

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

Index

**Senate Confirmation Session
September 16, 1977**

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KJ PRINTING
AUGUSTA, MAINE

HOUSE

Wednesday, June 15, 1977

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

Prayer by Pastor Bruce W. Meyer of the Prince of Peace Lutheran Church, Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

THE SENATE OF MAINE
AUGUSTA

June 14, 1977

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

The Senate today Adhered to its action whereby it accepted the Minority 'Ought Not to Pass' report on Bill, "An Act to Regulate Campaign Activities on Election Day" (H. P. 1663) (L. D. 1863).

The Senate today also Adhered to its action whereby it Indefinitely Postponed 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).

Respectfully,

Signed:

MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE
AUGUSTA

June 14, 1977

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

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act to Remove the Commercial License of Smelt Fishermen" (H. P. 1045) (L. D. 1272).

Respectfully,

Signed:

MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE
AUGUSTA

June 14, 1977

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

The Governor having returned: Bill, "An Act Relating to Time Limitation on Providing Written Reasons for Termination of Employment" (H. P. 1085) (L. D. 1309) together with his objections to the same, the Senate proceeded to vote on the question, 'Shall the Bill become a law notwithstanding the objections of the Governor?'

According to the provisions of the Constitution, a yea and nay vote was taken. Eight Senators having voted in the affirmative and fifteen in the negative, the Bill accordingly failed to become law and the veto was sustained.

Respectfully,

Signed:

MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Joint Order, an expression of

Legislative Sentiment recognizing that: Claude Sirois of Madawaska is the State School Boy Wrestling Champion for 1977 for his class and will compete in the forthcoming AAU competition in Europe (S. P. 549)

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

The following Joint Order, an expression of Legislative Sentiment recognizing that: the Bangor High School Rams boys' baseball team has won the Eastern Maine Class A baseball championship (S. P. 550)

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 State Government reporting "Leave to Withdraw" on Bill "An Act to Articulate Lines of Authority for all State-Budgeted Programs" (S. P. 283) (L. D. 896)

Came from the Senate, with the Report Read and Accepted.

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

Ought to Pass in New Draft

Committee on Natural Resources on Bill, "An Act Concerning the Powers of Plantations under Land Use Regulation and Zoning Statutes" (S. P. 176) (L. D. 492) reporting "Ought to Pass" in New Draft (S. P. 546) (L. D. 1881)

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

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

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-238) on Bill "An Act Relating to Arbitration under the State Employees Labor Relations Act" (S. P. 150) (L. D. 392)

Report was signed by the following members:

Messrs. DUTREMBLE of Biddeford
McHENRY of Madawaska
LAFFIN of Westbrook
BUSTIN of Augusta
Mrs. BEAULIEU of Portland
Messrs. ELIAS of Madison
FLANAGAN 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. REDMOND of Somerset
McNALLY of Hancock

— of the Senate.

Mrs. TARR of Bridgton
Mr. PELTIER of Houlton
Mrs. LEWIS of Auburn

— of the House.

Came from the Senate with the Minority "Ought Not to Pass" Report read and accepted. In the House: Reports were read.

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

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

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that inasmuch as collective bargaining has only got started in one of the seven units, we would exer-

cise some restraint and not start passing legislation concerning a problem that we haven't measured the bounds of yet.

I would hope you would vote against this motion and that we could then accept the "Ought Not to Pass."

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: This is a very small bill in comparison to what we are going to come out with later on. This bill here just simply puts on the books that collective bargaining shall take place, and I would certainly urge the members of this House to support my motion this morning.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, Men and Women of the House: We have collective bargaining already on the books. This bill would make the binding arbitration come to the legislature if the two parties cannot agree. We have not started bargaining yet. I think it is very premature. I think we should give the process a chance to work. We have collective bargaining, it is starting. State Police units have started to bargain, but I do not think that we need to jump right into binding arbitration when we haven't given the process a chance to even start. So I would urge you to accept the "Ought Not to Pass" Report.

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Laffin, that the Majority "Ought to pass" Report be accepted in non-concurrence. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 47 having voted in the affirmative and 40 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (S-238) was read by the Clerk and adopted in non-concurrence and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act to Make Possible Property Tax Valuation Assistance to Local Officials" (Emergency) (S. P. 464) (L. D. 1607)

Report was signed by the following members:

Mr. MARTIN of Aroostook — of the Senate.

Mrs. POST of Owls Head
Mr. CARTER of Bangor
Mrs. CHONKO of Topsham
Messrs. TEAGUE of Fairfield
IMMONEN of West Paris
CAREY of Waterville
COX of Brewer
TWITCHELL of Norway

— 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. WYMAN of Washington
JACKSON of Cumberland

— of the Senate.

Messrs. MACKEL of Wells
MAXWELL of Jay

— of the House.

Came from the Senate with the Minority "Ought Not to Pass" Report read and accepted. In the House: Reports were read.

On motion of Mrs. Post of Owls Head, the Majority "Ought to Pass" Report was accepted in non-concurrence.

The Bill was read once and assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act to Promote the Sale of More Hunting Licenses to Nonresidents Hunting Deer or Bear" (H. P. 1662) (L. D. 1858) which was passed to be engrossed in the House on June 10, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-245) in non-concurrence.

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

Non-Concurrent Matter

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) on which Report "B" "Ought Not to Pass" of the Committee on Marine Resources was read and accepted in the House on June 13, 1977.

Came from the Senate with that Body having insisted on its former action whereby Report "A" "Ought to Pass" as amended by Committee Amendment "A" (S-204) was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-204) and asked for a Committee of Conference in non-concurrence.

In the House: On motion of Mrs. Post of Owls Head, the House voted to insist and join in a Committee of Conference.

**Non-Concurrent Matter
Later Today Assigned**

Bill "An Act to Increase the Minimum Wage to \$3 per hour" (H. P. 1173) (L. D. 1403) on which Report "A" "Ought to Pass" as amended by Committee Amendment "A" (H-529) of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-529) as amended by House Amendment "A" (H-583) thereto in the House on June 10, 1977.

Came from the Senate with Report "D" "Ought Not to Pass" from the Committee on Labor read and accepted in non-concurrence.

In the House: Mr. Quinn of Gorham moved that the House insist.

(On motion of the same gentleman, tabled pending his motion to insist and later today assigned.)

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act Relating to Discharges, Emissions and Leakages from Nuclear Generating Facilities" (H. P. 1382) (L. D. 1662) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-550) Report of the Committee on Natural Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-550) in the House on June 13, 1977.

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

In the House: On motion of Mr. Greenlaw of Stonington, tabled pending further consideration and tomorrow assigned.

**Non-Concurrent Matter
Later Today Assigned**

Bill "An Act Relating to the Jurisdiction of the Administrative Court" (S. P. 241) (L. D. 733) which was Passed to be Engrossed as Amended by Senate Amendment "A" (S-201) in the House on June 8, 1977 (ruled in violation of Joint Rule 28).

Came from the Senate. Passed to be Engrossed as Amended by Senate Amendments "A" (S-201) and "B" (S-244) in non-concurrence.

In the House: On motion of Mr. Quinn of Gorham, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act Increasing the State Gasoline Tax" (Emergency) (H. P. 1159) (L. D. 1383) which was Passed to be Engrossed as amended by House Amendment "A" (H-542) in the House on June 8, 1977.

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

In the House: On motion of Mr. Greenlaw of Stonington, the House voted to insist.

Recalled from Legislative Files pursuant to Joint Order S. P. 541**Non-Concurrent Matter**

RESOLVE, Authorizing Health Insurance Coverage for Fifteen Retired State Troopers (Emergency) (S. P. 262) (L. D. 822) In Senate, "Leave to Withdraw" Report of the Committee on State Government read and accepted on April 12, 1977. In House, "Leave to Withdraw" Report of the Committee on State Government read and accepted in concurrence in the House on April 13, 1977.

Recalled from the Legislative Files pursuant to Joint Order S. P. 541

Came from the Senate with the Resolve substituted for the Report and the Resolve passed to be engrossed in non-concurrence.

In the House, the House voted to recede.

The Resolve was substituted for the Report in concurrence, the Resolve read once and assigned for second reading tomorrow.

**Petitions, Bills and Resolves
Requiring Reference**

Bill "An Act Concerning the Fees for Filing Municipal Tax Liens" (Emergency) (H. P. 1724) (L. D. 1884) (Presented by Mr. Henderson of Bangor) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Under suspension of the rules, the Bill was read once without reference to any committee and assigned for second reading tomorrow.

Orders

An Expression of Legislative Sentiment (H. P. 1721) recognizing that: Rita Cote is Retiring on June 17, 1977 after 36 years of service to the Town of York as bookkeeper, deputy treasurer and ambassador of good will.

Presented by Mr. Valentine of York (Cosponsor: Senator Hichens of York)

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

An Expression of Legislative Sentiment (H. P. 1723) recognizing that: The Kittery Historical and Naval Museum held its grand opening on June 12, 1977

Presented by Mrs. Durgin of Kittery (Cosponsors: Mr. McPherson of Eliot, Mr. Valentine of York, Senator Hichens of York)

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

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

Mr. Curran from the Committee on State Government on Bill "An Act to Provide for Annual State Budgeting" (H. P. 1127) (L. D. 1346) reporting "Ought Not to Pass".

Mr. Whittemore from the Committee on Business Legislation on Bill "An Act to Allow a Security Dealer to be on a Bank Board" (H. P. 351) (L. D. 444) reporting "Ought Not to Pass"

Mr. McBreairty from the Committee on Appropriations and Financial Affairs on Bill "An Act to Allow Families with An Unemployed Father to Participate in the Aid to Families with Dependent Children Program in Lie of Receiving Unemployment Benefits" (H. P. 674) (L. D. 859) reporting "Ought Not to Pass"

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

Leave to Withdraw**Later Today Assigned**

Mr. Kelleher from the Committee on Public Utilities on Bill "An Act Relating to Electric Companies' Fuel Charges" (H. P. 1179) (L. D. 1407) reporting "Leave to Withdraw"

Report was read.

(On motion of Mr. Kelleher of Bangor, tabled pending acceptance of the Committee Report and later today assigned.)

Mr. Maxwell from the Committee on Liquor Control on Bill "An Act to Provide for Municipal Licensing of Public Dancing and to Authorize Suspension or Revocation of Municipal Licenses for Exhibitions and Amusements" (H. P. 1109) (L. D. 1364) reporting "Leave to Withdraw"

Mr. Rideout from the Committee on Business Legislation on Bill "An Act to Amend the Charitable Solicitations Act" (H. P. 685) (L. D. 867) reporting "Leave to Withdraw"

Mr. Peakes from the Committee on Business Legislation on Bill "An Act Relating to Bank Credit Cards under the Maine Consumer Credit Code" (H. P. 1139) (L. D. 1373) reporting "Leave to Withdraw"

Mr. Howe from the Committee on Business Legislation on Bill "An Act Relating to Qualifications, Application and Issuance of a Plumber's License" (H. P. 1024) (L. D. 1245) reporting "Leave to Withdraw"

Mrs. Boudreau from the Committee on Business Legislation on Bill "An Act to Establish the Certification of Marriage and Family Counselors" (H. P. 803) (L. D. 1022) reporting "Leave to Withdraw"

Mr. Curran from the Committee on State Government on Bill "An Act Concerning Conflicts of Interest in Offices Subject to Legislative Confirmation" (Emergency) (H. P. 18) (L. D. 29) reporting "Leave to Withdraw"

Mr. Burns from the Committee on Human Resources on Bill "An Act Concerning Reimbursement to Municipalities for Certain Public Assistance Provided to Aid to Dependent Children Applicants" (H. P. 1178) (L. D. 1406) reporting "Leave to Withdraw"

Mr. Howe from the Committee on Business Legislation on Bill "An Act to Clarify the Consumer Credit Code" (H. P. 311) (L. D. 402) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

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

Mr. Rideout from the Committee on Business Legislation on Bill "An Act Relating to Regulation of Traveling Shows" (H. P. 713) (L. D. 843) reporting "Ought to Pass" in New Draft (H. P. 1722) (L. D. 1883)

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

**Ought to Pass with
Committee Amendment
Tabled and Assigned**

Mr. Perkins from the Committee on Appropriations and Financial Affairs on Bill "An Act to Abolish the Mental Health and Mental Retardation Improvement Fund" (H. P. 1470) (L. D. 1727) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-630)

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-630) was read by the Clerk.

(On motion of Mrs. Najarian of Portland, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.)

Divided Report

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

Bill "An Act Regulating the Transportation of Radioactive Materials in the State of Maine" (H. P. 892) (L. D. 1100)

Report was signed by the following members:

Messrs. GREELEY of Waldo
MINKOWSKY of Androscoggin
McNALLY of Hancock
— of the Senate.

Messrs. JACQUES of Lewiston
BROWN of Mexico
McKEAN of Limestone
CARROLL of Limerick
STROUT of Corinth
LITTLEFIELD of Hermon

Mrs. HUTCHINGS of Lincolnville
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-601) on same Bill.

Report was signed by the following members:

Messrs. ELIAS of Madison
JENSEN of Portland
— of the House.

Reports were read.

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

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

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: To say that I am disappointed with the committee report is quite an understatement, because at one point in time, this particular piece of legislation had a unanimous committee report, and quite frankly, I haven't been able to determine how it was turned around or for what reason.

You may recall several weeks ago that I talked about the fact that I introduced three bills this session that attempted to address what I consider to be some safety concerns regarding the regulation of nuclear power plants. This is one of them. This is the third of the three bills that I talked about.

This bill does nothing more really than place in the statutory language the practice that I understand is taking place now with Maine Yankee when, in fact, it does transport radioactive materials. I see nothing wrong with the bill. I think the state has a legitimate interest in attempting to guarantee that these radioactive waste materials are, in fact, transported in a safe manner. I do hope that you would just give this a quick moment of consideration. Maybe some member of the committee who signed the "Ought Not to Pass" Report would indicate why, I would suggest that if one of the reasons why is that this is already regulated by the federal government, that that is not a substantial reason, we have a legitimate interest in making sure these materials are transported safely out of the state. I would ask you respectfully to vote no in accepting the "Ought Not to Pass" Report so that we could accept the "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: This bill was considered at some length in the committee, it stayed in the committee for a number of months. The reason that we had a turn around on it is because of the federal regulations which now cover this same subject. Much of the information in this L. D. is also a duplication of the federal system. One of the things that we were concerned with is the fact that when you transport nuclear material, you don't make a parade out of it and we were concerned with the fact the information on the transportation material being let out to every agency in the state, that sooner or later it becomes a parade. The military has successfully transported 20

percent material that is high grade material, they do it in great secrecy they have had no problem, the State of Maine has had no problem. Maine Yankee foresees no problem, the federal regulations are very very strict so we can see no need for the legislation.

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

Mr. JENSEN: Mr. Speaker and Members of the House: I signed the Minority "Ought to Pass" Report on this piece of legislation. It is something which is essentially a minor bill when you consider the entire area of radioactive wastes in nuclear power plants in general.

It has been said the federal government already regulates this area. They do regulate many things concerning radioactive wastes generally. In the past, I think they have shown that they have not done a terribly good job in regulating many many things. More importantly, they have not done a very good job of fulfilling their own regulations on many occasions. I think what we are attempting to do is insure that we have a little bit of control and we have a certain degree of knowledge about what is happening with this.

As the gentleman from Stonington, Mr. Greenlaw suggested, essentially what this bill does is it puts into statute what the power companies claim they are doing now. If this is, in fact, what they are doing already, they should have no problems whatsoever with this bill. They do have problems, then I would raise the question as to why in fact they are opposing this bill, is it perhaps because they are not actually doing what they claim they are doing?

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Limestone, Mr. McKean, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

60 having voted in the affirmative and 32 in the negative, the motion did prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Resolve, to Authorize the Conveyance of the National Guard Armory in Auburn to the City of Auburn (Emergency) (H. P. 1249) (L. D. 1471)

Report was signed by the following members:

Messrs. COLLINS of Aroostook
MARTIN of Aroostook
— of the Senate.

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-598) on same Resolve.

Report was signed by the following member:
Mrs. SNOWE of Androscoggin
— of the Senate.

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 Majority "Ought Not to Pass" Report.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: This is my Resolve and it is

probably one of the few times this session or any other session that you will see the entire delegation from the City of Auburn in support of this Resolve. The one signer on the Minority Report, Mrs. Snowe from Auburn, obviously signed so not just out of courtesy to me or any other member who wanted to speak on this but because she personally endorses it.

Let me just give you a little history on this, and believe me, the report of the committee is far worse than it actually looks. This is really a pretty good bill, it is a twelve to one report and I realize it is an uphill battle but it is not a bad bill, really. If you kind of take a look at it, L. D. 1471 and the Minority Report has been amended and one of my alternatives Friday, I learned Thursday evening of the committee's decision not to support it, it was twelve to one, one of my alternatives Friday, I went through various approaches to this, one of them was to try and amend the Part I budget to delete the \$35,000 which had been reinstated by the Appropriations Committee so that the armories would have to stay open and the other alternative was to amend it in committee and that is what we did. The amendment on the Minority Report, ladies and gentlemen, just calls for a deduction in funds to running the armory in Auburn.

Let me just give you a brief history on this: Last year, the Governor cut \$50,000 out of the National Guard Armory budget of the state. One of these armories, all of them as a matter of fact, there are 16, are owned by the federal government, but maintained by state dollars. They pay for heat, electricity, they pay for custodial services and so on and so forth.

We have an armory in Auburn. It is a nice armory, it is called Hasty Memorial Armory and its been in Auburn for 25 years now and we are all kind of fond of it. We have had our eye on it for a long time, we kind of wanted to have access to it, we have never been denied access to it from the state, but there have been some things with that armory that we wanted to do that we have been unable to do, because the National Guard currently occupies the facility. They use it 39 days out of the year, one weekend a month and when the Governor last year cut \$50,000 out of that state-wide budget, the National Guard armory people themselves and I would just have to beg the indulgence of the State Government Committee when I go through this because they have heard this story several times, when the Governor cut \$50,000 out of that budget, they got together the Adjutant General Office over there at Camp Keyes and said "all right we have \$50,000 less, what can we do without"? They suggested closing three armories. They just didn't have the money to maintain them, one was in Auburn, one was in Brunswick, one was in Westbrook. I spoke to Mr. Laffin earlier this morning, he was well aware of the situation in Westbrook. So as soon as they suggested that they would have to close the armory in Auburn and move their 54 men, which is what they have there now, over to the Lewiston Armory, which is less than five miles away, another National Guard Armory, the city thought it would be an excellent opportunity to gain access to that facility and all the Resolve does, is it authorizes the State Bureau of Public Improvements, which is the proper procedure in land transactions, to lease the facility to us for a five year period. Then at the end of the five year period, we would have an option to purchase it. Now there are a lot of things we could do with that armory if we had it. We have 1,400 senior citizens in Auburn who could have access to it, we have a lot of young people, a lot of youth groups that could have access to it, we have money in our municipal budget, which we put in this year, to more than compensate for the maintenance of it locally, through local tax dollars. Our Recreational Advisory Committee of two years ago supports this Resolve, the school committee supports it.

the city council supports it, it is strictly a local issue.

I was a little surprised, I have to admit, they worked hard and long hours on this with great debate, but the ticker is that when we were having our public hearings on this before the State Government Committee, first of all, I think the bill went to the wrong committee, it should have gone to Appropriations, that is where it belongs, because one of the things you learn as a freshman up here is that there are certain ways to do things and there are certain ways not to do things, and somebody says, why doesn't it go to State Government Committee, that is the committee that Olympia Snowe sits on, and thank God that I did have somebody on the committee to sign it out with regards to this, but the same day we were having our public hearing on this, the Appropriations Committee was meeting downstairs and they were putting the money back in the budget. Now the Governor originally, as I understand it, took \$50,000 out, the Appropriations Committee put \$35,000 back in and for some reason \$35,000 is enough to maintain the three armories so now they don't have to close. So, it becomes a moot question to use the words of the good lady from Cape Elizabeth, Mrs. Masterton. You know, isn't this rather a moot question, they don't have to leave. I am saying, no, I think that they can consolidate. Two National Guard armories, less than five miles apart, it costs about \$20,000 a year, \$18,000, excuse me, to run the one in Auburn. I don't know what it cost to run the one in Lewiston. This is not an attempt on our part to determine or circumvent national security or the integrity or attack the integrity of the National Guard. Incidentally, at the public hearing on this bill, this was their testimony, basically, is that if the Russians should invade us or if the Chinese should decide that they want to start a war or something, that the National Guard in Auburn, they are going to need. Well, two things for that, (1) If there ever is a war, I doubt if we had a hundred National Guard armories they could do much in that area and (2) We aren't planning to structurally or physically alter the facility at all, just going to put up some basketball nets, maybe a few scoreboards so the kids can play basketball and it is right in the heart of our recreational area in Auburn, and it is kind of important to all of us there.

I would just ask you to vote against the Majority Report and, hopefully, accept the Minority Report.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: It does seem unfortunate that the state would allow these armories to lie vacant, meanwhile assuming the cost of maintenance and operation, while cities and towns who have desperate needs for recreation resources and mediums of utilizing these buildings are standing around hopeful of getting an opportunity of assuming this responsibility.

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

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: When you initially saw this bill you might have thought it was a piece of special interest legislation and it is. It is a very special interest to the people of Auburn and for the very reason that I think the other Representative from Auburn has pointed out.

If you would allow us to take over the lease of this for five years, we feel that we could better serve the recreational needs of all the people in Auburn and there is a little bit of something in here for everyone.

As Mr. Green mentioned, we feel that this would serve the youth of our town which now are limited to very small facilities in existing gymnasiums. We feel this would serve the senior citizens in Auburn and they did, indeed,

appear at the hearing in support of this. We feel this also would create an indoor facility for the handicapped of Auburn, a facility which we do not now have.

We have been trying to obtain a lease on this facility since 1965. I don't think we are trying to act irrationally, we are more than willing to allow the National Guard to use this for 39 days a year when they have their exercises. Essentially, we are asking you to allow us to switch the administration and allow the City of Auburn to be the administrators and along with that we are willing to pick up all the cost of operating this facility. In other words, we are willing to save the state money.

If you look back to 1957 when this facility was originally built, I think it is interesting to go into the original financing of this Auburn Armory, 75 percent of the funds were federal. Initially 12½ percent of the funds were to be from the state and 12½ percent of the funds were to be from Auburn. However, Auburn came out paying almost twice that much in percentages and in addition to that in paying the cost overruns, we also deeded the land free to the state. So actually, if we look back, the state has the least financial vested interest in this of any of the three parties that originally contributed to its construction.

The idea to consolidate the Lewiston and Auburn armories was not our idea, we certainly welcomed it. In a letter from Charles S. Reed, the Deputy Adjutant General, on September 17, 1975, he asked us how we would feel about consolidating and I quote: "We would also be interested in getting your reaction to the possibility of your taking over that armory completely with us consolidating the unit there that is headquartered in Lewiston. Suddenly this year, after we submitted this Resolve, which we thought met with the approval of the Military Bureau and the state and all parties concerned, monies became available. In a year when we have very tight fiscal restraints. I don't know where the money came from but it was unfortunate indeed for our cause in getting this armory."

I would ask you today to allow passage of this Resolve to allow us to lease it for five years and then have the option to buy it at the end of that time. Although monies are available this year, I wonder how long they will be continuing to be available and if it doesn't make sense to combine two armories that are five miles apart and in which the units only use it for a minimal portion of the year and save the state that amount of money and provide a very useful recreational facility for the town of Auburn.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to offer you some of the reasons why this report ends up to be 12 to 1. When we heard this particular L. D., the committee was under the impression that we had an empty armory in Auburn but it wasn't too long after that hearing that the Appropriations Committee did put enough money back into the Part I budget to keep the armory open. It was apparently the wish of the Military Bureau to keep that armory open so we found ourselves in a new ball game and the ball game was rather the State Government Committee should put the National Guard out. It was no longer an empty building. This, to us, was a different story. We hadn't addressed the facility needs of the National Guard, we hadn't examined that.

There was also some consideration about a state wide impact or a state wide policy. I would suspect that every town that has a National Guard armory has senior citizens and it has youth and it has everybody else who could use the building. And so at the committee hearing, I did propose the idea that we approach this from a statewide policy, that said that

whenever a state armory becomes vacant, that it be the policy of the state to lease to that municipality the building. The sponsor didn't have too much interest in that statewide policy. He was concerned about Auburn and I don't blame him and if he wins the report this morning I will have my amendment ready because the City of South Portland would love to send its people to Portland and have our armory for recreational uses. I might think that Mr. Laffin, from Westbrook would also like to have the use of his armory, I teach in that community and I know that that would be a great asset because it is located right next to the high school. I really think we are opening a can of worms if we go through with this. I don't think that the Parks and Recreation people in the State of Maine should be the ones leasing armories to the National Guard, I think we should address the problem of what happens when we have vacant National Guards but we should not come up here and put in amendments which delete the appropriation for the funding of National Guards so that we may take it over in our individual cities.

So, I hope that you give this a great deal of thought and support the report and I would like to say that of the 180 some bills, Mr. Green, in this bill, his people in Auburn should be very proud of the way that he conducted himself. He worked hard, he worked diligently and really gave the committee a going over on this particular bill and I do compliment the gentleman for that.

Mr. Greene of Auburn was granted permission to speak a third time.

Mr. GREENE: Mr. Speaker and Members of the House: In response to the comments made by the good gentleman from South Portland, Mr. Curran, I feel I ought just rise again and make one final pitch for this. The gentlelady from Auburn Mrs. Trafton did a pretty good job at covering some of the areas that I couldn't cover.

First of all, Mr. Curran says that the issue with regards to the committee on the Majority Report, one of the things they considered was the fact that if they thought they were going to have an empty armory, well, so did I, so did the National Guard people and the guy on the second floor, the Governor, wanted some that way, I think, when he cut the \$50,000 out of the budget. I think there is room for consolidation within their budget and I will put an amendment on a bill any time I want to to delete funds or to raise money or to set policy or whatever. That is what we are here for and for some reason, if it is the National Guard, you know when you talk about switching the administration, I think the good lady from Auburn, Mrs. Trafton, hit the nail right on the head and that is all we are doing is switching the administration but people think we are attacking the National Guard. It is like the sacred cow and that is not our intent at all.

The bill should have probably gone to the Appropriations Committee, because I have spoken with members of that committee personally about this, I thank the good gentleman from South Portland, Mr. Curran, for the good compliments that he paid me but I did work hard on this, have to admit he is right but I spoke to people on the Appropriations Committee and they said, well look, we put the money back in but that doesn't affect your Resolve and I believed that, you know, I really did, I really didn't think it would have any bearing on the Resolve. Where we should have been was in front of the Appropriations Committee and had I known that they were going to be taking up the military budget at that public hearing, I would have been down there with my forces and you know something. I think the Appropriations Committee would have taken a very serious look at that issue and I think there was some sympathy on there for Auburn's problems and it

is not just Auburn's problem and the reason that Mr. Curran says I wasn't terribly interested in the statewide policy with regards to this, was the fact that it was late, the committee didn't seem too excited about it, there was a great deal of pressure now on committees to report its bills out, there were a couple of days deadline and they all have to be out of committee and they didn't seem to want to get into a study. But I would just say to this House that it is a statewide issue, it is not just a local issue. It happens to be local in this situation because Auburn is an example but it is a statewide issue and I would just urge you to support the Minority Report and vote against the Majority Report.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: Probably we shouldn't take too much more time on this issue but as the gentleman from South Portland was talking about, putting the National Guard out of the Auburn armory, all I could think of was putting widows and orphans out into the street and somehow; it doesn't strike me as being quite that serious. I have a question for someone on the State Government Committee if they could answer it. It seems to me that rather than having to justify why we shouldn't keep an armory open and funded by the state, it should be the reverse. The Military Bureau, or whosoever it is that is asking for this money, should have to justify why they need to have the Auburn armory and I wonder if they did give any justification to the State Government Committee as to why they need to keep this armory open when there is another armory only five miles away. It appears that at one point when they thought it wasn't going to be open, that they could get along quite well without it.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't come in here today expecting to speak on this subject but as a retired National Guardsman, I have some knowledge of the way National Guard units operate. I have to confess that I don't know whether this unit that is in Auburn is a unit or a part of a unit. If it is a separate company, the combining of this company with another unit, even though there would be another unit a few miles away, poses some serious problems. Each unit has its own equipment and I am assuming this is an engineer company from what I know of the distribution that they would probably have upwards of a million dollars worth of equipment that has to be stored and maintained and each company equipment needs to be kept separate from the other companies equipment because the company commander is responsible for this equipment.

The armories are used more than 39 days a year. They are used continually. The units drill one night a week or one weekend a month but the technicians who maintain the equipment and do the administration are there five or six days a week. Separate offices have to be maintained for each unit so there are problems about combining. It is not so easy to say just because there is an armory over here and there is an armory over there, you can combine them. It would be something like saying that the paper mill over here and the paper mill over there, why don't we combine them? Because if it is a separate company, in a sense, it is the same as separate private companies, each has its own things that have to be kept separate.

If this was purely a local issue, I might not have spoken on it, but it seems that we are talking about instituting a state policy where we are going to take the responsibility of deciding whether armories should close and units combined where this could seriously affect if it were extended beyond this, it would seriously

affect the organization and operation of the National Guard.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to commend both Mr. Green and Mrs. Trafton for the comments that they made. They make a lot of sense and I was sitting here and listening to them and I said, you know what we should do, we should take the people from Lewiston and move them to Auburn and Lewiston would end up with the armory because we need it a lot more than they do.

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

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: It is Company C that we are concerned with here and I would like to say that the idea of consolidation was not suggested by Auburn or by anyone in Auburn. This was suggested, as I said before, by Charles Reed, the Deputy Adjutant General and he was asking the 133rd Engineer Battalion if they could consolidate in Lewiston and the answer was, yes, when there were no monies available.

We are still willing to have Company C stay with us in Auburn. We are making a generous offer. We are saying that we will pay for the running of Hasty Armory and they can have the 39 days anytime they want them or if they so choose, they can consolidate in Lewiston but we are willing to pick up the day to day running costs of running that armory.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: I will be very brief. I just want to bring some things up here and you can vote the way you think you should.

I really dislike signing out this still "Ought Not to Pass" because the gentleman from Auburn, Mr. Green, has worked so hard on it and if I could one inch of leeway to sign it out "Ought to Pass," believe me, I would have. I just couldn't do it and I want you to know that the reason that we can't pass this is because we are talking about setting a precedent in the State of Maine for dealing with this kind of issue. The precedent that we are setting is the precedent that Mr. Biron alluded to and that was we are going to do it in Auburn and Lewiston and should the state get into the business of setting these yes and no's to other towns and cities in the state and that is the problem. As much as we all sympathize with Mr. Green and the others and I really wish I could support them, we really just can't. This is an issue that really says to the State of Maine, we cannot get involved in this kind of a deal.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I am a co-sponsor of this bill and proud to be and I would like to respond to the members of the House, to the statement just made by Mr. Diamond of Windham.

Why shouldn't we be in the business of saying, yes or no, when it comes to intelligent use of government facilities? That is what the people of Auburn, who day by day, see that building sitting there in the middle of an attractive park, the biggest park in the city, being virtually unused and knowing that it is going to waste, knowing that it has private donation money in it which was given to help build it originally, that it has city money in it, which was given as the city's share of the cost originally and knowing that it is not being effectively used.

The Governor of this state was willing to make that kind of yes or no decision in his recommended budget and I think we, as a legislature, are going to have to look at every government agency, whether they be sacred cows or not, and determine, indeed, whether buildings are being effectively used, how they

can be more effectively used and this is a simple bill to provide better use be made of an already existing facility, one which is used something over 30 days a year. There will be no loss to the National Guard, they can have a choice of consolidating in Lewiston, which is a perfectly adequate facility by their own admission or they can continue in Auburn under an arrangement with the city. People favor the up-keep cost of that building and it just makes intelligent sense to me to use our buildings more intelligently than we are now. This is a bill which allows that to happen.

I urge your support for the Minority Report.

Mrs. Trafton of Auburn was granted permission to speak a third time.

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say in response to the gentleman from Windham that not only have we been in the business of already deciding this kind of thing, I would like to give you some very specific cases of when the state has stepped in, made this policy decision, and disposed of land and property without consideration to various municipalities.

In terms of armories, there are only two which we can find in the records which have been conveyed by the state. Those of you in Portland will be happy to know that the Mill Street Armory was conveyed to Portland in 1962, through the gratis of the state in Rockland, in 1961, apparently we didn't have a building to give but we did give you a significant portion of land, again without consideration, that was associated with your armories.

For many years we have also given important land to cities without consideration. Hallowell, 8.2 acres of the former Stevens School; Bangor got 4.7 acres; Portland got 6 acres of land in 1941, which was formerly associated with the Boy's Training Center; Portland again got 40 acres for airport construction in 1955. When we disposed of the Senate hearings throughout the state, again, various cities Presque Isle, Fairfield, etc. benefitted from the state conveying these without consideration or minimal consideration. This is not precedent setting. We have done this before, we would like you to consider doing this this morning.

I would request 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 obviously more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, I would like to pair my vote with the gentleman from Augusta, Mr. Bustin. If Mr. Bustin were here, he would be voting yes; I would be voting no.

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

ROLL CALL

YEA — Alopis, Austin, Bachrach, Bagley, Bennett, Berry, Berube, Biron, Birt, Brown, K. L.; Bunker, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connors, Cote, Cox, Cunningham, Curran, Devoe, Diamond, Drinkwater, Dutremble, Elias, Fenlason, Garsoe, Gill, Gillis, Goodwin, K.; Gould, Huber, Hunter, Hutchings, Jackson, Jalbert, Kany, Locke, Lougee, Mackel, Marshall, Masterman, Masterton, McHenry, McPherson, Morton, Peltier, Perkins, Raymond, Rideout, Sewall, Silsby, Spencer, Sprowl, Stover, Stubbs, Teague, Theriault, Tozier, Twitchell, Valentine, Whittemore.

NAY — Beaulieu, Benoit, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Burns, Carey, Carroll, Connolly, Davies, Dexter, Dow, Dudley, Durgin, Flanagan, Gauthier, Goodwin, H.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Hughes, Immonen, Jacques, Jensen, Joyce, Kane, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Lizotte, Lynch, MacEachern, Mahany, Martin, A.; Maxwell, McBreairey, McKean, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Peterson, Post, Prescott, Quinn, Rollins, Shute, Talbot, Tarbell, Tarr, Torrey, Trafton, Truman, Tyndale, Wilfong, Wood, Wyman.

ABSENT — Carrier, Fowlie, LeBlanc, Littlefield, Lunt, McMahon, Mills, Moody, Palmer, Peakes, Pearson, Plourde, Smith, Strout, Tierney, The Speaker.

PAIRED — Ault, Bustin.

Yea, 63; No, 70; Absent, 18.

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

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

Committee Amendment "A" (H-598) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-607) on Bill "An Act Relating to Setting Determinant Sentences for Inmates Sentenced Prior to Enactment of the Maine Criminal Code" (H. P. 703) (L. D. 884)

Report was signed by the following members:

Mr. MANGAN of Androscoggin

— of the Senate.

Messrs. NORRIS of Brewer
HENDERSON of Bangor

Mrs. BYERS of Newcastle

Messrs. GAUTHIER of Sanford

BENNETT of Caribou

HOBBINS of Saco

SPENCER of Standish

DEVOE of Orono

TARBELL of Bangor

HUGHES 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:

Messrs. COLLINS of Knox

CURTIS of Penobscot

— of the Senate.

Reports were read.

On motion of Mr. Spencer of Standish, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-607) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-596) on Bill "An Act to Raise the Tax on Beer, Wine and Other Alcoholic Beverages to Provide Funds for the Operation of Alcoholic Treatment Facilities, the Establishment of Education and Treatment Programs for Alcohol Abusers Convicted of Operating under the Influence and other Minor Crimes and the Establishment of a Program of Substance Abuse" (H. P. 731) (L. D. 857)

Report was signed by the following members:

Messrs. WYMAN of Washington

JACKSON of Cumberland

MARTIN of Aroostook

— of the Senate.

Messrs. MACKEL of Wells

COX of Brewer

CAREY of Waterville

IMMONEN of West Paris

Mrs. CHONKO of Topsham

Mrs. POST of Owls Head

Mr. TEAGUE of Fairfield

— 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. MAXWELL of Jay

CARTER of Bangor

TWITCHELL of Norway

— of the House.

Reports were read.

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

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to ask the gentleman from Waterville, the Chairman of the Taxation Committee, if this is not a form of dedicated revenue and how percentage wise it is going to be funded? What happens this year and what happens if we have a deficit in our revenues of beer tax and wine, just how is this program going to be funded and how does that tie up with dedicated and undedicated revenues?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, has posed a question through the Chair to the gentleman from Waterville, Mr. Carey, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: This is a form of dedicated revenue and you are going to find that there are going to be two or three other bills that are coming through this body that are, in fact, dedicating some revenues but you will find that those dedicated revenues are having a sunset clause put on them. The Committee Amendment to this bill does, in fact, put on a sunset clause.

Unfortunately, what happens is that the committee assistant on this and several other bills got confused between a fiscal year, which is 1978 and the calendar year, which we are in, 1977 so we have got, as I recall, three years on this bill. We have some with two and three but we have two full years on this bill and the price tag is \$1.7 million this year; \$2.6 million next year. It does exactly with the alcoholic money what should be done with some of that money. It makes sure that we are using the very money that is creating the problem to treat the problem.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to perhaps someone from the Taxation Committee.

I understand this will also be used to free something like \$2.2 million from Title 20 funds in the Human Services Department. I guess I have two questions. This first one is, how will the department use the money that has been freed? Will they be then accountable for the programs they will start or whatever they will use it for? Secondly, under the present Title 20 rules and regulations, I understand that the people who are helped in this alcoholic treatment program are people who have no financial resources. Will this help anyone who is in need? That is, someone who has a job and needs help? Will he be turned away?

The SPEAKER: The gentleman from

Lewiston, Mrs. Berube, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: The freeing up of revenue, I believe, comes in the year 1978-79. That Title 20 money would have to go through the same processes I believe it is the Human Services Council on what kinds of programs are funded unless we enact a piece of legislation which gives us some control over federal money. The kinds of things that that money could be used for, homemaker programs, day care programs, programs for the elderly, and various social service type programs.

The problem is now if you have a rehabilitation center or a detoxification center, or any kinds of programs funded by Title 20, they can only serve people who meet the income guidelines. All of us are very much aware that the problem of alcoholism cuts across all income guidelines.

Under this particular bill, programs that were funded under this bill would be able to serve people of all income levels, although they would be able to charge for services if people had the ability to pay for those services. This particular bill, as you probably heard from the title, the intent of the bill as it stands now, provides operating funds for a three pronged attack on alcoholism. One is for education on substance abuse; one is for a mandatory involvement in a program if you are convicted of driving under the influence. The other is for more help with our detoxification and rehabilitation centers. Those three bills are all in the process now and have been heard by committees other than taxation.

I think what we would hope that you would do is to accept the Committee Report, have it go to second reading tomorrow, we can table the bill until we know whether or not all of this money is going to be needed. We would know, for instance, if the bill on education of substance abuse comes through. If this body decides to kill it, we won't need that amount of money, obviously, to fund the program. What we would like to do is to put it on the table when it is in a position to be amended so that we can perhaps deal with all of the several bills concerning alcoholism at one time.

As far as the question of dedicated revenue, it is dedicated only in that the issue of increasing the tax and the appropriation are in the same bill. It is not dedicated revenue in the same way that, for instance, highway revenues are dedicated.

As Representative Carey did mention, it has a two year time limit. We have the tax that is going to provide money to raise the services will only be on for a two year period. The appropriation is only there for a two year period. At that time, we would expect the state to come back so we can evaluate the efficiency and the effect of those particular programs. If we want to at the same time, I am assuming we would also evaluate the effect of the tax and for the legislature to make a decision on whether both the tax and the program should be continued at that time.

At this point, I would simply ask you to accept the Majority Report so we can put it on the table tomorrow.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address myself just for a moment to the good lady from Owls Head, Mrs. Post, by saying that I can't understand a report of a committee that comes fresh out of the committee and already we are told to table it for amendments. If the committee knew that there might be amendments that would be put on to this bill, why wasn't it done

in committee before it hit the floor and why within the very first ten minutes that it hits the floor are there amendments talked about?

As far as the alcoholic problem is concerned, I am one of those who worked very diligently with Senator Conley two years ago or four years ago, to work out a program. I have got a detox center at home but I question whether or not anyone is convicted of driving under the influence should necessarily be placed into a detox center. First, I think we ought to realize that he is going to have his license privileges taken away from him. If he pursues the art of drinking to a degree where he deserves to go into a center, he should.

My other questions I would like to ask probably would be addressed to other members of the committee. I don't necessarily address myself to the good gentleman from Waterville, Mr. Carey. I would just address myself to him and he can push off the duty to somebody else. I address myself to him as chairman of the committee. My questions are these, in the first place, where does Maine stand on beer taxation? Where do we rank? Where do we rank on wine taxation and other alcoholic beverages? The second question is, what is the price tag on this bill? The third question is, to the gentleman's memory or anyone else's memory outside of the 20 percent on tobacco which was removed because it became a very regressive tax, what tax since Maine has been a state has been put on and taken off inside of two years, 20 years, 40 years or 60 years?

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I think the question of why we didn't put the amendments on in committee, obviously I think the Taxation Committee would like to have kept this bill until the first of July or whenever it is that the session winds down, so we would know what action this legislature was going to take and what kinds of programs need to be funded. We are all very well aware that all bills had to be out of committee this Wednesday unless there was a special dispensation and then you have until Friday. This bill is meant to fund some programs which the legislature is in the process of approving and perhaps one or two of the chairmen of other committees would speak to this issue.

As far as the question as to where we stand on taxation, I am not sure whether we mean in terms of the tax we have or what. I will tell you that Maine presently spends two and one half cents of every alcohol dollar on alcohol treatment and education. The national average is six cents per dollar.

Maine ranks 37th in the nation in the amount of alcohol dollars spent on alcohol treatment programs. We have an economic report that I would be glad to share with the gentleman from Lewiston on the potential effects of an alcohol tax and the ultimate finding of that report was that increased tax on alcohol does not lower consumption. I don't think that we need to worry about a loss of revenue.

In terms of the price tag on this bill, it is on the second page of the bill under the appropriations section. It is, for 1977, \$1,700,589. For 1978, it is a little over \$2,500,000.

As I mentioned before, if the legislature decides that some of the programs that have been suggested are either not necessary or are not appropriate at this particular time and we, therefore, do not need this amount of money, then we can amend the bill and take those and reduce the price tag.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: Just briefly, I think it would be a good idea if we could hold this up somewhat so that we could take a look at the bills coming out of the other committees that

will be requiring money. For instance, the Health and Institutional Services Committee yesterday approved a Committee Amendment to a bill introduced by Senator Katz who would establish for the first time a statewide prevention and educational program on alcohol abuse with a price tag I think of about \$250,000 each year. We kept the price tag on it. The biggest problem we had was debating whether or not we were going to take this off and tie it into this taxation bill or exactly how we were going to do it. We decided to keep it on and report it out. Hopefully, we could deal with all of these together pretty much at the same time. I would just hope that the House would go along with holding this up until these other bills come out so that we can deal with this all at once.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would agree with the gentleman from South Berwick, Mr. Goodwin. I would only say that we could, at least if we are going to hold it up that we might get through the acceptance of the Committee Report. We do have an amendment to the Committee Amendment. It would be at that point that it would go into a second reading. At that point obviously, it would be scheduled for tomorrow in the second reading. At that point, it could be tabled either unassigned which the committee has no objection to or whatever you want to do with it.

As for the taxes that have been taken off quite facetiously, as a municipal officer, I would point out that the inventory tax has been taken off.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I would first like to say that I favor this bill.

I would just like to pose a question to somebody on the Taxation Committee. The questions I am going to receive at home is "How much does this mean per six-pack and per fifth of liquor?"

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

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I don't propose to answer that question because I don't buy beer or liquor so I don't know.

I would like to kind of caution the members of the House. One of the bills dealing with alcohol and drinking and driving came through our committee. As the gentleman from Owls Head said, because of the deadline we are also reporting that bill out. I have problems with all the bills and I have problems with this bill. I guess I have tried to take a mini-course in alcoholism, detoxification centers, what can be done, what should be done, and I am finding out a lot of conflicting and very distorted things. I would ask you to sincerely look at these bills that are coming out on this issue. There are several. They are in different committees. I am under the impression that what might happen is that we are going to be voting on something that we know very little about. When it gets down to the field of helping that alcoholic, there are problems. There are problems in too many professionals at the top and not enough people at the bottom who can legitimately and sincerely help the alcoholic.

There are problems with chronic alcoholics getting inside of the detoxification centers. When somebody is a chronic alcoholic and they are going through withdrawal, which is a medical situation and they don't get that help, they can die. I have problems that some of these centers are not open on the weekends. They are closed on a three day weekend. Therefore, the chronic alcoholic can only drink from 8:00 a.m. to 5:00 p.m. I have those kinds of

problems.

I would sincerely hope that you accept the "Ought to Pass" Report so that it can go in the second reading but I would ask you to keep an eye on it. I would ask that when you go back home to get into the bill and find out at least what we are trying to do. I have no problems about the area in which we are covering or the direction we are taking but I think if it is going to help the alcoholic, it is one thing but if we are going to help the professionals at the top that don't know what they are doing, that is another thing. I would ask you to look at these bills, find out what we are doing so we will at least have some idea as to what we are going to do in the next couple of weeks.

Mr. Jalbert of Lewiston was granted permission to speak a third time.

Mr. JALBERT: Mr. Speaker and Members of the House: Not one week goes by that in some form or another I don't help somebody or someone in somebody's family who is affected with this problem. As I stated, I was very interested in the problem from the very beginning. I can assure that as far as we are concerned in Lewiston, we have a detox center and it is open seven days a week, 24 hours a day. It is run very well.

My question has not been answered. I will try to answer it myself. There isn't a doubt that we are one of the highest if not the highest state in the union on beer taxes. I don't know about the wine situation but I know that we are quite high as far as our markup on liquor is concerned. My objection is the word "taxation". I am not going to vote for any tax bill at this session regardless of what it is. I have heard that through the halls of this House from one end of the hall of this House to the other. I have heard it outdoors. I have read about it in the press. I have heard about it on TV and everything else.

The lady from Owls Head, Mrs. Post, talked about later on amending this thing. Yet somebody else says that there is a sunset line on this thing. What are we going to amend? Something we don't have? I want these programs. I would vote for these programs that would help.

I will certainly join the gentleman from Portland, Mr. Talbot about his comment about programs that are really financed very highly from the top and there is very little left when it comes to the individual himself. I can assure the gentleman from Portland, Mr. Talbot, that that is not restricted to this alcoholism program. It is rampant throughout several of our programs. For instance, our Western Maine Transportation Program in our tri-county area reeks of it. It reeks of top flying administration. It is rampant all over the state as far as these things are concerned. I think what you have got to look at is this. This is a tax bill no matter how you look at it. I think it is a bad tax bill and I am not going to repeat what I know is on everybody's mind. This is just another vehicle to just help the coffers of New Hampshire.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: In order to answer the question that the gentleman from Sanford, Mr. Nadeau asked a minute ago, the bill calls for a four cent tax per gallon which boils down to one cent per quart which would average out to three cents per six-pack.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I think I perhaps should ought to explain why I signed the "Ought Not to Pass" Report on this. This does, as the good Representative from Lewiston says probably going to add to the coffers of New Hampshire for one thing. The price at the moment on beer, wine and liquor in the state of

Maine is tremendously high compared to other states in other parts of our country.

These are one of the reasons that I signed as I did. I am not opposed to using money to fund the alcoholic program, but I think that money shouldn't come from this particular spot. I think it should come from perhaps the total amount of money taken in by the state for liquor. It certainly shouldn't be added on to a place that is going to cause the small storekeeper to have to absorb an awful lot of this money.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: As a co-sponsor of this particular piece of legislation, I would like to go on record in support of it.

I can remember just a few short months ago the hue and cry that went through this House about alcoholism in our young people. Now you have got a chance to put it on the line and fund some programs. We have raised the drinking age but that is not going to solve the entire problem. Now you have got the opportunity to fund some programs that are needed in our schools. The chairmen of four committees met the other day. We all have bills relating to alcoholism. It was our thought that what we would do is hold these up until the House had all of them and saw the entire package before you make your decision.

I am going to pick a ballpark figure; I have reduced it from what I have heard before, but liquor revenue in this state, including the federal revenue, totals somewhere in the vicinity of \$40 to \$45 million a year, and how much of that goes into alcohol prevention and education? It is so little it is enough to drive you to drink, so I hope you support the majority report.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: In essence, this is an omnibus tax bill to fund an omnibus selection and group of bills aiding in alcohol rehabilitation and education, many of which would be brand new programs and many of which I hope this House will have an opportunity to study and to scrutinize in the coming days.

However, there is one law on the books now under Title 22 that has not been funded and cannot be fully used that this legislature passed, I believe, back in 1973, that if funds were available could allow us to fully utilize the law, and that applies to alcohol rehabilitation programs. This state does not have, and I quote right out of the law, "an approved public treatment facility with high standards" that the gentleman from Portland has urged that we request and that we watch for "we do not have an approved public treatment facility in this state." So we cannot use and fully use Title 22 to its maximum potential. This law has been on the books for over four years, so we have some laws already on the books that wouldn't require brand new programs if we could only fund them.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: I have a problem with this tax. I am all in favor of trying to cure anyone who has a drinking problem, but I certainly don't feel that we should have rehabilitation centers just for the purpose of drying someone out. It really upsets me when I head the commercial on radio that says "You are a stranger only once." By this statement, I get the feeling that they want this individual to be a regular customer.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief

this morning and unemotional. Let me say at the outset that I have voted for tax increases in this legislature over the past ten years for elderly, youth; every program that this legislature deemed was necessary to alleviate and prevent human suffering, I have been for. I have stood up, I have gone back to my constituents and the people who put me in office and I have explained to them as best I could what these tax increases were about and the programs that they were used to fund, and I have stood on the firing line and I have accepted the flak and I have come back.

This morning we have heard a lot of talk about everybody that wants to help. Everybody thinks it is wonderful, that the alcoholic should be helped and he should be treated, but we don't want to pay for it, we will help them but we can't pay for it.

We would love to have the programs, and the gentleman from Bangor has explained about the approved treatment facility. That is where you take people who won't go voluntarily, you take them involuntarily and they can hold them down until they can be properly disposed with.

I am not going through the whole deal of L. D. 1776 that has been with us a few years and, unfortunately, we have not funded it. To answer the good gentleman from Portland, Mr. Talbot, I have worked on both ends of treatment facilities, going out bringing people in and working with them and do it, and I can allay your fears in our area where the shelter that I was instrumental in getting going, that does nothing but provide shelter for those unfortunate souls who are sick, would lay in the snow and freeze to death. That is open, incidentally, 24 hours a day, seven days a week, and I would challenge anyone to show me that at any time that hasn't been open since it was opened. We would like to make an approved — and don't get a misconception, the word approved means that you have to set up to hold people against their will in a certain section. Rather than taking them to jail, you take them to an approved public treatment facility and there you may keep them until they can be worked into the program.

Now as I said, I am not going to get emotional. I would hope and pray that this morning we could accept the majority report of the Taxation Committee that I know has put hours of work into this, and put it on the table and then take the rest of these programs that are coming along that are humanitarian programs, and I am sure that the people involved in the liquor business, even though it may create somewhat of a problem, and a deficit. As one gentleman who testified before the Taxation Committee at the public hearing stated, that he had been through a facility and he had paid state income taxes, apparently he was one of these fellows who was very able, that probably in the past two years would amount to three or four times the amount of money that it had taken to treat him, he was down and out, he was on the bottom, he didn't have a dime. I think it was from the Lewiston area, although I am not positive, and he went to the treatment facility, he was brought back and he is a taxpaying citizen that is putting literally, according to this testimony, thousands of dollars back into the system every year. Multiply that by ten, multiply it by a hundred, multiply it by a thousand, it is not a loss, but if it were, think of the hours of human suffering that you would be alleviating. I hope you will accept the Majority "Ought to Pass" Report.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: The \$40 million figure that Mr. Curran just gave us a few minutes ago, I contend is a very good reason why we should kill this bill. If the state is getting already \$40 million in revenue out of liquor, beer and wine, then that is exactly the place to take the money

to do what you people want to do with this bill and not put an additional tax on it.

In answer to Mr. Jalbert, it is my understanding that the State of Maine is about eighth in the nation in the high taxes of liquor and beer.

In answer to Mr. Nadeau, according to the bill, it would cost an additional tax of 2 cents per six pack, 1 cent per bottle of wine, and on a \$5 fifth of liquor, an increase of 15 cents. This may be minimal to most of you, but I again contend that if the state is getting income of \$40 million a year, if you want to do this, then take the money from what we are already getting and not put an additional tax on.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Truman.

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

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

A vote of the House was taken.

67 having voted in the affirmative and 24 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-596) was read by the Clerk.

Mr. Carey of Waterville offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-622) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill 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. 1303) (L. D. 1541) Bill "An Act Concerning Recovery of Damages by the Consumer" — Committee on Business Legislation reporting "Ought to Pass"

(H. P. 1260) (L. D. 1489) Bill "An Act to Clarify Certain Statutory Provisions for the Licensing of Camps, Eating and Lodging Places" — Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 587) (L. D. 714) Bill "An Act Appropriating Funds to the Department of Human Services for Emergency Medical Training of Ambulance and Rescue Personnel" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-614)

(H. P. 269) (L. D. 346) Bill "An Act Authorizing the Board of Osteopathic Examination and Registration to Establish Rules and Regulations for Physicians' Assistants, Supervising Physicians and other Delegated Physicians" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-613)

(H. P. 807) (L. D. 983) Bill "An Act to Amend the Insurance Laws Regarding Licensing Procedures for Agents of Fraternal Benefit Societies" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-617)

(H. P. 875) (L. D. 1068) Bill "An Act Relating to Music, Dancing or Entertainment" — Committee on Liquor Control reporting "Ought to Pass" as amended by Committee Amendment "B" (H-621)

(H. P. 1325) (L. D. 1642) Bill "An Act to Require Housing Authorities and Other Agencies to Submit Annual Reports about Housing Programs" — Committee on State Government

reporting "Ought to Pass" as amended by Committee Amendment "A" (H-623)

(H. P. 679) (L. D. 941) Bill "An Act Concerning Review of Corporate Certificates and Other Documents" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-625)

(H. P. 474) (L. D. 580) Bill "An Act to Provide for the Restrictive Licensing of Certain Financial Institutions" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-627)

(S. P. 410) (L. D. 1418) Bill "An Act Appropriating Funds from the General Fund for the Purpose of Developing a Parking Lot in Lincolnville" (Emergency) — Committee on Transportation reporting "Ought to Pass"

(S. P. 118) (L. D. 277) Bill "An Act Amending the Maine Automobile Insurance Cancellation Control Act" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-223)

(S. P. 104) (L. D. 233) Bill "An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration and the State Liquor Commission for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-222)

(H. P. 1473) (L. D. 1735) Bill "An Act to Establish a Bill of Rights for Mentally Retarded Persons" — Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-631)

(H. P. 1035) (L. D. 1266) Bill "An Act to Improve the Juvenile Judicial Systems by Authorizing Juvenile Court Intake Workers in the Department of Mental Health and Corrections" — Committee on Judiciary reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of June 16, under listing of the Second Day.

Consent Calendar Second Day

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

(H. P. 246) (L. D. 336) Bill "An Act to Revise Certain Motor Vehicle Related Laws" (C. "A" H-597)

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

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-597) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 1392) (L. D. 1610) Bill "An Act to Require Speedy Disposition of State Employee Classification Requests"

On the objection of Mr. Howe of South Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

(H. P. 1390) (L. D. 1733) Bill "An Act Creating a Maine State Board for Registration of Architects and Landscape Architects" (C. "A" H-600)

On the Objection of Mr. Curran of South Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-600) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 1278) (L. D. 1509) Bill "An Act to Extend Collective Bargaining Rights to County Employees" (C. "A" H-602)

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.

Passed to Be Engrossed

Bill "An Act to Prohibit Otter Trawling for Scallops in the Penobscot River" (H. P. 1147) (L. D. 1381)

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

Bill "An Act Prohibiting the Dissemination of Obscene Matter to Minors" (S. P. 533) (L. D. 1861)

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

Senate Amendment "A" (S-216) was read by the Clerk and adopted.

Mr. Howe of South Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-637) was read by the Clerk.

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

Mr. HOWE: Mr. Speaker and Members of the House: This amendment has just been put on your desks. You may be looking for it, as I see the gentleman from Anson looking for it, and I will explain it.

As you know, I supported this report yesterday and then the gentlewoman from Falmouth, Mrs. Huber, raised a question which I think pointed out a legitimate problem in the bill. On the top of the second page of the bill, under Sub. A of the general rule, it says (this is an original bill) "this section shall not apply to any non-commercial distribution or exhibition for purely educational purposes by any library, museum, public school, private school or institution of learning."

Now, what I am doing, first of all, is to add to that list a gallery, art gallery and second of all, including in the exemption "the commercial distribution or exhibition by any art gallery or museum." The reason I am doing this is because a museum and an art gallery are not necessarily the same thing and galleries or museums not only exhibit works for the public to view but a gallery, at least, may offer them for sale, and I don't believe that we want to be in a position of hauling artists into court based upon their work for sale. Therefore I am offering House Amendment "A", and move for its adoption.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: To the surprise of everybody, I have no objection to this amendment.

Thereupon, House Amendment "A" was adopted.

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

Bill "An Act to Provide for the Licensing of Denturists" (H. P. 1690) (L. D. 1878)

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 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) (S. P. 173) (L. D. 490) (C. "A" S-210)

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: I ask that this be set aside because I am curious to know why the state should be appropriating funds to the Maine Health Systems Agency when it is a federal program, and I wonder if perhaps the gentlelady from Portland, Mrs. Najarian, can tell us a little about this Health Systems Agency and just why we need state funds for a federal program?

The SPEAKER: The gentlewoman from Auburn, Mrs. Lewis, has posed a question through the Chair to the gentlewoman from Portland, Mrs. Najarian, who may answer if she so desires.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I was beginning to think Mrs. Lewis was never going to ask. The health systems agency has come about because of a federal law which was passed in 1974. This law combines the former comprehensive health planning agencies and the regional medical development programs into one agency, and it was the health systems agency, and I might add with one half the funding of the previous two programs.

I will read you the findings and the purpose of the federal law. You are probably going to get more information than you want to know. "Number one: The achievement of equal access to quality health care at a reasonable cost is the priority of the federal government. Two: The massive infusion of federal funds into the existing health care system has contributed to inflationary increases in the cost of health care and failed to produce an adequate supply or distribution of health resources and, consequently, has not made possible equal access for everyone to such resources. The many and increasing responses to these problems have not resulted in a comprehensive, rational approach to the present (a) lack of uniformly effective methods of delivering health care and (b) distribution of health care facilities and manpower and (c) the increase in cost of health care.

"Increases in the cost of health care have been uncontrollable and inflationary and they are presently inadequate incentives for the use of appropriate alternative levels of health care and for the substitution of ambulatory and intermediate care for inpatient hospital care. In recognition of the magnitude of the problems and the urgency placed on their solution, it is the purpose of this act to facilitate the development of recommendations for a national health planning policy to augment statewide and state planning for health services, manpower and facilities and thereby creating the ability for the states to establish their own health systems agencies."

The function of the health systems agency is to improve the health of residents of a health service area, increase the accessibility, acceptability, continuity and quality of health services provided them and restraining the increases in the cost providing them health services. This act became effective in 1975 and during the year of 1975, public hearings were held all over the state at the instigation of our Governor to determine whether Maine should have one, two, or three health systems agencies. After the public hearings were completed, those who were advising the Governor decided that we should have one health systems agency with sub-area councils in the local areas to feed into the one health systems agency, and that was the Governor's intention.

The one system for Maine was created to serve the entire state, the entire state would be one health service area, but they have not been able to establish the regional councils due to lack of funds.

They are required by law to develop a health plan for the State of Maine. It was supposed to be completed by April 1, 1978. The intent of this bill was to provide some money so that they could get some input from the citizens in local areas on what they perceive their health problems to be rather than to have it decided by a group simply working out of Augusta. That is just one of the functions that this agency is supposed to perform. They are supposed to determine the status of the health of the residents of Maine, the status of the health care delivery system of the area and the use of the system by the residents of the area, the effect the area's health care delivery system has on the health of the residents in other areas and the number, type and location of the areas health resources, including health services, manpower and facilities and the pattern of utilization of the areas in its health resources and the environmental and occupational exposure factors affecting immediate and long-term health conditions.

Certainly, Maine has a stake in seeing that all of the functions of this agency are able to be carried out efficiently and rationally, because we are appropriating about \$30 million of state money for health care in this state right now. That is not to mention the cost to private companies that pay insurance benefits and your premiums to Blue Cross and Blue Shield and other private health insurance companies. Certainly, we have a great stake in participating and seeing that this outfit is able to work effectively. Increases in health care in the next biennium alone are over 45 percent, 45 percent growth in health care costs in the next biennium over this.

I would just like to say, in addition, that when the federal government passed this law, they also limited who the agency could receive funds from to match federal dollars. The previous agencies could receive money from hospitals, they could receive it from insurance companies which would somehow tend to maybe interfere with their independence, but the new federal law prohibits the health systems agency from accepting any funds or contributions or services or facilities from any individual or private entity which has a financial fiduciary or other direct interest in the development, expansion or support of health facilities or directly engaged in the provision of health care service in the State of Maine. That is so they really look hard at all the proposals that are coming before them from hospitals for expansion and so forth so they can be completely independent.

Their original request was for \$100,000. The Appropriations Committee asked if they could revise that downward. They did so reluctantly and came in with a request for \$50,000 for each year of the biennium, the purpose of which they intend to use it is to meet the minimum federal program requirements for a fully operational health planning and resources development program for Maine, including project review, planned development, data and research information, education administration, etc., and enabling them to administer a one million dollar health development fund, provide for public involvement in the health planning sub areas on a limited basis, provide rural communities seeking federal and state assistance for needed health services with some staff support, etc., etc.

We again reduce their \$50,000 appropriation requested to \$25,000 in each year of the biennium. We gave them \$25,000 last year. They did not even get a 5 percent increase. I think that so far, they have only been in operation for about a year, and I think they already have saved the state over \$300,000 in preventing new facilities from being built. I think they are doing a great job and I hope that you will find no problems with this request.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I thank Mrs. Najarian for her explanation. You would hardly think there could be any questions left that anybody would have to ask because she certainly gave us a very complete explanation. However, I do have two small ones. One is, I am wondering if this health systems agency is in competition with any kind of agencies that we might have, local or state, and the other question is, because it is a federal program, do we have to have it? That is not saying that I don't like it, but I am just wondering if it is in competition and if it is something that we have to have whether it is in competition or not and whether we like it or not.

The SPEAKER: The gentlewoman from Auburn, Mrs. Lewis, has posed a question through the Chair to the gentlewoman from Portland, Mrs. Najarian.

The Church recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: No, this agency is not in competition with any other agency. In fact, the same public law that established the health systems agency also provides for sort of a dual or complimentary role by the Department of Human Services. In some areas they work together. The health systems agency recommends certain things to the department and then they have the final approval or disapproval. Is it something that we have to have? Yes, it is, because if we don't have it, we lose all federal funds for health and development in the State of Maine.

Thereupon, the Bill was passed to be engrossed as amended in concurrence.

Bill "An Act to Clarify Physician Certification of Patient Deaths in Maine Nursing Homes" (S. P. 408) (L. D. 1416) (H. "A" H-605 to C. "A" S-189)

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

Tabled and Assigned

Bill "An Act Relating to Approving and Financing School Construction" (Emergency) (H. P. 477) (L. D. 583) (C. "A" H-559)

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

(On motion of Mr. Lynch of Livermore Falls, tabled pending passage to be engrossed as amended and tomorrow assigned.)

Emergency Measure Tabled Unassigned

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

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

(On motion of Mr. Quinn of Gorham, tabled unassigned pending passage to be enacted.)

Passed to Be Enacted Emergency Measure

"An Act to Clarify the Criminal History Record Disclosure Law" (H. P. 1039) (L. D. 1280)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

"An Act Establishing the Maine Student Incentive Scholarship Program" (S. P. 423) (L. D. 1481) (H. "C" H-491; H. "G" H-490 to C. "A" S-133)

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.

Enactor Tabled and Assigned

"An Act to Provide for the Immediate Issuance of Food Stamps for Needy Families" (S. P. 531) (L. D. 1853)

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

(On motion of Mr. Quinn of Gorham, tabled pending passage to be enacted and tomorrow assigned.)

"An Act to Merge the Passenger Tramway Safety Board with the Board of Elevator Rules and Regulations" (S. P. 532) (L. D. 1860)

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.

Later Today Assigned

"An Act to Clarify and Reform the Laws Relating to County Law Enforcement" (H. P. 214) (L. D. 224) (H. "A" H-415 to C. "A" H-387; H. "A" H-416; H. "B" H-563; S. "A" S-183; S. "C" S-200)

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

(On motion of Mr. Curran of South Portland, tabled pending passage to be enacted and later today assigned.)

"An Act to Prohibit the Sale of Gasoline Below Cost to Destroy Competition" (H. P. 455) (L. D. 560) (C. "A" H-506)

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

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I feel that this might be one of the bills that we enact here today, very innocuous bill that was going to have some long range complications. I respect very much the gentleman who offered the bill. I would simply ask for a roll call on enactment so that when the future comes and gas prices end up higher rather than lower around the state, we will have a record of those of us who voted against the bill.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the good gentleman from Kennebunkport because, in my opinion, it is not an innocuous bill whether my name is on the bill or not. This bill came before this legislature because of a study taken on behalf of the Energy Committee. I will tell you exactly what the major distributors are doing in Maine in terms of how fearful Mr. McMahon or even myself may be on the increased prices of gasoline to the consumers.

You have got four or five major distributors in the state who are wholesaling gasoline and they are also retailing it. I will give you an example. In Portland, just last week I stopped to buy gas at a station and it cost me 60.9 cents a gallon. The fellow who was operating the station said to me, "I hope you are one of those legislators in Augusta that is supporting an act to prohibit the sale of gasoline below the cost to destroy competition" because here is what was happening, his supplier was running a station just 60 yards down the street and, no, it was not for the same price, Mr. Hall, he was selling it cheaper than he was selling it to the fellow who was distributing it where I was buying my gas. This is what is happening. It is happening in other states and it is happening right here in Maine. Not all the distributors are doing it, but some of them are. You want to talk about fair competition? That is exactly what this bill does.

Some distributors will not be underwriting their retail sales with their wholesale operations, that is why the bill is in here. That is why Mr. Davies who served on the committee with me at that time, Mr. Kerry, because he had some problems in York County, he wanted to cosponsor the bill, and Mr. Connolly who also served on the committee, that is why the bill is here. It is not a frivolous piece of legislation; it is a darn good piece of legislation. I am proud to have my name on it and I am delighted that the gentleman asked for a roll call so my constituents know where I stand on this.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: With all good due deference to the gentleman from Bangor, Mr. Kelleher, I think I used the term "innocuous" meaning "seemingly harmless" or "seemingly unimportant." I did not attempt to indicate or should not have attempted to indicate that it was not a worthwhile bill.

I understand the reasons for the bill. The gentleman restated them very well and I understood them from the beginning. However, I have no doubt that the result of this bill will be that the consumer will pay higher prices at the pumps and, ladies and gentlemen, I don't want to be associated with that on the record.

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

Mr. BOUDREAU: Mr. Speaker and Members of the House: This bill is one of the four or five bills the Energy Committee has dealing with vertical integration of the gasoline market, etc. This is the only bill that we have come out with unanimous "Ought to Pass;" all the other bills were killed. And as far as the price going up, if those four or five distributors get to corner the market, which they eventually are going to do if they are allowed to sell gasoline below their own cost, if we allow that to happen, then the consumer in the long run is going to pay a heck of a lot more than he is paying right now.

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

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

The SPEAKER: The pending question is on passage to be enacted. All those in favor of this Bill being passed to be enacted 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. C.; Bunker, Burns, Carey, Carroll, Chonko, Churchill, Clark, Conners, Connolly, Cote, Cox, Curran, Davies, Dexter, Diamond, Drinkwater, Dudley, Dutremble, Fenlason, Flanagan, Fowlie, Gauthier, Gillis, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Immonen, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lizotte, Locke, Lougee, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Maxwell, McBrearty, McHenry, McKean, McPherson, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Sewall, Shute, Silsby, Spencer, Stover, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Torrey, Trafton, Twitchell, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Ault, Birt, Brown, K. L.; Carter, D.; Carter, F.; Cunningham, Devoe, Durgin, Gar-

soe, Gould, Hunter, Hutchings, Jackson, Jacques, Lewis, Littlefield, Mackel, Masterman, McMahon, Norris, Rideout, Rollins, Sprowl, Tozier, Truman.

ABSENT — Bustin, Carrier, Dow, Elias, Gill, LeBlanc, Lunt, Mills, Moody, Palmer, Peakes, Pearson, Smith, Strout, Tierney.
Yes, 111; No, 25; Absent, 15.

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

Signed by the Speaker and sent to the Senate.

"An Act to Repeal Certain Laws Relating to Transportation" (H. P. 1056) (L. D. 1288) (C "A" H-515)

"An Act to Permit Farmers to Shoot Marauding Animals" (H. P. 1242) (L. D. 1467) (C "A" H-516)

"An Act to Avoid Delays in Payment of Workmen's Compensation Claims because of the Involvement of Two or More Insurance Carriers" (H. P. 1261) (L. D. 1490) (S "A" S-211)

"An Act to Amend the Laws Relating to Criminal History Record Information" (H. P. 1629) (L. D. 1832) (H "B" H-514; H "C" H-545)

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.

Later Today Assigned

"An Act Relating to the Practice of Real Estate Brokers and Salesmen" (H. P. 1631) (L. D. 1833) (H "B" H-544)

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

(On motion of Mr. Jackson of Yarmouth, tabled pending passage to be enacted and later today assigned.)

Finally Passed

RESOLVE, Authorizing the Secretary of State to Convey the State's Interest in a Lot in Waldoboro, Lincoln County, to Clarify Title. (H. P. 1193) (L. D. 1426)

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

Ms. Goodwin of Bath was granted unanimous consent to address the House.

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I am about to do something which is not very pleasant. First, I am going to read to you a letter which has been distributed to all members of the Appropriations Committee and which I assume by now has been distributed to the press, I will then respond.

"David Huber, Chairman, Appropriations Committee: Dear Dave: I am writing you as chair person of the Appropriations Committee, with copies to each and every member of the Committee, and while I would appreciate a committee response if possible or convenient, I would also welcome individual expressions and/or answers to some serious questions from any single member of the committee as it relates to the deliberations, thinking and, more significantly, the recommendation from the Appropriations Committee as now contained in the bill as I understand is now en route to this office.

"Most of all, I think the people of Maine, as well as individual legislators, who I am told are confused, and this Governor, are deserving of explanation and clarification of the spending approach and patterns as recommended by you and your committee unanimously. Once again, I want to say that I think you have had a most difficult assignment with a very large and diverse committee. As a result of this diversity, there is

considerable confusion in my mind and in the minds of some legislators and certainly many people in Maine, particularly the elderly and the needy students at the University, as to the reasoning of the Appropriations Committee in these areas.

"Number one, how does the Appropriations Committee, particularly those members who hold themselves out as champions of the elderly, explain their actions as part of a unanimous vote in shortchanging the elderly or failing to support even an increased cost of living consideration for those on elderly rent relief as contrasted to additional money for the university while they are made to stand in line?

"Number two, how does the Appropriations Committee, particularly those championing the elderly in need, reconcile postponing action on a drug program for the elderly in need while millions more go to the university bureaucracy?

"Number three, how does the Appropriations Committee explain placing the needs of needy students, including those in the university system as second-class citizens as contrasted with additional millions for the university bureaucracy of a multiplicity of campuses or the homes or cars provided personnel?

"Number four, how does the Appropriations Committee justify subsidizing out of state students at the expense of the retarded and the elderly and other people in Maine in need of more help? Does the Appropriations Committee realize that the university has even postponed effective action on a miniscule tuition increase for out of state students that will generate an additional million dollars for the university? Does the Appropriations Committee realize that even with this proposed increase, even without beginning to charge the cost to the taxpayers of out-of-state students, if they simply place their charges in line with other outstanding universities of Vermont and New Hampshire, they would generate at least \$4 million plus? How does the Appropriations Committee possibly explain this injustice on the people of Maine to the extent we are subsidizing wealthy out-of-state students just so the university can play the numbers game with other universities at the expense of the people of Maine?

"Number five, how does the Appropriations Committee justify shortchanging every person who owns or rents a home in Maine as part of a household while it rewards more overspending in the form of an additional blank check for the university? We have submitted to the legislature a program that would start paying back to the 320,000 households in Maine part of their own dollars that have been wasted by the university in the past and by unnecessary government spending. Please don't tell me seven, eight or ten dollars for each of these 320,000 households in Maine is not important, or at least explain to me why it is more important to throw their money away at their expense and reward a university that has not begun to practice the fiscal responsibility of your committee and this Governor, even though I feel you have been fiscally irresponsible with the taxpayers' dollars as it relates to the university.

"Number six, while I do not want to approve of any additional blank check dollars for the university waste until they clean out their own waste, what assurances are you and your committee willing to give the people of Maine and this Governor that dollars for the elderly and the retarded and the needy students and the needs of the people of Maine will be met in your Part II Budget anymore than you have given them decent and/or fair consideration in your Part I Budget?

"I would genuinely welcome input and specific suggestions and ideas on your plans for the elderly and the retarded and those in need before I act on the Part I Budget. I think this would be rather helpful to individual legislators

as well as to this Governor and the people of Maine, rather than have any further last minute take-it or leave-it package or any further pork barrel spending in order to simply get a unanimous vote. While a unanimous vote of the Appropriations Committee might be important to you and to the Committee process, I feel that it is more expensive to the people of Maine.

"In the final analysis I don't feel I would be keeping faith for the people of Maine or with individual legislators if I agreed to sign an Appropriations Bill without some assurance that the real people programs for the elderly and retarded are going to be given at least some consideration as university spending.

"We stand ready to work cooperatively with the legislature and should there be any further questions, we will be in contact with you. Meanwhile, we would appreciate some answers in order to help us understand better the thinking of the committee. Frankly, I think the people of Maine, as well as individual legislators and this Governor, are deserving of an explanation. Very truly yours, James B. Longley."

"P. S.: In view of the fact that I have been asked for a response to the appropriations bill, I intend to release this letter after it has been delivered." Rather long — I am sorry to take up so much time, I hope I didn't read it too fast.

The first thing I would like to point out, there is not one chair person at the Appropriations Committee, there are two.

I would also like to express what I consider an appalling lack of understanding on the part of the Chief Executive of this State of the budgetary process that this legislature must go through. We have a Part I and a Part II Budget. Part I is current services and current services only and does not allow for any expanded or new programs, and it was explained very carefully on the floor of this House why we removed those programs such as tax relief, such as drugs, such as the sales tax exemption.

I suppose that I am one of those members, perhaps "the" member, who holds themselves out to be a champion of the elderly. I will stack my record on the elderly up against the Governor's anyway, anytime, anywhere. I was a sponsor of the original tax relief bill and I am the sponsor of his bill to expand that program this year. I was the sponsor of his drug bill two years ago which gave a lousy one dollar to the elderly of the state of Maine.

We have given the university more money, yes; we have given them less than they need. We have brought them back to their 1974-75 level. If we don't do something soon, the tuition will become so high there that the university will not be able to meet the needs of the students that it is supposed to serve.

As for the retarded, both the Senate Chairman and I have already sent a letter to the Commissioner of Mental Health and Corrections assuring him that Pineland is the top priority for the Part II Budget.

I, for one, have stated on more than one occasion that if the elderly are not treated fairly in Part II, I will bolt the committee, even in my position as chairman, and sign a separate report. As for pork barrel spending, some of the biggest percentage increases in the budget the Governor presented to us were in his own bureaucracy. So evidently what is sauce for the goose is not sauce for the gander.

I also believe he does not understand the separation of powers. It is the legislature's job to make the laws according to our own best judgment and to our conscience. It is his job to either sign or reject and then to enforce those laws. I believe the Appropriations Committee did the best job that it could. I am proud of each and every member and I will stand on that record. (Applause, the members rising).

Mr. McBreairsty of Caribou was granted unanimous consent to address the House.

Mr. McBREAIRTY: Mr. Speaker and Members of the House: To show that this feeling is bipartisan, I wish to say a few words too. It has been very hard for me to communicate with the Governor, especially this year, because he has been so busy dictating bills, Governor's bills, that if passed would give him the power of a dictator.

A very good example of Governor Longley's version of fiscal responsibility is his acceptance of several hundred million dollars of federal money to fund hundreds of programs for the next biennium and then finally turning a \$100,000 grant to help disabled veterans. Another example of his fiscal responsibility is violently criticizing the Appropriations Committee for increasing the University of Maine budget by 7 percent for the first year and 5 percent for the second year of the biennium, while at the same time he was asking the Appropriations Committee to increase the budget for his own personal office by 53.3 percent. I assume that all the new offices on the second floor with the tightly closed doors marked "Executive" are responsible for part of the 53.3 percent increase.

A third, and by no means last example of Governor Longley's fiscal irresponsibility, is the acceptance of a 75 percent increase in his own salary while thousands of other dedicated state employees are told to tighten their belts in order to balance his budget.

Our state government is made up of three very important branches — Legislative, Judiciary and Executive. When we play as a team, no doubt we have the best form of government in the world. Very few games have ever been won when one player dominates the ball and continually criticizes the other players for all the mistakes made in the game. It is very hard and discouraging for the legislature, especially the Appropriations Committee, with double digit inflation to try to balance the budget and at the same time to play the game fair to the poor, mentally ill, senior citizens, state employees, education and the taxpayers of Maine.

The point I have tried to make is that it will be very difficult for any of us to win if one player, the Governor, continues to criticize, dictate the rules as we go along and continually try to control the ball. Just because the legislature's priorities sometimes differ from that of the Governor does not mean we are not trying very hard to be fiscally responsible and do what is best for all the people of the State of Maine.

I hope more of you will realize, as I have, that the super insurance salesman we backed back in 1974 is now the super politician of 1977.

After many weeks of long hours and hard work, we have presented a budget to the Legislature and the Governor, Part I Budget, and hopefully will report a Part II Budget that will offer relief to many who were not included in the Governor's budget and still stay within our income for the next biennium.

I have made the statement many times that when I wanted to listen I have never talked with anyone who could not tell me something I did not know. If Governor Longley would stop criticizing and dictating long enough to listen to and communicate with the 184 elected legislators and his many appointed efficient, experienced, well qualified department heads who would like to take part in the game, I am sure the State of Maine would stand a much better chance of winning. I have been trying in vain for months to communicate with Governor Longley on several matters I felt were very important to the State of Maine. Being a faithful reader of the government's news releases criticizing the legislature, it finally dawned on me that I might reach him the same way. (Applause, the members rising).

Mr. Morton of Farmington was granted unanimous consent to address the House.

Mr. MORTON: Mr. Speaker, I am very pleased that the gentlelady from Bath took the opportunity to read this letter before the House, because as she read it, I followed it along. I am very much disturbed at the diatribe directed against the university paragraph after paragraph in this letter. I know nothing about the so-called postponed tuition increase in out-of-state tuition and I will certainly be happy to look into that situation and find out exactly what the trustees are doing in that connection.

But it is not fair to equate the university with New Hampshire and Vermont for many reasons, and one of them is that the costs at the university are very low because we have done so little for the university and the result has been low salaries and inadequate supplies in many areas. So the university has not had over support. The use of such words as "shortchanging, injustice, play the numbers game" do nothing to bring Maine people together. The university has even in the Governor's words, in the past done something towards improving their situation. He has given them some praise in the past, he wants them to do more. Well, I tell you, ladies and gentlemen, that is fair enough. The university will have to do more belt tightening, even with the dollars we have given them.

Orders of the Day

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

Senate Divided Report — Majority (10) "Ought to Pass" — Minority (1) "Ought Not to Pass" — Committee on Veterans and Retirement on Bill "An Act to Revise the Judicial Retirement System" (S. P. 497) (L. D. 1776) — In Senate, Majority "Ought to Pass" Report Read and Accepted and the Bill Passed to be Engrossed.

Tabled — June 13, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Acceptance of either Report.

Mr. Theriault of Rumford moved that the Majority "Ought to Pass" Report be accepted in concurrence.

On motion of Mr. Quinn of Gorham, tabled pending the motion of Mr. Theriault of Rumford to accept the Majority Report in concurrence and specially assigned for Friday, June 17.

The Chair laid before the House the second tabled and today assigned matter: Bill, "An Act to Appropriate Money for Improvements to Airports and to Authorize General Fund Bond Issues in the Amount of \$1,200,000" (H. P. 1409) (L. D. 1684)

Tabled — June 13, 1977 by Mr. Strout of Corinth.

Pending — Adoption of Committee Amendment "A" (H-591).

On motion of Mr. Garsoe of Cumberland, retabled pending adoption of Committee Amendment "A" and tomorrow assigned.

The Chair laid before the House the third 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 13, 1977 by Mr. Spencer of Standish.

Pending — Motion of the same gentleman 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 matter lie on the table for one legislative day.

Whereupon, Mrs. Berube requested 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 tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

24 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

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

Mrs. BERUBE: Mr. Speaker and Members of the House: I would like to ask another thing, that you do not accept the Minority "Ought Not to Pass" Report but instead defeat the motion that is before you, I believe, and accept the Majority "Ought to Pass" Report.

I believe that the reason that some may want to defeat the Majority "Ought to Pass" is that there is a bill that will be coming up within the next few days that takes in parts of this, but I would like to have this bill voted on its merit as amended by Committee Amendment "A" with the majority.

I would like to say, as briefly as I can, what the bill does. It is clearly not, and some people have misinterpreted seven day notice of eviction, it is not an eviction after seven days' delinquency. Presently, the law says that if a landlord wishes to evict anyone after 30 days' delinquency, after one month delinquency, he must give a written notice to the tenant to the effect that there is a seven-day termination period. That gives the tenant 37 days not paying at that point.

The tenant can appeal to the District Court at no cost. The court may give the owner an injunction, but if the tenant, again at no cost, appeals to superior court, the landlord or the owner cannot evict him until the appeal is heard in superior court. At that point, manytimes if there is rather a heavy criminal docket, for instance, this particular appeals case will be delayed somewhat so that effectively it may take 60 to 70 days or even longer in which an owner may be able to get the usage of his apartment. So this bill, the majority report, would reduce by 16 days the original 30-day delinquency period and it would really give the owner an additional 16 days to put his apartment in shape to rent it again, so that instead of say 60 days' loss of rental income, he might have only 44 or 45 days.

Now, I realize that some parts of this bill have been addressed in L. D. 419 which is coming, as I say, in a few days, but that L. D. 419 has left out many many things from this particular bill. I would add that this committee amended bill restores some balance, I believe, in some of the tenant laws that have been instituted in the past few years, so I ask that you defeat the minority report and accept the majority.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to accept the Minority "Ought Not to Pass" Report on this bill. The reason that the bill has been tabled is that there is another bill which will be on the calendar tomorrow which deals with this provision and some other provisions of the relationship between landlords and tenants. I personally am opposed to both bills. My concern with this bill is that the statute now provides that a person may be evicted on seven days' notice if they are 30 days in arrears on their rent. Now, once they get to the point where they are 30 days in arrears in their rent, then you begin the eviction proceedings and for some tenants, from that point on, they may ignore their obligation to pay rent while they are in the

apartment, and the landlord would still have a claim against the tenants in small claims court for that amount. Now, that is not a very practical remedy in many cases.

The concern that I have with changing the 30-day period down to a 14-day period is that I think that there are many occasions when a person who is trying to meet their obligations could get two weeks behind on a major item or their rent, and a situation where a person becomes unemployed and it takes more than two weeks, for example, for them to get their unemployment compensation, a situation where because of some kind of acute health problem they get two weeks behind on their rent and if we reduce the 30-day period to a 14 day period, from that point on, once they are two weeks behind in their rent, they may be evicted after the seven days' notice.

It seems to me that we are dealing with a person whose home is at stake, though they are operating on a tenancy-at-will, and I think that going to 14 days can put a lot of working people in this state in a very difficult position where they get 14 days behind in their rent and then the landlord has cause to evict them with a seven day notice. My own feeling is that if there is a problem that should be addressed, it should be later in the process, in trying to accelerate the process to actually, ultimately achieve the eviction but that the 14 days behind in the rent is a situation that could occur to a great many people who are trying to meet their obligations. As I understand it, under this bill there is no opportunity to cure once you are 14 days behind in your rent.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I signed with the chairman of my committee on this bill, but in deference to another bill that we have coming which addresses the same problem and is somewhat of a quid pro quo arrangement where it lets the landlord give some as well as the tenant giving some and the idea being, or my idea of the compromise bill that I guess my good friend from Bangor, Mr. Henderson and I worked out was to work something out that would hit at the bad tenant and hit at the bad landlord. There are very few of those, I think really, throughout the state, but there are those that are bad and like little girls, when they are good, they are very very good but when they are bad, they are horrid.

I apologize to my House Chairman, but I am going to ask that you accept this report this morning in order to keep the compromise bill alive and then if the compromise bill cannot live, I will go along with the demise of this bill. I think if we are going to make this broad a step, it should be made in conjunction with the landlords giving something also, and that was our idea with the compromise. So this morning I am going to vote with the majority on the committee and let the bill go along and see if we can present a compromise to you tomorrow and perhaps in the wisdom of this House you will accept a compromise and then we won't need this bill at all.

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

Mr. DEVOE: Mr. Speaker and Members of the House: Implicit in the remarks of the gentleman from Standish, Mr. Spencer, and the remarks of the gentleman from Brewer, Mr. Norris, there seems to be implied in each of those gentlemen's remarks that once a tenant is 14 days behind, most landlords are automatically going to start eviction proceedings, and I suggest to you that the contrary is very likely going to happen. The landlord, having rented to a tenant, is, over a period of months or a year, going to get to know the tenant and know a little bit about his financial affairs, and I am certain that the key thing that most landlords are in-

terested in is, when are they going to be paid the rent money? I suggest that if a landlord has let a tenant occupy his apartment for a year, six months, a year and a half or two years, in that period of time, it likely is going to have happened that the tenant on some occasions may have been somewhat late with his rent payments but yet had a perfectly good reason for being late. In that course of time, the landlord is going to get to know whether he can believe what the tenant tells him or not.

I suggest to you that this bill would be a vast improvement because, at the present time, once a tenant is in arrears, the landlord has to wait, he has to be more than 30 days in arrears before he can get an eviction notice. If this law is passed it would simply give a landlord the right, it does not mean he is always going to exercise that right, because I suggest, as the gentleman from Brewer stated, most landlords are good landlords and most landlords, if they realize that a tenant has a financial problem or that something unexpected came up so that he could not pay his rent on time, most landlords are going to be reasonable, going to recognize that fact and are going to let the tenant be more than 14 days in arrears and even then not start eviction proceedings. But this law would improve the present law because the present law requires that a landlord wait 30 days, and this would bring the period down to 14 days but it does not eliminate the landlord's right to start eviction proceedings, it merely gives him that right.

I would also suggest something that neither of the other speakers has mentioned so far. If a landlord should start an eviction proceeding, it can always be stopped, because to carry an eviction proceeding through ultimately requires a hearing in district court, and if a tenant gets the message that the landlord is serious and attempts to discuss it with the landlord, I am sure he will discover that the landlord is interested in getting his rent. The tenant gets his rent in 20 or 25 days late, I suggest that 9 out of 10 landlords are going to terminate eviction proceedings.

For these reasons, Mr. Speaker, I would ask that we have a division vote when the vote is taken.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I think I can help shorten the debate and the vote because I would like to echo the remarks by the gentleman from Brewer, Mr. Norris, and that is that we ought to wait and consider this issue comprehensively and at one time rather than going through the rigamarole today and then going through it again another day when the other bill comes out. In all good faith, I think it would be reasonable to accept the "Ought to Pass" Report, even though I signed on the other side, and then we can debate the issue comprehensively tomorrow.

I would point out in passing that I feel this gives in one direction and in no other, and I hope the other one, with its more balanced approach, will be acceptable to a broader number of people. So I do hope that we accept the "Ought to Pass" Report today and get on with our other business.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I accede to the wisdom of the other members of the committee and I withdraw the Minority "Ought Not to Pass" Report.

Thereupon the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-536) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the fourth 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 13, 1977 by Mr. Palmer of Nobleboro.

Pending — Acceptance of the Committee Report.

On motion of Mr. Quinn of Gorham, tabled unassigned pending acceptance of the Committee Report.

The Chair laid before the House the fifth 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 13, 1977 by Mr. Jalbert of Lewiston.

Pending — Motion of Mrs. Huber of Falmouth to Indefinitely Postpone Bill and All Accompanying Papers.

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

Mrs. BERUBE: Mr. Speaker, I would ask for a division and that you vote against the indefinite postponement.

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

Mrs. HUBER: Mr. Speaker, Members of the House: Some of you may not have been on the floor Monday when I spoke to indefinitely postpone the bill and I don't want anyone here to misunderstand my motives. Therefore, I will tell you once again, very briefly, why I feel this bill is not necessary.

As you may recall, I pointed out under Title 22, Section 2841, of the laws of the State of Maine, there is a section entitled Registration of Fetal Deaths. This requires the reporting of all fetal deaths within three days to the municipality in which the death has occurred. The definition of fetal death as I also discussed here on the floor does encompass the categories that this bill covers, and I will read you that definition if I may. "Fetal death is death prior to the complete expulsion or extraction from its mother the product of conception irrespective of the duration of pregnancy. The death is indicated by the fact that after such separation, the fetus does not breathe or show any other evidence of life, such as the beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles."

Since I spoke here Monday I have been in contact with Mr. Carey in the Department. He said to me that in fact they did have an enforcement problem under this existing law but that he agreed with me, he did not see how enacting this particular bill that we have before us would solve the enforcement problem. I also talked to the Chairman of the Judiciary Committee, House Chairman Mr. Spencer, and he informed me that the committee had not discussed whether in fact this bill is redundant and unnecessary. Therefore, I hope you will support the motion to indefinitely postpone.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I really fail to understand why there is any controversy whatsoever associated with this bill. When it was presented to the Judiciary Committee, which gave it unanimous "Ought to Pass" Report, there was agreement reached between the Maine Right-to-Life Committee, which is an anti-abortion group, the Maine Right-to-Choose, which is a pro-abortion group, the Maine Medical Association, a group of doctors, and the Department of Human Services, they all support this bill. I submit that if you can get a diverse group such as that behind anything, it is almost a miracle.

The Maine Medical Association supports this bill because it will give information to the department thereby to be disseminated to doctors so that they can avoid using procedures that cause complications in abortions so that they can further help women in their subsequent pregnancies who have had abortions. There are complications in abortions and there is not enough data on this because this has only very recently been allowed to be performed and statistics are not being recorded.

I am somewhat confused that Mr. Carey from the Department of Human Services would say that he did not feel that this bill was necessary, because I have in my hand a copy of his testimony at the hearing saying the Department of Human Services supports this bill and they feel that because they are now unable to obtain this data, this bill would help in having hospitals supply this data to them. In fact, to quote him, "We must point out that we are now unable to provide much statistical data on induced abortions because the reporting of these events are not now mandated. Even though our MRSA, Title 20, No. 2841 now requires all fetal deaths to be reported to our office, many hospitals are refusing to report induced abortion until laws are enacted providing for this."

The basic purpose of this whole bill is to allow doctors, through the reporting statistics, to give better medical care to women, to give better medical care to them when they are given abortions and to give better obstetrical care to them if they have previously had abortions. This is a bill to help women. People who are in favor of abortions support it, people who are against abortions support it, doctors support it, even though it is going to be work for them which they are not presently doing, the Department of Human Services supports it. I simply cannot understand how anybody could be against trying to give medical care to people.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: Just as a clarification on the record, I did state to Mrs. Huber that there was no evidence presented at the hearing on this bill that there was another statute that dealt with either the same subject or a related subject, but I did also state that it was my intention to support the committee's position.

Mrs. Huber of Falmouth requested a roll call vote.

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

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

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: Lest I give the wrong impression, I have no quarrel with the reporting of statistics. In fact, these statistics are being collected and reported right now. Some of you may recall the formula I showed you which is currently in use. It will be replaced by two other forms as of the first of January. There clearly is no problem with the departments collecting these statistics and making good use of them.

The point I think that should be understood here is that those in this legislature want to pass a law which simply restates one that we already have. Frankly, I have not been out working on this bill, lobbying you, asking you if that is a good thing to do, because I think what we have covers that bill, and for the life of me, I can't understand why there has been an effort to pass what is really just another law that does exactly the same thing as one we already have on the books. Now, if that is the decision and desire of this body, that is strictly up to you.

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

Mr. NORRIS: Mr. Speaker and Members of the House: I think this bill does address one problem that hasn't been mentioned here, and that is that in the State of Maine, it is still under state statute, illegal to perform abortions, and this bill does immunize the physician for reporting. So I submit that if we leave the law the way it is, that no physician is going to report if he stands a chance of being taken to court, and this bill does take care of that, and that is one of the major reasons why I supported it, and I think it will bring in a much clearer and concise record to the department, because the physician will be immune under this statute for reporting.

Mrs. Huber of Falmouth was granted permission to speak a third time.

Mrs. HUBER: Mr. Speaker and Members of the House: I have to differ with my good friend in the next row. It is my understanding that because of the Supreme Court decision, in fact that particular law which is on the books has absolutely no validity and is completely null and void under the laws of the Supreme Court of this land.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Falmouth, Mrs. Huber, that this Bill and all accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Bagley, Berry, Brennerman, Brown, K. L.; Carter, F.; Clark, Conners, Davies, Durgin, Dutremble, Fenlason, Garsoe, Howe, Huber, Hunter, Hutchings, Jensen, Kany, Lougee, McPherson, Najarian, Nelson, M.; Perkins, Post, Quinn, Sewall, Sprowl, Talbot, Tarbell, Teague, Tozier, Trafton, Valentine.

NAY — Ault, Austin, Beaulieu, Bennett, Benoit, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. C.; Bunker, Burns, Bustin, Carey, Carroll, Carter, D.; Connolly, Cote, Cox, Curran, Devoe, Diamond, Dow, Drinkwater, Elias, Flanagan, Fowle, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Hughes, Immonen, Jackson, Jacques, Jalbert, Joyee, Kane, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Lizotte, Locke, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBrearty, McHenry, McMahon, Mitchell, Nadeau, Nelson, N.; Norris, Peterson, Plourde, Prescott, Raymond, Rideout, Rollins, Shute, Spencer, Stover, Stubbs, Tarr, Theriault, Torrey, Truman, Twitchell, Tyndale, Whittemore, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Carrier, Chonko, Churchill, Cunningham, Dexter, Dudley, Gould, LeBlanc, Lunt, McKean, Mills, Moody, Morton, Palmer, Peakes, Pearson, Peltier, Silsby, Smith, Strout, Tierney.

Yes, 35; No, 95; Absent, 21.

The SPEAKER: Thirty five having voted in the affirmative and ninety five in the negative, with twenty one being absent, the motion does not prevail.

Mrs. Najarian of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-492) was read by the Clerk.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I think that the importance of this bill has already been magnified out of proportion to its significance. It seems to me that it would have made little difference if it had passed, because the causes of fetal death which are required to be reported in this bill are already being reported, and if it had been indefinitely

postponed, the same process would still continue since it is required by the statutes and by rules and regulations.

However, my original intention in setting this bill aside was simply to ascertain the purpose of the bill, since I was aware that reporting of abortion data is already being required. The answer I received from the members of the Judiciary Committee did not seem to respond directly to the question. As near as I can recall, the answer went something like — Right-to-Choose supports it and Right-to-Life supports it, and those two groups are usually opposed, on opposite sides, but that really didn't give me any information on why the bill was necessary. I still haven't been given an adequate explanation by anyone. Obviously, there are people who want the bill to pass, but the real purpose, I guess, can't really be stated or they are unwilling to.

As you have heard, the data that this requires to be reported is already required by the department on nationally standardized forms, except for Sections A and B of the bill. Those are the two sections which I am proposing that we delete. That reads: (a) The weight in grams of the fetus aborted to the extent practical; (b) The measurement in centimeters of the fetus aborted, crown to rump, sitting height, to the extent practical.

Actually, there is only one section of the bill that upsets me and that is Section B, the measurement in centimeters of the fetus aborted, crown to rump, sitting height, to the extent practical. I find it personally repulsive and by inquiries of obstetricians and others indicates that my abhorrence of this requirement is largely shared. It is my instinctive reaction, just reading the words and imagining the process, and just think what it must be like to have to actually perform this procedure. It serves no meaningful purpose, would add no additional information that cannot be gained from the other data that is required to be reported, such as the method used for the abortion and the menstrual age of the fetus.

Since all abortions in Maine are performed under 12 weeks, the methods commonly used leave no identifiable fetus to be weighed or measured anyway in most cases, and that is why the Judiciary Committee put in "to the extent practical."

This is not a subject I like to talk about anymore than is necessary, but I didn't introduce the bill. I do think that requirement "B" is gross and borders on the sadistic. Since no valid justification for its inclusion can be offered, I personally do not want to have anything to do with a bill that would require physicians and nurses to endure such an emotionally traumatic procedure if it should ever become practicable when the measurement made would add nothing significant to the store of knowledge.

I ask your support of this amendment to delete only that provision of this bill which totally lacks any redeeming value.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: Somehow I can't believe that she used the word "sadistic" to measure what has just been performed via the process or the procedure of abortion. I don't know which one of the two would be more sadistic, but that is not the question, and I certainly do not wish to debate the issue of abortion, pro or con, this is not the issue. This is a vital statistic reporting bill.

I believe it is Mrs. Najarian who has mentioned that the national standardized form in 1978 will not have those two items. In the suggested U.S. standardized form for 1978, Section 11, says "The physicians estimate of gestation period." He or she must put that down. Well, in order to put it down, he must have a

very accurate count of the gestational age, and that can only be accomplished, according to the letters and medical information that I have before me, that can only be done by the weight and the measurement.

I could go along and quote paragraph after paragraph where, for instance, when the length of gestation is included, it will provide some indication of the effectiveness and safety of the various termination procedures at different gestational ages. This is by the Director of Gynecology and Obstetrics at the Good Samaritan Hospital, Cincinnati, Ohio. I could go on and on, but I know that time is running fast here.

I would like to state one other reason why the weight is important and, again, I don't like to go into this subject on the floor of the House. To determine the correct gestational age, and this is what is required in the 1978 form that Mrs. Najarian has mentioned, one gynecologist says, "One has to use the size of the uterus during a growing gestation or, better yet, the size and weight of the fetus should the pregnancy abort intentionally or unintentionally." I think those are two very important statistics to keep.

If we accept the amendment suggested by the lady from Portland, we will be diluting this bill totally, and I urge you to vote against the acceptance of her amendment.

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

Mr. JALBERT: Mr. Speaker and Members of the House: My personal friendship with the good lady from Portland is well known. She is a colleague of mine on the Appropriations Committee. I have discussed this situation with her. Unlike Mrs. Berube, I don't want to discuss anti or pro abortion, although I have freely admitted to my colleague from Portland and to others, and they all know that the mere mention of the word abortion is repulsive to me. In any event, I would suggest that what Mrs. Najarian should have done after the motion to indefinitely postpone the bill, instead of presenting this amendment, she should have made a motion to reconsider and ask people to vote yes, because this is another motion to indefinitely postpone this measure here. It is not a good amendment, and if you pass this amendment, you might as well not have the bill.

Mr. Speaker, I move the indefinite postponement of this amendment, and when the vote is taken, I ask for the yeas and nays.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I don't want to make a big deal out of this amendment. I guess the answer you get on whether this is needed or not depends on which obstetrician you talk to, because I have talked to several in Portland associated with Maine Medical Center and they agree that there are other ways of determining the ages of fetus other than this, with sonar, which measure the skull, etc., some fancy equipment most hospitals now have, and the menstrual age of the baby, which is also required on the bill, which I have not amended out.

The method used for the abortion performed gives you some idea also of the age. It makes little difference to me really whether you pass it or not, it is just something that I personally felt I had to do and personally object to. If you want it in there, fine; if not, okay with me.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: If we didn't use a fetus as a thing, if we used it as a person instead of a thing, we wouldn't need this bill.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise not to get involved in the philosophies of this thing but only

to suggest to you people that if you are going to mandate this type of reporting, then you want to be prepared to also sanction some increased hospital spending, because we have heard at this session time and time again the problem of increased hospital expenses and the succeeding passthrough to the patient and cost in medical care. I would like to suggest to you here today that if you mandate this for your hospitals, you are then again mandating something that has to be passed on to the individual patient.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I would like to make two comments. The first time Representative Najarian spoke, she said that measuring the weight and the length would be an emotional experience for those involved. I think that reveals something. The second time that she spoke, she said in measuring post-abortion, she referred to the baby. I think that reveals something too.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Kerry.

Mr. KERRY: Mr. Speaker and Members of the House: Basically, I would just like to respond to a few of the comments that have been made. Number one, I think what we are talking about here specifically is the most precise scientific knowledge, medical knowledge, to be able to provide what Representative Kane said from Augusta, the best preventative and scientific knowledge to prevent problems for women. And most of the women we are talking about here, in many cases are young women. If you look through the statistics throughout the country, throughout the world and even throughout the State of Maine, they are young people, and the doctors do measure or at least assess the gestational age of the child by sonar, by various means of the uterine cavity openings, etc., but the most precise form is through the actual measuring of the length and weight of the unborn child.

Basically, what it comes down to, this is a common procedure. Mr. Perkins said that it would cost more money, but this is a common medical, surgical procedure. The minute you take anything from a woman's body or a man's body, normally they weigh and measure the tissue, if you will; therefore, this is common medical practice. All they are doing is refining it to the most precise form available, and aside from my ideology or philosophy, if the main intent is to enhance the present law that is on the books, as Mrs. Huber had mentioned, that is very difficult to enforce and that the medical community itself says it is not reporting, therefore, we cannot provide this information. We cannot make the best judgments for our people; mainly, our women who are having children and who are now experiencing many complications after having their abortions, the key thing being here, Mrs. Najarian has mentioned that this particular procedure is offensive to herself and she does not want it to be experienced by the medical profession. I submit to you that I agree, it is offensive also to myself, and I am sure that it is offensive to the people in the medical community, but we have chosen this route. Many of us would disagree with it, but the point is, it is a reality, and the only way to overcome this is to enact legislation that is going to allow us to carry out the current law in the most meaningful and effective manner.

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 expres-

sed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, 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 — Ault, Austin, Bachrach, Beaulieu, Bennett, Benoit, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Cote, Cox, Curran, Devoe, Diamond, Dow, Drinkwater, Dutremble, Elias, Fenlason, Flanagan, Gauthier, Gill, Gillis, Goodwin, K.; Gray, Green, Hall, Henderson, Hickey, Hobbins, Hughes, Hunter, Immonen, Jacques, Jalbert, Jensen, Joyce, Kane, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Lizotte, Locke, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Maxwell, McBearity, McHenry, McMahan, McPherson, Morton, Nadeau, Nelson, N.; Norris, Peterson, Plourde, Raymond, Rideout, Rollins, Shute, Silsby, Spencer, Stover, Stubbs, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Tyndale, Whittemore, Wilfong, Wyman, The Speaker.

NAY — Alopis, Bagley, Berry, Brenerman, Carter, F.; Clark, Connors, Connolly, Cunningham, Davies, Durgin, Garsoe, Greenlaw, Higgins, Howe, Huber, Hutchings, Jackson, Kany, Lougee, Mitchell, Najarian, Nelson, M.; Peltier, Perkins, Post, Prescott, Quinn, Sewall, Sprowl, Talbot, Tarbell, Trafton, Twitchell, Valentine, Wood.

ABSENT — Carrier, Churchill, Dexter, Dudley, Fowlie, Goodwin, H.; Gould, LeBlanc, Lunt, Masterton, McKean, Mills, Moody, Palmer, Peakes, Pearson, Smith, Strout, Tierney.

Yes, 96; No, 36; Absent, 19.

The SPEAKER: Ninety-six having voted in the affirmative and thirty-six in the negative, with nineteen being absent, the motion does prevail.

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

Reference was made to (H. P. 1045) (L. D. 1272) Bill "An Act to Remove the Commercial License of Smelt Fishermen"

In reference to the action of the House Monday, June 13, whereby it insisted and asked for a Committee of Conference, the Chair appointed the following Conferees on the part of the House:

Mrs. POST of Owls Head
Messrs. FOWLIE of Rockland
BUNKER of Gouldsboro

Reference was made to (S. P. 320) (L. D. 1077) Bill "An Act to Impose a 4-Quart Limit on the Taking of Smelts Throughout the Entire Smelting Season"

In reference to the action of the House Wednesday, June 15, whereby it insisted and joined in a Committee of Conference, the Chair appointed the following Conferees on the part of the House:

Messrs. BLODGETT of Waldoboro
NELSON of Roque Bluffs
TYNDALE of Kennebunkport

All matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith.

On motion of Mr. Quinn of Gorham,
Recessed until 4:30 in the afternoon.

After Recess 4:30 p.m.

The House was called to order by the Speaker.

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

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (2) "Ought to Pass" as Amended by Committee Amendment "A" (H-589) — Committee on Fisheries and Wildlife on Bill "An Act to Provide for Snowmobile Registration in Municipalities" (H. P. 411) (L. D. 507)

Tabled — June 14, 1977 by Mr. Dow of West Gardiner.

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

Mr. Palmer of Nobleboro requested a vote on the pending motion.

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

A vote of the House was taken.

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

Sent up for concurrence.

The Chair laid before the House the Seventh Tabled and today assigned matter:

Bill, "An Act Concerning Displaced Homemakers" (H. P. 700) (L. D. 842)

Tabled — June 14, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Adoption of Committee Amendment "A" (H-599).

Mrs. Nelson of Portland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-620) 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: I would like to call your attention to L. D. 842 as amended, and on Page 3 of the Committee Amendment, you will see the fiscal note on this L. D. The fiscal note for the first year calls for \$15,000 and the second year \$20,000. As I understand the legislation, and first of all let me commend the sponsor of the bill for having a good idea, however, the fiscal note on this bill calls for \$15,000 in the first year. Basically, as I understand it, it means that we will expend to the Manpower Affairs Department, we will be giving that department an extra \$10,000 in the first year for the purpose of spending \$5,000. That doesn't make too much sense to me. We are going to give them \$10,000, and if they are going to hire somebody and his job is going to be to spend \$5,000. That is a bureaucracy I don't think we need.

The second year, if he does a good job spending that \$5,000, we are going to give him a \$5,000 raise, because in the second year, he is going to get \$15,000, but he is still going to spend \$5,000.

I have got some problems with this legislation. The concept behind it is good. I understand there is a sunset clause in this bill, and I would recommend at this time that we give it a very, very early sunset, that we do it today. I would move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair would advise the gentleman that the motion to indefinitely postpone the bill at this time is not in order. The pending question is adoption of House Amendment "A" to Committee Amendment "A".

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

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for second reading tomorrow.

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

Bill, "An Act Providing for the Practice of Architecture through a Corporation or a Partnership" (S. P. 137) (L. D. 378)

Tabled — June 14, 1977 by Ms. Clark of Freeport.

Pending — Adoption of Committee Amendment "A" (S-219).

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

Ms. CLARK: Mr. Speaker, we are awaiting the distribution and/or printing of a proposed amendment to this bill, and I am hoping that perhaps someone might table this until later in today's session.

Thereupon, on motion of Mr. Curran of South Portland, tabled pending adoption of Committee Amendment "A" and later today assigned.

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

Bill, "An Act Relating to the Commitment of Mentally Ill Individuals" (H. P. 1707) (L. D. 1880)

Tabled — June 14, 1977 by Mr. Goodwin of South Berwick.

Pending — Passage to be Engrossed.

Mrs. Kany of Waterville offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-651) was read by the Clerk and adopted.

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

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

Bill, "An Act Concerning Weekly Benefits Paid to Persons who are Partially Unemployed" (H. P. 125) (L. D. 158) (C. "A" H-568)

Tabled — June 14, 1977 by Mr. Palmer of Nobleboro.

Pending — Passage to be Engrossed.

On motion of Mr. Higgins of Scarborough, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted, and on motion of the same gentleman, Committee Amendment "A" was indefinitely postponed.

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

House Amendment "A" (H-641) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is the culmination, I guess, of mass hysteria that has gone on in the Labor Committee on this particular piece of legislation. The bill that I had introduced originally was amended several times in committee and at one point in time it was going to be killed, and then through some miracle it was revived to a Majority "Ought Not to Pass" and has finally reached the floor as a Majority "Ought to Pass" as amended, and I find that the amendment that was sent up from the committee was mistakenly provided in error.

The amendment that I am presenting is one, at least it is my understanding it is one that was supposed to be the committee amendment itself. I hope you can appreciate the problems I have had with this. If you look at the committee report, anytime you see the good gentleman from Westbrook, Mr. Laffin, my very good friend, and the good Senator from Hancock, Mr. McNally, on the same side, I hope you appreciate the problem that I have had a little bit with this bill.

L. D. 158 as amended is a bill designed to help those individuals who are totally unemployed for more than four weeks and wish to take on part-time work. It is an incentive that is not

provided under the existing law. Under existing law, if an individual is partially unemployed, they are able to earn \$10. After that \$10, they lose a dollar in benefits for every single dollar that they earn in part-time wages. For example, if an individual under the existing system today had a weekly benefit amount of \$60 and went out and exerted himself and earned \$50, the state would penalize him, if you wish to call it that, \$40. To me, this seems a bit unfair.

The amendment that I have presented, which is now the bill itself, provides that over and above that \$10 figure, the individual would be able — his weekly benefit amount would only be reduced by 50 percent of the earnings which he had in any two-week period not to exceed 40 hours. What the amendment does, it eliminates the alternative under the present system of either not accepting work, not reporting the part-time income or reporting the income and being penalized at a hundred percent. I think it benefits the employee by providing him an opportunity and some incentive to go out and work. I think it is a benefit to the employer because I think it is going to make it easier for especially seasonal people to find part-time workers without them just saying, well, for \$10 I can't really see why I would want to work and earn \$50 a week from your organization. I think it will help in actual reporting to the fund itself, and I think the cost of the fund is minimal. The dollars that are not being reported today because of the regressive system that we have could be a phenomenal amount. I submit that there might be a great number of people who might be reemployed and therefore not need benefits if they could prove themselves on a part-time basis to an employer.

I think the philosophy behind this at least is that the present unemployment laws encourage people not to accept work, and I think we all here would agree that this is wrong. I think that we would all agree with the philosophy that if you do something, if you take the initiative to go out and accept part-time work, that you should not be penalized dollar for dollar for every cent that you earn over \$10.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: When the committee finally got ready to report this bill out, we seriously considered a three-way report — "ought to pass," "ought not to pass," and "unable to comprehend." However, when we finally got serious about it, the majority of the committee was in agreement with Mr. Higgins' concept and his committee amendment. Inadvertently, a mistake was made and one of the previous committee amendments which was being considered was reported out as the committee amendment when, in fact, it was not the committee amendment. The real committee amendment is now House Amendment "A", and if that doesn't confuse you, you will at least understand the feelings of the Labor Committee.

I recommend adoption of House Amendment "A" and passage to be engrossed.

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

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

Tabled — June 14, 1977 by Ms. Goodwin of Bath.

Pending — Passage to be Engrossed.

On motion of Mr. Carey of Waterville, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "B" to Committee Amendment "A" (H-639) was read by the Clerk and adopted.

Mrs. Kany of Waterville offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-612) was read by the Clerk and adopted.

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

Ms. Goodwin of Bath offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-610) was read by the Clerk.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: This is the famous expansion of the elderly homeowners tax and rent refund act which I sponsored for the Governor. However, the Governor's Office forgot to put an emergency preamble on the bill, and without the emergency preamble, even if we appropriate the money, the change in the formula would not take effect until August 1978. So I would urge your adoption of the amendment.

Thereupon, House Amendment "A" was adopted.

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

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

Bill, "An Act Relating to Municipal General Assistance Programs" (H. P. 1673) (L. D. 1868)

Tabled — June 14, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: This bill has been tabled for the last two or three days pending an opinion from the Attorney General's Office to a question that we raised regarding the constitutionality of pretermination hearings. We have just received that opinion this afternoon, and I understand that it has just been distributed to the members of the House. There is an amendment that is now at printing that would deal with the ruling of the Attorney General, and I would appreciate it very much if someone would table this until later in today's session.

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

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

Bill, "An Act to Define Duties and Set Salaries for Special and Part-time Deputy Sheriffs" (H. P. 992) (L. D. 1191)

Tabled — June 14, 1977 by Mr. Henderson of Bangor.

Pending — Adoption of Committee Amendment "A" (H-388)

On motion of Mr. Henderson of Bangor, retabled pending adoption of Committee Amendment "A" and tomorrow assigned.

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

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

Tabled — June 14, 1977 by Mr. Greenlaw of Stonington.

Pending — Passage to be Engrossed.

On motion of Mrs. Post of Owls Head,

retabled pending passage to be engrossed and tomorrow assigned.

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

House Divided Report — Majority (8) "Ought to Pass" in New Draft: (H. P. 1656) (L. D. 1854) — Minority (5) "Ought Not to Pass": — Committee on Judiciary on Bill "An Act to Establish Procedures to Record Judgment in Registry of Deeds to Create a Lien on Debtor's Real Estate" (H. P. 1203) (L. D. 1429)

Tabled — June 14, 1977 by Mr. Palmer of Nobleboro.

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

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: This bill, 1429, is a bill that would permit the recording of judgment from the court on the Registry of Deeds, which would create judgment lien on real estate. I would like to first explain the mechanics of the bill, how it would work, and the policies and the reasons behind supporting the bill.

When you go to a trial and you have a trial on the merits and the plaintiff or the defendant wins a verdict for monetary damages that are to be awarded to you either by a jury verdict or a judge verdict, you get a piece of paper, and the piece of paper says at the top "Judgment for the Plaintiff, \$10,000." Say you are the plaintiff injured in an automobile accident, you sue the defendant on the grounds of negligence and you go to trial, you hire counsel, you pay the court fees and the costs and you win your case. You get a piece of paper that says you win the case, \$10,000 judgment for the plaintiff. That piece of paper has got to be converted into money for it to be of any service and any benefit to you. This bill would permit, and I would explain the mechanics, would permit you to take your judgment, go to your county registry of deeds, record it in the registry of deeds, and it would create a lien against the loser, the defendant who owes you \$10,000 on real estate. That would be a lien aside from any mortgage interest that a bank holds, for example, and aside from a homestead exemption that every citizen in the State of Maine is entitled to, which is \$3,000.

The judgment creditor, the person who wins the case, could only put this on the registry of deeds, this lien would only be to the amount of the judgment. The judgment creditor would have to supply a sworn affidavit under oath and a copy of the judgment to the registry for recording that he has given notice to the judgment debtor, the loser of the case, that a lien is about to be placed on real estate. The judgment creditor must take that judgment and record it within 60 days or he has lost his right to do so, within 60 days after the judgment has been issued. And, by the way, if there is an appeal on up to the law court or whatever, it is within 60 days after final judgment on the case. The judgment lien would only last for five years and would automatically dissolve. When the judgment is paid by the loser of the case, the lien is automatically discharged by law. However, the judgment creditor, who has finally been paid, must take further steps. He has got to send documents to the judgment debtor that can be recorded which would remove that lien from the records in the registry of deeds. If the judgment creditor doesn't do that, and inconvenience to the judgment debtor to take him into court, he can go in and get an opinion from the court saying that the judgment has been paid off and that it is to be removed from the record in order that all the costs be assessed against the judgment creditor for his bad faith and failure to do so.

The reason for this bill — those are the mechanics — is that there are many citizens in

our state today who win cases after fully litigating them in fair trial, and they get their piece of paper but they can't do anything with it. They can't convert it into dollars. They have gone through a trial, they have borne all the expenses, all the court costs and all the time and all the delay. This bill would preclude or alleviate the necessity of going back into court under a couple of provisions we now have on our statutes, incurring more court costs, more delay, more attorney fees for someone who has fairly won a case.

Last week, I believe it was, we passed a bill in this legislature, it went out of the House, to increase sheriffs' fees, for example. The cost of going to court and the congestion of court is multiplying at a rapid pace, and it is making it so that an ordinary, average citizen cannot afford the judicial process and the rights of the judicial process any longer.

One objection that some members on the committee had to this bill is that it would be possible to create a judgment lien on real estate of the person who lost the case without another court procedure or without another hearing. That is the whole intent of the bill.

Now, under Maine law, we have three procedures that can be used to take that judgment and convert it into money. One is post judgment attachment, whereby the winner of the case takes his judgment, gets the sheriff, the sheriff goes and issues a notice of the hearing to the debtor, the judgment debtor, to come back into court to place an attachment on the debtor's property.

The second is called a disclosure hearing. You need a disclosure subpoena served on the judgment creditor to come back into court and bear the initial court costs and attorney fees to disclose assets of the debtor, the judgment debtor who lost the case, to see whether or not he has assets that can be attached or place a lien on.

Everyone in the State of Maine is entitled to a \$3,000 homestead exemption. That means that you have got \$3,000 on your home that cannot be reached by any creditor in the State of Maine. Under the attachment procedures and the disclosure procedures, as I understand it, a lien still must, it is required by the court, the court has mandated to still place a lien on real estate, even though that lien will have no effect on that \$3,000 which is exempt.

Those are the mechanics and the policy behind the bill, and I would be willing to answer any technical questions and any policy questions. The motion pending before us is the Minority "Ought Not to Pass" Report. I would urge you not to support that, to defeat that, and to adopt the Majority "Ought to Pass" Report.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief. I am not an attorney, although this is a collection attorney's bill, no question. It is put in to shorten the process.

The present law, as I have been told and was discussed by some members of the committee, is working very well. The main thing is that it gives the debtor a chance to appear before the judge a second time. There are many hypothetical problems here, but if it were a Farmer's Home Administration loan and he had no equity in the house, then he would have no exemption. I have seen some angry creditors in my time. As a matter of fact, I guess back over the years maybe a few times I have been an angry creditor. Angry creditors sometimes do things in forced situations that would not be good for a person of very very few means in a government-finance situation.

I talked earlier with the House chairman of the committee. It could, in certain circumstances, and again I am not an attorney, create a foreclosure.

The present law is working. The large banks and financial institutions are having no problem. There are some people that are delving into the credit market today because there is very high returns on their money. The way we have structured the laws, we did away with the loan companies in this state, and by doing so, we made every small merchant that so wanted to be in a position to loan money or to sell merchandise at the rates that short loan company would, and as you expand your scope, as you get into more and more credit, naturally the law of averages are going to indicate and will produce some people who are unable to pay on time.

This session, we have seen some bills that would make it easier for the collection attorneys to change the present law to make their lot a little easier in life. I don't fault them for that, but I feel that with the system working the way it is, we should bear in mind that every person, for whatever reason, be it unfortunate circumstances, whether they have had reverses, whether they have had illness, whatever the reason, that they be given a fair chance, the present law allows them now to appear before that justice twice, or before their homestead can be attached, there has to be two trips before the justice. I would submit that in order to properly adjudicate what their equity is in the property, where they stand on the property, that the second trip is very very necessary.

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

Mr. DEVOE: Mr. Speaker, Ladies and Gentlemen of the House: What the gentleman from Brewer has just stated, that is, that this is a collection attorney's bill, is another way of stating what he has a couple of times in the past stated on the floor of the House, that this is a lawyer's bill. I think it is about time we recognize the fact that lawyers represent people. Lawyers are not in court for themselves. Lawyers represent people in court who have rights. If the gentleman from Brewer is interested in rights, let's address the rights of the creditors for a moment.

First of all, yesterday there was passed out a sheet which at the top is labeled 14, Section 4551, which is really the homestead exemption law that we have in the State of Maine today. You will notice, if you still happen to have it on your desk, that the first section, 4551 of Title 14 states very clearly that a homestead, whenever acquired, shall be exempt from attachment, execution or forced sale under process of any court and no judgment, decree or execution shall be a lien thereon.

I would like now to refer you to Section 4552, which states that there are three exemptions, all of which have been passed by previous sessions of this legislature. The first exception to the homestead law is that any claims secured by a real estate mortgage on the homestead does not give the mortgagor, borrower, the benefit of the homestead exemption so long as there is any outstanding balance due on the mortgage.

Let us assume that what the gentleman from Brewer said is correct, if a judgment is rendered against a debtor, that the recording of the judgment lien might well be an instance where the mortgagee, bank or lender could foreclose. Either two years or four years ago, I would like to remind the members of the present House, that the previous legislature passed a law regarding civil foreclosure of mortgages and most banks in the Bangor area are now using this when they foreclose. That civil foreclosure of mortgage method involves a preliminary hearing in either the district or superior court and a full disclosure to the court of whether or not there have been events of default. When you sign a mortgage deed, that deed contains certain conditions. For the breach of any of those conditions, the lender may begin

foreclosure proceedings, but the wisdom of this legislature two years or four years ago exerted itself and passed the civil foreclosure method which now requires a hearing before either the district or superior court as to whether there has or has not been a default. Most banks are now using the civil foreclosure method so that they have a hearing at which the debtor's rights can be protected.

Please don't forget that before you get a judgment, there has to be a full hearing on the merits usually, and if there is not a full hearing on the merits, it means that the person against whom the judgment was rendered chose not to file an answer and not to prosecute his rights in the court.

In looking at two sections under the mortgage foreclosure statutes we presently have, previous sessions of the legislature in 1967 passed what is called a statutory condition in the mortgage. I would like to read just part of it very briefly. I know this is technical, I know it may be hard to follow, but I think it is important that we get these facts on the record.

The mortgagor shall pay when due and payable all taxes, charges and assessments to whomsoever and whenever late or assessed, whether on the mortgage premises or on any interest therein and further, part of the statutory condition is that the mortgagor shall not commit nor suffer any strip or waste of the granted premises nor commit any breach of any covenant contained in the mortgage. This is the present law. Before a lender can foreclose on a mortgage, this legislature, in previous sessions, has stated that there is a method by which a hearing can be held so that a judge can determine whether or not there has been a default.

I suggest to you, men and women of the House, that there is already in place in our statutes provisions which fully protect a debtor if the recording of a judgment lien were to be used as a reason by a lender to commence foreclosure proceedings. Previous sessions of the legislature have already enacted laws designed to prevent hasty or ill-advised action by a creditor acting against a debtor.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, just to reply to my good friend and colleague from Orono, I don't object in the least to the creditor obtaining a judgment and attaching the real estate. I simply want the creditor to have to go back to the court. It is just as simple as that.

As far as the attorney's bill goes, I said collection attorneys, and I mean nothing derogatory. Some of my best friends are attorneys, I think they are very nice people. I will submit to you, with the little history that I gave you of everyone getting in the credit business, that I have been here for ten years and this is the first rash of this type of bills that I have seen and believe me, there have been attorneys that have served in this House before this session. I have never seen bills that were quite aligned this way. I know certainly that they are alright, but I fear, as the fellow once said, "I fear they seek to go a bit too far."

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I think this is truly a lawyer's bill because not being a lawyer. I honestly do not understand it, I have several questions. I have been more and more confused by the debate and I have listened to all of it and I have read the bill. I wonder if anyone could answer these questions for me?

Is this judgment lien we are talking about the result of a suit against a person? If it is or if it is not, is it just related to the real estate or could it be a suit for damages related to other things besides the real estate? Another question, at the time the judge awards the damages, would

he be able at that time, if he sees fit, to say that there should be a lien on real estate as part of the award? Those are my questions. I don't know if anyone can answer them.

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

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: With respect to the first question, the judgment lien process only occurs after there has been a lawsuit, after one party has sued another and that party has won his or her case. That party wins and gets a judgment, a verdict for the plaintiff, say. It could be an automobile accident where you are injured and you sue the defendant who hits you on the grounds that he negligently operated his vehicle. You take the case all the way to Superior Court, you have a jury trial, you pay all of the cost, which are immense today, and you win your case. You get a piece of paper which says at the top: Judgment: Verdict for the Plaintiff, \$10,000. That is all it is, a piece of paper. What this bill is all about is, how can you get that piece of paper saying you are entitled to \$10,000 converted into \$10,000 that you have rightfully won after a hearing? That is the first question. I cannot remember the second question, Mr. Speaker, if the good gentlelady could repeat it.

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

Mrs. KANE: I am sure you don't all want to hear this again, but it is kind of important to me and I thought other people might have that question too. At the time of the judgment, could the judge not say, put a lien on the property?

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

Mr. TARBELL: Mr. Speaker, at the time of the judgment, that is not the proper form nor the proper time for the judge to go ahead and move to execute on a judgment. For example, say the defendant who lost the case wanted to appeal the case. The defendant has, I believe, 10 or 15 days within which time to go ahead and move to appeal the case up to the law court, so that is not the proper time under our civil rules of procedure.

In order to enforce your judgment under our laws of Maine and laws of the other 49 states in the country, you, the winner of the case, have to take affirmative steps, affirmative legal steps further in order to convert that victory into a real victory of dollars. So, that is not something that could be done at the day of verdict.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to support the "Ought Not to Pass" Report on this bill. I am not an expert in the area of collections by any means, but as I understand the issue here, it is whether a lien should be put on the property of the debtor immediately after the judgment is obtained, or whether you should go through the existing procedures where you bring the debtor into the court to determine what assets he has so that, in effect, the judge can make a decision as to how this obligation or debt should be paid.

The concern I have about this bill is that if the lien goes immediately onto the real estate, there will be some people who have only a few hundred dollars equity in their house and they will be subject to the homestead exemption which provides that the value of their house up to \$3,000 cannot be taken by the creditor. And what I am concerned about here is that if you put a lien right on immediately, the person who has a very small equity in a homestead that might otherwise be protected under the homestead exemption will find themselves in a position where they now have a lien on the

house, the bank that has the mortgage on the property will get concerned because the mortgage will say that they can't have a lien on the house, so then they will get into a situation where the bank is called in and they will have to either get the lien discharged because they have an exemption or resolve the whole thing with the bank.

The current procedure provides that once you get the judgment, the most commonly used procedure is to go back into court, call in the debtor, find out what assets he has and then the court will order a sale of the assets or that a lien be put on the real estate. But what I am concerned about is by bypassing that second step, that we may be jeopardizing the homestead of the debtor. Even if technically or eventually he will be able to get the lien discharged because he has this exemption, I think it will create a problem that we don't need to create. My feeling about it was, not being an expert in the area, perhaps it would be better to leave the law alone in this area and if a change is necessary, to do it after further study.

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

Mr. RAYMOND: Mr. Speaker, I would like to ask a question of the Chair if I may, I am a little confused. There is a new draft on 1429 which is 1854, which is the Majority "Ought to Pass" Report. The motion on the floor is "Ought Not to Pass." In 1429, if we vote on that "Ought Not to Pass" do we in fact vote to kill the whole thing, is this what happens.

The SPEAKER: The Chair would answer in the affirmative.

Mr. RAYMOND: Then, those that are in favor of 1854 but against 1429, there is no way that they can vote on that particular report?

The SPEAKER: The Chair will answer in the affirmative, until such time as this motion were to be defeated. If the pending motion, "Ought Not to Pass," were defeated, then the motion to accept the Majority Report would be in order, which would be the motion to accept L. D. 1854.

Mr. Tarbell, of Bangor was granted permission to speak a third time.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen: In reference to the last question posed, L. D. 1429 was the original bill that came in the Judiciary Committee. After we reworked and redrafted the bill, 1854 was the work product of the Judiciary Committee, with only a couple of minor changes, really nonsubstantive changes.

It doesn't under current law. This bill would not affect current law. There would be no effect, no insecurity placed on homestead exemptions whatsoever.

Now, under current law, one thing I failed to state earlier, there is a most drastic procedure that can be used and it has not even been mentioned here today. It is called a sheriff's sale. The sheriff can take the judgment immediately after the case is all over and the plaintiff has won his or her jury verdict, the plaintiff can take that judgment, piece of paper to the sheriff without any court process, can request that sheriff with proper documentation go out, attach the real estate of the loser and sell it. That is the most drastic remedy and it is on the books. I submit to you that a judgment lien process only applies a lien to that real estate and is far less drastic than other remedies or other procedures that we have on the books. With the sheriff's sale, even a \$3,000 worth of homestead exemptions is set aside. That is never touched under current law or under this bill. It is sacred, and its sanctity is not affected.

With respect to fears and concerns or some opinions that this is a bill that has come about because of more and more lending and credit extension, I assure you that is not the reason that I have brought this bill forward today. I brought this bill forward because the average Maine citizen cannot afford the numerous court

hearings and attorney fees and court costs that have got to be used short of the sheriff's sale, which is the most drastic approach, they have got to be used in order to rightly reap the benefits and the fruits of his case in court that he has won. I submit to you that the present law is not working, that many people are unable to go into court and pay numerous fees and court costs over and over and over again; finally they give up.

The large financial institutions in our state and throughout this country do not care whether this law is passed or not. They don't care whether they have to pay another \$50 or \$100 or \$150 to go back into court, because ultimately, if they get what they want, you know who has to pay that additional \$150 or \$200? The loser, the judgment debtor. It is the small man that cares whether or not he has to pay the additional \$100 or \$200 to go back into court after he has already paid the hundreds or perhaps thousands of dollars to try the case before a jury in the first instance and win. So this bill would save the citizen who can't afford to go into court again, in the initial instance, and would save the debtor as well and also clear up some of the congested dockets that we have before our courts.

I would simply like to reiterate once again that the bill would not affect current law and current law does not affect the homestead exemption. The motivation behind this bill is solely to help out those citizens in our state who are really being robbed of the fruits of their victory after trial.

Mr. Norris of Brewer was granted permission to speak a third time.

Mr. NORRIS: Mr. Speaker and Members of the House: I am sorry, but I did have to address myself to the last statement made by my good friend from Bangor, Mr. Tarbell. My understanding of collecting debts by an attorney usually is a contingency fee, on a percentage of that debt, and I would submit that that amount of money would be the same whether he went before the judge once or twice. So if this bill passes, it simply shortens the route, it makes the work easier for whoever happens to be in that type of law. I feel that the extra trip before the justice is only fair to both parties.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Spencer, that the Minority "Ought Not to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. Whereupon, Mr. Tarbell of Bangor requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Spencer, that the Minority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Bachrach, Beaulieu, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Burns, Bustin, Carrier, Carroll, Chonko, Clark, Connolly, Cox, Curran, Davies, Drinkwater, Dutremble, Fenlason, Flanagan, Fowlie, Gauthier, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Howe, Hughes, Jacques, Jensen, Joyce, Kany, Kerry, Laffin, LaPlante, Locke, Lougee, Lynch, Martin, A.; Maxwell, McBreairty, McHenry, McKean, Mills, Mitchell, Moody, Nadeau, Nelson, N.; Norris, Peakes, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Spencer.

Therault, Trafton, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAYS — Alopis, Ault, Austin, Bagley, Bennett, Birt, Boudreau, P.; Brown, K. L.; Brown, K. C.; Carey, Carter, F.; Churchill, Conners, Cole, Cunningham, Devoc, Durgin, Garsoe, Gill, Gillis, Gray, Higgins, Huber, Hutchings, Immonen, Jalbert, Kane, Kilcoyne, Lewis, Lizotte, Mackel, Marshall, Masterton, McPherson, Morton, Nelson, M.; Palmer, Peltier, Perkins, Rideout, Sewall, Shute, Silsby, Smith, Sprowl, Stubbs, Tarbell, Tarr, Torrey, Truman, Tyndale, Whittemore.

ABSENT — Bunker, Carter, D.; Dexter, Diamond, Dow, Dudley, Elias, Gould, Hobbins, Hunter, Jackson, Kelleher, LeBlanc, Littlefield, Lunt, MacEachern, Mahany, Masterman, McMahon, Najarian, Pearson, Rollins, Stover, Strout, Talbot, Tarson, Tierney, Tozier, Twitchell.

Yes, 70; No, 52; Absent, 29.

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

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

Mr. **SPENCER**: Mr. Speaker, having voted on the prevailing side, I move that we reconsider our action whereby the Minority "Ought Not to Pass" Report was accepted and would urge you to vote against me.

The **SPEAKER**: The gentleman from Standish, Mr. Spencer, having voted on the prevailing side, moves that the House reconsider its action whereby the Minority "Ought Not to Pass" Report was accepted. All those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

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

SENATE DIVIDED REPORT — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" as Amended by Committee Amendment "A" (S-213) — Committee on Agriculture on Bill "An Act Concerning Euthanasia of Cats and Dogs" (S. P. 333) (L. D. 1092) — In Senate, Minority "Ought to Pass" Report read and accepted and Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-213).

Tabled — June 14, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of Mr. Mahany of Easton to Accept the Majority "Ought Not to Pass" Report.

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

Mr. **TORREY**: Mr. Speaker, Ladies and Gentlemen of the House: Our good gentleman from Easton, Mr. Mahany, was unexpectedly called home this afternoon. He is Chairman of the Agriculture Committee. He requested that I present his viewpoints and notes on this bill, so I will quote:

"Mr. Speaker and Members of the House: We had a good public hearing on this bill and it was attended by a large group of interested people. Besides the sponsor of the bill, there were five proponents who spoke: two persons who are from the Humane Society of the United States but they were not connected with the government and they were outside of the State of Maine. A Mrs. Charlotte Parks, a member of the Advisory Committee to the Division of Animal Welfare, and a gentleman from the Waterville Humane Society spoke in favor of the bill.

There were eight persons who spoke very strongly against the bill. One of these persons was from the Legislative Committee of Maine Veterinary Medical Association. Those opposing the bill and who spoke against it were Mr.

Frank Hersom, Legislative Committee from the State Department of Veterinary Medicine; Dr. L. McDaniels, a veterinary doctor from Orono; Mrs. Fuller from the Animal Refuge League from Portland, Maine; Mr. Werner from the Westbrook Animal Refuge League in Westbrook; a Dr. Ronald Lott, Veterinary Doctor, member of the Animal Welfare Advisory Board from Old Town; Mr. David O'Brien, Animal Refuge League in Yarmouth; Mrs. Ida Mallory, President of the Maine Federation of Humane Societies from Goodwin Mills; and Mr. Michael Vealey, Shelter Manager for Belgrade, Maine.

"When asked by the Chairman of the Committee for those present who were favoring the legislation, there were only six or seven that stood up. Those asked to stand who were opposing the bill, it was noticed there was a pronounced majority.

"Since the hearing, I have received many letters asking for support of the bill; however, they have come mostly from Elliott, York and that vicinity. I received a few letters from the Bangor area, but not more than eight or ten.

"At our work session, two out of state gentlemen were present again at the request of the sponsor. When questioned, they admitted they did not condemn the use of the decompression chamber but favored the use of drugs, especially an overdose of barbiturates.

"Since the local veterinarians and those representing the Animal Relief Leagues and Humane Shelter so strongly oppose the bill and the proponents technical advisers — one who is a Dr. Inman — said they did not condemn the use of the decompression chamber, the extra cost involved for drugs and their administration, in my opinion, this bill should not pass.

"Basically, my opinion was formed from the testimony given and oral discussions in the hearings and work sessions. However, a paragraph from a statement of Ida Mallory, who is President of the Maine Federation of the Humane Society, impressed me a great deal and I will read it for you: 'The material in the bill should be reconsidered and a workable set of regulations be drawn up by a committee of perhaps four to eight, including representatives of the Department of Agriculture, veterinarians, shelter managers and the Federation of Humane Societies.' 'These are the groups who are directly involved in the administration of humane euthanasia to our dogs and cats. However, the sponsor did not see fit to withdraw this bill, and mostly people are thinking only about the decompression chamber. However, if you study this bill and the committee amendment, you will see there is much more involved and it will lead to many problems.

I hope you will support the "Ought Not to Pass" Report.

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

Mr. **WOOD**: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we don't accept the Majority "Ought Not to Pass" Report and then accept the Minority "Ought to Pass" Report and I would like to share with you some of the reasons why I hope you make that ultimate decision.

It is unfortunate that in our society we choose to have pets and oftentimes we treat our pets better than other human beings and yet when it come to pet over-population, we do nothing about it. By not doing anything about it we are saying or mandating that many of our pets, many of unwanted pets, have to be euthanized. I really don't know how you find a humane method of euthanasia. The whole concept in itself is ironic. But if we unwilling to deal with the problem of over-population, and we seem to be unwilling to deal with that problem, and if we are forcing our pets to be euthanized, I think it is only fair and fitting that the methods that

we choose to euthanize our pets should be humane, if that is possible.

This bill is an attempt to outline those methods that the state feels are humane and it also condemns and prohibits those methods that the state feels are inhumane. I know that you probably can't get an agreement in the veterinarian community and also the animal welfare community on what methods are inhumane but I would like to share with you some of my knowledge that I have gained into looking at the three methods that we propose to outlaw.

This bill outlaws the decompression chamber. There are two areas in the state that the decompression chamber is used and I can understand why they would be opposed to it. I am sure that it was an expensive piece of equipment to put in and I am sure that it probably fulfills their purposes of getting rid of the pet population. I am also aware that if this bill goes into effect, we might be placing a burden on them and I would not be against amending the bill so that it takes effect in the near future so that they would have time to gear up such a change. The purpose of the decompression chamber is that the chamber where you put pets in and then through a high altitude device suck out the air and I will not go into the more grotesque elements of this experience. I think they are grotesque, I haven't witnessed it, I should witness it but I don't know if I could but I don't think that that should stop us from discussing it because these pets have to experience this and if we can experience it in a verbal way, then I think we should also experience it in that verbal way.

What happens is that the air is sucked out. If the operation is operating at top level, if all the systems are go and if you are dealing with 100 per cent healthy animals, then the system probably is humane. But, unfortunately, these systems are notorious for malfunctioning and when I asked the people in the Agriculture Department to deal with licensing or inspecting these shelters, there was no one in the department that has a mechanical knowhow to know if one of these machines is functioning or not so they can't shut down these machines with their own knowledge because they don't know if they operate. So, the machines are faulty usually.

The other element is that it is all right if you are dealing with a 100 percent healthy pets. It is my understanding that a lot of the strays that go into shelters are not a 100 percent healthy. If you have a pet that has an upper respiratory ailment and that pet's sinus is blocked or the upper respiratory is blocked, what you do when you suck out the air is blow out their lungs. It is as simple as that. I would assume that if I was in an unhealthy situation with an upper respiratory ailment and put into a decompression chamber and my lungs were blown out, that I would be treated in an inhumane fashion so I have no problems if the systems worked 100 percent all right and if you are dealing with healthy pets. There is no way of guaranteeing that the systems work and there is no way of guaranteeing that the pets are 100 percent healthy because what that would do would be to require a veterinarian to inspect the animals before they went into the decompression chamber.

Another thing that happens in the decompression chamber is oftentimes if it is faulty, then the time of death can vary. At the optimum, it should be around 50 seconds but it has been known to prolong around to the point of 15 minutes and in one case that I was reading, the machine was turned on in the evening and turned off and when the man went to empty the machine in the morning, a kitten crawled out. The kitten had survived that evening.

It has been pointed out in the reading that I have done, oftentimes, they have to put the animals in two or three times to do the job and I would argue that any system that allows the

animals be put in until they are dead is a system that is fairly inhumane.

I think the arguments are fairly clear that the decompression chamber is not the best method to use and that this bill outlaws that method.

The two other things that we talk about in this bill are two drugs, one of which I can't pronounce, it is sucralchloride I think, and curary form and I would agree that there is a lot of controversy with these two drugs and I might even be willing to amend these two drugs out of the bill but it is my understanding with talking to my veterinarian, that at least one of these drugs has the effect of paralyzing the animals completely. From what I gathered, the animal does not die of a dose of barbiturates, the animal suffocates. When he has seen it in operation, he says, the look in the animals eyes would lead him to believe that the animal is suffering. So what we are saying is that these three things should be outlawed. The best approach is an injection of a barbiturate or several other methods. We are not saying that the injections are the only method that we will accept but we are saying that there are several other methods that should be used. If these methods are used, then we are dealing with our pet populations in a humane way.

I think that it is very sad to see that we are unwilling on one hand to deal with the whole problem of over-population thus forcing our animal shelters and our veterinarians to euthanize the very problems that we are unwilling to deal with. Yet, when it comes to euthanizing, we won't find the most humane methods and I would argue that the decompression chamber is not the best method and that it should be outlawed. It has been outlawed in the State of Massachusetts, it has been outlawed in several cities and I think in the future, you will see it outlawed in more areas and I hope today that we can vote in a positive way to say that we do not want our pets put into these decompression chambers.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: The majority of the State Agriculture Committee recommended an "Ought Not to Pass." Their judgment should be worth considering since the matter of humane treatment of animals comes under the jurisdiction of the Department of Agriculture. They certainly would not consider lightly, methods to be used for euthanasia.

This bill would condemn and outlaw the use of the decompression chamber, also called the high altitude chamber, as being cruel and inhumane. This conclusion is quite contrary to the judgment and wide experience of many of the country's most knowledgeable and reputable authorities on humane euthanasia methods. Extensive tests have been made on the so-called decompression or high altitude chamber, not only with animals but also with humans. The latter have been carried out by the U. S. Government laboratories in connection with high altitude flying, stopping, of course, with the beginning of loss of consciousness. The conclusions are clear. The state of unconsciousness is reached with no feeling of pain. Any eliminations of body fluids, any spasmodic motions of limbs, are unconscious reactions and reflexes which frequently take place in the case of both humans and other animals as body functions and muscles relax when death occurs. They are in no way related to pain, suffering or anguish.

The chamber in Westbrook is operated by the Animal Refuge League, not the Animal "Defense" League as reported in the papers. It was recommended by the Portland area veterinarians 20 years ago as being by far the most practical method for use by non-medical personnel. They still say this is true. Would they, of all people, recommend a method which is not humane to animals? The method is not

only humane to the animals but it is absolutely safe to the operator. No lethal drugs are involved with the ever present risk of harm to the person giving the shots or of the drug's getting into improper hands.

The chamber must of course be kept in good operating condition and properly operated. Neither of these requirements is difficult to realize. There is no doubt that if an operator wishes to discredit the chamber, he can readily do so by improper usage. There is strong evidence that this has been done in the past in the case of certain installations. This has never happened with the Westbrook chamber. It is inspected every 3 months to keep it in working order.

The decompression chamber is recommended as a completely humane method of euthanasia by the American Humane Association, a 100 year old organization devoted to the humane treatment of all animals, including children. Child abuse is still common in this country. It is actively involved in shelter operation in all phases. The chamber is also endorsed by the Society of Animal Welfare Administrators whose membership includes the executive directors of many major local humane societies in the U.S. It is endorsed by the American Veterinarian Association and many others. Can all these organizations be wrong in their judgment?

Some of the claims put forth by those opposed to this method have been given special attention in recent re-evaluation studies at the College of Veterinary Medicine, Colorado State University, Fort Collins. Therefore the decompression chamber is not inhumane.

The high-altitude low-pressure method of euthanasia was originally proposed on the basis of the scientific knowledge gained by respiratory physiologists, etc., concerned with the safety of aircraft pilots. Early studies showed that brain cells are the most susceptible of all the cells of the body to a reduced oxygen supply. On this basis it was postulated that reducing the supply of oxygen, by lowering the pressure within a closed container, would be a humane and practical method of killing the millions of animals that must be disposed of by humane societies and municipal animal shelters throughout the United States.

This method of euthanasia has been endorsed by The American Humane Association for more than a decade. AHA has done so with complete confidence that this method is, in fact, a "most humane euthanizing process." But even with this assurance by AHA, and supported by numerous scientists, not infrequently some misinformed persons continue to insist that the animals killed by this method experience excruciating pain.

As a result of several experiences recently wherein this method has been challenged in courts of law, AHA felt honor-bound to reevaluate the method. This decision was made with two specific objectives: to obtain the best scientific information possible so as to confirm or refute the original position espoused by AHA; and to obtain scientific data to answer each allegation regarding the cruel aspects of this euthanizing process.

The reevaluation study was performed at the College of Veterinary Medicine, Colorado State University, Fort Collins. The scientists conducting these studies were eminently qualified to evaluate the body reactions experienced by dogs and cats when in a high-altitude low-pressure cabinet.

Some of the claims proffered by those opposed to this method, and which were given special attention in this reevaluation study, are:

- a. The eyeballs are forced from their sockets.
- b. The eardrums are ruptured causing severe pain and hemorrhage.
- c. Bloating occurs to the extent that the skin

either bursts or is stretched as tight as a drum head.

d. The lungs are sucked from the chest.

e. The brain is exploded.

f. Animals with distemper, pneumonia, etc., suffer severe chest pains.

The AHA/CSU study proved conclusively that none of the above charges were factual. This statement is based on the observation of 102 dogs and 76 cats included in this study. It is of interest to note that of these animals, 38 dogs and 21 cats showed positive evidence of pneumonia. Furthermore, comparison of the data derived from these sick animals with that obtained from the other apparently healthy animals showed no substantial variations.

As a follow-up to the laboratory study and evaluation of this method, a field study was conducted. This latter study took place under typical animal shelter conditions at the Humane Society for Larimer County in Fort Collins. A commercially available Euthanair chamber was used.

The field study began September 1, 1975 and as of October 23, 1975, 290 dogs, 276 cats and five guinea pigs had been euthanized.

The decompression method proved 100% effective in this field study. The shelter personnel who operated the equipment stated there were no problems with the method's effectiveness and reported no observations of the animals' reactions and responses which could indicate inhumane treatment.

Because of the scientific sophistication of this study, it was possible to establish the point, in time, when the animals lost consciousness. The electroencephalogram (EEG) and other physiological parameters of 17 dogs and seven cats indicated that unconsciousness occurred on an average of 52.5 seconds, with a range of 42-61 seconds, and 49.3 seconds, with a range of 43-59 seconds, respectively.

Additionally, it was determined that when unconsciousness occurred, the animals would fall. Thus, by relating the EEG onset of unconsciousness to the act of falling, it was shown that 73 dogs and 69 cats lost consciousness in an average of 51.8 seconds and 51 seconds respectively. This scientific observation should relieve the anxiety of many humanitarians, who previously had interpreted the muscle twitching and paddling movements seen in some animals immediately after they dropped, as being evidence of severe pain.

We may also use the experience of the human animal — man — who is the best experimental subject because he can relate his experiences.

Numerous humans subjected to hypoxic conditions report that, "from the beginning of the decompression process to the onset of unconsciousness is a euphoric period." According to experiences by many pilots and scientists, there has never been a report of pain during the hypoxia experience despite the fact involuntary muscular contractions and twitching occur as the individual loses consciousness.

Unlike asphyxiation from choking, breath holding or drowning — where carbon dioxide builds up throughout the body and air cannot be moved by the respiratory system, the sensation of suffocation is absent in a low-pressure environment such as exists in the high-altitude low-pressure euthanasia cabinet. In the latter situation, breathing continues unimpeded and carbon dioxide actually decreases until loss of consciousness occurs.

In summary, it was the consensus of the investigators of the AHA CSU study that death by this method of euthanasia is humane.

There is a third very important and practical reason why this bill should not pass, a matter of costs, dollars and cents.

If the use of the chamber is outlawed, the Animal Refuge League of Westbrook would be forced to completely re-evaluate the services that it is now providing the public at very low

cost. It operates on a very modest budget, \$40,000 in 1976. It just barely keeps in the black with careful management.

It is a non-profit organization with a very modest income from endowment, and that, of course, came from the late Governor Baxter. The balance of income is made up of numerous small donations from the public and the reimbursement funds paid by the State Department of Agriculture for the limited care of stray dogs. These dogs are brought in by the public and by the dog officers of the towns and cities served by the shelter. The state funds are derived from the dog license fees paid by responsible dog owners. Currently the following 14 communities are provided with this service, Westbrook, Scarborough, South Portland, Windham, Gorham, Cape Elizabeth, Gray, Standish, Casco, Sebago, Naples, Raymond, North Yarmouth, Baldwin.

There is no cost at all to these towns or the taxpayers for handling and caring for their cat and dog problems.

Many of these dogs have to be put to sleep, if not claimed by their owners within 10 days or if new homes cannot be found. The state pays \$15 per day for 10 days and then the animal is destroyed. By federal law, barbiturates can be administered only by a licensed veterinarian or under his direct supervision.

The Westbrook Shelter can't afford a full time veterinarian. In 1976 it had to put to sleep an average of 17 animals a day, each day for 5 days a week, 52 weeks of the year, that is 4,420. The shelter simply could not afford to pay for the services of a Veterinarian to come in to do that job, at his convenience, without drastic changes in their fiscal policy. Unless the state reimbursements were significantly increased, and the Legislature has shown no willingness to provide for this, it is quite possible that this shelter would have to drastically curtail its services to the 14 communities it now serves. In this case the state might have a lot of dogs dumped in its lap to take care of as a result of its leash law.

And that is by no means the whole story. The Westbrook Shelter has in recent years provided a place for owned but sick or unwanted dogs and cats to be brought to if their owners are unable to pay the usual veterinary fees for putting an animal to sleep. The donation for that service is barely enough to cover costs to the shelter and there is no cost to the owner if he or she cannot pay. A significant increase in this cost to the shelter as a result of having to pay a veterinarian for the job would simply mean that many people would claim strays, the dog or cat or litter of puppies or kittens. In this case they would have to pay nothing or, especially in the case of dogs, they would be dumped somewhere, eventually to be brought in by the dog officers as strays, thus significantly increasing the cost to the state of Maine.

It should also be mentioned that the Westbrook Shelter is the only major shelter in Cumberland County that takes in cats. In 1976, it took in about 3,700 cats alone. Portland, which takes care of its own dogs, along with those from Falmouth and Cumberland, doesn't take cats. There is no state reimbursement for cats and no state control regulations of any kind. No matter how you look at it, if L. D. 1092 is passed, it will eventually mean significantly higher costs for the taxpayers of Maine, one way or another, as a result of higher costs all along the line for pet control, with no worthwhile advantages in any way, from the humane standpoint. Nothing will be gained.

In fact, the cats and dogs will suffer much more from cold, hunger and disease as a result of many more being turned loose to shift for themselves for an indefinite period than they ever would by being put to a painless death in a decompression chamber. Is that being humane?

When I was asked to speak on this bill, I didn't know the first thing about it. I was home Sunday watching the ballgame when my constituents came to me about this and we talked and talked and I didn't see much of the ballgame but I said, all right, I will do what I can.

I came up to Augusta and heard too many horror stories about the eyes popping out and all this stuff that I want to see for myself so last night I went to the shelter, they had already disposed of their animals for the day, I got hold of Mr. Wyman, one of the trustees and I said, I want to go over to the shelter and he took me over and he got the fellow that runs it. He showed me around and I said, I want to see your chamber. We went out and looked at it and of course, I thought from the stories I had heard up here, that it was all going to be blacked over and you couldn't see in the windows, that is not true.

Anyway, in the decompression chamber, they showed me how it worked and they explained it all to me. It's like if you have been on a ship, they have a porthole, well, that is what it looks like. You could look through there and see the animal. It was dark in there and I said, put a light in there, I want to see a dog put to sleep. He said, we don't have any scheduled today, tomorrow they are due. I said, I want to see one tonight and I don't want to see a cat, I want to see a nice big dog. They had 15 they were going to put away and he brought out this big dog and he put him in that chamber and turned the light on and I could see that dog. In fact, I was looking right at the dog and he was looking back at me, his tail was wagging. I said, all right, go ahead and I watched that dog be put to sleep. Believe you me, there was none of the horror that I have heard about up here. He dies a normal death. He did breathe heavy, he fell down and I watched him and I examined him after. They left it on for about five minutes. He was dead right off, by the way, I timed it, it was just under 50 seconds. They brought him out and I looked at his eyes and I said, open his mouth, I want to see his tongue because I have heard stories up here that they bite their tongues. That is not true, that is a bunch of lies they are spreading from the other corner of the building down there so you people will support this bill. He pulled his tongue out and it was perfectly normal, it was getting blue but it was perfectly normal. Then I said, pick up his ears, I want to see if he is bleeding from his ears and he wasn't bleeding. I asked him to pick up his tail and there was no blood there. I looked at his head and he was not swelled up like all the stories you hear about. It was a perfectly humane way to dispose of unwanted cats and dogs.

I saw this with my own eyes and the director has invited any member of the legislature, if they would like to go there and see this done, they can certainly be their guest. If you feel that this is inhumane and we say it isn't, then we would change our positions.

As I was leaving the building, there was a big picture of Governor Baxter in the hallway. He was a great believer in the humane treatment of animals and don't you think he wasn't. Governor Baxter built the shelter. Governor Baxter, out of his trust, we get \$12,000 a year, each and every year. Governor Baxter would not have supported anything that was inhumane to animals. In fact, while I was there, the attendant told me how he had new doors put on just before the Governor died in 1969. When the Governor came to visit the shelter, he asked the attendant what happens with those locks on the doors if the animals are caught in a fire. He said, well, they will all die. He said, change all the doors and all the locks and he paid for that. They put in a system that when the heat went off, the doors would open. That is what Governor Baxter thought about humane treatment of animals. He endorsed this system because it is a humane system. There is nothing wrong with

it and I urge the members of this House, if you could find your way to kill this bill, I would support it.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Valentine.

Mr. VALENTINE: Mr. Speaker and Members of the House: I am not sure I really want to follow that act, Mr. Speaker, I will give everyone time to catch their breath. I will be very brief. I would like to say that probably both Mr. Wood and Mr. Laffin, are somewhat correct in their presentations on either side of the issue. I think I and possibly the gentleman from Gorham, Mr. Quinn are among the few people in here who have personally been in altitude chambers and personally gone through decompression. I would suggest that if the equipment is working normally and if the people or the animals or whoever is in the chamber are fairly healthy it would, based on my personal experience, probably be a very humane way of dealing with this particular situation. In fact it is a very euphoric sort of feeling.

The problem, however, comes in if equipment is malfunctioning or if the animals are not healthy and even though I and many of my contemporaries, who were pilots in the military went through this, if anybody had had any sinus problems or any respiratory problems or not deemed to be very healthy individuals, we wouldn't have been allowed to go through the rapid decompression or to be put into the altitude chamber.

So I think the problem here is not that on the one hand the equipment is by definition necessarily humane or on the other hand that there aren't any problems with it. I think what everybody has to consider here after listening to both sides of the story is, since there apparently are only two chambers in the state, whether or not you feel that the equipment is maintained well enough, operated well enough and that all of the animals who are put in these chambers are healthy enough so that when this particular method is used, it is a painless and humane method and that is the particular question at hand here, I think.

Since I am not at all convinced based on what I have heard, it is probably an impossibility to verify all of the animals whatever they may be are healthy when they go into the chamber. Consequently I suspect that there is suffering among some of the animals. Now whether the solution is to develop a method to check animals first which seems to be an impossibility or whether it is to do away with it. I would opt for the latter and would suspect that there are probably other methods and better methods that are less painful for those creatures who don't happen to be in good health.

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

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the "Ought Not to Pass" Report, I sincerely support the statements that were presented by Representative Mahany.

I contacted my local veterinarian, he has reservations about the use of this barbiturate drug saying that it has to be administered by trained and skilled personnel and, at the present time, only graduate veterinarians have that knowledge for its use and he would rather wait until a little later date, until more experiments have been made with the drug, until perhaps more people could be trained in its use if that is the method we are going to use.

Therefore, I certainly would support the "Ought Not to Pass" and hope that we would see fit to support that measure.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen: Mr. Torrey's comments on the numbers of opponents and proponents, who testified before the public hearing, I don't think

should be considered as overwhelming evidence for the demise of this bill. You might recall the bill that came for human resources that had had 200 proponents, I am referring to the bill on sexual preference, and only one opponent and that was the good gentleman from Pittsfield, Mr. Wyman, and yet this House saw fit in its wisdom to kill the bill. I urge you not to consider the numbers when you are considering this bill but to consider the good argument proposed by the good gentleman from Sanford, Mr. Wood.

In response to Mr. Laffin's comment, I don't see really where we are going to have a prohibitive increased cost to the taxpayers of this state by the disallowing of two decompression chambers and I ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: Before I give just a few brief remarks on this, I hope, you have been kept here quite a length of time, (1) The majority members, and I am led to believe this, and I believe this from whence it comes, the majority members of the Westbrook Animal Shelter voted against the use of the decompression chamber. (2) I wouldn't take too seriously that remark about Mr. Percival Baxter because I don't think that he had an opportunity to inspect and get the remarks at that particular time in regards to the use of the euthanasia chamber.

This decompression chamber was invented by Dr. Sigmund Rasher, a second lieutenant in the Nazi SSI in 1941. He used it extensively at Dachau and his guinea pigs were captured Jews. The chamber is used today to kill unwanted pets. I might say at this time, it was so repugnant to the people, even the SS, that they discontinued the use of the decompression chamber and went to the gas chamber after that.

The scene inside a decompression chamber is not one of peaceful euthanasia but chaotic crowding of ten to fifteen animals at a time. We have documented reports of as many as 50 animals sometimes being crowded in. The mere fright and weight kills many of them by cardiac arrest and suffocation and if the animal, by any chance, has any problems with his lungs whatsoever, in any sense, he suffers a horrible death. The decompression method of death has been banned in Canada, in the United States, Dallas, Texas has banned it and numerous other cities and states and some states have started action towards banning the chamber as a senseless and inhumane instrument of destruction.

I might say that the reference to cats isn't true because I think that our animal shelter of which I am a director in York County, handles more cats than any four shelters put together. We have a larger number of dogs to take care of, find homes for and in a great majority of cases, I am pleased to say that we do find homes for them. In some instances, generous people have paid the board of animals to keep them over the prescribed days that are allowed to us by the Agriculture Department.

I want you to consider for one moment, some of you who have had a bird dog, who is probably the most attentive dog that you could probably get. I have had them and they are wonderful, wonderful dogs, they are descended from hunters and they are fine animals in every sense of the word. I ask you, would you take a gamble with this decompression chamber which might work or might not work? I wouldn't do it. Picture yourselves, would you step into a chamber of that type and wait for a death of that type, not knowing the full condition of your lungs at that time?

Scientific analysis of the cruelty of the decompression method has been conducted by numerous scientists. Here are two quotes from their professional reports: "The ascent is very

rapid to the altitude of 60,000 feet, at this altitude the oxygen content of the air in the chamber is not enough to support life but the pressure is so low, the animals blood will almost certainly boil causing bloating of the whole body and severe pain. Who is it that made this analysis? Dr. Peter Hall and J. W. Fitz, Department of Physiology and Biophysics at the Colorado State University. The chamber's sole advantage to be that it kills a large number of animals when overloaded and I can say as far as the expense of this is concerned, our shelter is totally dependent on volunteer contributions from the citizens of York County and southern Maine to carry on our shelter. In no instances, do we feel in any case that this would be an added expense to the state because we are willing to do it all ourselves. Anybody who loves animals, in any sense of the word, who wouldn't be willing to do just that little thing is not really an animal lover.

Is there an alternative? We say yes. Intravenous injection is universally recognized as being the quickest and most humane method of euthanasia. I might say, this spring I had an anesthetic used, sodium pentothal which is recommended here which was given to me and I am saying I had the most beautiful sleep of any person you have ever seen in a very short period of time. As a matter of fact, as I entered the operating room, I turned around and looked at the doctors and nurses. The first thing I knew, I was asleep and having a dream, although it was recalled to me by a couple of doctors on my staff at the hospital where I am a director, they said to me "Monty, did you know this is a truth serum? You said some things which we will not say ourselves." I don't know what exactly might have happened, but it is used sometimes as a truth serum.

I have a couple of pictures here, and I hope some of you might take a look at them, of animals killed by this method. You in your own analytical mind can picture this. You in your own minds can come to a conclusion after what Mr. Valentine said and he should know. He is an outstanding pilot and knows all the things that a quick ascent can do to you if it is not working properly. Gentlemen, what he said is a lot of hogwash and is not true. At the Westbrook shelter, they painted the window black so you could not see the operation. That is true. Some other things that have been brought together by scientists throughout the country and at the hearing, incidentally, there appeared one of the outstanding physiologists in the country today who gave his testimony for the bill. I was there for about 25 minutes. I didn't see any outburst against the bill, except one veterinarian who was questioning the expense of the use of the drug. We understand this. There is some expense in the use of any drug. What is that, a sacrifice for the best friend that we have?

I hope this bill will be passed. If there are any defects in the bill as it goes along its legislative way, it can be amended. I would appreciate your support of giving us the Minority "Ought to Pass" Report so the bill can go against legislative process.

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 Easton, Mr. Mahany, that the Majority "Ought Not to Pass" Report. All those in favor of that motion will vote yes; those opposed will vote no.

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

Mrs. HUBER: Mr. Speaker, I wish to pair my vote with the gentleman from Windham, Mr. Diamond. If he were here, he would be voting no and I would be voting yes.

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

Mr. SHUTE: Mr. Speaker, I would like to pair my vote with the gentleman from Easton, Mr. Mahany. If he were here, he would be voting yes; I would be voting no.

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

Mr. PERKINS: Mr. Speaker, I would like to pair my vote with the gentleman from Milo, Mr. Masterman. If he were here, he would be voting yes and I would be voting nay.

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

Mrs. KANE: Mr. Speaker, I request permission to pair my vote with the gentleman from Cumberland, Mr. Garsoe. If he were here, he would be voting nay and if I were voting, I would be voting yea.

ROLL CALL

YEA — Austin, Bachrach, Beaulieu, Berry, Birt, Brown, K. L.; Brown, K. C.; Burns, Carrier, Carroll, Connors, Curran, Davies, Devoe, Fenlason, Flanagan, Fowlie, Gill, Hall, Hickey, Higgins, Howe, Jensen, Kilcoyne, Lougee, Lynch, Martin, A.; McBreairty, McHenry, Mills, Morton, Peterson, Rideout, Torrey.

NAY — Alopis, Ault, Bennett, Benoit, Berube, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Bustin, Byers, Carey, Carter, F.; Chonko, Churchill, Clark, Connolly, Cox, Cunningham, Drinkwater, Durgin, Dutremble, Gillis, Goodwin, H.; Gray, Greenlaw, Henderson, Hughes, Hutchings, Jacques, Jalbert, Joyce, Kerry, Laffin, LaPlante, Lewis, Lizotte, Locke, Mackel, Marshall, Masterton, Maxwell, McKean, McPherson, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peltier, Plourde, Post, Prescott, Quinn, Raymond, Silsby, Smith, Spencer, Sprowl, Stubbs, Tarbell, Tarr, Theriault, Trafton, Truman, Tyndale, Valentine, Wilfong, Wood, Wyman.

ABSENT — Bagley, Bunker, Carter, D.; Cote, Dexter, Dow, Dudley, Elias, Gauthier, Goodwin, K.; Gould, Green, Hobbins, Hunter, Immonen, Jackson, Kany, Kelleher, LeBlanc, Littlefield, Lunt, MacEachern, McMahon, Peakes, Pearson, Rollins, Stover, Strout, Talbot, Teague, Tierney, Tozier, Twitchell, Whittemore.

PAIRED — Diamond, Garsoe, Huber, Kane, Mahany, Masterman, Perkins, Shute.

Yes, 34; No, 74; Absent, 35; Paired, 8.

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

Thereupon, the Minority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-213) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

The Chair laid before the House the seventeenth tabled and today assigned matter: Senate Report — "Ought to Pass" as Amended by Committee Amendment "A" (S-205) — Committee on Transportation on Bill "An Act Relating to Motor Vehicle Fees Collected by the Public Utilities Commission" (S. P. 92) (L. D. 216)

Tabled — June 14, 1977 by Mr. Carroll of Limerick.

Pending — Acceptance of the Committee Report.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-205) was read by the Clerk

and adopted in concurrence and the Bill assigned for second reading tomorrow.

The Chair laid before the House the eighteenth 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 14, 1977 by Mr. Lynch of Livermore Falls.

Pending — Motion of the same gentleman to Reconsider Adoption of House Amendment "A" (H-582)

Mr. Lynch of Livermore Falls requested permission to withdraw his motion to reconsider adoption of House Amendment "A", which was granted.

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

House Amendment "D" (H-636) was read by the Clerk.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: We have taken a great deal of time to talk about cats and dogs. I hope we can spare a few minutes to talk about young boys and girls. The gentleman from Westbrook, Mr. Laffin said that approximately 4,000 cats and dogs or other animals were taken care of in Westbrook. I hope you will take the time to consider some 3,000 dropouts each year in the State of Maine. I think this is much more important than the bill we have discussed for such a long period this afternoon.

This is a problem that has been studied and studied and studied since I have been in the legislature. It is a problem that we have to face today; we ought to face it today. We cannot turn our backs on thousands of young boys and girls who are truants or dropouts.

We have been concerned about violence in school, we have been concerned about the breakage of equipment in schools, but that is only the tip of the iceberg. Many young children have a negative attitude toward school and this leads to many abnormal behaviors. It is disruptive to effective teaching and learning.

I think that we have to look at this and I don't believe it is recognized that many non-school activities have a great impact on the classroom. You have the environmental factors of television, you have changing technology, you have changing life patterns, you have ill health, you have hunger and emotional distress and social deprivation in many forms. All these factors have an impact on the school classrooms.

What do we do about the eight, nine or ten year old who becomes a truant early in his elementary grades? These are the first signs of future trouble for the youngster. What are we doing about it? We have an existing law that a parent can be — and I will read it to you — "Any person who induces a child to absent himself from school or harbors or conceals such child when he is absent shall be punished by a fine of not more than \$25 or by imprisonment for not more than 30 days for each offense." It is useless. The courts will not address the problem. The courts say that it is not their problem. From the superintendents on down to the teachers, it is not their problem; it is society's problem and education alone cannot solve it, but at least we can make an attempt toward reaching a solution.

I think the bill we have before us with the amendment and the amendment that I have just presented satisfies the superintendents. It was put in the bill as a measure of forcing superintendents to take some action or they would lose subsidy. They have rebelled against it, and the bill that I have says that that section where subsidy will be reduced shall not take effect until the 1978-79 school year.

Somehow or other, we have to address the problem of the youngsters who are starting out

in bad habits of truancy. I am afraid it is too late for the dropouts at the senior level in the secondary schools, but we have other programs that we have addressed this session that may be of some benefit to many of them. Let's take some action, and all we are asking is that the school units do something and that each superintendent shall report to the commissioner identification of the number of habitual truants designated in the unit during the previous school year and any other information relating to truancy which the commissioner deems necessary. The commissioner shall submit to the legislature and the governor annually, prior to January 15, a report which includes an identification of the number of pupils designated as habitual truants during the previous school year, describes the development and the use of all unit programs as authorized in this section and assesses the effect of the provision of this section on the incidents of truancy throughout the state. If the school units do not do this, the next step will be to deny them the tuition which in many cases they are getting for students that are not in school. Let's try this and see what happens.

Thereupon, House Amendment "D" was adopted.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would move that this bill and all of its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Waldoboro, Mr. Blodgett, moves indefinite postponement of this bill and all its accompanying papers.

The gentleman may proceed.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: It is a terrible bill. The road to Hades is paved with good intentions here. This bill has all kinds of good intentions, but it is impractical, impossible, and would just cause untold headaches for a community to put up with.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This is the kind of stonewalling that we have had for the past seven years since I have been in the legislature. Nobody wants to address the problem of these youngsters, nobody, from the courts on down through.

You have 3,000 dropping out of school each year. That may seem insignificant compared to 250,000 students, but it is many of these youngsters that are causing your problems in crime, causing all sorts of disruptive behavior. Many of you are getting complaints from your constituents to do something about it. Don't wait until it becomes a problem of crime and vandalism. Take care of the problem in the early grades of the elementary schools. Get at the youngsters before they get off the track.

We have had stonewalling and stonewalling on this problem from all areas. I think it is — I cannot find a word that I can say in the chamber — I am trying to find some way of describing the attitude of the education profession toward many unfortunate children. Some of these youngsters come out of homes where one or both parents are illiterate. They come out of homes where there is no reading. They never see a parent reading. They come out of homes where there is nothing to read, and the education profession is not making the effort that they should be making to turn these kids around. I think the state has to get into the act; I think Human Services has to get into the act; I think the mental department has to get into the act, even if we have to go one on one in the early grades. If you don't do it, if you don't turn these youngsters around, you are going to pay for it later in the correction centers.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I endorse all of the remarks that have been made by the good gentleman from Livermore Falls, the Chairman of the Education Committee. I come from an area myself where dropouts is a very small problem. Maybe I am fortunate because we have a good mill there and they have a very tight control program that they will not allow young people into the mill on a permanent basis until their class has graduated from high school at least, so the dropout is very low. Some of the experiences and some of the information that I have seen this year on the Education Committee caused me to give some serious thoughts to the need that there is something that needs to be done. I am not 100 percent sure this is a perfect solution, but it is the best solution we could come up with. I think it is something worthwhile for a trial. If it does not work, okay, but I think the remarks of the gentleman from Livermore Falls have made are very apt this time, and I certainly hope that you will support this bill.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: If I had not been involved so much in education, I might take the same stand as the gentleman from Livermore Falls, but from practical experience, this bill will not do what you think it will do.

To start with, you have adopted an amendment in which you are going to create a bureaucratic nightmare in establishing any rules and regulations dealing with excusable absences. You are going to have a 30-day period and a 7-day period, and if you want to make a change in any of this, it is going to take you a month and a half. What you are going to do with all of this where you are tying in subsidy and one thing or another, is to make the most permissive excusable absent system that you can possibly imagine. You are just not going to do this with this bill.

I am as sympathetic and maybe more sympathetic than many of you on the business of dropouts, but this bill is just not going to do it. You can go right down through here one part after another, the section where you are holding the parents responsible for this and so what, so they are responsible. You would be surprised as to how many parents intentionally keep their kids out of school to do work. On the other hand, you would be surprised how many kids don't even live at home.

Is the parent going to be responsible for the kid who leaves home and goes to live with someone else? We have young people coming in from out of state and stay here because they like the school system where they spend the summer or part of the year; there is no control at all from the parents. This bill is not going to take care of that at all. It is a terrible bill.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: We have special education. Many of these children who are being provided educational opportunities by the state are never going to contribute anything to the state. They are never going to be able to earn their living, but we are spending untold sums of money on them. We have many other children in the state physically able to go out and earn a living in later years if they can only be turned around. This bill is not the answer, but it is a step in the right direction. Then, with this bill, we can find out how much stonewalling we are going to get from superintendents. If they are going to stonewall us, then we can address the problem the next time.

The SPEAKER: The pending question is on the motion of the gentleman from Waldoboro,

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

A vote of the House was taken.

15 having voted in the affirmative and 59 having voted in the negative, the motion did not prevail.

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

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

Bill, "An Act to Provide Lifeline Electrical Services" (H. P. 1669) (L. D. 1867) — In House, Passed to be Engrossed as amended by House Amendment "A" (H-561) on June 9. — In Senate, Passed to be Engrossed as Amended by House Amendment "A" (H-561) and Senate Amendment "A" (S-235)

Tabled — June 14, 1977 by Mr. Connolly of Portland.

Pending — Further Consideration.

On motion of Mr. Connolly of Portland, the House voted to recede from passage to be engrossed.

Senate Amendment "A" (S-235) was read by the Clerk and adopted.

Mr. Connolly of Portland offered House Amendment "A" and moved its adoption.

House Amendment "B" (H-656) was read by the Clerk and adopted.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if the previous speaker would just briefly outline House Amendment "B", please?

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, has posed a question through the Chair to the gentleman from Portland, Mr. Connolly.

The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker and Members of the House: In response to the question, the bill basically does three things. It changes the language somewhat dealing with the eligibility requirements. The language that was in the bill as it came out of committee was not specific enough in what would be determined as income. The language that is in this amendment tightens the bill up so that certain things will have to be counted as income in order for an individual to be eligible under the lifeline program.

The second thing that the amendment does is that it adds language that would allow different agencies within the state to cooperate with the PUC in implementation of the program, primarily the Human Services Department and Timmy Wilson's operation.

The third thing that the bill does is, as it is worded now, the lifeline rate would stop at 500 kilowatt hours. But based on the recommendations of the Central Maine Power Company, this amendment would allow for a gradual decrease in the lifeline rate to 1,000 kilowatt hours. If an individual who was eligible under the program used more than 1,000 kilowatt hours in a given month, they would not receive the lifeline rate for any of the kilowatt hours that they used during that month.

I would just point out that I have spoken to the members of the committee who in the past have supported this particular proposal and some who opposed it, when it was before the legislature before, and all of them agree that this amendment is acceptable.

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

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

Bill, "An Act to Provide Relief from Extremely Burdensome Property Taxes" (S. P. 386) (L. D. 1331)

Tabled — June 14, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

Mr. Carey of Waterville offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-595) was read by the Clerk.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I guess I am having difficulty as many of you are in finding all the house amendments here and I can't locate that and I would like to have the previous speaker give us the figures on House Amendment "A".

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer has posed a question through the Chair to sponsor of the amendment who may answer if he so desires.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the questions of the gentleman from Nobleboro, Mr. Palmer, in the Statement of Fact, Section No. 3, will tell you exactly what happens and that is we are restricting the general property tax relief to those persons earning no more than \$3,999 and the price tag to go with this would be \$3,100,000.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: It just occurs to me that a figure of \$3 million is ineffective in that the figures just cited are really unrealistic. Of course, this bill will go along its way, I presume, and go on the Appropriations Table and suffer its fate along with the other measures that we have before us, before the final hour of this session. I submit to you that I think this is a little bit ridiculous to bring it down to that point and ruin its effectiveness. I would move the indefinite postponement.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: We have before us L. D. 1331, which unaltered has a price tag of \$10 million. It has been sent to us by the other body, hoping that we would act responsibly and kill it. The \$10 million price tag is certainly acceptable to them until they find that we really don't have that money. We don't have the money and I am putting this bill, hopefully in a position which could, at least, stand a chance on the Appropriations Table at a \$3 million level and then we will see what the other body happens to do with it.

I understand that I am not to refer to actions that the other body may take but this is why I would hope that you would not indefinitely postpone this amendment and send it over to the other body and see if, somewhere in there, there is a compromise between zero and \$10 million.

Mr. Palmer of Nobleboro requested a Division.

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

A vote of the House was taken.

27 having voted in the affirmative and 47 in the negative, the motion did not prevail.

Whereupon, House Amendment "A" was adopted.

On motion of Mrs. Kany of Waterville, the House reconsidered its action whereby House Amendment "A" was adopted.

The same gentleman offered House

Amendment "A" to House Amendment "A" and moved its adoption.

House Amendment "A" to House Amendment "A" (H-629) was read by the Clerk.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I get a little upset when these amendments go flying through here, left and right. I have about 150 on my desk and I can't thumb through them as fast as they present them so I would like to have Mrs. Kany present some explanation if she might so that I might try and catch up with the rest of you.

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

Mrs. KANY: Mr. Speaker and Members of the House: A brief explanation of the amendment is basically that House Amendment "A" referred to elderly or people who are over 55 receiving disability and just spoke of widows and widowers. This amendment just changes that language to include single persons also. So, any person who has attained the age of 55 during the year for which relief is requested and who through a disability is receiving federal disability payments would then be included under the bill. It just extends some widows and widowers to other such persons.

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

Mr. BOUDREAU: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Waterville, Mrs. Kany. I agree with her concept and her amendment but is there a price tag to include these other people?

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

Mrs. KANY: Mr. Speaker and Members of the House: Actually, when fiscal determination was made, all such persons were included.

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

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

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

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

I would just say very briefly that I believe the more we amend this the more ridiculous it becomes and I truly believe that what we are going to do here tonight is to have a headline in the paper tomorrow that concurs and we are going to try to give some relief and I think it is a cruel hoax. I think we realize at this particular point in time that it is difficult and impossible to say that we will have any amount of money for this purpose and for that reason, I would move its indefinite postponement.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: As a signer originally of the "Ought Not to Pass" Report, I should really be concurring with the gentleman from Nobleboro. However, it does become a little more palatable when we start getting the price tag down somewhat, and I would ask for a division on the motion to indefinitely postpone.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: There has got to be a time when we got to pull a halt and I can right now listen to my phone ringing and even people, you know, reach a certain age where they say, the legislature passed this bill and when am I going to get my money.

Whatever you want to do, you can do but I am telling you right now that whether the bill is watered down from a sum of \$10 million to a measly sum of \$3 million, doesn't make any difference. We are getting to a point now where in

the Appropriations Committee we don't have three million cents. I think we have to, somewhere along the line, start realizing what we are doing. I must agree with the gentleman from Nobleboro, Mr. Palmer, that we are just inviting trouble for ourselves. I happen to be one who gets a lot of calls along the line of these bills. You get calls from people who ask you, why can't I get into a home for the elderly. It is very difficult to explain to them that they can't get in, they have to give up their rent because it is too expensive and is very difficult to explain to them that they are 29th on the line. If we had all the money in the world, fine. You couldn't pass a tax bill in here with a tomahawk and you know it. I would like to ask anyone here if they would push a button to vote for any tax and I would lay 5 to 1 there wouldn't be 15 buttons go up. You cannot pass such legislation as this unless you have, not only minor taxes but a major tax. Make up your minds to that. When you push the button to go along with measures like this, you are pushing the button for a major tax. If that is what you want to do, push the button green; if you don't want a major tax, push the button red. Push the button green if you want to vote to indefinitely postpone because then you are averting a major tax. If you vote on the red side, you are inviting a major tax, you are committing yourself to a major tax and make no mistake about it.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Lewiston makes a very interesting argument and when he points out that the 3.1 million dollars is a meager sum, I would point out that \$3.1 million, which is a meager sum, would take care of people who have very meager incomes, those people are \$4,000.

This bill, when it first came to us, was tremendously out of whack, only because it took care of those very poor people who are earning up to \$16,000 a year. Now, we are trying to get this bill somewhat in a position that will take care of those who are in need.

If the Appropriations Committee can't find 3.1 million dollars on the Appropriations Table, then I would assume that they would do their duty and kill the bill.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: The Appropriations Table, whether it be in the House or in the Senate, is not a catchall for all bills just to say that we are going to wait until the last day and then we are going to kill. I am sick and tired of hearing that argument. My very good friend and he is my very good friend, he is a social friend of mine, he is a personal friend of mine, and I want his friendship and I speak of the gentleman from Waterville, Mr. Carey and he is also a very capable individual. He was a very capable individual and very responsible when he was on the Appropriations Committee. You don't talk when you have 4 or 5 million dollars on the Appropriations Table, (1) when you have a Part II budget to write; (2) when you have legislation flying around here the way it is flying around this afternoon with this kind of an amendment — I have cleaned off my desk as I said I would and here are the amendments that I have gotten since yesterday, you don't start talking about that on June 15th. Certainly, the gentleman from Waterville knows that \$3.1 million is certainly not a meager sum to me. \$3.1 million is a major tax on June 15th, that is exactly what it is, and I request a roll call.

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

A vote of the House was taken, and more than

one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to speak in concurrence with the good gentleman from Lewiston, Mr. Jalbert and my hardy leader here in the corner.

I would like to share with you for a minute if I might an editorial that appeared in the Bangor Daily News in February and I feel a bit like the good gentleman, Mr. Shute, who says he doesn't always agree with the responses that he gets from his constituent there at one time, only when they agree with him. I would just like to share with you a couple of the editorials that I happened to pick up. One of them says, this grand plan to introduce the property tax circuit breaker, which may have popular superficial appeal, ought to be seen for the socialistic scheme that it truly is.

It goes on to say that what our lawmakers in Augusta fail to tell us about the circuit breaker is that while it helps support the state property tax burden on certain lower income folks with high proportional property values, it costs all other Mainers more, either in income tax or property tax. The circuit breaker has double socialistic virtues in that it helps disguise the real effect of uniform property tax all the while it is celebrating the process of wealth distribution or income leveling, which is what the uniform property tax is all about. The controversy uniform property tax is intended solely to fund public education in Maine while implementing the circuit breaker, we would actually be using the tax as a method of paying for welfare as well as schools.

I think it was Monday's paper, the Portland Evening Express had an editorial entitled: "The Patch not a Cure." It said, the legislative proposal to provide rebates to hardpressed local property taxpayers, while well intended, fall far short of any attempt of meaningful tax reform. Local property taxes, meanwhile, would not be correspondingly reduced but would remain the same for everyone except those who could later qualify for a rebate. In short, the so-called circuit breaker plan, while it would provide some relief for some property owners, would do nothing to reduce property taxes or to revise the current distribution of tax burdens.

I feel rather hardpressed here to stand in front of you today and talk against the bill like this because I realize that it borders on motherhood at times when you talk about property tax reform for those who are in need but I think it is up to this legislature, as the good gentleman from Lewiston has implied, that at this point, we need to be realistic and we need to be responsible. While to debate the bill or against the bill may be cruel, I would submit to you that it would perhaps be crueler to give these people a false sense of hope that this state has, maybe, not \$10 million that was originally in the bill, we sure as heck didn't have that but I don't think we have \$3 million either so I hope that you would go along with the motion to indefinitely postpone today and be responsible and go back to your people and explain to them why instead of passing it along and giving them some sort of false hope in the future.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Nobleboro, Mr. Palmer, that the House indefinitely postpone L. D. 1331 and all its accompanying papers. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Ault, Beaulieu, Benoit, Berube, Biron, Birt, Blodgett, Boudreau, A.; Brown, K. L.; Brown, K. C.; Bustin, Carrier,

Carter, F.; Churchill, Conners, Cunningham, Devoe, Drinkwater, Durgin, Fenlason, Fowlie, Gill, Gillis, Gray, Green, Greenlaw, Hickey, Higgins, Immonen, Jalbert, Joyce, Kerry, Kilcoyne, LaPlante, Lewis, Lizotte, Locke, Lougee, Lynch, Mackel, Marshall, Masterton, Maxwell, McBreairty, McHenry, McKean, McPherson, Mitchell, Moody, Morton, Nadeau, Nelson, N.; Palmer, Peltier, Perkins, Peterson, Plourde, Post, Quinn, Raymond, Silsby, Smith, Spencer, Sprowl, Tarbell, Tarr, Theriault, Torrey, Truman, Valentine, Whittemore, Wilfong, Wood, Wyman.

NAY — Berry, Boudreau, P.; Brenerman, Burns, Carey, Carroll, Chonko, Clark, Connolly, Cox, Curran, Davies, Flanagan, Goodwin, H.; Goodwin, K.; Hall, Henderson, Howe, Hughes, Jacques, Jensen, Kany, Laffin, Rideout, Shute, Trafton, The Speaker.

ABSENT — Austin, Bachrach, Bagley, Bennett, Bunker, Cote, Dexter, Diamond, Dow, Dudley, Dutremble, Elias, Garsoe, Gauthier, Gould, Hobbins, Huber, Hunter, Hutchings, Jackson, Kane, Kelleher, LeBlanc, Littlefield, Lunt, MacEachern, Mahany, Martin, A.; Masterman, McMahon, Mills, Najarian, Norris, Peakes, Pearson, Prescott, Rollins, Sewall, Stover, Strout, Stubbs, Talbot, Teague, Tierney, Tozeir, Twitchell, Tyndale.

Yes, 75; No, 27; Absent, 49.

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

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

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

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, having voted on the prevailing side now moves reconsideration. Those in favor will vote yes; those opposed will vote no.

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

Sent up for concurrence.

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

The following Communication: (H. P. 1725)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

June 14, 1977

To: All Members of the
108th Maine Legislature

Pursuant to Joint Rule 23, the Legislative Council has voted to extend the deadline for reporting out those bills which have received approval of the Speaker of the House and President of the Senate pursuant to the requests of Committees from Tuesday June 14th to Friday June 17, 1977.

Signed:

JOSEPH SEWALL
President of the Senate

Signed:

JOHN L. MARTIN
Speaker of the House

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

COMMITTEE ON AGRICULTURE

June 14, 1977

The Honorable John Martin
Speaker of the House
State House
Augusta, Maine 04333
Dear Speaker Martin:

The Committee on Agriculture is pleased to report that it has completed all business placed before it by the 108th Session of the Maine Legislature.

Bills received in Committee	38
Unanimous Reports	29
Ought to Pass as Amended	8
Ought to Pass	7
Leave to Withdraw	7
Ought not to Pass	6
Referred to another Committee	1
Divided Reports	9

Sincerely,
Signed: LUMAN P. MAHANY
Rep. Luman P. Mahany
Chairman
The Communication was read and ordered placed on file.

LOCAL AND COUNTY GOVERNMENT
June 10, 1977

Honorable John Martin
Speaker of the Maine
House of Representatives
State House
Augusta, Maine 04333
Dear Speaker Martin:
It is with pleasure that I report to you that the Committee on Local and County Government has completed all business placed before it by the 108th Legislature.
Total Bills Received 92
Unanimous Reports 39
Ought to Pass as Amended 23
Ought to Pass in New Draft 7
Divided Reports 7
Leave to Withdraw 16
Recommitted Bills 1

Respectfully,
Signed: JAMES S. HENDERSON
House Chairman
The Communication was read and ordered placed on file.

COMMITTEE ON PUBLIC UTILITIES
June 14, 1977

The Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine 04330
Dear Mr. Speaker:
The Committee on Public Utilities is pleased to report that it has completed all business placed before it by the first regular session of the 108th Maine Legislature.
Total Bills Received 78
Recommitted Bills 2
Unanimous Reports 55
 Ought to Pass 16
 Ought to Pass as Amended 14
 Ought to Pass in New Draft 9
 Ought Not to Pass 7
 Leave to Withdraw 9
Divided Reports 22
Change of Reference 1
Total Number of Amendments 18
Total Number of New Drafts 13

Sincerely yours,
Signed: EDWARD C. KELLEHER
Edward C. Kelleher
House Chairman
The Communication was read and ordered placed on file.

COMMITTEE ON ENERGY
June 15, 1977

The Honorable John Martin
Speaker of the House
State House
Augusta, Maine 04333
Dear Speaker Martin:
The Committee on Energy is pleased to report that it has completed all business placed before it by the 108th Session of the Maine Legislature.
Bills received in Committee 18
Unanimous Reports 15

Leave to Withdraw	5
Ought to Pass	1
Ought to Pass in New Draft	3
Ought Not to Pass	2
Ought to Pass as Amended	4
Divided Reports	3

Sincerely,
Signed: RICHARD DAVIES
Rep. Richard Davies
Chairman
The Communication was read and ordered placed on file.

COMMITTEE ON LIQUOR CONTROL
June 15, 1977

The Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine 04333
Dear Speaker Martin:
The Committee on Liquor Control is pleased to report that it has completed all business placed before it by the first regular session of the 108th Legislature.
Total Bills Received 31
Unanimous Reports 9
 Ought to Pass 3
 Ought to Pass as Amended 3
 Ought to Pass in New Draft 1
 Ought Not to Pass 2
Divided Reports 19
Leave to Withdraw 3
Total Number of Amendments 13
Total Number of New Drafts 6
Total Number of Recommitted Bills 1
Bills Referred from Another Committee 1

Respectfully,
Signed: SIDNEY D. MAXWELL
Sidney D. Maxwell
House Chairman
The Communication was read and ordered placed on file.

On motion of Mr. Carroll of Limerick, the following Joint Order" (H. P. 1726)
ORDERED, the Senate concurring, that the following be recalled from the Governor's Office to the Senate: Bill, "An Act to Require Drivers License Renewal Examinations." (H. P. 397, L. D. 509)
The Order was read and passed and sent up for concurrence.

Ought Not to Pass
Mr. Curran from the Committee on State Government on Bill "An Act to Allow a Governor an Additional Six Weeks for Submission of the Budget" (H. P. 534) (L. D. 649) reporting "Ought Not to Pass"
Mr. Curran from the Committee on State Government on Bill "An Act Relating to the Maine State Employees Accident and Sickness or Health Insurance Program" (H. P. 1507) (L. D. 1741) reporting "Ought Not to Pass"
Mr. Greenlaw from the Committee on Marine Resources on Bill "An Act to Conserve the Marine Worm Population by Limiting Commercial Marine Worm Digging from November 25th to March 1st of Each Year" (H. P. 235) (L. D. 298) reporting "Ought Not to Pass"
Mr. Curran from the Committee on State Government on Bill "An Act Providing for Improved State Planning and Budget Development" (H. P. 1434) (L. D. 1671) reporting "Ought Not to Pass"
Were placed in the Legislative Files without further action, pursuant to Joint Rule 20, and sent up for concurrence.

Leave to Withdraw
Mr. Curran from the Committee on State Government on Bill "An Act to Establish an Economic Development Policy for the State of

Maine"; (H. P. 1194) (L. D. 1480) reporting "Leave to Withdraw"
Mr. Curran from the Committee on State Government on Bill "An Act to Establish the Maine Tourism Development Corporation" (H. P. 1477) (L. D. 1730) reporting "Leave to Withdraw"
Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act to Create a Fund for the Development of Health Centers" (H. P. 1469) (L. D. 1707) reporting "Leave to Withdraw"
Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act Concerning Family Crisis Service Provided by Human Services" (H. P. 697) (L. D. 879) reporting "Leave to Withdraw"
Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act to Facilitate Return of Children to their Parents" (H. P. 628) (L. D. 769) reporting "Leave to Withdraw"
Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act to Authorize the Department of Human Services to Provide Short Term Emergency Care" (H. P. 457) (L. D. 562) reporting "Leave to Withdraw"
Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act Pertaining to Regional Correctional Facilities" (H. P. 1073) (L. D. 1295) reporting "Leave to Withdraw"
Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act to Revise Certain Portions of the Statute Providing for the Licensing of Facilities for Children and Adults" (H. P. 417) (L. D. 524) reporting "Leave to Withdraw"
Mr. LaPlante from the Committee on Human Resources on Bill "An Act to Authorize the Indian Township Tribal Council of the Passamaquoddy Tribe of Indians to Establish a Reservation Constitution and Council By-laws to Govern Itself" (H. P. 984) (L. D. 1190) reporting "Leave to Withdraw"
Mr. Dow from the Committee on Fisheries and Wildlife on Bill "An Act to Permit the Hunting of Wild Animals by Bow and Arrow and to Provide for the Issuance of Resident and Nonresident Archery Licenses" (H. P. 1213) (L. D. 1443) reporting "Leave to Withdraw"
Mr. Davies from the Committee on Human Resources on Bill "An Act to Provide for Continued Employment after Age 65" (H. P. 330) (L. D. 421) reporting "Leave to Withdraw"
Mr. Maxwell from the Committee on Taxation on Bill "An Act to Exempt the First 500 Kilowatt Hours of Residential Electricity per Month from the Sales Tax" (H. P. 1130) (L. D. 1348) reporting "Leave to Withdraw"
Mr. Curran from the Committee on State Government on Bill "An Act to Reform the State Budgetary Process" (H. P. 1625) (L. D. 1828) reporting "Leave to Withdraw"
Mr. Curran from the Committee on State Government on Bill "An Act to Facilitate the Setting of State Financial and Tax Policy by the Legislature" (H. P. 1398) (L. D. 1666) reporting "Leave to Withdraw"
Reports were read and accepted and sent up for concurrence.

The following papers from the Senate appearing on Supplement No. 2 were taken up out of order by unanimous consent:
The following Joint Order, an expression of Legislative Sentiment recognizing that: Susie J. Campbell has retired after 30 years of dedicated, faithful service to the Town of Minot as Town Clerk, Treasurer and Tax Collector (S. P. 551)
Came from the Senate read and passed.
In the House, the Order was read and passed in concurrence.

The following Joint Order: (S. P. 553)

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill making supplemental appropriations for the expenditures of State Government and for other purposes for the fiscal years ending June 30, 1978 and June 30, 1979.

Came from the Senate read and passed.

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

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act Relating to Legislative Review of Conflicts of Interest in Appointments Subject to Confirmation" (S. P. 509) (L. D. 1795)

Came from the Senate with the Report read and accepted.

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

(Off Record Remarks)

The Chair laid before the House the following matter:

Bill "An Act to Increase the Minimum Wage to \$3 per hour" (H. P. 1173) (L. D. 1403) which was tabled earlier in the day and later today assigned pending the motion of Mr. Quinn of Gorham to insist.

Mr. Quinn of Gorham of Gorham requested permission to withdraw his motion to insist, which was granted.

Thereupon, on motion of Mr. Bustin of Augusta, the House voted to insist and ask for a Committee of Conference.

The Chair laid before the House the following matter:

Bill "An Act Relating to the Jurisdiction of the Administrative Court" (S. P. 241) (L. D. 733) which was tabled earlier in the day and later today assigned pending further consideration.

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

Mr. SPENCER: Mr. Speaker, I move that we adhere and would ask for a division prior to the debate.

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

Mr. TARBELL: Mr. Speaker, I move that we recede and concur and would request a roll call vote.

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

The gentleman may proceed.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: This is the right to fair trial bill. A fiscal note has been added to the bill pursuant to Joint Rule 28. I believe. It is Senate filing number S-244, Senator Merrill's fiscal note added on Senator Merrill's bill from the Senate.

The bill would require Insurance, Banking, Consumer Protection agencies to provide right to fair trial. You can get into court, before the administrative court, within seven days. It has got equitable injunctive relief power: decisions, according to the amendment, must come down within 45 days, prompt, speedy, quick relief and justice before a court.

I urge you to vote for the right to fair trial.

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

Mr. HOWE: Mr. Speaker and Members of the House: I, too, like my friend from Bangor, will try to be brief, even though I had one all typed out.

I hope we will not recede and concur this evening. This is not the fair trial, because people are not given a trial, it is not that kind of a proceeding before the Bureau of Consumer Protection. It is a hearing prior to the

superintendent of Consumer Protection's possibility of his issuing a cease and desist order. That is not a trial because no punishment is kneaded out of any sort. The cease and desist order merely says "stop the violation," but to go any further, the superintendent must go into court. I think that is a necessary enforcement tool for a regulatory agency to have if that regulatory agency is to have any effectiveness whatsoever.

It is a much smaller enforcement tool than any other regulatory agency has, such as the Public Utilities Commission. The Public Utilities Commission has held up a \$27 million rate increase for the New England Telephone Company. It is a heck of a lot more regulatory power than John Quinn has.

The Bureau of Insurance can revoke the certificate of authority of an insurance company to do business in the state — put it out of business, in effect. That is a lot more power than the superintendent of Consumer Protection has, and that major regulatory power of the Insurance Bureau is left untouched by the Senate Amendment. The Senate Amendment takes little bits from Insurance and a little bit from Banking, but the bill takes everything away from Consumer Protection.

Furthermore, the amendment does not deal with a prompt hearing. The hearing could still take at least a month. All it does is say that once the hearing has been finally held, the decision has got to come down within 45 days. So there is nothing about this bill or the amendment that speeds up the hearing, and I hope we defeat this motion and that we adhere.

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

Ms. CLARK: Mr. Speaker, Men and Women of the House: I urge your support in voting against the current motion before us, recede and concur.

Yes, the gentleman from Bangor, Representative Tarbell, has addressed the issue of Senate Amendment "A" to this bill which would, in style and form only, bring fairness, the guise of fairness, to this bill, taking certain functions from the Bureau of Insurance and the Bureau of Banking, the other two independent agencies in the Department of Business Regulation, to the administrative court.

Let me review with you the Statement of Fact. The Bureau of Banking and the removal of an officer or director of any financial institution, that would go to the administrative court. I did some research, and in the past 26 years in the history of this state and the Department of Business Regulation's current Bureau of Bank and Banking, there have not been any officers removed or any exercised officer removal authority in the history of this state. That what you are taking under the guise of fairness from the Bureau of Banking to the administrative court, point one.

Point two — when we asked in the Business Legislation Committee whether the Bureau of Insurance would like its decision-making authority in rate hearing matters and other statutory authority transferred to the administrative court, the response is this: The Bureau of Insurance would strongly object and fight any attempt to strip the Bureau of one of its basic regulatory functions, and that is rate control authority. The administrative court does not possess the technical expertise to properly hear matters of this nature, and as a result, such a change would be very time consuming and expensive to both the state and the regulated companies.

A point for the Bureau of Banking, L. D. 733 does not affect in any way the Banking Bureau's ability to hold hearings and find violations under Subsection 231 of the Banking Code, and this is the heart of the enforcement concern for the Bureau of Banking. What do we take from the Bureau of Banking for administrative court

procedures, the removal of directors, and in the past 26 years, none have been removed. As a matter of fact, the superintendent of the Bureau of Banking said to me this afternoon that they probably would never have to exercise that should the question arise, anyway, because the financial institutions in this state would take care of it internally. It would never go to the administrative court, and that, under the guise of fairness, stripping the powers of the independent agency of the Bureau of Consumer Protection, you are saying we are doing the same thing to the Bureau of Banking and the Bureau of Insurance. It is an insult to the intelligence of the members of this House.

L. D. 733, I can only state that if this bill is passed and becomes law, the current level of effectiveness achieved by the Bureau of Consumer Protection in its examination program would be substantially crippled, yes, curtailed. Due in large part to the fact that banks are fully aware that substantive violations of law will receive a speedy hearing, the banks have taken it upon themselves to clean house.

This approach has received recognition from two congressional subcommittees and will be the subject of a forthcoming report by the House Banking Subcommittee on Consumer Affairs in Washington, D. C.

Men and women of the House, I urge you to vote against the motion to recede and concur.

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

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

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

The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, I wish to pair with the gentleman from Lisbon Falls, Mr. Tierney. If he were here, he would be voting nay and I would be voting yea.

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

Mr. LYNCH: Mr. Speaker, I wish to pair my vote with the gentleman from Portland, Representative Talbot. If he were present, he would be voting nay and I would be voting yea.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Miss Aloupis.

Miss ALOUPIS: Mr. Speaker, I request to pair my vote with the gentlelady from Newcastle, Mrs. Sewall. If she were here, she would be voting yea and I would be voting nay.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, I would like to pair with Mrs. Kane from Augusta. If she were here, she would be voting no and I would be voting yes.

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

Mr. BIRT: Mr. Speaker, I request to pair my vote with the gentleman from Old Town, Mr. Pearson. If he were here, he would be voting nay and I would be voting yea.

ROLL CALL

YEA — Berube, Biron, Boudreau, P.: Brown, K. L.; Carter, F.; Cunningham, Devoe, Drinkwater, Durgin, Fenlason, Gillis, Gray, Immonen, Jacques, Lewis, Lougee, Mackel, Marshall, McBrearty, Morton, Palmer, Peltier, Perkins, Peterson, Raymond, Rideout, Shute, Silsby, Smith, Tarbell, Tarr, Torrey, Whittemore, Wilfong.

NAY — Beaulieu, Benoit, Berry, Blodgett.

(Off Record Remarks)

On motion of Mr. Mills of Eastport,
Adjourned until nine thirty tomorrow morn-
ing.

Boudreau, A.; Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Chonko, Clark, Connolly, Cox, Curran, Davies, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Hughes, Jalbert, Jensen, Joyce, Kany, Kerry, Kilcoyne, Laffin, LaPlante, Lizotte, Locke, Masterton, McHenry, McPherson, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, N.; Plourde, Post, Quinn, Spencer, Sprowl, Theriault, Trafton, Truman, Valentine, Wood, Wyman, The Speaker.

ABSENT — Austin, Bachrach, Bagley, Bennett, Bunker, Carrier, Carter, D.; Conners, Cote, Dexter, Diamond, Dow, Dudley, Dutremble, Elias, Garsoe, Gauthier, Gould, Hobbins, Huber, Hunter, Hutchings, Jackson, Kelleher, LeBlanc, Littlefield, Lunt, MacEachern, Mahany, Martin, A.; Masterman, Maxwell, McKean, McMahan, Nelson, M.; Norris, Peakes, Prescott, Rollins, Stover, Strout, Stubbs, Teague, Tozier, Twitchell, Tyndale.

PAIRED — Aloupis, Ault, Birt, Churchill, Kane, Lynch, Pearson, Sewall, Talbot, Tierney.
Yes, 34; No, 61; Absent, 46; Paired, 10.

The SPEAKER: Thirty-four having voted in the affirmative and sixty-one having voted in the negative, with forty-six being absent and ten paired, the motion does not prevail.

Thereupon, the House voted to adhere.

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

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

The SPEAKER: The gentleman from South Portland, Mr. Curran, having voted on the prevailing side, now moves that we reconsider our action whereby this body voted to adhere. All those in favor of reconsideration will say yes; those opposed will say no.

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

The Chair laid before the House the following matter:

Bill "An Act Providing for the Practice of Architecture through a Corporation or a Partnership" (S. P. 137) (L. D. 378) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A".

Miss Aloupis offered House Amendment "A" to Coommittee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-663) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the following matter:

"An Act Relating to the Practice of Real Estate Brokers and Salesmen" (H. P. 1631) (L. D. 1833) (H. "B" H-544) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

The Chair laid before the House the following matter: "An Act to Clarify and Reform the Laws Relating to County Law Enforcement" (H. P. 214) (L. D. 224) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

All matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.