

# 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**

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**Senate Confirmation Session  
September 16, 1977**

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KJ PRINTING  
AUGUSTA, MAINE

**HOUSE**

Wednesday, July 6, 1977

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

Prayer by the Reverend Clayton Blackstone of the Advent Christian Church of Friendship. The members stood during the Pledge of Allegiance.

The journal of the previous session was read and approved.

**Papers from the Senate**

The following Communication:  
THE SENATE OF MAINE  
AUGUSTA

June 30, 1977

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

Dear Clerk Pert:

The Senate today voted to Adhere to its action whereby it accepted the Majority 'Ought Not to Pass' Report on Bill, "An Act Establishing a Consumer Complaint Office within the Public Utilities Commission" (H. P. 170) (L. D. 208).

Respectfully,

Signed:

MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:  
THE SENATE OF MAINE  
AUGUSTA

June 30, 1977

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

Dear Clerk Pert:

The Senate today voted to Adhere to its action whereby it indefinitely Postponed Bill, "An Act to Provide for No Smoking Areas in All State Offices," (H. P. 818) (L. D. 991).

Respectfully,

Signed:

MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:  
THE SENATE OF MAINE  
AUGUSTA

June 30, 1977

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

Dear Clerk Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Clarify and Limit Authority of Municipalities to Establish Shellfish Conservation Programs and to License and Regulate the Taking of Shellfish" (H. P. 715) (L. D. 851):

Senators:

CHAPMAN of Sagadahoc  
HEWES of Cumberland  
HUBER of Cumberland

Respectfully,

Signed:

MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

**Non-Concurrent Matter**

Bill "An Act to Repeal Certain Laws Relating to Conservation" (S. P. 363) (L. D. 1224) which was Passed to be Engrossed as Amended by Committee Amendment "A" (S-276) as

Amended by House Amendments "A" (H-813) and "B" (H-873) and Senate Amendments "A" (S-294) and "B" (S-302) thereto in the House on June 29, 1977.

Came from the Senate Passed to be Engrossed as Amended by Committee Amendment "A" (S-276) as Amended by House Amendments "A" (H-813) and "B" (H-873) and Senate Amendments "A" (S-294), "B" (S-302), "D" (S-353) and "E" (S-361) thereto in non-concurrence.

In the House: On motion of Mr. Dow of West Gardiner, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith.

**Non-Concurrent Matter**

"An Act Concerning Dispute Resolution under the Municipal Public Employees Labor Relations Statutes" (H. P. 1422) (L. D. 1670) which was Passed to be Enacted in the House on June 30, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

By unanimous consent, ordered sent forthwith.

**Messages and Documents**

The following Communication:  
STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

June 30, 1977

The Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature

I am returning without my signature and approval H. P. 474, L. D. 580, An Act to Provide for the Restrictive Licensing of Certain Financial Institutions.

First of all, we are advised that this legislation is not needed and to approve it would simply further clutter our statutes with special interest laws. It is my understanding that this bill was presented by independent insurance agents for the purpose of preventing banks and other financial institutions from selling life insurance.

We are further informed by the Bureau of Banking that present law is adequate in this area. Present law, like this proposed legislation, clearly defines the type of insurance activity which can be undertaken by financial institutions.

There simply appears to be no justification of this legislation as it would only add confusing language to what is presently a clear and concise law in this area.

Since L. D. 580 was not presented as consumer protection legislation and since we already have laws to properly license any person or company who wants to sell life insurance, we can only assume that that was special interest legislation with a purely business purpose. I don't feel the Legislature and the Governor should be any part of it.

I respectfully request that you sustain my veto of this measure.

Signed:

Very truly yours,  
JAMES B. LONGLEY  
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question before the House is, shall Bill "An Act to Provide for the Restrictive Licensing of Certain Financial Institutions" (H. P. 474) (L. D. 580) become law notwithstanding the objections of the Governor?

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

Mr. HOWE: Mr. Speaker, the Chairwoman of the Committee on Business Legislation is not here this morning and she may not be here today. I am not adequately prepared to deal with this particular committee bill today, and I would ask somebody to table this matter for one legislative day.

Thereupon, on motion of Mr. LaPlante of Sabattus, tabled pending reconsideration and tomorrow assigned.

The following Communication:  
STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

July 1, 1977

To: The Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature

I am returning this date without my signature and approval H. P. 1662, L. D. 1858, An Act to Promote the Sale of More Hunting Licenses to Nonresidents Hunting Deer or Bear.

I am advised that the intent of this legislation is twofold; first, to raise the revenues of the department through the sale of nonresident licenses; and second, to discourage and control the incidence of nonresidents hunting deer without a license.

I question whether it is proper, necessary, and wise to increase the revenues to the department's dedicated account in this manner.

I am advised that this bill might actually decrease the revenues coming into the department, in that the bill only serves to discourage nonresidents from hunting in the State of Maine. Last year the cost of a nonresident license for a deer or bear was raised from \$46.50 to \$60.50. The increase in fee caused a 19% decline in sales of nonresident licenses. Albeit, I am advised there was no loss of income because of the higher fee(s). However, this bill could actually serve to cause eventual erosion in the department's revenues.

Also, I question the fairness of this legislation. I am told that there is no evidence which demonstrates that nonresident hunters take deer illegally more often than resident hunters. Consequently, I question whether it is fair to increase the license fees based on an argument which, according to the department and other experts, is not supported by fact.

If there is a necessity to separate deer licenses from bear licenses in order to better regulate the take and kill of deer, then a system should be developed which is applicable to all those who hold licenses to hunt. Also, I am advised that there may be other approaches to the problem of illegal hunting.

In summary, I just do not believe that this licensing scheme sets forth a fair or effective method of controlling illegal hunting. For these reasons, I respectfully request that you sustain my veto of this measure.

Very truly yours,

Signed:

JAMES B. LONGLEY  
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question before the House is, shall Bill "An Act to Promote the Sale of More Hunting Licenses to Nonresidents Hunting Deer or Bear" (H. P. 1662) (L. D. 1858) become law notwithstanding the objections of the Governor?

On motion of Mr. Palmer of Nobleboro, tabled pending reconsideration and later today assigned.

**Orders**

On motion of Mr. Quinn of Gorham, the following Joint Order: (H. P. 1796)

ORDERED, the Senate concurring, that the Clerk of the House and the Secretary of the Senate be authorized to furnish 100 13¢ stamps

for each member of the House and Senate for the purpose of distributing various reports of the departments of state and other public documents such as they may desire to mail to the citizens of the State during the interim between the first regular session and the second regular session of the 108th Legislature.

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

On motion of Mr. Birt of East Millinocket, the following Joint Order: (H. P. 1795) (Cosponsor: Mr. Dudley of Enfield)

WHEREAS, there has been submitted to the 108th Legislative Session, L. D. 1877 entitled, "An Act to Provide for the Licensing of Denturists;" and

WHEREAS, the Legislature has reviewed, amended and debated this legislation which would establish denture technology as a new auxiliary profession to be practiced under the supervision of dentists; and

WHEREAS, there are presently no existing programs in the State of Maine which is available to students for the professional training in dental technology; and

WHEREAS, there are presently no rules and regulations relating to the licensing in the professional field of denture technology; and

WHEREAS, the 108th Legislature has identified a need in the field of professional denture technology; and

WHEREAS, the 108th Maine Legislature, while realizing that final decisions on the licensing of individuals in the professional field of denturism has not been established, nevertheless recognizes the need for review of a proposed dental technology program; now, therefore, be it

ORDERED, that the Joint Standing Committee on Health and Institutional Services, in cooperation with the Department of Educational and Cultural Services, the University of Maine and the Vocational-Technical Institutes of this State, investigate the feasibility and cost of establishing educational programs to meet the needs of the citizens of Maine in the area of dental technology; and be it further

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

ORDERED, upon passage in concurrence, that a suitable copy of this order be forwarded to members of the committee and to the Department of Educational and Cultural Services, to each Vocational-Technical Institute in this State, and to the Board of Trustees of the University of Maine.

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin. Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I just got here and saw this order on the calendar. I would like to ask Mr. Birt exactly what they plan to accomplish with this order?

As you know, we have recently passed a bill that would direct the Board of Dental Examiners to develop rules and regulations for denturists and to report back to the legislature in the second regular session, and as the Chairman of the committee that would be directed to study this, I would question whether this would really accomplish anything.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: One of the problems I had with the development of the denturist program was the fact that there was no training program that I could find whereby a denturist could actually be established. This is what I communicated to the people who were down

here lobbying for that program.

I talked to the Department of Education relative to this program and they indicated, as far as they could find out, in the United States there is not a program for denturists.

Actually, this order only requests the department, and they have indicated they thought they could do it, to inquire into the feasibility of a denturist program being established and what the cost might be, and this would be looked into in two areas, either at the vocational-technical institute or at the University of Maine under the dental hygienist program.

At the present time, there would be no binding program on this that would bind the legislature for funding, for instance, or anything of that nature. The intent is just to get some information to bring back to the next legislature to assist in developing any denturist program that might be necessary. The department has indicated that they can do it on their own without any assistance or any funding. I talked this over with the main sponsor of the denturist bill, Mr. Dudley, and he was very happy to cosponsor it. He allowed that the only program he knew of was actually being operated by McGill University and he felt there was a need for at least looking into the problem of establishing some kind of program here or we are going to have a flood of people coming in from Canada wanting to set up denturist programs.

I, frankly, see nothing wrong with this. I think it is just the opportunity to bring to us some information on the development of the program in either one of the two schools.

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

#### House Reports of Committees Ought to Pass in New Draft New Draft Printed

Mr. Norris from the Committee on Judiciary on Bill "An Act to Establish the Maine Juvenile Code" (H. P. 1244) (L. D. 1581) reporting "Ought to Pass" in New Draft (H. P. 1794) (L. D. 1894)

Report was read and accepted, the New Draft read once and assigned for second reading later in today's session.

#### (Off Record Remarks)

#### Orders of the Day

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

Bill "An Act Creating Job Security for Deputy Sheriffs" (H. P. 1277) (L. D. 1508) (C. "A" H-713)

Tabled — June 30, 1977 by Mr. Spencer of Standish.

Pending — Passage to be Engrossed.

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

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

Joint Order — Relative to Committee on Veterans and Retirement Reporting out Bill regarding funds to cover state's share of retirement costs (S. P. 570) Read in House on June 27.

Tabled — June 30, 1977 by Mr. Quinn of Gorham.

Pending — Passage.

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage and tomorrow assigned.

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

Bill, "An Act to Require State Level Assessment of Industrial Real Property with a Value in Excess of \$1,000,000" (H. P. 1329) (L. D. 1606) — In House, Minority "Ought to Pass" as amended by Committee Amendment "A" (H-777) Report read and accepted and the bill pas-

sed to be engrossed as amended by Committee Amendment "A" (H-777) on June 23. — In Senate, Majority "Ought Not to Pass" Report read and accepted.

Tabled — June 30, 1977 by Mr. Carey of Waterville.

Pending — Further Consideration.

On motion of Mr. Tierney of Lisbon Falls, tabled pending further consideration and later today assigned.

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

RESOLUTION, Proposing an Amendment to the Constitution, to delegate Certain Emergency Budgetary Powers to a Joint Legislative Committee to be Exercised when the Legislature is not in Session (H. P. 1397) (L. D. 1658) (C. "A" H-676)

Tabled — June 30, 1977 by Mr. Palmer of Nobleboro.

Pending — Final Passage (Roll Call Ordered)

On motion of Mr. Palmer of Nobleboro, tabled pending final passage and later today assigned.

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

Senate Divided Report — Majority (12) "Ought Not to Pass" — Minority (1) "Ought to Pass" — Committee on Taxation on Bill "An Act to Establish a Property Tax Exemption for New and Expanding Businesses" (S. P. 416) (L. D. 1457) — In Senate, Minority Report Read and Accepted and Bill Passed to be Engrossed.

Tabled — June 30, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Acceptance of either Report.

Thereupon, the Majority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence. (Later Reconsidered)

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

Senate Divided Report — Majority (12) "Ought Not to Pass" — Minority (1) "Ought to Pass" — Committee on Taxation on Bill "An Act to Establish a Tax Credit to Aid Businesses Providing New Jobs in Areas of High Unemployment" (S. P. 436) (L. D. 1513) — In Senate, Minority "Ought to Pass" Report read and accepted and bill passed to be engrossed as amended by Senate Amendment "E" (S-359)

Tabled — June 30, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney. Mr. TIERNEY: Mr. Speaker, I move we accept the Minority Report.

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, moves that the Minority "Ought to Pass" Report be accepted in concurrence.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I do believe as one of the majority "Ought Not to Pass" members of the Taxation Committee, that I should indicate that I really don't believe this bill should pass. I would point out that there were 12 members of the Taxation Committee who voted against this particular bill and only one indicated that it should pass.

It was my feeling, at least in voting on this particular bill, that we really don't want marginal type of employers in the State of Maine, and the tax credit provided by this particular bill, as in the previous bill, would tend to encourage the development of marginal industry within the State of Maine.

There was another bill that was passed earlier that did provide some credit. Frankly, I don't remember the details of the bill, but it was the one sponsored by Mr. Palmer and Mrs.

Najarian, which I think is a much better bill, so that at least I, for one, would prefer that this particular bill not be enacted.

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

Mr. CAREY: Mr. Speaker and Members of the House: I don't have the bill in front of me, but I do recall that there is a vast difference between the Palmer bill and the Pray bill. This is the Pray bill. The Pray bill concentrates on those areas of high unemployment, over 9 percent, and the price tag is a lot more palatable to those people who are looking at things on the Appropriations Table. We are dealing with some \$200,000 in the Pray bill and it is geared directly to the federal income tax credit, while the Palmer bill has a price tag which almost dooms it to non-existence.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Just to clarify something. It is the Palmer-Najarian bill, and I think there were two other sponsors, which is actually geared into the federal income tax credit. The Pray bill is not but simply gives income tax credits for new jobs in areas of high unemployment, but it is not geared into the investment tax credit in your federal income tax.

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

Mrs. KANY: Mr. Speaker and Members of the House: It seems to me, looking at this bill, that it really would not affect the true marginal businesses all that much, in that they would not be paying a corporate income tax if they aren't making that much money. This, actually, is a tax credit for three consecutive years against the corporate income tax otherwise payable. So it would not go to less than zero. The state would not be paying money — would not be giving a check to those firms; consequently, I see no reason why it should be geared into strictly marginal firms that could be a great help to areas like Madison, Bingham and so on. I would like a further explanation on why it appears to be geared towards marginal firms. Perhaps Representative Mackel would like to address that.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: This is, indeed, a bill which is somewhat similar to the bill which I sponsored, the other was Mrs. Najarian. The other bill, I believe, is on the Table in the Senate.

It is unfortunate to me that at this particular time, as usually happens in every legislative session, we come to the end and we have just so much money and yet very good bills have to die because there is no money to fund them. The bill which Mrs. Najarian and I sponsored is on the Senate Table, it does have a significant price tag, although we have amended it to cut that price tag in half. I am, however, cognizant of its chances, probably, at this late date of being funded, even though I fully believe it is one of the most important bills before this legislature addressing the problem of Maine industry's ability to invest in new capital equipment and also to create new jobs. It doesn't make much sense to address the welfare programs, the unemployment programs, the workmen's comp programs if we don't get at the very basis of the problem, which is the inability of business to reinvest and to create new jobs for the state.

However, I am a realist, a realist politically as well as economically, and I would say that this bill will probably have to go on its way this morning to the other body and there to lie in state with its companion. They are good bills; they do address a problem in Maine, but at this particular point, I wouldn't fight one way or the other on the report and I would hope that we

would go along with the minority report, pass it along to the Senate, and see at that time what does happen. But realistically, from a financial point of view, I think we all know what is going to happen.

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

Mr. CAREY: Mr. Speaker and Members of the House: In answer to the comments made by the gentlelady from Owls Head, Mrs. Post, I have extracted Senate Amendment "E" which is under filing S-359, and I would like to read from it.

"Credit Allowance: There is to be allowed a credit against a tax imposed by this part. The amount of the credit is to be 15 percent of the tax credit as determined in compliance with the Internal Revenue Code, Section 51." Then, it has certain qualifications and what it boils down to is that the bill provides for a new employment tax credit which is based on the recently enacted federal jobs credit and the amount of credit would be 15 percent of the federal credit and be limited to the areas of the state with unemployment rates of 9 percent or greater. So her comments that this bill was not tied to the federal income tax was in error.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: My question on the federal income tax credit had to do with the investment tax credit, which was my understanding that Senator Pray was going to put on this bill and then, for some reason or other, changed his mind. That income tax credit is, at this time, in the Palmer bill, although it was reduced by amendment to reduce the price tag.

I think my concern with the two pieces of legislation is that the income tax credit helped many self-employed individuals with small businesses, where this type of credit for expanding businesses would be of more help to a larger industrial firm. While I think that the industry or business in our state needs some assistance, I think it would be more appropriate to pass some kind of assistance that would be available to all different sizes of businesses or be of benefit to all different sizes of businesses.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that the Minority "Ought to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

76 having voted in the affirmative and 34 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Senate Amendment "A" (S-359) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, and passed to be engrossed as amended in concurrence.

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

Mr. WYMAN: Mr. Speaker, I would move that we reconsider our action whereby we accepted the Majority "Ought Not to Pass" Report in non-concurrence on Bill "An Act to Establish a Property Tax Exemption for New and Expanding Businesses" (S. P. 416) (L. D. 1457).

The SPEAKER: The gentleman from Pittsfield, Mr. Wyman, moves the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted on L. D. 1457.

The gentleman may proceed.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: The particular bill that we didn't have any discussion on, L. D. 1457, I think is a very good bill and I am going to ask for a division on the reconsideration mo-

tion. What this bill does is grant a property tax exemption to businesses that employ a certain number of people. If you happen to have L. D. 1457 in front of you, or if you don't, I would just like to share with you briefly what this bill will do.

For any business that will employ up to 150 new employees within the tax year prior to the one in which an exemption is first claimed, they will be given a property tax exemption for that property or that expansion that they make during that first year for two years — they will be given an exemption for two years if they employ 25 to 150 employees, new employees. If they employ 151 to 500 employees, again, only that property which was acquired, constructed, purchased during the year prior to when they make the claim for the exemption, they will be given an exemption for four consecutive years. Then, finally, if they employ 105 or more employees, the exemption will run for six consecutive tax years.

Now, we are considering a number of bills at the moment dealing with methods to provide incentives for expanding businesses which will employ new people. We are all concerned about our high unemployment rate; we are all concerned about the unemployment abuse that we have within our system, and I think all of these bills certainly have merit. This certainly should not be a partisan issue and it is not with me. I think they all have merit. I simply wanted you to consider L. D. 1457 which grants a property tax exemption is a more clearly defined incentive for a business. One of the greatest burdens that businesses face in this state is the present property tax, and if we will say to them that they will get a property tax exemption on that part of their business which is in expansion if they hire a certain number of new employees, it seems to me that that is going to be a much more positive incentive than simply going through a credit process. I also believe that probably a tax exemption, although I am not an expert in this tax field, will be easier to administer than a tax credit. It would probably be less costly to administer.

I know that many of you are very concerned and I know that my colleague from Waterville is very concerned about the burden on municipalities as a result of this bill. I would say to you quite frankly that probably the immediate effect would be a burden on the municipalities, but I think as soon as the program is put into effect, in a very short time, we will be able to see the benefit of having a property tax exemption.

I guess we all, especially at this time in the session, become very concerned with the immediate needs, be it financial needs, and in a sense that is the way it has to be, but I would also ask you this morning, in voting to reconsider on this, that you would consider the long-term effect of the property tax exemption on our state's economy. I would ask you to consider the long-term effects on our unemployment rolls if we adopt this bill. The immediate effect may be a burden for municipalities; the long-term effect is going to be of benefit to the municipalities because you are going to have more people employed, more people are going to pay state taxes into the municipalities, into our state, and I don't know how you feel, but I expect you feel the same as I do, that anytime we can develop a program that will put people to work instead of on welfare, on unemployment, we ought to be doing it.

I would ask you to reconsider on this and I would ask, Mr. Speaker, for a division. I would also ask you to reconsider so we can accept the Minority "Ought to Pass" Report on L. D. 1457.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Pittsfield is exactly right when he says that I

am concerned about property tax exemptions. We have just granted further property tax exemptions to veterans and the municipalities are at a hard time right now and what is happening is that we are shifting the burden to those other people within the municipalities who have to pick up the cost of these expenses. I would say that if you are going to do anything, it should be done at the state level and the state should be reimbursing the municipalities.

The gentleman from Pittsfield himself came before our committee with a program that he is going to be working on this summer, that is worthy of study, that is worthy of consideration by both bodies of this legislature, which would make a drastic change in the taxes. Unfortunately, he may be undoing some of his own work by going ahead and supporting this particular measure at this time. Municipalities can't afford any more exemptions. It is very simple obviously for us to sit up here and say, well, it is not costing the state anything so we will give it away. What you are giving away is your neighbor's tax bills because his bill is going to go up a little. This particular bill is very interesting. I think of the City of Bucksport, which just had an \$85,000,000 plan expansion. I look at Madawaska which has a possible expansion of \$150,000,000 for Frazier Paper Company up there and these are great, then you have to look at something else because if you are granting these exemptions, then you are pretty much freezing the state valuation where it is now, where these properties do, in fact, get involved in state valuation. If you are going to exempt them, then as the cost of education goes up, you are going to be freezing the basic you have and therefore, you are going to be increasing your particular cost on your different municipalities tremendously.

I would hope that you would go along with the Committee Report, which was 12 to 1 "Ought Not to Pass," and I would hope that you do not reconsider.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have seen this kind of taxing before, I have seen it in my own town. We have exempted people from taxation and the first thing we knew, that after a few years, they would move out and we would be left with whatever there was there and they wouldn't pay unpaid taxes.

I am against this bill for this reason. I think people should be paying taxes. If they are coming into a place to do business, after all, they are getting business from that certain town and they should be able to pay some of their taxes.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the remarks of the two previous speakers. I have a further problem with this type of tax exemption. Since the burden is going to be shifted to other taxpayers in the community, some of that will be shifted to businesses that have not been able to expand so that in the sense we may be favoring a new business at the expense of a comparable business possibly helping to drive the presently existing business out by giving a new business of the same type, a tax break which would put them in a better competitive position.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman from Brewer's remarks, I perhaps didn't make it clear at the outset but the bill would grant probably tax exemption to any new or established business. So, it put the new and the established business on a competitive ground.

In response to what Representative Martin has said, we are all concerned about companies

getting a needless break in their taxes, so am I. I feel, however, that if we can give an incentive to a business in the form of a property tax exemption to employ new people and keep in mind, that these new people that we employ are taxpayers, these are the people who will be contributing in property tax and income tax to the municipality and to the state and to me, it seems that the benefits that we are going to get from adopting a bill such as this is going to more than offset the short range deficiency.

Any program that we adopt designed to deal with our unemployment situations, designed to encourage businesses to hire new people, is going to have some detrimental aspects to it. No one is going to come up with a program that is going to be perfect in all respects but I think this is reasonable and we are talking of people who operate businesses. They have told me time and again, that the real oppressive burden that they face is property taxes. It is true as Representative Carey pointed out that there is a bill that I sponsored along with Representative Brennerman and Representative Higgins and Representative Diamond to shift the total tax burden and I think this is unrelated however, this is dealing with businesses, this is dealing with jobs and I guess it is a question of where we are going to make a trade-off but I should think that this is a reasonable approach. It is an approach that is timely, it is an approach that is used in other states. For example, the State of Alabama has one of the largest growth rates in the country and they have had a five-year, across the board property tax exemption for new and expanding businesses for the past four or five years. It has worked in that state. Businesses have hired new employees, we need to provide this positive incentive.

One of my colleagues said to me, well, you know, we shouldn't have to do this and I supposed in the idealistic sense, we shouldn't have to, but the fact is, we must, if we are going to get off dead center in trying to cure some of our chronic unemployment so I would hope again that you would vote to reconsider.

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

Mrs. KANY: Mr. Speaker and Members of the House: I rise to support Representative Wyman on this bill. I would like to remind you that we are talking about, not only new businesses but existing businesses that are expanding and we are all talking about a temporary exemption. This would not be endless at all but merely as an incentive and those municipalities may not be receiving taxes from that expanding business as it is, we are talking about real estate constructing. Obviously, at present, there would be no taxes realized from that building purchased or otherwise acquired within the past year. This could be from an industrial park so they may not be losing any taxes but they certainly would be gaining taxes in the future after the exemptions run out.

I would like to reiterate what Representative Wyman said as far as being competitive nationally. We must offer some incentive and remember, there are only something like six states below us in per capita income in the country and if we want to encourage, particularly our existing firms, we must offer some sort of exemption, such as this.

So, I hope that you will go along with the reconsideration motion of Representative Wyman and give this bill a further opportunity.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I do want to oppose the motion to reconsider. I think that no one has worked any harder in this House in this legislature than I have in trying to pass bills which are going to create new jobs in the State of Maine. I think it is time that we realize, however, that the other two bills that we talked about clearly place the burden of creation of

those jobs on the state budget where it belongs. I don't think this legislature, at this late hour, should be talking about a bill which is going to place that burden on the municipalities. The burden will be there in spite of what the good gentleman from Pittsfield says, that it will be there immediately, it will be there in the long run, it is much more difficult to administer. The other two bills are clearly tied with federal returns and are very simple and require no bureaucracy of any kind to administer. I think at this particular time we can't be asking communities to fund jobs which we know should be funded at the state level.

I hope that we will not reconsider.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Just a word that hasn't been brought up yet here this morning. You have heard the burden on the community story and I think that is very well documented but I would point out that many, many studies have been conducted in connection with taxes and the location of businesses and taxes are definitely down on the list, 7th, 8th, 9th. Many other considerations are necessary for businesses to locate where they locate. The business that is going to be able to hire 150, maybe 500 or more new employees is going to be a very capitalized business. It is going to be well on its way and businesses of this type budget for and are able and willing to pay taxes. They expect to pay them and this is not the way to get new business. Taxes are not high on the list of the considerations that businesses make as to where they locate. It is not a good incentive.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: At one time in Sanford, I think probably some of you here remember that we lost all our industries. We were the town that refused to die. We went out and got industries to come in but we wanted good industries. On the school board in Sanford, that I was on, the industries wouldn't go through the Chamber of Commerce. They came to the school board to find out if we could have our people learn other trades through the school department in the evenings in order to set them up in business. I want to tell you very sincerely that the companies that came to Sanford and the best companies that we had and are still there, the others have gone, the wages for the people were very bad, they just came in to take advantage of the people but the good companies that came in, they paid their way. They are still in Sanford. If you start furnishing this and that, you are not going to have good industries. The good industries are going to come in and they are going to pay their own way.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I hope most of us don't forget that one of our most viable industries that we have in the state is agriculture. If anyone should have a tax break or exemption it should be agriculture and I voted against that because I don't think that the taxes we are paying are that much of a part of whether an industry will come or not.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the gentleman from Pittsfield, Mr. Wyman, that the House reconsider its action whereby this body voted to accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

16 having voted in the affirmative and 96 in the negative, the motion did not prevail.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Quinn of Gorham, the House voted to take from the table the fourth Tabled



and unassigned matter:

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

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

Pending — Passage to be Enacted.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: As we all know, this particular bill was sponsored by the Speaker of the House, the gentleman from Eagle Lake, Mr. Martin. He and I have been accused of cooperating during this regular session perhaps more than any other speaker and majority leader have, a great deal of the time. As a matter of fact, when the Speaker and I violently disagreed on a subject so much so that the Speaker had to come down from the rostrum and speak on the issue, two legislators stopped me afterwards and thought we had the whole deal worked out as a Mutt and Jeff routine. I can assure you that that was not the case.

On motion of the same gentleman, the Bill and all its accompanying papers were indefinitely postponed.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Quinn of Gorham, the House voted to take from the table the fifth tabled and unassigned matter:

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

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

Pending — Acceptance of the Committee Report.

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

Mr. QUINN: Mr. Speaker, may I defer to the Chairman of the Taxation Committee on this?

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

Mr. CAREY: Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers.

Mr. Laffin of Westbrook requested a roll call.

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

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

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

Mr. QUINN: Mr. Speaker, I would like to pose a question through the Chair to the Chairman of the Taxation Committee. Would you explain this, sir?

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

The Chair recognizes that gentleman.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The committee has worked out with the sponsor of L. D. 1146 the House bill for aid to the elderly, provisions where these particular benefits that were in L. D. 1531 were to be included in 1146 and as I recall, the gentlelady from Waterville, Mrs. Kany, so introduced such an amendment, which would cover these people in 1146.

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

Mr. LAFFIN: Mr. Speaker, I withdraw my request for a roll call.

The SPEAKER: The Chair would advise the gentleman that it has been ordered and may not be withdrawn.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Waterville, Mr. Carey, 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 — Aloupis, Bachrach, Bagley, Bennett, Benoit, Berry, Birt, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Carey, Carter, F.; Chonko, Churchill, Connors, Cox, Cunningham, Curran, Dow, Drinkwater, Dudley, Durgin, Elias, Fenlason, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Gould, Gray, Greenlaw, Hall, Hickey, Higgins, Hobbins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jalbert, Joyce, Kane, Kerry, Kilcoyne, LaPlante, Littlefield, Lizotte, Locke, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McKean, McMahan, McPherson, Nadeau, Najarian, Nelson, N.; Palmer, Pearson, Perkins, Plourde, Quinn, Raymond, Rideout, Silsby, Sprowl, Stover, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafion, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman.

NAY — Austin, Beaulieu, Berube, Biron, Blodgett, Brenerman, Carroll, Connolly, Cote, Davies, Dexter, Diamond, Flanagan, Fowlie, Goodwin, K.; Green, Henderson, Jacques, Jensen, Kany, Kelleher, Laffin, Lewis, Lougee, McHenry, Mitchell, Moody, Morton, Nelson, M.; Peltier, Peterson, Post, Prescott, Rollins, Sewall, Shute, Smith, Spencer, Talbot, Truman.

ABSENT — Ault, Bustin, Carrier, Carter, D.; Clark, Devoe, Dutremble, Howe, LeBlanc, Lunt, Mills, Norris, Peakes, Strout, Stubbs, Tyndale.

Yes, 94; No, 40; Absent, 16.

The SPEAKER: Ninety-four having voted in the affirmative and forty in the negative, with sixteen being absent, the motion does prevail.

By unanimous consent, ordered sent forthwith to the Senate.

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

Mr. CURRAN: Mr. Speaker, is the House in possession of L. D. 1875?

The SPEAKER: The Chair would answer in the affirmative that the House is in possession of "An Act Permitting the Director of Public Lands to Sell Small Parcels of Public Reserved Lands with Legislative Approval" (H. P. 1681) (L. D. 1875) passed to be enacted in the House, June 20, 1977 and passed to be enacted in the Senate, June 20, 1977 in concurrence and recalled from the Governor's Office pursuant to Joint Order H. P. 1793.

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

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby this bill was passed to be engrossed.

The same gentleman offered House Amendment "A" to L. D. 1875 and moved its adoption. House Amendment "A" (H-887) was read by the Clerk.

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain why this is recalled from the Governor's desk and what the amendment does. The Governor had some serious objections with this particular L. D. that has undergone a great deal of work by the State Government Committee and we felt that his objections, some of us on the committee, did have some merits, we were down to the 10th day whereby he would have vetoed the bill the night we went home last week and felt that the easiest route to take was to bring the L. D.

back and amend it. What it does is that it allows to have some checks and balances in the terms of these sales of these small lots of land by having it reviewed and approved by the Governor rather than just giving the Director of Bureau of Conservation the power to sell without any kind of review or check on that sale.

I hope that you will go along with the adoption of this amendment.

Thereupon, House Amendment "A" was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

#### (Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, Recessed until the sound of the gong.

#### After Recess

The House was called to order by the Speaker.

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

#### Finally Passed

##### Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution to Require the Legislature to Convene in December after the General Election (H. P. 1048) (L. D. 1259) (H. "A" H-874)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment a two-thirds vote of the House is necessary. 92 voted in favor of same and 18 against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

##### Bond Issue

"An Act to Appropriate Money for Improvements to Airports and to Authorize General Fund Bond Issues in the Amount of \$1,800,000." (H. P. 1409) (L. D. 1684) (H. "A" H-646 to C. "A" H-591)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 97 voted in favor of same and 27 against and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

"An Act Appropriating Funds for the Acquisition and Construction of a Site and Facilities for Certain Casco Bay Island Ferry Services and to Repair other such Ferry Facilities" (H. P. 844) (L. D. 1029) (C. "A" H-715)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of same and 22 against, and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

#### Emergency Measure

##### Later Today Assigned

"An Act Relating to the Administration of Medication" (H. P. 1236) (L. D. 1389) (C. "A" H-640; H. "A" H-865)

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

(On motion of Mrs. Tarr of Bridgton, tabled pending passage to be enacted and later today assigned.)

**Emergency Measure**

"An Act to Amend the Special Education Tuition Reimbursement Law" (H. P. 972) (L. D. 1169) (C. "A" H-861)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of same and none against, and accordingly the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

**Emergency Measure**

"An Act to Require Filing and Authority for Subsequent Disapproval of All Nongroup Rates Utilized by Health Insurance Companies and Nonprofit Hospital and Medical Service Organizations" (H. P. 1539) (L. D. 1769) (C. "A" H-752)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of same and none against, and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. By unanimous consent, ordered sent forthwith.

**Passed to Be Enacted**

"An Act to Increase the Exemption on Estates of Veterans" (H. P. 70) (L. D. 94) (S. "E" S-357 to C. "A" H-648)

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

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

Mr. SHUTE: Mr. Speaker, I would like to ask a question through the Chair to someone on the Taxation Committee, I think it would be. As I read the bill under the Senate Amendment, people who might be eligible for the veterans' exemption under World War II, the Korean War and the Vietnam War were excluded under the Senate Amendment, also, the people who could become eligible next year or the year thereafter are also excluded under the Senate Amendment. I wonder if I read the amendment right nor not.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: We have had this reviewed by both the legislative staff and people from veterans' organizations, and the people from the veterans' organizations agree that the bill in its present form is acceptable to them.

What this does, it raises the exemption for people who are presently under the system, are presently getting this exemption, which are primarily the veterans of the First World War. It is true that some of the veterans of the Second World War who were already receiving it will receive this increase. It does not change the bill that was passed last year in which veterans of the Second World War or a future war, the Korean Conflict or the Vietnam Conflict, it does not change the \$4,000 just value exemption that was passed last year. It does grant this increase for the ones where a hardship did develop and where the objections came about. They do tell me they will sit down and try to review the whole program and see what can be worked out as far as future legislation is concerned.

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

Mr. QUINN: Mr. Speaker and Members of the House: Having been an enthusiastic opponent of increased veterans' exemptions in past legislatures and past years, and having had my buttons stripped by the American Legion and the VFW, I finally do find a bill that I can sup-

port enthusiastically and I would be grateful for a roll call so I can prove it.

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 Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I wouldn't have spoken on this if a roll call hadn't been requested. But I supported the original bill that came out of the Taxation Committee and I want everyone to know exactly what they are voting for at this time.

I am not happy with this particular bill that is before us because I think it severely limits the kinds of veterans' exemptions that we are giving. And if all the veterans' organizations are going to sit down and talk about this over the summer, and I think everyone is aware of the situation we are going to be in most likely when we have a constitutional referendum in November, which means the state would reimburse the municipalities for half of all exemptions, so it is very unlikely that we are going to be giving any veteran exemptions of any magnitude in the future, since they would take state funds and the state has seemed to be unwilling to do this in the past, to reimburse in the past.

I will vote for this particular amendment, but in doing so, only because it seems as though at this late date this is the only choice that we have, but I have a feeling that we are going to end up being in the same kind of situation of two years ago when the veterans' organizations came and told us that they were perfectly happy with the compromise that gave us just value, when in fact I think we are all very well aware of what happened at that time. I am not happy with this step we are about to take, but I will vote for the amendment, and I just wanted to go on record about why I am doing so.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

**ROLL CALL**

YEA — Alopis, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Carey, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Conners, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowle, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Littlefield, Lizotte, Locke, Lougee, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBrearty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Huber, Nelson, N.

ABSENT — Ault, Bustin, Carrier, Clark, Dudley, Greenlaw, Jensen, LaPlante, LeBlanc, Lunt, Peakes, Strout, Tyndale.

Yes, 136; No, 2; Absent, 13.

The SPEAKER: One hundred thirty-six having voted in the affirmative and two in the negative, with thirteen being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate. By unanimous consent, ordered sent forthwith.

"An Act Relating to the Adoption Procedures for Children who are not Related to Adopting Parents" (H. P. 416) (L. D. 523) (S. "A" S-343 and S. "B" S-352 to C. "A" H-703)

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

By unanimous consent, ordered sent forthwith.

"An Act to Amend the Employment Security Law to Include Federal Requirements and other Options Available to the State" (H. P. 762) (L. D. 1012) (C. "A" H-821)

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

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I realize today that we have had a lot of pressure put on us from our towns back home, from our school boards, from our city officials, from the mayor right down to every alderman in the city. I know that we have to approve the federal requirements by law; if we don't, we are going to be in trouble on an increase in the unemployment compensation rates that the employers of this state would have to pay. It is one of those type of bills that you really can't be happy with and it is hard to be disappointed with, I suppose. But what the State of Maine has done, through the Department of Manpower, they have taken out unemployment compensation for cafeteria workers, the lower paid workers, the minimum wage workers.

Also, you recall in this House, we are committing the same sin here that we did on the fishermen, but if I am ever back here again, we will correct that law.

However, I am really opposed to this and it has put me in a bind where if we don't pass it, we are in greater trouble, but what is great trouble when we deny working people unemployment compensation benefits that they are rightly entitled to? Cities and towns can always find money for programs, they can always find raises for school department employees, they can find raises for police and fire, but for employees who still have to make a living and work, they can't come up with money to pay the unemployment compensation fund. This is a bill that is very important to the working people. You are going to have to live with this and so am I, and probably down in these final days, where we have made two mistakes granting fishermen exemptions and now we are going along on this one and I feel that we have done an injustice. I don't know how to correct it, but I am sure that the next legislature will certainly work to correct these two wrongs.

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

"An Act to Remove the Commercial License of Smelt Fishermen" (H. P. 1045) (L. D. 1272) (C. "A" H-538)

"An Act to Establish the Fair Credit Reporting Act" (H. P. 1262) (L. D. 1526) (H. "A" H-797 and H. "B" H-878 to C. "A" H-749)

"An Act to Revise the Statutes Relating to Services for Mentally Retarded Persons" (H. P. 1472) (L. D. 1752) (C. "A" H-875)

"An Act Relating to Habitual Truants and School Dropouts" (H. P. 1650) (L. D. 1851) (Conf. of Comm. "A" H-882)

"An Act to Reform the Regulation of Watch, Guard and Patrol Agencies and of Private



Detectives" (H. P. 1741) (L. D. 1889) (S. "A" S-342; H. "E" H-872)

"An Act Concerning Penalties for Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs" (H. P. 1362) (L. D. 1667) (H. "B" H-796 and H. "C" H-857 to C. "A" H-717)

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.

By unanimous consent, ordered sent forthwith.

(Off Record Remarks)

On motion of Mr. Lynch of Livermore Falls, Recessed until two o'clock in the afternoon.

After Recess  
2:00 p.m.

The House was called to order by the Speaker.

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

"An Act to Control Conversion of Seasonal Dwellings to Year-round Use in Shoreland Areas" (H. P. 1385) (L. D. 1573) (S. "E" S-339 to H. "B" H-781)

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

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

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

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

The gentleman may proceed.

Mr. THERIAULT: Mr. Speaker and Members of the House: As you may remember, last week we tried to put an amendment on this bill. We won the right to adopt that amendment but the devil was working against us and the machine went on the bum so it couldn't be considered. It came up the next day and we weren't able to debate it, so at this time, all we can do is ask for the indefinite postponement of the bill.

This bill would force something onto the communities that they are not ready to accept. If they want this, they can do it by putting in ordinances that would control it. In the areas where there is more than one town or city on a lake, it would have to be handled differently. That is why we were willing to go along and put an amendment on it and let everyone, where they had lakes or ponds that were being used as water supplies, they would be able to have this bill to take care of the matter, but this time here, we feel this is the only thing to do, to kill the whole bill and that is why we move for indefinite postponement.

The SPEAKER: All those in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Quinn of Gorham 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 gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I think we have

debated this bill very thoroughly. I think that the remarks that were just made by the good gentleman, we have discussed before. We have pointed out very carefully that it is no good to have local control on this issue. If there are several communities surrounding a lake, we are immediately in trouble. There is no local control if only one community has an inspection program and implements it and all the rest of the communities do not. So that is not local control over the authority of your water, which may or may not be drinking water.

As to the amendment that was defeated the other day which would have applied this bill to water supplies only, do not forget, please, that all water supplies are not public in the sense that water is piped out to serve a community or several communities. In many parts of the state, we are faced with dwellings around the lakes pumping water out of the lake that the dwellings are located on. So I believe that we have had these red herrings dragged across this bill sufficiently and I do urge you to defeat this motion to indefinitely postpone and let's go with the bill.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: Probably you folks are wondering why I, as a farmer, have become so concerned over this bill. I would like to take Mr. Berry and Mrs. Post, in three hours from here I could take them to a lake. Five years ago, the permitted seasonal houses became a part of the lake. A young gentleman who is a liaison officer for the infirmary took me out there in a boat to show me the lake. It was just as green — well, much greener than — about the color of those curtains there. I said, is this the normal color of the lake? He said, well, it is in the process of turning over. About five months later I was there and I said, what causes it to be green now? He said, it isn't done turning over. The problem is that they have allowed these cottages there, they never changed their septic tanks, they are about 30 feet from the shore of the lake and all of that stuff has been running into these lakes for a long time.

I came across an article the other day and I heard Mr. Bagley say something the other day in regard to Cobbosseecontee Lake. What is going on down there now with all of the manure that has been running in there, I understand from a piece in the paper that they are putting alum in the water to make it offset one another. I wonder how much longer the people want to have that type of water for drinking water?

I read also in the Maine Times just a couple or three weeks ago, in regard to a very good friend of mine who is sitting down in the lefthand corner, about his philosophy on Maine. He said we must be looking ahead for 20 years down the line. Well, I hope we will take this into consideration and look down the line for about 20 years before we really make up our minds how many of these types of houses we want around the shores of our lakes.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I would just like to bring a few quick facts to your attention before the vote is taken. The first one is that in the last nine years and in the next four years this state will have put \$165 million of our money into cleaning up the water pollution that exists. In addition, \$345 million federal dollars have been spent to this same end, for a total of \$510 million. To me, this is a staggering amount. I think it does make a point. It is a lot easier to keep the water clean than it is to clean it up; it is also a lot less expensive.

The second point, which some of you might not be aware of, is that today if a summer camp were to be built in the shoreland zone, they would have to provide sewage treatment ade-

quate to do for a whole year. In other words, you could not put in a seasonal sewage treatment plant if you could prior to recent years. Therefore, the question I make is a fair one — why should someone who converts do less to protect the quality of the water than a person who is only going to be there on a seasonal basis?

I hope you will take these two factors into consideration and vote to keep this bill alive.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. McBreairty.

Mr. McBREAIRTY: Mr. Speaker and Members of the House: Early in the session, I spent several evenings putting together part of the bureaus, agencies, commissions, departments that control our water, land and air. I gave all the members of the present Natural Resources Committee a copy of my brief, partial list of the regulating agencies. If they have read my list, I am sure they would realize that if the regulations that we have now were enforced, we presently need no more regulations. I have this list and I am sure you don't want me to read it all today because it is nine pages, and believe me, it is a brief description of what these things do, but I will just give you a few.

We have LURC in the unorganized territory and DEP both. We have the plumbing code. I will skip the nine pages and just take up a little bit. We have federal controls. A few of the better known federal control agencies that have an impact on land use or water is the coast guard, the Army Corps of Engineers, the EPA and OSHA. Under OSHA, there are 21 pages of regulations covering the use of ladders, including the direction that when descending one should face the ladder.

Presently, our environmental laws, our plumbing code, if enforced, would do exactly what was done to a constituent to mine and I will read a letter that he got from DEP. He had a small help house that he was renting on a brook on his own farm which went across the road through a little culvert. This is a letter from the Department of Environmental Protection.

"Dear Mr. Durepo: On August 26, 1976, personnel from this Department visited the house which you rent to the Bradley family. Using dye, it was determined that sewage from this house is discharged to the brook directly south of the house.

"Disposal of sewage in this manner is a violation of Maine environmental laws and the Maine Plumbing Code. That being the case, this Department must ask that you correct this condition as soon as possible. Probably the best way to do this is to install a septic tank and leaching field. Wilfred Martin, Caribou's plumbing inspector, will be able to advise you of the steps you must take to comply with the law.

"I feel that the intervening time between now and October 1, 1976, is sufficient time for you to make the necessary repairs.

"If you have any questions, do not hesitate to contact this office."

They gave him one month and he did comply and it cost him over \$2,000. If you have anybody in this area that is polluting any stream, lake, river, all you have to do is notify DEP and they will do the same thing.

I don't know what the bill intended to do, but this amendment says in the Statement of Fact, "This amendment changes the definition of seasonal dwellings and establishes a variance procedure for seasonal dwellings which are unable to comply with the Maine State Plumbing Code." So if the Statement of Fact is correct, this won't improve your water, it will give a variance to the plumbing code and anyone who is in violation won't have to meet the plumbing code as this constituent of mine did.

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

Ms. BENOIT: Mr. Speaker, Men and Women

of the House: Representative McBrearty is correct to a point. There are regulations on the books right now that should and could take care of some of these problems. However, during lunch I called Donald Hoxie over at the Department of Health and Engineering and I asked him about this and he said it is true. However, the plumbing inspectors have a lot better things and have plenty to do without going around looking for people who are breaking the laws. Usually they are informed of this by a lake association or by neighbors who have made a complaint. With this bill, the plumbing inspectors would at least know who some of the people are who are going to convert.

True, we do offer variances. We allowed for a variance just for the people who thought the bill was too strong, and the only counter variance would be allowed, if you would take the time to read the whole bill, is when it was not going to endanger the water if you could substantially comply with the Maine State Plumbing Code.

I would hope that you do not vote to indefinitely postpone this bill. Maybe a few people will be hurt by it, but how many laws do we pass up here when there aren't some people who are hurt by them? I think in the end that most people will benefit by it and we will be able to keep our lakes and shorefronts clean.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: The argument to protect the drinking water is a very compelling argument and one that I believe has attracted a good many votes in this body. But the fact is that this goes well beyond the requirement to protect our drinking water. If we had accepted an amendment which would have limited the application of this particular bill to drinking water alone, why, there would be no objections insofar as I am concerned, but this thing covers all seasonal dwellings, the conversion of all seasonal dwellings.

I would submit to you that we, in Wells, are putting in an \$18 million sewage system and it will take two or three more years before we complete that system. It would be ironic to require an owner of a seasonal dwelling, on the eve of converting into or connecting onto an \$18 million system, to be required to put in a new septic system. Essentially, as I see this bill, this is what would be required, notwithstanding the variance that is set forth within the amendment. So, I think this is undue harassment insofar as at least the people along the coast are concerned, and more particularly those in Wells.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: Two years ago, the two geologists that came before the Natural Resources Committee — in the town of Monson there are a lot of slate quarries and some of these have been abandoned because they have done away with all the slate in there and it is easier to get slate up on the hill where they go, so they have left these big holes in the ground. And the one that I am particularly thinking about looks so inviting to the town of Sangerville and the town of Greenville, because they are looking for a place to dump their rubbish, so the County Commissioner came up with the bright idea of all of the town dumping their rubbish into this hole. After a period of 25 to 30 or 50 years, it would be filled. Now these geologists who came before us had no axe to grind, but this is something that they left with me, and I was one of them that turned the tide and so they did away with this in the town of Monson.

They said that with the dye that they put in the water to trace it, they found no way that that water went; in other words, it would be probably 30 years before any of this water would come up to show in any other part of the state, and it is all ledge. In that area there are

hundreds and hundreds of drilled wells. You take these plastic bags and all this junk that takes 25 to 30 years to decay, I am wondering again, do we want to do anything to hurt the water in any source for the next 25 or 30 years?

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer the points that were brought up by the good gentleman from Wells. This bill is part of the Shoreland Zoning statute. We zoned our shorelands because we felt that all of our state waters were endangered of losing their quality, that means the coastal waters, our streams that drain 25 square miles, that is major streams, and our lakes.

As to the variance procedure in the bill now, because House Amendment "B" is the bill, let me just read what it says: "It does not apply to owners of seasonal dwellings. The owner of a seasonal dwelling who applies for a conversion permit," which is the rest of the bill, "under Subsection 3 may be granted a variance from the requirements of Subsection 3, if, based upon site evaluation," which you will remember is done by a certified soil engineer, "the plumbing inspector," that is the local plumbing inspector, "finds that in the event of a malfunction of the existing system, a new sewage system can be installed which will be in substantial compliance with the Maine State Plumbing Code, and the new system will not be likely to endanger the quality of the adjacent water body or of the adjacent private water supply. In the event of a malfunction, the owner of the converted seasonal dwelling shall repair or replace the existing sewage system so as to bring the system into substantial compliance with the Maine State Plumbing Code and insure that the system will not endanger the quality of adjacent water bodies or of adjacent private water supplies." Substantially what this is, it is the same sort of thing that the best practical treatment is to Title 38 in the Maine statutes which deals with stray pipe pollution.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I would just like to make one more quick point. We are not only concerned with the drinking waters but with waters that people use for recreation, such as swimming or fishing. Also, I found an interesting quote in *Cleaning up the Waters*, which is put out by the Maine Department of Environmental Protection. The question was, why must wastewater be treated? Wastewater must be treated because harmful and disease causing bacteria present in the water contaminate adjacent shore and water areas. The Department of Marine Resources has estimated that 353,000 acres of tidal flats support shellfish populations along the Maine coast, and of this total, about 75,000 acres in 1974 were closed due to pollution, largely domestic sewage. This represents 20 percent of the available area, yet in terms of productivity, this would be closer to 50 percent. The harvest of shellfish and marine worms forms a significant part of Maine's coastal economy. This could happen to the lakes as well as it did on the shore frontage, what about the fish, what about the water that we swim in, not only the waters that we drink?

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Although most of the discussion on this particular bill is centered around lakes and the need for this, because the bill also would greatly affect the shorefront areas of the coast, I took a look at it and decided that this piece of legislation is one which I might have trouble explaining to some of the people back home, not necessarily with the intent, but if you really took a look and see what it does, essentially, if

you look at the amendment, which is under filing number H-781, what it says is that it defines the conversion, and they say a conversion is a house which was not occupied during the 1977 calendar year on a year-round basis and doesn't have sufficient insulation, heating system or year-round water supply, and then you want to put in either insulation or a heating system or a year-round water supply. So you might have a house which for some reason or other you didn't live in all year, it might have been for sale or it was vacant, and then somebody buys it and wants to put in insulation. I would have a hard time to explain to my people back home exactly why they have to get a plumbing permit to put in insulation, and I don't think that was necessarily intended in the legislation but that is what it says.

Now there is a variance there and the variance is interesting. It is sort of like a bank loan. You can get a variance if you don't need one. A variance will cost you between \$75 and \$100, depending on what the going cost is for the specialist to come out and do a site evaluation, and they are going to cost at least \$50 or \$75 and most likely are going higher at this point. You can get the variance if the site evaluator comes down, the closest one to us is in Rockland, was in Ellsworth about a year ago, I don't know if any have moved into Knox County recently, but you call Ellsworth and you get him to wait a couple of months and he comes down and does a site evaluation that will cost you \$75 or \$100 and he will tell you, well, you can get a variance because if your present system malfunctions, your site is good enough so you could put in something that would substantially meet the plumbing code. Then it says, if you get this variance and your present system malfunctions, then you have to put in a new one, either repair it or replace it; that is with the variance.

Now if you just go and get the conversion permit in the first place, just get the conversion permit, and you look under "B" and it says you can get the conversion permit if you can demonstrate that the site conditions will permit the installation of a sewage disposal system meeting the requirements of the Maine State Plumbing Code. It doesn't say you have to do it, or it doesn't say that if your present system malfunctions you have to put one in then; if you go ahead and get the permit in the first place, all you have to show is that you could put one in if your present system malfunctions in some way or another.

In my mind, although the concerns of the people that sponsored this bill in the first place may have been good, but I think that it could have been settled with some other amendments that either were proposed or at least were talked about in the back of the hall of the House. At this point, it is not a good bill. I don't know that there is time enough to reconsider and do any work on it now, so I would hope that if the motion to indefinitely postpone has not been made, I would make it, and that we do away with this bill, because as far as I can see, at this point it just doesn't pass the straight-face test.

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

Mr. HICKEY: I would like to address a question to Mrs. Masterton. It is my understanding on the shoreland zoning that it protects the waterfront 250 feet back requiring percolation tests on septic tanks and things of this nature.

The SPEAKER: The gentleman from Augusta, Mr. Hickey, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mrs. MASTERTON: Mr. Speaker, shoreland zoning does apply 250 feet back from the coastal shore, the shores of lakes and the shores of streams which are big enough to drain a 25 square mile area.

Shoreland zoning was a state law; there were

state guidelines, but the shoreland zoning was done by the municipalities themselves. They went through a screening process on the state level and were approved at the state level, but these were local shoreland zoning ordinances that were developed.

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

Mrs. KANY: Mr. Speaker and Members of the House: I do hope that you support this bill. Representative Hall referred to the green that he didn't like in the lake. Well, I will tell you, it is the brown that gets me, coliform bacteria. We around here in Central Maine have many lakes on which those seasonal dwellings are being converted to year round homes. People commute from the Belgrade Lakes not only to Waterville but to Augusta, so we really have a problem. It is really kind of the "in thing" to do, to live on a lake. That is what the young people are all looking to do and older people are retiring on the lakes and converting those camps to yearround homes. But I do believe that there is a problem just as much along the coast as in the inland lakes. In fact, it was on a southern Maine beach where I remember swimming in it until I realized what "it" was on the water's edge. Representative Mackel mentioned drinking water supply versus swimming, and it seems at least with municipal water supplies that chemicals can treat that coliform bacteria all right, but it certainly doesn't help those of us who want to swim. I urge you to support the passage of this bill.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I represent a district that has a great many people who are in a situation where they might be affected by this bill, and as the bill came in originally, I had some serious concerns about it. With the amendments that have been put on it, it seems to me that at this point it is a reasonable bill. It requires the person who is going to convert a seasonal home in the shoreland zone to go to the local plumbing inspector to get a permit. The permit will be granted if the soil is suitable and if it appears that the lot that the person is on can handle the waste.

There is a variance procedure for the person whose lot doesn't meet the 100 foot requirement of the plumbing code if the plumbing inspector feels that the lot would be able to absorb the waste without jeopardizing the quality of the water. It doesn't seem to me that it imposes an unreasonable restriction on people who are converting seasonal homes to yearround use. We put very strict requirements on anybody who wants to build a home in the shoreland zone, and in some of these areas where seasonal houses were built 25 or 30 years ago on very small lots, the conversion of these seasonal homes can create a very substantial problem.

There is one lake in my district which is already beginning to have problems as a result of the concentration of dwellings around it, and the lake was divided up in the 1940's with lots that were only 50 feet across and sometimes 50 to 75 feet deep. If all of those homes convert to yearround dwellings, which has been happening, it is a continuing trend, there is a real question in my mind as to whether that lake will be suitable for swimming and other uses.

We have tried to build in enough flexibility here so that the local plumbing inspector can use his common sense in deciding whether to grant those conversion permits or not for people who can't strictly comply with the plumbing code. I think that this is a real problem and is one that we ought to address, because in the areas where there are heavy concentrations of seasonal homes on small lots, if all of those are converted without any restrictions, we are going to find that the ground water is polluted and that eventually that does get into the lakes.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Rumford, Mr. Theriault, 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 — Alopous, Austin, Bennett, Berry, Berube, Biron, Birt, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Conners, Cote, Dexter, Dow, Drinkwater, Dudley, Flanagan, Fowlie, Gillis, Gould, Hunter, Hutchings, Immonen, Jalbert, Joyce, Kelleher, Laffin, LaPlante, Lewis, Littlefield, Lizotte, Louge, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Maxwell, McBreairty, McHenry, McPherson, Mills, Moody, Nadeau, Norris, Perkins, Peterson, Post, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Strout, Theriault, Torrey, Tozier, Twitchell, Whittemore.

NAY — Bachrach, Bagley, Beaulieu, Benoit, Blodgett, Boudreau, A.; Brennerman, Churchill, Connolly, Cox, Cunningham, Curran, Davies, Devoe, Diamond, Durgin, Dutremble, Elias, Fenlason, Garsoe, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Jackson, Jensen, Kane, Kany, Kerry, Kilcoyne, Locke, Martin, A.; Masterton, McMahon, Mitchell, Morton, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Peltier, Plourde, Prescott, Spencer, Stover, Stubbs, Tarr, Tierney, Trafon, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Ault, Bustin, Clark, Gauthier, Gill, Jacques, LeBlanc, Lunt, McKean, Palmer, Talbot, Tarbell, Teague, Truman.

Yes, 72; No, 65; Absent, 14.

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

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

Mr. QUINN: Mr. Speaker, having voted on the prevailing side, I move we reconsider our action and I would speak to my motion.

The SPEAKER: The gentleman from Gorham, Mr. Quinn, moves that the House reconsider its action whereby this Bill was indefinitely postponed.

The gentleman may proceed.

Mr. QUINN: Mr. Speaker and Members of the House: Speaking strictly as a representative from District 30 and from an area with intense concerns in the matter of water, let me take just two minutes and review this.

I would concur to some extent with Mr. Theriault, who said that the devil had his hand in the fact that our machine broke last week and he was unable to kill the bill at the time, or my interpretation would be that the hand of divine providence was involved, and as somebody who rarely benefits from the direct hand of the Almighty, I feel particularly grateful in this case since He apparently did intervene for the purpose of saving this bill. It most certainly is worth saving. It is one of the more critical items in a long-range kind of thing that we can provide for our state, as Mr. Hall so eloquently stated on two occasions.

The problem that exists with our waters is one of a long-range problem, it is not the immediate kind of thing where sewage is exposed on the ground. Mr. McBreairty is absolutely correct that there are present laws that cover open and exposed sewage misuse. What we are talking about is the long-range effect on something that is absolutely irreplaceable, and let me tell you, that effect is taking place even though it cannot be directly traced to any particular offending septic system.

In the area of Sebago Lake, and while those of

you who may feel that this is a local problem, I would point out that it is the water supply for 1/10th of the population of Maine. In that area, that lake is, in some points, 300 feet deep. It has a cubic content that means if it were to ever degrade significantly, that it could probably not be recovered in a lifetime. There are 13 tributaries that feed Sebago Lake; 11 of them are currently classed as B-2 or below. In other words, 11 of the rivers that feed Sebago Lake are themselves so polluted that swimming is prohibited. Lake Auburn has been seriously degraded from a measurement less than 10 years ago, and Lake Cobbosseecontee now has measurable algae blooms, which are a direct result of this kind of pollution that is occurring in the lakes.

The bill as it is written, even though it was damned by faint praise with Mrs. Post, is in fact a good bill, one that has a great deal of promise and one that we owe ourselves and we owe our children. It is a very simple question. We all agree that it is unreasonable to expect that our lakes, whether they be water supply today or whether they simply be great natural resources, it is unreasonable to expect that there can be unlimited building with no sewage controls entirely on any of these lakes. We all agree, I think, and we all support the fact that if you are going to build new dwellings on any of these lakes, you must meet certain health requirements, certain long-range degradation preventatives for those lakes.

All this bill does is say, "Anybody who has a seasonal cottage can continue to use that seasonal cottage, but if they should decide to make that seasonal cottage a permanent residence, with the increasing amount of pollution that is inevitable, that they must comply to some extent with the same kind of requirements that you or I would have to meet should we decide to go build a new home. In its original form, the bill said essentially that seasonal homes converted had to meet exactly the same requirements as new homes which, to me, was not an unreasonable requirement. But to satisfy objections, the bill has been tailored, has been brought down, nearly all the reasonable objections have been met. Waivers have been provided, variances do exist for local circumstances and the thing that exists now is absolutely necessary. If we let this opportunity go by to make some positive steps of saving this absolutely irreplaceable natural resource all over our state, we do ourselves a disservice and we deny our heritage and our children.

I urge you, as strongly as I can, to reconsider and to vote for this bill.

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

Mr. BLODGETT: Mr. Speaker and Members of the House: We have a choice here, two routes that we can take. The easy and the popular route is to go along with the indefinite postponement. The bill has been modified to the extent now that I think that we and the people in the state can live with this bill, but the popular move would be to go back home and say, we killed the bill, and so you can go ahead and do anything you want and we are not going to let those people in Augusta tell you what you can or can't do with our waters or with disposing our wastes.

The difficult route is to be able to go back home and say, even though we want to be able to do everything we want to do, we have to look forward into the future, because ten years from now, people will be asking us or asking the people who follow us, why didn't the people ten years back, in 1977, do something to correct the situation when they still had an opportunity? I would urge you to vote to reconsider this.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and

Gentlemen of the House: In spite of the remarks by the good gentleman, Mr. Blodgett, I think one thing about this bill is that it is grossly unfair, and it is grossly unfair to those people that own cottages today. That could have been taken care of if the proper grandfather clause had been written into the bill, and I suggested that. Some of the supporters of the bill said no, absolutely not. If that had been done, I very well could be on the other side of the bill and probably would be, although I am not sure that it is that necessary.

If you are at all familiar with the plumbing code, certainly you must know that all of the things that you are talking about here today, can be done if you want to pursue them. I talked with several of the supporters of the bill that have spoken prior to myself and they have told me of many problems in the state and out, and I asked them at that time, what did you do when you noticed this problem? One of the replies was, that wasn't in Maine so I didn't do anything.

If you want to correct these problems, the means for correcting them is there, the laws are there. If you can't enforce two laws, how are you going to enforce three?

The thing that makes this so unfair, is that there are many many cottage owners in Maine, and we are talking about almost every body of water in Maine of any size and the whole Eastern coast of Maine. What makes it so unfair is that it will tend to devalue people's property. Mr. Spencer talks of a variance, and a variance is a long way from grandfathering and I will tell you why. Most of you probably know that if you live in a small community, a variance is just like money. If you fit right, you get the variance; if you don't fit right, there is no way you will get a variance.

I hope that you won't reconsider this. I think it has had ample debate and I think it is time that we put the matter to rest. And if you are, indeed, serious about enforcing some of the situations you heard about, you can do it, and if you don't know how, Mr. Hoxie can tell you and maybe I can help you some.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Peakes.

Mr. PEAKES: Mr. Speaker, Ladies and Gentlemen of the House: I agree with Mr. Berry. I think this is a very unfair bill and I think if children want to swim in a lake, they can close their mouths while swimming.

The SPEAKER: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I am not considered an environmentalist, but on this particular issue, I would urge that we reconsider.

It is true, we have had a lot of debate on this issue and it seems that the debate has centered on the technical aspects of the bill, the enforceability of the provisions in the bill and so forth. But I would like to ask you to look at it from the viewpoint of the user of the service. Let's get back down to the people again, let's get back down to the actual level that we are really talking about here.

If you think of these summer cottages, the use of the septic systems and so forth in the summer cottages, while these septic systems are adequate for the current use, look at the use of the same septic system after that has been converted to yearround use, not only in terms of time, but look at it in terms of use. A lot of the people in the summer cottages don't bring their dishwashers with them when they visit during the summer, they don't bring their washing machines with them, many times they don't bother to install a shower facility or a complete bathroom facility, so we do have adequate facilities at the present time. Now, if that person converts the use of that dwelling to yearround living standards and so forth, he is going to bring along his dishwasher, which uses

hundreds of gallons of water every year and you are putting it into that little 50 gallon oil drum that happened to be sunk in the ground 30 years ago which is grandfathered in under current regulations. They are going to be using a dishwasher several times a week, and they use 40 to 80 gallons of water for each cycle. The use of the facility is completely different.

I come from a town which has no sewer main going under every street in town, and I am sure that many people here in the State of Maine come from similar towns. And you see that many times a city slicker may come and buy the house next door and he brings all of those conveniences he is used to having where there is a sewer main going underneath the streets and he may overburden the system that he has there. I think the basic merit of the bill lies in the fact that we have to take into consideration the expanded use, not only the expanded time of use but the expanded use that a particular facility is going to have to endure, and for that reason, I think we should reconsider this today and let this bill go along rather than indefinitely postpone it.

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

Mr. BOUDREAU: Mr. Speaker, could we have a roll call on this, please?

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: Just very briefly. I was on the committee that heard this bill and we worked with it at great length. A lot of amendments have been added to it and I would just ask you to support Mr. Quinn's motion to vote for reconsideration of this bill, pass it along its way. It is a good bill. All we are asking these people to do with seasonal dwellings that want to convert is no more than what seasonal dwellings for new construction have to do now, and if they are polluting on a seasonal basis or have been polluting on a seasonal basis, and one of the reasons that the laws are the way they are is to try to help correct that situation, then I can't see any reason in the world why anyone would object to putting the clamps on people who want to pollute 12 months out of the year instead of three or four months out of the year.

Maybe Mr. Peakes can swim with his mouth closed, but I like to come up for air once in a while.

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

Mr. QUINN: Mr. Speaker, Members of the House: Mr. Berry, with his typical, rather incisive insight, has gone directly to the heart of the matter and touched on the one aspect of the bill which may be unpalatable, and he refers to the grandfathering. He said if people had been grandfathered under this, perhaps he could buy it, and I would suggest to each of you, you are grandfathered under it. If you have a seasonal cottage now, you can continue to use that seasonal cottage as far as this bill is concerned forever and ever and ever and ever on a seasonal basis. You are not grandfathered for a change in status and that is very important.

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 as 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 gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Members of the House: Representative Quinn mentioned grand-

fathering and Representative Berry kind of threw that in saying that if an amendment to grandfather had been around, maybe he could have supported that. I haven't seen an amendment floating around to grandfather and perhaps someone would like to prepare one. Perhaps they would like to table until later in today's session. I am concerned. I am afraid that this isn't going to pass and it is very major and very important, and at least that would stop some of this terrible pollution which we are now having.

The SPEAKER: The pending question is on the motion of the gentleman from Gorham, Mr. Quinn, that the House reconsider its action whereby the Bill was indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bagley, Beaulieu, Benoit, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Carroll, Churchill, Connolly, Cox, Cunningham, Curran, Davies, Devoe, Diamond, Durgin, Dutremble, Elias, Fenlason, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Jackson, Jensen, Kane, Kany, Kerry, Kilcoyne, LaPlante, Locke, Lynch, Marshall, Martin, A.; Masterton, McMahon, Mitchell, Morton, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Peltier, Plourde, Prescott, Quinn, Spencer, Stover, Stubbs, Tarbell, Tarr, Tierney, Trafton, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Bennett, Berry, Berube, Biron, Boudreau, P.; Brown, K. L.; Bunker, Burns, Carey, Carrier, Carter, D.; Carter, F.; Chonko, Conners, Cote, Dexter, Dow, Drinkwater, Dudley, Flanagan, Fowlie, Gauthier, Gillis, Gould, Hunter, Hutchings, Immonen, Jalbert, Joyce, Kelleher, Laffin, Lewis, Lizotte, Lougee, MacEachern, Mackel, Mahany, Masterman, Maxwell, McBreairty, McHenry, McKean, McPherson, Mills, Moody, Nadeau, Norris, Perkins, Peterson, Post, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Strout, Theriault, Torrey, Tozier, Twitchell, Whittemore.

ABSENT — Ault, Bustin, Clark, Jacques, LeBlanc, Littlefield, Lunt, Palmer, Talbot, Teague, Truman.

Yes, 74; No, 66; Absent, 11.

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

The pending question now before the House is indefinite postponement. The Chair will order a vote. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Berry of Buxton requested 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 pending question is on the motion of Mr. Theriault of Rumford to indefinitely postpone. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Austin, Berry, Berube, Boudreau, P.; Brown, K. L.; Bunker, Burns, Carey, Carrier, Carter, D.; Carter, F.; Chonko, Conners, Cote, Dexter, Dow, Drinkwater, Dudley, Flanagan, Fowlie, Gauthier, Gillis, Gould, Hunter, Hutchings, Immonen, Jalbert, Joyce, Kelleher, Lewis, Lizotte, Lougee, MacEachern, Mackel, Mahany, Masterman, Maxwell, McBreairty, McHenry, McKean, McPherson, Mills, Nadeau, Norris, Perkins, Peterson, Post,



Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Strout, Theriault, Torrey, Tozier, Twitchell, Whittemore.

YAY — Bachrach, Bagley, Beaulieu, Benoit, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Carroll, Churchill, Connolly, Cox, Cunningham, Curran, Davies, Devoe, Diamond, Durgin, Dutremble, Elias, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Jackson, Jensen, Kane, Kany, Kerry, Kilcoyne, LaPlante, Locke, Lynch, Marshall, Martin, A.; Masterton, McMahon, Mitchell, Morton, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Peltier, Plourde, Prescott, Quinn, Spencer, Stover, Stubbs, Tarbell, Tarr, Tierney, Trafton, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Ault, Bennett, Biron, Bustin, Clark, Fenlason, Jacques, Laffin, LeBlanc, Littlefield, Lunt, Moody, Palmer, Talbot, Teague, Truman.

Yes, 62; No, 73; Absent, 16.

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

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

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

**Non-Concurrent Matter**

RESOLUTION. Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities for at least 50% of Property Tax Exemption Losses (S. P. 366) (L. D. 1227) which was Passed to be Engrossed as Amended by House Amendment "C" (H-884) in the House on June 30, 1977.

Came from the Senate with that Body Insisting on its former action whereby the Bill was Passed to be Engrossed as Amended by House Amendment "B" (H-817) as Amended by Senate Amendment "A" (S-332) thereto in non-concurrence.

In the House:

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House insist and ask for a Committee of Conference.

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

Mr. BIRON: Mr. Speaker, I move that the House recede and concur.

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

Mrs. BACHRACH: Mr. Speaker, I move that the House adhere.

This is a matter that we moved on at the very last minute on Thursday night. This amendment to the Constitution says in both the amendment and the question that the Constitution should be amended as proposed by a Resolution of the legislature to require the state to provide for reimbursement to municipalities for at least 50 percent of property tax exemption losses and credit losses enacted after April 1, 1978. This implies that if the legislature allows any more exemptions or tax credits, that the municipalities will be reimbursed. However, if you read the rest of the legislation, you would discover that in order to comply with this requirement, the legislature may allow the municipalities to raise money in other ways to the amount of 50 percent of the loss due to the exemptions to property taxes or tax credits. This is quite a different ballgame, and as I recall the action of the legislature late Thursday night, people were not at all inclined to allow their municipalities to raise money by taxes in other ways in order to

reimburse themselves for losses due to new exemptions granted by the state, and I would like to remind you that this was the way we went the other night and I hope you will defeat both the motion to recede and concur and to insist and ask for a Committee of Conference. Then we come along and adhere to what we did before.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Lewiston, Mr. Biron, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

11 having voted in the affirmative and 70 in the negative, the motion did not prevail.

The SPEAKER: The pending question now is on the motion of the gentleman from South Portland, Mr. Curran, that the House insist and ask for a Committee of Conference. The Chair will order a vote. 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 28 in the negative, the motion did prevail.

**Non-Concurrent Matter**

"An Act Concerning the Administration of Property Tax Laws Administered by the Bureau of Taxation" (H. P. 244) (L. D. 318) (C. "A" H-822) which was Passed to be Enacted in the House on June 30, 1977.

Came from the Senate Passed to be Engrossed as Amended by Committee Amendment "A" (H-822) and Senate Amendment "A" (S-362) in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

The following Papers appearing on Supplement No. 4 were taken up out of order by unanimous consent:

**Ought to Pass in New Draft**

Report of the Committee on Judiciary on Bill "An Act to Amend the Maine Criminal Code as Recommended by the Criminal Law Advisory Commission" (S. P. 127) (L. D. 306) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Maine Criminal Code and Related Statutes" (S. P. 574) (L. D. 1892)

Came from the Senate, with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Senate Amendment "A" (S-360)

In the House, the Report was read and accepted and the Bill read once.

Senate Amendment "A" (S-360) was read by the Clerk and adopted in concurrence and the bill was assigned for second reading later in the day.

The following Communication: (S. P. 587)  
State of Maine  
Office of The Governor  
Augusta, Maine

June 30, 1977

Honorable Joseph Sewall  
President of the Senate

and  
Honorable John L. Martin  
Speaker of the House  
Dear Joe and John:

This is to formally notify you of our nomination today of William B. Manheimer to serve on the Maine Guarantee Authority.

Mr. Manheimer has been nominated to replace Joseph Budris who recently resigned.

In accordance with MRSA Title 10, Section 751, this nomination requires confirmation by the Joint Standing Committee on State Government and by the Senate.

Thank you for your assistance in the areas of appointments.

Very Truly yours,  
(Signed) JAMES B. LONGLEY  
Governor

Came from the Senate, Read and referred to the Committee on State Government.

In the House, the Communication was read and referred to the Committee on State Government in concurrence.

The following Communication: (S. P. 589)  
State of Maine  
Office of the Governor  
Augusta, Maine

June 29, 1977

The Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature

I am returning without my signature and approval S. P. 531, L. D. 1853, An Act to Provide for the Immediate Issuance of Food Stamps for Needy Families.

This act might more appropriately be called "a guaranteed credit card for food stamps" without opportunity for properly checking and screening eligibility to the extent it requires processing and approval "within one working day".

The Department already issues food stamps on an emergency basis to those with immediate need. This bill would do nothing more than restrict the initial screening process of the Department, thereby eliminating the flexibility and responsiveness that the Department may require in order to meet changing needs and circumstances. In addition, the Department is in the process of completing a computerized approach which will also enhance their ability to respond efficiently and quickly.

Abuses in the food stamp program are widespread and have been so characterized by the Carter Administration. It is very likely that the welfare reform program which President Carter will offer to the nation will eliminate the food stamp program and substitute a more efficient and effective method of providing assistance. I am concerned with the abuse in the food stamp program and agree that substantial changes will have to be made. Consequently, it would seem contrary to the national trend as well as to the concern for the effectiveness of this program to legislate certain requirements which I feel are unnecessary and unwise.

For these reasons, I respectfully request that you sustain my veto of this measure.

Very truly yours,  
(Signed) JAMES B. LONGLEY  
Governor

Came from the Senate, Read and Ordered Placed on File.

In the House, the Communication was read and ordered placed on file in concurrence.

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

In the Senate, July 6, 1977, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

29 voted in favor and none against, and accordingly it was the vote of the Senate that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the Senate so voted.

(Signed) MAY M. ROSS  
Secretary of the Senate

In the House, the Communication was read and placed on file.

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

Mr. JALBERT: Mr. Speaker, Ladies and

Gentlemen of the House: I have more than a passing interest in this measure. Back in 1965, Androscoggin County was chosen as a pilot program in the country for the food stamp program. I would be the last one to say that this program has been without fault. I, myself, have visited practically every area where these stamps have been given and told them the consequences of any wrongdoings along the line of the issuance of the food stamps.

I think it has proven to be a lifesaving program in a great many areas. I am interested in the message of his excellency. I didn't know that the stamps were issued on an emergency basis. It is the first that I am aware of in reading his message. I am also aware of what the Carter Administration wants to do. Their idea is to rearrange the program but certainly not to eliminate it. I think this is a good program. It is working out well. I think that the waiting period is, I believe, in the area of 30 days. I think, in many instances, the fact that this would provide for the immediate issuance of stamps for all needy families is very good. I don't like to rise on messages concerning any Governor but I have a great interest in this program and I hope that we override this measure.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I find it a little difficult to rise and speak on this bill because it is very simple, straightforward and I honestly can't understand how the Governor could veto this measure.

First of all, what the Governor says in his message is that the department already issues food stamps on an emergency basis is false. It doesn't happen. It takes, depending on when a person comes in, anywhere from several days up to 45 days. The effect of this is disastrous on some families. It is very difficult for some families that have undergone a sudden change in income or have just moved into an area and found the job not there that they expected, to meet their food needs.

The bill, as I said, is very simple and straightforward. The first half is simply a rewrite of the present law. The second portion outlines the conditions under which a household in need would receive an authorization to a purchase card, which would enable them to obtain food stamps within one working day. This doesn't expand the program at all. It merely states that for those families in an immediate need, instead of waiting the several weeks until that particular computer run is set to go and the card is mailed to them and everything, they will get it right away.

I don't want to take up too much of your time. I just don't understand how he could have vetoed this type of thing. This bill, aside from the Bangor Mental Health Institute bill, was the one issue that I received more correspondence on than any other issue that came before our committee.

I would just like to point out two things. I guess this is a case where the right hand doesn't know what the left hand is doing because although the Governor, I guess, stated that the department is already issuing food stamps on an immediate basis, we had, right in the Governor's own office from the Executive Department, Division of Community Services, Mr. Mickey O'Malley came and spoke to us in favor of this bill right out of the Governor's own office. I will read to you some of what he has said here. In my position as director of a citizen's assistant line, I have received numerous calls regarding food stamps since the inception of the program. Many of these calls have dealt with a singular type situation, specifically that of being eligible for food stamps at a zero purchase price but having to wait up to 45 days for issuance of the authorization to a purchase card. In the interim, the client is forced to rely on town assistance. This avenue of assistance is

inadequate. Assistance is sometimes difficult to obtain because many towns grant assistance only one day a week or only at selectmen's meetings. Another problem is often a recipient is in need of help other than food, that is, rent or utilities. The town is reluctant to provide the full needs of the family. The only other recourse for these families is either to borrow money for food or attempt to get credit at a local store, neither of which can be paid for with stamps, therefore, forcing an already financially depressed family further into debt. We, therefore, strongly support L. D. 440, which became the redraft here of 1863, as a means to help the poorest of the poor to obtain sorely needed assistance in a timely fashion.

After we heard that, I went to the Maine Municipal Association to try to give us some figures perhaps on what this may save the towns on their general assistance. I got a letter which I had distributed to you in a package. I wish you would take a look at it. I won't read it all but, basically, what they did since this particular account and how many are issued on an immediate basis isn't really kept throughout the state. I guess they were able to get the information from the municipalites of Rockland, Caribou, Kennebunk, South Portland, Auburn, Augusta, Portland and Bangor on this. They estimated out of their total general assistance expense for food of \$35,000 that \$3,699 was spent on persons for one month having applied with no purchase requirements. Since these particular towns make up a little over or right around 20 percent of the total general assistance food monies that are paid out in each given month or year, the MMA kind of projected this out so that it came to an approximate savings for one year to the town's general assistance fund of \$221,940. You can give or take a few dollars either way but it is still a substantial amount of money. I think that for something that isn't going to cost the state any more money, you still have the same number of transactions, you still have the same people that are getting the food stamps and everything, yet we have a chance here to save some money to the town's general assistance fund and I think we should override this. I can go through and give you a list. I just think it is a real good bill and I would hope that you would vote to override the veto.

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

#### ROLL CALL

YEA — Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Carey, Carrier, Carroll, Chonko, Churchill, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Hunter, Immonen, Jackson, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Lizotte, Locke, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterton, Maxwell, McBreairty, McHenry, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Rideout, Sewall, Shute, Silsby, Spencer, Strout, Tarbell, Tarr, Theriault, Tierney, Torrey, Trafton, Twitchell, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Birt, Carter, F.; Dudley, Gauthier, Hutchings, Littlefield,

Lougee, Masterman, Raymond, Rollins, Smith, Sprowl, Stubbs, Tozier.

ABSENT — Ault, Berry, Bustin, Carter, D.; Clark, Conners, Hobbins, Jacques, LeBlanc, Lunt, McKean, Palmer, Stover, Talbot, Teague, Truman.

Yes. 119; No. 16; Absent, 16.

The SPEAKER: One hundred and nineteen having voted in the affirmative and sixteen in the negative, with sixteen being absent, the Governor's veto is not sustained.

The following items appearing on Supplement No. 5 were taken up out of order by unanimous consent:

The following Communication:  
STATE OF MAINE  
ONE HUNDRED AND EIGHTH LEGISLATURE  
COMMITTEE ON APPROPRIATIONS  
AND FINANCIAL AFFAIRS  
July 6, 1977

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

The Committee on Appropriations and Financial Affairs is pleased to report that it has completed all business placed before it by the first regular session of the 108th Legislature.

Total number of bills received	58
Unanimous reports	54
Leave to Withdraw	7
Ought Not to Pass	20
Ought to Pass	5
Ought to Pass as Amended	14
Ought to Pass New Draft	5
Referred to Another Committee	3
Divided Reports	4
Respectfully submitted,	
Signed:	

KATHLEEN W. GOODWIN  
House Chairman

The Communication was read and ordered placed on file.

#### Recommitted to the Committee on Judiciary

Bill "An Act to Establish the Maine Juvenile Code" (H. P. 1794) (L. D. 1894)

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

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

Mr. SPENCER: Mr. Speaker, I move that this be recommitted to the Committee on Judiciary.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: It takes quite a bit to get up and challenge the Chairman of the Judiciary Committee when he has made a move to recommit but I wish you wouldn't recommit this bill to the Judiciary Committee. There are a couple of very good reasons why. (1) If we enact this bill then it is on the record that we intend for this legislation to go into effect and will give the people the opportunity to take a look at it and come up with any changes that may come along the line, that they want to make. We can make those changes when we come back in here.

Secondly, the main reason why we should enact this is a simple reason of getting the information out. If we recommit this to the Judiciary, the printing will have stopped. In other words, the juvenile code will lay dormant as far as sending out to anyone else within the state. If we go ahead and enact this piece of legislation, it will be published and everyone will have a copy of it and, therefore we will know what we have intended in the juvenile area.

Therefore, I hope you don't recommit this bill



and that we enact it, with the idea in mind, that we will make any changes necessary in January.

Mr. Speaker, I ask when the vote is taken it be by the yeas and nays.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The Representative from Anson, Mr. Burns, has really expressed what was my original thought and what was the original thought of the Judiciary Committee on the basis of the informal caucus. With the caucus and the informal vote we took, I got the impression that it was the sense of the legislature that they wanted it recommitment but if that is not the case, I, for one, would be pleased to see the bill enacted. Then we would still have an opportunity to correct it. If I have misread the sentiment of the House, I would urge you to vote against my motion.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I might rest the good gentleman from Standish's feelings by saying I don't think you have misread the House. Perhaps Mr. Burns has, I think Representative Joyce raised a number of objections this morning dealing with this particular document. I would urge that we support the good gentleman from Standish's recommendation and recommit the bill, because if we don't recommit the bill, I believe that the bill would die here today.

There are some inconsistencies in it, Mr. Burns, as you are well aware of. I think the debate brought them out just this morning to perhaps over 100 of us here. Can you imagine us enacting a bill that 100 of us feel uncomfortable with and telling our constituents back home, well, we have got something on the books and we will make some changes at the next session of the legislature? I think the wise decision is to follow the House chairman's recommendation to recommit it and we can look at it again in January.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, this kind of reminds me of the history of the criminal code. We went through the same thing. Everybody wants to draft it. There is plenty of chance here on the Second Reading for amendments to be presented from the floor and to put this on the books and come back here in January after the public, after the people, have had a chance to find out what is there and what their objections are and then come to my good friend Mr. Kelleher in Bangor, my good friend Mr. Joyce in Portland and tell him what they disagree with both in substance and the philosophical points in this bill. We come back here in January and then have our full debate and take care of it. As it is now, you are putting it back in the committee. We have had our deliberations.

We have spent hours and hours with the commission, with the Attorney General's Office. We have had input from Professor Glassman, we have had input from the good gentleman from Portland, as I said in the caucus this morning, Captain Joyce. I really think the time, the same as with the criminal code, that this vehicle should be put forward and then if there are problems, we will address them in the next session. That worked with the criminal code. It worked very well.

As you noticed just a few moments, just practically a breath away, we had some more revisions to the criminal code that was going through. It is impossible, in my opinion, with a large, comprehensive piece of legislation to get it perfect in one shot. It takes one, two, three or four shots to get what the people want.

I would hope you would follow the blueprint

that was brought forward by the commission and by a lot of the justices and lawyers and particularly the teaching end of the legal profession that feel, and this was the reason for the committee taking that stand, that this should now be set forward rather than held back because it is just going to hold the whole thing up for that number of months. We will go through the same process in January. I hope that you would let this bill go forward today.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think Representative Norris has given us reasons why we should recommit the bill. Here we are on July, the 6th, 97 days into the legislative session. The Judiciary Committee came out with a comprehensive recommendation here. Fifteen people have studied it. They have had it in their committee — fifteen people! This bill isn't going to take effect until a year or a year and a half from the date that it is on the calendar here today. What Representative Norris wants is input from the people in this state. I think we are going to give the Judiciary Committee, and particularly Mr. Norris, an opportunity for people to have an input because there is a printout, it is an L. D. It is in a form that people can look at and understand and appreciate the efforts of that committee and also their efforts in terms of making recommendations.

I would urge you to vote for recommitment for just the point Representative Joyce made this morning and others that people can, throughout the state, make their mark in dealing with this legislation in terms of recommendation in January, not on July the 6th but next January.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to go along with my friend, Mr. Norris, in regard to the statement that my good friend from Bangor just made, Mr. Kelleher. The bill was studied a year before by a governor's commission at the Waterville school that we have for the troopers and policemen for one year. You had people on there. You had judges. You had chiefs of police. You had all kinds of people of different categories who studied it for that amount of time. I think Mr. Norris is right in his statement, that through the study of this commission and also the study that was made by the Judiciary Committee, I think that we can do the same thing we did with the criminal code and come up with something good. If there are errors, they can be corrected. It would give us time to find where those errors are and make the changes. Then we will have a good bill.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I know I, for one, really appreciate the work of the commission. They did hold hearings throughout the state. I further appreciate the work of the Judiciary Committee, but what we have in bill form before us today for the first time is not the same as the final report of that commission. I personally hate to pass out a bill and then have the public say, well, you didn't do this and you didn't do that and you have made all these mistakes so you can amend it in the future. I would rather have us get more input on this bill, in this form, and I hope that you do go along with Representative Kelleher and do recommit. I am sorry, but I personally feel that it is absolutely essential that we get that input on such a complete change in our juvenile code.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: In reply to Mrs. Kany, I wish she had been on the commission because

she would have found out about the work that was done on that commission. If there should be changes or input or whatever, that can be done later on, like the criminal code was done. I assure you, I was Chairman of Judiciary for two years before I had my coronary, and I think we did a wonderful job on that bill—the committee did. There was a commission that applied the same way to the criminal code that applies to this juvenile code.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: As another one of the committee who doesn't want to look at it again, I just want to give you a couple of other comments. First, two years ago, when the commission was introduced or established, one of the reasons it was that there were many bills in this legislature dealing with different aspects of juvenile law and changing it. One gentleman from Ellsworth in particular felt that it was important that we have open, public hearings on the most serious juvenile offenses and that reflects a very broad and deep public sentiment.

I, for one, pledged to him that if he would withdraw that bill, that we would deal with the problem in a comprehensive way so that innocent people wouldn't necessarily be subjected to publicity when there were really trivial cases involved. This session, many bills were given "Leave to Withdraw" from our committee on the contingency that this proposal would pass and many of you had those bills and those bills reflected legitimate public concern, that we ought to do something about what is becoming an epidemic of juvenile offenses against society in one form or another.

If we don't go forward this year, I am sure you can understand and believe that it will not go into effect next July 1st. It is likely that it will go into effect sometime in October or even in the second week in January and probably it will go into effect sometime in October or even 30 days later and that will also give us shorter periods for these intake workers to get organized and so forth if we ever get to do that. It does seem that if we have a general feeling for a comprehensive review of the juvenile laws, we ought to go forward with it as it is now. Nothing will be gained other than delay.

If we are looking for more public input, this is one of the bills I feel has been inputted to death, just about, but now we have a version. But next January, if there are other people who have different ideas, we will have another version which people will then say ought to go back to the people which will then be changed and have another version. Somewhere we have to logically stop the process and I would hope that we could start the process by making a commitment about the principles of the new code and make those particular changes that are necessary later.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I support this legislation. I think you could recommit this bill for the next five years and never have a broad consensus even from the judicial branch of the government.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: The debate this afternoon has gone from the ridiculous to the sublime.

I only ask this morning that this bill be recommitted to the Judiciary. I don't want them to restudy it. I don't want them to retour the state. I want to take it to the committee and let them sit on it, bring it back in here the first week in January.

I am a little upset, as I said this morning, to

have a bill of such major importance delivered to my desk at nine-thirty and then a vote four hours later.

I followed through that study committee that was appointed in 1975. I think I attended more meetings than some of the members. I don't think we are asking too much, that we be able to hold this bill in our hands the next few months. No matter what we do here today, or in January, the effective date for this piece of legislation is still going to be July 1st of 1978. I think it has problems and I will send the L. D. to many people around the state and I feel that many in this House will, nothing wrong with them reading through this and see what they feel should be updated. I think if you took this bill, this L. D. 1894, and sent it out to the original committee that studied the juvenile code, I don't think they would recognize this as labors of their love in the hot summer nights that they spent holding hearings on this. I think it is only proper and right that we have the time to read this, from cover to cover and then to make inquiries, see how it is in our communities.

I heard here today the philosophy, look, even if it is not good, lets pass it, then we will come back in January. That is a good philosophy. If you want to use them on all the bills the Speaker told us we had here today, we could pass them all and have an effective day of July 1, 1978 on every one of them and we could go home this afternoon and come back in January and amend them all. We are not sent or paid to come here and think that way.

A famous man once said, "think about it" and I think you should think about something like this.

I urge you to support the good Representative from Standish, even though he was overcome by shyness later but really down deep in his heart, I know, he told me so and I believe him, he is a man of his word, he would like to put it back into committee and I think that that is where it belongs. Let me take it home and study it and you good people study it while you are on the beach and send it out to the school people, a lot of them are interested in it.

I urge that we send this back to the committee and we will take a good look at it. I feel that it is a good document but you know, the weaknesses in there are glaring. P. T. Barnum might have suggested that we handle this way today but lets do it right.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: Last year, we heard from my very good friend, Mr. Joyce, the same remarks that we heard a few minutes ago. We passed the criminal code and I am sure that everybody is satisfied with it. As you were told a few minutes ago, by the gentleman from Bangor that is on our committee, that we have something good at the present time. I am not saying it is perfect. We have a good bill, it has been worked on for over a year by this commission and the judiciary worked on it for quite a long time, we had the same thing last year by the other criminal code but we came out with something good and I am sure that you will with this one because there are some very good things in this bill.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Just to check one thing. Lest you would think that the original commission didn't have any input in the bill that you have before you, perish the thought because their members were Representatives, represented with the committee and worked some mornings until one-thirty or two o'clock in the morning with the committee, trying to keep the bill in line as much as they could with the commission report. So, lest you think that the

original commission wasn't consulted, they sat with the committee during most of the deliberations.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Spencer, that L. D. 1894 be recommitted to the Committee on Judiciary. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Austin, Bachrach, Bagley, Beaulieu, Berry, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brernerman, Brown, K. L.; Brown, K. C.; Bunker, Carrier, Carroll, Carter, D.; Chonko, Churchill, Conners, Cote, Cox, Curran, Davies, Dexter, Diamond, Durgin, Dutremble, Elias, Fenlason, Flangan, Fowlie, Gill, Gillis, Goodwin, H.; Gould, Gray, Green, Greenlaw, Hickey, Higgins, Howe, Hunter, Jalbert, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Lewis, Locke, Lougee, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Maxwell, McMahon, McPherson, Mills, Moody, Nadeau, Nelson, N.; Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Raymond, Rollins, Shute, Silsby, Smith, Stover, Strout, Tarr, Theriault, Tozier, Trafton, Twitchell, Whittemore, Wilfong, Wood, Wyman.

NAY — Bennett, Benoit, Berube, Birt, Burns, Carter, F.; Connolly, Cunningham, Devoe, Dow, Drinkwater, Dudley, Garsoe, Gauthier, Goodwin, H.; Hall, Henderson, Hobbins, Huber, Hughes, Hutchings, Immonen, Jackson, Kane, Laffin, LaPlante, Littlefield, Lizotte, Lynch, Mackel, Masterman, McBreairty, McHenry, Mitchell, Morton, Najarian, Nelson, M.; Norris, Peakes, Quinn, Rideout, Sewall, Spencer, Sprowl, Stubbs, Tarbell, Tierney, Torrey, Tyndale, Valentine.

ABSENT — Ault, Bustin, Carey, Clark, Jacques, LeBlanc, Lunt, McKean, Palmer, Talbot, Teague, Truman.

Yes, 88; No, 50; Absent, 12.

The SPEAKER: Eighty-eight having voted in the affirmative and fifty in the negative, with twelve being absent, the motion does prevail.

By unanimous consent, ordered sent forthwith to the Senate.

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

Mr. GOODWIN: Mr. Speaker, is the House in possession of L. D. 1893?

The SPEAKER: The Chair would answer in the affirmative that "An Act to Authorize Family Crisis Workers and Short-term Registry Services for Children" (L. D. 1893) is in possession of the House being held at the gentleman's request.

On motion of Mr. Goodwin of South Berwick, under suspension of the rules, the House reconsidered its action whereby L. D. 1893 was passed to be engrossed.

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

House Amendment "A" (H-888) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

Bill, "An Act to Revise the Election Laws Concerning Political Activity at Elections and Requirements for Absentee Ballots" (H. P. 1117) (L. D. 1335)

Tabled — June 30, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Adoption of Committee Amendment "A" (H-688) as Amended by House Amendments "A" (H-850) and "B" (H-885) thereto.

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

House Amendment "C" to Committee Amendment "A" (H-889) was read by the Clerk and adopted.

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

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

An Act to Promote the Sale of More Hunting Licenses to Nonresidents Hunting Deer or Bear (H. P. 1662, L. D. 1858) a veto from the Governor, which was tabled earlier in the day and later today assigned pending "shall this bill become a law notwithstanding the objections of the Governor."

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I hope that you will sustain the veto of the Governor and lets just look at the economics of this. With the increase from \$46.50 to \$60.50 in the license fees in 1976, there was 5,700 less licenses sold and that means that 5,700 less hunters come into the State of Maine. You can figure on an average of \$200 per hunter that he would spend here in the State of Maine this would come to over a million dollars that was lost in revenue, not to the department but to your motels and your restaurants, your retail stores, camp owners, guides or anybody else.

I hope that you will consider this on the economics and sustain the Governor's veto today.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: It is very true that we sold something over 5,000 less licenses for out of state hunters but it is also very interesting to know that we raised the amount of the license, we increased the intake to the Fish and Wildlife by a quarter of a million dollars last year in hunting licenses. So, because we sold less, we gained more.

Now, to the heart of what we have said in reference to the sales or the amount of money spent in the state during the hunting season. I went over to Legislative Finance and made a query as to how much sales tax was received for November of 1975. We received 12.2 million dollars in sales taxes in 1975. In 1976, the year we supposedly were suffering the losses of our income, it was 13.6 or 1.4 million more than the preceding year. So, the argument that we suffered financially because of the hunters not coming in does not hold water.

Therefore, I hope you vote to override.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: When I say we, I mean we, the people that I live with, not the department down here. The department may have made a few dollars but the people that I represent lost money. They didn't have anywhere near the amount of people come to hunt, their places almost went out of business as a result of this. They feel very strongly that the Governor is

right and I think he is. They must have gotten to him because he vetoed the bill and I hope we sustain the veto.

As long as I am here in this State House, I am not here to represent any department, Fish and Game, Highway or any department, I am here to represent several little towns in northern Maine and try to do the best job I can. I will never get up and say "we" in terms of the department, it is "we," the people, that I stand for.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill. This is not a department bill. This was not thought of by the department and in no way, shape or form is it a department bill.

I understand that as we were working on it in committee that a number of the members of the department favored this bill. I understand now that some of them did not favor the bill. I could care less. This is my first veto and I feel like a parent. I saw this bill in its infancy in front of the committee, I saw it in early childhood in this House where it was battered a little bit by Mr. Conners from Franklin and it ended its adolescence and was checked at the room at the other end of the hall where it coughed a few times and was declared to be healthy and later in its journey through life, still in its formative years, it went to the second floor, it fell into bad company and it was mugged. The bill was good when I introduced it, it was made better by various changes that was put onto it and it is an excellent bill now and it was when it passed this House the first time.

I want to tell you again what it does so you will have it clearly in mind when you vote on it. It says that if you are an out of state hunter and you are a deer hunter and you want to come to Maine, you will pay 50 cents more. That 50 cents goes to the town clerks. If you want to hunt bear and deer, you are going to pay \$10 more for a hunting license. That is all it does. You can buy a combination if you wish; if you choose not to and you go hunting deer and you get one on your first day and you want to continue hunting and you haven't bought your combination, then you have to buy another bear license. For all the wardens in the state who have told me that they appreciated this effort, I can say that I tried, because they are going into the woods and people are saying after they have shot their deer, to the warden, I am now hunting for bear and they are not hunting for bear, they are hunting for deer. There is nothing that the warden can do about it. These people who come into the state and sometimes have a reservation for a week and if they are lucky on their first day in their party, they continue to hunt. Usually, a Maine person who shoots a deer I would think the general rule would be not to continue to hunt. They have no obligations to stay here, they can go home. The out of stater who has a reservation for a week stays and hunts deer and shoots more than he is supposed to.

It is a good bill and I hope you override.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I guess you all know how I feel about guns and hunting. I am just going to say a few words. I hope all the hunters buy the license but they have buck fever when they get in the woods.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I could go on here and speak about this bill for quite awhile and the problems with it but I put a printout across your desks and this came from a gentleman in Connecticut. This is the typical feeling of the non-resident hunter, that he isn't welcome in the State of Maine. We have gone the \$14 increase last year and now you want to go from \$10 to \$30

more increase this year. It is a \$30 increase. If you have hunters come up in the summer to hunt bear and then they feel that they are not going to get back in the fall of the year to hunt again for deer, so they thought they would just buy a bear permit and when they get ready to come in here in November, they have to buy a bear permit for another \$30.50 and this is, as I said, the feeling of the non-resident hunter that he isn't welcome here and it proves it as we increase our license fees.

The SPEAKER: The pending question is, shall this bill become a law notwithstanding the objections of the Governor? This requires a two-thirds vote of the House according to the Constitution. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Brernerman, Burns, Carroll, Carter, D.; Chonko, Connolly, Curran, Davies, Dexter, Diamond, Dow, Elias, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hobbins, Howe, Huber, Jensen, Kerry, LaPlante, Locke, MacEachern, Martin, A.; McHenry, McKean, McMahon, Mitchell, Moody, Nadeau, Peakes, Pearson, Post, Prescott, Quinn, Spencer, Tierney, Tozier, Trafton, Tyndale, Valentine, Wood, Wyman.

NAY — Aloupis, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Carey, Carrier, Carter, F.; Churchill, Conners, Cote, Cox, Cunningham, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Gillis, Gould, Gray, Green, Hickey, Higgins, Hunter, Hutchings, Immonen, Jackson, Jalbert, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, Lewis, Littlefield, Lizotte, Lougee, Lynch, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBreaarty, McPherson, Mills, Morton, Najarian, Nelson, M.; Nelson, N.; Peltier, Perkins, Peterson, Plourde, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Theriault, Torrey, Twitchell, Whittemore, Wilfong, The Speaker.

ABSENT — Ault, Blodgett, Bustin, Clark, Devoe, Hughes, Jacques, LeBlanc, Lunt, Norris, Palmer, Talbot, Teague, Truman.

Yes, 45; No, 92; Absent, 14.

The SPEAKER: Forty-five having voted in the affirmative and ninety-two in the negative, with fourteen being absent, the veto is sustained.

The Chair laid before the House the following matter:

Bill "An Act Creating Job Security for Deputy Sheriffs" (H. P. 1277) (L. D. 1508) (C. "A" H-713) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Mr. Spencer of Standish, 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-892) was read by the Clerk.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The original intent of this bill was to provide a system for a deputy sheriff that would remove deputy sheriffs from the political appointment process and provide them with job security unless they were removed for cause. There was another bill that was going through the legislature which was, I believe, L. D. 224, which dealt with county law enforcement which established a six months probationary period for deputy sheriffs and then provided for three year terms for their appointment. The amendment which I am presenting today to the bill dealing with job

security for deputy sheriffs would provide that a deputy would be appointed for an initial six months period. At the end of that period, he would be appointed for a three year term and then if he were reappointed for a subsequence of that three year term, that he would be removed only for "cause" from that date on. What this would do is L. D. 224 provided that the deputies would be appointed by the sheriff with the approval of the county commissioners and if we adopt this amendment and this approach, what it means is that the sheriff and the county commissioners will have the opportunity to review the appointments of all of the deputies who were serving and, if after the three year terms they are reappointed, then they would become, in effect, permanent deputies unless they were removed for "cause." The purpose of doing this is to try to get the law enforcement at the county level out of the political process so that every time that a new sheriff comes in, we don't have a complete turnover or the potential for a complete turnover. We are requiring that all of the deputies now go to the Criminal Justice Academy and we have been trying to increase the professionalism of the deputy sheriff and this bill would provide that once they have been through all that training, they perform on the job for three years, if they are then reappointed, that they would have the same kind of job security and freedom of losing their jobs because of politics that both municipal and state police now have.

I think this is a reasonable approach to this problem and it allows a review of those who are now serving. It also provides that if you go through that initial three year term and then are reappointed, you will either have two sheriffs looking at the deputy or a sheriff who has been reelected twice in succession so that it should provide a vehicle for upgrading the quality of law enforcement at the county level and providing the deputies who are trained with a modicum of job security.

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

Mrs. MARTIN: Mr. Speaker, I would like to pose a question through the Chair to Mr. Spencer of Standish. Why does it take three years for a man to prove himself? I should think that a good man could prove himself before three years after his probation.

The SPEAKER: The gentleman from Brunswick, Mrs. Martin, has posed a question through the Chair to the gentleman from Standish, Mr. Spencer, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I agree with that position. My original bill provided for a probationary period of six months and then would establish job security for deputy sheriffs. The bill that came out of Local and County Government Committee, which has already been passed, provides that every deputy sheriff will have to be reappointed every three years and could not be reappointed for any reason, including political party or whatever, so that this essentially is a step toward building in some job security and professionalism in county law enforcement. It doesn't go as far as I think perhaps it should, but it is designed to meet the concerns that the Local and County Government Committee had by allowing that initial three-year term with the approval of the county commissioners before job security did attack.

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if I can ask a question at this time. It has to do with the bill more than the amendment.

The SPEAKER: The gentleman could defer until adoption or rejection of the present motion which is the amendment.

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

Mr. JOYCE: Mr. Speaker, I would like to pose a question through the Chair to the sponsor.

I am concerned about the bill. Are you saying that when that three years comes up, the individual will not be appointed unless he has completed the criminal justice academy? That is one problem I have with it.

The other problem I have is, in the criminal justice academy, my experience dealing with them and I think most people in administration had this, that they seem to accept, because of their limited space, about one out of every three candidates. It is very unusual, like in Portland, that if we had to appoint ten policemen, we would probably get two or three seats in a class, there. I am wondering if some deputy sheriff, if he couldn't get through the academy because of no space over there, if he would be eliminated? That is my problem.

The SPEAKER: The gentleman from Portland, Mr. Joyce, has posed a question through the Chair to the gentleman from Standish, Mr. Spencer.

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

Mr. SPENCER: Mr. Speaker, the bill which was passed already by this legislature establishes a three-year term for all deputies. All this bill does is, it says that if they are reappointed after that three-year term, then they have job security. It doesn't change the requirements in any other way.

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

Mr. CARROLL: Mr. Speaker, I would like to ask Representative Spencer how a new sheriff coming in would achieve loyalty from the deputies in carrying out his orders in law enforcement if he were of one party and they were of another? I can see some serious problems here.

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

Mr. SPENCER: Mr. Speaker, the deputies would be professional law enforcement officers and they would have job security the same way that local police or that the state police do. If the deputy didn't follow orders or didn't perform his job, that would be cause for removal and he could be removed. All this would do is say that he can't be dismissed for no reason. If there is cause, then the person could be removed.

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

Mr. THERIAULT: Mr. Speaker, the question I want to ask deals with this same problem. The question I want to ask deals with the same questions that they have been asking.

I would like to ask the sponsor about this business of first appointment. You say that it would depend on the sheriff with the approval of the county commissioners. This is the point that I am disturbed about. If that is so, it could very well be that one party would be the sheriff and the commission would be controlled by the other party. Therefore, there would be no way that that sheriff could get his man in, it would be somebody from the other party.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: In response to that question, that is part of the bill that Local and County Government reported out and passed this legislature some time ago and was signed by the Governor yesterday I believe, that the appointments of deputies will be for three year terms and have to be made with the approval of the county commissioners. This bill and this amendment that I am offering now don't affect that in any way except to provide that after that initial three year term those people who are

reappointed will not be removed unless there is a good reason.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, I would like to pose a question to the sponsor of the bill and the amendment. Would this grandfather in those who now are enjoying a political appointment?

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

Mr. SPENCER: Mr. Speaker, as I understand the bill that came out of Local and County Government Committee, all deputies would be appointed for three-year terms with the approval of the county commissioners. This bill would simply provide that if a person was served a probationary period, was put on as a full-time deputy for three years and then was reappointed, then he wouldn't be removed except for good reason. I think that this is the way we treat almost all of our public employees. If they haven't done anything wrong, they are able to maintain their jobs. I think it would tend to get politics out of the sheriff's office and improve the quality of law enforcement in rural areas in the state.

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

Mr. BIRON: Mr. Speaker, I would like to request a division on the adoption of this amendment.

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

A vote of the House was taken.

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

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

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

#### ROLL CALL

YEA — Aloupis, Austin, Bachrach, Bagley, Beaulieu, Benoit, Berry, Berube, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Carey, Carroll, Chonko, Connolly, Cote, Cox, Diamond, Drinkwater, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Henderson, Hickey, Higgins, Howe, Huber, Immonen, Jackson, Jalbert, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, Lewis, Locke, MacEachern, Mahany, Martin, A.; Masterton, Maxwell, McBreaarty, McHenry, McPherson, Mills, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Peakes, Pearson, Peltier, Perkins, Quinn, Raymond, Rollins, Spencer, Stubbs, Tarr, Theriault, Tierney, Torrey, Trafton, Twitchell, Whittemore, Wilfong, Wood, Wyman.

NAY — Bennett, Biron, Birt, Carrier, Carter, D.; Carter, F.; Conners, Dexter, Dudley, Durgin, Garsoe, Gauthier, Gray, Hall, Hunter, Hutchings, LaPlante, Lizotte, Lougee, Lynch, Mackel, Marshall, Masterman, Morton, Palmer, Peterson, Plourde, Post, Rideout, Sewall, Shute, Smith, Sprowl, Stover, Tarbell, Tozier.

ABSENT — Ault, Brenerman, Bustin, Churchill, Clark, Cunningham, Curran, Davies, Devoe, Dow, Gill, Gillis, Hobbins, Hughes, Jacques, Kelleher, LeBlanc, Littlefield, Lunt, McKean, McMahon, Moody, Najarian, Prescott, Silsby, Strout, Talbot, Teague, Truman, Tyndale, Valentine.

Yes: 83; No: 36; Absent: 31.

The SPEAKER: Eighty-three having voted in the affirmative and thirty-six in the negative, with thirty-one being absent, House Amendment "A" is adopted.

The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Men and Women of the House: I have discussed this bill at length with the sponsor. He still can't convince me that this bill is necessary. We have, in fact, passed legislation that has created job security for deputy sheriffs without making it virtually impossible to make changes when the need arises. The bill that Mr. Spencer referred to, L. D. 224, provides that a deputy's commission will be for a three-year period instead of just one year as it is now. The bill also provides for a third party review to hear grievances and approve hirings and firings.

The bill before us now still provides for the commissioners to review hirings and firings and grievances as well, but a sheriff would have to have evidence after the first three years to withstand the court test before he could dismiss an unproductive deputy. We have already enacted legislation that provides for a modified civil service provision and removes politics from the deputy's force. We also passed legislation granting collective bargaining rights to county employees. Perhaps we should leave something there for them to bargain with.

The Local and County Government Committee has been studying county law enforcement for about a year and a half now. The legislation that we recently passed was a result of that. This bill should have come before our committee and was originally assigned to the Local and County Government Committee but for strategic reasons, I am sure, was deliberately steered clear of our committee. We have made some substantial changes in county law enforcement, not only with an eye on improving the system but to bring about more accountability. The bill before us now is, I feel, counter to the progress we have made in professionalizing county law enforcement because it would saddle a new sheriff with somebody else's political appointments.

I know the sponsor is going to argue otherwise but if you read the bill and the amendment, I am sure you will see what I am talking about. As one who has a record of supporting law enforcement and law enforcement people, I don't think, at this time, that this particular bill and its amendment is in the best interest of county law enforcement.

I move that this bill and all its accompanying papers be indefinitely postponed and I request a roll call.

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 read just one sentence from L. D. 224 which we already passed because I think that it cuts to the heart of what we are talking about. The sentence defines what constitutes cause for removal of a deputy sheriff. It says, cause for dismissal, suspension or disciplinary action shall be a just, reasonable, appropriate and substantial reason for the action taken that relates to or affects the ability, performance of duties, authority or actions of the deputy or to the public's rights or interests.

All my amendment says is that once a man has been hired, he has had a six month probationary period, he is appointed for a three year term with the approval of the county commissioners and, after all of that, the sheriff who is then in office and the county commissioners decide that this man should be reappointed, he has been on the payroll for three and a half years, all my bill says is that if he is going to be fired, it should be for cause. There should be some reason why he is let go. It seems to me that if we are going to have professional law en-



forcement at the county level, we have got to provide these people with some kind of security. It doesn't seem reasonable to me that a trained man who is working at line level of county law enforcement should serve for three and a half years or more than that, for six and a half years, and then lose his job for no reason at all. Under the existing law, 224, that is possible. Under this amendment, there has to be a reason. That is all this requires.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Rockland, Mr. Gray, 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 — Aloupis, Austin, Bagley, Bennett, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Brown, K. L.; Bunker, Carrier, Carter, D.; Carter, F.; Churchill, Conners, Cote, Cunningham, Devoe, Dexter, Dow, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Garsoe, Gauthier, Gill, Gillis, Gould, Gray, Hickey, Hunter, Immonen, Jackson, Jalbert, Jensen, LaPlante, Lewis, Lougee, Lynch, MacEachern, Mackel, Marshall, Martin, A.; Masterman, McBreairty, McPherson, Morton, Norris, Palmer, Peterson, Plourde, Post, Raymond, Rideout, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Stubbs, Tarbell, Theriault, Torrey, Tozier, Tyndale, Whittmore.

NAY — Bachrach, Beaulieu, Benoit, Brennerman, Brown, K. C.; Burns, Carey, Carroll, Chonko, Connolly, Cox, Curran, Davies, Diamond, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Higgins, Howe, Huber, Hughes, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, Lizotte, Locke, Mahany, Maxwell, McHenry, McMahan, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Peakes, Pearson, Peltier, Prescott, Quinn, Rollins, Spencer, Tarr, Tierney, Trafton, Twitchell, Valentine, Wilfong, Wood, Wyman.

ABSENT — Ault, Boudreau, P.; Bustin, Clark, Green, Hobbins, Hutchings, Jacques, Kelleher, LeBlanc, Littlefield, Lunt, Masterton, McKean, Moody, Nelson, N.; Perkins, Strout, Talbot, Teague, Truman.

Yes, 71; No, 58; Absent, 21.

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following:

Bill "An Act to Require State Level Assessment of Industrial Real Property with a Value in Excess of \$1,000,000" (H. P. 1329) (L. D. 1606) which was tabled earlier in the day and later today assigned pending further consideration.

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

On further motion of the same gentleman, Committee Amendment "A" was indefinitely postponed.

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

House Amendment "A" (H-890) was read by the Clerk and adopted.

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the following:

RESOLUTION, Proposing an Amendment to the Constitution to delegate Certain Emergency Budgetary Powers to a Joint Legislative Committee to be Exercised when the Legislature is not in Session (H. P. 1397) (L. D. 1658) which was tabled earlier in the day and later today assigned pending final passage.

On motion of Mr. Palmer of Nobleboro, tabled pending final passage and tomorrow assigned.

The Chair laid before the House the following:

"An Act Relating to the Administration of Medication" (H. P. 1236) (L. D. 1389) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Mrs. TARR: Mr. Speaker, Ladies and Gentlemen of the House: I just want to read to you the portion that I have problems with on this L. D. I have talked to the chairman. He evidently thinks it is all right. I will let him explain it after I get finished. On Page two of the amendment (H-640) delegation of the administration of medication shall not require the personal presence of the delegating professional nurse at the place where this service is performed unless such personal presence is necessary to assure that the medications are safely administered. My interpretation of the way this reads is that if you don't care whether it is administered safely or not, you don't have to have anybody there. I am sure that is not the intent of the L. D. This is the part that I have problems with. It is the language in this section. Mr. Goodwin and I had a little discussion. He seems to think that it is all right. I still think that I would have to vote against the bill.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: In regard to that provision, as part of this bill, when we were dealing with the administration of medication writing it for the hospitals and nursing homes, we, basically, wrote it as it is being done today.

In the original bill, the wording was, this is in a situation where you have a nurse's aide who has taken a special course set up by the Board of Registration of Nursing, I think it is 20 hours or some odd hours like that, in the administering of medications. These are not like shots. These are just giving the pills and watching for side effects and things like that. What happens is that in some hospitals and some nursing homes where you have a trained person like this who is certified, not a licensed nurse or anything but is certified, they can be delegated to do this.

The original wording of the bill read like this: I will start from the beginning, Section 1812B, hospitals and nursing homes, the administration of medications in facilities licensed under Section 1811 may be delegated to unlicensed personnel when such personnel has received the appropriate training and instructions and the program of training and instructions has been approved by the state board of nursing. That is the courses I told you about. The delegation of the administration of medication shall not require the personal presence of the delegating professional nurse at a place where this service is performed unless such personal presence is necessary to provide patient care of the same quality as provided by the professional nurse.

When we had the hearing, Madeline Perkins,

the Assistant Director of the Division of Hospital Services came in and said, I will read you the memo that she gave to us. The Department of Human Services has much appreciated the efforts of the Health and Institutional Services Committee over the past several years in attempting to resolve the delicate issue of responsibility of administering medication in state operated as well as licensed facilities.

It is the belief of the department that L. D. 1389, when implemented, will provide an ordered structure to the current chaotic situation. Then she went on, your consideration is requested to one slight amendment in the language in Section 322, M.R.S.A. 1812B. It is suggested that the last phrase of the sentence which now reads, "To provide patient care of the same quality as provided by the professional nurse" be amended to read, "To insure that medications are safely administered." This acknowledges the fact that the trained administrator of medication will not necessarily be providing the patient care of the same quality as provided by the professional nurse. In other words, what they were trying to get away from was the fact that in the original language, it kind of read like if a nurse aide takes a 20-hour course to administer medication, she should be able to give overall care that is equal to a professional nurse; whereas the additional training is only to give the particular skills to do just the administration of medication. The way it reads and the way it is intended to happen is that if you have an R.N. in a nursing home and she is in charge with getting out, say it is four o'clock and you have to give out a series of medications to various people, the medications are all set up, the green pill goes to Mr. X, the red pill to Mr. Y, and two yellow pills to the other person the nurse aide could take this around. If that particular R.N. that is responsible for this feels that her personal presence is necessary because that particular pill may have some side effects, that person can go along with you. That is all that that says. It just says that the nurse may delegate the authority to distribute these medications and give them unless she feels that her personal presence is necessary to assure that the medicines are safely administered because of maybe some very bad side effect that may occur from that particular medicine or something. I really don't see any problem with that wording. I have gone over it with people in the department and with nurses.

I would like to add that when we had the hearing on this bill and this was brought up as well as the whole issue of the bill, it was the same day that we had the bill on restructuring the whole nurse practice act. The room was just packed with nurses. In fact, we had to move to a bigger room. People from the nurses association, private nurses and nurses from all over the state were there. They all agreed with this and felt that this particular amendment was good or seemed to agree with it and agreed with the whole bill. I hope you go ahead with the bill.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I put up some objection to this bill the last time it was around. Not this morning, because I wasn't here but before. I still feel the same. I feel that the people that need the best care will be getting standard care from people that haven't been trained. I think that is very important for people to be trained in this line. It takes a nurse three or four years to actually train along this line. The main thing is to recognize the symptoms and the after effects of some medicine that you give if these people don't respond to it. I think that this is a very dangerous precedent that we are following into.

I submit to you that this is an emergency measure and that we don't need that much vote to kill the bill but I do really say to you, that people, sure they will take some courses, some

very short courses, and then some of them don't have to take any courses either from what I can see in the bill. I submit to you that no matter what class of people you are dealing with, these people are sick. They do deserve the best as far as medicine is to be given. They deserve the best. I submit to you that I wouldn't be trained properly within a year's time to give medicine and to recognize if people will get sick or if they are allergic to something or if they are in real danger. I submit to you, that this is not a good bill and I hope that you vote against this bill.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to agree with Mrs. Tarr, what she said a few minutes ago on this bill here. I have received from nurses, not nurses superintendents but nurses themselves, personally, and they were very much against the bill.

The SPEAKER: The Chair will order a vote. The pending question is on passage to be enacted. This being an emergency measure it requires a two-thirds vote of all the members elected to the House. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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. 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 Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, I would like to direct a question to the good gentleman from South Berwick, Mr. Goodwin.

I would like to know exactly what will happen if we kill this piece of legislation, since it obviously does not have the votes? I would like to know exactly what the consequences of our action will be?

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, has posed a question through the Chair to the gentleman from South Berwick, Mr. Goodwin.

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

Mr. GOODWIN: Mr. Speaker, to directly answer that question, what will happen, as I understand it, is that every boarding home in the state, every foster parent, anyone that deals with any person in this state that wants to give an aspirin or any over-the-counter drug or any prescription drug to anyone would not be able to unless they were a trained, licensed nurse. What that would mean, ladies and gentlemen, is that a foster child of this state in a foster parent home, just that one child in the home, if that child had a headache, that parent would not be able to, according to the attorney general's ruling and everything, would not be able to give an aspirin to that child.

I am sorry I am going to have to take some of your time to explain this because it is a long, drawn out process. I will try to explain what the situation is and how it occurred.

In 1973, an Attorney General's opinion held that medications could be administered only by a licensed professional nurse or a licensed practical nurse who does so under the supervision of a licensed practical nurse or a physician or a dentist. The term "medication" was construed to include both over the counter and prescription drugs. At that time, the practice in state institutions, including both hospitals and correctional facilities, was to permit personnel other than licensed nurses, physicians and dentists to administer the medication. Psychiatric aides, for example, routinely administered medica-

tions in mental hospitals and a variety of personnel did the same in the correctional facilities. The legislature was then faced with a particular dilemma, because all the state institutions and the private facilities such as boarding homes and facilities that didn't have a nurse, such as a nursing home, could not be operated with the existing personnel at the anticipated funding level without permitting unlicensed persons to administer the medication. The response we had, I think it was in the 106th Legislature, was to change the law to permit certain unlicensed personnel to continue to administer medication for one year and to be immune from criminal prosecution from civil liability during that time. Within the one year period, a permanent solution was to be found.

In 1974, the legislature, in response to this, authorized professional nurses to delegate selected nursing services to unlicensed personnel when such personnel had received appropriate training and instructions in such programs where training and instructions had been approved by the board. The term "board" indicated the State Board of Nursing and the term "selected nursing services" was intended to include the administration of medication. The legislation didn't require the personal presence of a licensed practical nurse or professional nurse when the services were performed, unless such personal presence was necessary to provide patient care of the same quality.

To make a long story short, there were no courses set up, there were a lot of people that were operating a lot of boarding homes, because of the turnover in nurse aides, couldn't get their people to the training and everything else. So the immunity clause was going to be up and nothing had been done. So last year, we did the same thing again, we extended the immunity clause to this July 1st, which is past now. In fact, now that I think about it, right now all the boarding homes and everybody operating without a licensed nurse is operating illegally.

What we intended to do after a year-long study with this particular report, I have it here and I was going to read it but I think I will take a chance and hope that you will take my word for it or at least maybe read it yourselves at some point, it was one of the reports that was passed out we developed this bill which set up pretty much the same situation, except we are allowing a little bit of flexibility in some of the smaller boarding homes and the foster homes and some of the places which deal with people who are not sick. I mean if you go to a druggist and get a prescription filled and take it home and you take that pill every day that it calls for, you don't have a nurse there giving it to you. What we are saying is that for people that are in the same situations we are, except maybe they are a little elderly and they are in a boarding home, that they don't necessarily have to have a trained nurse there, a licensed nurse. For the larger boarding homes, they have to have a trained person. That is not difficult but for the six bed or the smaller ones, 14 or 15 bed ones, it is very difficult and we would be putting a lot of these people in jeopardy. So we took a look at that and we found that we really need it, took a look at the type of people that are placed there and the rules and regulations they are under. It was our opinion and the opinion of people in the field that we didn't need the licensed nurse having to give those pills out, even if it is an aspirin. We are talking about both over the counter and under the counter drugs. So, basically, we came out with this, which doesn't really change too much of the existing law. It just makes everything very clear and allows some of the foster homes and the small six-bed and under boarding homes and other small boarding homes to be able to operate under certain rules that would be set down by the department but not necessarily have to have a licensed person there.

I think that we need the emergency, or we

needed it, simply because the immunity came off July 1st. So, right now, those particular boarding homes that don't have a trained person in them or a licensed nurse and even the foster homes are operating illegally at the present time.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I would highly concur with the gentleman from South Berwick, having experienced some of the hard work he has put into this bill in the last year and a half, and I feel that this is a sincere attempt by him and his committee to bridge a gap that is now woefully open. I would urge you to support this bill.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: The letters that I have received from nurses mention the fact that in the nursing homes and these old homes, the care for the elderly and others is going down. At one time you had to have one nurse in there and then it came down to a practical nurse, and today, if it keeps on, you won't have anybody there, anyone can give any kind of medication. I just read an article in the paper last week that the State Vocational College is opening up a place in Bath at the hospital and all the nurses that haven't practiced for some time, with all these new medicines coming out, are going to have a course there for two or three months this summer. They are starting in July in order to acquaint the nurses themselves with the new medicines that they will be giving to the patients. So I think we shouldn't give secondhand care to anyone. I don't care if they are children, the elderly, or anybody else, they should have the same care as other people.

The SPEAKER: The pending question before the House is on passage to be enacted. Those in favor will vote yes; those opposed will vote no, a roll call having been ordered.

#### ROLL CALL

YEA — Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Carey, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Conners, Connolly, Cote, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dudley, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Lizotte, Locke, Lougee, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterton, Maxwell, McBrearty, McHenry, McKean, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Tarbell, Theriault, Tierney, Torrey, Trafton, Twitchell, Tyndale, Valentine, Whittemore, Wilfong, The Speaker.

NAY — Aloupis, Carrier, Devoe, Durgin, Dutremble, Gauthier, Masterman, McMahon, McPherson, Mills, Norris, Raymond, Tarr, Tozier, Wood.

ABSENT — Ault, Bustin, Clark, Gray, Green, Jacques, Jalbert, Jensen, LeBlanc, Lunt, Talbot, Teague, Truman, Wyman.

Yes, 122; No, 15; Absent, 14.

The SPEAKER: One hundred twenty-two having voted in the affirmative and fifteen in the negative with fourteen being absent, the bill is passed to be enacted.

Signed by the Speaker and sent to the Senate. By unanimous consent, ordered sent forthwith to the Senate.



The following item appearing on Supplement No. 6 was taken up out of order by unanimous consent.

**Passed to Be Engrossed  
Amended Bill**

Bill "An Act to Amend the Maine Criminal Code and Related Statutes" (S. P. 574) (L. D. 1892) (S. "A" S-360)

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

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Because I feel there should be some discussion on this, I would like to pose a question to the members of the Judiciary Committee. I have asked this question privately and I would ask them to answer it before this body.

I would like to know why the Judiciary Committee is recommending in this bill that we discontinue the classes of homicide, homicide in the first degree, second degree, third degree, fourth degree and fifth degree. I would hope, ladies and gentlemen, that you have read this bill. I took it home the other night and went through it carefully with the new code. I have a great deal of interest in this subject. I had a lot of questions, some of which have been answered, most of which have been answered privately. But I think this is important and it should generate some discussion here, however brief that discussion might be.

The bill proposes to substitute for the five degrees of homicide, murder, felony murder and manslaughter and it repeals homicide in the fourth and fifth degrees and I had some initial feelings that the bill tended to eliminate the minimum mandatory sentencing provisions, which I and other members of this House in the previous legislature, fought hard to insert. I think I have been convinced that the bill doesn't do that. However, I would pose these rambling comments as questions to the members of the committee and ask that there be some discussion on this?

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The change was recommended by the Advisory Committee on the Criminal Code that continued to work after the last session and the concern of the Attorney General's Office was that the number of degrees of homicide was creating confusion on the part of the public and that the judges and prosecutors were uncomfortable with the various distinctions and the distinction between first and second degree which involved, whether the murder was committed for pecuniary benefits, has created some confusion in the courts among different judges and the feeling of the advisory committee and the Attorney General's Office was that we would do better to return to a formulation that was more consistent with earlier practice in earlier law and that the designation of murder, felony murder and manslaughter was one that people understood better and were more comfortable with. On the basis of that recommendation from both the Advisory Committee and the Attorney General's Office, the Judiciary Committee felt that it would be appropriate to make that change.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I would ask you between now and when we enact this document, to read it very carefully, L. D. 1892. Ask yourselves as you read it, and you will have to compare it with Title 17A, the booklet which is the criminal code, ask yourselves whether you feel that we are moving in the direction of giving the judges a great deal more latitude and whether, in fact, we have moved away from the

concept of minimum mandatory sentences. I pose these ideas for you simply to think about because I am unsure of the answers myself. I would feel a lot better if everybody in this body thought about these same questions before we enacted these changes.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: A point of information. I would like to make a proposal that this L. D. be adopted as written. Do we have a motion on it now?

The SPEAKER: The Chair inquires if the gentleman wishes to pass it as presently written.

Mr. JOYCE: Yes, I would.

The SPEAKER: The Chair would answer that the pending motion is passage to be engrossed.

Mr. JOYCE: I would just like to say a few words on this.

I made many trips to the Judiciary on this document and I feel they have a comprehensive revision here and it is strictly a mechanics type of L. D. tying up some of the loose ends. I am familiar with the explanation, I agree with it as far as the homicide thing. There were some real problems there resulting in a homicide in Falmouth and I feel these are all necessary corrections that have been done to it.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: An inquiry directed, if I may, to Mr. McMahon who went around it. Does this revision of the criminal code preclude, in any way, the mandatory requirements that we set forth in the 107th in reference to the sentencing for the use of firearms?

The SPEAKER: The gentleman from Anson, Mr. Burns, has posed a question.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: My recollection to the gentleman's question is that substantially no, it does not.

My thoughts about precluding or changing the minimum mandatory requirements are in the area of sentencing. Under the old code, the one in effect now, someone who is sentenced for first degree homicide is sentenced for life, and must serve 25 years before he can petition the court to be released earlier. Now, to me, that is a mandatory, minimum sentence that our judges can't suspend and I think that is good. Under the current law, someone convicted of homicide in the second degree is sentenced to a definite term and must serve, I believe it is 4/5ths of that term, before he can petition for reduction in sentence. That is also a minimum mandatory period of time that must be served. I favor that too.

I guess all I am asking this body to do is look this over, compare it with Title 17A, so that when you vote on this, and when you go home and your constituents say "well gosh, those courts, those people granting probation to convicted murderers, how awful that is," you are going to be in a position to say, "well, you know, the new criminal code does or does not allow that," and you will know what you have voted for. That is all I am suggesting. I may be 100 percent wrong. Frankly, I hope I am. I have asked a lot of these questions privately and I have been given a lot of answers. I just would feel a lot more comfortable if everybody in this body knew the ins and outs of this before we vote on it and I don't believe it is mechanical as the gentleman from Portland suggests. I believe there are some changes in this that we ought to be aware of.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I hope we do pass this

today. The only thing missing is the death penalty, which we should have, which is not in it. But nevertheless, with all the murders that we have had lately and are happening all the time, I certainly think that the members of this House have missed the boat when we didn't put that in, but nevertheless, it says in there now that "mandatory life" means "mandatory life." I don't think that is going to help the murders any but the death penalty certainly would.

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Martin of Eagle Lake,  
Recessed until the sound of the gong.

**After Recess  
6:20 P.M.**

The House was called to order by the Speaker.

The following Senate Paper appearing on Supplement No. 7 was taken up out of order by unanimous consent:

**Non-Concurrent Matter**

"An Act to Revise the Maine Tort Claims Act" (Emergency) (H. P. 1680) (L. D. 1874) (S. "B" S-319) which was Enacted in the House on June 28, 1977.

Came from the Senate, passed to be engrossed as amended by Senate Amendment "C" (S-365) in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

The following items appearing on Supplement No. 8 were taken up out of order by unanimous consent:

The following Communication:  
**STATE OF MAINE  
ONE HUNDRED AND EIGHTH  
LEGISLATURE  
COMMITTEE ON TAXATION  
July 6, 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 Taxation has completed all business placed before it by the 108th Legislature.

Total bills received	140
Recommitted bills	3
Unanimous reports	99
Leave to Withdraw	
Ought not to pass	19
Ought to pass	16
Ought to pass in new draft	4
Ought to pass as Amended	22
Divided reports	41
Total Amendments	42
Total new drafts	6

Respectfully submitted,

Signed: **RICHARD CAREY**  
House Chairman

The Communication was read and ordered placed on file.

The following Communication: H. P. 1801  
**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE**

July 6, 1977

To: The Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature

I am returning on this date without my signature and approval H. P. 148, L. D. 178, An Act Relating to the Term of Membership on the Board of Visitors for Mental Health and Corrections Institutions and the Baxter School for the Deaf.

I have nothing but admiration and respect for the dedication and sacrifices which legislators make in order to serve the public. However, it seems that a bill such as this one is an example of unnecessary legislation which directly contradicts recommendations made to the Legislature with respect to priorities and the lack of necessity to legislate the continuation of the various Boards of Visitors.

Originally, I was advised that these Boards should be abolished. The reorganization bill which was submitted to the Legislature as part of the Governor's Program was reported out of Committee as a study order, and I assume that it was the judgment of at least those individuals on the Committee which heard the reorganization bill that additional study and evaluation was desirable. We did not oppose this approach, and expected that a close look would be given to the usefulness and necessity of these Boards. I have no question that the individuals who serve on these Boards are concerned and dedicated citizens, but I have been advised that these Boards are not the best way to aid and assist the management decisions of the involved departments. In spite of all this, L. D. 178 orders that the boards be continued.

This bill also completely deletes the role of the Governor by substituting Legislative officers as the appointing authority. This approach is also troublesome. The Boards of Visitors are charged with the responsibility for making recommendations "relative to management." I question the logic of having the Legislature, which is responsible for setting and establishing policy, appoint members to boards which are statutorily responsible for making recommendations relative to management decisions, which are the function of the Executive. This whole area has recently been addressed by the Attorney General, and I would ask that the Legislature consider this point in light of that opinion.

In addition, I find this bill objectionable because it is an example of legislation that directly contradicts recommendations which I have received from the very people in the departments and who are most familiar with management needs and problems. These people are responsible for the day-to-day management decisions. Their responsibility is a heavy one, and at times a very difficult one. We have been fortunate in this State to attract dedicated and talented people to serve in the high level positions in our departments. However, legislation like this makes it that much more difficult to attract and keep good people.

In summary, it is not the transgression of the Executive authority which personally is most troublesome to me; rather, it is a combination of undermining the confidence and management ability of the leaders in the Executive Branch along with the fact that the bill, in my opinion, cannot be justified in terms of legislative attention and expense to the extent that it is unnecessary legislation which seeks to perpetuate an approach of questionable usefulness and effectiveness in assisting the management of the many State institutions.

For these reasons, I respectfully request that you sustain my veto.

Very truly yours,

Signed:

JAMES B. LONGLEY  
Governor

The Communication was read and ordered placed on file.

The Accompanying Bill "An Act Relating to the Term of Membership on the Board of

Visitors for Mental Health and Corrections Institutions and the Baxter School for the Deaf" (H. P. 148) (L. D. 178)

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I am very embarrassed, actually, at having to take your time on this bill. This is my bill and I haven't the foggiest idea of what the real reasons are that the Governor vetoed it.

Probably not very many people in the House are familiar with what the Boards of Visitors are. What they are, each state institution supposedly, according to statute, has to have appointed to it a group of five citizens to more or less poke around, look around the institution to see how things are going and make recommendations to the Health and Institutions Committee and to the Commissioner. These citizens are strictly volunteer, they are not reimbursed even for expenses, so there is no state money involved in this. All it is, really, is a little citizen input into the conduct of government, which I had been under the impression the Governor was 100 percent for.

Well, what we did in our bill, for two and a half years there had been no members to the Board of Visitors because the Governor hasn't appointed any. I haven't any idea why this is. I have talked to the Governor and I have really not been able to find out why he hasn't appointed anybody to these Boards of Visitors, it doesn't cost anything. Even if they sat around and did nothing, there would be no loss, but this is not the case.

I was a member. I was Chairman of the Board of Visitors at the former Stevens School. One of our little finds in our poking and probing around the institution was that the State of Maine was owed a great deal of money by the other New England states for taking care of their inmates. When we inquired into the Department of Mental Health and Corrections, what the financial arrangements were for collecting money, whether the state was owed money by other New England states and so forth, because there were New Hampshire women at the Women's Correctional Center, well, we got a reply from the Department of Mental Health and Corrections that this hadn't been looked at for five years. No records had even been kept to see whether the state was on the losing end or the winning end of this arrangement with the other New England states. And in a Correctional Economics Study sponsored by the Bar Association last year, come to find out, almost a half million dollars is owed the State of Maine by the other New England states for taking care of their inmates. This is just one example of the type of thing that the Board of Visitors can come up with, and in my opinion, for a group of people that cost nothing, coming up with a half million dollars, being owed the state, is worth while.

As far as the Governor's veto message is concerned, I just almost can't believe it, I really can't. I am aware that the Governor feels the board should be abolished and that he feels their role is duplicative for some reason that he has never really explained. The recommendation that the board should be abolished originally came from a task force a few years ago. Some members of this body were on that task force and I have since changed their minds about the value of the Boards of Visitors. The gist, I think, of the Governor's veto message is one that, although he was statutorily mandated to appoint these members, and he has not done so for two and a half years, we should not take this responsibility away from him. I don't think that this is good policy. I feel there should be Boards of Visitors, and if the Governor refuses in spite of the statute to appoint them, I think we should give the responsibility to someone who will and

my bill gives the responsibility to the Speaker of the House and the President of the Senate and this, in no way, is meddling in management. Heaven forbid that citizens of the State of Maine should meddle in the management of state affairs. Heaven forbid, wouldn't that be a terrible thing if we had five people at each institution in this state inquiring as to how their money was being spent and inquiring as to the conduct of these institutions? Well, you just can imagine the terrible things that could result. I mean, they might be telling the people that work at the Department of Mental Health and Corrections how to conduct their business and we certainly don't want to lose these valuable highly paid people by having common citizens venturing, — just the gall, really, it astounds me, to think that they would have the nerve to venture an opinion as to how these institutions should be conducted. That to me, is the general gist of the Governor's veto message. Why should common citizens whose money is involved and actually who we represent in terms of setting policy, why should they have any say as to how these institutions are managed. Well, I guess I have said enough, probably I have said too much, but this bill is very near and dear to my heart and I would appreciate any support that people would be willing to give me in overriding the Governor's veto.

The SPEAKER: The pending question before the House is, shall this Bill become a law notwithstanding the objections of the Governor? A two-thirds vote of the House is necessary, according to the Constitution. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K.L.; Bunker, Carey, Carroll, Chonko, Connolly, Cox, Cunningham, Davies, Diamond, Dow, Drinkwater, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Henderson, Hickey, Higgins, Howe, Hughes, Immonen, Jackson, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Lizotte, Locke, Lougee, Marshall, Masterton, Maxwell, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Pearson, Peltier, Perkins, Plourde, Post Prescott, Rideout, Sewall, Silsby, Smith, Spencer, Sprowl, Strout, Tarbell, Tarr, Theriault, Tierney, Torrey, Trafton, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Berry, Birt, Brown, K.C.; Burns, Carter, F.; Connors, Devoe, Dexter, Durgin, Gauthier, Hall, Huber, Hunter, Hutchings, Littlefield, Lynch, Mackel, Masterman, Morton, Peterson, Quinn, Raymond, Rollins, Shute, Stubbs.

ABSENT — Ault, Bustin, Carrier, Carter, D.; Churchill, Clark, Cote, Curran, Dudley, Dutremble, Hobbins, Jacques, Jalbert, LeBlanc, Lunt, MacEachern, Mahany, Martin, A.; McBrearty, Moody, Najarian, Stover, Talbot, Teague, Tozier, Truman, Twitchell, Tyndale.

Yes, 96; No, 26; Absent, 29.

The SPEAKER: Ninety-six having voted in the affirmative and twenty-six in the negative, with twenty-nine being absent, the Governor's veto is not sustained.

The following paper appearing on Supplement No. 9 was taken up out of order by unanimous consent:

#### Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Lighten the Burden of Property Taxes on the Elderly Widowed or Disabled" (S.P. 440) (L. D. 1531) which was Indefinitely Postponed in the House on July 6, 1977.

Came from the Senate with that Body having Adhered to its former action whereby the Bill was Passed to be Engrossed as amended by Committee Amendment "A" (S-186) in non-concurrence.

In the House:

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Earlier this morning, we indefinitely postponed this bill on my motion and I appreciate the confidence that the House put in my explanation of the bill. There have been some problems that have developed that it would appear that the language that we had included in L. D. 1146 may very well have been included into the appropriation's bill, the part II bill, without inserting that very part that everyone here was concerned about, the 55 year old disabled person.

For that reason, Mr. Speaker, and there will be efforts made to amend the Part II budget, for that reason, I would hope that somebody might table this for one day so that we can see what is happening at the other end and then we would either adhere or recede.

On motion of Mr. Quinn of Gorham, tabled pending further consideration and tomorrow assigned.

The following papers appearing on Supplement No. 10 were taken up out of order by unanimous consent:

The following Communication:  
The Senate of Maine  
Augusta

July 6, 1977

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

The Senate today voted to Insist and Join in a Committee of Conference on "Resolution, Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities for at least 50% of Property Tax Exemption Losses" (S. P. 366) (L. D. 1227).

Respectfully,

(Signed) May M. Ross  
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:  
The Senate of Maine  
Augusta

July 6, 1977

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

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act Concerning Dispute Resolution under the Municipal Public Employees Labor Relations Statutes" (H. P. 1422) (L. D. 1670).

Respectfully,

(Signed) May M. Ross  
Secretary of the Senate

The Communication was read and ordered placed on file.

The following paper appearing on Supplement No. 11 was taken up out of order by unanimous consent:

**Non-Concurrent Matter**

Bill "An Act to Amend the Child Abuse and Neglect Laws" (S. P. 337) (L. D. 1122) which was Passed to be Engrossed as Amended by Committee Amendment "A" (S-283) as Amended by House Amendment "A" (H-798) thereto and House Amendment "B" (H-883) and Senate Amendment "A" (S-297) in the House on June 30, 1977.

Came from the Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (S-283) as Amended by House Amendment "A" (H-798) and Senate Amendment "A" (S-368) thereto and House Amendment "B" (H-883) and Senate Amendment "A" (S-297) in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

On motion of Mrs. Beaulieu of Portland,  
Recessed until nine-thirty tomorrow morn-