

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

Thursday, June 16, 1977

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

Prayer by the Reverend Victor P. Musk, Retired Methodist Minister of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees
Leave to Withdraw**

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Establish a Health Facilities Cost Review Board" (S. P. 506) (L. D. 1794)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Strengthen the Representative Form of State Government and to Improve the Legislative Process" (S. P. 371) (L. D. 1221)

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act Relating to Disqualification from Unemployment Compensation Benefits" (S. P. 270) (L. D. 828)

Came from the Senate with the reports read and accepted.

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

**Ought to Pass with
Committee Amendment**

Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-214) on Bill "An Act Regarding the Sales Tax for Sales Made Through Vending Machines" (S. P. 396) (L. D. 1355)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-214) as amended by Senate Amendment "A" (S-239) thereto.

In the House, the Report was read. On motion of Mr. Carey of Waterville, the Report was accepted in concurrence.

Committee Amendment "A" (S-214) was read by the Clerk.

Senate Amendment "A" to Committee Amendment "A" (S-239) was read by the Clerk and adopted.

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

The Bill was assigned for second reading tomorrow.

Ought to Pass in New Draft

Report of the Committee on Public Utilities on Bill "An Act Relating to the Regulation of Affiliated Interests of Public Utilities" (S. P. 83) (L. D. 191) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Regulate Affiliated Interests of Public Utilities" (S. P. 539) (L. D. 1870)

Came from the Senate with the Report read and accepted and the New Draft Passed to be Engrossed as Amended by Senate Amendment "B" (S-240).

In the House, the Report was read and accepted in concurrence and the Bill read once. Senate Amendment "B" (S-240) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act to Provide for a Council of Economic Advisors" (S. P. 257) (L. D. 814) on which the Majority "Ought Not to Pass" Report of the Committee on State Government was read and accepted in the House on June 14, 1977.

Came from the Senate with that Body having adhered to its former action whereby the Minority "Ought to Pass" Report of the Committee on State Government was read and ac-

cepted and the Bill passed to be engrossed in non-concurrence.

In the House: The House voted to adhere.

Non-Concurrent Matter

An Act to Provide for Legislative Confirmation of Gubernatorial Nominations for Chairmen of the Maine Human Services Council and the Maine Committee on Aging (H. P. 723) (L. D. 856) on which the House insisted on its former action of passing the Bill to be enacted on June 14.

Came from the Senate with that Body having insisted on its former action whereby the Bill failed of enactment and asked for a Committee of Conference in non-concurrence.

In the House: The House voted to insist and join in a Committee of Conference.

Non-Concurrent Matter

Bill An Act to Amend the Membership and the Legislative Mandate of the Capitol Planning Commission" (H. P. 1128) (L. D. 1345) which was passed to be enacted in the House on June 10 (having previously been passed to be engrossed as amended by Committee Amendment "A" (H-496)

Came from the Senate, passed to be engrossed as amended by Committee Amendment "A" (H-496) as amended by Senate Amendment "A" (S-251), thereto, in non-concurrence.

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

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act Prohibiting a Utility from Automatically Passing on Fuel Cost Increases to Customers by a Fuel Adjustment Clause" (H. P. 1090) (L. D. 1314) on which the Minority "Ought to Pass" Report of the Committee on Public Utilities was read and accepted and the bill passed to be engrossed in the House on June 14, 1977.

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

In the House: Mr. Kelleher of Bangor moved that the House insist and ask for a Committee of Conference.

On motion of Mr. Quinn of Gorham, tabled pending the motion of Mr. Kelleher of Bangor to insist and ask for a Committee of Conference and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act to Promote the Preservation of Historic Districts within the State of Maine" (H. P. 1192) (L. D. 1440) on which the Majority "Ought to Pass" Report of the Committee on State Government was read and accepted and the bill passed to be engrossed in the House on June 14.

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

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

Messages and Documents

The following Communication:
STATE OF MAINE
DEPARTMENT OF THE ATTORNEY
GENERAL
AUGUSTA, MAINE
June 15, 1977

Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine
Dear John:

As you know, grand jury proceedings were recently concluded in the matter of alleged

bribery in connection with Legislative Document 1019, the "Fortified Wine Bill."

Several members of the House were invited to appear before the grand jury and give testimony in connection with the above matter. This office received 100% cooperation from all of them in our effort to present the above matter.

I wish to thank you for your efforts as Speaker as well as the various members of the House for the cooperation received at all stages of our investigation.

Sincerely,

Signed: JOSEPH E. BRENNAN
Attorney General

The Communication was read and ordered placed on file.

The following Communication:
STATE OF MAINE
ONE HUNDRED AND EIGHTH
LEGISLATURE
COMMITTEE ON LEGAL AFFAIRS
June 15, 1977

Honorable John Martin
Speaker of the House
House of Representatives
State House
Augusta, Maine 04333
Dear Speaker Martin:

It is with pleasure that I report to you that the Committee on Legal Affairs has completed all actions necessary on the business placed before it by the One Hundred and Eighth Legislature.

Total Bills Received	61
Unanimous Reports	
Leave to Withdraw	8
Ought Not to Pass	5
Ought to Pass	16
Ought to Pass as Amended	5
Ought to Pass in New Draft	5
Referrals	2
Divided Reports	20
Total Amendments	16
Total New Drafts	9

Sincerely,

Signed: ALBERT E. COTE
House of Representatives

The Communication was read and ordered placed on file.

Orders

An Expression of Legislative Sentiment (H. P. 1728) recognizing that:

Fire Chief Cecil Dana McCready of Presque Isle is retiring on June 24, 1977, after 35 years of service, including 25 years as fire chief

Presented by Mr. Rideout of Mapleton. The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1729) recognizing that:

Ronald Rioux, a student of Cony High School, has placed first in the nation in Level 1B of the 1977 Concours National De Francais, the National French Contest of the American Association of Teachers of French

Presented by Mr. Hickey of Augusta. The Order was ready and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1731) recognizing that:

Karen Palmer, Mary Fenner, Proserfina Rosette, Barbara Bartley and Sarah Brayman have been recognized for their outstanding academic record and as the top 5 members of the graduating class of Brunswick High School

Presented by Ms. Bachrach of Brunswick. (Cosponsor: Mrs. Martin of Brunswick) The Order was read and passed and sent up for concurrence.

On motion of Mr. Spencer of Standish, the following Joint Order: (H. P. 1730)

WHEREAS, the questions of a procedure for selection of nominees for judicial office, based on merit and of a procedure for independent, systematic review and discipline of judicial officers alleged or found to be unfit for continued performance have become questions of increasing public concern; and

WHEREAS, Legislation, L. D. 1584, "An Act to Establish a Commission on Judicial Tenure and Disabilities," and L. D. 1680, "An Act to Establish a Judicial Qualifications Commission," has been introduced in this session of the Legislature; and

WHEREAS, the importance of these questions demands careful and detailed study of the proposals and of the constitutional and statutory changes that may be necessary; now, therefore, be it

ORDERED, the Senate concurring, that the Judicial Council is requested and authorized, in consultation with the Legislative Council, through the Joint Standing Committee on Judiciary, to examine these questions in depth; and be it further

ORDERED, that a subcommittee of the Joint Standing Committee on Judiciary, consisting of one member on the part of the Senate, to be appointed by the Senate chairman, and of 2 members on the part of the House, to be appointed by the House chairman, and also of 2 members of the Legislature who are not members of that committee, one a member of the Senate, to be appointed by the President of the Senate, and one a member of the House, to be appointed by the Speaker of the House, is authorized to consult with the Judicial Council on this study; and be it further

ORDERED, that the Judicial Council, in consultation with the subcommittee of the Joint Standing Committee on Judiciary, report its findings, together with final drafts of any proposed constitutional and statutory changes, to the Legislative Council by December 1, 1977; and be it further

ORDERED, that, upon passage in concurrence, a copy of this order be transmitted forthwith to the Judicial Council as notice of this request.

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

On motion of Mr. Quinn of Gorham, it was ORDERED, for the balance of the First Regular Session, unless previous notice is given to the Clerk of the House of a member's intention to move reconsideration, the clerk shall be authorized to send to the Senate, 30 minutes after the House recesses for lunch, all matters passed to be engrossed in concurrence and all matters that require Senate concurrence; and that after such matters have been so sent to the Senate by the clerk, no motion to reconsider will be allowed.

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Elmont Tyndale of Kennebunkport be excused June 16th and 17th for personal reasons,

AND BE IT FURTHER ORDERED, that Arthur Lynch of Livermore Falls be excused June 16th and 17th for personal reasons.

AND BE IT FURTHER ORDERED, that Luman Mahany of Easton be excused June 15th, 16th and 17th due to a death in the family.

House Reports of Committees Leave to Withdraw

Mr. Curran from the Committee on State Government on Bill "An Act to Create a Manufactured Housing Act" (H. P. 657) (L. D. 1010) reporting "Leave to Withdraw"

Mrs. Tarr from the Committee on Labor on Bill "An Act Relating to Disqualification from Unemployment Compensation Benefits" (H. P.

709) (L. D. 888) reporting "Leave to Withdraw"

Mr. Elias from the Committee on Labor on Bill "An Act to Include Salaries Pensions and Insurance for Binding Arbitration under the Municipal Public Employees Labor Relations Law" (H. P. 282) (L. D. 365) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Control Conversion of Seasonal Dwellings to Year-round Use in Shoreland Areas" (H. P. 1385) (L. D. 1573)

Report was signed by the following members:

Messrs. O'LEARY of Oxford
REDMOND of Somerset
— of the Senate.

Mr. DEXTER of Kingfield
Mrs. HUBER of Falmouth
Messrs. BLODGETT of Waldoboro
HUNTER of Benton
Miss BROWN of Bethel
Mr. WILFONG of Stow

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-628)

Report was signed by the following members:

Mr. TROTZKY of Penobscot
— of the Senate.

Mr. GREEN of Auburn
Ms. BENOIT of South Portland
Mr. HALL of Sangerville

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, I move the House accept the Majority "Ought Not to Pass" Report and would request permission to speak on my motion.

The SPEAKER: The gentleman from Waldoboro, Mr. Blodgett, moves that the House accept the Majority "Ought Not to Pass" Report.

The gentleman may proceed.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to look carefully at the committee amendment which we have hassled over for the last month or so, it seems to me. We have had many many meetings over this trying to accommodate the people interested in proposing such a bill. Whatever came up would be almost impossible to work with at the present time. And if you take a look at the bill with me, there are a couple of sections here that I would like to review with you.

On the first page of the committee amendment, the residency requirement which is set forth here would say that anyone who attempted to move in or live in one of these places, to convert them, they would have to get permission if they were to live in them a total of 180 days annually, or if they were to make this their legal residence. Well, for many of us in these areas where there are seasonal homes, we have people who move from the city or people who go to Florida and come back, and they would live in these homes for a longer period of time than 180 days. To have the local planning inspector or local officials start counting days would just put them in an impossible position. This is an area here which a number of us on the committee felt that you just could not enforce and would make untold problems.

Over on the next page, we have a section here under "A" where the towns will have records kept of plumbing permits, etc., etc., and where people will not be able to be issued conversion permits unless they have these in the town of-

fice, which would demonstrate that the system was adequate. But you know as well as I do that there are many of these systems which were installed years ago, before any such records were kept, and this means that anyone who wanted to would have to dig up the system to check it out before you could get it cleared. Again, this is an impossible situation.

The whole thing should be thought out all over again and start from scratch. The majority of the committee, as you can see, could not see their way clear to support this bill. The problem appears to be centered in the greater Portland area with their water supply, and the members of the committee suggested to these people that their problem could be solved on a local level, since in those towns around Sebago Lake where the water comes from, they could clean up this with the present law. The present law can take care of the situation, and this is going to make a state-wide law which cannot be enforced at all.

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

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I would ask that you not accept the Majority Report so we could then accept the Minority Report. The Minority Report of L. D. 1573 is now actually Committee Amendment "A" under filing number H-628.

The amendment provides a means to assure that the sewage disposal system of a dwelling which may be adequate for seasonal use is also adequate for year-round use if the dwelling is to be converted for that use. This amendment provides a definition for seasonal and year-round dwellings and also provides criteria for plumbing inspectors to follow when determining whether to use a conversion permit. I would like to take just a moment to explain that criteria.

The amendment reads, "No permit for conversion of a seasonal to a year-round dwelling shall be issued unless one" and please note that I said only one "of the following conditions is met." The conditions are set forth in the amendment, and very quickly, there are three ways in which you could be granted a permit. The first way would be if records of the municipality, applicant and installer of the sewage disposal systems of the state show that the dwelling's sewage disposal system meets the standards of the Maine State Plumbing Code if such system is a subsurface system, or the requirements of Title 38 if such system is a subsurface discharge.

Second, and this is where Mr. Blodgett is not correct, you are not going to be digging up your sewage system to see if it works. The second choice is based upon a site evaluation performed by a licensed evaluator, the applicant can demonstrate that site conditions will permit the installation of a sewage disposal system meeting the requirements of the Maine State Plumbing Code or the requirements of Title 38 in the event of future malfunction of the system. This merely means that if your system is inspected by a plumbing inspector and there is no obvious malfunction, that you would be granted a permit. All we want now is that if in the future a system should fail and you are now living in this dwelling and it is a permanent residence, that you should be able to install a proper sewage system.

Third, the way would be if the dwelling unit's sewage disposal system is connected to an approved sanitary sewer system. So, you have three ways in which you can be granted a permit.

In my judgment, this legislation is important to the citizens of Maine. If I may quote from an editorial in the Portland Press Herald — "At stake in the long run is the quality of the water supply to scores of Maine communities, in-

cluding the state's largest city" which, by the way, I do not represent. "Septic tanks or leach beds that may work well enough on a three and four-month basis may be quite inadequate when shifted to a 12-months' use. The amended legislation bill would permit use of an existing disposal system if sufficient land is available for a new system should the old one prove unsatisfactory. Portland Water District officials say that conversion of cottages to permanent homes is a major source of pollution in Sebago Lake, the water supply for thousands of residents in the greater Portland area."

I might add, ladies and gentlemen, that Sebago Lake is my source of drinking water.

There is one other point that Representative Blodgett made that we did hassle with, and that is the 180 days. Obviously, no one is going to sit outside your door and count whether you are there 180 days. I think the people we are mainly concerned about are those where it is obvious that they have moved in lock, stock and barrel. The kids are going to school, it has become their permanent place of residence. You know that they are living there year-round. If you go out and build a new house today, you are going to have to perform to the Maine State Plumbing Code. Why shouldn't those who are going to convert their summer dwellings also have to do the same? As a matter of fact, they would be given a lot more leeway than if you were building a new home.

Also, one other point that Representative Blodgett made, he did refer to Sebago Lake. He said that we discussed the possibility of why can't the local people take care of this problem. Well, I am sure that you realize that there are many towns located on the shores of Lake Sebago, as there probably are on many of the other lakes in the State of Maine, and it is not always easy to get all those towns to decide that they are all going to do the same thing and pass the same ordinances. But what good does it do for one town to pass the ordinance if the rest of the towns are polluting the lake?

I would strongly urge you to defeat the motion on the floor and protect the waters of our state, waters which actually belong to all citizens.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I just want to explain a couple of reasons why I signed the "Ought to Pass" Report. After listening to the testimony there, most generally I probably would be one of the last ones who would want to take away local control from anywhere, but what we are dealing with in many many instances similar to this one here is that the water is used for drinking water. Some of these cottages are only 15 or 20 feet from the shore. As that water goes down into Portland, it gets thicker and thicker, and where are you going to get good, clean water? As I got thinking that over, I don't know as I want — there isn't a screen made yet that can separate the good water from the stuff that is dumped into it. That is my reasoning for voting as I did.

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

Whereupon, Mr. Blodgett of Waldoboro 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 Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: Despite the picturesque comments made by the good gentleman from Sangerville about his screening of material, the local communities are able to do their screening by local ordinance and because in this case as a result of some individuals in and around a couple of the lakes, specifically Sebago Lake, that had a problem trying to get their particular local ordinance passed, so they found it the easiest way to come to the legislature and play on emotions here on exactly what has been said.

This bill will create problems as far as residency and the site location law makes it more difficult than the gentledady from South Portland suggested. This bill is going to be a problem for towns, for the plumbing inspectors and other officials to carry out.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker and Members of the House: I want to make it clear to the members of the House that the original bill, L. D. 1573, has been amended after a great deal of work on the part of the Department of Human Services, the Department of Environmental Protection, the State Planning Office, which is concerned with the Shoreland Zoning Act, under which part of this bill falls because it does apply to dwellings within 250 feet of shorelands. The council, governments, members of the committee and myself — L.D. 1573 grew out of my own experience as a member of a citizen advisory committee to the so-called 208, Water Quality Management Program in my own Greater Portland area. 208 refers to a section of the 1972 amendments to the Federal Water Pollution Control Act. This particular section, 208, seeks to develop ways of upgrading water quality in ways other than costly public sewer and treatment facilities and for areas in which such facilities are simply not economically feasible, we found a significant trend in our area towards the conversion of summer cottages to year around homes; particularly around the lakes in Cumberland County. We also found that when a conversion occurred, the existing sewage disposals system, installed years ago, for use just three months of the year, was very likely to break down under the year round use. The result is seepage of domestic waste into lakes, streams and coastal waters. It is already a problem in the tributaries of Sebago Lake and along its shores at some point and you know now that Sebago Lake is the water supply for most of Cumberland County.

I have talked to other people here in the Legislature and they say that this is a problem in lakes in their own localities and many of them are not in metropolitan areas and, as you know, many camp owners pump their water right out of the lake on which their cottage is on, so this is of concern, not only to the metropolitan areas but state wide.

The bill seeks to address the problem through a conversion permit issued by the local plumbing inspector. The hearing was a good one, it produced a lot of support but also some questions as to enforceability and the conditions under which the permit should be granted. I think Representative Benoit has very well explained the contents of the amendment which is now the bill and it really represents a great improvement over the original bill, and I am the first to admit.

I would like to read from a letter from Commissioner Adams of the Department of Environmental Protection who supports the concept of this bill. He says, it is well documented that many existing septic systems serving seasonal dwellings are inadequate due to im-

proper maintenance and design lot sizing and/or poor soils. These systems not only discharge bacteria with the potential of becoming disease vectors but also unwanted nutrients which contribute to eutrophication of our lakes and ponds, so he really is in full support of this bill as is the Department of Human Services, which is ultimately responsible for its enforcement. We also have the endorsement of many other regional planning commissions who have found that these problems exist in their own areas. They are the Southern Kennebec Regional Planning Commission, the Southern Maine Regional Planning Commission, the Androscoggin Valley Planning Commission, the Executive Committee of the Northern Maine Planning Commission in Aroostook County and the Hancock County Planning Commission.

So, ladies and gentlemen of the House, we do feel that this is an important environmental issue. We are getting away from the glamorous environmental legislation of the sixties and the early seventies. We are getting down now into the nitty gritty of malfunctioning septic systems that are particularly crucial and critical around our shoreland areas.

So I do urge you to defeat the motion "Ought Not to Pass" so that we can go on and pass this bill as amended.

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

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: This bill has been discussed from the point of view of polluting water, but I would like to hit another angle for just a moment. This is a bill which honestly attempts to protect the person who wants to make his cottage into a year round home. The septic system which holds up very well for summer use may fail in the middle of January and leave the owner in trouble. It is no favor to allow the homeowner to convert his home and then find out later that his septic system doesn't work. People who come from towns and cities with sewers often don't realize the possible trouble they can get into with the septic system and it is no favor to them to allow them to go ahead and try to live with an inadequate system.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis:

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: As several speakers here have indicated previously, this is a local problem and since it is a local problem as the gentleman from Sangerville has stated, he is in favor of retaining local control and so am I.

Now, down in my area, we have many people, especially senior citizens, who are in the midst of converting their summer home to a year round residence because they find that the larger home they have now, with their family gone out on their own, they don't need it any longer. Now they have to comply with the environmental protection demands that LURC demands, land use and so forth and they are doing this and their septic systems are being checked by these agencies, with nearly 500 communities in the state, I fail to see why they all should be saddled with this act here just to protect one local area.

I urge you to support the "Ought Not to Pass."

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to attempt to speak for the state as a whole, but if I may just speak for my own district, we do have a rather extensive beach line along the coast of Wells, we start with Ogunquit Beach work up to Moody Beach, Wells Beach and Drakes Island and that is quite a few miles of beach front. We have a lot of seasonal homes down there and they are being converted. Some of them are being converted, I would hesitate to

estimate as to the number involved, but we are in the process of putting in a sewer district which eventually will clean up a messy situation that exists there. I think that that is the route to go as far as we are concerned in Wells and Ogunquit. So, from our viewpoint, we really don't need this bill. I think this would be a harassment to the plumbing inspector and to those people who are converting. I think that we, at least in Wells and Ogunquit, could tolerate the situation as it exists right now until such time as we do get a sewer district installed. So, I say again, that as far as we are concerned, we don't need this and we don't want it.

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

Mrs. HUBER: Mr. Speaker and Members of the House: As a member of the Natural Resources Committee, I found this bill probably the most difficult to come out against that we have had all year. Certainly, the objective of the legislation is valid and reasonable. It makes sense to keep our waters clean. We are committed in many many other areas of legislation to this goal and I don't think I am exaggerating when I say the committee struggled extensively to look over a number of redrafts on this bill and if you could sign a report out "Ought Not to Pass" with regret, I think those of us who are on that side would have done so.

Very honestly I think one of the problems that I have is that particularly in the area of environmental legislation, it is tremendously important that a bill, that is passed and enforced, do what it is supposed to do and not have problems associated with it. At this point, even the redraft that is before you as Committee Amendment "A", does still have problems. I will only just point out one. You would think it could be solved but we haven't been able to yet and that is, if you stay in this dwelling for a total of 180 days or approximately 6 months, you are required, even if you are not living there year round, if you are just staying there, you shall obtain from the local plumbing inspector a conversion permit and it seems to me that this is just one of the little harassments that are going to result from having the bill passed in the form that it is in now. I hope we can work something out in the future on this. I am sure the problem is not going to go away but I would suggest this Committee Amendment "A" is not the one that would solve the problem.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: Very briefly, I will give you just a few reasons why I signed the Minority "Ought to Pass" Report on this. After listening to testimony on this bill, they have had a lot of problems with Sebago Lake, had a lot of problems with lakes and bodies of water in other areas of the state and I feel it is our responsibility to protect these waters at the state level and at the local level.

All this amendment does is it sets down some criteria of which people have to comply with in order to convert from seasonal to year round. I don't think it is totally unreasonable. A comment was made that it is a local problem and it should be handled locally, fine, but what if you are a community that derives its major water supply from a community that might be several communities away and you can't convince that community to do anything about the problem. You are the one that suffers, not them. It is a good amendment, please support it.

Mr. Blodgett of Waldoboro was granted permission to speak a third time.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: Just a comment on one thing that has been brought up several times. There is some suggestion made here that all of these places are now downgrading the quality of water in our lakes. In fact, this is

quite the contrary. We just went through and passed a bill a short time ago which, in fact, reflected the upgrading of all the lakes or most of the lakes in the State of Maine. This has been the case that our lakes have been upgraded, that the present problem, while it may exist in a few isolated areas, is not as serious as some people are suggesting. Our lakes are of higher quality today than they have been in the past. This is reflected in that water quality act that we just recently passed, keep that in mind.

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

Mr. GREEN: Mr. Speaker and Members of the House: Very briefly, just to answer the comments of the good gentleman from Waldoboro, Mr. Blodgett, the reason that the water quality in this state has improved, I would suspect it is because of amendments like this.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Benoit.

Ms. BENOIT: I would also like to comment on remarks made by Mr. Blodgett. It is true that many of the waters in the State of Maine are in a very good state at the time being but as Representative Mackel has just said, there are many people that are converting their camps or summer homes to year round homes. We may not have the problem now but we need to do something about it before we have the problem, before our lakes again become polluted, now is the time to do it, not after we have the problem. I might also say, it is my opinion, and one reason why I signed this bill the way I did, is that if a person can afford to own a summer home and can further afford to convert that summer home into a year round home, then they ought to be able to conform to some sort of a plumbing code to protect the waters of the State of Maine.

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

Mr. QUINN: Mr. Speaker and Members of the House: Speaking as a Representative from District #30, I feel fairly strongly about this bill. I would recommend that you disapprove the Majority "Ought Not to Pass" Report and that you do proceed with the Committee Amendment and do pass it.

This is one of the critical problems that we can address. I know we will hear the remarks here from time to time that we talk about dogs and cats, and we talk about earmuffs and we talk about the hookers on High Street in Portland, I do suggest that this is a vital problem. It is of particular interest to my district and I do suggest that this is not isolated only in the vicinity of Cumberland County, it is true in Lake Auburn. It is most certainly true in all the areas that surround or feed Sebago Lake which provides water for about one-tenth of the population of the State of Maine, well in excess of a hundred thousand people. I think some of the arguments that are given that say that this is an isolated, or this is a relatively rare circumstance, are misleading arguments. I think it is absolutely vital.

This law is rather innocuous. It doesn't have any monumental difficulties. It is not absolutely preclusive of local participation or it doesn't really take away any property without due process of law. It is a reasonable, studied attempt which may have, I will grant, some minor errors. I doubt that this body has ever passed a law that doesn't have some minor troubles but the thing that it tries to do is something that we owe to ourselves, we owe to our people, we owe to the state to use the old fashioned argument that this is a local controlled issue is to be facetious. You can't possibly attempt to clean up a lake, such as Sebago, which has more than a dozen municipalities feeding or surrounding or bearing on that lake and ask a small town whose attention to political matters may wander

somewhat from time to time to adopt comprehensive decent health safety zoning rules that would protect the population at large. It demands action by a large element of government. County government can't operate in this case since it crosses county lines. It is impractical to develop a district, such as Mr. Mackel from Wells has suggested. It will take years and years to do. For those who say that our lakes are better, I simply offer the fact this is not a fact in some of our major lakes, such as Sebago. Once algae blooms begin in a lake such as Sebago, which is 300 feet deep, this is essentially irreversible. It is an absolutely priceless natural resource. It is needed for our health and I think for us simply to reject it on the fact that it does offer some minor difficulties or it might remove some idea of tiny local control is to reject our responsibility. And as a Representative from a district, through which this water passes and on which it bears, I urge you to enthusiastically support the Minority Committee Report.

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

Mrs. KANY: Mr. Speaker and Members of the House: I, too, rise to support the bill as amended. This is not a local problem in the Portland area. Around here, we have many beautiful lakes, the Belgrade Lakes of which we are all proud. We have China Lake, which is a water supply to Waterville among other communities and we have many seasonal cottages or camps, as we call them around here, which are being converted to year round homes.

I urge you to support this bill as amended.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Ms. Brown.

Ms. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This is another fine example of the Maine State Legislature trying to overregulate something that is already taken care of in the present law.

I urge you to vote for the "Ought Not to Pass" Report.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Waldoboro, Mr. Blodgett, 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, Berry, Birt, Blodgett, Brown, K. L.; Bunker, Burns, Bustin, Carey, Carter, D.; Carter, F.; Chonko, Churchill, Conners, Cote, Diamond, Dow, Drinkwater, Dudley, Fenlason, Fowle, Gillis, Gould, Gray, Huber, Hunter, Immonen, Jacques, Joyce, Kelleher, Kilcoyne, Laffin, LaPlante, Littlefield, Lizotte, Lougee, Lynch, MacEachern, Mackel, Masterman, Maxwell, McBreairty, McHenry, McPherson, Morton, Norris, Peltier, Perkins, Peterson, Post, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Strout, Teague, Theriault, Torrey, Tozier, Tyndale, Whittemore.

NAY — Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Carroll, Clark, Connolly, Cox, Cunningham, Curran, Davies, Devoe, Durgin, Elias, Flanagan, Garsoe, Gauthier, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Hughes, Jackson, Jensen, Kane, Kany, Kerry, Lewis, Locke, Marshall, Martin, A.; Masterton, McKean, McMahon, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Plourde, Quinn, Raymond, Spencer, Stover, Stubbs, Tarbell, Tarr, Trafton, Truman, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Biron, Carrier, Dexter, Dutremble, Hutchings, Jalbert, LeBlanc, Lunt, Mahany, Mills, Moody, Peakes, Pearson, Prescott, Talbot, Tierney, Twitchell.

Yes, 64; No, 70; Absent, 17.

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

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

Committee Amendment "A" (H-628) was read by the Clerk and adopted and the Bill was assigned for Second Reading tomorrow.

Divided Report

Majority Report of the Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-624) on Bill "An Act Concerning Standards for the Measurement of Wood and Providing for a Standard Contract for Use Between Paper Companies and Wood Suppliers" (H. P. 1337) (L. D. 1650)

Report was signed by the following members:

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

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

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

Report was signed by the following members:

Mr. HICHENS of York
— of the Senate.

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

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

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

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: This is an attempt to standardize the measuring of wood in the State of Maine. If I thought that we could do this as easily as some people think, I would certainly be for it but if you look at L. D. 1650, on Page 2, it says small suppliers who supply less than 50 cords per month and sell directly to those companies shall be exempt and that is something like 600 cord per year. Evidently, this bill is an attempt to get at the larger companies. I have nothing against the large companies in the State of Maine, I have always been a small producer but I have nothing against the big ones. I would have been a big one if I could have.

On the amendment, on Page 4, providing for clear standards for the measurement of wood, I don't think there is any way that you can have clear standards for measuring wood any better than we have now. I believe that 128 cubic feet of wood is a cord. I don't know how else you are going to do it. You can talk about weight but weight has an awful lot to do about the different kinds of wood and whether it is dry or green.

I signed the "Ought Not to Pass" Report. The testimony at the hearing from Maurice Wing, who I suppose we shouldn't listen to, but who started in the woods at nine years old, he felt that this was unnecessary legislation. I know that we are trying very hard to do something in this area. Mainly, I believe because of the trouble that they are having in the northern part of the state on butt scale and butt scale is something that I admit I know nothing about

but I would hope that, I am not going to make a motion but I guess I would ask for a Division.

The SPEAKER: The pending question before the House is the motion of the gentleman from Sangerville, Mr. Hall, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The Bill was read once.

Committee Amendment "A" (H-624) was read by the Clerk and the Bill assigned for Second Reading tomorrow.

Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-626) on Resolve, to Provide for the Development of Recommendations on Coastal Policy Issues (Emergency) (H. P. 1384) (L. D. 1664)

Report was signed by the following members:

Messrs. BLODGETT of Waldoboro
GREEN of Auburn
HALL of Sangerville
Mrs. HUBER of Falmouth
Mr. DEXTER of Kingfield
Ms. BENOIT of S. Portland
Mr. WILFONG of Stow
— of the House.

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

Report was signed by the following members:

Messrs. TROTZKY of Penobscot
O'LEARY of Oxford
REDMOND of Somerset
— of the Senate.

Mr. HUNTER of Benton
Miss BROWN of Bethel
— of the House.

Reports were read.

On motion of Mr. Blodgett of Waldoboro, the Majority "Ought to Pass" Report was accepted and the Resolve read once. Committee Amendment "A" (H-626) was read by the Clerk and adopted and the Resolve assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-618) on Bill "An Act to Clarify the Authority of the Board of Registration in Medicine to Conduct Programs of Medical Education" (H. P. 1349) (L. D. 1621)

Report was signed by the following members:

Messrs. PIERCE of Kennebec
KATZ of Kennebec
USHER of Cumberland
— of the Senate.

Messrs. FENLASON of Danforth
LYNCH of Livermore Falls
PLOURDE of Fort Kent
BAGLEY of Winthrop
BIRT of East Millinocket
Mrs. LEWIS of Auburn
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-619) on same Bill.

Report was signed by the following members:

Mrs. BEAULIEU of Portland
MITCHELL of Vassalboro
Messrs. CONNOLLY of Portland
WYMAN of Pittsfield
— of the House.

Reports were read.

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

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

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

Mrs. POST: Mr. Speaker, Men and Women of the House: As everyone else has stated out fairly frequently, this is my bill, with the gentlelady from Vassalboro as the cosponsor.

In the last session of the legislature while on the Health and Institutions Committee, we heard several bills which gave the Board of Registration for doctors the power to conduct both continuing medical education and to give scholarships to physicians. During the summer, while we were evaluating what had actually happened, it became very clear to me that the Board of Medical Registration had abused the power which we had given them. Essentially, what we told them they could do as far as medical education goes is, we gave them the power to conduct and operate a contract with other agencies, firms, persons or associations for the conduct and operation of programs of medical education. That is education of physicians, continuing education.

What they actually did was, they set \$20,000 in that area. They gave \$5,000 to the Maine Medical Association committee on continuing medical education for the purpose of the continuing medical education mandated as a condition of continued membership in the MMA.

They gave MMA \$5,000 to see whether MMA should have a mandated continuing medical education in order to stay in that association. They didn't teach anybody anything, they just wanted to decide whether or not they should mandate that a doctor had to participate in continuing education in order to stay in the MMA.

They gave \$14,000 to the Pine Tree Organization for Professional Standards Review, Inc. What they essentially did was to compile 100 percent file of discharge data and the purpose of that was to evaluate the need for continuing medical education and to assist in related health planning. They carried on no medical education of doctors, no continuing education of doctors. I want to say that the first contract was signed by Dr. Hanley and the second contract was signed by Dr. Chamberlain. They did spend some money for education.

They spent \$800 for a bio-medical symposium committee. As we dealt with physicians, and it was primarily in the area of mental retardation, it became very clear to us that the comment we heard most frequently is that the doctors did not necessarily get training in mental retardation when they were going to school and so many things have happened in the last few years that they need to have this kind of continuing education. I think that is true of most professionals. What happened was, instead of spending the money for actual education, out of the \$20,000 they spent, about \$19,000 of it went to two organizations to further their own needs, even though they had no authority to do that in the law.

The other thing that we allowed them to do was to say that you can give scholarships to new physicians. Specifically what the law said was that they could operate a program of financial assistance to medical students indicating an intent to engage in family practice in rural Maine, that is pretty specific. What they actually did, however, with that money, they gave \$45,000 to the Department of Educational and Cultural Services. That fund went into the regular contract students for Tufts and Vermont, and the Department of Educational Services made absolutely no attempt to ensure that those students were going to come back to rural Maine or engage in family practice. The money just went into the general area of providing financial assistance for medical students. There was no attempt to follow the law.

Perhaps what is even worse than that is that they also gave \$45,000 to the Maine Medical

Education Foundation. What the Maine Medical Education Foundation is, it is a separate organization. However, when we had various communications with that group, the letters from them came back on Maine Medical Association stationery and the same gentleman was chairman of both groups. The contract that they signed with the board of registration said specifically, "Any funds expended hereunder shall be for the sole purpose of the designated program and the financial assistance shall be limited to medical students indicating an intent to engage in family practice in rural Maine." That is what the Maine Medical Educational Association agreed to. However, it was stated in testimony that there was no attempt to make sure that a student came back to rural Maine. In fact, there was no attempt to make sure that the student even came back to Maine. In fact, they specifically stated, of all the money they had given out, only half of the doctors ever came back to Maine. It had to be one of the sloppiest contracts I have ever seen for giving out a couple of thousand dollars.

If a student applied, he made a two page form. When he made the financial statement, they asked, for instance, "What were your earnings during the summer and what kind of assistance do you get from relatives?" They did not ask what the income of the parents were or whether or not they were going to get any assistance from them. Under this kind of program, the parents could be a doctor making \$50,000, \$60,000, \$100,000 and the father could decide, you are on your own, we are not going to give you assistance as far as this little thing is concerned and they could still be eligible for the grant.

It was a pretty tight contract that the student signed too. It says, "Enclosed is a check from the Maine Medical Education Foundation. This represents the second installment of your loan for the school year 1976-77. If for any reason you are not enrolled in the approved medical school as planned, it is your responsibility to return the check immediately uncashed." The recipient of a grant from this fund is asked to repay the money as early as possible so that it may be used for other deserving medical students and it goes on to maybe talk about the percentage they are going to have to pay. The last sentence says, "Your signature on the enclosed check signifies your acceptance of the loan on these terms." I don't know if that is binding in court. I suppose he could say he never read the letter that went with it, but that is the way that money was given out. They could give out up to \$5,000 without even having a contract signed. It seems very clear that in both instances, the Board of Medical Registration was not following the law.

What committee Report B does as it is amended, sets up the guidelines for what medical education is, since the board of registration did not seem to be able to do it themselves. It specifically says that a program of medical education shall mean any process of training and developing knowledge or skills in any area of medicine and shall not be construed to mean any type of research, evaluation or monitoring. I would not think that would be necessary, but it seems as though it is since they don't seem to be able to understand the current law.

In the second area, the amendment is the bill as far as how it deals with giving out financial assistance to students. What it specifically says is that the Board of Registration cannot give out money to these little groups that are set up over which there is no kind of control and no kind of accounting evidently. All they can do if they want to give financial assistance, they can give money, they can funnel their money to the Department of Education and Cultural Affairs.

We have taken out the section on rural Maine. I feel very strongly about having doctors come

back to rural Maine. It seems as though for the present time that this is the only way we can deal with the question. I don't want the Department of Education and Cultural Affairs breaking the law any more than I do the Maine Medical Education Foundation, so we have done two things. We have clarified what continuing medical education is for doctors and we have made sure that when the State of Maine is spending state funds to give out financial assistance to continuing students, that that is done through one agency and is done in accordance with the law. These two things are not in the majority report. I would ask you to vote against the majority report. I would ask you to vote against the majority report so we can accept the minority report.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The problem that the lady from Owl's Head addressed concerning money given by the board of registration to medical students has been addressed in Committee Amendment "A". If they are giving any money, it will go through the Department of Education and Cultural Services for the cost of any positions for which the state has contracted at the University of Vermont College of Medicine or the Tufts University School of Medicine. The terms of the contract between the board and the commissioner shall be in accordance with the requirements of Title 20, Chapter 304. That is the title and the chapter that controls the state funding of slots for MD's.

The other area that the lady is concerned with, if you wish to take that approach, and the board of registration asked to have their fees increased so that they could do something, if the state is going to step in and say you can only do certain things, then let's follow that philosophy. Let's take and increase the plumber's license fee and we will address the septic tank system throughout the state according to our terms. Let's take the nursing fees and use them in medical programs that we will decide how the money will be used. Let's take that philosophy all through the licensing procedure if that is the way you want to go.

If the doctors are willing to increase their license fees and use it in matters they think will benefit the state of Maine, they ought to have the right to do it. If they want to spend money gathering statistical information, they ought to have the right to do it. If you are going to say you must put on programs of continuing education, what do you do first? I think in any program, before you embark upon it, you ought to have all the background information that you can gather, and statistical information is the best. How ridiculous would it be for a doctor in the State of Maine who says "I haven't had a cancer patient in 15 years; therefore, there is no cancer in the State of Maine." You have to have the background information, and I think they are doing a good job.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: I would like to deal with two points raised by Mr. Lynch. One has to do with the research. Clearly, one cannot have continuing medical education for research, but also, clearly that research is being done by many other groups and these fees were raised in order to provide continuing medical education, not background research.

More importantly, I would like to deal with the whole question of the fee for this Board of Medical Registration. It is we, the legislative body, who accepts those fees. I remember back when we were discussing fees for teachers' certification, and the point was brought up that the fee we were setting raised more money than was really necessary to certify teachers, so

there was going to be extra money going into the department. That caused quite a bit of concern, because it has been our philosophy to set a level of fees which simply supports the licensing and the recertification. The legislature raised the level of fees beyond that. We are raising more money now for this Board of Medical Registration than they need to relicense and certify doctors, so it is excess funds.

How do you think they get those excess funds? If a doctor has to come and pay the Board of Registration every two years a fee which is really more than is necessary to license himself, he earns that money from you, and you are paying those fees. The legislature sets those fees and they certainly have a right to say how they are spent.

I would hope you would vote against the majority report and let's get on with the very important bill.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: One thing that I think is important that has been mentioned, but I think it needs to be stressed, is the fact that the doctors came to the legislature and requested that their fees be raised in order that that money might be used for various purposes in connection with increasing the education of the doctors. Now, the method of doing that, it seems to me, is taken care of in this "A" Report, the majority report. I don't believe we need to go down too many specific details of education, I think we can simply say that the slots that we have all agreed upon are to be filled and part of that money is coming from the doctors. I don't think we need to worry about the various other parts of this bill.

I hope you will support the majority report.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I ask you to be very mindful of what was said by Representative Post here this morning. I am not exceptionally knowledgeable in this whole area, but I did participate at the hearing level and did indeed listen carefully and read the data available to me. I am convinced and have no doubt whatsoever in my mind that the intent of the legislature was not carried out, right across the board, even at the Department of Education level.

I can't support Committee Amendment "A" simply because what is said there is what was supposed to have been done in the first place, and it wasn't. While I agree that doctors participating should have the right to make decisions on the use of those dollars, I maintain, and there is evidence, that they did not use the state dollars wisely and for the purposes that they were supposed to have been used, so I ask you to defeat the pending motion and accept the minority report. I think the time has come to define, and the time is now.

The SPEAKER: The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the House accept the Majority "Ought to Pass" Report. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Goodwin of South Berwick 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 Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker and Members of the House: I think we have to keep in mind that a substantial sum of money is coming voluntarily from the doctors because they asked to have the fees increased, money which will go to providing medical education for Maine students. I think that is essential.

I am not so sure that the bill as presented will survive in the other body, and I am concerned that we continue providing education for young students.

There has been concern expressed that they are not getting it in rural Maine, and Doctor Hanley, who was instrumental in starting this program, searching for doctors to go into rural Maine, confessed that it was a failure. You are not going to get doctors into rural Maine unless you get a rural youngster married to a rural girl who are content to live in some of the more isolated areas in the State of Maine. You are going to have to supply services for these doctors who practice in rural Maine. There is no other way that you can get medical service into the rural areas of Maine unless you do that very same thing.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would certainly hope that you would vote for the minority report today. A lot of the points that have been brought up by Representative Post have come up when the Health and Institutional Services Committee in the 107th Legislature conducted a study statewide on the problems of mental retardation, and we found constant problems from medical people themselves about the need for more continuing education in all areas, specifically in this case, in mental retardation and developmental disabilities. I would submit to you that the doctors have had a large surplus in the hundreds of thousands of dollars for many years in their accounts and they haven't used this properly. They have come in and requested, I think there was a slight this year, but the fact remains that they have not been using this money to develop continuing education programs, and I seriously doubt, based on their past track record, that they are going to develop meaningful programs.

All this bill does is state that they shall develop continuing education programs, not programs for a lot of things outlined by Representative Post which are, as far as I am concerned, meaningless. I have talked with doctors involved in this and it is almost meaningless. I think it was just a waste of money. This is state money, licensing fees, and I think we are well within our rights to direct that this money be used to help increase the knowledge of the Maine medical practitioners in this state, to help better the health care of the people of this state.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I apologize for taking so much time this morning, but I feel very strongly about this issue.

I would like to respond to some comments made by Representative Lynch. One was that Committee Amendment "A" or the majority report deals with the problems of setting guidelines for scholarships for medical education, and all that Committee Amendment "A" does, it says that "if" money is given to the Department of Education and Cultural Services, it can go into their regular fund. However, it still allows the Board of Medical Registration to give money to other kinds of groups such as the Maine Medical Education Foundation. It still allows them to carry on what I consider shoddy kind of practices of bookkeeping and contractual services. Committee Amendment "A" only says "if" you give money to Education and Cultural Services, it

can go into their fund. That is all it changes in the present law.

The Board of Medical Registration did come to us asking that we increase fees. They came to us asking us to increase fees for continuing medical education. If they had come to this body and said, we want to increase fees so we can subsidize the Maine Medical Association, and in my mind, that is all they did, we would have said no, and if they had come to this body and said that we want to spend \$15,000 for assisted related health planning, we would have said no, because there is more health planning going on in this state at this time than we can keep track of, we would have said no, but we said yes to continuing medical education, and all my bill does is to define that because the Board of Registration doesn't seem to be able to. That is all it does.

Representative Lynch made the statement, and I question his understanding, at least of the Committee Amendment, that he is not sure that the minority report will survive in the other body. It is important that we continue to be able to give money to students. If this bill fails in this body or the other body, the Board of Medical Registration will be able to continue on just like they are now, and they will still be able to give money to students and they will still be able to fund money for related health planning. If this bill dies, it doesn't mean that we are not going to be able to send medical students to Tufts; it doesn't have anything to do with that.

He also addressed the issue of rural Maine, which has nothing to do with the bill or the committee amendment; it has absolutely nothing to do with it. I do not agree with Dr. Hanley as far as how we ought to be able to bring students back to rural Maine, but in this amendment, we had conceded that point and said only that we want the money to be spent through the Department of Education and Cultural Services because that seems to be the only way that we can insure that it will be spent properly.

That brings us to the Senate Chairman. At the hearing, the Senate Chairman said on at least two occasions when Dr. Hanley was testifying, it seems as though you have not spent this money properly, it seems as though you have not followed the law, and yet the Committee Amendment that he signed out did not address that question at all and it simply allows the Maine Medical Association to go on its merry way spending the state's money in the same way. Even though he made that statement publicly, you are not following the law, they didn't do one single thing to try to rectify it. That is the Majority Report. That is why I ask you to vote against it and to vote for the Minority Report.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I ask that you remember that this money is raised by the physicians, it was increased at their request, it is used to educate more doctors in the state of Maine and I can't see anything wrong with that. I also would offer the opinion that if this group is instrumental in raising the money, they at least ought to have a considerable say on how it is spent.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: The difference between these two amendments you have before you, Committee Amendment "B" and Committee Amendment "A" is pretty simple. Committee Amendment "A" guts the bill, so that the only thing you have is a very vaguely worded statement that says "Notwithstanding any other provision of this sub-section "If" the board contracts with the Commission of Education and Cultural Services. The rest of the bill is

completely eliminated, which makes it practically a useless piece of legislation.

Now there has been some discussion about the license fees. I would remind each one of you ladies and gentlemen that the state legislature has set the license fees. The money that the doctors received actually amounts to a tax on doctors has been more than what they have actually needed, it has been in excess. This bill has tried to delineate more clearly for what purpose that money will be used for the purpose of continuing education in the medical program.

So I would ask you very sincerely, and urge very strongly that you reject the bill "Ought to Pass" by Committee Amendment "A" so that we would be in a position to accept Committee Amendment "B" which retains basic features of the bill with the exception, as Representative Post has stated, we have conceded the fact that it is very difficult to define what we mean by rural Maine. So we conceded that point but the rest of the bill we need. So, I would ask you to vote no on the Majority Report so that we can accept the Minority Report.

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

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House. I just like to counter one thing that has been said, here today and that is that the doctors are not spending their time and funds on continuing education. I have been in this state nearly 30 years now and the number of courses being offered and taken by doctors in practice, who wish to upgrade their education, is probably at least, ten times as much. There are also in-hospital conferences and seminars to upgrade medical education and I would not like to have you think that nobody is spending any time on upgrading their medical education at this time.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Just to clarify one thing. The gentlewoman from Owl's Head, Mrs. Post, suggested that the Senate Chairman of the Education Committee had said to one of the people who was testifying that he wasn't using the money wisely and that it was agreed upon.

The flaw in the way the money was being used was that the medical group was not demanding that the students come back to Maine. It had nothing to do with the continuing education on the part of the doctors themselves. It had to do with the educational programs for the new physicians and both amendments addressed that. In fact, what we are doing is making what they were doing, legal, because the Department of Education and Cultural Services does not demand that people who we are helping to provide medical education for come back to rural Maine. We are saying they just have to come back to Maine, so that part is addressed.

Really, both Committee Amendments are very similar in that both now have the new medical students complying with the rules that we have for all of the medical students that we in this state help. The difference in the two Committee Amendments and the reason that I am with the majority on this one rather than the minority is I don't see how you can really have a program of continuing medical education or even first medical education without any kind of research, any kind of valuation or any monitoring. I think those are essential to a medical education program and this Committee Amendment "B" would very specifically say that no money can be used for those things.

Mrs. Post of Owls Head was granted permission to speak a third time.

Mrs. POST: Mr. Speaker, Men and Women of the House: I would suggest that the gentlewoman read Committee Amendment "A" and perhaps the original bill of the original law. Because what Committee Amendment "A" does it says

'if' you give the money to the Department of Education and Cultural Services, the Department of Education and Cultural Services has to follow the requirements of Title 20. However, it leaves in the present law, the power for the Board of Medical Registration to give money to any other of these little groups. These other little groups such as the Maine Medical Education Foundation are the ones that seem to be absolutely ignoring the law and, in fact, even telling us that they do so. Committee Amendment "A" does not deal with that and I have a copy of the amendment and present law if the gentleman would like to read it.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Berube, Biron, Birt, Boudreau, P.; Brown, K. L.; Burns, Carter, D.; Carter, F.; Churchill, Connors, Cote, Cunningham, Dexter, Drinkwater, Durgin, Fenelon, Flanagan, Garsoe, Gill, Gillis, Gould, Hickey, Higgins, Huber, Hunter, Immonen, Kilcoyne, Lewis, Lizotte, Lynch, Mackel, Marshall, Masterman, Masterton, McBreairty, McPherson, Morton, Palmer, Peltier, Perkins, Peterson, Plourde, Rideout, Rollins, Sewall, Shute, Silsby, Sprowl, Strout, Tarbell, Tarr, Teague, Torrey, Tozier, Tyndale, Whittemore.

NAY — Beaulieu, Bennett, Benoit, Berry, Blodgett, Boudreau, A.; Brennerman, Brown, K. C.; Bunker, Bustin, Carey, Carroll, Chonko, Clark, Connolly, Cox, Curran, Davies, Devoe, Diamond, Dow, Dudley, Elias, Fowlie, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hobbins, Howe, Hughes, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Laffin, LaPlante, Locke, MacEachern, Martin, A.; Maxwell, McHenry, McKean, McMahon, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Post, Quinn, Raymond, Spencer, Stover, Stubbs, Talbot, Theriault, Trafton, Truman, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Carrier, Dutremble, Gauthier, Green, Hutchings, Jalbert, LeBlanc, Littlefield, Lougee, Lunt, Mahany, Mills, Moody, Norris, Peakes, Pearson, Prescott, Smith, Tierney, Twitchell.

Yes, 61; No, 70; Absent, 20.

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

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

Committee Amendment "B" (H-619) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Stonington, Mr. Greenlaw, to the rostrum to act as Speaker pro tem.

Thereupon, Mr. Greenlaw assumed the Chair as Speaker pro tem, and Speaker Martin retired from the Hall.

Divided Report

Later Today Assigned

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Specify the Grounds and Procedures Whereby a Residential Tenancy at Will may be Terminated" (H. P. 328) (L. D. 419)

Report was signed by the following members:

Messrs. CURTIS of Penobscot
COLLINS of Knox

MANGAN of Androscoggin

—of the Senate.

Messrs. SPENCER of Standish
GAUTHIER of Sanford
DEVOE of Orono
Mrs. SEWALL of Newcastle
Messrs. TARBELL of Bangor
BENNETT of Caribou

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-632) on same Bill.

Report was signed by the following members:

Messrs. HUGHES of Auburn
HOBBS of Saco
NORRIS of Brewer
HENDERSON of Bangor

— of the House.

Reports were read.

On motion of Mr. Quinn of Gorham, tabled pending acceptance of either Report and later today assigned.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-649) on Bill "An Act to Provide for a Sales Tax Rebate for Machinery and Equipment used in Commercial Fishing" (H. P. 1405) (L. D. 1614)

Report was signed by the following members:

Messrs. JACKSON of Cumberland
WYMAN of Washington

—of the Senate.

Messrs. MAXWELL of Jay
MACKEL of Wells
Mrs. POST of Owl's Head
CHONKO of Topsham
Mr. CAREY of Waterville

—of the House.

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

Reports were read.

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

Committee Amendment "A" (H-649) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" on Bill "An Act to Amend the Powers and Duties of the Maine Committee on Aging" (H. P. 229) (L. D. 292)

Report was signed by the following members:

Mr. MARTIN of Aroostook

—of the Senate.

Messrs. VALENTINE of York
DIAMOND of Windham
CHURCHILL of Orland
Mrs. MASTERTON of Cape Elizabeth
Ms. BACHRACH of Brunswick
Mrs. LOCKE of Sebek
KANY of Waterville

Messrs. CURRAN of South Portland
STUBBS of Hallowell

—of the House.

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

Report was signed by the following members:

Mr. COLLINS of Aroostook
Mrs. SNOWE of Androscoggin

—of the Senate.

Mr. SILSBY of Ellsworth

—of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentleman from So. Portland, Mr. Curran.

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

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

Mr. SILSBY: Mr. Speaker, Members of the House: It is obvious I was the lone member of the House which voted "Ought Not to Pass" on this bill. Our committee wrestled with the problem quite a bit and I think generally we were sympathetic that there is a problem existing in this area but the majority took the position that this was better than nothing. I did feel that it deserved comment in the area of being such sweeping type of legislation in granting immunity from both criminal and civil liability to anybody who participates in the registering of a complaint relating to nursing home care or boarding facility care. The requirement being that the complaint be made in good faith. There is also rebuttable presumption in the legislation that places the burden upon the nursing home or boarding care facility to show that the complaint was not made in good faith.

I am very concerned about this type of legislation and I feel that it is too broad. It is something that will allow a frivolous type of complaint under the guise of being in good faith. In the absence of any immunity statute, if a person makes a defamatory allegation about somebody, there is recourse in the courts, both criminally and civilly in some cases. Knowledge that a person is responsible for his remarks will normally act as a deterrent from people making irresponsible allegations. However, under an immunity statute, a person is free to make complaints as he sees fit, many being borderline types of situations that might, in some eyes be considered to be in good faith and others not in good faith.

I think it puts a terrible burden on nursing homes because of the coming and going of people, disgruntled employees and many times somebody is going to retaliate for getting fired or something like that. I just feel that this legislation should be toned down in some way and, due to the shortness of time, we didn't have the opportunity to do any more work with it. I know that it is addressed at bringing out more complaints in this area where older people are being mishandled and abused and I am certain in sympathy with it all the way but I do think that we have to balance the equities and I think that it just puts too much of a burden on the nursing homes.

The last legislature enacted a child abuse statute that has immunity provisions in it and I think that this particular statute or legislation was based on the language in the child abuse section. I regard that as a different type of situation, mostly being between parent and child, and usually the physician being the person who would make the complaint. In the case of nursing homes, you have many employees, in most cases, and much more opportunity for people to grind their axes and cause problems for the nursing homes.

I took this up briefly with our District Attorney, and he is not opposed to the legislation, but just commented that generally with the immunity type of legislation where people are given statutory immunity, their credibility many times is in doubt and I think that would be a common sense observation.

So, I hope that you folks will take this into consideration and I would ask for a Division.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I strongly urge you to support L. D. 292 this morning. This bill is important because it will provide immunity from liability to individuals, officials or institutions, who in good faith, register complaints with the Maine Committee on Aging about acts or practices in licensed nursing or boarding homes, or who participate in judicial proceedings resulting from such complaints.

I would like to give you a very brief overview

of why the Committee on Aging seeks passage of L. D. 292 and how this bill was developed.

The Committee on Aging, as you may know, has the statutory power and duty to serve as an advocate on behalf of Maine's older citizens, both as individuals and as a class. Since it was granted the authority to enter the premises of nursing and boarding homes to investigate complaints by L. D. 126 in 1975, the committee has developed and been operating the nursing and boarding home ombudsman program. The experiences of the program has confirmed what was initially expected. Many people are fearful about making complaints against nursing homes and boarding homes, fear not only causes discomfort for some complainants throughout the investigation, but actually prevents some people from alerting us to suspicious acts or practices in nursing or boarding homes. We are concerned that the fear, which keeps some people from contacting us, will restrict our ability to investigate what could be very serious matters. We contacted the Attorney General's Office for guidance. We were informed that it would not be appropriate for us to advise or to reassure potential complainants that there is little or no chance of being sued. Although such complaints will probably fall in the category of qualified privilege and, hence, complaints would be protected by some degree of immunity from liability, for the Committee on Aging to assure complainants of this, it would put the committee in the inappropriate position of rendering legal advice or opinions. Instead, we were advised by the Assistant Attorney General to add an immunity from liability clause to our enabling legislation. The immunity from liability clause, recently enacted, dealing with physically abused children, was cited as the model. The immunity from liability statute embodied in L. D. 292 is nearly identical to the immunity from liability clause in the child abuse statutes. It will provide protection from a civil or criminal liability for individuals, officials and/or institutions who in good faith, and I stress that, who in good faith, register complaints with the Maine Committee on Aging about acts or practices in Maine's nursing homes and boarding homes or who participate in judicial proceedings resulting from such complaints. This would not deprive a person or facility against whom a complaint has been made of his right to sue the complainant. It would, however, require that the party bringing such a suit, demonstrate to the judge that the complainant was not acting in good faith but was acting maliciously, with reckless disregard for the truth, or with intent to harass. We feel that this represents a responsible approach to provide some degree of protection for complainants. It does not condone harassment or malicious attacks against nursing and boarding homes but it does provide protection from liability to those who, in good faith, alert the Maine Committee on Aging to improper or suspicious acts or practices in nursing or boarding homes.

Similar bills have recently been passed in other states. We urge your support of this bill because we believe it will reduce the instances where a nursing home or boarding home resident continues to be subject to a harmful situation or condition because someone is afraid to speak out on his or her behalf.

I urge you to accept the Majority "Ought to Pass" Report.

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

A vote of the House was taken.

49 having voted in the affirmative and 12 in the negative, the motion did prevail.

The Bill was read once and 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-647) on Bill "An Act Relating to Taxable Personal Property" (H. P. 851) (L. D. 1042)

Report was signed by the following members:

Mr. JACKSON of Cumberland —of the Senate.

Messrs. COX of Brewer
MAXWELL of Jay
CARTER of Bangor

Mrs. POST of Owls Head

Messrs. TEAGUE of Fairfield
IMMONEN of West Paris
MACKEL of Wells
TWITCHELL of Norway
CAREY of Waterville

Mrs. CHONKO of Topsham — of the House.

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

Report was signed by the following member:

Mr. WYMAN of Washington —of the Senate.

Reports were read.

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

Committee Amendment "A" (H-647) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee of Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-650) on Bill "An Act to Eliminate Dissimilar and Inequitable Taxation of Mobile Homes Owned by Maine Homeowners" (H. P. 1401) (L. D. 1656)

Report was signed by the following members:

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

Mr. MAXWELL of Jay
Mrs. CHONKO of Topsham

Messrs. IMMONEN of West Paris
CAREY of Waterville
COX of Brewer

MACKEL of Wells
TWITCHELL of Norway

Mrs. POST of Owl's 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:

Mr. MARTIN of Aroostook —of the Senate.

Mr. CARTER of Bangor —of the House.

Reports were read.

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

Committee Amendment "A" (H-650) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought to Pass" on Bill "An Act to Amend the Maine Human Rights Act" (H. P. 162) (L. D. 200)

Report was signed by the following members:

Mr. CURRAN of South Portland
Mrs. LOCKE of Sebec

Messrs. VALENTINE of York
CHURCHILL of Orland

Mrs. KANY of Waterville
Ms. BACHRACH of Brunswick

Mr. DIAMOND of Windham — of the House.

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

Report was signed by the following members:

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

Mrs. MASTERTON of Cape Elizabeth
Messrs. SILSBY of Ellsworth
STUBBS of Hallowell — of the House.

Reports were read.

(On motion of Mr. Curran of South Portland, tabled pending acceptance of either Report and specially assigned for Monday, June 20.)

Divided Report

Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-644) on Bill "An Act Revising the Disqualification periods for Persons who voluntarily Quit Work or are Discharged for Misconduct" (H. P. 113) (L. D. 143)

Report was signed by the following members:

Mr. PRAY of Penobscot — of the Senate.

Messrs. BUSTIN of Portland
FLANAGAN of Portland

Mrs. BEAULIEU of Portland
Messrs. McHENRY of Madawaska

LAFFIN of Westbrook
DUTREMBLE of Biddeford
ELIAS of Madison — of the House.

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

Report was signed by the following members:

Mr. McNALLY of Hancock — of the Senate.

Mrs. TARR of Bridgton
Mr. PELTIER of Houlton
Mrs. LEWIS of Auburn — of the House.

Reports were read.

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

Divided Report

Majority Report of the Committee on Energy reporting "Ought to Pass" as amended by Committee Amendment "A" (H-655) on Bill "An Act to Provide Tax Incentives for Energy Efficient Automobiles" (H. P. 908) (L. D. 1107)

Report was signed by the following members:

Mrs. HUBER of Falmouth
Messrs. JENSEN of Portland
TORREY of Poland

CONNOLLY of Portland
DAVIES of Orono
HOWE of South Portland

Mrs. TRAFTON 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. TROTZYK of Penobscot
FARLEY of York
REDMOND of Somerset — of the Senate.

Mr. BOUDREAU of Waterville
Miss BROWN of Bethel
Mr. RIDEOUT of Mapleton — of the House.

Reports were read.

On motion of Mr. Davies of Orono, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-655) 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 Not to Pass" on Bill "An Act Concerning the Veterans' Property Tax Exemption" (H. P. 787) (L. D. 909)

Report was signed by the following members:

Messrs. JACKSON of Cumberland
WYMAN of Washington

— of the Senate.

Mr. CARTER of Bangor
Mrs. POST of Owls Head
Mrs. CHONKO of Topsham
Messrs. IMMONEN of West Paris
MACKEL of Wells
TWITCHELL of Norway
TEAGUE of Fairfield

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-654) on same Bill.

Report was signed by the following members:

Mr. MARTIN of Aroostook

— of the Senate.

Messrs. MAXWELL of Jay
CAREY of Waterville
COX of Brewer

— of the House.

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

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

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I would merely like to point out that this is not the veterans tax exemption bill that we are anticipating. This is another bill that pertains to including certain veterans under the elderly household tax and rent refund act. I would like to point out to the members of the House that the veterans organizations appeared before us in the Taxation Committee and objected very strongly to this particular bill. They don't want this approach, and that is one reason why the majority of the committee voted "ought-not-to-pass" on this particular bill. If you will note on the fiscal note, there is only \$10,000 involved for each of the fiscal years, a \$20,000 total. I really don't believe we should accept the "Ought to Pass" Report.

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

Ms. BACHRACH: Mr. Speaker, Men and Women of the House: I hadn't realized that this bill was going to come out of committee, but this is my bill, and my intention was to make sure that any disabled veterans or widows who are not eligible for social security or SSI or anything of that sort, widows particularly under the age of 62, would have some sort of recourse. There were cases in my town of people who had better tax exemptions and they were really suffering under the effect of our lowering the tax exemption for veterans.

I was not too concerned with the number of veterans who really could afford the small, additional tax, but I was very concerned with the people in marginal areas who really were suffering from this, and I figured that if we could address it from the point of view of income levels, the people who most needed help would receive it.

I am a little unhappy about the fiscal note, because I feel that more money than that would be expended, but in any case, the qualifications would entitle people under this act to apply for the money and the elderly householders rent and refund act has sufficient money so that if it were more than the \$10,000 indicated, it would be paid.

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

A vote of the House was taken.

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

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

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Provide for the Periodic Review of Sales and Property Tax Exemptions" (H. P. 1250) (L. D. 1479)

Report was signed by the following members:

Messrs. WYMAN of Washington
JACKSON of Cumberland
MARTIN of Aroostook

— of the Senate.

Messrs. TEAGUE of Fairfield
TWITCHELL of Norway
MACKEL of Wells
IMMONEN of West Paris

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-652) on same Bill.

Report was signed by the following members:

Mr. CARTER of Bangor
Mrs. POST of Owls Head
Mrs. CHONKO of Topsham
Messrs. CAREY of Waterville
COX of Brewer
MAXWELL of Jay

— of the House.

Reports were read.

Mr. Carey of Waterville moved that the Minority "Ought to Pass" Report be accepted.

(On motion of the same gentleman, tabled pending his motion to accept the Minority Report and specially assigned for Monday, June 20.)

Consent Calendar**First Day**

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

(H. P. 70) (L. D. 94) Bill "An Act to Increase the Exemption on Estates of Veterans" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-648)

On the objection of Mr. Biron of Lewiston, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-648) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 1279) (L. D. 1510) Bill "An Act to Repeal Certain Laws Relating to Local and County Government" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-645)

(H. P. 435) (L. D. 542) Bill "An Act to Redefine 'Wages' to Include Fringe Benefits" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-643)

(H. P. 1547) (L. D. 1772) Bill "An Act Relating to Training, Counseling and Managerial Service Programs in State Government" — Committee on State Government reporting "Ought to Pass"

(H. P. 570) (L. D. 694) Bill "An Act to Redefine the Designation of Beneficiaries of

Priority Social Services" — Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 1236) (L. D. 1389) Bill "An Act Relating to the Administration of Medication" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-640)

(H. P. 638) (L. D. 820) Bill "An Act to Revise and Clarify Portions of the Workmen's Compensation Act" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-642)

(H. P. 390) (L. D. 479) Bill "An Act Concerning an Exemption from the Real Estate Transfer Tax" — Committee on Taxation reporting "Ought to Pass"

(H. P. 1476) (L. D. 1709) Resolve, to Authorize the Maine Guarantee Authority to Issue A Payment in Lieu of Taxes to the Town of Pittsfield — Committee on State Government reporting "Ought to Pass"

(H. P. 1124) (L. D. 1342) Bill "An Act to Require an Annual Adjustment in the Standards of Need for Families Receiving Aid to Dependent Children" — Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-653)

(S. P. 317) (L. D. 1075) Bill "An Act to Base Adjustments of Teacher and State Employee Retirement Allowances on the Consumer Price Index" — Committee on Veterans and Retirement reporting "Ought to Pass" as amended by Committee Amendment "A" (S-236)

(H. P. 1367) (L. D. 1596) Bill "An Act Relating to Irreconcilable Marital Differences as Grounds for Divorce and Mental Illness as an Impediment to Divorce" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-658)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of June 17, under listing of Second Day.

(H. P. 1361) (L. D. 1677) Bill "An Act Concerning Debtor's Property Exemptions from Attachment and Bankruptcy Proceedings" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-657)

On the objection of Mrs. Boudreau of Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-657) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 1009) (L. D. 1212) RESOLUTION, Proposing an Amendment to the Constitution Allowing the Legislature to Impose a Different Rate of Taxation Upon Properties Outside of Incorporated Municipalities and Plantations — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-659)

(H. P. 654) (L. D. 797) Bill "An Act to Terminate Administration of the Industrialized Housing Law" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-662)

No objections being noted, the above items were ordered to appear on the Consent Calendar of June 17, 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. 1303) (L. D. 1541) Bill "An Act Concerning Recovery of Damages by the Consumer"

No objection being noted at the end of the Second Legislative Day, the House Paper was passed to be engrossed and sent up for con-

currence.

(H. P. 1260) (L. D. 1489) Bill "An Act to Clarify Certain Statutory Provisions for the Licensing of Camps, Eating and Lodging Places"

On the objection of Mrs. Post of Owl's Head, was removed from the Consent Calendar.

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

(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" (C "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" (C "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" (C "A" H-617)

(H. P. 875) (L. D. 1068) Bill "An Act Relating to Music, Dancing or Entertainment" (C "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" (C "A" H-623)

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

(H. P. 679) (L. D. 941) Bill "An Act Concerning Review of Corporate Certificates and Other Documents" (C "A" H-625)

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-625) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 474) (L. D. 580) Bill "An Act to Provide for the Restrictive Licensing of Certain Financial Institutions" (C "A" H-627)

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

(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)

On the objection of Mr. Biron of Lewiston, was removed from the Consent Calendar.

The SPEAKER pro tem: The pending question now before the House is acceptance of the unanimous Committee Report from the Committee on Transportation.

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. 1418, which is a bill that deals with the development of a parking lot in Lincolnville. It has an appropriation of \$45,000 from the General Fund. I personally object to this bill. I don't see why the state needs to be involved in spending \$45,000 from the General Fund for building a parking lot in Lincolnville. Therefore, I move the indefinite postponement of this Bill and all its accompanying papers and I ask for a division.

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Biron, moves that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I know the sponsor of

this bill has been absent for several days. I believe it is due to an illness in the family that he is not here, and I also believe, although I am not sure, that this parking lot does concern the ferry service out of Lincolnville to Islesboro. Therefore, I think in all fairness, we should have this tabled for one legislative day, and I would ask someone to do that for me, please.

Thereupon, on motion of Mr. Garsoe of Cumberland, tabled pending the motion of Mr. Biron of Lewiston to indefinitely postpone and tomorrow assigned.

(S. P. 118) (L. D. 277) Bill "An Act Amending the Maine Automobile Insurance Cancellation Control Act" (C "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) (C "A" S-222)

(H. P. 1473) (L. D. 1735) Bill "An Act to Establish a Bill of Rights for Mentally Retarded Persons" (C "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"

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

Passed to Be Engrossed

Bill "An Act Concerning the Powers of Planations under Land Use Regulation and Zoning Statutes" (S. P. 546) (L. D. 1881)

Bill "An Act to Make Possible Property Tax Valuation Assistance to Local Officials" (Emergency) (S. P. 464) (L. D. 1607)

RESOLVE, Authorizing Health Insurance Coverage for Fifteen Retired State Troopers (Emergency) S. P. 262) (L. D. 822)

Bill "An Act Concerning the Fees for Filing Municipal Tax Liens" (Emergency) (H. P. 1724) (L. D. 1884)

Bill "An Act Relating to Regulation of Traveling Shows" (H. P. 1722) (L. D. 1883)

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

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

Amended Bills

Bill "An Act Relating to Arbitration under the State Employees Labor Relations Act" (S. P. 150) (L. D. 392) (C. "A" S-238)

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

RESOLVE, to Authorize the Conveyance of the National Guard Armory in Auburn to the City of Auburn (Emergency) (H. P. 1249) (L. D. 1471) (C. "A" H-598)

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

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

Mr. COX: Mr. Speaker, I move that this Bill and all of its accompanying papers be indefinitely postponed and would speak to my motion.

The SPEAKER pro tem: The gentleman from Brewer, Mr. Cox, moves that this Resolve and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. COX: Mr. Speaker, Ladies and

Gentlemen of the House: This, on the surface, seems like a simple bill which should be a local affair, but sometimes small matters are symptoms of a greater problem, a tiny, inoffensive spot on the skin which is a symptom of cancer, the tiny trickle at the base of a dam which is a symptom of a structural weakness.

Supporters of this bill have asked something which I doubt anyone has ever asked in this state, and that is that the National Guard unit be removed from their community. Some say yes, we move this across the street, across the river, across the line, across the bridge to another nearby town, but a National Guard unit requires a community from which to draw its support, its personnel. When you remove a unit from a community, you remove the visibility of that unit which may attract recruits.

I had intended to let this pass. I was discussing it with another member yesterday, and this member made a statement that did not make that much of an impression on me at the time, but I got to thinking about it. He said this action is symbolic. Well, what is it symbolic of? To me, it indicates a lack of support for the National Guard. I see two evidences of this. One was presented in the testimony, or the speakers on the floor here yesterday saying there are only, I believe, 54 members in this unit, which to me is indicative of the fact that the community is not supporting that unit or there would be more members in it. This drive to remove the unit from the community, while I am aware this is probably not because of hostility to the unit but the fact that the community believes it has a better use for the armory and that they will remove this unit from the community in order to do it.

We might say, what is the Guard symbolic of? Well, this may be an old fashion opinion, but the presence of a National Guard unit is symbolic of the idea that abled bodied men, and now women, can participate in the defense of their country and still remain in their peacetime occupations during peacetime.

The statement has been made in support of this bill that in case of war, this one unit would make no difference, which to me is again symbolic of the attitude that somehow someone else will defend the country, let someone else do it, let someone else defend the country. Again, this may be a small matter here, but the fact that this House is willing to support this motion, this bill, is indicative to me of a lack of support.

The enemies of any country simply do not look at the number of military units you have, a country has, the number of planes, bombs and so forth, they look at the willingness of the country to support defense, the willingness of the country to defend itself, and I believe, and I think many others do, that one evidence of this willingness is the willingness of citizens to participate in the defense of their country as evidence by the presence of National Guard units in the United States and the people's militia in the people's Republic of China, where we see pictures of the workers carrying their rifles to the fields with them and participating in drills similar to our National Guard units on their lunch hours and breaks. When we look at the people's Republic of China, what do we see? We see a willingness of the people, the communities, to defend their country. What are we seeing here? We are seeing the legislature of the State of Maine taking an armory away from an active unit, one of the people's military units which to me, is simply sending a message, a message that I don't think we should be sending.

The SPEAKER pro tem: The Chair recognizes the gentleman from Auburn, Mrs. Trafton.

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: I regret today that I think the issue has gone far beyond the substance of our Resolve and I wish to go on record for the City of Auburn in saying that we think

very highly of our National Guard and that at no time, have we even suggested that they consolidate.

As I mentioned yesterday, this suggestion came to us from the Deputy Adjutant General, Charles Reed, Jr. on September 17, 1975 in a piece of correspondence that I would be happy to share with any member of the House.

Furthermore, I tried to make it clear on the floor of the House yesterday, that Auburn would be very pleased to have the National Guard continue to use that armory for the 39 days or however many additional days they deem necessary. The only suggestion that Auburn is making, at this point, is that we now pick up the \$26,000 operating costs and that they will still continue to use this, free of charge, for however many days they need to use it.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentleman of the House: I rise this morning with trepidation regarding 1471. In speaking on behalf of the bill yesterday, it was my understanding that the armory was to be vacated and troops will be transferred to the Lewiston Armory. However, I now find that this is not the circumstance. The guard unit presently stationed in Auburn is desirous of maintaining their identity and the use of the Auburn Armory. It is their contention that the unit brings \$245,000 into the Auburn economy and has participated in many projects which have been beneficial to the city. They also advised that the Auburn armory is available to the City of Auburn at any time, \$10 per evening and they welcome the city to use the facility.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would just address myself to a couple of remarks made by the gentlelady, Mrs. Trafton. One was that the suggestion came from the Adjutant General's Department. I believe that that suggestion, by the testimony yesterday, came because at that time, the Adjutant General's Department believed that they had no choice, that they would not be able to keep the armory open and it was no-doubt, a very-reluctant-move-on-their-part.

The other thing is that the city could own the armory and the National Guard could still use it. There is a problem with this, a problem of security. These National Guard armories not only contain usually a million or more dollars worth of heavy equipment but they contain weapons, all the way from pistols to heavy machine guns, bazookas and I am not sure in this case they probably don't have any mortars but they do have a large collection of weapons and the security of this equipment and these weapons depends on the National Guard having control of the armories and being able to say who uses it and when it is used.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: I can see that the National Guard has indeed done their homework over the evening. It is a sink or swim situation, I guess that we are faced with now.

To answer some of the comments made by the gentleman from Brewer, Mr. Cox, with regards to this issue, we are not attacking the integrity of the National Guard, we are not suggesting that we don't appreciate the National Guard or what they have done in the City of Auburn. What we are saying, Mr. Cox, is that it is a crime to let that facility sit there for 300 and some odd days out of the year, not being used when it could be used.

We have access to that facility now, we have never been denied access to that facility. All we

are saying is that there are certain things that we would like to do with it that we can't now do. We are not talking about structurally altering the facility in any way that would prevent or preclude the National Guard from assuming occupancy in case of a national emergency or whatever.

I think that is one of the biggest red herrings that you could drag into the whole issue is that we are saying to the National Guard that we don't like you, we don't like what you stand for, that is not what we are saying at all. In fact, they could still use the facility. We have tried several times to talk with the generals over there about a compromise or some sort of a situation where we could both occupy the facility and allow them to train there the 39 days out of the year that they train and their answer to us has been in the past, that we are not in a position to do that. We take our orders from the guy on the second floor, the executive branch, and when he cut \$50,000 out of that budget last year, they suggested closing three armories. They, themselves, made the recommendation and all we are saying that we disagree with the Appropriations Committee to a certain extent when they reinstated those funds. They only put \$35,000 back in, the \$50,000 was originally cut. For some reason, they can maintain those armories on \$15,000 less.

Again, just let me point out, that we are not attacking the integrity of the National Guard, we are just saying that this facility should be used by both of us, on a lease arrangement for an extended period of time, and we could make good use of it.

I would hope that you would not support the motion to indefinitely postpone.

I would request a roll call.

The SPEAKER pro tem: 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; and 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 pro tem: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House; I do think this is a reasonable bill and I think the House itself, has to resist this action which is going on to make this into a national security issue. It is certainly not that. The Governor of this state, who happens to be from the Lewiston-Auburn area, recognized that in the Auburn armory, you have an under utilized facility and he recommended saving some dollars by cutting the support of that building out in his budget. I congratulate the Governor when I think he is right and I think he was in this case. He was willing to take on some interest in the interest of making reasonable use of public facilities.

Those of us who live in the City of Auburn and every Auburn representative is a cosponsor of this bill, have seen that building sitting there in our park and being unused most of the time. It doesn't do any good for the City of Auburn to be able to lease it occasionally for a school dance or something of that sort. When you want a recreation center, you have to have a kind of facility that people can drop into and use an hour in the afternoon or an hour on Saturday morning or whenever they feel like using it and not schedule activities and get permission and go through all the usual red tape to get permission to have that kind of use of the facility.

We would not in this process at all be losing a unit of the National Guard. I never served in the National Guard but I did serve in the Reserves when I got out of my active duty service in the Army. The Reserve unit is about a mile up the road on Minot Avenue. There are other armories in the City of Lewiston and if the National Guard determines that they want

to switch this unit to the Lewiston armory, it would not be leaving the community, it would be a mile down the road. The Lewiston-Auburn community is one community economically, money taken out of the Auburn economy is spent in the Auburn-Lewiston economy and it ends up in the same pockets and all those arguments simply don't hold water.

It boils down to this. There is a building which we, as the people of the State of Maine, own in Auburn, it is not being used, it is costing us a great deal of money simply to maintain and operate it, the City of Auburn sees a better use for that building and is willing to take on that cost to take it off the shoulders of the people of the State of Maine and it seems to me that when a city is willing to say, we don't need the state to provide a facility for us, we want to do something ourselves that this legislature ought to respect that kind of feeling. That is why this is a reasonable bill and it has nothing to do with the number of divisions of Russian troops in eastern Europe or anything like that. It has to do with using the small brick building in the City of Auburn efficiently.

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

Mr. COX: Mr. Speaker, Ladies and Gentleman of the House: I bet your indulgence for dragging this out but the argument that has just been used about this being an unused building, only being used a few days a year, would apply to any armory in the State of Maine. Any National Guard unit only drills so many times a year. You could use this same argument for the Brewer armory, the Belfast armory, the Millinocket armory, the Calais armory, any armory, you could use this argument for. So, what we are saying is, that because National Guard units do not drill every day, we should be able to give their units their armories to the communities.

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

Mr. STUBBS: Mr. Speaker, could I have the Clerk read the report?

The Report was read by the Clerk.

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

Mr. GREEN: Mr. Speaker, a parliamentary inquiry? Is it proper at this time to offer an amendment?

The SPEAKER pro tem: The Chair would answer in the affirmative.

Mr. Green of Auburn offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-664) was read by the Clerk.

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

Mr. GREEN: Mr. Speaker, Members of the House: All this amendment does is it simply removes the Emergency Preamble on the bill.

Thereupon, House Amendment "A" was adopted.

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

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

Mr. Green of Auburn requested a roll call.

The SPEAKER pro tem: 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 pro tem: The pending question before the House is the motion of the gentleman from Brewer, Mr. Cox, that this Bill

and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bagley, Bennett, Berry, Berube, Biron, Birt, Brown, K.L.; Bustin, Carter, D.; Chonko, Churchill, Conners, Cox, Cunningham, Curran, Diamond, Drinkwater, Fenlason, Garsoe, Gillis, Goodwin, K.; Gould, Hall, Henderson, Hickey, Howe, Hunter, Kany, Laffin, Littlefield, Locke, Lougee, MacEachern, Mackel, Marshall, Masterman, Masterton, McHenry, McPherson, Moody, Palmer, Peltier, Perkins, Peterson, Quinn, Raymond, Rideout, Sewall, Silsby, Spencer, Sprowl, Stover, Strout, Stubbs, Teague, Theriault, Tozier, Valentine, Whittemore.

NAY — Aloupis, Beaulieu, Benoit, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. C.; Bunker, Burns, Carey, Carroll, Carter, F.; Clark, Connolly, Davies, Devoe, Dexter, Dow, Durgin, Elias, Flanagan, Fowlie, Gill, Goodwin, H.; Gray, Green, Greenlaw, Higgins, Hobbins, Huber, Hughes, Immonen, Jackson, Jacques, Jensen, Joyce, Kane, Kelleher, Kerry, Kilcoyne, LaPlante, Lewis, Lizotte, Martin, A.; Maxwell, McBrearty, McKean, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Post, Rollins, Shute, Smith, Talbot, Tarbell, Tarr, Torrey, Trafton, Truman, Tyndale, Wilfong, Wood, Wyman.

ABSENT — Austin, Carrier, Cote, Dudley, Dutremble, Gauthier, Hutchings, Jalbert, LeBlanc, Lunt, Lynch, Mahany, McMahon, Mills, Morton, Peakes, Pearson, Plourde, Prescott, Tierney, Twitchell.

Yes. 61; No. 68, Absent, 21.

The SPEAKER pro tem: Sixty-One having voted in the affirmative and sixty-eight in the negative, with twenty-one being absent, the motion does not prevail.

Whereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and sent up for concurrence.

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) (C. "A" H-607)

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

Tabled Unassigned

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) (H. "A" H-622 to C. "A" H-596)

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

On motion of Mr. Kelleher of Bangor, 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-670) was read by the Clerk

On motion of Mr. Quinn of Gorham, tabled unassigned pending adoption of House Amendment "B" to Committee Amendment "A".

Later Today Assigned

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

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

On motion of Mr. Burns of Anson, tabled

pending passage to be engrossed and later today assigned.

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

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

Later Today Assigned

Bill, "An Act to Clarify and Modify Causes for 7-Day Notice of Termination of Tenancy at Will" (H. P. 988) (L. D. 1199) (C. "A" H-536)

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

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

Bill, "An Act Concerning Displaced Homemakers" (H. P. 700) (L. D. 842) (H. "A" H-620 to C. "A" H-599)

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

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I will try to keep it as brief as possible but again, I call your attention to L. D. 842 as amended by Committee Amendment "A", which was accepted by this body yesterday.

The name of this legislation is Displaced Homemaker Bill. The purpose for this legislation is supposedly to provide assistance to those women who, for some reason, find themselves looking for work at a time where their children have grown up and have spent their lives in their homes and have never had any job experience. This bill is supposedly suppose to provide some help for these people.

The problem that I have with the legislation is in the fiscal note. The bill calls for in Committee Amendment "A" a personal service budget for the first year of \$10,000. This means that the Department of Manpower Affairs would hire an additional person, be it man or woman, to coordinate this new program. His or her responsibilities during the course of the year would be to give out \$5,000, because under the bill, these women would be allowed to apply for grants up to \$1,000 each. So, we are setting up a bureaucracy, as far as I am concerned, who we pay \$10,000 to and whose prime responsibility is to give \$5,000. Then the following year, apparently, he or she is going to do such a good job, that we are going to pay him or her \$15,000 and then he is still going to give away \$5,000.

I talked to the sponsor of the bill and I said, how is this thing going to work? She indicated to me that we would use other people to make this program go, such as CETA people.

Personally, I don't know how you feel about hiring CETA people on the state level, because every experience I have ever had with it, is that after the first year, we end up picking up the expenses. I personally feel that this bill if not necessary. Programs are now available throughout the state for these women. I am the first to admit that the Department of Manpower Affairs has not done a good job in this area but I don't think that we need to set up new legislation and spend more money on the same level, hire one person, who supposedly is going to solve the problems of the world. This person has to be located someplace and I would think that it might probably be right here in Augusta and I can't see how the person sitting here in Augusta is going to help the women in Fort Kent or the women in Sanford who needs help in this area. The fiscal note just doesn't call for making this whole program work. Speaking for myself, as a legislator, I am not too crazy about spending, in this case, \$35,000 in two years of

the taxpayers' money on something that will not work.

Another thing in the bill that says that other monies to make this program go are going to come from donations from businesses. Businesses can't even pay their unemployment compensation to the state now, you think they are going to start giving us donations? This bill, as I said yesterday, has a sunset on it for two years and I would recommend that you give it a sunset today.

I would move indefinite postponement of this bill and request a roll call.

The SPEAKER pro tem: The Chair recognizes the gentleman from So. Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I am at a loss as to where to begin. I think I will begin with the fiscal note. In order to operate this particular program, we envisioned a staff of two people. The reason for the low amount in the first year is that by the time the program gets into operation, you are only funding for half a year. In the second year, the \$15,000 represents the total salaries for the two people. The additional staffing will be sought through the CETA program but you can't fill the one and two positions in this particular program with CETA people. The \$5,000 and if you look at the original bill, you will note that the price tag was \$50,000 the first year and \$85,000 the second, so you can see that the committee did quite a bit of trimming. We did enough trimming so that we got a unanimous report out of the committee. The \$5,000 is set aside for grants and I think a particular note here is that when a loan is made, it is a pay back loan, it is not another welfare program. If there is a little \$200 fee to get a woman into a program whereby she is going to get some skills, once she starts working, she pays the program back so it is not a giveaway program.

I think it was illustrated very, very clearly at the public hearing that there is a need. I know myself of constituents in So. Portland who have had calls from women who find themselves in an unemployment status where they are not old enough to collect any retirement, they have stayed at home and raised their families, their families are gone and all of a sudden, they find that they are alone, their husband is deceased and they start looking for employment. When you are 50 years old and you have been at home, it is very difficult to get through some of these doors to find employment. I can document for the good gentleman from Lewiston at least two suicides because of the despair where women when they looked at the programs available, fell right through the crack. Because of all the eligibility requirements, there was no opportunity for them to get assistance. We are not looking for a welfare program here, we are looking for a small staff and I think that should make this House very happy that we feel we can run this program with just two people and I hardly call two people another bureaucracy.

There is a sunset clause to the bill and it will get review in a couple of years but I would urge this House to vote for the bill and not for indefinite postponement. Let's see if we can't help fill one of those gaps which the Department of Manpower Affairs has admitted is there. They have admitted that. I don't think the price tag is out of whack. We are not hiring somebody for \$10,000 to administer \$5,000. There is much more to the program than administering that small amount of \$5,000.

I would sincerely urge this House to support the L.D.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: First of all, let me apologize to Mr. Curran as to saying that we would be hiring one person and paying them

\$10,000 to give away \$5,000. In this case, we are hiring two people to give away \$5,000. That is great.

We can sit here, with the emotional speeches and say that I can document two suicides. Obviously, you know I could document hundreds of suicides of men and women who have committed suicide for various reasons. The time has come, ladies and gentlemen for us here in the legislature, to put a stop to all these bureaucratic programs that we constantly continue to fund and that have no effect. Why don't we just address the Manpower Employment Programs that we have in this state right now and make them do their job because that is one of their responsibilities? Don't put another piece of legislation in and that is what you are doing. I don't care if it is \$55,000 or if it is a dollar, it is spending more of the taxpayer's money. I am interested in helping those people, the help is available for them now and there is no need for this legislation.

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

Mr. CURRAN: Mr. Speaker, Members of the House: Just briefly, on Page 4 of the L. D., Section 3D, one sentence, one sentence of the entire bill relates to the \$5,000 that Mr. Biron is giving you the impression that is all we are going to be doing.

I want you to take a look at the job counseling, the training, the placement, the notification of services, and the number one critical need as explained to me for these women is building up their confidence in themselves, that is the big stumbling block, building up their confidence to go out and knock on that door to answer that employment advertisement. The \$5,000 is a very, very, very small part of the program. In fact, I think you would find the committee and the sponsor willing to knock the \$5,000 out but I am sure at that point, Mr. Biron would claim we are paying \$15,000 to pay somebody to do nothing. The opportunities aren't there for these women, and again, I ask you not to support the motion to indefinitely postpone.

The SPEAKER pro tem: The chair recognizes the gentlewoman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I apologize for the fact that all the bills in which the Committee on Aging is interested seem to be coming out at once. But we do have a particular interest in this piece of legislation.

As you may know, Maine's 170,000 people over age 60, continually list income as their major problem. The median income of individuals in Maine over 60 is only \$2,844.00 and 56 per cent of our older people receive less than \$3,000 a year. The segment of the population which is most dramatically affected by these income problems are women, particularly those women who are widowed or divorced and have devoted most of their life to homemaking. Nearly 60 per cent of Maine's older people are women and they categorically receive lower benefits and lower income than any other age or sex group. Of women over 60 in Maine, 43 per cent are widowed, compared to 14 per cent of widowed men.

So I believe that without question, the State of Maine must develop intervention programs to assist the middle aged, particularly the middle aged widow, to gain and strengthen the skills and self confidence and the ability to re-enter the work force. Such intervention programs, we believe, are offered in L.D. 842. We believe that a displaced homemaker service can fill a major gap and can provide people with assistance in securing employment which well may mitigate against dependence on social services and income maintenance in later years.

I would strongly urge you to support the bill and vote against indefinite postponement.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: When I came down here, this was one of the areas that I intended to address by introducing legislation but I was informed by my seatmate that she thought she would like to do this and I encouraged her and told her that I thought that this was an area that the legislature had overlooked. That this was a very, very acute area that should be addressed and addressed today, not putting it off for tomorrow.

I happen to know of some widows that stayed home on a Social Security pension, encouraged their children to do good work, spent their hours in the home as a double parent, I call it. You have to be a double parent when you replace a father who has passed away. And so they devoted their entire time, some of the most productive years of their lives, to developing a well developed student in school, a child whom they devoted hours to, getting him to Little League, getting them to Girls Scouts and Boys Scouts, being at home evenings when others were out enjoying life. Devoted to their families. It is true, they had a Social Security pension. But now the youngest child has reached the age of 18, is no longer home, probably has married, and now the mother looks around and says, where do I fit in the picture, just where am I in this society today? All alone, the children have left home. About the only way I can answer where she fits in this society today is, sitting alone in an old rocking chair, neglected and forgotten by those who should care. Remember that now. You too shall reach that age. You too may be faced with that same despair. Would you want us to say, forget it, this is just another program? No. I say we have a problem. We have a moral, a social and a monetary obligation, and that obligation is to this mother, who devoted the golden years of her life. I call it golden, they are the most productive years, when she is raising her family. If she devotes her hours, and her life, to that child, and that child goes forth, gets married, becomes a very happy married citizen, what greater reward is there on the face of this earth than to look to your children and your grandchildren as happy people.

So I urge you all here today to grab the baton, if you may call it, and to carry it, because this is our responsibility to the mother, to the widows, who gave up some of the best productive years of their lives and devoted them to homemaking because this is where the greatest neglect in our society has developed. Coming home from school, no mother at home. Have you ever been raised in a society like that? Well, I was. My mother died when I was a baby. The other children's mothers would call them in to have their lunch. I came home to a cold house, nobody there. Think about it.

Today in this society we are responsible to try to develop programs because we are the people, who are supposed to care about our fellow man. We have a moral, social and a monetary obligation to see that this homemaker program is funded. And I urge you now, do not become niggardly and I use that word not in a discriminatory manner, I use it because it is in our dictionary in a different manner. I urge you not to become miserly, if you want it in a different manner. I will address it in that manner, because this is the time and this is the place and this is the hour and we should address it now. I urge you not to indefinitely postpone this bill and go give this bill its honor where its honor belongs.

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

Mr. BUSTIN: Mr. Speaker, Members of the House: I think there is a serious problem with the measure that is here before us today and the problem is that it is probably underfunded. But it is a good start towards helping with a problem that has already been well articulated by the gentleman from South Portland, and the gentleman from Limerick.

I would urge the House to vote No on the pending motion and pass this bill to be engrossed.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Members of the House: I have an article here from a paper and I think that it would be ideal to read. It says: "There is little support for stay home mothers" and it reads: "Dear Princess in our Castle: I agree with you, maybe we are all dreamers. I recently found the system doesn't encourage stay at home wives and mothers. I married young and had a fairly large family. My husband was a provider and I was a wife and mother, who stayed home and cared for the children, I loved every minute of it. It was the way I was led to believe it should be. Our children are grown, and all but one are married. We did do a good job, they are all good children. The story now changes, I am in my early fifties, recently widowed, with no training, no retirement plan, no income and completely disillusioned by our government's utter disregard for the middle aged widow who stays home and keeps the family unit together. Thank God my husband had some good life insurance, at least that would give me time to reorganize my life. There is absolutely nothing in our system for former homemakers without depending children to help them through this transit period. My advice is to you is to be sure that your husband keeps his insurance premiums paid fully. Society will penalize you for having such an old fashioned idea and being a mother in the home," and she ends it: "I would do it again, the same way."

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: In response to Mr. Carroll, you might find this hard to believe, but I have a mother as well.

If the people of this body are seriously concerned about this problem, and I think you are, you have shown a sincerity, why don't you just make the department that is responsible for that now take care of it instead of setting up another bureaucracy? There is a department in this state that is supposed to take care of this and they are not doing it, by the admission of the sponsor, by the admission of the department. Why set up another bureaucracy? Have the people who are supposed to do it, do it instead of having two people run around this state, we will have hundreds and that is what the problem should have, a hundred people taking care of it, not just two. So let's do it the right way, let's have the people who are supposed to be doing it, take care of it. I want to do that. I just don't want to set up another bureaucracy that is not going to do anything.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: This was a Unanimous Committee Report as you have already heard and this was a very well attended hearing. In fact, there was an overflow audience. I was impressed and everybody else on that Committee was impressed with the need for something to be done in this area. In answer to Mr. Biron's question about another bureaucracy, I don't believe it is another bureaucracy, it fits in the Manpower Affairs. It is just something like Mr. Curran says, it fills

in a crack. It is a trial program for two years, if it doesn't work out, it is going to be sunsetted out. But I believe it will work and I think it will help the state and help these people. I think we all know of people who have lost their husbands, one way or the other, and they do need somewhere to look to find a job. I feel this is necessary legislation.

The SPEAKER pro tem: A roll call had 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 pro tem: The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I am the sponsor of this legislation and I am very proud to say that. My cosponsor and I, Mrs. Trafton, have worked very hard on this piece of legislation and we wrote it with a great deal of thought.

I don't want to see a great deal of proliferation of bureaucracy either and we thought we addressed that. Let us simply say that this project would be a pilot project in one part of the state. If this project would only live two years, if it didn't satisfy its needs, it would self destruct. Nobody wants bureaucracy or organizations or bureaus or whatever on the books when they don't need to be there.

This says that there would be one person, one and a half people, to administer a pilot project to see the needs of this.

Now, I want to remind you what this bill really does. Please bear with me. The purpose of L. D. 842 is to provide for an establishment of a multi-purpose service program for displaced homemakers to help them through the readjustment period and become self sufficient. I want you also to remember, no new services are being introduced by this bill. You are simply plugging in to existing educational and training facilities. And may I say that our government has been very generous, and rightfully so, to veterans who have taken years out of their lives to defend the country, and yet our government does nothing for the woman who has taken years out of her life, or it could be a man, who decided to stay home to care for his parents, this is not written just for women, taking years out of their lives to care for their loved ones and protect them. And when those people have gone, either through death or divorce, or simply grown up, and these people ask to get a job, there are no benefits for them. There are no special education programs. There is no special training. These are veterans too. They devoted the best years of their lives doing what we all thought was important, caring for your loved ones.

I want to remind you before you vote that this is a bill that had a packed hearing. This is a bill that stimulated over one hundred letters in support. This is a bill that 26 people spoke on behalf of at the hearing, and no one in opposition. This is a bill that received a unanimous "Ought to Pass" Report from a committee that has a reputation of being a very tough committee. They examined this bill, looked it over and said it unanimously "Ought to Pass." Both my cosponsor and myself, worked with the committee to cut down the appropriation. Perhaps, as Mr. Bustin has said, we worked too hard in that area but we wanted a commitment from the state to believe that these people need a chance, not a handout, but a hand up. Now, when you vote, and you will be voting very shortly, I would like to see red all over, both from the A's to the K's and the K's to the W's, even Mr. Speaker, let there be a flood of red saying, no, to indefinitely postpone this. This is a good bill, and in the words of Mr. Joyce from

Portland, this is a mother's bill. Yes, but it is a father's bill, it is a people's bill, it is a children's bill. I hope that you will all vote no to indefinitely postpone this.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen: I am awfully sorry to prolong this I know we were supposed to be out at 12:30 but I do have a couple of questions I really feel I have to ask before I can join all these red people.

I would like to know what kind of a job you would be trained for and how long the training period would be because I think of myself, who worked as a chemist before I was married, and I haven't touched chemistry since, except cookbook chemistry. If my husband didn't have a job and I were eligible for this, could I be retrained as a chemist and how long a period of training would I be eligible for?

Then the other question is, I didn't realize this was just a pilot project and where in the state is this project going to be carried on, is it one community, or where?

The SPEAKER pro tem: The gentlewoman from Auburn, Mrs. Lewis, poses a series of questions through the Chair to anyone who may respond.

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

Mr. CURRAN: Mr. Speaker, I will answer the second question first. It is a pilot project but it includes the entire state.

First question, job training, in the gentlewoman's specific case it may be that for her, part of that \$5,000 would be used to get her to the university to take a couple of brush up courses in chemistry and that is all you would need to get in at perhaps not the top level in the field of chemistry, but somewhere along the line, working in a hospital or somewhere. There are those possibilities. For others, the job counseling or training is going to depend on some testing that is done, perhaps it would be a school of cosmetology or secretarial school, plugging them into existing training programs that are being operated in the private sector.

The SPEAKER pro tem: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Lewiston, Mr. Biron, to indefinitely postpone. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Biron, Carter, F.; Connors, Devoe, Hall, Jackson, Jacques, Kelleher, Lougee, Raymond, Smith, Sprowl, Torrey, Tozier.

NAY — Alopis, Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Durgin, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Immonen, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Lizotte, Locke, MacEachern, Mackel, Marshall, Martin, A.; Masterman, Masterton, McBreairey, McHenry, McKeane, McMahon, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Peltier, Perkins, Peterson, Plourde, Post, Quinn, Rideout, Rollins, Sewall, Shute, Silsby, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Theriault, Trafton, Truman, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Austin, Boudreau, P.; Carrier, Dudley, Dutremble, Gauthier, Hunter, Hutchings, Jalbert, Jensen, LeBlanc, Littlefield, Lunt, Lynch, Mahany, Maxwell, Mills, Palmer, Peakes, Pearson, Prescott, Spencer, Teague, Tierney, Twitchell.

Yes, 14; No, 112; Absent, 25.

The SPEAKER pro tem: Fourteen having voted in the affirmative and one hundred and twelve in the negative with twenty-five being absent, the motion did not prevail.

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

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair would thank the gentleman from Stonington, Mr. Greenlaw, for presiding.

Thereupon, the Sergeant-at-Arms escorted Mr. Greenlaw to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

Bond Issue Tabled and Assigned

"An Act to Authorize Bond Issue in the Amount of \$3,748,000 for Construction of an Educational Wing at Central Maine Vocational-Technical Institute, a Mechanicals Building at Eastern Maine Vocational-Technical Institute, a Multipurpose Instructional Building at Northern Maine Vocational-Technical Institute and a Building Construction Facility at Southern Maine Vocational-Technical Institute" (H. P. 1618) (L. D. 1819) (S. "A" S-218 to H "A" H-487)

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.

Finally Passed

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution to Reduce and Combine the Guarantee Limits for the Insurance of Enterprises within the State, and to make Vessels Registered in the State Eligible for Such Insurance (S. P. 252) (L. D. 778) (C "A" S-206)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 105 voted in favor of same and 6 against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted Emergency Measure

"An Act Relating to Tuna Fishing" (H. P. 914) (L. D. 1110) (C. "A" H-539)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of same and 4 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 to Require that a Hospital Pharmacist, a Chain Pharmacist and an Independent Pharmacist be Appointed to the Board of Commissioners of Pharmacy" (S. P. 251) (L. D. 759)

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

"An Act to Revise the Water Quality Program" (S. P. 508) (L. D. 1793) (S "C" S-217; S. "D" S-220)

"An Act to Reduce the Size of the Board of Directors of the Criminal Justice Planning and Assistance Agency and to Change the Appointment of the Executive Director" (H. P. 441) (L. D. 548) (H. "A" H-564 to C. "A" H-524)

"An Act to Allow Escape of Sublegal

Lobsters from Lobster or Crab Traps" (H. P. 944) (L. D. 1139) (C. "A" H-540)

"An Act Establishing the Maine Small Business Loan Authority" (H. P. 1004) (L. D. 1244) (C. "A" H-537)

"An Act to Allow Free Hunting and Fishing Licenses to Maine Disabled War Veterans" (H. P. 1071) (L. D. 1263) (H. "B" H-557 to C. "A" H-507)

"An Act to Allow Limited Operation of an Unregistered Motor Vehicle" (H. P. 1101) (L. D. 1325) (H. "A" H-577 to C. "A" H-449)

"An Act to Increase the Veterans Exemption for Paraplegics" (H. P. 1129) (L. D. 1347)

"An Act to Authorize County Jail Inmate Participation in Municipal Public Works Projects" (H. P. 1313) (L. D. 1547)

"An Act Relating to Public Utility Electrical Transmission Lines and Gas and Oil Pipelines" (H. P. 1659) (L. D. 1855) (S. "A" S-221; H. "A" H-543)

"An Act to Establish Withdrawal Dates for Candidates and Nominees" (H. P. 1666) (L. D. 1866)

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.

(Off Record Remarks)

On motion of Mr. Talbot of Portland, Recessed until 2:45 this afternoon.

After Recess 2:45 P.M.

The House was called to order by the Speaker.

Amended Bills

Bill "An Act Concerning Euthanasia of Cats and Dogs" (S. P. 333) (L. D. 1092) (C. "A" S-213)

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

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: As you all know, this is the bill that we debated last night, and I am not going to take very much of your time this afternoon, but several things were mentioned last night that I would like to bring your attention to. Most of the concern last night in opposition to the bill was the decompression chamber. I realize that if I put a bill in this House to do away with all veterinarians putting animals to sleep, it would probably pass. I think the majority of the people of this House are very sympathetic towards animals, and I am myself. Certainly Governor Baxter was of that same nature.

I would like to bring to your attention that the decompression, high altitude chamber that is used was purchased by Governor Baxter himself. The governor had a very fond feeling for those big red dogs, I don't remember the name of them, but I have seen pictures of them with him, and when one of those fine dogs had to be put away, Governor Baxter flew the flag on the building that we are sitting in today at half mast. The governor was a very humane person and he had a lot of belief that animals should be treated very well.

I would like to bring out that it was mentioned on the floor last night that the decompression chamber was used and 15 minutes later an animal walked out, or whatever the case was. Ladies and gentlemen, this is certainly not true. If it did happen, the chamber is not to blame, it is human error. When these chambers are working, they are humane, and Dr. Lovett from Gorham, a very highly respected veterinarian who I talked to this morning on the phone certainly endorses it, he has for years, and he is also a trustee, one of the 21 members that we have.

There are those who say that by taking them to the veterinarian it is a much better way to do it. In many cases, we agree, but remember, how many people here who have an animal that has to be put to sleep goes and watches the veterinarian? I say nobody, and the veterinarian makes mistakes. Manytimes they have to inject two or three times for it to take effect. You were not told this and I am not told this, because certainly we have feelings for our animals and we don't want to know this.

There was also talk last night about the decompression chamber, and sometimes many things that we have to talk about on the floor of this House are not probably in the best taste or the best interest for all concerned, but if this bill is so good now, why wasn't it so good last year or five years ago or ten years ago or twenty years ago when Governor Baxter purchased out of his own pocket, in excess of \$10,000, a decompression chamber? Believe you me, he was not a piker. When he bought something, it was good and it worked right.

I also take a little objection to some of the things that were said last night that the Animal Refuge League in Westbrook was a bunch of butchers. This is certainly not so. We have respectable people on that board all over the county and we have respectable veterinarians who have been in service for many years.

I cannot speak for other shelters, but I can speak for the Westbrook shelter, and the Westbrook shelter has never experienced the horror stories that you heard last night. It is maintained by a man who is a fish and game enthusiast who loves all kinds of animals, and I can assure you, ladies and gentlemen, if that chamber was not working right, there would be no animal put into it. It is inspected every three months to make sure that the chamber is working. The City of Portland will have to absorb the loss, Cumberland and Falmouth also, because, naturally, our Westbrook shelter cannot take cats if we are deprived the use and this chamber is outlawed. Right now, we service the whole county, we take all their cats.

The other thing that I would like to bring your attention to is that the poor people of our county, and I don't know why this is, but it seems to me that they are the people who have many cats and dogs and in many cases they should not have them because they cannot care for them in the manner in which they should be cared for. So when we get these animals, we have to destroy them, and there is no charge. Does this legislature want to absorb the cost or do you want to let these animals run loose?

There has been talk that carbon monoxide will be used in place of this chamber, and believe me, that is not humane, that is a terrible way to die. That was the old fashion way that the City of Westbrook used to use until Governor Baxter came along and showed us the right way. That is certainly barbaric.

I would ask the members of this House to give our shelter the vote of confidence that we need to keep in operation. I don't know what is going to happen if we are denied that right, and I don't believe anyone else does, except, of course, somebody is going to have to foot a lot of money for a lot of unwanted dogs and cats.

I ask that this Bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Westbrook, Mr. Laffin, moves 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. Whereupon, Mr. Laffin of Westbrook 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 Westbrook, Mr. Laffin, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Beaulieu, Bennett, Brown, K. L.; Burns, Connolly, Cox, Curran, Davies, Dow, Flanagan, Garsoe, Hall, Hickey, Higgins, Huber, Hutchings, Jackson, Jensen, Kany, Kilcoyne, Laffin, Lougee, MacEachern, McBrearty, McHenry, Mitchell, Najarian, Perkins, Quinn, Rideout, Spencer, Strout, Torrey, Tozier, Truman, Wilfong.

NAY — Aloupis, Ault, Bachrach, Bagley, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Bustin, Carey, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Conners, Cunningham, Diamond, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Fowlie, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hughes, Hunter, Joyce, Kane, Kerry, LaPlante, Lewis, Littlefield, Lizotte, Locke, Mackel, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McKean, Mills, Moody, Nadeau, Nelson, N.; Norris, Peakes, Peltier, Peterson, Plourde, Post, Raymond, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Talbot, Tarr, Teague, Theriault, Trafton, Tyndale, Valentine, Whittemore, Wood, Wyman.

ABSENT — Austin, Bunker, Carrier, Carroll, Cote, Devoe, Dexter, Dudley, Green, Hobbins, Howe, Immonen, Jacques, Jalbert, Kelleher, LeBlanc, Lunt, Lynch, Mahany, McMahon, McPherson, Morton, Nelson, M.; Palmer, Pearson, Prescott, Stubbs, Tarbell, Tierney, Twitchell.

Yes, 36; No, 84; Absent, 30.

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

On motion of Mr. Burns of Anson, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-667) was read by the Clerk and adopted.

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

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

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

Bill "An Act Providing for the Practice of Architecture through a Corporation or a Partnership" (S. P. 137) (L. D. 378) (H. "A" H-663 to C. "A" S-219)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were passed to be engrossed as amended in concurrence.

The SPEAKER: The Chair would call your attention to the following enactors which were set aside earlier in the day.

Enactor

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

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

The SPEAKER: The Chair recognizes the

gentleman from South Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker, I have had a couple of questions posed to me and a possible problem with the L. D. I would ask that somebody table this.

Thereupon, on motion of Mr. Diamond of Windham, tabled pending passage to be enacted and specially assigned for Monday, June 20.

Enactor Reconsidered

An Act Creating The Maine Capital Corporation (H. P. 1011) (L. D. 1250)

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

On motion of Mr. Curran of South Portland, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-633) was read by the Clerk.

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

Mr. CURRAN: Mr. Speaker and Members of the House: I know sometimes the way the amendments fly by that you don't have time to look at the particular amendment, so I would like to offer a brief explanation.

As the L. D. was going through the body, several members found some problems with it. There were a couple of loopholes in the Maine Capital Corporation, and what we have done here in the amendment is to close those loopholes whereby you could not collect on the dividends and the tax credit at the same time, you would only get one of the options, and I feel that we now have a very tight piece of legislation for this particular L. D.

Thereupon, House Amendment "A" was adopted.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I have some questions on one section of that particular L. D., and I would like to pose a question through the Chair. Under the recapture provisions of the bill as set forth in Section 5129, Subsection 4, there is a reference to a "transaction which gives rise to gain or loss for federal income tax purposes." What I would like to know is, does this mean there will be no recapture of the tax credit if the stock is sold for a price identical to its purchase price?

The SPEAKER: The gentlewoman from Owl's Head, Mrs. Post, has posed a question through the Chair to anyone who may care to answer.

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

Mr. CURRAN: Mr. Speaker, the answer to the question is no. The phrase "transaction which gives rise to gain or loss for the purpose of federal income taxes" is a standard term used in the drafting of tax laws and regulations to distinguish between transactions that could give rise to gain or loss from those transactions, such as a gift where no loss or gain is recognized. Therefore, any sale of Maine Capital Corporation's stock which occurs before the expiration of the tax credit would cause recapture of the forgiven taxes.

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

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

House Report — "Leave to Withdraw" — Committee on Public Utilities on Bill, "An Act Relating to Electric Companies' Fuel Charges" (H. P. 1179) (L. D. 1407)

Tabled — June 15, 1977 (Till Later Today) by Mr. Kelleher of Bangor.

Pending — Motion of Ms. Clark of Freeport to accept the Leave to Withdraw Report.

On motion of Mrs. Kany of Waterville, retabled pending the motion of Ms. Clark of Freeport to accept the Committee Report and tomorrow assigned.

The Chair laid before the House the second item of Unfinished Business:

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

Tabled — June 15, 1977 (Till Later Today) by Mr. Brenerman of Portland.

Pending — Passage to be Engrossed.

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

House Amendment "A" (H-660) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: This is the general assistance bill that we have debated for the last few days here. Yesterday, those of you who were here will recall that we passed out an opinion from the Attorney General's Office. We asked the Attorney General's Office whether it violated constitutional law to deny someone who was receiving general assistance a pretermination hearing. The Attorney General issued a three-page opinion, and I would just call your attention, those of you who haven't read that opinion, to the last paragraph where it says "It is the opinion of this office that L.D. 1868, by failing to provide for a hearing prior to termination or suspension of general assistance benefits during the limited period of entitlement it purports to establish, is unconstitutional." Therefore, I have offered this amendment which strikes out Section 13 of the bill and would leave the current law that deals with pretermination hearings as it is. The effect of this amendment would be to allow pretermination hearings before a person receiving general assistance can either have that grant terminated or reduced or suspended.

I would hope you would support this amendment, and I move its adoption.

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

Mrs. BERUBE: Mr. Speaker and Members of the House: I would ask that you not vote to accept House Amendment "A". There is an amendment which I will introduce shortly if you defeat this amendment, House Amendment "B", that would address itself to the letter which has been received from the Attorney General's Office. I would point out to you that you have heard just the last paragraph. May I quote briefly from the second to the last paragraph? Before I do, I would like to say that if this amendment which has been presented to you is accepted, there will be a conflict with the bill as far as the definition of the words "general assistance."

The paragraph to which I refer to in the Attorney General's opinion says: "If as Section 4450 of L.D. 1868 suggests, that the intent of the legislature is to change the character of the general assistance program from one in which aid is furnished on a continuing or on-going basis to one in which specific limited periods of eligibility are established, the Constitution would not require a notice of termination or pretermination hearing at the end of the specific statutory period of entitlement."

"What we are trying to say is that general assistance is an immediate need, an immediate aid for an immediate emergency need and not a continuing aid." So I would ask that you not accept House Amendment "A" so that we can then offer House Amendment "B", which will address itself to the last paragraph of the Attorney General's letter.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: Representative Berube, in reading that next to last paragraph did not read to you the final sentence of the paragraph and I would read that to you. Nevertheless, due process does require notice and a hearing prior to termination or suspension during the course of even a limited period of entitlement.

If this opinion is correct, and no one, including the Maine Municipal Association or the Welfare Office in the City of Portland, has challenged this opinion. If this opinion is correct, it is clearly in violation of constitutional law if we deny a person who is receiving general assistance a right to a hearing prior to the time that their grant is either suspended or that they are denied further aid. That is what the issue is all about. When I dealt with this in the hall with Representatives of the Maine Municipal Association and others who support Representative Berube's Amendment, they talk about the definition of the General Assistance Program and I would just point out that the amendment that I have offered does not change the Maine Municipal Association's definition of the general assistance program and their definition is that it is a program administered for the immediate aid of persons. We are not quarreling with the definition, what we are quarreling with, is the right to give someone a hearing prior to the time that the aid is taken away from them and it would only apply to those people who want a pretermination hearing, it would not automatically be required for everyone who receives general assistance, just for those people who feel that their aid is going to be reduced or taken away from them unfairly and they ask for a hearing prior to the time the aid is reduced or suspended.

I would point out that in debates on these kind of issues, many times in the past, the issue has been raised about Pine Tree Legal taking people to court. I would just point out that if this amendment is not adopted, when this law goes into effect in October, you can expect that Pine Tree Legal again will have one of the welfare departments of the State of Maine in court.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have read this opinion and I would like to direct a question to the gentleman from Portland in connection with the first paragraph on the second page of this opinion. I mean the second paragraph on the second page, the one at the bottom where it starts out, the decision in Goldberg clearly provides for a hearing prior to termination or suspension of welfare payment benefits to which one is statutorily entitled and that is the key phrase, hearing prior to termination or suspension of welfare payment benefits to which one is statutorily entitled. Now, it is my understanding that under the general assistance, what this means is, is that if you were given a benefit for a week, that at the end of that week, if you had not terminated that benefit prior to the end of that week, you would not be required because you are not statutorily entitled beyond that week. The same thing would apply to any time period, one week, two weeks, thirty days, three days. In other words, under the statutes and under the law that presently exists, if aid is given for a specific time period and you don't renege on that aid grant during that specific time period, then under the Constitution or any other statute, it is not required that a hearing for termination be held. I would like to ask the gentleman from Portland, how he interprets that?

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: In response to the question, I have no quarrel with the perception of Mr. Morton in regard to that paragraph. I would point out that the last sentence of that

paragraph deals with what the Deputy Attorney General who wrote this opinion sees as the purpose of this particular legislation, which is to change the nature of the general assistance program. There was a ruling in a court case last year in the State of Maine that said, in effect, that the general assistance program was one of "continuing aid." The attempt of this legislation, through its definition of general assistance program, is to change that definition, to make one of "immediate aid," for a specific period of time. I don't have any problem with that in that definition. Then you go on and you read the final two paragraphs, and it says, due process would be violated, constitutional rights will be violated if a pretermination hearing is not given to the assisted. So we don't have any problem with the definition of general assistance, whether it is for a specific period or for a length of time. The problem that I have is that if someone is receiving aid and it is the intent of that welfare department to reduce or to stop the aid, that that person be given a hearing prior to termination, if they feel they want it and if they don't want it, terrific.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I rise simply to attempt to clarify some of the alternative arguments and questions that are being raised regarding this particular issue before us.

The opinion seems to say that if a person receives limited general assistance, for example, you are granted two week rent assistance, and from the outset, when you get that two weeks help in rent, you know from the very beginning, the recipient knows from the very beginning that it will end at the end of two weeks. The opinion seems to indicate in the next to the last paragraph, that that is not continuing aid on an ongoing basis, that is a one-shot deal. In that instance, the constitution would not require a hearing, a pretermination hearing. However, once you start to shade over into continuing aid, by the way, let me back up one minute if during that two week period, there was an attempt to either reduce that rent aid or to cut it off, then, a hearing would be necessary. But as long as that two week rent aid was granted, it was not reduced, it was not cut off, it was understood from the outset it was only a one-shot two week endeavor, then you wouldn't need a pretermination hearing when the two weeks expired. Now, at some point, when you push over into continuing, ongoing general assistance, for example, what happens if the person comes back in and gets another two weeks of rent aid, and when that is out they come in and apply for another two? Now you have gone from two weeks to a series of three two week periods all continuous and all running, six weeks, although it is divided up into three, two week segments. At some point, you start to shade over into an area of ongoing general assistance, and at some point, the Goldberg decision, I believe, indicates that a property right attaches and you are entitled to a due process pretermination hearing before that can be stopped. Now the two alternatives before us in Amendment "A" which the gentleman from Portland has presented and Amendment "B" which the gentlelady from Lewiston would like to present, take two contrary or two opposite approaches.

The gentleman from Portland Amendment A's approach would say that you are going to need a pretermination hearing irrespective of whether it is a one-shot, two week rent aid and you never apply for, never get anymore again, or whether it is ongoing for six weeks, or two months or whatever, you are going to need that hearing.

Alternative Amendment "B" takes the other approach and says that only if the thing is ongoing and continuous are you going to need

your pretermination hearing, so they are at opposite poles. Now, I hope I don't confuse things more here.

The minority report that we did not adopt that was proposed and fought for by the gentleman from Portland, Rep. Brenerman, took a different approach. It said that if a person got aid for three weeks out of a four week period of time, that would be construed as continuing, ongoing aid, not simply just a one-shot basis, and three weeks out of four weeks being continuing aid would require a pretermination hearing. That alternative in an amendment is not before us and I hope that that sheds some light on the issues and constitutional questions raised in answering the opinion.

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

Mrs. BERUBE: Mr. Speaker, Members of the House: I realize we are on House Amendment "A" but could I briefly say what House Amendment "B" would do?

The SPEAKER: The Chair could indicate why she prefers something else than House Amendment "A".

Mrs. BERUBE: Because it would cover, I believe, the concerns that Mr. Connolly has in reference to the Attorney General's ruling or opinion. We feel that House Amendment "B" would take care of it very nicely.

I won't refer to House Amendment by letter, I will simply quote the Statement of Fact. It says: this amendment makes it clear that a hearing is necessary prior to suspension of general assistance during a limited period of entitlement. This is consistent with an Attorney General's opinion relating to the bill. I think this would take care of it.

I would again ask that you vote against Mr. Connolly's amendment.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: This is a very, very simple issue and Mr. Tarbell explained it very thoroughly. However, it might have been a little too confusing. All we are attempting to do here, is if we give general assistance to an individual for one week, we tell that individual "we are going to help you on your rent this week." That is all done, the individual knows this is happening and it is something that goes on between the two people.

What Mr. Connolly's amendment would do, is even though it is agreed upon that help will be given for one week, that we should still have a pretermination hearing, which is ridiculous. There is no need for that.

Whereas, what we would like to present is that if we have a continuous program, other than saying "two weeks you are all done" then we are going to give these people a pretermination hearing. This is what we would like to present and this is why I believe that, pretermination just for one week's help or two week's help is utterly ridiculous. It is already agreed by the director, who gives general assistance and by the person that is receiving it.

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

Mrs. KANE: Mr. Speaker, may I pose a question to the gentlewoman from Lewiston, Mrs. Berube?

The SPEAKER: The gentlewoman may pose her question.

Mrs. KANE: Regarding this alternative proposal that may be proposed here, should this amendment be defeated, in looking it over, I have a question as to whether the person would continue to receive benefits until he had a hearing if he should request a hearing?

The SPEAKER: The gentlewoman from Augusta, Mrs. Kane, has posed a question through the Chair to the gentlewoman from

Lewiston Mrs. Berube, who may respond if she so desires.

The Chair recognizes that gentlewoman.

Mrs. BERUBE: Mr. Speaker, Members of the House: Under the present law, the claimant, the recipient, has five working days in which to appeal during that time the town or municipality must continue to give assistance. Under this amendment, they would continue to receive, if it were an immediate aid. For instance, immediate aid being, if today's electricity is going to be shut off, this would be an immediate need, the city would pay the electric bill.

Under Mr. Connolly's amendment, the city would be obligated to continue next months' electric bill if it came due, say tomorrow, because it would then be an ongoing thing. The city or the municipality would still be required to have a fair hearing.

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

Mr. RAYMOND: Mr. Speaker, Members of the House: To answer the question of the lady from Augusta, the answer is yes. Up until the time of the hearing, the aid would be continued up until a determination is made at that hearing. At the hearing, if the determination is made then that person will be getting no more help, this is what will happen, but in the meantime, the help has to be given until the hearing has been held.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: Briefly, in response to remarks of Mr. Raymond when he spoke the first time, I would just point out that a person, if this amendment is adopted, does not automatically get a pretermination hearing. They only get it if they request it. The assumption being, that if a person doesn't need the aid, they won't ask for the hearing, because if they ask for the hearing, they are going to be denied the aid anyway. The only instances when they would get a hearing would be when they would feel that they were unfairly denied the aid and they want a hearing prior to termination.

In response to the question raised by the gentlewoman from Augusta, I would point out that there would at least be a 24 hour period during which that person would receive no assistance. Then after that, the aid would continue. As far as rent is concerned, that would probably not be a problem but in the case where an individual's family needs food or heat, that could turn into a problem and that is the whole point of the amendment.

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

A vote of the House was taken.

16 having voted in the affirmative and 76 in the negative, the motion did not prevail.

Mrs. Berube of Lewiston offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-666) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker, I move for the indefinite postponement of this amendment.

I would just like to have you if you have the opportunity to read this amendment. This amendment only deals with cases of revocation, it doesn't deal with instances where an individual's aid would be reduced or would be suspended. The amendment does not define what a period of entitlement would be. A period of entitlement could be one week or it could be nine months, it does not define that. The amendment does not have any requirements when a hearing should be held. It has a requirement as to when a person could ask for a hear-

ing but there is no requirement when that hearing has to be held and there is no requirement giving reasons why the aid would be denied. For those reasons, I would ask you to vote against this amendment and support the motion to indefinitely postpone it.

I would 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 Lewiston, Mr. Raymond.

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House:

As far as having any requirements in the amendment concerning the hearings, there are none in the amendment because this is already in the law. Each municipality also, as Mr. Connolly is well aware of, is required by law, by the state, to submit to the state a set of rules and regulations by which the city will conduct themselves as far as these fair hearings are concerned. If a municipality fails to do so, automatically they have to adopt those that are set up by the state.

The SPEAKER: The Chair recognizes the Gentlemen from Portland, Mr. Brennerman.

Mr. BRENERMAN: Mr. Speaker, Members of the House: I would like to concur with the gentleman from Portland, Mr. Connolly. I think one important factor of this amendment is that the client, who is asking for a hearing, does not receive aid while waiting for that hearing. I think that goes against Judge Gignoux's decision in Duplar vs. the City of Portland and therefore, I think that this amendment would not solve the problem that the Attorney General talked about in his decision.

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

Mr. BOUDREAU: Mr. Speaker, I would like to pair with the gentleman from Bangor, Mr. Kelleher. If he was here, he would be voting yes; and I would be voting no.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that the House indefinitely postpone House Amendment "B". Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Bachrach, Beaulieu, Benoit, Blodgett, Brennerman, Brown, K. L.; Brown, K. C.; Connolly, Cox, Curran, Davies, Flanagan, Goodwin, K.; Greenlaw, Henderson, Howe, Huber, Hughes, Jensen, Kany, Kerry, Kilcoyne, Laffin, McHenry, Najarian, Nelson, M.; Peakes, Plourde, Post, Quinn, Smith, Talbot, Valentine, Wood, Wyman.

NAYS — Aloupis, Ault, Bagley, Bennett, Berry, Berube, Biron, Birt, Boudreau, A.; Burns, Bustin, Carey, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connors, Cote, Cunningham, Devoe, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Fowlie, Garsoe, Gill, Gillis, Gould, Gray, Hickey, Higgins, Hunter, Hutchings, Jackson, Joyce, Kane, LaPlante, Lewis, Littlefield, Lizotte, Locke, Lougee, MacEachern, Mackel, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McKean, Mills, Mitchell, Moody, Morton, Nadeau, Nelson, N.; Norris, Palmer, Peltier, Perkins, Peterson, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Spencer, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Torrey, Trafton, Truman, Tyndale, Whittemore, Wifong.

ABSENT — Austin, Bunker, Carrier, Dexter, Dudley, Gauthier, Goodwin, H.; Green, Hall,

Hobbins, Immonen, Jacques, Jalbert, LeBlanc, Lunt, Lynch, Mahany, McMahon, McPherson, Pearson, Prescott, Tierney, Tozier, Twitchell.

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

The SPEAKER: Thirty-five having voted in the affirmative and eighty-nine in the negative, with twenty-four being absent and two paired, the motion does not prevail.

Thereupon, House Amendment "B" was adopted.

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

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

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

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube, having voted on the prevailing side now moves that we reconsider our action whereby this Bill was passed to be engrossed: Those in favor 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 first tabled and today assigned matter:

Bill, "An Act Relating to Discharges, Emissions and Leakages from Nuclear Generating Facilities" (H. P. 1382) (L. D. 1862).

In House, Majority "Ought to Pass" as Amended by Committee Amendment "A" (H-550) Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-550) on June 13.

In Senate, Minority "Ought Not to Pass" Report Read and Accepted.

Tabled — June 15, 1977 by Mr. Greenlaw of Stonington.

Pending — Further Consideration. On motion of Mr. Greenlaw of Stonington, the House voted to insist.

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

Bill, "An Act to Abolish the Mental Health and Mental Retardation Improvement Fund" (H. P. 1470) (L. D. 1727).

Tabled — June 15, 1977 by Mrs. Najarian of Portland.

Pending — Adoption of Committee Amendment "A" (H-630).

On motion of Mrs. Najarian of Portland, tabled pending adoption of Committee Amendment "A" and specially assigned for Monday, June 20.

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

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

Tabled — June 15, 1977 by Mr. Lynch of Livermore Falls.

Pending — Passage to be Engrossed.

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

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

House Amendment "A" to Committee Amendment "A" (H-677) was read by the Clerk and adopted.

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

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

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

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

Tabled — June 15, 1977 by Mr. Quinn of Gorham.

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 fifth 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 15, 1977 by Mr. Garsoe of Cumberland.

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

On motion of Mr. Palmer of Nobleboro, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.

The Chair laid before the House the sixth 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 15, 1977 by Mr. Henderson of Bangor.

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

On motion of Mr. Henderson of Bangor, tabled pending adoption of Committee Amendment "A" and specially assigned for Monday, June 20.

The Chair laid before the House the seventh 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 15, 1977 by Mrs. Post of Owls Head.

Pending — Passage to be Engrossed.

On motion of Mrs. Post of Owls Head, tabled pending passage to be engrossed and tomorrow assigned.

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

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).

Tabled — June 15, 1977 by Mr. Curran of South Portland.

Pending — Passage to be Enacted.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: Several of us have been looking at this particular L. D. It is the result of a lot of hard work by the Local and County Government Committee and we don't feel that we are quite ready at this point. We see a lot of good sections in it, and rather than make any hasty motions at this time, I would ask that it be tabled for two days.

On motion of Ms. Clark of Freeport, tabled pending passage to be enacted and specially assigned for Monday, June 20.

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

Mr. GARSOE: Mr. Speaker, is the House in possession of L. D. 1383 "An Act Increasing the State Gasoline Tax"?

The SPEAKER: The Chair would answer in the affirmative being held at the request of the gentleman from Cumberland, Mr. Garsoe.

On motion of Mr. Garsoe of Cumberland, the House reconsidered its action whereby the House voted to insist.

On motion of Mr. Strout of Corinth, the House voted to recede and concur.

The Chair laid before the House the following matter: Bill "An Act to Specify the Grounds and Procedures Whereby a Residential Tenancy at Will may be Terminated" (H. P. 328) (L. D. 419) which was tabled earlier pending acceptance of either report.

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

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

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

Mr. HENDERSON: Mr. Speaker, Members of the House: I would like to suggest that you oppose the "Ought Not to Pass" Report for several reasons.

In contrast to many of the landlord tenant bills that we have had before us, the bill is now, I feel, a much more balanced compromise than the ones that we have seen. The bill is in effect, the Committee Amendment, which has the filing number of H-632, and it does several things that we have been discussing over the past days. I would indicate that I also have in Legislative Research a House Amendment to this Committee Amendment.

This amendment provides for the reducing from 30 down to 14 days, the time in which a person may be behind on his rent before you can start eviction proceedings, that is in the direction of the landlord so to speak. In addition, my proposed House Amendment would take part of Mrs. Berube's bill having to do with damage caused by tenants and their requirement to pay up or get out in a quick period of time and I will offer that as part of this compromise also. On the other side, what it does for the tenants, actually, both for the landlord and the tenant, it allows to develop rules under which a tenant may be evicted. Right now there are many people that are evicted, and they may be, by the way, after a 30 day notice, plus whatever legal mumbo jumbo has to go on, without any cause whatsoever. In some cases this can be discriminatory against the good tenant and the bad landlord situation, and also with the problem of finding a new rent. What this would do is say that if a tenant is destroying property, he can be out in shorter than 30 days, 7 days. If they are violating any of the rules, they can be out in a shorter period of time. On the other hand, if the landlord wishes to have them go just because he doesn't like them anymore and he wants them to go away, fine, but that would require 120 day notice. So what this is trying to do is to balance both the landlord's side and the tenant's side.

One of the concerns of this bill in its original form, by landlords, was that it would not have given them the right to get rid of anybody on the general principle that they didn't like them, in any event, it only had specific causes for eviction. What this compromise proposal says is, you can still get rid of a tenant you don't like, even if they don't violate any rules, even if they pay their rent on time, even if they don't break up the property, you have to give them a little more than a normal notice.

I think this is a reasonable compromise and I seriously hope you entertain it because it is an attempt to deal with some of the legitimate problems from the landlord's point of view and those from the tenant's point of view.

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

Mr. NORRIS: Mr. Speaker and Members of the House: I can't add a great deal to what my good friend from Bangor, Mr. Henderson, has said other than that we did have a bill yesterday that is incorporated in this bill or will be with the amending process and we let that go along. Hopefully, this House will let this bill go along

so we can get at the Second Reading and Mr. Henderson can present his amendment, and during this time, we are still working and hoping that for once, over the 100 odd years that we have been here, that maybe the landlords and the tenants will finally agree. Now, this may take a little changing which I will attempt to do or Mr. Henderson will attempt to do, or Mr. Hughes may attempt to do but I would hope that you would, in the spirit of fairness, where we let the other bill go without any battle at all yesterday and are going to let that go along, let this one go also and see if we can perfect it to the point that it proves to be helpful to everyone.

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

Mr. JACKSON: Mr. Speaker, a question of clarification? If I had an apartment and I wanted to renovate that apartment, there has been no damage, I just want to renovate it, do I have to give 120 days notice before I can have them out to do this?

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

Mr. HENDERSON: Mr. Speaker, yes, if you want to get the tenant out. The object is that if you want to get someone out for absolutely no offense whatsoever, that they ought to be given a reasonable time to find a new place.

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

Mr. NORRIS: Mr. Speaker, to answer the gentleman's question, most tenants that I have ever had, if you wanted to renovate the apartment would be very happy to make accommodations for you to do it. You wouldn't necessarily have to move them out. If you wanted to renovate and fix the apartment, and they were good tenants, and good landlords need good tenants in order to stay in business, I am sure that they would not object. I don't think it would be any problem.

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

Mr. HENDERSON: Mr. Speaker, in further answer to the question, I guess I didn't have all my information before me, if you look on the third page of the Committee Amendment, it does also say that a landlord may ask the tenant to get out in a shorter period of time if, in good faith, he intends to remove the structure from the rental housing market for a period of sixty days or more. So, if it were a major renovation that took a lot of time, you wouldn't have to wait that long.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I just point one possibility, if you were renovating an apartment, say you bought an apartment building or a number of apartments and you wanted to upgrade it, it is very hard to leave tenants in when you are tearing out the bathroom or the kitchen.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Another point of clarification. This bill would, in essence, repeal and abolish the common law doctrine of tenancy at will, which is what Maine now has as its current common law. Tenancy at will, under our current law in this state means precisely what it says. It is a tenancy at will at which point either the landlord can give 30 days notice for eviction of a tenant or the tenant can give 30 days notice to leave and to quit the tenancy, either one at will, for one reason whatsoever. Tenancy at will can be completely overridden by a contract between landlord and tenant which takes the form of a lease, in which they say that this tenancy will have a term of six months, period or this tenancy will have a term of one year and we can renew after a year. So

tenancy at will is the law in the absence of some other type of contractual arrangement.

Now, the chief element of this bill would essentially say that the tenancy at will will be modified to the extent that if a tenant comes in and there is no written lease and no other countervailing terms, the tenant is guaranteed to stay there for 120 days as opposed to 30 days now because the landlord has to give 30 days notice, so it will quadruple four times what the ordinary circumstances are now.

One of the things that might be done and it might not be a bad idea in this state, is that if this bill were to become law, which would guarantee a tenant to 120 days instead of 30 days as a minimum tenancy, precluding the landlord from evicting the tenant for no good reason or no violation of the rules and regulations, what might come about is that you could see more and more written leases because a written lease could circumvent this.

In Maine, as you probably know, we have very few written residential leases for rents or apartments as opposed to commercial buildings. This might very well induce landlords to come up with written leases. That may or may not be good policy for the State of Maine, that is left for the legislature to judge, but I do think, in all sincerity, that that would be one of the by products in enactment of this bill.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I can't say this is my bill. Originally it was my bill, but the Committee Amendment has very little resemblance to the bill which I sponsored as L. D. 419 and yet I support it for these reasons. Those of us who serve on the Judiciary Committee, we have learned in these last few years at least, that the committee itself is rather evenly divided between those who generally favor landlord type of legislation and those who generally favor tenant type of legislation and we haven't been able to agree in this area. In fact, I think we have had more sharp disagreements over landlord-tenant legislation than any other field of legislation that has come before us and I think that is pretty typical of the House.

There are two other pieces of landlord tenant legislation floating around and I am not sure how either of them is going to fare but I think it is going to be a close vote for both of them because we are very divided in our feelings and they seem to be rather strongly held feelings.

So some of us on Judiciary are a little tired of not being able to do anything for anybody in the area of landlord-tenant legislation and the gentleman from Bangor, Mr. Henderson, who is usually Mr. Tenant's rights, if you will, cooked up one of those brilliant compromises we like to see with the gentleman from Brewer, Mr. Norris, who more often than not, I think, looks out for the landlords' interests in these kinds of legislation. What they essentially did was combine the major features of two bills, one which was the bill I sponsored originally L. D. 419, which did, indeed, do away with the common law doctrine of tenancy at will for good tenants. There is plenty of reason to eject bad tenants, those who break rules and so forth but for good tenants it did indeed do away with that doctrine. Then there was another piece of legislation, which is still floating around as an independent document, which cuts down the period of time a person has to be in arrears on rent before the landlord can begin the proceedings to get him out. It seems to me that both of these pieces of legislation work against the bad side of the industry, the bad landlords or bad tenants and it seemed to me and to others on the committee that if you combine these two we have a piece of legislation which would work for good tenants and for good landlords. I think we have done it, I think it is the only piece

of legislation that has a chance to do something for both groups.

I would urge at least that you get it to Second Reading at which point we will have all three pieces of tenant-landlord legislation before us and we can have a real donnybrook tomorrow and all have a good time.

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

Mr. WHITTEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate all the efforts you are all putting into these bills for the landlords and tenants but I think if you let the landlords and tenants alone, they could work these problems out.

Now, for instance, this seven day eviction after people destroy property, I know the good gentleman from Bangor, Mr. Henderson, stated last week, I believe it was, that that is a crime, if they destroy your property, you can have them arrested. I wonder if Mr. Henderson has ever taken anyone to court for that. The judge will ask you if you saw them do it, and unless you did, you don't have anything to go on so that doesn't do any good. If you have to give a person 120 notice to vacate, if that person should get a little obstinate, he can stop paying you and then you have to go through this process again. Even though you say you have the seven day eviction notice after 14 days behind, but this takes a long time, I don't think you can do it that fast, even though it is the law, because you have a law now which gives 30 days and you can't enforce it. I think the best thing to do here is to vote this bill down and let the landlords-tenants work out their own problems, it will be no expense to you.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Standish, Mr. Spencer, 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.

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

Mr. HUGHES: I ask for a roll call.

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

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

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I don't know exactly parliamentary how this would stand but you very well may be killing Mrs. Berube's bill if you accept the "Ought Not to Pass" Report on this bill right now. I would hope that you would give some consideration to the landlord side as well as the tenant side. This doesn't mean if you let this go today, that tomorrow or next week when it comes up for engrossment or when it comes to Second Reading that it can't be amended and some of the landlords have said that they have some amendments that might make the tenant side of this bill more acceptable to them. and I just hope that we don't throw the baby out with the bath water here, but if that is what we want to do, fine and dandy. You won't lose anything to let this bill go for one more day.

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

Mrs. BERUBE: Mr. Speaker and Members of the House: I would hope that you would go with the "Ought Not to Pass" motion of Mr. Spencer. Contrary to what you have just heard, you will not be killing Mrs. Berube's bill, because Mrs. Berube's bill is a very good bill.

and I am quite sure it is going to pass. There are things in this bill that aren't good at all, so I am going to ask that you vote with the "Ought Not to Pass" Report, please.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I would like to rebut some of the remarks that have been made. Needless to say, I don't believe this does change the concept of the tenancy at will, notwithstanding the gentleman from Bangor's comments. The principle is not affected. Right now, at will you may get rid of somebody in 120 days. It may change some of the effects, but it does not change the concept, it does not change the principle.

Number two, the question in your mind might have to be — we only pass laws here for people who aren't the nice guys, and if somebody did claim that they wanted to renovate their apartment in the middle of January and they walked in one day to collect the rent and said in 30 days you have got to get out, consider whether that is fair assuming the tenant has been fine all along.

I must point out that this does have an exemption, as you may well know, for owner occupied dwellings with five units. So anybody who lives in a house and has four apartments in it or fewer, this bill does not affect them in any way whatsoever, and that was another compromise, by trying to say that if you live in the house that you are renting apartments in, you certainly should have a more general right to decide who ought to be living in your own house and who ought not.

Sections 805 and 806 of the Maine Criminal Code, which has been in effect a very short time, are labelled "Aggravated criminal mischief and criminal mischief. Each of those basically say that if you destroy the property of another without having the right to do so, you are committing a crime, and I am sure you realize that all crimes do not have to be committed in the presence of anybody who sees it. If somebody goes out and knocks a window of my car out and I can find circumstantially how they did that, I have as much right to prosecute them under that as I would if they broke the window in my apartment.

I am afraid when there is reaction about the destruction that some bad tenants do, and they certainly do, I would also point out that some of that reaction is the pressure that they are under very many times to get out of that apartment. They only have 30 days, they feel they have been given a raw deal, and for that reason they sometimes react not justifiably but I think they do react in this kind of a violent way.

Mr. Tarbell suggested that what the consequence of this bill might be would be to promote more written leases. I say, I don't mind that. The whole thrust behind this bill is for people to know what the rules are, to clarify what the rules are, either in the agreement to begin with or, if it has to be that, in a lease, but at least nobody will be able to use the excuse that they don't understand what the rules are.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain my position with regard to the various pieces of landlord-tenant legislation which are now before us. Essentially, there are three bills, the warranty of habitability bill which would permit orders to repair, the bill to shorten the time period when a tenant hasn't paid rent and the current bill before us which would establish just cause for eviction.

The bill that was presented by Mrs. Berube which would shorten the time received a majority report of the Judiciary Committee, as did the warranty of habitability bill which will be coming up tomorrow, and we have been trying

to get everybody together on this to see if we couldn't work out some kind of an acceptable position that everyone would agree to. So far, we haven't been able to do that.

My own position is that the two bills that ought to receive favorable consideration by the House are the two bills which in fact received a majority report from the Judiciary Committee, and one of those is Mrs. Berube's bill, which I would support with an amendment which is acceptable to her, and the other is the warranty of habitability bill which we worked over very carefully in Judiciary Committee and which has been the subject of some very close votes in the House. So my position on this bill would be that we ought not to accept this compromise but we then ought to move to accept Mrs. Berube's bill and the warranty of habitability bill. I think that if we were to take that step, we would enact two pieces of legislation that change the law in positive directions and benefit both landlords and tenants. So I would urge you to accept the "Ought Not to Pass" Report on this bill and then as they come up later this afternoon and tomorrow, to support the bill presented by Mrs. Berube and the warranty of habitability bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Standish, Mr. Spencer, 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.

ROLL CALL

YEA — Aloupis, Ault, Bachrach, Bagley, Beaulieu, Bennett, Berry, Berube, Biron, Birt, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connors, Cote, Cunningham, Curran, Devoe, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Fowlie, Gauthier, Gill, Gillis, Gould, Gray, Hall, Hickey, Higgins, Huber, Hunter, Hutchings, Jackson, Kilcoyne, LaPlante, Lewis, Lizotte, Lougee, Mackel, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBrearty, McKean, McMahon, Mills, Moody, Morton, Nadeau, Nelson, M.; Nelson, N.; Palmer, Peakes, Peltier, Perkins, Peterson, Plourde, Quinn, Raymond, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Strout, Stubbs, Tarbell, Teague, Theriault, Torrey, Tozier, Trafton, Truman, Valentine, Whittemore, Wilfong.

NAY — Benoit, Brenerman, Burns, Bustin, Carey, Connolly, Cox, Davies, Diamond, Dow, Flanagan, Garsoe, Goodwin, K.; Greenlaw, Henderson, Howe, Hughes, Jensen, Joyce, Kane, Kany, Kerry, Locke, MacEachern, McHenry, Mitchell, Najarian, Norris, Rideout, Talbot, Wood, Wyman.

ABSENT — Austin, Blodgett, Bunker, Carrier, Carter, F.; Dexter, Goodwin, H.; Green, Hobbins, Immonen, Jacques, Jalbert, Kelleher, Laffin, LeBlanc, Littlefield, Lunt, Lynch, Mahany, McPherson, Pearson, Post, Prescott, Stover, Tarr, Twitchell, Tyndale.

Yes, 91; No, 32; Absent, 27.

The SPEAKER: Ninety-one having voted in the affirmative and thirty-two having voted in the negative, with twenty-seven being absent, the motion does prevail.

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

Mr. DEVOE: Mr. Speaker, having voted on the prevailing side, I would like to move that the House reconsider its action whereby it accepted the Majority "Ought Not to Pass" Report and would ask you to vote against me.

The SPEAKER: The gentleman from Bangor, Mr. Devoe, moves that the House reconsider its action whereby it accepted the Majority "Ought Not to Pass" Report. All those in favor of reconsideration will say yes; those opposed will say no.

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

Sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Clarify and Modify Causes for 7-Day Notice of Termination of Tenancy at Will" (H. P. 988) (L. D. 1199) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

Mr. NORRIS: Mr. Speaker, a parliamentary inquiry. Where we just killed this bill in a section of the bill we just had before us, is this properly before us in the same session?

The SPEAKER: The Chair would answer in the affirmative.

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

Mr. TARBELL: Mr. Speaker, I would like to table this until later in today's session to offer an amendment which is at printing.

Thereupon, on motion of Mr. Spencer of Standish, tabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the following matter:

Bill "An Act to Revise Certain Motor Vehicle Related Laws" (H. P. 246) (L. D. 336) (C. "A" H-597) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

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

The following Communication:

The Senate of Maine
Augusta

June 16, 1977

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

Dear Clerk Pert:

The Senate today Adhered to its action whereby it accepted the 'Ought Not to Pass' Report "D" on Bill, "An Act to Increase the Minimum Wage to \$3 per Hour" (H. P. 1173) (L. D. 1403)

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

The Communication was read.

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: Lest the members have not yet found Supplement No. 1, the first communication deals with a letter from the other body whereby they have adhered to their position "Ought Not to Pass" on a minimum wage for the working people of this state instead of joining in a committee of conference where we could have talked about other figures than the \$2.75 that we sent down there, instead of trying to work out something for the people of this state in this legislative session, they have decided to be recalcitrant. It is beyond my imagination why they could not appoint three people from that body to sit down with three people from this body and talk about it. Could we not even talk about \$2.31 an hour? What about \$2.50?

Mr. Speaker, I know that we have to place this on file. I don't want to take extra time of the members of the House, but this is the kind of action that very often we do not see, and I just can't believe my eyes.

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

Mr. PALMER: Mr. Speaker and Members of the House: I think it might be just fine to put on the record that the good gentleman from Augusta knows full well that the action of the Senate means that the State of Maine will, indeed, have a minimum wage increase just as strong as the United States Congress approves of one up to a limit of \$3 an hour.

Thereupon, the Communication was placed on file.

(Item 2) The following Communication:

The Senate of Maine

Augusta

June 16, 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 failed to Finally Pass RESOLUTION, Proposing an Amendment to the Constitution to Repeal the Section Concerning Appointment of Standby State and Local Government Officers in Case of Enemy Attack, (H. P. 15) (L. D. 24).

Respectfully,

(Signed) May M. Ross
Secretary of the Senate

The Communication was read.

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

Mr. CURRAN: Mr. Speaker and Members of the House: I would like to make a couple of brief comments. Because of the particular L.D. that you have in front of you, the legislature is now in violation of the Constitution because we repealed the section that requires us in statutory language to fulfill this, and approximately 9,000 elected officials in the State of Maine are in violation of the Constitution. I don't know but perhaps somebody may just seek a writ of mandamus to make us comply with that.

Thereupon, the Communication was ordered placed on file.

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

The Girls' Softball Team of Massabesic High School at Waterboro has won the State Class C Championship for the academic year 1977. (S. P. 554)

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 Red Riots of Orono High School have won the Eastern Maine Class B Baseball Championship for the academic year, 1977. (S. P. 555)

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:

John T. Singer of Readfield is retiring after 36 years of dedicated service to the State of Maine. (S. P. 556)

Came from the Senate read and passed.

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

Leave to Withdraw

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Articulate the Line of Authority in Land Use and Environmental Protection Programs" (S. P. 288) (L. D. 914)

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 Appropriations and Financial Affairs on Bill "An Act Establishing the Division of Special Investigations within the Department of the Attorney General" (S. P. 439) (L. D. 1561) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Continue the Division of Special Investigations within the Department of Public Safety" (S. P. 552) (L. D. 1882)

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.

Ought to Pass with Committee Amendment

Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-247) on Bill "An Act Concerning Confidential Financial Records" (S. P. 324) (L. D. 1084)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-247) as amended by Senate Amendment "A" (S-263) thereto.

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-247) was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" (S-263) was read by the Clerk and adopted in concurrence. Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence and the Bill assigned for second reading tomorrow.

Committee on Taxation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-257) on Bill "An Act to Relieve the Income Tax Burden of the Elderly Retired" (S. P. 442) (L. D. 1530)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-257)

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-257) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Local and County Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-224) on Resolve, to Evaluate Substate Districts in Maine (S. P. 148) (L. D. 390)

Report was signed by the following members:

Mr. HICHENS of York — of the Senate.

Messrs. HENDERSON of Bangor
DRINKWATER of Belfast

HICKEY of Augusta
LaPLANTE of Sabattus

Mrs. BERUBE of Lewiston

Messrs. TRUMAN of Biddeford
GRAY of Rockland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as Amended by Committee Amendment "B" (S-225) on same Resolve.

Report was signed by the following members:

Messrs. JACKSON of Cumberland
O'LEARY of Oxford

— of the Senate.

Messrs. McPHERSON of Eliot
STOVER of West Bath

Mrs. MARTIN of Brunswick

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-224) Report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-224).

In the House: Reports were read.

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

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

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

Mr. MacEACHERN: Mr. Speaker, I would just like to have somebody explain to me what a substate district is and what this bill does.

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

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: A substate district is your average Health and Welfare administrative district or planning district, school district sometimes, sewer districts, water districts, etc., and the Governor introduced a bill proposing that somebody study all these things and try to come up with some rational organization of them, so this report suggests that a committee of the legislature and four people appointed by the Governor study that and come back at the next regular session to report to the legislature on what we can do about it.

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence and the Resolve read once. Committee Amendment "A" (S-224) was read by the Clerk and adopted and the Resolve assigned for second reading tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Repeal the Personal Property Tax on Commercial Fishing Vessels and Equipment" (S. P. 233) (L. D. 730)

Report was signed by the following members:

Messrs. CARTER of Bangor
TEAGUE of Fairfield
IMMONEN of West Paris
CAREY of Waterville
COX of Brewer
MACKEL of Wells
TWITCHELL of Norway
Mrs. CHONKO of Topsham

— of the House.

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

Report was signed by the following members:

Messrs. JACKSON of Cumberland
WYMAN of Washington
MARTIN of Aroostook

— of the Senate.

Mr. MAXWELL of Jay
Mrs. POST of Owls Head

— of the House.

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill Passed to be Engrossed.

In the House: Reports were read.

Mr. Carey of Waterville moved that the Majority "Ought Not to Pass" Report be accepted in non-concurrence.

On motion of the same gentleman, tabled pending his motion to accept the Majority Report in non-concurrence and specially assigned for Monday, June 20.

Non-Concurrent Matter

Bill "An Act Granting Implied Power to the

Public Utilities Commission" (H. P. 295) (L. D. 352) which was passed to be engrossed in the House on June 14, 1977

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-261) in non-concurrence.

In the House: On motion of Mr. Tarbell of Bangor, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Prohibiting the Dissemination of Obscene Matter to Minors" (S. P. 533) (L. D. 1861) which was passed to be engrossed as amended by Senate Amendment "A" (S-216) and House Amendment "A" (H-637) in the House on June 15, 1977.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-637) in non-concurrence.

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

Non-Concurrent Matter

Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money and Retaining the Power Within the Legislature to Override such Item Vetoes (H. P. 1287) (L. D., 1520) on which the Majority "Ought Not to Pass" Report of the Committee on State Government was read and accepted in the House on June 13, 1977.

Came from the Senate with the Minority "Ought to Pass" Report of the Committee on State Government read and accepted and the Resolution was passed to be engrossed as amended by Senate Amendment "A" (S-264) in non-concurrence.

In the House: Mr. Curran of South Portland moved that the House adhere.

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

Mr. BOUDREAU: Mr. kSpeaker and Members of the House: This amendment on the bill now says that the Governor will not be able to reduce any items. After what happened in here yesterday, I sort of feel like a sheep in a wolf's pack here with this bill, but when I first came to the legislature it seemed like everybody was running for Governor, so I figured I would get a lot of votes on this bill, but apparently that is not the situation any more. I move to recede and concur and ask for a roll call.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I do hesitate myself to rise on this after the episode of yesterday, but I would like to seriously address myself to it. I think that the gentleman from South Portland made some very good points when he first spoke on this bill and said that the bill was not a good bill in the past but this was worse because of the fact that there was a provision in it that a governor could reduce the budget and send it back to us. I think the Senate Amendment has taken care of that, and I would earnestly say to you I believe, as I did two years ago when we debated this measure, that it is a good measure, in spite of what might have happened here yesterday or the day before. I see this as not taking away any of the powers of the legislature because, indeed, it does give the legislature the right to override that veto on an individual item. It seems to me that it is a responsible action.

This House did pass this, I think, within perhaps an eight point margin two years ago when they voted in the item veto for the governor. It has been for many years an item which I think particularly the Democrat Party has favored, and I am sure that in recent years the Republican Party has come around to the same thinking.

I think that we have to indeed look at the issue

without the emotionalism of events which might have transpired here this year and say to ourselves, this is indeed a reasonable thing, that a governor should have a right to make an item veto and that the legislature indeed still has that right to override if they do not agree with him. It seems to me it is a much more responsible action than simply saying to a governor "here is a budget of umpteen pages, you take it all, or you take nothing." I think reasonable minds can prevail and I think we should recede and concur and give this another chance as we go around, just once more.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: Once again I stand to oppose this particular piece of legislation. I am not willing to overlook the message that was sent loud and clear to this House in the form of a letter yesterday, and I would ask you to envision what would happen with that Part I Budget if there were an item veto. As I said the other day, what we need to do is to revamp our Part I Budget in the way we handle it before we start giving item vetoes.

I am still opposed to the bill. Even though my party has supported it in the platform and I was the platform chairman, I still oppose it. I hope that you will give this a great deal of thought, especially here in the people's House. If you are going to support the item veto, then you can save even more money and just send him down a total figure and let him put it anywhere he wants. Don't bother to go through the budget line for line, item for item, just send him a figure and let him tuck it here, there and everywhere. But you can be sure, it is not going to get tucked into the University of Maine, and from the thinking of the other body, everyone will be sustained.

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

Mr. BUSTIN: Mr. Speaker, relative to the remarks of the Minority Floor Leader and the particular interest of the Maine Times this week, I am wondering if there is any area of potential conflict of interest, is there any rule on anything about that? I would suggest that Mr. Boudreau's analogy is not quite accurate. I think he is more like a wolf in a sheep pack.

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

Mr. GARSOE: Mr. Speaker and Members of the House: In response to the gentleman from Augusta, I hope the gentleman in the left corner is in a big conflict of interest-potentially. But I would hope we would have better reasons to turn this down than those we heard from the distinguished gentleman from South Portland. He is preying, raising fears that this body should have as to what might happen to a budget. He says, send him down a total figure, we will relinquish all our powers. I don't buy that.

In a way, I am glad that we are spending more time debating this issue than we did the \$800 million budget that we sent through here the other day. I think that was a tribute to our people on the Appropriations Committee and the work that we know they have done on it, but I insist that inasmuch as that particular budget has gone up more than the total budget was in 1961, that it is an indication of an increasing complexity of the financing of state government, the interrelation and the interactions of the various federal and state programs, and I submit that we have nothing to fear from an individual from another perspective taking a look at what we have passed and possibly sending back something to us for our reconsideration, and that is all it would be. Do we, after reconsideration, wish to insist on our former action? These budgets don't go out of here in any way except with a two thirds majority, and I just hope I am going to hear something better than

we have heard yet as to why the party that has been supporting this for so long is now going the other way.

I would hope we could go along with this measure and allow the Chief Executive the opportunity to reach into an ever increasingly complexed piece of business, single out one or more items and send them back to us for our reconsideration. I refute the contention that we are in any way decreasing our powers.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I know there are folks here that can debate this much more ably than I, but after the message from the Governor yesterday, and taking a hypothetical situation in this time and place and some of the conversation that I had with a lot of my good colleagues, if he were to veto the University of Maine appropriation in the present budget, if this were hypothetically possible, I would shudder to think what would happen if that single item came back before this House just from the conversation that is floating across here right now, that perhaps he was right, perhaps there was not time enough given to the Part I Budget, I heard my good assistant say. Perhaps there was not enough said on it. I submit, this is a political proposition and that the University of Maine was in there because they never could have passed the Part I Budget without it.

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

Mr. GARSOE: Mr. Speaker and Members of the House: If in my usual inept way I implied any criticism of the Appropriations Committee, I want to correct it. I thought I made it very clear that the reason we had so little debate over that budget was because of our confidence in the work they had done. I only pointed out that in the event someone from a different point of view wanted us to relook at an issue, that certainly this would be in the best interest of everyone concerned.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: I don't know if Mr. Garsoe will like my reasons for being against the item veto for a governor—any better than any of the other reasons he has heard, but I don't think that the governor of Maine needs an item veto, because our appropriation process is unique.

The governor submits his budget to the legislature on his programs that he wants. We have hearings on every item on that budget. He has an opportunity again for his commissioners or members of his departments to come and justify those requests. We also hear from members of the public and people from all over the state on their feelings about the amounts and so forth in the budget. Then, after hearing from everybody who wants to speak, then we make our decision. The governor has input into that all along.

Finally, Maine is the only state in the Union that has an Appropriations Table. We send those bills down to him one by one which he can veto, any new and expanded programs or usually in single L.D.'s, and the governor, in effect, does have an item veto on every new program at any rate.

I just think that the governor makes certain cuts and the legislature might restore those cuts, and while you might get a majority to support it, it might be very difficult to get two thirds of the legislature to support a single item in a program, like the tree planting program which he cut out, like the nursery in Northern Maine which he cut out. There might be a lot of city folks that that would not mean anything to and they might just go along with the governor on that although it is an important program. I just think that we would be right back where we

started at the beginning of the year when he first presented his budget if we allowed the governor to item veto any item in that budget, and that is why I am opposed to it.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: If there is anyone in this body today who ought to want to see this particular piece of legislation stomped into the ground, it is I. However, I don't think that this is a party issue. This is something I have supported since I first came to the legislature in 1969 and I still support it, and I say that the issue is not the man, but the office. I believe that the office of governor should have the power of item veto. I believe that if an item is worthy of our support, that it can stand on its own, and I hope you will recede and concur.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: This is not concerning itself with what happened yesterday, because Mr. Kelleher and I have consistently fought the item veto. We fought it six years ago before the State Government Committee, we fought it four years ago again before another committee. I have the item veto as the Mayor of the City of Waterville, it is built into our charter, and I have never used the item veto. I feel that I should be able to get my message across to the council who puts the budget together. I see no reason why the governor can't act the same way.

If anybody in this country ought to have the item veto, it certainly should not be the Mayor of Waterville, it should not be the Governor of the State of Maine, it should be the President of the United States, and he hasn't got it, and they can throw all kinds of garbage in the bills that they pass in Washington.

But I would like to bring out to you that it is up to us to dispose of matter, it is up to the governor to propose, and can you picture in your own mind a Human Services budget getting two-thirds vote to override a governor's veto in that other body down the other end of the hall? I certainly can't, and it is for that reason alone that I would vote against this receding and concurring.

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

Mr. QUINN: Mr. Speaker, Members of the House: No matter how long I know the lady from Bath, my respect for her increases almost daily. I must commend and compliment her particularly statesmanlike position on the item veto. They say if you stay in this line of work long enough you will see everything. I thought I had seen everything today when I saw the left side of this hall for the item veto and the right side, or at least many speaking for the right side, opposed to it.

I am not speaking as a leader, I am speaking, however, as a Democrat, that is for sure, and I think the item veto represents good government, I think it represents good management, and I don't think that it would be treated on the basis of personality. The Democratic Party in this state has long wanted the item veto, it has been an item of platform consideration many many times repeatedly. It has been presented by Democrats as a member of democratic policy for at least three past legislatures, which current research tells me, so while I am as practical as anyone else in realizing the chances of this passing today, I do compliment Ms. Goodwin for her stand in a statesmanlike manner and I do support her.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I just want to add that I did not, by standing to speak on this, in any way try to infer this is a partisan

issue. I don't believe that it is and I commend the good lady from Bath for her remarks. I think this is not a partisan issue, it is something we can look at philosophically without regard to who is in the governor's office.

I think that the very statement made by the good gentleman from Waterville that the President of the United States doesn't have it is one of the best examples of why we should have it. I think there is more garbage thrown at the President of the United States without his ability to item veto than there ever should be for responsible fiscal management at the federal level. So, I would hope that we would view this thing not as a partisan issue and not as something personal but simply as an exercise in good government, and I hope we do 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 Waterville, Mr. Boudreau, 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 Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, I would like to pair my vote with Mr. Goodwin from South Berwick. If Mr. Goodwin were here, he would be voting no and I would be voting yes.

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

Ms. CLARK: Mr. Speaker, I request to pair my vote with the gentleman from Portland, Representative Talbot. If he were here, he would be voting no and I would be voting yes.

ROLL CALL

YEA — Alopous, Bagley, Benoit, Berry, Berube, Biron, Birt, Boudreau, A.; Boudreau, P.; Brown, K.C.; Burns, Bustin, Carroll, Carter, F.; Churchill, Connors, Cox, Cunningham, Cevoe, Dow, Drinkwater, Dudley, Durgin, Garsoe, Gill, Gillis, Goodwin; K.; Gould, Gray, Greenlaw, Henderson, Higgins, Hunter, Hutchings, Kany, Lewis, Littlefield, Lizotte, MacEachern, Mackel, Marshall, Masterman, Masterton, McKean, Mills, Mitchell, Moody, Morton, Nelson, M.; Nelson, N.; Palmer, Peakes, Quinn, Raymond, Rideout, Rollins, Sewall, Spencer, Sprowl, Stubbs, Tarbell, Tarr, Teague, Torrey, Tozier, The Speaker.

NAY — Ault, Bachrach, Beaulieu, Bennett, Blodgett, Brennerman, Carey, Carter, D.; Chonko, Connolly, Cote, Curran, Davies, Diamond, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gauthier, Hall, Hickey, Howe, Huber, Hughes, Jackson, Jensen, Joyce, Kane, Kerry, Kilcoyne, LaPlante, Locke, Lougee, Martin, A.; McBreairty, McHenry, Nadeau, Najarians, Norris, Peltier, Perkins, Peterson, Plourde, Shute, Silsby, Smith, Strout, Theriault, Trafton, Truman, Valentine, Whittemore, Wilfong, Wood, Wyman.

ABSENT — Austin, Bunker, Carrier, Dexter, Green, Hobbins, Immonen, Jacques, Jalbert, Kelleher, Laffin, LeBlanc, Lunt, Lynch, Mahany, Maxwell, McMahon, McPherson, Pearson, Post, Prescott, Stover, Tierney, Twitchell, Tyndale.

PAIRED — Brown, K.L.; Clar, Goodwin, H.; Talbot.

Yes, 66; No, 56; Absent, 25; Paired, 4.

The SPEAKER: Sixty-six having voted in the affirmative and fifty-six in the negative, with twenty-five being absent and four paired, the motion does prevail.

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

Mr. BUSTIN: Mr. Speaker, having voted on the prevailing side, I move we reconsider whereby we receded and concurred and I would further move that this lie on the table for one legislative day.

Thereupon, Mr. Quinn or Gorham requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, that this matter be tabled pending his motion to reconsider and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 57 having voted in the negative, the motion did prevail.

Non-Concurrent Matter

Bill "An Act to Expedite Court Handling of Fish and Wildlife Violations of a Misdemeanor Nature by a System of Convenient Payment" (H. P. 865) (L. D. 1053) which was passed to be engrossed as amended by House Amendment "A" (H-609) in the House on June 14, 1977.

Came from the Senate passed to be engrossed in non-concurrence.

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

Consent Calendar

First Day

(S. P. 441) (L. D. 1552) Bill "An Act to Provide for Marine Resources Education by the Department of Marine Resources and to Establish a Marine Communication Center" — Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-253)

(S. P. 374) (L. D. 1218) Bill "An Act to Allow Public Inspection of Absentee Ballot Applications and Envelopes" — Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (S-249)

(S. P. 339) (L. D. 1124) Bill "An Act to Require Implementation of Standards of Treatment for Residential Drug Treatment Centers Related to Special Education" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-241)

(S. P. 342) (L. D. 1126) Bill "An Act to Provide for Special Education Facilities for Children at Drug Treatment Centers" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-242)

(S. P. 116) (L. D. 275) Bill "An Act Amending the Maine Property Insurance Cancellation Control Act" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-243)

(S. P. 101) (L. D. 230) Bill "An Act Relating to Vaulting of Real Estate Held by Insurers" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-248)

(S. P. 117) (L. D. 276) Bill "An Act to Make Certain Revisions in Highway Related Laws Concerning State Aid Funds" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-246)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of Friday, June 10, under listing of Second Day.

The Chair laid before the House the following matter:

Bill "An Act to Revise Certain Motor Vehicle

Related Laws" (H. P. 246) (L. D. 336) (C. "A" H-597) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Mr. Carroll of Limerick, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-683) was read by the Clerk.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I haven't had a chance to look at this amendment and there are some things that concern me. I would hope that somebody might table this for one day.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Actually, this amendment is just trying to clear up some of the discrepancies in passing a law that takes effect 90 days after we adjourn and then passing the highway allocation act which would have an emergency preamble to take place immediately. Then in 90 days we would be rescinding our action. I am just trying to clear up some of our actions so we don't have contradicting legislation. There is no sneaky move here, I can assure you of that. I would be the first one to holler if I thought there was. If you do want it tabled and it is agreeable to all, we will table it for one day.

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

Mr. STROUT: Mr. Speaker, on the back side concerning the motorcycle or motor driven cycle learner's permit, it seems here that we are extending this until September 1, 1978, and I really don't have an answer to this thing and I think it should be tabled for one day.

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

Mr. CARROLL: Mr. Speaker and Members of the House: The reason we are extending this one year is because at the present time we don't have any programs or any licensed people to have these programs put into effect, so we are giving this an extension of one year.

On motion of Mr. Jensen of Portland, tabled pending adoption of House Amendment "A" to Committee Amendment "A" and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Clarify and Modify Causes for 7-Day Notice of Termination of Tenancy at Will" (H. P. 988) (L. D. 1199) (C. "A" H-536) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

Mr. SPENCER: Mr. Speaker, this bill was tabled until later in today's session because Mr. Tarbell had an amendment that he was prepared to offer. I don't see him in his seat, could this be tabled one day.

Thereupon, on motion of Mr. Palmer of Nobleboro, tabled pending passage to be engrossed as amended and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Davies of Orono,
Adjourned until nine-thirty tomorrow morning.