

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

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Senate Confirmation Session

June 14, 1978

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First Special Session

September 6, 1978 — September 15, 1978

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December 6, 1978

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APPENDIX

HOUSE

Friday, February 24, 1978

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

Prayer by the Reverend Lawrence W. Hathorne of the 6th Street Congregational Church, Auburn.

Reverend HATHORNE: We pray to Thee, O Lord, Lord of our Nation. We are grateful for our country. We thank Thee for those who were the founders, those who pushed back the forests to build the cities, those who have established our early laws, our Constitution; we are grateful to the Americans. We thank Thee for the State of Maine, for those who have founded this great state out of the commonwealth. We ask Thy blessings to be with these who are responsible for our laws. We ask Thy guidance, Thy wisdom, Thy strength upon them, to help them in the many of the great decisions that have to be made, especially the Indian conditions and all others. We ask Thy blessings to be upon these Legislators in their personal lives to give them strength, to give them wisdom, as well as they act in their official duties.

Again, we thank Thee for these people who are filled with Thy duty, Thy responsibilities and as a mission to our great State. This we pray in Thy holy and true name. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

A Joint Resolution in memory of: the Honorable Ernest O. Porell of Westbrook, a prominent civic leader and business man who represented the City of Westbrook in the House of Representatives during the 88th, 89th, 90th, 97th, 98th and 99th Legislatures; (S. P. 707)

Came from the Senate read and adopted. In the House, the Resolution was read. The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: This Joint Resolution honors a man from Westbrook who probably some of the older legislators here know. Mr. Porell was here in the State Legislature for six terms, and he was also mayor of the City of Westbrook for four terms. All who knew him always recognized him for his great intellect and also for the great work that he did for us in Westbrook and for the State.

I move that the Resolution be adopted. Thereupon, the Joint Resolution was adopted in concurrence.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Education reporting "Ought to Pass" on Bill "An Act to Provide \$250,000 Grant to the New England College of Osteopathic Medicine" (S. P. 667) (L. D. 2055)

Report was signed by the following members.

- Messrs. PIERCE of Kennebec
- USHER of Cumberland
- KATZ of Kennebec
- of the Senate.
- Mrs. BEAULIEU of Portland
- Mr. FENLASON of Danforth
- Mrs. LEWIS of Auburn
- Messrs. PLOURDE of Fort Kent
- BAGLEY of Winthrop
- CONNOLLY of Portland
- Mrs. MITCHELL of Vassalboro
- Mr. BIRT of East Millinocket
- of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same report. Report was signed by the following members:

- Messrs. WYMAN of Pittsfield
 - LYNCH of Livermore Falls
 - of the House.
- Came from the Senate with the Majority

"Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read. The SPEAKER: The Chair recognizes the gentleman from Vassalboro, Mrs. Mitchell. Mrs. MITCHELL: Mr. Speaker, I move the acceptance of the Majority "Ought to Pass" Report and further move that this Bill be tabled for one legislative day.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending her motion to accept the Majority Report and specially assigned for Monday, February 27.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act to Support Improvement of Air Passenger Services" (H. P. 2048) (L. D. 2110) which was passed to be engrossed in the House on February 16, 1978.

Came from the Senate having failed of Engrossment in non-concurrence.

In the House: On motion of Mr. Tierney of Lisbon Falls, tabled pending further consideration and specially assigned for Tuesday, February 28.

**Non-Concurrent Matter
Later Today Assigned**

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1978 (Emergency) (H. P. 2105) (L. D. 2142) which was passed to be engrossed in the House on February 17, 1978.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-479) in non-concurrence.

In the House: On motion of Mr. Theriault of Rumford, the House voted to adhere.

**Non-Concurrent Matter
Later Today Assigned**

Bill "An Act to Revise the Salaries of Certain County Officers" (H. P. 1942) (L. D. 2108) which was passed to be engrossed as amended by Committee Amendment "A" (H-1030) in the House on February 15, 1978.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1030) as amended by Senate Amendment "A" (S-472) thereto in non-concurrence.

In the House: On motion of Mr. Goodwin of South Berwick, tabled pending further consideration and later today assigned.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act to Establish and Apply a Policy on the Classification of Major Policy-Influencing Positions Below the Head of State Department and Agencies" (H. P. 2051) (L. D. 2111) which was passed to be enacted in the House on February 16, 1978. (Having previously been passed to be engrossed as amended by House Amendments "A" (H-995), "B" (H-1002), "D" (H-1006) and "E" (H-1016))

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-477) and House Amendments "A" (H-995) "B" (H-1002), "D" (H-1006) and "E" (H-1016) in non-concurrence.

In the House: The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Curran. Mr. CURRAN: Mr. Speaker, I move that the House insist and further move that this item lie on the table one day pending that action.

Thereupon, on motion of Mr. Curran of South Portland, tabled pending his motion to insist and specially assigned for Monday, February 27.

The following Communication: (S. P. 709)
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

February 23, 1978
Honorable Joseph Sewall, President of the

Senate and Honorable John Martin, Speaker of the House Dear Joe and John:

I have today renominated John V. Keaney of Portland to serve as Chairman of the Industrial Accident Commission.

Pursuant to Maine State Revised Statutes Annotated, Title 39, Section 91, this nomination will require confirmation by the Joint Standing Committee on the Judiciary and confirmation by the Maine Senate.

Thank you for your assistance.

Sincerely,
Signed: JAMES B. LONGLEY
Governor

Came from the Senate read and referred to the Committee on Judiciary.

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

The following Communication: (H. P. 2144)
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

February 23, 1978
To: The Honorable Members of the Senate and House of Representatives, 108th Maine Legislature

I am returning on this date without my signature and approval H. P. 1862, L. D. 1920. AN ACT to Increase the Amount Which Qualifies a Financial Institution for Exemption from Insurance of Deposits on Accounts.

I have been advised that this legislation would in effect grant a special exemption to only one uninsured financial institution in the State of Maine. I have been further advised that the costs of obtaining insurance of accounts for this small association are beyond its financial capabilities. It is my understanding that it is not the cost of the insurance per se, but rather the concomitant regulations which would require the institution to maintain an office and other physical plant facilities such as a vault, etc., for which costs for this institution would be prohibitive.

Certainly I can appreciate that this institution perhaps is providing a service to a specific group of individuals in a specific area. However, aside from the fact that this bill in a sense provides special treatment to one specific building and loan association which in itself is a questionable precedent, I must share with you another concern that I have. In this day of consumer protection, I do not feel that it would be prudent to grant an exemption which could bring with it the risk of insolvency and default. I feel that we must take every precaution to adequately protect any and all depositors of these and other such financial institutions.

It is my understanding that a bill had been proposed in the first regular session of the 108th Maine Legislature to eliminate any exemptions from deposit insurance; however, it was killed in committee. I do not feel that this current legislation, which further increases the potential for default would be in the best interests of the people of the State of Maine, more specifically those individuals who currently have deposits with this particular institution. I feel that we would be remiss in our responsibility of insuring adequate consumer protection if we increase the exemption limit by allowing this bill to become law.

While I commend this institution and its management and directors for the quality service which it has provided for some 80 plus years, it would seem that it is currently at the crossroad. A decision must be made as to whether or not it is the intention of this institution to become a full fledged fiduciary institution and as such provide to its customers quality service and adequate protection.

It is for the reasons and concerns stated above that I respectfully request that this Leg-

islature sustain my veto.

(Signed)

Very truly yours,

JAMES B. LONGLEY

The Communication was read and ordered placed on file.

The SPEAKER: The pending question is, shall Bill, "An Act to Increase the Amount Which Qualifies a Financial Institution for Exemption from Insurance of Deposits on Accounts," House Paper 1862, L. D. 1920, become law notwithstanding the objections of the Governor?

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

Ms. CLARK: Mr. Speaker, Men and Women of the House: This afternoon, I ask that you vote to override the Governor's veto on L. D. 1920, An Act to Increase the Amount which Qualifies a Financial Institution for Exemption from Insurance of Deposits on Accounts. Let me share with you the history of this bill relative to the Governor's veto message.

In the first special session of the 107th Legislature, following the passage of the recodification of the laws which affect financial institutions in this state, a former Senator from the other body, Senator Clifford, introduced a measure, L. D. 2069, which would provide an exemption for small financial institutions from certain insurance requirements. That bill was referred to the Committee on Business Legislation and it was amended. That bill would have provided an exemption for financial institutions with assets of less than \$500,000 if such institutions demonstrate to the Superintendent of Banking that they are satisfying a particular community need which cannot be sufficiently met by other financial institutions and that they have adequate security for their deposits or accounts.

In the first special session of the 107th Maine Legislature, the Committee on Business Legislation amended this amount downward to the current exemption of \$250,000. So much for the history of that.

The Governor alludes to a bill which was introduced by the honorable gentleman from Westbrook, Representative Laffin, in the 108th First Regular Session, L. D. 1047. Representative Laffin would have eliminated the discretionary waiver which the Superintendent of Banking had to financial institutions that qualify with assets of less than \$250,000.

At the public hearing on that measure, Representative Laffin readily admitted, upon inquiry from members of the committee, that he introduced this measure as the result of some experience in the mid west and as the result of the request of Brinks, which is in the business of transferring deposits and other financial legal tender between banks in this state.

The Governor, unfortunately, is in error when he alleges in his veto statement that a similar measure was introduced in the 108th Maine Legislature and that it was, in fact, killed in committee, for that was not the case at all. As a matter of fact, L. D. 1047, Representative Laffin's bill, was reported out with a 12 to 1 "ought not to pass" report, with a signer from the other body "ought to pass," and that bill, as a matter of fact, was killed on the floor of this House by an overwhelming majority vote of the members of this House, which brings us to L. D. 1920. Again, we have a bill to raise the exemption for financial institutions in this state, and let's face facts, members of this House, we are only really addressing the issue of a small financial institution located in Mechanic Falls, Maine. For since the 107th First Special Session, when there existed three similar small financial institutions in this state, we now only have one which has survived.

The majority of the Committee on Business Legislation believes that the exemption should be raised because the current banking code requires that all financial institutions provide insurance coverage of deposits or accounts; and,

unfortunately, for small community financial institutions, this will effectively put them out of business, since requirements which must be met in order to procure federal deposit insurance, such as full-time employees, sophisticated security measures, require assets of at least \$500,000 to justify such expenditures. This will mean that the small community financial institution located in Mechanic Falls, Maine, will be eliminated unless this modest change in the law becomes effective to allow the Superintendent of Banking to continue to exempt the really small institution from the requirement under special circumstances where this small financial institution is and has for the past 80 or 90 years fulfilled a particular community need.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will support this veto, and the only thing I would add to what has been said is, if any of you have brought a puppy home to the children, you know it is small and cute and has big feet; it also grows. I think that is what is happening here. This small institution is growing and the exemption is getting bigger and bigger.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I have stated my position on this type of special interest exemption, and I am not going to prolong that today.

I do want to take exception to a couple of things that my very good friend from Freeport said, Chairwoman of the Committee that this bill was heard before. She is not quite right; however, I can understand why, because we have so many bills and I did present several bills before that committee. The bill that we are discussing today was a bill to require all banks in the state to be insured, so that regardless of who deposits money, their money is protected. If the treasurer should run off, at least the people will be insured. That is the main purpose of my bill, and she is right when she said that was my experience out in Minnesota a couple of years ago when a bank man did run off and, consequently, all those poor people lost all of their money.

But the thing that I do want to correct her on, the bill was not asked to be presented by a former employer, by whom I was employed, Brinks, Inc., they did not ask me to present this bill. The bill that she is referring to is the second bill that I had presented, and that one was to require all commercial banks to be a member of the Federal Reserve System. That is an entirely situation and I just want, on the record, that my former employer did not in any way, shape or manner, nor have they ever in any way, shape or manner asked me to present any legislation concerning the banking industry. Any that I have presented, I have presented on my own, and there was a difference in the two bills that I did present. The second part that I have just mentioned has no bearing on this one today. For the record, I would like to make that clear.

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

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I sincerely appreciate and thank the gentlewoman from Freeport, Ms. Clark, for her very timely and comprehensive remarks concerning this Bill, L. D. 1920, and her request for an override.

I will support her request and urge that you consider and do vote to override. Mechanic Falls is one of my constituent towns and I do have a particular interest in this legislation.

Just a couple of points. In the previous consideration of this bill, a few questions were asked and one was in regard to bonding of the individual officers. I have found out that there are five legal officers in this corporation, and each of them has a \$25,000 bond upon them. The amount, at the most, that is available for any

one time or for any one person would be \$5,000 to \$6,000. Most of their money is in first mortgage notes or other financial documents, so it is impossible for them to abscond with any more than what is just the legal cash available.

History says that the previous legislation has been restricting their business and their chances to grow, increase; therefore, they are asking for this opportunity to increase their assets up to \$500,000. One of the regulations says that they can't seek permanent relocation and try to improve and increase their business until they get up to the \$500,000 limit. So under the present regulations, nothing they can do is going to help them gain a better stature and better serve the community.

I sincerely hope you will override this veto. The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I really must say that I was kind of delighted to open the calendar this noon as I walked into the House and see this particular veto. My only concern is that I agree with the Governor two days in a row, and I don't know who I should be worried about or what the situation is, but I kind of think of this particular bill as the shoebox bill, the end of the mattress bill. Remember that cash that that savings and loan association has and it is deposited in the other bank and is now insured under FDIC. We just heard that officers are bonded up to \$25,000. Well, that hardly comes anywhere close to the \$500,000 in assets that they are talking about.

I would like to remind you that the present law just speaks to this one little institution again, and that allows the exemption up to \$250,000, so if we do go along with the Governor and sustain his veto, they still will have their exemption. We aren't putting them totally out of business. We will just have to keep those shoebox assets limited to \$250,000, so would in no way be wiping out this little financial institution.

I really hope that you will sustain the Governor's veto today. I am sorry to be so happy about this, but I just can't help it. I feel it is in the interest of the consumers and it would only provide adequate protection if we try and limit this exemption. This is a perennial bill. If we override this, I am sure they will be back in another couple of years asking for a \$750,000 exemption, so I ask you to sustain today.

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

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to ask you to support the override of this bill. It was not so very long ago that I stood before you asking you to override another veto which was of very special interest to the people of Auburn. I stand today to ask you to override a bill which is of very special interest to Mechanic Falls, which is a very close neighbor and friend of Auburn.

I think it would be easy for us here today to forget about Mechanic Falls, think about our own districts or think of the state at large. Mechanic Falls only has one official voice in this House, and unlike some of the larger areas cannot mobilize 10 or so people to stand up in support of this bill.

Try and think of having this very fiscally sound organization in your own town and ask yourself if you would be standing today in support of overriding this veto.

Let's look back at the history which has been outlined several times for us on the floor of the House. We have a very sound history of 90 years. We have a lot of less than a thousand dollars over a 90 year period. We have an institution which has a reserve ratio of 20 to 22 percent, roughly three times the state average. We have an institution which has survived depression and other hard times, and we have an institution which is vital to the Mechanic Falls area and parts as far away as 10 miles from Mechanic Falls in terms of providing small home mortgages, something that we are begin-

ning to have increasingly difficult times in providing as savings banks begin to move more and more towards commercial banks.

I think it is important to consider two principles that I think have always been important to this House — one is local control and the other is fiscal integrity. I think that looking at this institution, we certainly can see a record of fiscal integrity. The exemption that they are asking for not they have asked for in the past. They feel that \$500,000 is the breaking point at which it makes sense to comply with all the FDIC regulations. It will be extremely cumbersome to comply with all the requirements, not only getting the insurance but all the additional renovations that would be necessary to the building, and we have to decide at what financial point this makes sense. I would suggest to you that it is at the \$500,000 level. They will not be coming back for \$750,000, they will not be coming back for a million. We have talked with the Board of Directors, and this is the point which they feel it makes sense to get FDIC insurance.

On the matter of local control, it would be nice to think of Mechanic Falls, perhaps, as an isolated little place, far away in the middle of the ocean, but in fact they are very close to Auburn and Lewiston and other major areas of our state. They have choices. They can invest their money in many ways. They can invest in a much less secure way if they choose to go with stock and bonds. Are we going to say that because they do not have a guaranteed return that they cannot do that?

In terms of banks in the area, they have another bank in the area, a bank that is busy building Maine, and they are about to get another bank, Mid-Maine Mutual Bank, so they will have three choices. They need not put their money in a bank which some of you feel may not offer security. They can make that choice, and I would suggest that we should let them make that choice.

The Mechanic Falls Savings and Loan may not be busy building Maine, they may not always be thinking of us, but they are thinking of the citizens in Mechanic Falls, and I would ask you to let the people of Mechanic Falls use their common sense in how they would like to invest their money and where they would like to invest their money.

Finally, in response to the gentleman from Westbrook, Mr. Laffin, if the treasurer runs off, I would suggest to you that all these people will know who that treasurer is and where he has gone, because this is a neighborhood bank and all the people know each other. I ask you to help override this veto today.

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

Mr. STUBBS: Mr. Speaker, I would like to pose a question to anyone who might care to answer it. That is, just what will the cost be to this bank in terms of annual cost of insurance, plus any renovations they may have to make to comply with certain rules and regulations?

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

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

Ms. CLARK: Mr. Speaker, in response to the inquiry, I do not have a total amount, but I can tell you this, that there will be placed on the depositors of this financial institution, Mechanic Falls Loan and Building Association, a limitation on the amount of interest paid at 5¼ percent. Currently, they are paying 6 and more percent. They must install sophisticated security devices, cameras, vaults, burglar alarms, etc., which they do plan to do down the road when they have completed the renovation of the Auxiliary Lodge of the Odd Fellows, the Rebecca Hall, which is going to become their permanent home. They are going to have to hire a full-time employee, and currently they have part-time employees, and they are going

to have to maintain an independent office and thereby not be able to provide the Daughters of Rebecca with a permanent home in the lodge. They are also going to have to provide an office for the loan and building.

Those kinds of capital costs are above the current ability of this small financial institution to pursue at this time. They are moving positively in that direction, only they are doing it in a deliberate, pay-as-you-do fashion rather than going into the debt capitalization process that most businesses in Maine must follow.

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

Mr. LYNCH: Mr. Speaker, I would like to ask a question that I think is most critical. Are all the depositors of this institution fully aware that they do not have insured deposits?

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

Ms. CLARK: Yes.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am intrigued by the last question and the answer to it. I think that prompts another question that I would ask the gentle lady. Does this institution hold itself out as an institution which does not have insurance and does it attract customers through the use of this device?

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

The Chair recognizes that gentleman.

Ms. CLARK: Mr. Speaker, I am not sure I understand the direction of the inquiry from Representative Morton. Am I understanding it correctly, is he suggesting that depositors are encouraged to place their assets in this financial institution because there is no insurance and that they currently enjoy the exemption which this body has granted them?

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

Mr. MORTON: Mr. Speaker, the gentle lady is close. Basically what I wanted to know was, do they hold out to prospective customers the fact that they are not insured and this, therefore, creates a lower expense for them and they can do better for their depositors?

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

Ms. CLARK: Mr. Speaker, I will attempt to answer the question. People who deposit their assets in this financial institution are made deliberately aware that they are exempt from the insurance requirements that other financial institutions in this state must abide by. I will leave it at that. They are made aware that there is no insurance coverage other than the fact that the assets are deposited 40 feet away in the bank that is building Maine. This has not at all deterred area citizens from placing their valuable assets in the Mechanic Falls Building and Loan Association. As a matter of fact, the reason they petitioned this legislature to increase the exemption is that their deposits are increasing and they currently pay 6 percent on demand deposits and are considering 6½ percent interest payments on the certificates of deposit.

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

Mr. MORTON: Mr. Speaker, I thank the gentle lady for the explanation. I think it was a forthright one on her part. I have heard quite a bit in the earlier debate on this bill in connection with the fact that this institution deposits its funds in an insured institution; hence, that protects the people.

The gentle lady from Auburn pointed out that if the treasurer absconded with any funds, then everybody knows who she is and they would know where to find her. I question that. I think people who abscond with funds have other

ideas about how they are going to take care of those funds.

I guess probably I come down this way, I have always come down this way, I have always come down on it, in his veto message the Governor points out that this does grant a special exemption to only one uninsured financial institution in the State of Maine. In the second paragraph, it does provide special treatment to one specific Building and Loan Association, and overall, of course, it does eliminate the basic protection of insurance that is afforded to the depositors of every other deposit institution in Maine. I think this is a considered veto and I urge you to vote to sustain.

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

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: To further answer Mr. Morton's question, as far as I know, there is no deliberate advertising. I have never seen any advertising in any newspapers or any other way to try to attract customers there by the fact that they were not insured. I have never seen any signs in the insurance office, in which their headquarters are, that they are trying to attract customers or seek business by that reason. I certainly feel that they do not deliberately do that.

Representative Clark is right, they do inform the customers of their situation, anyone who seeks inquiry in regard to doing business with them, so they are fully aware of their situation when they do do business with them.

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

Mr. BAGLEY: Mr. Speaker and Members of the House: The penalty of having coached debating for years and years is that I look at things from the standpoint of logic. There is just one item of logic that I think we ought to consider on this. The Governor says that they are at a crossroads, a decision must be made as to whether or not the intention of this institution is to become a full-fledged fiduciary institution. The possibility of becoming a full-fledged institution is that they be allowed to go up to \$500,000. When they get there, they will have assets so they can do the things that are required to get this insurance. The Governor is vetoing the possibility of allowing them to become that sort of an institution; therefore, I think we should override this veto.

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

Mr. TARBELL: Mr. Speaker, I would like to pose a brief question through the Chair to the Committee. Do all credit unions currently required to have FDIC?

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

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

Mr. HOWE: Mr. Speaker, to the best of my knowledge, credit unions are not required to have FDIC, and whether they are required to have some other form of insurance, I don't know.

I would like to respond specifically to Mr. Bagley's comments, with which I concur, and to some others. I think it has been suggested that this financial institution, in the last several sessions, has been trying to jack this limitation up a little bit more and a little bit more and they will continually keep on trying to jack it up from here. The reason I don't think that is the case, it is my understanding that when they first came in for an exemption several sessions ago, they were asking for what they are asking for now, and the Committee on Business Legislation cut that back. In other words, what they are asking for now is what they have been looking for all along and not any more. I really do believe that this is all they want, and when they reach this point, they will feel solvent enough to become a full-fledged financial insti-

tution. I think this measure is sort of designed to help them bridge the gap, if they aren't able to bridge the gap from where they are now to a full-fledged institution with the aid of this legislation, they just may not make it across that gap at all.

The SPEAKER: The pending question is, shall this bill become law notwithstanding the objections of the Governor? According to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of all the members present and voting. All those in favor of this bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Beaulieu, Bennett, Berube, Boudreau, A.; Brennerman, Brown, K. C.; Bustin, Carroll, Carter, F.; Churchill, Clark, Connors, Connolly, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dudley, Elias, Fanlason, Flanagan, Goodwin, H.; Gould, Green, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jensen, Joyce, Kane, Kelleher, Kerry, Kilcoyne, Lewis, Locke, Lougee, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Strout, Stubbs, Talbot, Tarbell, Theriault, Tierney, Torrey, Tozier, Trafton, Truman Twitcheil, Valentine, Violette, Whittemore, Wilfong, Wood, Wyman, The Speaker

NAY — Aloupis, Austin, Bachrach, Benoit, Berry, Biron, Birt, Blodgett, Boudreau, P.; Bunker, Carey, Carrier, Carter, D.; Chonko, Cox, Devoe, Durgin, Dutremble, Fowlie, Garsoe, Gill, Gillis, Goodwin, K.; Gray, Greenlaw, Jackson, Jacques, Kany, Laffin, Lizotte, Lunt, Lynch, McKean, McMahon, McPherson, Moody, Morton, Najarian, Paul, Pearson, Quinn, Stover, Tarr, Teague

ABSENT — Brown, K. L.; Burns, Cote, Jalbert, LaPlante, Littlefield, Mills, Palmer, Peakes, Tyndale

Yes, 97; No, 44; Absent, 10.

The SPEAKER: Ninety-seven having voted in the affirmative and forty-four in the negative, with ten being absent, the Governor's veto is not sustained.

Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 2133) recognizing that: Mahoney High School of South Portland won the Greater Portland Junior High Track Championship on February 18, 1978

Presented by Ms. Benoit of South Portland (Cosponsors: Mr. Curran of South Portland, Mrs. Gill of South Portland, Mr. Howe of South Portland)

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

An Expression of Legislative Sentiment (H. P. 2134) recognizing that: Pleasant Mountain Ski Area of Bridgton was established as Maine's first ski area and is now successfully completing its 40th season.

Presented by Mrs. Tarr of Bridgton.

The Order was read.

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

Mrs. TARR: Mr. Speaker, Men and Women of the House: I am delighted to introduce this order for Pleasant Mountain Ski Area in Bridgton. Pleasant Mountain was the very first ski area in Maine and is now in its fortieth season.

In 1936, the first trails were cleared and the first shelter and the first rope tow were installed in 1938. In 1955, the first chair-lift in Maine was put in operation at Pleasant Mountain, reaching 4,300 feet to the summit and car-

ried 72 double chairlifts.

The growth of Pleasant Mountain as a major ski area was envisioned by a small group of men who saw the fulfillment of a dream emerge into Maine's leading ski and recreational area.

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

An Expression of Legislative Sentiment (H. P. 2135) recognizing that: Jane Michaud has been chosen Miss Caribou and will be competing in July in the Maine Potato Blossom Festival

Presented by Mr. McBreairty of Caribou (Cosponsors: Mr. Peterson of Caribou, Mr. Bennett of Caribou, Mr. Smith of Mars Hill)

The Order was read.

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

Mr. McBREAIRTY: Mr. Speaker, we have Jane Michaud with us here today, and I would hope that you might have her stand and be recognized.

The SPEAKER: The Chair would ask Jane to please stand. She is a courier with us this morning and we welcome her here today. (Applause)

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. Carroll from the Committee on Transportation on Bill, "An Act Relating to the Maine Turnpike Authority" (H. P. 2062) (L. D. 2125) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Revise the Administration and Toll System of the Maine Turnpike" (H. P. 2132) (L. D. 2157)

Report was read.

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

Mr. BIRON: Mr. Speaker, a point of order. Is this bill properly before us at this time where it was defeated in the last session?

The SPEAKER: The Chair would advise in the affirmative, since this is the result of a study order.

The Chair recognizes the same gentleman.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I move that this bill and all its accompanying papers be indefinitely postponed.

The bill that you have before you this morning is similar to the bill that came before you last year which was not accepted by this body by a large vote. Since that time, the Department of Transportation, through its director, Roger Mallar, has, in my opinion, attempted to gain legislative support for this proposal.

The problems with this bill, ladies and gentlemen, are several. One, the bill suggests that we set up barrier system along the Maine Turnpike. There is a fiscal note on this bill which says that if the State of Maine decides to go to a barrier system, it could cost us as much as \$10 million that we would have to repay to the federal government because the money that was allocated to the State of Maine when the Turnpike was first built would have to be repaid. It would cost us as little as \$2 million if the federal government grants the State of Maine an exemption.

The barrier system that is proposed, and the figures are not here in this legislation, brings in more money than is estimated will be needed to maintain the Maine Turnpike. Those who argue that additional revenues are needed argue that we will need \$5 million to maintain the turnpike. I don't disagree with that argument, however, I cannot support a piece of legislation that we have before us that does not indicate how much money the tree barrier system will bring in. From conversation I have had with people who are supposedly knowledgeable in the area, they tell me that the addi-

tional monies from the tree barrier system could be as high as \$9 million.

I am not prepared today to give the Department of Transportation any funny money so that Roger Mallar or anyone else can make determinations as to where that money will be spent. If the people of Lewiston are to pay a toll on the Turnpike, I want them only to pay a toll for the maintenance of that road, and that is the serious question that we have before us today.

I have a couple of clippings from newspapers and the headlines say, "Turnpike Toll Question Blocks Spur Construction" in reference to the Saco area. "Saco Spur Depends on Turnpike's future." Ladies and gentlemen, in my estimation, that is blackmail. If Saco needs a spur, the Department of Transportation should be building one, not depending on how we as legislators vote on the turnpike issue, and that is what is happening with this legislation. Everybody in the state is getting promised everything and there just isn't that much money. And they are trying to get support for this turnpike bill that we have before us.

No one argues that 1981 is the time that is projected when the bond issues will be paid; yet we have legislation before us now, and I wonder why. There is no need for this body or the other body to pass this legislation this year, because there is a possibility, and I say only a possibility, that federal dollars will be made available for maintenance of the Maine Turnpike. As you may know federal dollars are not available now for maintenance of the interstate system. However, federal dollars are available for the construction of the interstate system, that means that we can get 90/10 dollars.

As you may know, the interstate system has been built throughout the United States, and the time is coming where every state is facing the same problems that we are in maintenance of those roads. Now they are saying to the federal government, we need help, and there is pending legislation that would provide 90/10 dollars for the maintenance of the interstate system. Doesn't it make sense for us to wait and find out if this legislation will be passed and if these dollars will be made available instead of passing a piece of legislation today that would put a burden on my people and the people in the southern part of the state?

Under this proposal, the people of Lewiston, the municipality of Lewiston, is the only major community in the state that you have to pay a toll to go to. Enough is enough, ladies and gentlemen: Are you prepared here today to put a barrier system on 95 from Augusta to Bangor? I am sure you are not.

The reason the Maine Turnpike was built the way it was, it was built in the days when federal dollars were not available to the State of Maine and a bond issue was floated. The people in the southern part of the state made the sacrifice and have paid for that road for many many years. You in the northern part of the state have had the opportunity to get a similar road, the exact same road from Augusta almost to Houlton, and you are not paying a dime for it. Do you want to sit here today and tell me that you are going to put an additional burden on my people again? We talk about fairness, ladies and gentlemen, where is that fairness?

All I am asking is that we defeat this legislation today and wait until 1981, and if you are all lucky, I won't be here. But I am telling you, we have a responsibility to the people in the southern part of the state who have been double taxed, they pay a gasoline tax like you do and that money is used to maintain the roads. But now you are saying, keep paying the gasoline tax but, in addition, pay a toll for the use of that turnpike. Well, we have done that for many years and you haven't in that part of the state. Now it is time to equalize and it is time to say all right. If there is an opportunity, and I will say to you in all honesty, if there are no federal dollars for the maintenance of that road, I will

support a plan, and I am not saying it is going to be this plan, but I will support a plan where we can raise the money in the southern part of the state ourselves for the maintenance of that road. I will do that, but we don't have to do it this year. What is the rush? I would like anybody on that committee to stand up and tell me what the rush is because there is no rush. Roger Mallar wants it, him and his bureaucrats.

I urge you to support the indefinite postponement.

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

A vote of the House was taken.

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

Thereupon, the Report was accepted, the New Draft read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Provide Residents of the Islands in Casco Bay with Additional Transportation Service" (H. P. 2042) (L. D. 2107)

Report was signed by the following members:

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

Messrs. LITTLEFIELD of Hermon
CARROLL of Limerick
JACQUES of Lewiston
BROWN of Mexico

Mrs. HUTCHINGS of Lincolnville

Messrs. STROUT of Corinth
LUNT of Presque Isle
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1072)

Report was signed by the following members:

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

Reports were read.

On motion of Mr. Jensen of Portland, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-1072) was read by the Clerk and adopted and the bill assigned for second reading the next legislative day.

Consent Calendar

First Day

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

(H. P. 2037) (L. D. 2101) Bill, "An Act to Provide Municipalities with the Authority to Establish Standards for the Installation of Wood Stoves" — Committee on Energy reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1079)

On the objection of Mr. Whittemore of Skowhegan, was removed from the Consent Calendar.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. WHITTEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Looking at this bill, I am wondering what it is doing. As I understand it, a community now can create an ordinance that covers this, because it says you "may," so if you may, you may do it or you may not, it is up to you. I am wondering if there is any need for this bill. I am wondering why we are going through this. I wish somebody

would answer.

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

Mrs. HUBER: Mr. Speaker and Members of the House: The gentleman is correct that we, at the moment, have the ability at the municipal level to set up an inspection program for the installation of wood stoves. The original bill merely reiterated that.

At the hearing we heard testimony from a number of people who were involved in the sale of wood stoves, users, some non-profit groups that were very interested in promoting wood as a source of heat in Maine, and also from a number of safety experts, including the State Fire Marshal and some firemen from a couple of communities.

It became apparent to those of us at the hearing that what is missing are standards. In other words, in many, many communities there is not the knowledge and there is not the information that these people felt would be extremely helpful to have. Following the hearing, in conference with the State Fire Marshal and the Office of Energy Resources, we decided to re-draft the bill, which is what you have in Committee Amendment "A" filing number 1079 to L. D. 2101. We feel that we have answered a need that is out there. This in no way obligates the community to accept these standards. It will make them available to them, and if they wish to use them in their own towns, that is very much up to the community. So we feel that we started out perhaps introducing a piece of legislation that was not necessary; now we have a piece that will be of great benefit to the state.

I think if you read the papers this winter, you will find more and more often that woodstove related fires are happening and that it would be very beneficial to have standards.

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

Mrs. TARR: Mr. Speaker, I would like to pose a question to the Speaker. In view of the fact that public hearings should be held and the regulations would have to be typed up so they could be available, would this need a fiscal note?

The SPEAKER: The Chair would advise the gentleman from Bridgton, Mrs. Tarr, that the department has not made available the need in a memo form, which is normally the process that is used, to provide for the need for additional staffing. If the department should require that that be the fact, that amendment, of course, could be added at second reading, the proper time to amend the bill.

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

Mr. DAVIES: Mr. Speaker and Members of the House: In further answer to Mrs. Tarr, since the proposed standards that we would make available to municipalities who might want to adopt them for their own or use them as the basis for adopting additional standards, there is no mandate. We are not requiring anybody to use these, we are simply making them available, so there would be no need for any public hearings on any standards that might be promulgated, and the Fire Marshal's Office has already notified us that they are in the process of working on this and it will cost no additional money because their people will be able to do it within their own time frame. So I don't think there is any need for a fiscal note on this.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: In the interest of local control, I now move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, moves that this bill and all its accompanying papers be indefinitely postponed.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I guess I have to give you a little more history than I have, in the interest of local control. One reason this bill is before you is because there was another bill that was also introduced in this session which would have allowed state level inspection of wood stove installations. This very clearly, at the bottom of the page you will see the municipalities are specifically — we make reference to their home rule powers under Title 30, Section 2152. And very much the intent of this draft is to make sure that in the statute it is the intent of the legislature that the inspection of installation of wood stoves, if it is desired at the municipal level, is done by the municipal officials and not by anybody coming out of Augusta.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentlelady, we now have that authority locally to inspect anything that we want to inspect locally, and I don't think there is any necessity of any legislation coming out of this body to go back and tell people in my town or in the gentlelady's town that they must or they should or they may or whatever. I think this is unnecessary legislation and I urge you to vote for indefinite postponement.

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

Mr. HOWE: Mr. Speaker and Members of the House: This legislation is not here because we feel we need to give municipalities the authority to do that. The gentleman from Lincoln is quite correct, they have that authority.

What the committee understands a number of local fire department officials to be asking for is some expert technical guidance on how to do a proper inspection, what kind of problems to look for. The City of South Portland wouldn't have that kind of problem. We have got full-time fire officials, captains, lieutenants and chiefs and deputy chiefs and all that sort of thing, but a number of local fire departments are strictly volunteer. These people know how to put out fires and they do a good job of it, but they apparently do not have the time and resources to develop this kind of information, guidelines, inspection standards that they are asking for, and all we are trying to do is to set down somewhere something that they can come to look at and which they may or may not adopt in their local towns and cities.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I would suggest to my good friend Mr. MacEachern from Lincoln that he take out the pink committee amendment, filing number 1079, and read through it. As he points out, we are very concerned with local control, and as he also pointed out, the municipalities do not need any additional authority to do this.

What we are trying to do is we are trying to make local control feasible. Local control requires some information, some knowledge. If localities are going to exercise good decisions on whatever matters it might be, they need to have good information to begin with. What we are trying to do with this is to make available some of this good information on some of the proper standards for installation of a wood stove, so in case a municipality does decide that there is a problem, would like to do something, they do not have to spend a lot of their money trying to come up with reinventing the wheel.

We have people who are knowledgeable on this subject, who have the time and the interest in putting this together and they would like to make this information available to municipalities, but unless we can authorize them to do so, make these standards available to any town who would like to use them, then those towns

may have the desire but will not have the ability to carry it out successfully. So we think this really furthers the idea of local control rather than restricting it.

The SPEAKER: The Chair recognizes the gentlewoman from Bridgeton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, Ladies and Gentlemen of the House: In response a little bit to Mr. Howe's testimony, we, in the rural areas, perhaps are more familiar with the wood stoves and with what we need for regulations than perhaps you might be in South Portland. We do have a volunteer fire department but we also have inspections and we have chimney inspections too, so I really think that maybe if you need it in South Portland, have an ordinance there for this. I really think we should support the indefinite postponement of the bill.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I might add something to this that I do not believe has been brought out. When my insurance came due, I inquired into the insurance company and they are in the process of getting some regulations together so that they are in the process of making some rules and regulations whereas if you do not follow them, you will not get any insurance.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I represent an awful lot of small towns. I have not had any requests from any of them for a bill of this nature. Most of these towns burn probably more wood than any part of South Portland or Portland because it costs less.

How many communities have made requests for this kind of legislation? Could you tell us how many of these communities have asked for this? None of mine have, I am sure.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I receive probably twice a week communications from the Extension Service at the University of Maine. I received one last week on the preparation and use of wood stoves and it was very extensive; it did a good job and I don't think we need anything like this. Just call the Extension Service at the University of Maine and they will tell you what you have to do to put a stove up. I am sure that most of the rural people in this state understand how to put a wood stove up and how to burn wood. I don't think we need all this foolishness. I think we should kill this bill and get onto something sensible.

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

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: In response to the remarks of the good gentleman from Lincoln, Mr. MacEachern, I would say that in my locality, we are getting more and more new citizens who are moving out into the country areas, building homes or have mobile homes and most of all of them are coming to install some sort of wood heat. They might start with a fireplace or a free standing stove and then they might change to a regular wood stove, and these people certainly need a little extra information in regard to the operation and installation of these wood burning stoves.

I certainly agree with the comments of Representative Hall. The insurance people are becoming more and more aware of the problems and the costs incurred by fires from wood burning appliances and they are investigating how these should be installed better.

The Extension Service certainly does an admirable job in all sorts of information avenues, but many many people, especially some of these newer citizens that move into our rural areas, they are not aware, perhaps, that the Extension Service does have information in regard to wood burning stoves or other appli-

ances, so they just don't call them. They are not aware of that.

I think this bill will help the municipalities, in conjunction with all the other organization, to provide more information and safeguards for everyone that is interested at all in wood burning stoves.

I certainly hope that we do not indefinitely postpone this bill.

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Enfield, Mr. Dudley, asked a question a few minutes ago about how many specific requests the committee might have received. I would have to say that the committee has received none. However, the Vocational-Technical Institute in South Portland is very much aware of the problem. As a matter of fact, they are testing wood stoves right now from Massachusetts where a moratorium was declared because there was so much uncertainty about whether the stoves were safe and the installations were being done properly. I hope that never happens in Maine. I think this bill is one way to avoid it.

The other authority that I would stress to you again, someone who certainly has more knowledge than I have in this area, the State Fire Marshal has given us his unqualified backing and he has also given us probably what must be 50 or 75 clippings that he has collected since the first of December concerning wood stove related fires in Maine. We have a problem. This is a very simple and I think helpful way to cope with it and I think we will be sorry when we are back here next year talking about something which might be much more onerous, much more difficult to enforce and much more expensive.

I hope you will vote against the indefinite postponement motion and I would ask for a division.

Mr. MacEACHERN of Lincoln requested a roll call.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: I had not intended to rise on this but I think I should now. When I first saw this bill and read it, I thought it was a bit ridiculous. I think, in fairness, we should find out, not just make a snap judgment, and make sure this is a ridiculous bill.

In talking with the fire chief from various fire departments in my area, I found that this was not a ridiculous bill. My remark to the fire chief in Milo was that I did not think anything like this should draw much attention because who, in heaven's name, in the State of Maine would have any difficulty in setting up a wood stove. He said, Jack, you are speaking from experience, you are speaking from having used wood stoves, but you must remember, there are a lot of young people who are going to wood stoves now that do not have that experience.

I could go on and cite you several cases where they had lost buildings or had quite severe fires, but I will just mention one which did ruin a home almost completely. It was called a total loss and the gentleman is trying to restore it now. He had put up a wood stove down cellar and he put the funnel through wood paneling, on in through another wall, and finally into the chimney with nothing around it except a little collar. That stove, one of the imported kind, was within eight inches of the wood paneling. The night of the fire, they happened to be out, having dinner with their son and his wife; otherwise, had they been home in bed, there might have been a loss of life.

I would ask you not to vote to indefinitely postpone this bill because I think it is necessary.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to support

the motion of the good gentleman from Lincoln to indefinitely postpone this bill, I only base it on this one bit of reasoning. I don't think it is the stoves at all that cause the fires; I think it is the chimneys, and if you remember a few days ago, over in the other branch of this building, there has been a fireplace there since time in memorial when they build the building and members of the other body started a little fire in the fireplace and the smoke came back because the chimney was improper. It was not workable. I don't think it is the stoves at all, I think it is just poor judgment. And in the other side of the building the other day, as usual, was some poor judgment.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: In response to Representative Kelleher, this makes me think of something that happened in Greenville, Maine. The fire chief up there told me of a fire and he asked the fellow where the chimney was. He said, where I put the funnel. The chief said, there is no chimney there. They had cut a hole through the wall with a sabre saw and the gentleman supposed there was a chimney in the wall and the funnel was just put between the open spot between two walls. There was no chimney. So, I don't think the chimney had anything to do with that one.

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

Mr. TORREY: Mr. Speaker and Members of the House: Briefly, in response to the gentleman from Bangor, Mr. Kelleher — chimneys are part of the inspection standards and regulations that go along with wood burning appliances.

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. 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 and 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 Lincoln, Mr. MacEachern, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bennett, Berry, Biron, Birt, Blodgett, Boudreau, P.; Brown, K.C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Churchill, Clark, Connors, Dudley, Durgin, Elias, Fenlason, Flanagan, Gillis, Gray, Hall, Hickey, Higgins, Hunter, Immonen, Jackson, Jacques, Joyce, Kane, Kelleher, Kerry, Lynch, MacEachern, Mahany, Marshall, McHenry, McKean, McMahon, McPherson, Mitchell, Nelson, N.; Paul, Peakes, Plourde, Quinn, Raymond, Rollins, Shute, Silsby, Smith, Tarr, Teague, Theriault, Tozier, Whittemore, Wilfong and Wood.

NEA — Aloupis, Austin, Bachrach, Bagley, Beaulieu, Benoit, Berube, Boudreau, A.; Brenerman, Bunker, Chonko, Connolly, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Dutremble, Fowlie, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Henderson, Hobbins, Howe, Huber, Hughes, Hutchings, Jensen, Kany, Kilcoyne, Laffin, Lewis, Locke, Lunt, Martin, A.; Masterman, Masterton, Maxwell, McBrearty, Moody, Morton, Nadeau, Najarian, Nelson, M.; Norris, Pearson; Peltier, Perkins, Peterson, Post, Prescott, Rideout, Sewall, Sprowl, Stover, Strout, Talbot, Tarbell, Tierney, Torrey, Trafton, Truman, Valentine, Violette and Wyman.

ABSENT — Brown, K.L.; Cote, Devoe, Drinkwater, Jalbert, LaPlante, Littlefield, Lizotte, Lougee, Mackel, Mills, Palmer, Spencer, Stubbs, Twitchell and Tyndale.

Yes, 62; No, 72; Absent, 16.

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

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

Committee Amendment "A" (H-1079) was read by the Clerk and adopted and the Bill was assigned for second reading, Monday, February 27th.

Consent Calendar Second Day

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

(H. P. 2014) (L. D. 2089) RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law (Emergency)

(H. P. 1913) (L. D. 1974) Bill "An Act to Allow Nursing Homes to Provide Physical and Occupational Therapy to Residents in Need of that Care" (Emergency) (C. "A" H-1066)

(H. P. 1915) (L.D. 1976) Bill "An Act to Allow Intermediate Care Facilities to be Reimbursed under the Medically Needy Program" (Emergency) (C. "A" H-1068)

(H. P. 2028) (L. D. 2096) Bill "An Act Relating to Tuition Computation Charged by Private Schools under the Education of Exceptional Children Law" (C. "A" H-1071)

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

Passed to Be Engrossed

RESOLVE, to Establish a Commission to Study the Continuation of Coverage under Certain Group Health Insurance Policies (H. P. 2131) (L. D. 2156)

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

Amended Bills

Bill "An Act to Amend the Child Welfare Laws" (Emergency) (H. P. 1990) (L. D. 2065) (C. "A" H-1065)

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

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

Mrs. BACHRACH: Mr. Speaker and Members of the House: I would like to pose a question through the Chair. I noticed in this bill on Page 2 of the Amendment "A," which is being adopted today, that it says that a child may refuse to have short-term emergency services supplied to him. There is no age limit on this. It is intended by the committee that a five year old or four year old child, anyone that is old enough to speak, can refuse to have a cut sewn up. I cannot imagine any four year old child who would agree to having a cut sewn up and; therefore, I don't understand how you can possibly allow them to refuse. What is the intention of this particular section?

The SPEAKER: The gentlewoman from Brunswick, Mrs. Bachrach, has posed a question through the Chair to anyone who may answer if they so desire.

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

Mrs. TRAFTON: Mr. Speaker and Members of the House: In response to the gentle lady's question, this bill is directed towards individuals who are not coming under the current child abuse and neglect statutes. In other words, the children we are thinking of are probably of an older age, and remember that upon initiation of services, we are requesting that the department make all reasonable efforts to contact the parents and we would request permission from the parents for administration of such services.

If, in the departments eyes, either the parent or the child was in need of being taken in under protective custody of the state because of a situation of abuse and neglect, then they would do so.

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

Mr. WOOD: Mr. Speaker, I would also like to pose a question through the Chair. On the Statement of Fact on the Committee Amendment, it says that parents will not be able to sue physicians or health care providers for performing this emergency medical treatment. Does this mean that they cannot sue if malpractice occurs?

The SPEAKER: The gentleman from Sanford, Mr. Wood, has posed a question through the Chair to anyone who may answer if they so desire.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to that, no. What this is intended to mean is that in the case of a child being brought in under emergency services for a short term duration, say something happens to that child and he has to be taken to an emergency room or a doctor to have medical treatment, the Department of Human Service worker can do that immediately so the child does get the immediate service. You may have a case where once after that, the parents are contacted and they objected to that, they cannot then — it is just to protect the doctor from the parents suing the doctor because the parents had not given their consent to have treatment. It is just something that the Maine Medical Association requested to be in there and I think it is reasonable. It doesn't protect them from medical malpractice suits, only from a parent complaining that the doctor actually gave them the service.

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

Second Reader Tabled and Assigned

Bill "An Act to Clarify the Investigation Powers of the Department of Environmental Protection under the Oil Conveyance Program" (H. P. 1959) (L. D. 2041) (C. "A" H-1070)

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

On motion of Mr. Blodgett of Waldoboro, tabled pending passage to be engrossed and specially assigned for Monday, February 27.

Bill "An Act to Clarify Procedure for Emergency Admission to Hospitals for Mentally Ill" (H. P. 1997) (L. D. 2078) (C. "A" H-1054)

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

Passed to Be Enacted Emergency Measure

An Act to Revise the State on Operating a Motor Vehicle While under the Influence of Intoxicating Liquor or Drugs (S. P. 696) (L. D. 2138) (S. "A" S-417 to H. "A" H-1039)

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

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

A vote of the House was taken.

Mr. Higgins of Scarborough 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 op-

posed 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.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connors, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Dudley, Durgin, Durtremble, Elias, Fenlason, Flanagan, Fowle, Garsoe, Gill, Gillis, Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Locke, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBearity, McKean, McMahon, McPherson, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Paul, Peakes, Pearson, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sproul, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Valentine, Violette, Whittemore, Wilfong, Wood, Wyman and the Speaker.

NAY — Connolly, McHenry, Moody and Talbot.

ABSENT — Beaulieu, Boudreau, P.; Bunker, Carter, F.; Cote, Devoe, Drinkwater, Goodwin, H.; Jalbert, LaPlante, Littlefield, Lizotte, Lougee, mackel, Mills, Palmer, Peltier, Spencer, Twitchell, Tyndale.

Yes, 126; No, 4; Absent, 21.

The SPEAKER: One hundred and twenty-six having voted in the affirmative and four in the negative, with twenty-one being absent, the Bill is passed to be enacted. Signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Establish a Solar Water Heater Demonstration Program for Maine (H. P. 2038) (L. D. 2102) (C. "A" H-1038)

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

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I have a couple of questions on this bill. There is a price tag of \$25,000. In Maine, we had a study done on solar water heater by, I believe the Maine Fuel and Heating Dealers Association where they put a few of these around to study the impact in the state. That study isn't completed. The federal government felt that Maine wasn't deserving to be allowed in on a program they had on it, and we are setting up \$25,000 here to be given out to the first 50 people who express and demonstrate an intent to install a solar hot water heater on their house. I would like to hear a little more about this.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I apologize for being on my feet so often this morning. Whoever is scheduling the calendar isn't thinking of me, I guess.

I would be happy to try and answer a couple of the questions that the Representative from Yarmouth has raised. First of all, I think it is important to remember that the reason that Maine was left out of the federal program was because, it is a little ironic, I realize, our residential electric rate is 11th highest in the country. The top 10 highest states received grants to install solar water heaters. Clearly, Maine Yankee has gotten into this and as I say, I find it quite ironic.

There is a study going on right now, there have been studies done in other states. I might

point out the Maine Fuel Dealers came and spoke in favor of the bill at the hearing, and I would, at this point, like to read a letter which I have Professor Richard Hill at the University of Maine. I think he is probably our foremost solar heating expert in the state, and this is what he has to say.

"The failure of HUD to qualify Maine as a participant in the national program was a serious error. Our lower ground water temperature more than offsets the lower electric rate. A gallon of 120 degree Fahrenheit water in Maine costs more than the same water in Connecticut, in spite of our lower electric rate. It needs more to heat, obviously."

"Solar hot water systems are much more attractive in cellar space heating for the following reasons. Collectors can be used 12 months of the year. Lower average collection temperatures permit higher collector efficiency. The target tends to be expensive electricity and bottled gas, and the use of hot water can be better programmed in the use of space heat."

He goes on to say, "The \$400 subsidy is just about right. It will push the cost of the system down into the range of reasonable payback for many users. The important thing is to get going, accumulate some experience so orderly transitions are possible."

I would just make one final comment. There is now in New England a New England Solar Energy Center located in Massachusetts. They are receiving a considerable amount of federal funding — I say considerable, it is considerable for the northeast — I think it is a total budget of about \$14 million. Some of that money, members of the House, will be spent to monitor the other New England states, all of whom have solar water heater demonstration programs under the auspices of the federal government. They not only get a grant to begin with, but now they are getting monitoring money from that center. Maine would probably, almost definitely, have access to monitoring money if we go ahead and show them that we should not have been left out of the program.

I hope you will vote to pass this bill.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would say hurrah for CMP. I wonder, again, how the money will be given out, if we will do it by a lottery or whether it will be a first come-first serve basis. I would ask for a division on it.

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

A vote of the House was taken.

66 having voted in the affirmative and 26 having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

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

House Report — "Ought to Pass" as Amended by Committee Amendment "A" (H-1048) — on Judiciary on Bill, "An Act to Make Trafficking in Five Pounds or More of Marijuana a Class C Crime under the Maine Criminal Code" (H. P. 1999) (L. D. 2080)

Tabled — February 23, 1978 by Mr. Connolly of Portland.

Pending — Acceptance of the Committee Report.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-1048) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I guess I would like to preface my remarks by saying that I am not a lawyer, and as I run through this issue with you, I hope you will bear with me and try to understand the legal points that I am going to attempt to raise,

and then it is my understanding that before the bill is debated, one of the members of the Judiciary Committee will clarify any of the legal positions that haven't been made clear.

I would call your attention to Committee Amendment "A" which now, in effect, is the bill. The committee amendment does three things. In Section 1 of the committee amendment, it says that anyone who possesses more than an ounce and a half of marijuana or two pounds or less of marijuana shall be deemed to have possession with intent to furnish. The penalty, if I understand it, for furnishing is a Class D crime. My amendment does not touch Section 1 of the amendment.

Section 2 dealt with the subject of trafficking, where marijuana is offered for sale or for some other compensation. It says that if you deal in a quantity of a thousand pounds of marijuana or more, then the penalty for that is a Class A crime. Section B of that part says that if you traffic in amounts between two pounds and a thousand pounds and are convicted for trafficking, it is a Class C crime and the penalty will be accordingly. The amendment that I offer does not touch Section 2 of the committee amendment.

Section 3 of the committee amendment establishes, under the law, a presumption, the presumption being that if you were arrested with more than two pounds of marijuana in your possession, the presumption is you intend to traffic in that amount and the burden is then on the defendant to show why he did not intend to sell marijuana. My amendment would delete Section 3 from the bill so that it would establish no presumption under the law and it would be up to the prosecutor to prove that if an individual had an amount, to sell it. If the prosecution were not able to prove that point, then the individual could be charged with furnishing, and the penalty for that would be smaller than were it to be a Class C crime.

The reason that I offer this particular amendment has to do with the number of Maine people who grow, or, as it says in the law, cultivate their own marijuana, people who grow their own.

Maine is a very rural state, as those of us in the big cities are constantly reminded of in the legislature, and there are a lot of people in Maine who grow their own marijuana not for sale but to use it themselves and to provide it for their friends. They are not in the business of dealing, they are not in the business of selling, they are not in the business of trying to make a profit, and it is these people that I would hope to provide some protection for by striking out the committee's Section 3.

I won't go into it any further at this point because I think there is going to be a little bit of debate, but I hope you understand the point that I am trying to make.

Thereupon, Mr. Connolly of Portland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" was read by the Clerk.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I think we are going to have fun with this bill. The bill itself, to which the Representative from Portland offers an amendment, was sponsored by me and I thought perhaps before the fun starts, we should just get out on the floor what the bill would do.

Presently, the only offense, the only criminal offense dealing with marijuana on the books is called furnishing, and if you sell or give marijuana to anyone, that is called furnishing and it is a Class D crime, punishable by up to one year in prison.

The rash of large smuggling attempts which we have seen in the past year have brought to mind that that probably is not severe enough a penalty to serve as a deterrent to people who are bringing shiploads of marijuana into the

country. So my propose in putting in the bill was to provide a stiffer penalty for what I would then call trafficking in marijuana, dealing with large quantities.

The bill has been amended some in committee, but the way it reads now, as it is before you, is that if that quantity is two pounds or under, then the crime would be furnishing. If it is over a thousand pounds, the crime would be trafficking. If it is over a thousand pounds, the crime would be trafficking and a Class B crime, which has up to a ten year prison sentence. If it is between two pounds and a thousand, it is a Class C crime, which has a five year prison sentence. So the purpose is to provide a bill which gives us a better deterrent against smuggling activities.

The gentleman has offered an amendment which doesn't deal with the penalties for sale, it would leave them as they stand, but it does deal with the notion of presumption, which is on the books. I guess I join the gentleman in saying that anytime we talk about presumptions in criminal law, we need to be very careful, we need to be sure they meet the constitutional test of a presumption, and that is essentially that it simply makes sense, that, indeed, people who have over this certain amount of marijuana have it with the intent to sell it. If it can meet that kind of common sense test before the courts, they will uphold it; if it cannot, they will not uphold it.

I think the gentleman is correct in calling attention to this whole matter of presumption. I, personally, am satisfied that this one is reasonable and support the committee's amended version, but I do think we need to be very careful about them, and I hope during the course of the debate we will get some understanding of the dangerous thing we do when we talk about presumptions. We need to be very careful, we need to go slowly when you presume anything about the conduct of our people.

Now, on with the debate.

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

Mr. DEXTER: Mr. Speaker, Men and Women of the House: I had hoped to get up before the lawyers did so that I could give you a clear explanation of what this bill is all about but, unfortunately, I wasn't recognized.

To put it down in language that my friend from Sangerville, Mr. Hall, can understand, it simply weakens the prosecution's case, one more attempt in this drug-oriented society which we are drifting towards which many of us do not like. Everybody knows the ill-effects of marijuana, one of them is sterility. Some of you fellows who want to beat your chests now at the birth of a son or a daughter, bear that in mind, that is one of them.

We should be doing something to stop the spread of this noxious weed. Do you realize what two pounds of marijuana is? It would keep all of us stoned here for a good while, and they want to raise it to four pounds. Where is it going to end?

I am reminded of a time I went to my little store in Kingfield a few years ago with my twins. It was a hot day in July. They were about five years old. I stood behind the counter behind two teenage girls approximately 17. One of them had on a blouse that reached way down to her wrists and slacks. The other one had on two patches of cloth that would fit into my wife's thimble. Well, naturally, I was preoccupied with certain matters and I didn't notice my twins pulling on my arms. One of them spoke up in a whisper, you know what a five-year-old whisper is, it raveled all over that store, she said, "Daddy, why is that lady dressed like that? It is awfully hot today." In case some of you naive people don't know why, it is to cover the needle marks. They say marijuana is not addictive, but it has been proven that it leads to hardcore drugs.

One more thing, then I will let the lawyers get at it again, and this is for the history buffs.

There is no civilized nation that has ever survived when it embraced the drug culture or the Epicurean beliefs.

I won't get up again, that is all I have got to say. Yes, I have one more thing. I move for the indefinite postponement of this amendment and I ask for the yeas and nays.

The SPEAKER: The gentleman from Kingfield, Mr. Dexter, moves that House Amendment "A" to Committee Amendment "A" be indefinitely postponed.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: After the handout that you all received, I feel as though I shouldn't have to identify myself, but what really does this amendment do? I am not going to use the legal term, I think we will just go out there and lay it on the line again.

This amendment is to protect the cultivators, and I have got to paint this picture for you that is unfolding. Let you all place in your mind that famous picture, that painting by Andrew Wyeth of Jamie in the front yard. Think how in the months to come a single portrait such as that of that farmhouse on top of the hill will be painted, but down on the lawn in the place of Jamie is that young farmer cultivating his marijuana plot. Yes, perhaps if they made it a wider picture, over his shoulder you could look down and you could see those sailboats and those yachts coming in to land on our coast with our new million dollar industry of delivering marijuana to this state. You think you had it last summer, wait until you get to this summer.

This amendment, the cultivator's amendment, look, you are going to end up coming in here next session and they will want to change the name of Blueberry Hill Camden Harbor to Pot Island and Cannabis Cove. That is what you are getting into.

I thought this bill was going to come yesterday, but it got late in the day and we didn't get to it and I had already started my speech, and is my good friend from Brewer, Representative Norris, I said, does this sound nice. I won't get gavelled down with this and, gee, no, he said, that is all right, I would like to add a little to it. I said, I welcome you, my good friend, everybody's good friend, so this was the speech and it is as good today as it was yesterday.

Larry, Larry, quite contrary,

How does your garden grow?

With stock so high, you reach the sky

When you have the end aglow.

Now, two pounds of pot is quite a lot.

Whether you buy or grow.

More than this, we quite remiss,

So your amendment will have to go.

I support the indefinite postponement of this amendment.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I am not a poet, but yesterday afternoon, Representative Norris and Representative Joyce gave me the courtesy of reading this poem to me ahead of time so I would be able to prepare any remarks that I felt were appropriate.

On the way home last night, I started thinking over the history of my relationship with Representative Joyce, and I recalled that back in 1969 or 1970, when I first knew John, he was affectionately called by a lot of young people, some people were called hippies and some were called flower children, as Captain Joyce, the Hippies' Choice. So I went to the Press Herald last evening and went to the library, and they were kind enough to give me some of the news clippings from Representative Joyce's file. I got the one where the original phrase was coined "Captain Joyce as the Hippies' Choice, and I felt that I would have it reproduced and distributed to everybody today, because I really have an ulterior motive in presenting this particular amendment in addition

to wanting to make sure that the people cultivate their own in Maine are afforded a certain protection, and that is that I am very much concerned about the reputation of Captain Joyce, the Hippies' Choice. If this particular amendment is not put on the bill, then I think all those fine young people that John helped when he was a captain on the police force in Portland, and he did, indeed, help a lot of people who had problems with real drugs, heroin, speed and LSD, not marijuana, if you read the article, but all those people who John urge to go back home and begin to clean up their act, a lot of those young people who were in Portland in the late 60's and early 70's are now living in a lot of the rural areas in the State of Maine. They are the ones who turned, to a large degree, away from the hard drugs, away from the speed and heroin and who use marijuana. If Captain Joyce is successful in killing this amendment, I really fear that Captain Joyce will no longer be the Hippies' choice.

The remarks of a few people earlier, prior to the time that Representative Joyce got up and spoke, it kind of irritated me. We had the issue of decriminalization of marijuana before this legislature four years ago, I believe, it was, and three years ago during the discussion on the Criminal Code. The legislature, on those occasions, said and indicated by their vote that it was okay in the legal sense to possess and to use small amounts of marijuana. The issue of marijuana leading to hard drugs, the questions of sterility, all those scare tactics were dealt with at that time and all of those arguments, if you will go back and read the record, were proven, without exception, to be false.

The bill, when it came before the committee, was presented, as I understand it, to deal with smuggling and to deal with the people who make a large profit with marijuana. My amendment to the committee amendment does not touch that at all. The subject of smuggling and the penalties provided for 1,000 pounds or more, the penalties provided in a Class C crime for trafficking in marijuana, for selling marijuana, this amendment does not affect that. What this amendment does is say that you are not guilty and have to prove yourself innocent before you go into the courtroom. The committee amendment establishes and presumption that if you possess two pounds or more of marijuana, and that is all you do, you just have it in your possession, that you have an intention to sell it, to traffic in it and when you go into court, you have to rebut that.

My position is, if I have two pounds or more of marijuana in my possession, they can charge me with furnishing, which is a Class D crime, but if they want to charge me with trafficking, they have to be able to prove it, and don't go into court already one step behind by having a presumption against you that you intend to traffic; the prosecution must prove that. This amendment, in no way, touches the penalties for dealing in large amounts of marijuana or for smuggling, it just deals with that aspect of the committee amendment called presumption, and I really would hope that you would defeat the motion to indefinitely postpone.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I must correct one thing stated by the previous speaker. He said that the legislature said it was okay to have marijuana. We did not say that. We said it was a crime and should be punishable by fine as a civil crime and no record should be made of it but in no way was my vote for that bill an endorsement of marijuana.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: We discussed this bill at great length in the committee. The presumption situation, although there are some attorneys who say that the presumption thing will

not hold water in court anyway.

Just to give you an idea of what we are talking about here, when you talk two pounds of marijuana, you are talking approximately 1100 — and we kind of agreed on this. I think, yesterday, this is not an expert's testimony but from various sources — about 1100 joints per pound, which would be three joints a day for two years. I would hope that you would join us today in defeating my good friend's amendment from Portland.

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

Mr. HOWE: The Speaker, Members of the House: To all of the previous speakers, I want to say that I think this debate has proceeded in the best spirit thus far. I am surprised to learn of the gentleman from Portland, Mr. Joyce's interest in agriculture and sailing. That was almost as revealing to me as the news about him in the newspaper item. I learn more about him everyday.

I am going to support the gentleman, Mr. Connolly, on his amendment for this reason. I think this bill, with or without the amendment, is a get tough bill, a law and order bill if you will, and it gets tough particularly with the people bringing in really large amounts of marijuana from outside the state or outside this country onto the coast, which is a problem that has sort of burst upon us in the last couple of years, a real problem. I support the amendment to it, because I think that otherwise we have a provision in the law that sort of turns topsy-turvy the whole idea that you or I or anybody gets taken to a courtroom in this country, it is up to the government to prove its case and not for us to have to prove that we didn't do it. It is supposed to be easy to put somebody in jail in this country, that is what makes this country different from so many other countries on this planet.

I think, our of a sense of fairness and at least in the spirit of the Constitution, I must support this amendment.

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

Mr. DAVIES: Mr. Speaker, Members of the House: I would like to clarify today a little bit about the situation that we have currently in the State of Maine so you will understand a little bit more clearly what Mr. Connolly is trying to do.

Right now, by the action of the legislature in the last few years, we have set a policy on drugs that is different from what it had been previously. We have recognized that marijuana has become a drug that is used by a large number of the people in the State of Maine. The legislation that we have enacted in our Criminal Code and have reinforced by refusing to change those laws in the last session of the legislature, is that we discourage the use of marijuana but that we do not want to punish people for possession of marijuana in such a way that the damage of the punishment does more harm than the substance that they are being punished for using. It was clearly established before the Judiciary Committee on a number of occasions that this state regardless of what our laws are. Whether they are going to be strict or lax, it is not going to have any affect on the amount of marijuana that is going to be around.

What this bill attempts to do, it tries to penalize those people who would bring it into the state in large quantities and it certainly should be passed. There is a group of people in the state who are trying to do something that removes them from this illicit system of procuring drugs from outside of the state and outside of the country.

There are two ways you can get marijuana. You can buy it from someplace else or you can grow it yourself. If you buy it from someplace else, what you are doing is, you are putting your money into an illegal system. You are spending your money that is going to be leaving the State of Maine and is going to be going

someplace else; elsewhere in the country, elsewhere in the world. It is leaving Maine and it is supporting an illegal system that often has ties with the mafia and organized crime. Those people who are going to use marijuana, and we simply are not going to affect their usage, regardless of what we do with this law, have two choices, they can either buy them from this illegal source or they can grow it themselves. My own preference would be to destroy that illegal system because of the people who are involved in it, because of the fact it ships Maine money out-of-state and I would much prefer that those people who want to take the risk and want to face the possible criminal prosecution for possession of marijuana should have that right if, in the process, they break down that illicit system that has developed over the last ten years. There is only one way you are going to break down that illicit system, by finding some alternative.

We do not want to encourage drug use of any sort, but we have to recognize what is happening with our legal system. If we pass tougher laws and they are not enforced and people totally ignore them, flaunt them, then what has happened? Our legal system has been brought into question. There is dispute about it. There are people who do not believe in it because they do not feel that the law works, that it doesn't achieve out what it sets out to achieve, and that brings disrespect on our total legal system and think all of us want to avoid that.

What Mr. Connolly is proposing in this amendment is that those people who would choose to grow their own, remove themselves from the illegal system that we know is in existence and we know that we are not going to have any opportunity of affecting significantly, that we should find some way so that these people are not penalized to the same extent as those people who participate in the illicit system.

I am going to vote today in support of Mr. Connolly's amendment and I hope you will consider that we cannot solve the problem but let's take a course that will not put our citizens in more jeopardy because they are trying to avoid an illicit system that those who participate in it.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. MCHENRY: Mr. Speaker, I would like to pose a question through the Chair. Is it not against the law to cultivate marijuana? If it is, why should we be protecting them?

The SPEAKER: The gentleman from Madawaska, Mr. McHenry, has posed a question through the Chair to anyone who may answer if they so desire.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: The cultivation of marijuana is not necessarily illegal; what is illegal is the possession of marijuana. If you cultivate, you obviously possess it. The possession of marijuana is a civil offense. It is not criminal, it is not legal, it is the middle category called a civil offense.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I am frequently confused by legal technicalities and this is one of the cases. Somewhere in the back of my mind, I remember hearing something about two and a half ounces of marijuana being bad and now I find two pounds is not bad. I also am much more confused, is marijuana at all good or bad, because now I am being told that if we bring it in from another country, it is bad, but if we grow it for ourselves, it is good. I am still confused. Is it possible that in-state marijuana is less damaging than out-of-state marijuana? I can't quite figure that out.

One more thing that bothers me. I live in the woods, as you people all know, and we do have

an influx of people who grow marijuana. Our law enforcement officers will, from time to time, spot this marijuana growing. They will pull it up, haul the people who were growing it into court and get some kind of conviction, and I have not heard anybody say anything about that being legal, so maybe our law enforcement officers are operating entirely illegally, I am going to check up on that anyway.

However, I see many discrepancies in the discussion that we have had there this afternoon and I really hope that you defeat this amendment.

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

Mr. DAVIES: Mr. Speaker, Members of the House: In response to the question from Mr. Fenlason, as to what the difference between Maine grown marijuana and non-Maine grown marijuana is, due to the nature of the marijuana plant, the cannabis sativa plant, the greater the amount of sunlight the higher the temperature and the greater fertility of the soil produces a higher active ingredient, the Delta-9 tetrahydrocannabinol. If it is grown in South America, where most of the marijuana that is imported into this country comes from, it will generally have a THC level of between 6 and 12 percent. This is airy strong marijuana. However, since Maine's climate is not as conducive to the growing of this plant as it is in Columbia or Mexico, where most of it does grow, then those plants that do grown in the state generally will produce a THC level of between 2 and 5 percent. If there is any truth to the fact that Delta-9 tetrahydrocannabinol is a dangerous substance and there is no conclusive evidence one way or the other on this, then one would assume that the greater the percentage of THC in the marijuana, the more potent it is and, therefore, the more dangerous. I would assume that if we want to have our citizens be as healthy as possible, if they are going to smoke marijuana anyhow, they would just as soon smoke Maine marijuana than out-of-country marijuana, because it is not going to be as potent.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank the learned gentleman for his discussion with very adequate chemical-terms which I no longer understand. I would state that somewhere around 40 years ago I was a chemical engineer, but that is a long time ago and I have forgotten all that stuff, so it really went right over my head.

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

Mr. HOWE: Mr. Speaker, Members of the House: I would put it in slightly different terms for the gentleman. Doesn't he prefer Maine potatoes to Idaho potatoes?

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: It seems that this weed is causing problems in all parts of the state. I know down on the coast, it prompted the coast guard to step up their patrol, prompting these unmarked boats to dump their freight overboard, at times causing navigational hazards. It is also suspected by some that this has contributed to the rash of high tides causing a lot of damage in the southern part of the state.

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

Mr. CONNORS: Mr. Speaker, Members of the House: Just a little information I would like to put out here. All over this state it is prevalent. I was talking with several law enforcement officers last week about this, and they will purchase an ounce of marijuana and they will take it and roll their cigarettes — these are young people — and they take them out and sell them for just about double what it costs them. They are selling them for \$1.50 apiece. It costs them about 70 or 75 cents for a cigarette and

there is about 80 to 85 cigarettes in an ounce. So they are making themselves \$40 a day in selling marijuana cigarettes. I think they have a pretty good thing going. They can make themselves \$200, \$250 or \$300 a day. This is very prevalent throughout the towns and cities.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I have sat here this afternoon and I really am amazed with the knowledge of people in this body who really know about this marijuana thing we are talking about. They should have been to some of the hearings two and three years ago when they had people flown in from all over the country. One, I remember, was at the Judiciary hearing at the Civic Center and these people here today are supporting this amendment give me the impression that they know more than these experts know.

The other thing that I was quite impressed with, I realize that my knowledge is very limited in most fields and I don't profess to know as much as Mr. Davies or the good people on that Judiciary Committee, but one thing, I might not have been blessed with a lot of intelligence and education, but at least I have a little common sense left.

Do you really think and believe that these creepy crawlers that grow this stuff are doing it for their own use? They are here to make money selling it. I think when these pushers and these peddlers sell this kind of stuff to our young people, the legislature has too many intelligent people to encourage this, to let these lower than scum people continue to make a good living off probably innocent young people.

I know there are many many people that I have seen told, and truthfully I have not seen many, who indulge in this form of entertainment, and maybe there are. I don't know what the plant looks like. I don't know anyone who is growing them. I have had people say to me, do you know that so and so down the street, down at the bowling alley, is smoking pot? Well, personally, I could care less. If that is their thing and they want to do it, fine and good, but I think the members of this House are so confused with decent rights and people's rights and civil rights, that they cannot separate any one of them.

You know, there is a difference. There is a difference between civil rights and between people's rights. The people's rights are only as long as this legislature lets them have that right. A civil rights issue is an entirely different ballgame. A civil rights issue is the color of your skin or what church you go to, whether you are discriminated against or not, that is a whole new ballgame. The amendment that my good friend Mr. Connolly, who I have the greatest respect for, we do not usually agree and this is probably just one more of those, but what he is asking, and I don't believe it is a right. I don't believe that it has anything to do with that, I think it is a people's right. I think the people's rights today are far more important than whether you have the right to grow these things and to keep it for their own use. I do not know believe, sincerely, and I am sure that Mr. Connolly, a very fine gentleman, I vote with him once in awhile, he certainly does not believe in trying to make the members of this House believe that people in Maine are going to grow this for their own use. If you believe it - -

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I just thought if Mr. Laffin was interested in knowing what a marijuana plant looks like, it looks a heck of a lot like the new plant in the new Legislative Finance Office.

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

Mr. HALL: Mr. Speaker, Ladies and Gen-

lemen of the House: I probably am not going to support this amendment today and I will give you a couple of reasons why. I don't believe that marijuana or cigarettes are good sucking up into your innards anyway. I don't believe it leaves you with better health. A couple of things I have heard here today, I would like to give you a different perspective on them.

In regard to the marijuana grown here in Maine, in part of my district, we have some that is grown, the only way they can grow it is on these tall trees. When I campaigned a year ago, I went as far as I could with my car, then I had to walk and I had to walk about half a mile up into the woods. This college graduate was living up there in a nice little cabin and he was pretty tickled that I came in to see him. He said, Don, how do you feel about me growing marijuana? I told him, I don't care how much you grow. If you had a barn full of it, I might be a little bit worried because I would then think you would want to sell it, but if you want to grow it for yourself, I am not going to come up here again and check to see whether you are going to sell it or not. The big thing is, I think, you must remember that none of this stuff adds to the length of your life or health. It will not make you live any longer.

I hope everybody will vote to turn this thing down.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: We have enjoyed the rather light debate we had this afternoon, but I would just like, I hope to end it, on a serious note, and that is for us not to forget that no matter how you slice it, you are dealing with a substance that is an offense to the majority of the people of Maine in any quantity. Our laws indicate that. No quantity is a legal amount to have in your possession. Any amount will be evidence that can be used against you. I don't think we should do anything to somehow condone the growing of a larger quantity than zero. Zero is the maximum legal amount to have in your possession in the State of Maine.

The committee amendment is the bill, in case anyone had not noticed, and I have confidence in the work of the committee, so let's resist any attempts to weaken it and vote with the gentleman from Kingfield.

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 have sat here and listened to this debate for about an hour and a half and there have been comments made that I think were way off the mark of the real issue at hand. It is difficult to talk about such an emotional issue as marijuana, the smoking of marijuana, whether it is good or bad for your health, without getting into some of the issues that we have discussed here today.

I would just like to say that Representative Howe from South Portland probably came closest, in my opinion, aside perhaps from that of the sponsor, to describing what I consider to be the real essence of this bill, and that is that we are setting a double standard up here. If you are caught with more than two pounds of marijuana in your possession, according to the committee amendment, without Representative Connolly's amendment on top of it, we are presuming that people are there to traffic.

Representative Connolly and other members are absolutely correct, there are people who grow it who have absolutely no intention at all of trafficking. I find it very distasteful to me to place the reasonable burden on them as opposed to the state. If we are going to bring these people to court, let the state try to prove that they were trying to traffic. Just having it does not necessarily mean you are going to traffic.

I would hope that the legislature today would support Representative Connolly's amend-

ment.

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. Those in favor will vote yes; those opposed will vote no.

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

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

ROLL CALL

YEA — Alopis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. C.; Bunker, Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Churchill, Clark, Connors, Cox, Cunningham, Curran, Devoe, Dexter, Diamond, Dow, Dudley, Durgin, Elias, Felason, Flanagan, Fowle, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kerry, Kilcoyne, Laffin, Lewis, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paul, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Raymond, Rideout, Rollins, Sewall, Shute, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Trafton, Truman, Violette, Wilfong, Wood, Wyman, The Speaker.

NAY — Biron, Connolly, Davies, Green, Howe, Huber, Kane, Kany, Quinn, Talbot, Tozier, Valentine.

ABSENT — Brown, K. L.; Carter, F.; Cote, Drinkwater, Dutremble, Gould, Jalbert, Kelleher, LaPlante, Littlefield, Lizotte, Martin, A.; Mills, Moody, Najarian, Palmer, Silsby, Twitchell, Tyndale, Whittmore.

Yes, 118, No, 12, Absent, 21.

The SPEAKER: One hundred eighteen having voted in the affirmative and twelve in the negative, with twenty-one being absent, the motion does prevail.

Thereupon, Committee Amendment "A" was adopted and the Bill assigned for second reading Monday, February 27.

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

"An Act to Provide for Specific Liability for Persons or Corporations Contributing to a Public Nuisance" (S. P. 658) (L. D. 2035) (S. "A" S-467 to C. "A" S-464)

Tabled — February 23, 1978 by Mrs. Post of Owls Head.

Pending — Passage to be Enacted.

On motion of Mrs. Post of Owls Head, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed as amended.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" to Senate Amendment "A" was adopted.

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

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

House Amendment "A" to Committee

Amendment "A" (H-1084) was read by the Clerk.

Mrs. POST: Mr. Speaker, Members of the House: House Amendment "A" simply provides the same type of extension as has been provided in this particular bill for agricultural activities.

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

Mr. WOOD: Mr. Speaker, I would like to pose a question through the Chair, and this is not directed at the gentlewoman from Owls Head, Mrs. Post, for obvious reasons. I would pose the question to anyone on Judiciary that could answer, as to what would be normal agriculture or normal fishing activities and, in fact, is this a further harassment of farmers?

The SPEAKER: The gentleman from Sanford, Mr. Wood, has posed a question through the Chair to anyone who may answer if they so desire.

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

Mr. SPENCER: Mr. Speaker, Members of the House: This bill originally came in as an effort to solve an insect infestation problem in Houlton and one in Turner, and there were a lot of people who came into the committee and they told stories about how they had thousands and thousands of bugs in their houses. One guy had woken up and his wife just had a bug crawl into her ear. The insect infestation was caused by some very unusual grain storage conditions, so the Judiciary Committee tried to write a bill that would allow the state entomologists and the Attorney General to deal with the extraordinary situation where people's houses were being filled with bugs and the bugs were falling in people's ears and in their coffee and so on, without setting up a mechanism that would result in harassment to farmers everytime there was a bug on their farm and there was a neighbor who wanted to close down the farm. We wrote this bill that authorized the Attorney General, on the recommendation of the state entomologists, to take action where there was an insect infestation.

An amendment was put on in the Senate which exempted normal agricultural activities, and that is not a legal term of art, it is just those words, normal agricultural activities. The state entomologist and the Attorney General would look at those words and if it involved spreading manure or plowing or whatever, they would probably treat that as normal agricultural activities. If it involved grain that was rotting and had not been cleaned up, they would probably say that it was not. I do not think that it is that clear. I don't think this bill is that good, and I really don't have anymore to say about it.

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

Mr. WOOD: Mr. Speaker, Members of the House: With that learned explanation, I would ask for a division.

The SPEAKER: Does the gentleman wish a division on the adoption of the amendment offered by the gentlewoman of Owls Head?

Mr. WOOD: No.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if this bill somehow could not be tied to the problem with the black fly in Penobscot County?

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

Mr. TIERNEY: Mr. Speaker, Members of the House: As I see it, the only difference between what this amendment does, presented by the gentlelady from Owls Head, is just to indicate, at least to me, that there seems to be some problem with the fishing industry in regards to public nuisance. I would like to ask the good gentlelady from Owls Head and perhaps the gentleman from Stonington and from Blue Hill and the gentleman from Gouldsboro, any

of those learned people in the field of nautical affairs, please explain to me what could possibly be construed as a nuisance in the field of fishing?

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I think what is and what is not a nuisance sort of depends on your perspective. We have all been laughing about this, but it does represent a real concern. I wanted to make sure that the bill could not be used as harassment for some of our fishermen. I have the same kind of concern as the gentleman from Sanford, Mr. Wood, does as far as his farmers are concerned.

What the kind of instance that does arise from time to time with some of the coastal communities is that you have fishermen who have bait houses and the bait houses sometimes attracts flies. You also have some summer people and some local people who do not like bait houses and they would like to get rid of them. If they could say that this is something which is causing an infestation of flies and an infestation as when they breed and flies do, from time to time, breed on bait, especially if you have to store it, which we do, we have lots of problems and if bait is stored for any length of time, it sometimes does breed flies. What we wanted to do was make sure that this particular act of the legislature, even though it may be very well meaning, could not be used to harass some of the fishermen.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would like to submit that as long as the gentelady from Owls Head is a member of this House, the fishermen have little to worry about harassment from this House.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted in non-concurrence.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence.

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

Mr. WOOD: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed and request a Division.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I hate to get up, I have been up too much lately but this bill came with two distinct problems in the State of Maine. One was in Houlton with flies and Turner with the grain beetles. The people up there and the people in Turner have suffered a great inconvenience, as was presented in the testimony to the committee. As a matter of fact, one fellow they were talking about, the beetles getting in through the screens and one fellow said, heck, they don't have to go through the screens, they can open the door and walk in, they are that big.

We did talk to the Farm Bureau people and we talked to the dairymen and their representative and it came down to trying to bring a bill out so that if a whole community was beset with an infestation of the proportion that took place in the two communities that were bothered as presented in this bill, there would be someone that the citizens could go to, to look into it.

In the two areas that were mentioned, there was no one to go to, no place for the citizens to turn. We spent some time with this and we structured it so that it would not affect the normal operation of dairy farmers and it wouldn't affect normal operation of people in the agricultural pursuits or any other pursuit. It is strengthened by the fine amendment of the gentlewoman from Owls Head, Mrs. Post, and I think that that is great. I do think that the citi-

zens of the state do have a right to have a piece of legislation in there, and I agree with Chairman Spencer that it doesn't do a great deal but it does give them someone to go to with their problem. I think we would be remiss to all the citizens of the state if we were to indefinitely postpone this bill this afternoon.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to support the motion of Mr. Wood. I have conducted a farming operation for 30 years in the State of Maine. I have a son who is very much interested and going to take it over, will continue, and many other people earn their livelihood in this great endeavor and we have never had a problem of this nature. We don't foresee any need for this type of legislation. I think we are legislating the air we breathe, we are being told where we can sit, we are legislated when we get an automobile to put on a seatbelt. We have just gone completely legislative, right off the end of the big board.

I don't see any need for this legislation. We have a health officer in our community, we have zoning, we are controlling our growth, we are controlling problems that arise. I feel we have plenty of laws on the present statutes and there is no need whatsoever for this type of legislation and I would urge you all to support the motion of Mr. Wood to indefinitely postpone this legislation.

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

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I beg to disagree with the good gentleman from Limerick, Mr. Carroll. One of the specific towns that this problem arose in last summer is the Town of Turner, which is one of my district towns. They did have severe problems there and the problems there arose from the agricultural activities of the poultry industry.

The bill that was presented was really a far cry from what we thought was normal, and this amendment is reasonable. It takes away the fine that was in the original bill of \$10,000 a day, and it does authorize the Attorney General to institute an abatement action on the advice of the state entomologist. I think the consumer people, the residents in the rural areas, feel that they ought to have some chance to voice their disapproval or their problems and have someone who will listen to them and try to resolve it if it is of a serious nature.

I hope that we will not indefinitely postpone this bill.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: This certainly is not a partisan issue, but once in a while even majority leaders have issues that they feel strongly about but don't have anything to do with partisan politics, and I hope we don't indefinitely postpone this bill.

I just happened to be looking for a member of the Judiciary Committee the day this bill was heard and I wandered into the committee and I happened to hear the testimony. I would like to assure the men and women of this House that the two communities in question are, one is way up north in Aroostook County and one is way down in Androscoggin County and both towns have something in common. What they have in common is that the source of those various bugs came from the last employer who has operations in both areas. I can guarantee you, ladies and gentlemen of the House, that that employer is not what you would call the family farm. It is a giant, interlocking corporate business. It is agri-business pure and simple, and that is the source of the problem. The committee is obviously trying to take care of it through their amendment, trying to take care of the small farm and now the small bait shacks as well, and I think it is a problem. I think the

people of the state do have a right if all of a sudden the home they live in becomes so infested with bugs because a large corporation doesn't want to spend a few bucks to clean it up and the value of their homes drops down to next to nothing, it is a serious problem.

We are not talking about the farms that Mr. Wood and Mr. Carroll are worried about, and I certainly think it would not be right for us to indefinitely postpone this bill.

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

Mrs. KANY: Mr. Speaker, may I pose a question through the Chair to anyone who would care to answer it? Couldn't the problem of these two communities be resolved by local ordinance?

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

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The problem with having a local ordinance is, you never know where the bug is going to strike next.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The problem that was raised by the people who came to our committee was a very serious problem to them. Their houses were completely infested with insects and there was nothing that they could do to control them, and every waking hour they were dealing with bugs in their food, in their storage closets, in their beds, all day long, from the time they got up until the time they went to bed they were dealing with hundreds and thousands of bugs in their houses.

The problem that the original posed was that it included an insect infestation in the regular nuisance law and put a fine on of \$10,000 a day, which would mean that every farmer could have been harassed by suit by a neighbor who was concerned about the bugs.

I spent a considerable amount of time trying to see if there was some way that the problem that the people in Houlton and Turner had could be addressed under existing state law, and it turned out that there was nobody that could respond. The state entomologist could go and say, yes, there is a problem here, but there was no enforcement power. The Department of Human Services can only take action if the bugs are carriers of disease, but if they are not carriers of disease, there is no authority there.

What we tried to do was to structure a bill which would enable the state, the Attorney General, to respond to the major insect infestation which was causing this kind of problem but to design it in such a way that it wouldn't harass ordinary farmers.

What we have said is that in the event that there is an insect infestation and it is a public nuisance, which means that it affects a large number of people, then the state entomologist can go down and if he finds that those conditions exist, he can recommend to the Attorney General that action be taken, not to sue for damages or to make the person pay a fine, but simply to get them to clean up the mess. In Houlton and in Turner, there are very severe conditions that have been allowed to deteriorate to the point that the whole town was becoming infested with insects.

I have discussed the proposed change with people from the poultry federation and other agricultural groups, and the feeling seems to be that this does provide a remedy for the people where there is this kind of serious infestation without creating a harassment problem for the small farmer operating a family farm. I think those people who had that problem do deserve some consideration from the legislature.

The SPEAKER: The pending question is on the motion of the gentleman from Sanford, Mr.

Wood, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

9 having voted in the affirmative and 80 having voted in the negative, the motion did not prevail.

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

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

Bill "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine State Troopers Association" (Emergency) (H. P. 2138) (Presented by Ms. Goodwin of Bath) (Cosponsor: Mr. Morton of Farmington) (Governor's Bill)

Committee on Reference of Bills suggested the Committee on Appropriations and Financial Affairs.

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

Mr. CARROLL: Mr. Speaker, I feel that where the Department of Transportation furnishes 75 percent of the funds for the Maine State Police, this document should be sent to the Committee on Transportation.

In the regular session, the Appropriations Committee acted on highway matters and approved the spending of many millions of dollars of dedicated revenue to the Department of Transportation. I feel that when a bill affects the Department of Transportation, as this one does, it most certainly should go to the Transportation Committee.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: This is somewhat of a significant bill. This is the first piece of legislation that is coming into this legislature to ratify a negotiated agreement between the Governor and the State employees. This was worked out between the President of the Senate, all members of leadership and the Governor that we wanted to set a precedent for the handling of all of these types of legislation that will be forthcoming to provide for the ratification of these agreements. It was determined, and I am glad to have a chance to put this on the record, that we would ask the House Chairman of Appropriations and the ranking member of the opposite party to cosponsor these bills. There isn't an iota of any partisan message in this and we hope there never will be. The fact that has been brought out, and it is accurate, that the bulk of this settlement will go against the transportation budget notwithstanding, I would hope you would endorse the reference of this bill to Appropriations and Financial Affairs.

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: I would like to take this rare occasion to agree with the gentleman from Cumberland, Mr. Garsoe, relative to procedures under ratification of collective bargaining contracts between the individual state units and the State of Maine. If we begin by trying to send these bills as they come in to the committees that are most heavily impacted relative to department budgets, there will be absolutely no end to it.

I hope you will go along and send this to Appropriations and Financial Affairs, where it rightfully belongs.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that this Bill be referred to the Committee on Transportation. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

19 having voted in the affirmative and 72 having voted in the negative, the motion did not

prevail.

Thereupon, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands (St. Regis Paper Company) (H. P. 2136) (L. D. 2158) (Presented by Mr. Martin of Eagle Lake) (Cosponsor: Mr. Palmer of Nobleboro) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Was referred to the Committee on Natural Resources, ordered printed and sent up for concurrence.

Bill "An Act Providing the Governor with the Procedure for Reorganizing a Department or Agency of State Government" (H. P. 2137) (Presented by Mr. Quinn of Gorham) (Governor's Bill)

Was referred to the Committee on State Government, ordered printed and sent up for concurrence.

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

The following Joint Order, an Expression of Legislative Sentiment recognizing that: Senior high school girls from all over the State will be competing in the Maine Junior Miss Scholastic Pageant on February 24th and 25th at Montello Junior High School in Lewiston, concluding a week-long celebration of Maine's Junior Miss Week (S. P. 711)

Came from the Senate read and passed.

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

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

Bill "An Act to Revise the Salaries of Certain County Officers" (H. P. 1942) (L. D. 2108) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Mr. Henderson of Bangor, retabled pending further consideration and specially assigned for Monday, February 27.

(Off Record Remarks)

On motion of Mr. Silsby of Ellsworth,
Adjourned until Monday, February 27, at
nine thirty in the morning.