Rollins, Sewall, Shute, Spencer, Sprowl, Stover, Strout, Tarr, Teague, Theriault, Tierney, Tozier, Trafton, Truman, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Aloupis, Brown, K.C.; Carter, D.; Connors, Garsoe, Goodwin, H.; Kelleher, Kerry, LeBlanc, Lunt, McPherson, Mills, Nelson, M.; Norris, Peakes, Tarbell, Twitchell, Tyndale.

Yes, 36; No, 97; Absent, 18.

The SPEAKER: Thirty-six having voted in the affirmative and ninety-seven in the negative with eighteen being absent, the motion did not prevail.

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

"An Act Pertaining to License Fees for the Regulation of Certain Amusements" (H. P. 577) (L. D. 701) (Conf. C. "A" S-199)

"An Act to Repeal the Age Limit for Directors of Mutual Institutions" (H. P. 860) (L. D. 1049)

"An Act to Enable Domestic Stock Insurance Companies to Acquire Minority Interests and to Insure That Minority Shareholders Receive Fair Value for Their Shares" (H. P. 902) (L. D. 1117)

"An Act to Clarify the Provision Relating to Late Payment of Insurance Claims" (H. P. 1023) (L. D. 1247)

"An Act to Increase Certain Fees under the Pharmacists Law" (H. P. 1110) (L. D. 1377) (C. "A" H-504)

"An Act to Provide for Legislative Review of Federal Grant Applications by State Agencies" (H. P. 1393) (L. D. 1636) (S. "A" S-202 to C. "A" H-392; H. "A" H-411)

"An Act to Remove Sales Tax from Residential Water" (H. P. 1400) (L. D. 1567) (C. "A" H-500)

"An Act to Require the Maine Human Services Council to Hold Public Hearings on Maine's Title XX Plan of Social Services" (H. P. 1447) (L. D. 1673)

"An Act to Encourage the Use of Solar Energy in Maine Through Tax Exemptions" (H. P. 1645) (L. D. 1845) (H. "A" H-513)

"An Act Providing for Establishment of a State Tax Mix" (H. P. 1647) (L. D. 1848)

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

Enactor

Later Today Assigned

An Act Pertaining to the Granting of Preference in the Letting of State Contracts to State of Maine Resident Bidders" (H. P. 1648) (L. D. 1849)

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

On motion of Mr. Perkins of Blue Hill, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be engrossed.

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

House Amendment "A" (H-592) was read by the Clerk.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: This purpose of this amendment is spelled out in a Statement of Fact. This was left out in the original engrossment and I just added this because I felt that these limitations should be added in. It

provides that substitution shall be made only when the responsible bidder is not 2% higher than other bidders.

Whereupon, House Amendment "A" was adopted.

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

Mr. JENSEN: Mr. Speaker, I have several questions about this piece of legislation as many of you who were members of the 107th legislature may remember, I was very much involved in a fairly lengthy series of problems with the Bureau of Purchases, dealing with the granting of bids particularly underpads and actually a few other things.

I read over this piece of legislation and Section A, troubles me somewhat. It says that for the purposes of this Sub-section, the words In-State Bidder shall mean a bidder who (1) Whose principal place of business or branch thereof has been located in Maine for a period of two years. No problem with that. (2) Who will employ at least 90 percent of Maine residents to carry out this contract. Now, I certainly agree with the intent of the bill and I think the kind of piece of legislation which has been drafted by the Governor and redrafted by the committee is basically a very good document.

However, I have very real questions about what the words "to carry out the contract" and "90% Maine residents" mean.

Let me give you an example: The problem that I was involved in was a problem with underpads. Now, underpads are something that are used for patients in nursing homes, in mental institutions and in hospitals. The underpad, basically, collects urine and prevents from chafing against the person's body. Now, that is a product which is essentially made up of paper, of fiber. It is a product which is not manufactured in the State of Maine. Now, this is something, which, as I understand it, is manufactured in another state, in many cases with substantially Maine products. Now, if a firm is headquartered out of Boston, as is the case in this particular company I am thinking of and it is set up in such a way as to have their two salesmen located in Maine, although not part of an incorporated Maine firm, that have been dealing with the State of Maine and operating out of the State of Maine for 30 years and those two salesmen are Maine residents, my question is this: Is that firm considered to be a Maine firm? Particularly when you are competing say, with C.M. Rice Company that is based in Portland, that is a Maine firm, however has nothing whatsoever to do with the production of this material and may well be selling underpads or attempting to sell underpads to the State of Maine, that they buy in Wisconsin. I guess my question is, how do you interpret that? It seems to me that the language in here is perhaps not quite tight enough and I would like to be allowed a little bit of time to look it over and see if I might come up with something a little bit tighter, something that works a little bit better, and I would ask that somebody would table this for one legislative day.

On motion of Mrs. Berube of Lewiston, tabled pending passage to be engrossed and later today assigned.

An Act to Clarify the Investigatory Authority of the Commission on Governmental Ethics and Election Practices in Regard to Contested Elections (H. P. 1649) (L. D. 1850)

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.

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

An Act Relating to Time Limitation on Providing Written Reasons for Termination of Employment (H. P. 1710) (L. D. 1309)

Tabled — June 9, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of the same gentleman to Reconsider Failing to Override the Objections of the Governor.

Thereupon, the House reconsidered its action whereby it failed to override the objections of the Governor.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: This is a veto message we received last Thursday. Again, let me briefly go over it and ask you to override with me.

The present law now states that if an employer fires an employee, the employee may write to the employer and ask the employer give him the written reasons for being terminated.

All my bill would do would be to grant to the employer, ten business days to comply after the employee has asked him to give the written reasons for his termination of employment. So, all this is doing, is to help the person who has maybe been fired for some shoddy reasons or for reasons that are not too helpful to him as a person.

I ask you this morning to join me in overriding this veto.

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

Mr. BUSTIN: Mr. Speaker Members of the House: I would inform the members of the House that this veto was on a Unanimous Report from the Committee on Labor, the only thing I would add to the remarks of the gentleman from Sanford is that that ten days doesn't even start until the employer receives request for the reasons by certified mail. So, there is plenty of time for someone to comply.

I would urge you to override this veto.

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

Mr. TIERNEY: Mr. Speaker, I would like to ask a question through the Chair to any member of the House. Does anyone have any problem with this bill?

The SPEAKER: The pending question before the House is, shall this Bill become a law notwithstanding the objections of the Governor? According to the Constitution, a two-thirds vote of the members present and voting is necessary to override the objections of the Governor. The vote will be taken by the yeas and nays. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Burns, Bustin, Carey, Carrier, Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Drinkwater, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gillis, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, Locke, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreaarty, McHenry, McKean, McMahan, Mitchell, Moody, Nadeau, Najarian, Nelson, N.; Norris, Palmer, Pearson, Peltier, Plourde, Post, Prescott, Quinn, Raymond, Shute, Spencer, Stubbs, Talbot, Teague, Theriault, Tierney, Tozier, Trafton, Truman, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Brown, K. L.; Bunker, Carroll, Carter, D.; Carter, F.; Churchill, Cunningham, Devoe, Dexter, Dudley, Durgin, Garsoe, Gauthier, Gill, Gould, Gray, Green, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, LaPlante, Lewis, Lizotte, Lougee, Lynch, Mackel, Morton, Nelson, M.; Perkins, Peterson, Rideout, Rollins, Sewall, Silsby,

Smith, Sprowl, Stover, Tarr, Torrey, Whittemore.

ABSENT — Aloupis, Birt, Brown, K. C.; Conners, Kerry, LeBlanc, Littlefield, Lunt, McPherson, Mills, Peakes, Strout, Tarbell, Twitchell.

Yes, 94; No, 43; Absent, 14.

The SPEAKER: Ninety-four having voted in the affirmative and forty-three in the negative, with fourteen being absent, and ninety-four being more than two-thirds, the veto is not sustained.

Sent to the Senate.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought to Pass" as Amended by Committee Amendment "A" (H-536) — Minority (6) "Ought Not to Pass" — Committee on Judiciary on Bill "An Act to Clarify and Modify Causes for 7-Day Notice of Termination of Tenancy at Will" (H. P. 988) (L. D. 1199)

Tabled — June 9, 1977 by Mr. Carrier of Westbrook.

Pending — Motion of Mr. Spencer of Standish to Accept Minority "Ought Not to Pass" Report.

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

Mr. SPENCER: Mr. Speaker, I move that this lie on the table for two legislative days.

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

Mr. CARRIER: Mr. Speaker, I request a division.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Spencer, that this matter be tabled pending his motion to accept the Minority "Ought Not to Pass" Report and specially assigned for Wednesday, June 15. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

65 having voted in the affirmative and 35 having voted in the negative, the motion did prevail.

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

SENATE REPORT — "Ought to Pass" as Amended by Committee Amendment "A" (S-186) — Committee on Taxation on Bill "An Act to Lighten the Burden of Property Taxes on the Elderly Widowed or Disabled" (S, P. 440) (L. D. 1531)

Tabled — June 9, 1977 by Mr. Palmer of Nobleboro.

Pending — Acceptance of the Committee Report.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: This bill is being incorporated in L.D. 1146 so that we can take care of those people 55 and older who are disabled or widowed in with the elderly.

Mrs. Kany is working on an amendment which would not discriminate. The Taxation Committee left out because no one even brought to their attention the fact that there are some people who are 55 and disabled and single. Mrs. Kany is working on an amendment to the bill. She needs the fiscal note to add to it. If that is successful, this bill will have been incorporated in 1146 and, therefore, will no longer be necessary. Until that time arrives, we would hope that maybe somebody would table for two legislative days.

On motion of Mr. Palmer of Nobleboro, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, June 15.

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

Bill, "An Act Relating to Reporting of Data of

Abortions Performed by an Attending Physician" (H. P. 1628) (L. D. 1831)

Tabled — June 9, 1977 by Miss Brown of Bethel.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: As I indicated the other day when this bill came across my desk, I did have some questions about it. I have been trying to get the answers to those questions, particularly since the redraft came about and appeared to do some of the things that I was hopeful that we could do. I think we have heard already this morning on one bill the question of whether it was necessary or not. Basically, I guess as I pursue this bill a little bit, I have come to the conclusion that it is not a necessary or desirable piece of legislation.

I would point out in a letter we received from Mr. Carey on our desks the other day that Title XXII, number 2841 of the Maine statutes requires the registration of fetal deaths. It is on our books. It is an existing law and it is not being enforced and I think we all have to say, why? Perhaps you are wondering if this particular section covers what we are trying to cover in this new draft, 1831 the registration, specifically of abortions.

I would only read to you the definition of fetal death as I have received from the department. I will read, first of all, the explanation of the definition, then the definition itself. The term fetal death encompasses stillbirths, abortions and miscarriages. Any delivery of a lifeless fetus or embryo is a fetal death. The following has been adopted as the official definition of fetal death for vital statistical purposes in Maine. It is a definition recommended by the World Health Assembly for use throughout the world. Fetal death is death prior to the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy. The death is indicated by the fact that after such separation, if the fetus doesn't breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles.

I would submit to you, that this definition does, in fact, cover those particular cases that L. D. 1831 addresses.

The second point I have to make in regard to this is that there is a great deal of information in this bill which concerns what would be put on a form that would report such fetal deaths. I don't know whether some of you have had a chance to look at the existing certificate of termination of pregnancy which is used by the State of Maine. It is indeed inclusive. There are a couple of things called for in the bill. One is the weight in grams and one is the measurement in centimeters. The current form does include the weight but does not include the measurement in centimeters.

I would now call your attention also to the form that is proposed to be put into use as of January 1st. It is called "Report of Induced Termination of Pregnancy". Above that, it says U.S. Standard. This is the form that has been put together over a period of time by doctors and officials who are interested in statistics. It is going to be used country-wide to report to the national health center on induced termination of pregnancy statistics. Nowhere on this form does either of those two, either weight or measurement appear. They are basically concerned with the type of termination procedure and any complications that may result.

I would just suggest to you that to put the requirements that 1831 does into the actual law so that therefore, our requirements if this bill were to be passed, would not be met by the United States form which will be and is standardized and will be used by doctors and hospitals

all over the country. It doesn't really make very much sense. I think it indicates we will either have to have more people passing out a particular State of Maine form, that type of thing: duplication. Basically, it will cost more money.

There is one other difference in the United States standard form and what this bill calls for. This bill, in the revised version, 1831 says that such report forms shall not identify the patient by name or otherwise. That sounds okay except when you look on the new U.S. form and they have a patient identification number, essentially. To me, that would violate this particular bill if we did pass it and put it on our books. I think it is just basically an unwise thing for us here in the legislature to try and determine, dot every "i" and decide exactly what we are going to have on a form when people who have been working in this field for a number of years have determined that what they prefer to see on it is not perhaps what each and every state legislature would prefer to see on it.

Basically then, I question the need for this legislation. It is a question of enforcement. I see no reason why it isn't enforced because we have a law on the books that covers this. Finally, I think it is a very poor idea to try and put these kinds of requirements for the form into legislation itself.

Therefore, Mr. Speaker, I would at this time move for the indefinite postponement of this bill and all its accompanying papers and I ask for a division.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I am afraid I have the same problem today that the gentlewoman from Portland, Mrs. Najarian had, it must have been a week and a half or two ago when this bill first came out, she had an amendment that she wanted to propose. There was some information passed on our desks that she wanted to look into before she proposed her amendment.

The news from the gentlewoman from Falmouth, Mrs. Huber, is all news to me. I would like to look into this and find out perhaps exactly what we are doing here. I would like this to be tabled until later in today's session.

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

Mr. GARSOE: Mr. Speaker, I move this be tabled until later in today's session.

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

Mr. JALBERT: Mr. Speaker, I move this item lie on the table for two legislative days.

Mr. Garsoe of Cumberland requests a Division.

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

A vote of the House was taken.

Mr. Kelleher of Bangor requested a roll call.

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

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

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

ROLL CALL

YEA — Bachrach, Beaulieu, Bennett, Birt, Blodgett, Burns, Bustin, Carey, Carroll, Clark, Connolly, Cote, Cox, Curran, Dow, Dudley,

Dutremble, Elias, Flanagan, Fowlie, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Green, Hall, Hickey, Higgins, Hobbins, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Lizotte, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Maxwell, McBairty, McHenry, McKean, McMahon, Mitchell, Nadeau, Najarian, Nelson, N.; Perkins, Plourde, Quinn, Raymond, Shute, Spencer, Sprowl, Talbot, Tarr, Theriault, Tierney, Torrey, Tozier, Truman, Tyndale, Valentine, Whittemore, Wood, Wyman.

NAY — Aloupis, Ault, Austin, Bagley, Benoit, Berry, Berube, Biron, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Bunker, Carrier, Carter, F.; Chonko, Churchill, Cunningham, Davies, Devoe, Dexter, Diamond, Drinkwater, Durgin, Fenlason, Garsoe, Gill, Gillis, Gray, Greenlaw, Henderson, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Lougee, Martin, A.; Masterton, Morton, Nelson, M.; Palmer, Pearson, Peltier, Peterson, Post, Prescott, Rideout, Rollins, Sewall, Smith, Stover, Stubbs, Tarbell, Teague, Trafton, Wilfong.

ABSENT — Brown, K. C.; Carter, D.; Connors, LeBlanc, Littlefield, Locke, Lunt, McPherson, Mills, Moody, Norris, Peakes, Silsby, Strout, Twitchell.

Yes, 76; No, 59; Absent, 15.

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

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

Bill "An Act Defining the Rights and Responsibilities of Landlords and Tenants in Residential Property" (H. P. 1641) (L. D. 1843) (H. "A" H-533)

Tabled — June 9, 1977 by Mr. Spencer of Standish.

Pending — Motion of Mr. Carrier of Westbrook to Indefinitely Postpone House Amendment "C" (H-548) (Roll Call Requested)

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 vote against the indefinite postponement of the motion on House Amendment "C". The major purpose of House Amendment "C" is to clarify the jurisdiction of the district court to hear cases under the procedures established in L. D. 1843.

The original bill provided that any case under 1843 or under the original draft of this bill would go to the superior court. In the committee, that was changed at the request of Senator Collins to include the superior court and the district court because the district court is more accessible and it is generally cheaper and more expeditious to proceed within the district court than in the superior court. The bill itself includes the district court and the purpose of this amendment is simply to add a provision in Title IV which makes it clear that the district court does have jurisdiction to deal with the cases that come up under L. D. 1843.

There are a couple of other minor changes in the amendment. One would change the word "welfare" to "safety" so that instead of before the procedures of 1843 would become operative, a condition would have to threaten the safety of the tenant, not just his welfare. That change would make the bill a narrower bill that would only apply where there was a threat to safety rather than the general word "welfare".

We also struck out three words which were "or the public". What that said was that if any condition in the building threatens the safety and so on of the tenants or the public, that the tenant could go into court. "or the public" is stricken out so that the bill only deals now with

the relationship directly between tenant and landlord.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: This bill is somewhat the same bill that those of you that were here last year, killed. This bill was presented to the other legislature. At that time, they recognized that there was not much value to the bill. This is what I have said all along. As I have to stick to the amendment, I tried to oppose the amendment the last time this came on the floor, it was tabled without asking me if I wanted it tabled. On the other hand, this particular amendment does not help the bill whatsoever. The thing is, it is true that it gives the district court a chance to hear the case and decide on it. However, I disagree that the district court is more accessible. It probably is. It would take you a longer time to get in there and get this straightened out than it would in the superior court according to the backlog or whatever they have.

On the other hand, I have contacted a few judges on this that belong to district court. I think that they feel they are called upon enough to do things without getting involved as a judge and an appraiser on this type of case. I submit to you that the amendment itself doesn't improve the bill at all which is very hard to improve when you start with nothing. I also submit to you that this bill will not be of any good to either tenant or landlord and it will not be of any advantage to either one.

Also, I still submit to you that the injunction procedure should not apply to this type of case. I also say to you that the people that actually have put this bill in, actually they are using a double standard. First, it says that anything that is not habitable should not be rented. That is the intent of the bill. On the other hand, I don't believe that the waiver of it has been taken off so if somebody wants to move into something that is substandard, they can. I submit to you that to get rid of this bill is to kill the amendment as presented.

I urge you to vote for the indefinite postponement.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The amendment is essentially a technical amendment to be sure that the jurisdiction is there in Title IV, if the bill passes which says that the district court should handle these matters.

I would urge you to vote against indefinite postponement of the amendment, then we will discuss the merits of the bill. At that time, it is appropriate to discuss and to decide whether you favor the basic concepts of the bill or not. If we are going to pass the bill, it seems to me that the question of jurisdiction should be clear. The provisions of this amendment don't substantially affect the provisions of the bill. I would urge you to vote against indefinite postponement and then either vote for or against the bill, depending on whether or not you favor the basic idea of the bill. I think, in either case, we ought to put this amendment on because it will eliminate some technical questions.

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

Mr. CARRIER: Mr. Speaker, Members of the House: You have suggested that you should accept this amendment and then we will consider the merit of the bill. I believe that we have considered somewhat the merit of the bill. I am willing to consider the merit of the bill. I am willing to consider it today.

I had no objection to this but I am beginning to find out that there are things that are going on here. They are playing around with these bills in order to get then in a position to pass a certain one in case the other ones are not killed. If I try to table something such as this which I

did the last time or before, because I don't ask permission, I can't table it or I don't get the votes. On the other hand, on another bill, which we had this morning, it was tabled. It is tabled and I want you to notice that there are some intentions behind these bills here. I want fair play. That is what I want. I can see and smell that fair play is not in this bill and in the procedures that are being used. I know what is going on and I know what kind of techniques are being used on this bill or any other landlord bills we have. I am not going to get too upset about it because I am going to have my day, if it doesn't happen nice and fair for everybody, that somebody is going to know about it. Somebody is going to be embarrassed and this is not what I want to do.

I submit to you that this amendment isn't good and the suggestion that we pass this and consider the bill, we will have to consider the bill whether you pass this amendment or not. We are not talking about the bill. We are talking about the amendment. I want the ones that are involved to know that I am well aware of the procedures used in order to pass something that they want which might be distasteful to you. I will have the chance to present it to you, at that time, if that is the procedure that is used.

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

Mr. NORRIS: Mr. Speaker, Ladies and gentlemen of the House: I would hope that you would vote against the indefinite postponement of the amendment. I feel that the amendment is necessary to the bill if the bill is going to go along. I think that the amendment is needed and we certainly should not indefinitely postpone it. For those of us here who don't care for the bill and want to do something with that after the amendment has been put on, fine and dandy. I see no reason to stop this amendment. I think it is necessary.

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 Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Committee on Judiciary, I would like to disagree with my good friend from Brewer. The amendment is not necessary.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Westbrook, Mr. Carrier, that House Amendment "C" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Berube, Biron, Boudreau, P.; Carey, Carrier, Carter, D.; Churchill, Cunningham, Dexter, Dow, Dudley, Dutremble, Fenlason, Hickey, Hunter, Immonen, Jackson, Jacques, Joyce, Kelleher, Laffin, Lizotte, Lougee, Mahany, Moody, Peterson, Raymond, Rollins, Shute, Smith, Stover, Theriault, Torrey, Tozier, Truman.

NAY — Aloupis, Austin, Bachrach, Beaulieu, Bennett, Benoit, Berry, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K.L.; Bunker, Burns, Bustin, Carter, F.; Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Devoe, Diamond, Drinkwater, Durgin, Elias, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Higgins, Hobbins, Howe, Huber, Hughes, Jalbert, Jensen, Kane, Kany, Kerry, LaPlante, LePalnte, Lewis, Locke, Lynch, MacEachern,

Mackel, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McMahon, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Pearson, Peltier, Perkins, Plourde, Post, Prescott, Quinn, Rideout, Sewall, Spencer, Sprowl, Stubbs, Talbot, Tarbell, Tarr, Teague, Tierney, Trafton, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman.

ABSENT — Brown, K.C.; Carroll, Conners, Hutchings, Kilcoyne, LeBlanc, Littlefield, Lunt, McKean, McPherson, Mills, Silsby, Strout, Twitchell.

Yes, 37; No, 99; Absent, 14.

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

Whereupon, House Amendment "C" was adopted.

The Chair laid before the House the following Second Reader which was specially assigned for eleven o'clock today:

Bill "An Act Making Current Service Appropriations from the General Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Emergency) (S. P. 530) (L. D. 1859)

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

Mr. Birt of East Millinocket offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-593) was read by the Clerk.

The SPEAKER: The Chair recognize the gentleman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: House Amendment "A" would delete the money for developmental day care. The Committee on Appropriations and Financial Affairs deliberated long and hard on how we were going to fund the priority social service program, including day care. We were told by the department that there were funds for priority social services to keep all programs going through next February. If then was the hope of the commissioner to bail out the program with some federal money which we expect will come which is commonly known as the Mondale Money. We, however, on the committee felt that this was not a very good way to proceed, that we should fund this for the entire year, that it was not fair to those people who hold contracts either in day care of any other program not to know for sure whether or not these programs would continue beyond February.

We wrote into the Appropriations Act, if you have L. D. 1859 before you, Page 22, that when additional funds become available to the department for same purpose as provided for in public law 94-401 — that is the Mondale Bill — they shall be used to eliminate the need for state appropriations and the balance left in the day care account shall lapse to the General Fund. What this means is that if the Mondale money should come in, rather than being used for day care, it will go to the General Fund for other purposes.

We felt that not to fund all the day care programs and other PSSP programs through the end of the year might jeopardize them all, that was not a good way of financing, that we were taking a chance and this is why we have done it this way. I would move the indefinite postponement of House Amendment "A" and would request the yeas and nays.

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

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

ordered.

The SPEAKER: The pending question is on the motion of the gentlewoman from Bath, Ms. Goodwin, that House Amendment "A" be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. L.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devove, Diamond, Dow, Drinkwater, Dutremble, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Laffin, LaPlante, Littlefield, Lizotte, Locke, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBrearty, McHenry, McKean, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman.

NAY — Birt, Dudley, Durgin, Fenlason, Gauthier, Lewis, Lougee.

ABSENT — Ault, Brown, K. C.; Conners, Dexter, Elias, Hutchings, Immonen, Kilcoyne, LeBlanc, Lunt, McPherson, Mills, Palmer, Strout, Twitchell.

Yes, 128; No, 7; Absent, 15.

The SPEAKER: One hundred twenty eight having voted in the affirmative and seven having voted in the negative, with fifteen being absent, the motion does prevail.

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

By unanimous consent, ordered sent forthwith to the Senate.

The SPEAKER: The Chair now returns you to Bill "An Act Defining the Rights and Responsibilities of Landlords and Tenants in Residential Property," House Paper 1628, L.D. 1831, the pending question being passed to be engrossed as amended by House Amendment "A" and House Amendment "C."

Mr. Biron of Lewiston offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-578) was read by the Clerk.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is not a dog, and if you address Page 3 of the bill. Subsection 6, the last line in that paragraph which says, and this is what the amendment addresses, it eliminates this language from this legislation. The amendment takes out the language which says that the landlord may be ordered to pay the necessary moving expenses incurred by the tenant for temporary relocation. The amendment addresses this and takes this out of the present bill.

The concern that I have is that if there is a problem in a residence where a person is paying rent, under this amendment, the judge could order the landlord to pay the necessary moving expenses, and as I read it, also the money that is going to be expended by that person to live someplace else until such time as the place where he was originally living in is repaired. Therefore, I have prepared this amendment and I hope you will support it.

The SPEAKER: The Chair recognizes the

gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: Under the bill as it is drafted, in the event that an apartment becomes uninhabitable, for example, in mid-winter if for some reason the building is no longer providing heat and the tenants have to relocate temporarily somewhere else until heat is provided, the bill would provide that the court could order that the owner of the building pay the expenses of the people who were forced to relocate temporarily. My own feeling is that this is a reasonable provision and it was considered by the committee. I don't think it is absolutely essential to the bill, however, and I think you should decide how to vote on this amendment based on that simple question. I think that this amendment can be put on the bill without seriously undermining the basic purpose of the bill.

Thereupon, House Amendment "D" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Whittemore.

Mr. WHITTEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not try to make me feel at home today, because when I speak at home nobody listens. I would like to have you think that this bill, think about what you are doing to private enterprise. Take a fellow who wants to start out in life to get something built up for security for his old age and take care of himself so you won't have to. He buys a multi-family home, and I will give you a good example, it is something that happened to me when I started. My wife and I got this big house, saved money, worked extra time to convert it into apartments to try to provide for our old age. We finally got two apartments finished on the second floor and rented them. We were mortgaged up to the hilt, we couldn't borrow another dime if our lives depended on it, and along about January, we had a freeze up. In the apartment upstairs the pipes broke, water came down, ruined the apartment, as well as ours, and the tenant had to move out. I couldn't borrow a dime to fix that apartment. I called up the insurance company. Lo and behold, it was not covered, naturally. If this bill had been on the books at that time, it would have ruined me, it really would have ruined me. So I still couldn't afford to live without the income, so my wife and I went out and got a part-time job, she as a waitress and I as a bar tender so we could get money enough to fix that apartment again. We needed that income for our payment. Without it, we would have lost everything.

You could take a fellow who is just starting in, he buys a multi-family home and in the middle of winter, the furnace goes. If he is borrowed up to the hilt like I was, he is licked. He cannot afford to even pay to have his tenant move, to say nothing about fixing the furnace, until he gets the money somewhere. He would probably have to do the same thing we did, go get another job.

I have heard about no opportunities in Maine. There are opportunities in Maine for anyone who wants to work for them, if you leave them alone, but everytime a fellow tries to do something, you people make laws that make it almost impossible.

Now, this Bill is not needed, any part of it. I do appreciate all the efforts that have been made with these amendments to try and improve the bill, I think they have done a good job and I really mean that, but it is not needed, no part of the bill is needed. Landlords are having a tough time now. If the tenant decides not to pay his rent, he can live there for approximately two months, and if you are paying for heat, lights and water, you cannot turn them off, you still have to pay for them, plus you cannot get your rent. If you go to court to evict them, you have to spend more money, and a small fellow starting in, it is very hard for him.

The good lady from Waterville, Mrs. Kany,

she claims she sent this bill to one of the bigger landlords down there and he found no fault with it. Of course not, You can't hurt me with this bill either, I am set pretty good now. But I am thinking of the little fellow who started the way I did. It just is not right. You can't hurt me anymore on these bills. I only have five years until I draw Social Security, and I can sell my headaches at half price and live quite comfortably, but that little fellow starting in, you could ruin him and he may never get a chance again to do anything. I really want to urge you to give this very serious consideration and vote with me to indefinitely postpone this bill with all its accompanying papers.

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

Mr. HENDERSON: Mr. Speaker, Members of the House: I would like to respond to some of the comments and also comment on the bill as it is now. I would like to say at the outset that as it stands now with all the amendment that have been put on this, I would consider it a very conservative piece of legislation at this time that is likely to improve the lot of tenants somewhat, but not at all in any way like it was as the bill was introduced either this session or last session or as the bill appeared before us in its new draft form. I would submit to you that it would certainly have no effect on new persons wanting to get into the business of renting houses anymore than it will for the established persons.

The whole object of the game, I would say, is that if a heating plant went off, as the gentleman just indicated, that the proper procedure is that the people move out, that they not stay there and pay rent at the original rate, that is the whole idea. The courts in this state are not unreasonable, and it doesn't say in this bill, anywhere that because your heating plant goes out that you have to fix it; it just does not say that. All it says is that if your heating plant goes out, you can't still charge the full boat, the rent that you were asking for before.

Now, there is another bill, I would like to say, and the reason I raise this question is that it has been commented on several times in this debate having to do with the ability to remove tenants because of their nonpayment of rent. I would just like to say that I am one who supports the bill which would reduce the time period that people may be behind in their rent before we can get rid of them, because I think we have to improve the laws both to protect the good landlords and the good tenants, and the other proposition would reduce the arrearage from 30 down to 14 days, and I think this is a step in the right direction. But I want to indicate that I think that these things have to be balanced.

If a person is trying to get property in order for retirement, then certainly they would want to keep it in good repair, and certainly they would not want to have it endanger the safety of the individuals who are in the house. For one reason, they could be sued and for another, they want to protect their investment. Again, I don't see how this particular proposal could possibly interfere with any of those kinds of things. It basically says you can't live in a dangerous place and you can't pay for services that you are not getting. It is just the same kind of thing as if you were going out and buying an automobile. You pay for what you get, and what you don't get you shouldn't have to pay for.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Whittemore.

Mr. WHITTEMORE: Mr. Speaker, Ladies and Gentlemen: This bill, I still say, is not needed. It still says that if there is something wrong, you have to repair it for the tenant. I say, if you do own property, you may not want to repair it, it may be a large rent, you may decide you haven't done anything for quite a while, it becomes unfit to live in, so the tenant moves out and you remodel it, maybe make two apartments, and make your investment better.

But you are dictating to this fellow what he can do and I see no need of it. I just cannot understand why they want this bill in here. I would like to ask those people working on this bill to get it passed if they have ever had anything to do with rental property. I do not think they have. If they had, they certainly wouldn't try to put any more laws against the landlord.

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

Mr. DEVOE: Mr. Speaker, Men and Women of the House: I wish to differ with the gentleman's observation from Bangor that he considers this bill in its present form, as amended, as a conservative piece of legislation. I would like to ask either the gentleman from Bangor or anyone else in the House if they can tell us how many, if any, other states have adopted the use of an injunction of the affirmative injunction which is set forth in this bill as one of the means of curing or remedying deficient dwelling units? As was mentioned many days ago when we first debated this bill, the use of the affirmative injunction process which this bill now contains is a radical departure from the use of the injunction process as has historically been made in this state since 1820. There are very few statutes on the books today in this state which contain the remedy of the affirmative injunction.

Rule 65 of the Civil Rules of Procedure of this state are couched in the language of restraining orders. In other words, the court, when it wants to prevent something from being done, issues what at first is called a temporary restraining order and then later it issues what is called a preliminary injunction and it may also ultimately, at the end of the case, issue a final injunction. All of these injunctions are in the nature of court orders which prohibit certain things from being done. What this bill would have the district and the superior court doing, is to put the judge in the position of affirmatively prescribing things that have to be done in order to put a dwelling unit into a condition where it is deemed by the court fit for human habitation.

At the present time, the district court in Bangor, it will take you at least 45 to 60 days once you file a complaint before you can have a case set for hearing. What happens to the landlord and what happens to the tenant if he is suffering so much from a deficient condition in a dwelling unit during this 60 day period? Who pays the rent? Who has an obligation to pay the rent? I submit to you that the statute does not clearly define what the continuing duty of the tenant is to pay rent between the time that the tenant makes the complaint and the time that the court may ultimately hear this case. Please don't think that it is just a matter of two or three weeks between the time that the case, once it is filed, can be heard by the judge. It is not that. In a busy district court system, which we have in Southern Penobscot County, Division 3, there is going to be an interval of 45 to 60 to 75 days between the time the case is filed in court and the time that a hearing can be held.

There is no provision in this statute which will speed up the process which the court must follow to have a hearing. How many other states in the United States have the use of an affirmative injunction which I find most objectionable in this bill? Is there anyone in this House who can provide this House with factual information as to the number of states, if any, in the United States that today have the use of the affirmative injunction? Rather than being a conservative bill, as the gentleman from Bangor has suggested, I suggest to you that the facts would show that the use of the affirmative injunction method is a radical departure throughout the United States from what we have always known as the traditional landlord-tenant laws. If this state enacts this law with the affirmative injunction method in it, we are departing substantially and drastically from

what the law has presently been as it relates to the traditional use of injunction.

I submit that the traditional use has always been in the nature of a restraining order, a court ordering somebody not to do something. This bill would call for the district and superior court judge to put himself in the business of affirmatively prescribing what remedial steps must be taken by a landlord in order to put a dwelling unit into a condition where it is fit for human habitation.

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

Mrs. KANY: Mr. Speaker, Members of the House: I find it interesting that some people like to refer to what other states are doing. Then again, other people will say "who cares what other states are doing?" I don't have the answer to the gentleman's question but I would like to respond to a couple of things.

I think this is a very reasonable bill. I say that, not only as a tenant in the summer, but as a landlord. My husband and I rent out our own home every summer. In doing so, we take a risk. We rent out our home for profit. I can't imagine, as a landlord, why anyone would consider this particular bill unreasonable. As you are all aware, there has been quite a bit of debate on this bill that people can agree to have a place unfit for human occupation, what normal people would consider to be what would be expected there. They can agree before hand so that if there is a young couple, brave and courageous and strong, who decide that they don't care to have heat or running water or something like that, they can agree. But what about the elderly? There are many people who really are dependent upon that landlord to keep that place fit for human habitation, who definitely would require water and heat and so on. I urge this House, we are really talking about fit for human habitation, I can't imagine this House here in the State of Maine not going along with such a reasonable bill as this.

I urge you to pass this bill.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of comments. A much more comprehensive and I would consider radical proposal was the Uniform Landlord-Tenant Relations Act which was proposed by the conference on uniform state laws throughout the country. This was something that was proposed by that group and which was before the Judiciary Committee last year and part of this year. Many of us felt that we should deal with the situation in Maine and not accept things that are nationally prescribed as a solution to the people's problems. That is one of the reasons why that proposal was not really seriously considered but rather something that would deal with the situation in the state.

I question whether there is an intent to be expeditious about this. Without the bill, it doesn't matter whether there is a 45-60 day backlog or 1,000 year backlog in the district court. It will never be able to be resolved. The issue is whether there is going to be some delay, if any, and the backlogs in those courts have not been as great as they used to be or whether there is going to be some avenue for either the landlord or the tenant to take.

I would also like to remind you that an amendment proposed to this bill specifically states that a tenant must be current in rent at the time that they file their notice to the landlord that something is wrong. As far as I am concerned, that means that the tenant must continue to pay rent because nothing will have changed until a court "may" decide that there is a difference between what they are paying and the fair value of that apartment. Only then would the tenant pay a reduced amount in his or her rent. I just want to remind you again that all of these procedures happen after and only

after the court determines that there is danger to the person's health and safety.

Mr. Whittemore of Skowhegan was granted permission to speak a third time.

Mr. WHITTEMORE: Mr. Speaker, Ladies and Gentlemen of the House: When this bill came out the first time, it was in the paper and on the radio. I didn't realize it until I got home. I have had continuous calls ever since from Bangor, Augusta, Waterville, Skowhegan, Madison and all around I have had calls. I have had an elderly gentleman call me up from Skowhegan to ask me what the bill is all about. I explained it to him. He said "I am going to close up my apartments". I advised him not to do it. I said, when the bill is all done, I would sit down and go over it with him and show him how to handle it. Many of these landlords are really upset. You people must have got some calls that were unsolicited. I know the landlords are paying tax money to have lobbyists lobby against it. I don't think that is right. You must have had some calls that weren't solicited. I know I had many of them.

I don't want anyone to live in an unfit place. believe me. I will do anything I can to help them. The building inspector can inspect these premises. If they aren't fit to live in, condemn them. There is nothing wrong with that. I am for it 100 percent. But don't make that man fix it up unless he wants to. Maybe he can't afford to. Maybe he has other plans. Are you going to dictate to him? Please give this serious consideration.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I think we have forgotten the intent of this bill. There is just one simple basic intent we are trying to get at here. That is habitable and safe housing in the State of Maine. I am sure that the landlords in the state want a good safe house. If he is going to offer as a business, a place for rent, he is going to be sure that it is habitable and safe. The only ones that will not like this bill are those that are trying to skuttle along as cheap as possible. Let's not forget the intent of this bill, habitable and safe accommodations for the tenant. We are all landlords or tenants, so to speak.

I am wondering because of the debate in this House, just how much conflict of interest there really is here.

When the vote is taken, I ask for the yeas and nays.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: First, let me say that I am not a landlord. I don't have any apartment or anything but I did discuss this with quite a lot of people that are both landlords and tenants. I couldn't find one in my district for the bill. They believe more or less in private enterprise. They say that if we keep harassing and I was told this both by the landlords and the tenants that I talked with that, if we continue to harass the landlord, the only thing left will be government housing and that isn't coming quite fast enough in our area. There will be no people having anything to do with having rents. Therefore, the only thing to do will be for the state of Maine or the United States government to build housing. They don't want that either. They would rather it be as it is. I couldn't find one mite of support for the bill from either the landlords or the people renting them. I can't support a bill of this nature if that is the way they feel about it in my area.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I listened to the gentleman from Skowhegan, Mr. Whittemore, mention that people from Waterville calling him. I have apparently had a different line than

he had. I have had different calls than he has. I will name the gentleman, it is a Mr. Bolduc from Waterville who owns 65 different and separate apartments within the city. He is concerned that he is going to lose his property for non-payment.

Pine Tree Legal has been in and unofficially has advised some of the tenants to not pay some of the bills until the guy finally has to come under and do what you want him to do. They have got to go through the eviction procedures and I have fought for three days eviction notices that have been through this house before. This would be a guarantee that the landlords would have that money set aside. We have in the City of Waterville a codes enforcement program where an empty apartment, before it can be rented again, must be visited by the local code enforcement officer to see that the electrical is up-to-date, the plumbing is up-to-date and what have you. We are already harassing landlords. That is yet another problem.

This would make the money available so that a gentleman like Mr. Bolduc would not, in fact, lose his apartments because the housing code enforcement officer has visited his apartments, has found them to be habitable and when a tenant moves in, the apartment is in good shape.

I would hope, and we are trying to work out a program in Waterville where landlords will actually call the housing code enforcement officer in. With the new tenant and the landlord and the housing code enforcement officer, they will make an inspection report. The tenant will sign the inspection report. It is from that point that we can fix responsibility for damages whether they are a defect or whether they are, in fact, damages created by the tenant and you can fix the responsibility. These are the type of things that we are trying to do in Waterville. I had not intended to speak on this bill but I feel that this, basically, is the intent of this particular bill as well. I am listening to different people or hearing from different people in Waterville than Mr. Whittemore is listening to.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question here. We have heard a lot about where we are going at the end of the road but we haven't heard much about the road.

Mr. Devoe posed some questions as far as affirmative injunction. Nothing has further been said on that. No matter how laudatory the end of the road may be if there is a problem with the road getting there. He has posed a question that there may be. I would like to hear some answers regarding the problems of affirmative injunction.

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

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question regarding affirmative injunction, to a certain extent, the question of whether an injunction is affirmative saying you have to do something or negative saying you can't do something, the distinction is often blurred.

There was a case in Portland recently that received a lot of attention in the newspaper where there was a construction project that left a large hole in Portland and refused to fill in the hole. The court ordered the person to fill in the hole. If the court had said "You may not continue that hole after a certain date", that would be a negative injunction saying, do not maintain that hole on your premises. If the court said "fill in that hole," that would be an affirmative injunction ordering the person to do something, to fill in the hole.

There is a doctrine of specific performance

which runs through a contract law where in contracts, particularly those dealing with land, the court orders person to do something, to perform his part of the bargain. If you sign a contract for real estate, to buy land for example, and you break the contract or refuse to go through with the sale, the court can order you to sell the land.

What this bill does is it provides the tenant what the landlord has contracted with the tenant to provide, which is a habitable apartment. The court could phrase its release by saying that you "shall" not let that apartment to continue in uninhabitable shape or it could require that you make the necessary repairs to correct the condition.

Mr. Devoe posed the question as to how many other states have this kind of affirmative relief in the landlord-tenant situation. In response, when I was still studying law, I could have answered his question. There were several states in 1969 that did provide affirmative relief in these situations. It is my understanding that the trend around the country is toward this kind of relief in these situations. States such as Iowa, Oklahoma and the state of Washington now provide for affirmative relief. In total, I believe, that the figure has now increased to 12 to 13 states. I am not absolutely certain of those figures, however, but it is my understanding that that is the order of magnitude as to the number.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: First off, I would state that I am a landlord. I would ask the Chair. I believe it was in the last session. The Chair had a written letter from the landlords and tenants in this House pertaining to this type of legislation and the Chair did rule, at that time anyway, that we would not be in conflict. I don't want to speak if I am in conflict, neither do I want to vote if I am in conflict on this bill.

The SPEAKER: The Chair would advise the gentleman from Brewer, Mr. Norris, that last year during the last session, this Chair along with five other members of leadership were a part of the Constitutional Governmental Ethics Commission which reviewed the requests which came before them. The law was changed here in the last session. That matter is in the hands of a group of seven citizens. It is to that body that the questions of conflict of interest should be addressed.

The Chair will not rule on the question. If the gentleman wishes to be excused from voting, the Chair will grant him permission to do so under House Rule 19.

Mr. NORRIS: Mr. Speaker, under that ruling am I permitted to debate the issue?

The SPEAKER: The Chair would advise the gentleman it is entirely his own prerogative as to what he decides or wishes to do. The Chair will not decide.

Mr. NORRIS: Mr. Speaker, with the Chair's permission, I will say a few words here. Ladies and Gentlemen of the House: I am a landlord, a small landlord. I did vote this out of committee on the Minority "Ought Not to Pass" Report. I did it for several reasons, and I believe, even though I may stand in conflict, that I should state those reasons. One of the basic questions was the fine debate that the gentleman from Orono, Mr. Devoe gave. The other reason is that surely this bill is an attorney's document. You don't go to court unless you retain the advice of an attorney. That means that the tenant who is in the low-income situation will have to go to Pine Tree Legal and Pine Tree Legal will have to represent them either in the district court or the superior court. This is a matter that would benefit or increase the workload of Pine Tree and then Pine Tree will be in for more money to move ahead on behalf of these tenants. Of course, by the same token, if the tenant must procure legal counsel to go to court.

so must the landlord. The landlord must retain an attorney for his defense because this, apparently, will be a situation that could not be resolved between the landlord and the tenant.

I did state the other day, and I have had no one refute it. I stated it on the floor of the House, I stated it to one of the gentlemen of the Tenant's Union in Bangor, and I stated it to the folks in Pine Tree Legal. No one disagreed with me but no one has bothered to check it out, and that is the fact of the insurance. If a tenant is in a building or an apartment house that is unsafe, all he has got to do, in my opinion, is to contact the liability carrier that the landlord has. Believe me, as I told you the other day, he will be forced to put the apartment into a safe condition or he will lose his liability insurance; it is as simple as that.

I had a letter from my insurance carrier the other day on my apartments, and the high priced apartments, with several of them that I would have to fulfill before they would renew my liability policy. We are not talking, believe me, we were a million miles away from human habitation and I agree that this bill, if it is passed, will hit at that minority, there is no question, the minority of bad landlords, and will help, probably, some of the bad tenants. I suggest that there are other avenues by which you can do this without paying a lot of money to have it done. Call the Insurance Commissioner, find out who the insurance carrier is, and I assure you that that will be the quickest way. You will not have to wait for 45 days or 60 days or 90 days or hire an attorney and go to court, and I say this to the tenants, all you will have to do is get a hold of the insurance carrier and the problem, if it is unsafe, will be taken care of. Mr. Speaker, I would ask under Rule 19 that I be excused from voting.

The SPEAKER: The Chair will advise members of the House, in addition to what the Chair has said earlier on the question of voting, the Chair will read two sections of the law from existing law which deals with the question — It says, "Where a Legislator or a member of his immediate family has or acquires a direct substantial personal, financial interest distinct from that of the general public in an enterprise which will be financially benefited by proposed legislation, or it derives a direct substantial personal financial benefit from close economic association with the person known by the legislator to have a direct financial interest in an enterprise affected by proposed legislation." It also says as follows: "Where a legislator or a member of his immediate family has an interest in legislation relating to a profession, trade, business or employment in which a legislator or a member of his immediate family is engaged where the benefit derived by the legislator or a member of his immediate family is unique and distinct from that of the general public or persons engaged in similar professions, trades, businesses or employment." The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELEHER: Mr. Speaker, Ladies and Gentlemen of the House: You can rest assured that the apartments that Mr. Norris rents in Bangor shall never be affected by this bill, because I am familiar with some of them, but there are some substandard apartments in this state. Bills similar to this have been introduced since I have been here in 1969, and I was amazed at one time to go to a hearing before the Judiciary Committee to see certain landlords from my own community at that hearing present and testifying against similar legislation who were good landlords, who were decent landlords, who used their tenants fairly. This is not aimed at them in my community or anywhere else in the state, it is aimed at bad landlords. We have some in Bangor, and don't forget, don't be surprised there may be some in your own communities.

The violators that this legislation is aimed

at, they should be prosecuted. We all want fair housing for our constituents and all the people of this state. They have the legal process that Mr. Devoe talked about and do not be concerned about it, because usually the poor landlords, poor landlords in terms of their housing, have ample money to protect themselves in the judicial system of this state. There is nothing wrong with the bill — support it.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer my good friend from Bangor and a few others that I have heard here this morning and that I have heard for the last four or five years, and this is the reason why I sold everything I had. According to some of these people, there are no good landlords, they are all bad. The only ones that are good are the tenants. I want to tell you one thing, you have got some very good tenants, the tenants are not all bad and the landlords are not all bad, but you have a lot of bad tenants.

I have one street in Sanford that I can tell this gentleman here, a very nice street and it is in a good location, and these people are people of moderate means that own this property and there are about eight or ten of them that are renting at the present time because they won't rent them to some of these bums.

Most of the people I would say are good, but we had a hearing in Judiciary in one of the rooms across from the restaurant downstairs from the cafeteria two years ago, and these people were there, the landlords were there, they were debating the bills. The tenants came ahead, they debated it first they had a good chance and the landlords didn't say one word. The committee was right there. When it was the turn of the landlords to come up there and say what they had to say, and they were very pleasant about it, you should have seen them, they were laughing, they were a bunch of hoodlums, I would call them, that were there, they were not even washed up, those people that were there, but I would say that we had some very good tenants.

I had 32 apartments at one time and I had very good tenants, but as we progressed with the bills that we are passing in here, you are making a lot of people bad tenants, and if this keeps on, you are not going to have any more landlords, because nobody is going to put his money into something that he cannot get a little benefit out of, and it has come to the point that this is what it is. When I hear people like you just heard a few minutes ago from this gentleman over here, it is not right, because the landlords are not that bad. You have quite a few here, and they have very good people that are renting today, and most of them have taken a bad licking. I do not own one but I did at one time, but they are taking a licking, and I can prove that in Sanford.

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

Mr. KELLEHER: Mr. Speaker: Mr. Gauthier, I am sure you were a good landlord, I am sure that 95 percent of the landlords in this state are fair, as well as 95 percent of the tenants, but the 5 percent, that is who this bill is aimed at. It is not aimed at you or people like you that did have decent apartments or that do have decent apartments, and that 5, 6, or 7 percent, that is who we want to go after.

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

Mr. DEVOE: Mr. Speaker. Men and Women of the House: I have had a note sent to me during the debate by a Mr. Nugent who is an attorney representing a group in Portland, I believe, called "We Who Care" and he says: "As of 1975, 12 states and the District of Columbia have injunctive relief." He has set forth the states here. The only New England State which has any kind of injunctive relief for remedying landlord tenant problems is Massachusetts.

I would like to say just one other thing. The gentleman from Standish, Mr. Spencer, talked about the blurring of the distinction between affirmative injunctions and negative injunctions, or restraining orders. I submit to you that if this bill is going to do anything, should it pass, if a court's injunction is going to mean anything, how can a vaguely worded injunction remedy the problem which the sponsors want it to remedy. On the other hand, if an injunction is going to be effective, I submit to you that it should be quite specific, and the only way that it can be quite specific is to have expert testimony at a court hearing from witnesses who have observed the conditions in the particular dwelling unit in question. Or if the situation is so bad, it is conceivable that a view of the premises would be held by the judge and then, based on his own observation, plus the testimony of expert witnesses, specific points would be set forth in the injunction.

If you consider what this might do to the court system, and no one yet has addressed themselves to the question raised by the gentleman from Brewer, Mr. Norris, what is wrong with the remedy of calling the insurance agent who carries the liability insurance? What is wrong with calling the local building inspector and asking him to enforce local ordinances and to examine the premises? No one yet, to my recollection, has said that anyone has tried these steps and they have been found wanting. Rather they are coming in with a bill which by-passes these two logical, reasonable steps which any tenant would take.

Mr. Gauthier of Sanford was granted permission to speak a third time.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer Mr. Kelleher when he spoke a few minutes ago. Mr. Kelleher, I would like to say to you, sir, that the tenants have all the protection in the world, in Sanford, in Bangor everywhere else at the present time, they have more bills than the landlords to protect themselves, and also we have in Sanford, if there are any bad apartments of any kind, and if there is anything that is not working in an apartment, we have inspectors and these inspectors, I know them personally, and you can ask anyone in Sanford that knows something about it, they will tell you that they are very strict, and if anyone goes and mentions the fact that there is something wrong in these apartments they will be the first ones to go there and straighten it out and tell the landlord that he has to take care of it.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to three points that Mr. Devoe made and I would like to say that I do respect the gentleman's judgment, but I seem to be in a position of answering the questions that he raises. Number one, I think that Representative Spencer's point was not that injunctions would be unclear in the way that they were written. His point, as I understood it, was that it is not clear whether something is a positive or a negative injunction, and it is just a matter of the way the words are put together, if you say, thou shalt do something, that is positive. If you say "Thou shalt not do something" that is negative. I believe that that was the point he was trying to make, and there is certainly no intention to have vaguely worded injunctions.

Number two, if people were to approach their code enforcement officer, first of all, they would have to live in a town which had one, and in many cases there are none available or they are part time, and secondly, even if they did have them they would have to be appropriately funded to take care of this and very often that is not the case. Thirdly, even if they did find a building inspector and they said, Look, there is the problem, and the building inspector found out that the heat has been off for a week, and

three or four weeks later the building is put back together, that person was still paying full rent for something he had contracted for and was not delivered, he contracted for a heated apartment, he was not given it, the landlord has saved whatever heating cost there was in between, it just does not seem fair, even if you follow that procedure.

The third general point is, even if you take the proposition of Representative Norris and call the Insurance person, I think you would find yourself on the streets rather quickly by the landlord. I don't think he would appreciate that very much and there is no element in the current law which protects a person from retaliatory evictions if he follows that procedure. And even if he were to follow that procedure, he would be in the same position as the person reporting to code enforcement. After several weeks or months or however long it took to put the thing back into condition, he still would have been paying full value for something that he was only getting a portion of the value for. That is the basic thrust of the bill. That situation is unfair and the bill attempts to remedy that.

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

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

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

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

Mr. NORRIS: Mr. Speaker, because of the inference and apparently there might be some idea of a conflict of interest, I would ask to be excused from voting on this matter.

The SPEAKER: The Chair would advise the gentleman that the Chair did not make any such inference. The Chair simply indicated what the law was and indicated that it was up to the individual member what he wanted to do, based, of course, on what happened two years ago when the Chair made that ruling pursuant to the Commission decision at that time, but the Chair will grant the permission to the gentleman from Brewer, Mr. Norris, pursuant to House Rule 19, to be excused from voting.

Mr. Joyce of Portland requested permission to be excused from voting, which was granted.

ROLL CALL

YEA — Alopous, Ault, Austin, Bagley, Bennett, Berube, Birt, Boudreau, P.; Brown, K.L.; Bunker, Carrier, Carter, D.; Carter, F.; Cunningham, Devoe, Dexter, Dow, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Garsoe, Gauthier, Gillis, Gould, Gray, Hunter, Hutchings, Immonen, Jackson, Jacques, LaPlante, Lewis, Littlefield, Lizotte, Lougee, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBrearty, McMahon, McPherson, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Whittemore.

NAY — Bachrach, Beaulieu, Benoit, Berry, Biron, Blodgett, Boudreau, A.; Brennerman, Burns, Bustin, Carey, Carroll, Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Huber, Hughes, Jalbert, Jensen, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Locke, Lynch, MacEachern, Martin, A.; McHenry, Mitchell, Moody.

Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Post, Prescott, Quinn, Sewall, Spencer Talbot, Tarbell, Tierney, Trafton, Twitchell, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Brown, K.C.; Churchill, Conners, Gill, Higgins, Howe, LeBlanc, Lunt, McKean, Mills.

EXCUSED — Joyce, Norris.

Yes, 69; No, 70; Absent, 10; Excused, 2.

The SPEAKER: Sixty nine having voted in the affirmative and seventy in the negative, with ten being absent and two excused, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A", House Amendment "C", and House Amendment "D," in non-concurrence and sent up for concurrence.

By unanimous consent, all matters requiring Senate concurrence and all matters acted upon in concurrence were ordered sent forthwith to the Senate.

On motion of Mr. Jalbert of Lewiston, Recessed until five o'clock this afternoon.

After Recess
5:00 P.M.

The House was called to order by the Speaker.

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

Senate Divided Report — Majority (5) "Ought to Pass" — Committee on Taxation on Bill "An Act to Provide Relief from Extremely Burdensome Property Taxes" (S. P. 386) (L. D. 1331)

Tabled — June 9, 1977 by Mr. Tierney of Lisbon Falls.

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

On motion of Mr. Greenlaw of Stonington, tabled pending the motion of Mr. Carey of Waterville to accept the Majority "Ought Not to Pass" Report and later today assigned.

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

House Divided Report — Majority (11) "Ought to Pass" as Amended by Committee Amendment "A" (H-559) — Minority (2) "Ought to Pass" as Amended by Committee Amendment "B" (H-560) — Committee on Education on Bill "An Act Relating to Approving and Financing School Construction" (Emergency) (H. P. 477) (L. D. 583)

Tabled — June 10, 1977 by Mr. Lynch of Livermore Falls.

Pending — Motion of the same gentleman to Accept the Majority "Ought to Pass" Report.

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

Mr. LYNCH: Mr. Speaker, we are holding this bill pending the signing of another bill by the Governor.

Whereupon, on motion of Mr. Greenlaw of Stonington, tabled pending the motion of Mr. Lynch of Livermore Falls to accept the Majority "Ought to pass" Report and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money and Retaining the Power Within the Legislature to Override such Item Vetoes (H. P. 1287) (L. D. 1520)

Tabled — June 10, 1977 by Mr. Curran of South Portland.

Pending — Motion of the same gentleman to Accept the Majority "Ought Not to Pass" Report.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: This particular L.D. has had an unusual legislative history in the last few weeks. After the work session a while back, not including two members who were absent, this had a unanimous "Ought Not to Pass" But amazingly, overnight we find that it is a divided report.

I wish that I could just move that the record of the 107th be substituted here. I know that the debate is pretty redundant. This was a bad bill two years ago and, ladies and gentlemen, it is even worse this year, and it is worse because not only does it include the item veto, it includes a reduction, that the Governor would have the power to reduce amounts within appropriation budgets.

This morning's Press Herald, on the editorial page, takes a stand in favor of the item veto, which leads me to believe that perhaps I am on the right side of opposing this, and one of the reasons they use is that 40 other states have it. Well, let me point this out to you. There is only one state that has an appropriation process like we have. None of the other 40 states go through the Appropriations Act as we do, and I think that is clearly the difference.

The other thing I would like to point out is that Maine is not behind in this particular matter. In fact, we are ahead of those other states, because most of those item vetoes were given back when their legislatures were too weak to handle the appropriations process. I am sure that if you talked with legislators from those states, they regret that that item veto is there. So I would say to this House that until we change our own appropriations process, that we give this particular L.D. a deep six tonight.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair to my very good friend from South Portland, Mr. Curran. I am not facetious in this at all, but he has just alluded to the fact that other states that have an item veto provision in their Constitution have a different appropriation process than we do. It seems to me that perhaps if he has information that he could share with us about the different types of appropriations process, it might, at least in my mind, help resolve whether or not I would support the item veto this time.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, has posed a question through the Chair to the gentleman from South Portland, Mr. Curran, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I would be glad to present some material to the gentleman from Stonington. I don't have it with me but if he would like to delay the process, then I would be glad to collect it for him.

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

Mr. BOUDREAU: Mr. Speaker and Members of the House: I think I should probably get up and defend this bill since I am sponsoring it for the Governor and I don't think it would be right for me to sit here even though I don't think there are 101 votes in this House to pass it.

I have read the record from the past legislature. I wasn't here and I know just about who in here favors the veto and who doesn't. I have read the testimony as to what would happen if the Governor had an item veto, etc.

I think we are talking about a balance of power between the Executive and Legislative Branches. I really feel that since there is provision in the bill that we could override any veto or any reduction in the appropriations, we are still retaining the legislative prerogative when it comes to appropriations.

I think in light of the public's attitude towards government and spending, or an item veto we really could single out responsibility for an appropriations bill, we really could single out who is responsible for either a veto or the ratification of an appropriation. I think that is very important. As it is now, the Governor can either take it or leave it, and in most cases, he has to just take the whole package because he is not going to veto a large appropriation bill because of one or two minor appropriations that he dislikes.

I do think the evidence would indicate to me in the past two decades that the executive, even at the national level, has increasingly become more and more responsible for tax policy, programs, etc., and has run on different kinds of issues, and I think it is up to the executive to really scrutinize the budget and see where there might be a reduction or a cut. I would hope that you would not accept the Majority "Ought Not to Pass" Report.

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 Majority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 37 having voted in the negative, the motion did prevail.

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

Mr. BUSTIN: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope the House votes against me.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, moves that the House reconsider its actions whereby the Majority "Ought Not to Pass" Report was accepted. All those in favor of reconsideration will vote yes; those opposed will vote no.

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

Sent up for concurrence.

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

Bill "An Act Creating the Maine Development Foundation" (H. P. 1012) (L. D. 1243) (C. "A" H-535)

Tabled — June 10, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

On motion of Mr. Curran of South Portland, tabled pending passage to be engrossed and tomorrow assigned.

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

An Act to Clarify Sex Discrimination in the Maine Human Rights Act (S. P. 260) (L. D. 821) (S. "A" S-182)

Tabled — June 10, 1977 by Mr. Palmer of Nobleboro.

Pending — Passage to be Enacted.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: If you recall, last Friday I expressed certain reservations relative to this bill. I don't have much more information, but I would like to reiterate some of the information that I did mention last Friday and add the little that I have obtained since.

I mentioned last Friday that sometime in the future this particular bill would add to the cost

of education, about \$670,000 per year. About half of this, that is about \$333,000 would be funded by the state beginning during the school year 1979-80. In the meantime, local communities would carry the entire burden. That is that a rate of \$667,000 per year would be carried by the local communities until such time as the state would begin to assume about half the cost.

I would stress that the local school budgets are well on their way in preparation without this provision for the additional cost and it would necessitate, if we were to pass this bill, the diversion of funds at the expenses of other programs. So at this time, I am not prepared to vote for this particular bill because I don't think that the local communities are in any position to begin funding the \$667,000. So, Mr. Speaker, I would ask for a roll call vote on this particular issue.

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

Mr. BURNS: Mr. Speaker, if I may pose a question to the gentleman from Wells, Mr. Mackel. Of this \$667,000, approximately how much of this is for substitute teaching?

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

Mr. MACKEL: Mr. Speaker, if I understood that question, the question was, how much of this would be used for substitute teachers? This would be over and above. Based on a letter that was made available to me, it would indicate to me that this is over and above any funds that would be required for substitute teachers.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: The evidence given to us in front of the committee indicated that the approximate cost of such a program was going to be somewhere in the vicinity of 70 cents per month per female who is insured. I don't believe we have that many teachers available.

I would also like to read in the record a communication that was sent on the 5th of May 1977 from the Commissioner of Education to all the superintendents. I won't read it all, but he stated that under regulations, recipients of federal revenue sharing dollars are required to treat any employee who suffers from temporary disability arising from pregnancy, child birth, false pregnancy, termination of pregnancy and recovery therefrom in the same manner as it treats any other temporary disability for all related job purposes. Therefore, the argument made by the gentleman from Wells has set aside, because regardless of what we do with this, whether we enact it into the Human Rights Act or not, if the SAD's do not go along and treat it as such, then it is going to cost us somewhere around \$14 million a year.

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

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

The SPEAKER: The pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

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

Mr. WOOD: Mr. Speaker, I wish to pair my vote with the gentleman from Kennebunk, Mr. McMahon. If Mr. McMahon were here, he would be voting no and I would be voting yes.

ROLL CALL

YEA — Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko,

Clark, Connolly, Cox, Cunningham, Curran, Davies, Devoe, Diamond, Drinkwater, Elias, Fenlason, Flanagan, Fowlie, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Howe, Huber, Hughes, Jensen, Joyce, Kane, Kany, Kilcoyne, Laffin, LaPlante, Lewis, Locke, Marshall, Martin, A.; Masterton, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Pearson, Peltier, Post, Prescott, Quinn, Rideout, Sewall, Spencer, Talbot, Teague, Theriault, Trafton, Truman, Twitchell, Valentine, Wilfong, Wyman, The Speaker.

NAY — Alopis, Austin, Berube, Brown, K.L.; Bunker, Carter, F.; Churchill, Cote, Dexter, Dow, Durgin, Garsoe, Gauthier, Gill, Gray, Hunter, Hutchings, Immonen, Jackson, Jalbert, Littlefield, Lougee, Lynch, MacEachern, Mackel, Masterman, McBreairty, McHenry, McKean, McPherson, Perkins, Peterson, Plourde, Raymond, Rollins, Shute, Silsby, Smith, Sprowl, Strout, Stubbs, Tarr, Torrey, Tyndale.

ABSENT — Brown, K.C.; Conners, Dudley, Dutremble, Higgins, Hobbins, Jacques, Kelleher, Kerry, LeBlanc, Lizotte, Lunt, Mahany, Maxwell, Mills, Stover, Tarbell, Tierney, Tozier, Whittemore.

PAIRED — McMahon, Wood.

Yes, 85; No, 44; Absent, 20; Paired, 2.

The SPEAKER: Eighty-five having voted in the affirmative and forty-four in the negative, with twenty absent and two paired, the motion does prevail.

Signed by the Speaker and sent to the Senate.

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

Bill "An Act Relating to Habitual Truants and School Dropouts" (H. P. 1650) (L. D. 1851) (H. "A" H-582)

Tabled — June 10, 1977 by Mr. Lynch of Livermore Falls.

Pending — Passage to be Engrossed.

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

Mr. LYNCH: Mr. Speaker, I move we reconsider our action whereby we adopted House Amendment "A" (H-582).

Thereupon, on motion of Mr. Connolly of Portland, tabled pending the motion of Mr. Lynch of Livermore Falls to reconsider and tomorrow assigned.

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

Bill "An Act to Revise Primary and Nomination Petitions" (H. P. 1692) (L. D. 1872)

Tabled — June 10, 1977 by Mr. Palmer of Nobleboro.

Pending — Adoption of House Amendment "A" (H-587)

Thereupon, House Amendment "A" was adopted.

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

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

The following Joint Order, an expression of Legislative Sentiment recognizing that: Katherine Curtis is retiring on June 17, 1977 after 16 years of faithful service to the Maine Youth Center (S. P. 545)

Came from the Senate read and passed.

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

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act Requiring the Secretary of State to Give Notification Without Cost when the Renewal of

Motor Vehicle Registrations are Due" (S. P. 326) (L. D. 1081)

Came from the Senate with the Report read and accepted.

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

Bill "An Act to Remove the Commercial License of Smelt Fishermen" (H. P. 1045) (L. D. 1272) on which the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-538) report of the Committee on Marine Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-538) in the House on June 10, 1977.

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

In the House: On motion of Mrs. Post of Owl's Head, the House voted to insist and ask for a Committee of Conference.

Resolution, Proposing an Amendment to the Constitution to Repeal the Section Concerning Appointment of Standby State and Local Government Officers in Case of Enemy Attack (H. P. 15) (L. D. 24) which was Finally Passed in the House on June 10, 1977.

Came from the Senate, failing of final Passage in non-concurrence.

In the House: Mr. Jensen of Portland moved that the House insist.

Whereupon, Mr. Palmer of Nobleboro moved that the House recede and concur.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Nobleboro, Mr. Palmer, 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.

50 having voted in the affirmative and 62 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to insist.

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

(S. P. 172) (L. D. 489) Bill "An Act Exempting Blind Property Owners from Real Property Tax" — Committee on Taxation reporting "Ought to Pass"

(S. P. 137) (L. D. 378) Bill "An Act Providing for the Practice of Architecture through a Corporation or a Partnership" — Committee on Business Legislation Reporting "Ought to Pass" as amended by Committee Amendment "A" (S-219)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of Tuesday, June 14, under listing of Second Day.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT — Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-567) — Minority (6)

"Ought Not to Pass" — Committee on Transportation on Bill "An Act to Provide for Local Registration of all Motor Vehicles" (H. P. 847) (L. D. 1038) which was tabled earlier in the day and later today assigned pending the motion of Mr. Strout of Corinth to accept the Majority "Ought to Pass" Report.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "Ought Not to Pass" Report on this bill, and I thought perhaps you would like to know why. I do find some complications in the bill itself which could affect not only the town officers but also the people who own automobiles.

L. D. 1038 would authorize the Secretary of State to select not less than three nor more than five municipalities in each county where types of automobiles could be registered. Now on the surface, the purpose or intent of the L.D. is to make registrations more convenient to citizens and viewed solely in that light, it has some merit. However, the complications and the related costs that would result from this L.D. would more than offset the advantages and in many cases would result in some complications to the public.

Let me first explain that presently motorists can renew their registrations with municipal agents. This is an excellent service that is being offered by 325 Maine communities and is well received by the public. However, the key word in describing the present local reregistration program is that it is limited to reregistrations or, stated differently, renewals. The renewal forms are pre-printed in Augusta by computer and sent to the tax office with all the information, including the proper fee printed on the form. The tax collector has only to issue the preprinted form, collect the fee and issue the registration and validation sticker. This L.D. would authorize municipal clerks to issue new or first registration, and that is a completely new ball game.

A new registration is no longer a simple transaction. If the vehicle to be registered is a 1975 model or newer, a Maine title application must be processed and the title fee collected. If the vehicle has been previously titled in another state, an actual VIN or serial numbers inspection must be made by the clerk. Now, you can imagine your town clerk, especially in a small town when they are the only one in the office, leaving the office, going down to an automobile to inspect the VIN number, that is if they can figure out where the VIN number is, because it usually is in a different place on different models of automobiles.

Also, if they happen to get the wrong information, then there would be a lapse in time that the proper information would be punched into the computers here in Augusta. That means your law enforcement officials who are concerned with the correct title of the vehicle would not have the information in their banks and it would not be available to your law enforcement agencies.

The certificate of title is complicated, it requires much training. If you decide to trade or sell your car in a title state and your title has not been properly cleared, then your transaction may be greatly delayed and, in fact, in some cases you may not even be able to trade.

The Maine sales tax must be collected if the car to be registered was purchased out of state or purchased from other than a Maine dealer. Metal number plates must be stocked and issued. The registration form must be prepared and proper expiration month and fee determined.

Due to the staggered registration system and schedule, this is often an involved process requiring a depth knowledge of the subject. There is also the problem in cost that would result in requirement of: (1) Stocking the municipal offices with number plates and (2) Training municipal officials to issue first or new registrations.

It is estimated that it would cost approximately \$120,000 the first year and \$66,000 each succeeding year to administer the program called for by the L.D.

In summary, it appears that the present program of having municipal officials issue reregistrations only is a logical arrangement and it would not be in the best interest of either the public, the municipal officials or the state to expand their authority to new registrations. In view of the complications that this L.D. will generate in your town office and for the individual purchasing or trading a new car, I would hope that you would defeat the majority

"Ought to Pass" Report and accept the Minority "Ought Not to Pass" Report.

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

Mr. WILFONG: Mr. Speaker, Members of the House: This is my bill and it is not quite as complicated as Mr. McKean would lead you to believe. It has been amended. Mr. McKean mentioned a few things that have been amended out of the bill. It is a very simple bill. It would allow the Secretary of State's Office — and I say would allow them — to set up a pilot program, one, two, three towns, whatever number they chose, to see whether or not the towns could handle the issuing of initial registrations. I believe that they can. They have handled the reregistrations and it has been an unqualified success, in the words of Mr. Gartley in a letter that he sent to me, it has been an unqualified success. It has done something that people back home can look at and can say "by golly, this is a convenience, this is what our government should be doing for us." It has allowed them to be able to go to their town clerk and reregister their car when they go and pay their excise tax for a dollar extra.

As the reregistration law is set up, they don't have to do that if they don't want to. They can go to the town clerk, pay the excise tax and then send it in to Augusta if they want to, but with the reregistration law, we saved 10 new employees from being hired and we are able to take over some duties that the Taxation Department previously held and they were able to collect sales taxes that were not collected last year in excess of \$700,000 over and above what the Taxation Department had been able to collect, which rounded out to about a million two. That is quite a bit of additional revenue.

People back home expect us to make things as easy and convenient for them as we possibly can because, Lord knows, the government has gotten so complex that there aren't a lot of things the people back home can understand, but they can understand going to their local registry or town clerk and being able to register their car with little difficulty.

This would allow the Secretary of State to set up a pilot program, if it would allow the Secretary of State, if it worked well, to continue that program for the towns that wanted to. If you town doesn't want to do it if your town clerk doesn't think that he can handle it, fine, they don't have to, the onus is on the towns themselves. If the town wants to do it and they can handle it and the Secretary of State's Office says fine, we think you can do a good job, that is where it will rest. It is not anything that anyone is trying to shove down their throats. It will merely present an opportunity for us to do what so many of us do when we go back home and campaign, we vow to cut the bureaucracy, to bring government closer to the people. This is a measure which will take a first step.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: When this bill came out originally, I was opposed to it. I think the good gentleman from Limestone today, basically gave you the reasons that I opposed it in bill form.

With the Committee Amendment, if any of you have read it, I think it is very important that you read it, it says: Section. What this in essence is saying is that the Secretary of State, with approval, and I say with approval of the municipal offices in each municipality, in essence what we are saying here is that if the Secretary of State, with approval of any municipality in this state, wants to register these automobiles or pick-ups under 6,000 pounds, they may do this. Nobody is going to be required to. I think it is a step in the right direction. We have some municipalities in this state that I think can do this, and I think with the ap-

proval of the municipality under the jurisdiction of the Secretary of State, I feel this is a trial program, let's give it passage.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jacques, that the Majority "Ought to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 83 having voted in the affirmative and 20 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-567) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT — Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-569) — Minority (2) "Ought to Pass" as amended by Committee Amendment "B" (H-570) — Committee on Transportation on Bill "An Act to Recognize Mopeds as being in a Different Classification than Motorcycles" (H. P. 174) (L. D. 212) which was tabled earlier in the day and later today assigned pending the motion of Mr. Jacques of Lewiston that the Majority "Ought to Pass" Report be accepted.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-569) was read by the Clerk.

Mr. JENSEN of Portland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-594) was read by the Clerk.

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

Mr. JENSEN: Mr. Speaker, a word of explanation as to what this amendment does and what its intention is. When mopeds are legalized, as in essence they will be under this piece of legislation, what you will have occurring, in particular in the tourist areas of the State of Maine, will be a large number of firms that will rent mopeds to the general public. Now, my amendment requires that any firm renting mopeds also would be required to have available a sufficient quantity of protective head gear to anybody who is actually renting the mopeds. It makes no requirement for anybody to have to wear helmets, it makes no requirement for motorcycle helmets. I am thinking in terms of bicycle helmets and I would expect that is what this will consist of when it finally comes up.

It is a safety measure intended primarily to assist those people who come into the State of Maine who are tourists, who have never seen a moped before, let alone driven on one. It is something I think is very important to insure that protective head gear is available to those who desire it. I would urge you to vote for the amendment.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I will move the indefinite postponement of House Amendment "A".

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

Mr. JENSEN: Mr. Speaker, I would ask for 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 Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to this amendment because this makes it compulsory again to purchase helmets. We have already had this bill, this type of legislation on the motorcycles. It has been defeated, people don't want to wear them. We have a voluntary system. The snowmobile system seems to work. Everybody who rides a snowmobile wears a helmet, so I would have to say I am opposed to this amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Corinth, Mr. Strout, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bagley, Bennett, Berube, Biron, Brown, K.L.; Bunker, Carey, Carrier, Carroll, Carter, D.; Churchill, Cote, Devoe, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Fenlason, Flanagan, Garsoe, Gauthier, Gill, Gould, Gray, Greenlaw, Hall, Hunter, Hutchings, Immonen, Jalbert, Joyce, Kane, Kerry, Laffin, Littlefield, Locke, Lougee, Mackel, Mahany, Marshall, Masterman, McKean, McPherson, Morton, Nelson, N.; Palmer, Peakes, Perkins, Peterson, Post, Quinn, Rideout, Rollins, Sewall, Shute, Smith, Sprowl, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Torrey, Truman, Twitchell, The Speaker.

NAY — Bachrach, Beaulieu, Benoit, Berry, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Burns, Bustin, Carter, F.; Chonko, Clark, Connolly, Cox, Cunningham, Curran, Davies, Elias, Fowlie, Goodwin, H.; Goodwin, K.; Green, Henderson, Hickey, Howe, Huber, Jackson, Jensen, Kany, Kilcoyne, LaPlante, Lewis, Lynch, Martin, A.; Masterton, McBreairty, McHenry, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Norris, Pearson, Peltier, Plourde, Prescott, Raymond, Silsby, Spencer, Talbot, Trafton, Valentine, Wilfong, Wood, Wyman.

Yes, 72; No, 58; Absent, 21.

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

Thereupon, Committee Amendment "A" was adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the following matter:

Bill "An Act to Improve the Administration of the State's Merit System" (Emergency) (H. P. 239) (L. D. 398) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Mr. Palmer of Nobleboro, tabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the following matter:

An Act Pertaining to the Granting of Preference in the Letting of State Contracts to State of Maine Resident Bidders" (H. P. 1648) (L. D. 1849) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Jensen of Portland offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-603) was read by the Clerk.

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

Mr. JENSEN: Mr. Speaker, Members of the House: My amendment is intended to better

clarify within the law exactly what an in-state bidder is under State of Maine Resident Bidders Act. I am deleting the words "who will employ at least 90 percent Maine residents to carry out the contract," number one, because it is not specified what a Maine resident is, it is not specified what is meant by carrying out the contract. I have replaced that by saying an in-state bidder is one whose principal place of business or branch office thereof has been located in Maine for a period of two years or more and, two, who employs 75 percent or more residents in one or more of the following areas as an integral part of that contract: (a) construction; (b) printing; (c) manufacturing; (d) processed food productions or (e) service contracts as defined in another section. Essentially, what it is attempting to do is get at the same intent as the bill but I think it does it in a better fashion. It gets at the specific areas that are most apt to have Maine bidders attempting to reach and give them that 2 percent preference.

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

Mr. PERKINS: Mr. Speaker and Members of the House: I ask for a division on the adoption.

The gentleman from Portland did briefly explain this thing. I think one thing he lacked to mention was, in his definitions and his clarifications he shrank the Maine bidder by 15 percent and while I don't object to his clarification, when you shrink the employment total, then I think perhaps you are working against the Maine worker, and I just don't feel this is logical.

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

Mr. JENSEN: Mr. Speaker, Members of the House: I did in fact change the figure from 90 percent Maine residents to carry out the contract, whatever that means, to 75 percent or more of the residents that are immediately involved in this specific area. It seems to me that when you are talking about a Maine firm that employs Maine residents, you are talking about something that is very overwhelming anyway; 75 or 90 percent is not a substantial figure.

I put that figure in there in attempting to work something out. The State Purchasing Agent assisted me in this amendment. There was no specific intent to reduce that figure from 90 percent. I don't think that reduction, that change, is significant, I don't think that damages the intent of the bill or the fashion in which it would work out if finally enacted into law.

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

Mrs. BERUBE: Mr. Speaker and Members of the House: I would ask that you vote against acceptance of Amendment "B". This bill had a thorough hearing. We worked on it for three weeks as a committee. It came out with a unanimous committee report. We tightened it up. It is not the original bill that the gentleman from Portland mentioned this morning in reference to whose bill it was. The original bill was four pages and this is one page and a half, one page and one fourth. We have tightened it up to remove any conflict which might have existed with federal rules and regulations and I would like to see it adopted as it came out of committee. I don't think the amendment does anything really for the bill.

This also has a sunset clause, by the way. In 1980, it would fade into the sunset if it doesn't perform.

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

Mr. JENSEN: Mr. Speaker, I would pose a question to the Chairwoman of the Performance Audit Committee or any other member of the Committee who might be able to answer. In reading the phrase, "who will employ at least 90 percent Maine residents to carry out

the contract," that being a substantial part of the definition of in-state bidder, how does that actually treat products? For example, if you have a situation with, let's say, underpads that are not manufactured anywhere in the State of Maine, there is one firm that buys a substantial amount of Maine paper products, grinds it up and puts it into an underpad, manufactures it in another state and then attempts to sell it back to the State of Maine. Would that be given the 2 percent preference or would you give a company that buys their underpads in Wisconsin with Wisconsin paper or paper from another state, ships it into the State of Maine, drops it off at, say, the C.M. Rice warehouse in Portland, are they then defined as being a Maine product? It seems to me that there is some question there, and I would ask the gentlelady from Lewiston if she could explain that and explain exactly what the phrase means.

The SPEAKER: The Chair recognize the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Members of the House: I would think that if it would affect those concerns which employ people here, in whichever capacity, whether it be manufacturing or distributing, whichever has the greater impact on our economy, and if it is a wholesaler who employs a hundred people, I think that is substantial reason to give them a contract.

The SPEAKER: The Chair will order a vote. The pending question is on the adoption of House Amendment "B". All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

22 having voted in the affirmative and 82 having voted in the negative, the motion did not prevail.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for taking your time at this hour of the day on this bill. Perhaps I should have been up on it sooner, but in light of its history, the unanimous report out of Performance Audit, I perhaps am not going to do it any damage. My purpose in speaking on it is to point out what I think is a mistake that we are putting into effect here today, the sunset provision notwithstanding.

This bill, I think Mr. Jensen has illustrated one of the problems with it as you begin to try to agonize over who in fact is the in-state bidder and who is not, but that is only one of the peripheral problems. The real problem that I see is that as I understand the bill, let's assume this front row were bidders bidding on a state contract and that the gentleman from Anson, Mr. Burns, has been defined as an out-of-state bidder. His bid comes in 2 percent less than the next lowest bidder. That contract would then be handed to each one of us in succession and said, "Can you meet Mr. Burns' figure?" This is supposed to be competitive bidding, sealed bidding. How long do you think the State of Maine is going to be regarded as a good customer by out-of-state bidders? I submit that long before this sunset provision takes effect, out-of-state bidders will write us off as not a good place to do business and we are going to suffer for it.

It is 2 percent now, it could become 5 percent. This is a protective device that I submit businesses don't need and a dangerous piece of business to verge into if we intend to conduct our business in a businesslike operation.

Mr. Speaker, when the vote is taken, I would like a division.

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

A vote of the House was taken.

84 having voted in the affirmative and 29 hav-

ing voted in the negative, the motion did prevail.

Sent up for concurrence.

The Chair laid before the following matter: SENATE DIVIDED REPORT — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on Taxation on Bill "An Act to Provide Relief from Extremely Burdensome Property Taxes" (S. P. 386) (L. D. 1331) which was tabled earlier in the day and later today assigned pending the motion of Mr. Carey of Waterville to accept the Majority Report.

Mr. Carey of Waterville requested permission to withdraw his motion to accept the Majority "Ought Not to Pass" Report, which was granted.

The SPEAKER: The Chair recognizes the same gentleman.

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

The bill before us has a \$10 million price tag. It is totally unacceptable to many of us just on the basis that it is something that we simply don't have the money to pay for. There is absolutely no reason to kid ourselves that we are going to move this along to the Appropriations Table and depend on the Appropriations Committee to do our job for us.

I would hope that you might accept today the "Ought to Pass" Report so that tomorrow I might offer an amendment which has a price tag of some \$2 million on it and then would make it something that might at least have a shot at passing.

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

Mr. Greenlaw of Stonington was granted unanimous consent to address the House.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would like to take two or three minutes of your time this afternoon. It is not very often, as a matter of fact, I can't remember once in five years that I have asked to address the House on the record in reference to a bill that was on the calendar, but I do so because I think it is a rather important item and I just direct your attention very quickly to Page 6, Item 6, which is a bill that was reported out of the Marine Resources Committee "leave to withdraw." The bill is a bill that I sponsored at the request of some fishermen in my area. It is a bill that would have imposed a trap limit in the areas adjacent to Hancock County and the Island of Isle au Haut, which is in Knox County.

The reason why I would very briefly like to make some comments on the record is really twofold — one, so that the record will reflect what took place at the hearing and, two, I think it is important that we all do some thinking on this issue because I think it becomes more and more important as time goes on.

The eight members of the Marine Resources Committee were good enough to travel to Ellsworth one night to hold a public hearing on this issue, and it would be my estimate that somewhere in the neighborhood of approximately two thirds of the 60 fishermen who attended supported this particular proposal. There were some problems with the bill, and I was well aware of it. One of the problems was that there was a boundary issue that was in dispute and I was not able to resolve it the weekend after the hearing, so I asked permission for the committee to withdraw the bill, which they did in fact grant.

Over the years that I have been involved with lobster issues, a number of fishermen have perhaps criticized this legislature and perhaps me personally for not taking some substantive action on some of these conservation measures. I think frequently I have responded that the fishermen haven't been able to agree. Well, this

time I think I have to take the responsibility for killing a bill that I think perhaps had not only the support of the fishermen but I think perhaps the support of the entire committee.

I might also indicate in passing that the fishermen at the hearing unanimously responded favorably to a prohibition on hauling lobster traps after four o'clock, and I say that just for your information in light of the debate that we had on a bill that would have done the same thing from Cape Elizabeth to Kittery which we debated about two weeks ago.

The whole sum and substance of why I am placing this on the record and asking you to consider it is that we become more and more concerned about the lobster industry, and I think that we all have to make a concerted effort to find ways that we can conserve this important resource, important resource in the sense of the economy of the State of Maine and important to what people in this great land think about this state.

The Marine Resources Committee, I hope sometime in July, will be meeting with some leaders of the lobster industry, some members of the department and some people from the National Marine Fisheries Service in an attempt to try and get what I consider to be a much stalled state/federal lobster management program going again. In addition to the efforts the committee has made, I would ask each member of this House who is interested in conserving this resource to do as much thinking and as much talking with the people who are interested and see if we can't have a real joint effort to bring about some conservation measures either in the next session of the legislature or in future sessions of the legislature.

I apologize for taking your time, and I only do so because of what I consider to be a generally important issue, and I thank you very much for your consideration.

(Off Record Remarks)

On motion of Mr. Morton of Farmington, Adjourned until nine o'clock tomorrow morning.