

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

Index

1st Special Session

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, June 18, 1969

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

Prayer by the Rev. Mr. Louis Fortier of Augusta.

The journal of yesterday was read and approved.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act relating to Neglect of Official Duty by Municipal Officers" (H. P. 528) (L. D. 699) reporting that they are unable to agree.

(Signed)

FINEMORE

of Bridgewater

DENNETT of Kittery

BRENNAN of Portland

—Committee on part of House.

VIOLETTE of Aroostook

MILLS of Franklin

QUINN of Penobscot

—Committee on part of Senate.

The Report was read and accepted and sent up for concurrence.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act Closing the Military and Naval Children's Home and Disposing of the Property" (H. P. 757) (L. D. 977) reporting that the House recede from substituting the Bill and engrossment of same for the Report of the Committee on Health and Institutional Services reporting same in a new draft (H. P. 1203) (L. D. 1530) under title of "An Act relating to the Military and Naval Children's Home"; that the House accept the Report of the Committee, adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee "A"; that the Senate recede from passage to be engrossed,

adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

(Signed)

BRAGDON of Perham
BENSON

of Southwest Harbor

MARTIN of Eagle Lake

—Committee on part of House.

REED of Sagadahoc

CONLEY of Cumberland

STUART of Cumberland

—Committee on part of Senate.

Report was read.

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

Mr. JALBERT: Mr. Speaker, I would ask two questions from the Conferees. One, is this bill amendable now? Two, is the measure transferred to the Health and Welfare Department?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert poses a question through the Chair to a member of the Conference Committee.

The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, I would not attempt to answer the question as to whether the bill is amendable or not, I would leave that to the Chair. However, this report does leave this Home still under Mental Health and Corrections, under the Department of Mental Health and Corrections. Actually it just restores it to its present status with sufficient money, there was some money in the Part I budget. It puts enough more money with that to continue the operation of the Home at its present level for this coming biennium.

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

Mr. LUND: Mr. Speaker and Members of the House: In view of the economy votes that were taken yesterday, I would like to inquire of any member of the Conference Committee how much in additional funding this new amendment will require the State to expend on this project?

The SPEAKER: The gentleman from Augusta, Mr. Lund poses a further question through the Chair to a member of the Conference Committee, and the Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, if you would refer to filing number H-553 you will find the appropriations as set up under this Conference Committee report. \$48,217 for the first year of the biennium, \$97,664 for the second year of the biennium.

The SPEAKER: The Chair would call the attention of the members to Joint Rule 20. "Conference Committees. Committees of Conference shall consist of three members on the part of each house, representing its vote, and their report if agreed to by a majority of each committee, shall be made to the branch asking the conference, and may be either accepted or rejected; but no other action shall be had except through another committee of conference."

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: As a member of the Conference Committee I would report to you that there was consideration at our meeting of the Committee on Health and Institutional Services report that a board be set up to operate this Home. And of course the position of the House which the Conferees here represented was that this idea be rejected. As a result the Conference Committee report is for a restoration of the budget which would operate this Home for the next two years. There was also consideration given to the possibility of setting up a legislative committee to once again investigate the Bath Home, its operation, its feasibility and report to the Legislature whether it in fact should be continued or should not.

It was the feeling of the House Conferees that this would not serve any useful purpose. This had been studied many times and the recommendations had been reported to the Legislature and for this reason we felt that such a study by a legislative committee would not

serve any good or useful purpose. I would urge you to accept the Conference Committee report as it is on your calendar and allow this Home to operate for the next two years, which seems to be the feeling and intent of the Legislature.

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

Mr. JALBERT: Mr. Speaker, I would like to again ask the first part of my question, what is the status of the bill if the Committee of Conference report is accepted? Is the bill in a position where it could be amended?

The SPEAKER: The Chair would advise the gentleman that the bill may not be amended if you accept the Conferees' Committee Report, you will accept the Conference Committee "A" amendment. If you reject the Conference Committee report, you may further insist and request another Committee of Conference.

Mr. JALBERT: Mr. Speaker, may I speak on this measure?

The SPEAKER: The gentleman may proceed.

Mr. JALBERT: Mr. Speaker and Members of the House: For the third time I am accepting the fact that this school is going to remain open. I am not, however, going to accept the fact that this school remain in an area where it absolutely does not belong by the very admission of the gentleman from Bath, Mr. Ross. I am not accepting the fact that this school is properly managed.

The program of foster homes is under the Health and Welfare Department and I see absolutely no reason at all that this measure here remain in the Mental Health and Corrections category. It has absolutely no business there at all. I am going to accept going along with the keeping of the school open but I am not going to accept the keeping of this school in the department where it absolutely does not belong and I put a bill in two years ago. The people who were opposed to the closing of this school themselves said that they wanted this school under the program of Health and Welfare where it belongs.

If that is the only way that I can amend this thing, with the understanding that I would in no way want to close this school but I want to put it where it belongs, I would move that we insist and ask for another Committee of Conference.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: We have debated this subject at length several times. It was referred to the Appropriations Committee first. They reported it out "ought not to pass." It was then re-referred to the Committee on Health and Institutional Services and they reported it out in a new draft. The new draft was at my suggestion, changing the sponsorship of the Home to the Department of Health and Welfare and setting up an advisory board. Then it was defeated in this House by a narrow margin. I think the next day we could have overturned that, but I was willing to go along and have a Committee of Conference. We have had the Committee of Conference. The three members on the Committee of Conference are all members of the Appropriations Committee. We are certainly willing to accept this Conference Committee report although we still would rather have the sponsorship under the Department of Health and Welfare. We will accept this alternative.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Then on the basis of that regardless of the Committee, and it should be borne in mind that this Appropriations Committee also voted unanimously to close this school; and I will say, you talk about a narrow margin, the first vote that was taken here to close it was 93 to 39. At that stage of the game the gentleman from Bath, and I know of his integrity, will agree with me that he would have settled for anything, certainly, putting it under Health and Welfare.

That is all I want to do. That is where it belongs. I am willing to concede for the third time a unani-

mous Committee Report to close this school, but I am not going to concede a third time that this school be kept where it does not belong. And when the vote is taken I move for a division on it, Mr. Speaker.

The SPEAKER: The proper motion at this time is either to accept or reject the Conference Committee report.

Mr. JALBERT: The motion then would be that if we reject it to ask for another Committee of Conference merely to put in that situation I asked for, Mr. Speaker?

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, I believe the motion has been made to accept the Committee Report. Is that correct sir? I would hope that the House would go along with that motion.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: I will have to agree with the gentleman from Lewiston, Mr. Jalbert today. I think that we have accomplished absolutely nothing. We heard this Committee report from the Appropriations Committee to close this institution. I was one of those that took the side that we should keep it open if certain things were done. Number one, to transfer this to the Health and Welfare. Without this being done and at least a guidance committee to check to see what is being done down there, I think we have accomplished a big zero.

The SPEAKER: The Chair would inquire of the gentleman from Lewiston, Mr. Jalbert if he moved the rejection of the Committee Report?

Mr. JALBERT: Mr. Speaker, I move the rejection of the Committee report so that I can move to insist and ask for another Committee of Conference, so we can place this school where it properly belongs.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: Once again

the Conferees from the House I feel reflected the feeling of the House and that was not to accept the report of the Health and Institutional Services Committee to set up a board for the operation of this Home. We did, however, restore the necessary funds to operate the Home for the next two years of this biennium, and for that reason I hope that you do ultimately accept the Conference Committee report, let the Home stay under its present operation for the next two years, which I believe is the legislative intent.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: The motion now has been changed, the motion is to reject. I hope you vote against that motion. I would not mind if in the ultimate instance we could get this transferred, but we are taking a great gamble this morning. If we reject it and request another Committee of Conference we are taking the chance that it will definitely be closed. So please I hope those of you who have voted with us, I hope that you will vote against the motion to reject.

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

Mr. JALBERT: Mr. Speaker and Members of the House: My suggestion is not that I want a board. I merely want to transfer this school. The Appropriations Committee unanimously voted out to close this school with a 3 to 1 vote of this House. Now I don't want and I state here, I don't want anything to do with anything but transferring this school where it belongs, to the Department of Health and Welfare. The transfer can be effectuated very easily. I am thoroughly and completely convinced after having presented the bill before that it should be done and that we can effectuate money.

Now let's not go along and just say now that the agreement, the feeling of the House is that — the feeling of the House, number one, is that this school should have been closed. That was 93 to 39. That was the feeling of the House. The feel-

ing of the Appropriations Committee unanimous was to have this school closed. Now my feeling is this, and I think it is the feeling of the House, that we should without any board or committee of the Legislature, we don't need that, but we should transfer this school for economic reasons and for mere reasons of good management, where it belongs, to the Health and Welfare Department. I don't know of a program in state government that is more dangerous and more badly organized and administered than this department now. Let's not say we will keep it open for the next two years. We will keep it open for the next two, four, eight or ten years but let's keep it open where it rightfully belongs. That is why I am positively and absolutely opposed to the idea of accepting this Committee of Conference report.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I simply call your attention to the fact that the good gentleman from Lewiston loses sight of the fact that this House twice voted first, to close this school, secondly, not to accept the report of the Health and Institutional Services Committee to transfer this and set up a committee of private citizens to help administer it. I feel that the report of your Committee of Conference represents in both cases the feeling of this House. What you do with it now does not concern me, but I think you are treading on dangerous grounds. You have an opportunity to keep this school open under this report. It is up to you, whatever you want to do.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: We the members of the Health and Institutional Services Committee spent considerable time going down there, looking over the situation. We contacted Dr. Schumacher and we found that the Mental Health and Corrections didn't seem to care a whit about what was going on down there. They had

very few contacts with the head of that Home. We contacted Dr. Fisher and he was reluctant in accepting it, but nevertheless he agreed that was the place to take care of the children because he had a lot of foster homes and they could certainly place them in other foster homes if they were not needed in to Bath.

Therefore I believe that the Representative from Lewiston has the right idea.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I suggest to you that you vote against the rejection of the Committee of Conference report. This has been a long wait and many debates have been held on this bill. We are all aware that the vote in the House at different times has been for the closing of the place, but if the votes would have been extended for once or more times I think that we would have passed it.

On the other hand, we are all involved and concerned in keeping something which involves the benefit of the children that are there. I think that the Committee of Conference report has done a very good job and probably, although I don't agree in eliminating certain things of the Health and Institutional report, however I am willing in order to keep this place open and I think that with the new set-up and probably the eyes that will be kept on this that it will be well operated for the next two years. At least we can take a look at it then.

I do not agree that this should be transferred to Health and Welfare Department. I have had my run-ins with Dr. Fisher and I just as soon take my chances with Dr. Schumacher and I think that both were in some ways reluctant to taking the responsibility of running it, but I think that Dr. Schumacher did not definitely say that he would not take it. He has it now and I think that is where it belongs.

And I hope that you do not reject the report and go along with the report because a lot of work has been involved and I see that we are in a position now where it

would be operated and operated at a reasonable cost. Thank you.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert that the House reject the Conference Committee Report. The Chair will order a vote. All in favor of rejecting the Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

41 voted in the affirmative and 76 voted in the negative.

Whereupon, Mr. Jalbert of Lewiston requested the yeas and nays.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert requests that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring that this vote be taken by the yeas and nays will vote yes; those opposed will vote no. The Chair opens the vote.

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

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: I just want to remind the members who were not here when we just voted, the motion was to reject the Conference Committee report or, in other words, probably close down the Home. The House voted 75 to 41 against this motion which I vote for, against the motion, and I hope that they will keep voting against the motion.

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

Mr. JALBERT: Mr. Speaker and Members of the House: If the gentleman from Bath, Mr. Ross wants to put things on the record, I am going to put something on the record. The gentleman from Bath, Mr. Ross told me at his desk, if you will ward off your opposition to this measure we will go along with transferring

this school to the Health and Welfare Department. He told me that at his desk. I agreed to this. Now if we are going to put things on the record, then I am going to put things on the record because this school here, the Department of Mental Health and Corrections is not interested in this school. If we are going to have this school, and I want this school, I want it administered properly. This is the worst administered program in state government from the point of dollars and from the point of personnel, particularly from the top.

Now I assure you of one thing, that I am not talking about the acceptance of the Health and Institutional Services Committee report which would put a committee to study this thing and a committee to set guidelines and a legislative committee or a citizens committee. I merely want to transfer this school to the Health and Welfare Department where I was told that it would be all right if I would agree not to oppose the closing of the Bath school. And I want to say now, that this is a break in faith for my money. So if we are going to put things on the record, let's set the record straight.

Mr. Ross of Bath was granted permission to speak a third time.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Not only am I a man of my word, I have never broken faith with anybody and also I do not get angry. I just mentioned that I appeared before the Health and Institutional Services Committee and I suggested that it be transferred. They suggested that it be transferred, but the Conference Committee members did not suggest it be transferred. I do not feel that I have broken faith with anybody.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: Once again the vote before us is to reject the Conference Committee report. The Conference Committee felt that horsing around with this school at this point in time, attempting

to change it from one department to the other could ultimately lose the entire bill, and I feel that way this morning. I think the legislative intent is to keep the school open for the next two years and I hope that is the way you vote this morning. I hope that you vote against the rejection of the Conference Committee report and ultimately accept that report to operate this school for the following two years.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Miss Watson.

Miss WATSON: Mr. Speaker and Ladies and Gentlemen of the House: I too agreed to allow this Home to go under Health and Welfare, but my chief concern is to see that the Home will stay open. I think the children are the most important part of this problem. Some of these children are slightly emotionally disturbed and perhaps they could be better cared for under the Bureau of Mental Health and Corrections. I would have allowed the bill to go under Health and Welfare but I would ask today that you vote not to reject the Committee of Conference report.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: I certainly didn't intend to get involved in this. I am not against motherhood but I would remind you that this bill has been heard many, many times; that it has been shown that it was ill managed, that it was a hazard to these children, that for retarded children this was not necessarily the best type of care that they could get, and on top of that through political maneuvering and wearing people down we find it back before us again and we are about to be asked to spend \$150,000 for a Home where possibly at times there were roughly 7 to 10 children, an average of roughly 25. I think that the Health and Welfare Department are properly and adequately capable of taking care of the situation and I go along with the motion to reject.

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

Mr. BINNETTE: Mr. Speaker, I would like to ask the Committee of Conference a question. They have got underneath this amendment here \$600 for capital expenditures. I would like to know how far \$600 is going to go and where they are going to put it down in that Home.

The SPEAKER: The gentleman from Old Town, Mr. Binnette poses a question through the Chair to any member of the Committee of Conference who may answer if they choose.

The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, the Committee of Conference simply restored the amount of money that was set up in the Part I budget.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: Let's get things in their right order. The Appropriations Committee that originally accepted this bill fought to close the school. My Committee fought to keep it open. When you rejected the Committee Report from the Health and Institutional Committee you not only objected to accepting the report in regard to the so-called Committee at Large and also changing it to the Health and Institutional Committee, you also rejected the bill to keep the school open. This is the reason you went into a Committee of Conference. How else could it have gone? The other body passed to keep it open. We voted to close it.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert that the House reject the Committee of Conference Report. If you are in favor of this motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Baker, Binnette, Birt, Bourgoin, Casey, Clark, C. H.; Cottrell, Couture, Crommett, Cro-

teau, Cummings, Dennett, Donaghy, Dudley, Emery, Eustis, Fecteau, Fortier, A. J.; Hanson, Harriman, Haskell, Heselton, Hewes, Huber, Hunter, Immonen, Jalbert, Kelley, K. F.; Keyte, Leibowitz, LePage, Lincoln, Lund, Marquis, Marstaller, McKinnon, Mills, Nadeau, Payson, Pratt, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rocheleau, Sahagian, Shaw, Soulas, Susi, Tanguay, Temple, Trask, Vincent, Wheeler, Wight, Williams.

NAY — Allen, Barnes, Bedard, Benson, Berman, Bernier, Boudreau, Bragdon, Brennan, Brown, Buckley, Bunker, Burnham, Carey, Carrier, Carter, Chick, Clark, H. G.; Cote, Crosby, Curtis, Cushing, D'Alfonso, Drigotas, Durgin, Dyar, Evans, Farnham, Faucher, Fine-more, Fraser, Giroux, Good, Hall, Hardy, Hawkens, Henley, Hichens, Johnston, Kelleher, Kilroy, Lawry, Lebel, Lee, Levesque, Lewin, Lewis, MacPhail, Martin, McNally, McTeague, Meisner, Millett, Mitchell, Moreshead, Morgan, Mosher, Noyes, Page, Porter, Rideout, Ross, Scott, C. F.; Scott, G. W.; Starbird, Stillings, Thompson, Tyndale, Watson, White, Wood.

ABSENT—Chandler, Coffey, Corson, Cox, Curran, Dam, Danton, Erickson, Fortier, M.; Foster, Gauthier, Gilbert, Jameson, Jutras, Kelley, R. P.; Laberge, Norris, Ouellette, Quimby, Santoro, Sheltra, Snow, Waxman.

Yes, 56; No, 71; Absent, 23.

The SPEAKER: Fifty-six having voted in the affirmative and seventy-one in the negative, the motion does not prevail.

The House voted to recede. The Report was accepted and the Bill read twice. Conference Committee Amendment "A" (H-533) was read by the Clerk and adopted.

The SPEAKER: Is there objection to this Bill receiving its third reading at this time?

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

Mr. JALBERT: Mr. Speaker, I don't object to the bill. I would like to put an amendment on it. I would ask that this bill lie on the table until later on in the day's session.

The SPEAKER: The Chair would advise the gentleman that this is

beyond the amendment stage. Is there objection to this bill having its third reading at this time?

Thereupon, under suspension of the rules the Bill was read the third time and passed to be engrossed as amended by Conference Committee Amendment "A" in non-concurrence and sent up for concurrence.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Molesting Game Animals by Snowmobiles" (H. P. 890) (L. D. 1149) reporting that they are unable to agree.

(Signed)

DYAR of Strong
DAM of Skowhegan

—Committee on part of House

BARNES of Aroostook
MARTIN of Piscataquis

—Committee on part of Senate

The Report was read and accepted and sent up for concurrence.

Conference Committee Report Tabled Until Later in Today's Session

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Bids for Contractual Services under the Auburn City Charter" (H. P. 963) (L. D. 1243) reporting that the House recede from passage to be engrossed; adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede and concur with the House in substituting the Bill for the Report, adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

(Signed)

FINEMORE

of Bridgewater

EMERY of Auburn

CASEY of Baileyville

—Committee on part of House.

MARTIN of Piscataquis

BERNARD

of Androscoggin

—Committee on part of Senate.

Report was read.

(On motion of Mrs. Baker of Orrington, tabled pending acceptance of Report and assigned for later in today's session.)

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the State Highway Commission be, and hereby is, authorized and directed to make a study of the need and cost of reconstruction of Route 201 between the Cities of Gardiner and Augusta to provide a highway of modern design and construction with all necessary accesses thereto; and be it further

ORDERED, that the commission report the results of its study, including recommendations and any necessary legislation, to the next special or regular session of the Legislature. (S. P. 512)

Came from the Senate read and passed.

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

Reports of Committees Ought to Pass in New Draft

Report of the Committee on Natural Resources on Bill "An Act Defining the Powers and Duties of the Water and Air Environmental Improvement Commission and other State Agencies with Respect to Air Pollution" (S. P. 380) (L. D. 1290) reporting same in a new draft (S. P. 502) (L. D. 1597) under same title and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence, the New Draft read twice and tomorrow assigned.

Ought to Pass Amended in Senate

Report of the Committee on Industrial and Recreational Development on Bill "An Act to Rename

and Reorganize the Department of Economic Development" (S. P. 363) (L. D. 1245) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-257) was read by the Clerk and adopted in concurrence. Senate Amendment "A" (S-281) was read by the Clerk.

Mr. Farnham of Hampden then offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

House Amendment "A" to Senate Amendment "A" (H-558) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen: If you will look at Senate Amendment S-281 you will find that it deletes the authority of the Commissioner to issue a little booklet called "Maine on the Grow," and I am not concerned with that part of the amendment.

The second part of the amendment reads "Further amend said Bill in section 15 by striking out all of the last sentence of subsection 5 of that part designated '§ 651'." Subsection 5 reads—"Such investigations shall include physical marine resources, environmental studies, industrial and recreational effects, and technological developments with special attention to the fields of electronics, nuclear energy and chemical industries."

But the reading of the last part of the sentence I have no objection to and my amendment simply returns to the Department of Geology, which is in the DED, the right to continue the investigations they now conduct. Such investigations concern the geological exploration of physical marine resources, mapping along the shore waters of our coast line, environmental studies which they make and provide information for new

industry as to the sources of gravel or crushed rock or anything else needed for the proper location of an industrial plant.

I hope that the House will go along with the adoption of House Amendment "A" to Senate Amendment "A".

House Amendment "A" to Senate Amendment "A" was adopted. Senate Amendment "A" as amended by House Amendment "A" thereto was adopted, and the Bill assigned for third reading tomorrow.

Final Report

Final Report of the following Joint Standing Committee:

Education

Came from the Senate read and accepted.

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

Non-Concurrent Matter

Bill "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws" (S. P. 464) (L. D. 1543) which was passed to be engrossed as amended by House Amendments "B" and "C" in non-concurrence in the House on June 10.

Came from the Senate passed to be engrossed as amended by House Amendments "B" and "C" and Senate Amendment "B" in non-concurrence.

In the House: On motion of Mr. Lewin of Augusta, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

An Act relating to the Employment of the Handicapped" (S. P. 487) (L. D. 1571) which was indefinitely postponed in non-concurrence in the House on June 16 and passed to be engrossed on June 10.

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

In the House: On motion of Mr. Rideout of Manchester, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Establishing the Municipal Public Employees Labor Relations Law" (H. P. 636) (L. D. 824) which was passed to be engrossed as amended by Committee Amendment "A" in the House on June 11.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" and Senate Amendments "A" and "B" in non-concurrence.

In the House: On motion of Mr. Ross of Bath, the House voted to recede and concur. (**Reconsidered Later**)

Non-Concurrent Matter

Bill "An Act Establishing a State-Municipal Government Revenue Sharing Program" (H. P. 1174) (L. D. 1498) which was indefinitely postponed in the House on June 11.

Came from the Senate passed to be engrossed as amended by House Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House:

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

Mr. RICHARDSON: Mr. Speaker, I would move that we adhere.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Snow.

Mr. SNOW: Mr. Speaker, I would move that we recede from our former action and concur with the Senate.

The SPEAKER: The gentleman from Caribou, Mr. Snow moves that the House recede and concur, which is a motion of priority.

The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in opposition to the motion made by the gentleman from Caribou, Mr. Snow. This bill is back here with us this morning with an amendment on it calling for \$11,300,000. I would simply ask that this House does not turn its actions into a comedy of errors. Yesterday afternoon you labored long and you cut less than a million dollars from the budget. This

morning there would be eleven million added. Please let's be consistent. Reject this motion to recede and concur and ultimately go along with the motion made by the gentleman from Stonington, Mr. Richardson that the House adhere.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Caribou, Mr. Snow that the House recede from its former action and concur with the Senate. The Chair will order a vote. All in favor of receding and concurring will vote yes —

Whereupon, Mr. Snow of Caribou requested a roll call vote.

The SPEAKER: The gentleman from Caribou moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call will vote yes; those opposed will vote no. The Chair opens the vote.

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

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Snow that the House recede from its former action and concur with the Senate on House Paper 1174, L. D. 1498. If you are in favor of receding and concurring with the Senate you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Bedard, Boudreau, Brennan, Bunker, Carey, Carter, Chandler, Coffey, Cote, Couture, Cushing, Danton, Fecteau, Giroux, Good, Harriman, Jalbert, Kelleher, Laberge, LePage, Lund, McKinnon, McNally, Moreshead, Nadeau, Rocheleau, Scott, G. W.; Sheltra, Snow, Starbird, Trask, Wheeler, Wight.

NAY — Allen, Barnes, Benson, Berman, Bernier, Binnette, Birt, Bourgoin, Bragdon, Brown, Buckley, Burnham, Carrier, Casey, Chick, Clark, C. H.; Clark, H. G.; Cottrell, Crommett, Crosby, Croteau, Cummings, Dennett, Don-

aghy, Drigotas, Dudley, Durgin, Dyar, Emery, Eustis, Evans, Farnham, Faucher, Finemore, Fortier, A. J.; Fraser, Hall, Hanson, Haskell, Hawkens, Henley, Heselton, Hewes, Hichens, Huber, Hunter, Immonen, Jameson, Johnston, Kelley, K. F.; Keyte, Kilroy, Lawry, Lebel, Lee, Leibowitz, Levesque, Lewin, Lewis, Lincoln, MacPhail, Marquis, Marstaller, Martin, McTeague, Millett, Mills, Mitchell, Morgan, Mosher, Page, Payson, Porter, Pratt, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Ross, Sahagian, Scott, C. F.; Shaw, Soulas, Stillings, Susi, Tanguay, Temple, Thompson, Tyndale, Vincent, Watson, White, Williams, Wood.

ABSENT — Baker, Corson, Cox, Curran, Curtis, D'Alfonso, Dam, Erickson, Fortier, M.; Foster, Gauthier, Gilbert, Hardy, Jutras, Kelley, R. P.; Meisner, Norris, Noyes, Ouellette, Quimby, Santoro, Waxman.

Yes, 33; No, 95; Absent, 22.

The SPEAKER: Thirty-three having voted in the affirmative and ninety-five in the negative, the motion does not prevail.

The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I now move that we adhere.

The SPEAKER: The gentleman from Stonington, Mr. Richardson moves that the House adhere. Is this the pleasure of the House?

The Chair recognizes the gentleman from Caribou, Mr. Snow.

Mr. SNOW: Mr. Speaker, I now move that we insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Caribou, Mr. Snow, moves that the House insist on its former action and ask for a Committee of Conference.

The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: For reasons before stated, I ask that you reject this motion to insist and ultimately again go along with the gentleman from Stonington, Mr. Richardson to adhere. Let's get this over with.

Thereupon, Mr. Richardson of Stonington requested that the vote be taken by the yeas and nays.

The SPEAKER: The gentleman from Stonington, Mr. Richardson, moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

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

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Snow, that the House insist and ask for a Committee of Conference. All in favor of the motion will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA—Bedard, Brennan, Bunker, Carey, Carter, Chandler, Coffey, Cottrell, Couture, Crommett, Cushing, Eustis, Fecteau, Giroux, Good, Harriman, Huber, Jalbert, Kelleher, Laberge, Lee, LePage, Lund, Marquis, McKinnon, McNally, Moreshead, Nadeau, Noyes, Sheltra, Snow, Starbird, Trask, Williams.

NAY—Allen, Baker, Barnes, Benson, Berman, Bernier, Binnette, Birt, Bourgoin, Bragdon, Brown, Buckley, Burnham, Carrier, Casey, Chick, Clark, C. H.; Clark, H. G.; Cote, Crosby, Croteau, Cummings, Danton, Dennett, Donaghy, Drigotas, Dudley, Durgin, Dyar, Evans, Farnham, Faucher, Finemore, Fortier, A. J.; Fraser, Gauthier, Hall, Hanson, Haskell, Hawkens, Henley, Heselton, Hewes, Hichens, Hunter, Immonen, Jameson, Johnston, Kelley, K. F.; Keyte, Kilroy, Lawry, Lebel, Leibowitz, Levesque, Lewin, Lewis, Lincoln, MacPhail, Marstaller, Martin, McTeague, Millett, Mills, Mitchell, Morgan, Mosher, Page, Payson, Porter, Pratt, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Rocheleau, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Soulas, Stillings, Susi, Tanguay, Temple, Thompson, Tyndale, Vincent, Watson, White, Wight, Wood.

ABSENT — Boudreau, Corson, Cox, Curran, Curtis, D'Alfonso,

Dam, Emery, Erickson, Fortier, M.; Foster, Gilbert, Hardy, Jutras, Kelley, R. P.; Meisner, Norris, Ouellette, Quimby, Santoro, Waxman, Wheeler.

Yes, 34; No, 94; Absent, 22.

The SPEAKER: Thirty-four having voted in the affirmative and ninety-four in the negative, the motion does not prevail.

Thereupon, on motion of Mr. Richardson of Stonington, the House voted to adhere.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, a parliamentary inquiry. I was a little bit slow getting up because Mr. Ross, the gentleman from Bath, took the wind out of my sails. I was supposed to move to recede on item 7 and then remain standing and offer an amendment. Before I could get up, so there wouldn't be two standing, why we went on to the next item. How do I get back?

The SPEAKER: The Chair would advise the gentleman that he may move to reconsider our action whereby we receded and concurred.

Mr. DONAGHY: Mr. Speaker, I move that we reconsider item 7 where we receded and concurred with the Senate, although I, in truth, do want to recede.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves that the House reconsider its action whereby it receded and concurred on item 7, Bill "An Act Establishing the Municipal Public Employees Labor Relations Law," House Paper 636, L. D. 824. The pending question is reconsideration of whereby we receded and concurred. Does the gentleman wish to speak to his motion?

Mr. DONAGHY: Mr. Speaker, I simply wish that we do recede and then I would like to offer an amendment.

The SPEAKER: The motion is not in order at this time. The reconsideration motion is in order. If it is the pleasure of the House to reconsider its action whereby it receded and concurred, your motion would be in order.

The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: I suppose that the reason is to offer amendments, and I certainly do not mind his offering his amendments and I think we should vote on them, and so I would be in favor of reconsideration so that he may have a chance to offer his amendment.

The SPEAKER: Is it the pleasure of the House to reconsider our action whereby we receded and concurred? All in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion to reconsider did prevail.

The SPEAKER: The pending question is receding. The gentleman from Lubec, Mr. Donaghy, moves that the House recede. Is this the pleasure of the House?

The motion prevailed.

Senate Amendment "A" (S-241) was read by the Clerk and adopted in concurrence. Senate Amendment "B" (S-272) was read by the Clerk and adopted in concurrence.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I apologize for all this confusion. I would offer House Amendment "G" under filing number H-536 and would speak very briefly to my motion.

Thereupon, House Amendment "G" (H-536) was read by the Clerk.

The SPEAKER: The pending question is the adoption of House Amendment "G."

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: This amendment is offered because, in my opinion, the smaller towns in the State of Maine are not ready for this bill. I am not sure that they ever will be, because of turnover in school boards and selectmen and what you.

The best example I can give you is the fact that Portland has just got through negotiating a contract which took them nine months and they have the facilities and abilities of all the best there is in Maine in the field of labor relations and attorneys, and it still took them nine months.

I do think that at least we should give these folks in the

small towns a chance to use their Yankee ingenuity and what have you in order to come up with a good answer. They have been able to communicate with their employees in the past, and I think that they can continue to do that even in this day and age. Your ground rules are laid for them by someone else. You can be sure that the professional negotiators will know those rules far better than any amateur or local person can learn in a long period of time. Not that they don't have the ability, but they just don't have the time to do it, and they would be at a great disadvantage not knowing the ground rules that they were going to be required to work under. So this is the reason that I have placed this amendment.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This, as you know, is the very complicated municipal public employees relations law on collective bargaining. And as you know, it sets up the rules and regulations whereby the people can bargain collectively. We have no rules now.

Now I don't mind this particular amendment particularly, because it would not affect me. It would say cities under 5,000 are not affected, but I am sure that there are cities under 5,000 who will want very much to have these ground rules so they will know what they are doing. And I will not particularly debate this, but I would suggest, for instance, that the gentlewoman from Orrington, Mrs. Baker, who comes from a city under 5,000, might have a word to say on it.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I certainly would like to say something on this. I come from a town of somewhat over 2,500 people and I think that every town, regardless of size, needs this. You all have municipal employees. You all

have teachers. You are all going to be faced with the problem: whether you want to face it or not, you are going to be faced with it. And this simply sets up the rules by which you may negotiate and come to some agreement.

Now I think it is just as important for the small towns as it is for the large. You are going to need it and I hope that you will vote against this amendment.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Haskell.

Mr. HASKELL: Mr. Speaker and Members of the House: This concept contained in this amendment was not discussed by the Labor Committee. I agreed basically with the thought that Mr. Donaghy has that probably the smaller towns are not going to be involved in this bargaining process, that the incidence of the use of this act initially undoubtedly is going to be in the larger urban centers. However, I do not agree that we should make some arbitrary division on a population basis of the communities in which the law would have an application and those in which it would not. I think that our best course is to accept the bill without amendments, have some experience with it and if experience dictates changes are necessary, that it be amended in future legislative sessions. So I would be opposed to the amendment for this reason, that I think it is unwise to attempt to set up an arbitrary point on a population basis in which the law would have an application, because it seems to me that this is a poor procedure to start the law out with initially.

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

Mr. TEMPLE: Mr. Speaker and Ladies and Gentlemen of the House: For four years the fire fighters of the State of Maine have had an arbitration law and they have been the only municipal employees that has enjoyed this law.

When this bill came along, the firefighters were very concerned because their law was working

for them; it was working for the municipalities, and they felt that in the beginning the people that were presenting this particular bill was very much opposed to anybody having arbitration. And seeing the about-face that was being pulled by these people, the firefighters very much wanted to be left alone and stick with their law which was working for them. But after considering this bill as a whole and what it was going to do for all the employees — municipal, county and State — they felt that they should go along with this law, be included in the law, and what is good for the goose is good for the gander. Let's not let anybody off of the hook.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: Of all the area I represent, I represent no town with a population over 5,000. I fully believe in the right to arbitrate and come to a conclusion on such matters. But basically I believe — and I have no argument against the unions, that we are forcing our small towns into unions on the basis that they have to have a group representing them in order to arbitrate.

I think I have to agree with Mr. Donaghy of Lubec that under our present system of government with a selectman, if a municipal employee in these small towns does have a grievance, he can normally meet with the selectmen and come to some conclusion. I can see a great expense here. If there is a problem in a small town of say a truck driver working and he has a grievance, he goes to the selectman at present and cannot come to a conclusion. Under this new law he would go into arbitration, they would force the small town to hire legal counsel, and on the basis mentioned of the City of Portland of nine months, a town such as I represent with a total budget of \$78,000, to be spending that amount of money or close to it in arbitration of one case. I certainly feel that Mr. Donaghy's amendment does have merit for the small towns.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker as Mr. Haskell has stated, this type of amendment and this concept was not specially considered by the Labor Committee. However, following the pattern of the bill, study by the Research Committee, we attempted to report out a bill that would generally be applicable throughout the state. We recognize that Portland is different than some of the smaller communities.

One thing to keep in mind though about anyone forced to operate under this Act. No one is forced to operate under this Act unless the employees of the Town and the bargaining unit shows by a majority vote ask to operate under this Act. And if you are in a town, whether it is Brunswick with a population of over 5,000, or Topsham just across the river which I believe is still slightly under five thousand, and a majority of your employees want the right to bargain and you refuse them bargaining rights, you have got a problem. We thought this Act would be good for not only the rights of the employees but it would be good for peace in the field of labor relations between the employers and the employees.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: I just simply want to bring out the point that many of our small towns — and most of you represent small towns, will find that there are many towns in the State that have a truck driver who operates the grader on the side or a bulldozer, and the first thing you know that you are going to have a labor contract and all this negotiation sort of thing. You could run into more money on a very simple matter of communication between the employee of the town and the town than the man normally gets in salary. I hate to say this but this is very much of a lawyer's bill.

The SPEAKER: The Chair will order a vote. All those in favor of adopting House Amendment "G" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 38 having voted in the affirmative and 63 having voted in the negative, the amendment failed of adoption.

Mr. Donaghy of Lubec then offered House Amendment "F" and moved its adoption.

House Amendment "F" (H-535) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: Since we are putting the small towns in this position I think it is only fair that this Legislature pay part of the expense and do something about seeing that they get proper counsel. You can be sure that their employees will be offered proper counsel. Of course this counsel could be available to the employees. Perhaps another amendment would have to be drawn for this, but I do think that if we are going to insist that the small towns in this State have to abide by this law that I am sure is going to be amended within a couple of years and changed in a great many respects. I think that you should consider carefully my House Amendment "F", which would give the Governor the right through the advice and consent of the Council to appoint a man who will be available to head up a department that will give assistance to these small towns in their labor negotiations.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: As I said on the last amendment of the gentleman from Lubec, Mr. Donaghy, I did not strenuously object to it. But this particular amendment with a price tag of some \$40,000 for a director of the public employer, somebody to advise the employer, but nobody to advise the employees, I do strenuously object to this. I do not think that this is the type of thing we

should do because we would be discriminating in favor of one factor against the other.

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

Mr. RICHARDSON: Mr. Speaker, I would inquire of some member of the Labor Committee, first of all whether or not this problem was considered and secondly whether or not it is a fact that the Maine Municipal Association could be expected to provide the sort of counseling service that this amendment suggests?

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, poses a question through the Chair to any member of the Labor Committee, who may answer if they choose. The Chair recognizes the gentleman from Rockland, Mr. Huber.

Mr. HUBER: Mr. Speaker and Members of the House: Yes, this problem was considered and the question was raised on several instances and the problem is already solved if we just turn around and look for it as far as the help is concerned. There is a department right now at the University of Maine very much concerned with this type of situation in the communities. There is considerable literature. The State of Connecticut has an excellent handbook designed for both sides of the labor question. There are some handbooks available from New York State at no charge whatsoever, making suggestions as to what to do when you have to sit down and bargain. The Director of Maine Municipal Association is very familiar with the problem over the past two or three years and I am sure there is a lot of help that can come out of that office. And for that reason I would be very much opposed to the present amendment because there is some real good help available right in the State already.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House. So as not to prolong this any longer, I withdraw this motion. I simply

wanted to point out that you are going to have trouble on this in a couple of years.

The SPEAKER: Is it the pleasure of the House to concur?

The motion prevailed.

Non-Concurrent Matter

An Act Increasing the Gasoline Tax (H. P. 1217) (L. D. 1549) which failed passage to be enacted in the House on June 16 and which was passed to be engrossed on June 12.

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

In the House:

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

Mr. SUSI: Mr. Speaker, in the spirit of humility and with more than a little sadness, I move that we recede and concur.

Thereupon, the House voted to recede and concur with the Senate.

Non-Concurrent Matter

Bill "An Act relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees" (H. P. 1235) (L. D. 1567) which was indefinitely postponed in the House on June 12.

Came from the Senate passed to be engrossed in non-concurrence.

In the House:

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

Mr. HUBER: Mr. Speaker, I move the House recede and concur with the Senate.

The SPEAKER: The gentleman from Rockland, Mr. Huber, moves that the House recede and concur.

The Chair recognizes the gentleman from Raymond, Mr. Durgin.

Mr. DURGIN: Mr. Speaker and Ladies and Gentlemen of the House: Here is our old friend back again. Last week we debated this quite thoroughly and it was indefinitely postponed. Now the reason that I take a stand against this bill is because of the major exemptions. Also, does this law cover someone that you hire to come regularly and mow your lawn? I would suggest that it does.

Casual and seasonal employees are excluded under this law only under agriculture. Blue Cross-Blue Shield is a non-profit organization. Would their employees be excluded under this law? I would suggest that they may be.

When you get down below three employees, you run into all sorts of exemptions. I would ask you to reject the motion to indefinitely postpone so that we can reject a motion to recede and concur, so that I may make a motion that we adhere.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: In response to the two questions of Mr. Durgin. Number one, this bill in no way covers the person that comes to mow your lawn. There is an explicit exemption in our statute which is continued by this bill for domestic employees. There is also another explicit exemption for employees not in the employers' business. For example if your business is making boxes and you hire a boy or even five to mow your lawn, since they are not employees in your business, they are not required to be covered.

I believe that Mr. Durgin is correct when he comments about the exclusion for Blue Cross and other charitable organizations. And I would agree with him that it would be desirable to have all employees who may be injured covered. I am somewhat mystified though by the attitude that says, well this bill reduces exemptions, it does give more people who may be injured coverage but because it doesn't cover one hundred percent yet I can't go along with it.

I suggest to you that helping some people is better than helping none.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: Just to say that we have killed this bill, and we had four bills similar to this before us. We have succeeded in killing three of them and I hope that you will go along on this bill. But if you had a man to mow your lawn, in answer to the gentleman

from Brunswick, and he wasn't employed under Social Security and you were paying Social Security on him and even unemployment on him, he would be under this bill. There are no exceptions as long as he is on your payroll. Of course if he came in and you paid him one dollar and he got hurt, probably he would be under your Home Owner's policy; otherwise he would be under this.

And I hope that you will go along and vote against the motion to recede and concur.

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

Mr. TYNDALE: Mr. Speaker and Ladies and Gentlemen of the House: The Workmen's Compensation Act is one of the most complex acts and laws that we have on the books today and I am really concerned that you would run into a great deal of problems if you got down to one. I spoke on this the other day, it was well debated, and I don't intend to prolong the matter, but I would hope that you would vote against the motion to recede and concur.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Rockland, Mr. Huber, that the House recede from its former action and concur with the Senate. The Chair will order a vote. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

35 having voted in the affirmative and 73 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, I move that we adhere.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, I move that we insist and request a Committee of Conference.

The SPEAKER: The gentleman from Bath, Mr. Ross moves that the House insist and request a Committee of Conference.

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I can't see any constructive or even remotely possible useful purpose to be served by joining in a Committee of Conference on this matter. I think that this bill has been debated until frankly we are all in danger of getting Workmen's Compensation compensable disease common to legislators, that is nausea.

I request a division and I hope you will vote against insisting and joining in a Committee of Conference.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, I would hope that we would insist and have a Committee of Conference. I recognize that legislators may on occasions suffer from nausea from too much debate, but what we are really dealing with are injured men, suffering from lack of compensation, they and their families. I would again say that the statement that if you hire a boy to cut your grass or a man and if you hire him just once, a week in and week out, he is covered under Workmen's Compensation under this bill is not accurate. He is not covered, a domestic employee in the home is not covered.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I do hope that the members of the House will vote to insist and ask for a Committee of Conference this morning because we are dealing with some employees that presently are not covered should they become hurt. And I think every member of the House here this morning and every day that you are going to be here hopes that any employee in any industry is not going to be hurt because the only one that suffers when an employee is hurt is he and his immediate family. And I think the best part that we could do to try to alleviate some of the problems and difficulties is that we help the

employee to take care of his family to some reasonable extent should he become hurt. And again, I reiterate we hope that they never will become hurt.

And certainly this bill should the Committee of Conference be able to agree as to what is going to be sufficient to help these employees that are going to be hurt that they should be provided with some form of help while they are hurt, while they have been hurt in any industry that we have got. Granted this does not cover everybody but we only hope that it could cover everybody, but at least we can settle for what is covered under this bill as an improvement over what we already have.

And I hope that you will vote to support the motion to insist and ask for a Committee of Conference.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: I will try to be quite brief on this matter. Ever since I came here almost ten years ago I have been very interested in this Workmen's Compensation problem and now we have an opportunity to really do something about it in a very practical way. It has been explained in much more detail by my able colleague from Houlton, Mr. Haskell upon occasion. Now in the closing days of the session what sometimes happens is that good bills go down the drain and some that aren't so good get passed. Now I hope it won't happen to this particular bill. I would think that something constructive could be worked out in a Committee of Conference and when the vote is taken I would respectfully request it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I believe this morning you can plainly see that this has become a lawyer's bill, there is no question. Today throughout the whole State of Maine and the whole United States as far as that is concerned, if a man gets hurt under Workmen's Compensation they us-

ually pay him for a short period of time or until he is able to go back to work. If he has a disability that amounts to anything, where does he go to get his help? He goes to the lawyers, the lawyers in the State of Maine and all over the United States, and what happens? He may sue and receive \$3,500 which I know of in one case. When this was passed back to the employee himself, he received \$1,100. Now I ask you if that is the kind of law we want to set up against the employer who has one or more employees? If it is, we will go along with to insist; if not, we will vote against to insist and then move later to adhere.

I hope you will vote against the motion to insist.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I don't know what the law courts would be doing or I don't know what the people of our state would be doing if we didn't have members of the profession. I think the distinguished barristers amongst our midst here are in a profession, a very honorable profession and they are in a profession that when we need help or when anybody needs help covering any part of the law, whether it is breaking somebody's else window or whether it is going to be get a divorce, where do you go to? You go to the attorneys because they are trained to do the job that they have studied for and under the protection of the law they are there to protect you and your interests, and the opposition side has the same availability of professional help.

I don't know that this can be classified as a lawyer's bill; I know it has been covered in our Democratic platform for a good many years and I don't know that we have got all lawyers in the democratic processes of our government, but I know that our platform has covered this area of bettering our Workmen's Compensation laws. And so I hope that you will move for the question that we have before us this morning. I hope that the Committee

of Conference will see fit to be able to justify a good report to help some of these people should they become injured, and we hope that they never will.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: The gentleman from Madawaska, Mr. Levesque says, this is precisely what he says, "should they become hurt," and this hasn't been a thing that has been plaguing the State of Maine and let me tell you once again we settled this the other day by a fairly large vote. The small people of this state, and they have to be small before they are big, the small fisherman, the small merchant, the small filling station owner, these people are trying to get in business, the beginner just out of school. They don't affect the people that have got some small amount of employees that have been in business a while because they can't afford, they would be sued. They have to have insurance anyway.

This isn't a problem in the state. It would create a problem, it is another nail in the coffin of the small businessman trying to get started. And I hope we don't try to put another nail in his coffin. We have voted very decisively the other day not to pass this bill and I hope we don't get down on our knees to this other branch. We have on many other occasions, and recede and concur or any other measure. For instance the motion before us is to insist and ask for a Committee of Conference. Why do we prolong these things? We know that a Committee of Conference doesn't accomplish much.

I hope you will vote against the motion to ask for a Committee of Conference so we can finally adhere and settle something once and for all so we won't be talking here on the 4th of July. Thank you.

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

Mr. HUBER: Mr. Speaker and Members of the House: I would call your attention to the fact that the original L. D. number was 27

on this. It was heard the first time on January 15 and was heard in executive session a good many many times after that. The re-draft looks nothing like the original, it is a product of compromise all the way down the line since last January and if you want to know compromise you want to look at the situation that I am in because this was quite a compromise for me to go this far, and I sincerely hope that you go along with the pending motion to insist and ask for a Committee of Conference.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: Perhaps we might be able to resolve this matter more succinctly and more directly and to the point and so for that matter I would move that we recede and concur.

The SPEAKER: The Chair would advise the gentleman that that motion is already lost.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: There were some remarks that it was a lawyer's bill but I think if you look at the problem, lawyers support the bill because by the nature of their work they come into contact with the inequities in the present law, and I would submit that if someone is hurt who is working for an employer and he is a single employee he is hurt just as much as if he is working for General Motors. Then I think the question is, should he be compensated, and I think through insurance he can be properly compensated and the risk is spread. Consequently I urge you to support the motion to insist and join in a Committee of Conference.

The SPEAKER: The gentleman from Houlton, Mr. Berman moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All members

desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

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

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross that the House insist and ask for a Committee of Conference. If you are in favor of this motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA—Bedard, Berman, Bernier, Binnette, Birt, Bourgoin, Brennan, Burnham, Carey, Casey, Corson, Cote, Cottrell, Couture, Crommett, Croteau, Cushing, D'Alfonso, Danton, Drigotas, Emery, Eustis, Farnham, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Giroux, Haskell, Hawken, Hewes, Huber, Hunter, Jalbert, Jameson, Kelleher, Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Marquis, Martin, McTeague, Mills, Mitchell, Morgan, Nadeau, Noyes, Ricker, Rocheleau, Ross, Soulas, Starbird, Stillings, Temple, Vincent, Watson, Waxman, Wheeler, White.

NAY — Allen, Baker, Barnes, Bragdon, Brown, Buckley, Bunker, Carrier, Carter, Chick, Clark, C. H.; Clark, H. G.; Crosby, Cummings, Curtis, Dennett, Donaghy, Dudley, Durgin, Dyar, Finemore, Hall, Hanson, Hardy, Harriman, Henley, Heselton, Hichens, Immonen, Johnston, Kelley, K. F.; Lee, Lewin, Lewis, Lincoln, MacPhail, Marstaller, McKinnon, McNally, Meisner, Millett, Moreshead, Mosher, Payson, Porter, Pratt, Rand, Richardson, G. A.; Rideout, Scott, C. F.; Scott, G. W.; Shaw, Snow, Thompson, Tyndale, Wight, Williams, Wood.

ABSENT — Benson, Boudreau, Chandler, Coffey, Cox, Curran, Dam, Erickson, Evans, Faucher, Foster, Gilbert, Good, Jutras, Kelley, R. P.; Lund, Norris, Ouellette, Page, Quimby, Richardson, H. L.; Sahagian, Santoro, Sheltra, Susi, Tanguay, Trask.

Yes, 65; No. 58; Absent, 27.

The SPEAKER: Sixty-five having voted in the affirmative and fifty-eight in the negative, the motion does prevail.

The Speaker appointed the following Conferees on the part of the House:

Messrs. DURGIN of Raymond
FINEMORE
of Bridgewater
DUDLEY of Enfield

Messages and Documents

The following Communication:

THE SENATE OF MAINE
Augusta

June 17, 1969

Honorable Bertha W. Johnson
Clerk of the House
of Representatives
104th Legislature

Dear Madam Clerk:

The Senate today voted to Adhere to its former action whereby it accepted the Ought Not To Pass Report "A" on Bill, An Act Relating to Salaries of Legislative Research Committee Officials. (H. P. 43) (L. D. 44)

The Senate voted today to Insist and join a Committee of Conference on the disagreeing action of the two Branches of the Legislature on Bill, An Act Providing for Annual Revision of State Valuation. (H. P. 100) (L. D. 108)

The President appointed the following members of the Senate to that Committee of Conference:

Senators: WYMAN of Washington
BOISVERT
of Androscoggin
LETOURNEAU of York
Respectfully,

(Signed)

JERROLD B. SPEERS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE
Augusta

June 17, 1969

Honorable Bertha W. Johnson
Clerk of the House
of Representatives
104th Legislature

Dear Madam Clerk:

The Senate has voted to Insist and join in a Committee of Con-

ference on the disagreeing action of the two branches of the Legislature on Bill, An Act Providing Notice or Severance Pay by Employers. (S. P. 156) (L. D. 474)

The President has appointed the following members of the Senate to that Committee of Conference:

Senators: TANOUS of Penobscot
BELIVEAU of Oxford
GORDON
of Cumberland

The President has appointed the following members of the Senate to the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Resolve, Proposing an Amendment to the Constitution Providing for Regulation by the Legislature of Municipal Borrowing: (H. P. 673) (L. D. 859)

Senators: QUINN of Penobscot
MARTIN of Piscataquis
BERNARD
of Androscoggin

The President has appointed the following members of the Senate to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, An Act Increasing Certain Fish and Game Fines. (H. P. 122) (L. D. 138)

Senators: MILLS of Franklin
TANOUS of Penobscot
KELLAM of Cumberland

The President has appointed the following members of the Senate to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, An Act Revising the General Laws Governing the Town Manager Form of Government. (H. P. 900) (L. D. 1161)

Senators: TANOUS of Penobscot
CONLEY of Cumberland
KELLAM of Cumberland

The President has appointed the following members of the Senate to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, An Act Creating the Department of Natural Resources. (S. P. 386) (L. D. 1381)

Senators: BERRY of Cumberland
SEWALL of Penobscot
REED of Sagadahoc

Respectfully,

(Signed)

JERROLD B. SPEERS
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

On motion of Mr. Susi of Pittsfield, it was

ORDERED, that Mr. Curran of Bangor be excused from attendance for the duration of his illness.

Mr. Hichens of Eliot presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the subject matter of the following Bills: "An Act Relating to Services of Private Clubs Under Liquor Laws," House Paper 1004, Legislative Document No. 1306 and "An Act Relating to Services of Premises Not Licensed Under the Liquor Laws," House Paper 1223, Legislative Document 1555, introduced at the regular session of the Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the State Liquor Commission be directed to provide such information and assistance as the Committee deems necessary to carry out the purpose of this Order; and be it further

ORDERED, that the Committee report its findings and recommendations to the 105th Legislature. (H. P. 1276)

The Joint Order received passage and was sent up for concurrence.

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Mediation Authority of State Employees Appeal Board (H. P. 1035) (L. D. 1345) the Speaker appointed the following Conferees on the part of the House:

Messrs. HUBER of Rockland
DURGIN of Raymond
BEDARD of Saco

On the disagreeing action of the two branches of the Legislature on Bill "An Act Revising the General Laws Governing the Town Manager Form of Government" (H. P. 900) (L. D. 1161) the Speaker appointed the following Conferees on the part of the House:
 Mrs. BAKER of Orrington
 Mr. CUSHING of Bucksport
 Mrs. WHEELER of Portland

On the disagreeing action of the two branches of the Legislature on Bill "An Act Increasing Resident Fish and Game License Fees" (H. P. 1204) (L. D. 1531) the Speaker appointed the following Conferees on the part of the House:
 Messrs. WOOD of Brooks
 LEWIN of Augusta
 HUNTER of Durham

On the disagreeing action of the two branches of the Legislature on Bill "An Act Providing for Annual Revision of State Valuation" (H. P. 100) (L. D. 108) the Speaker appointed the following Conferees on the part of the House:
 Mrs. BAKER of Orrington
 Messrs. SUSI of Pittsfield
 FORTIER of Rumford

On the disagreeing action of the two branches of the Legislature on Bill "An Act Creating the Department of Natural Resources" (S. P. 386) (L. D. 1381) the Speaker appointed the following Conferees on the part of the House:
 Messrs. MARSTALLER
 of Freeport
 DONAGHY of Lubec
 Miss WATSON of Bath

On the disagreeing action of the two branches of the Legislature on Resolve Proposing an Amendment to the Constitution Providing for Regulation by the Legislature of Municipal Borrowing (H. P. 673) (L. D. 859) the Speaker appointed the following Conferees on the part of the House:
 Messrs. RIDEOUT of Manchester
 DENNETT of Kittery
 MARSTALLER
 of Freeport

On the disagreeing action of the two branches of the Legislature

on Bill "An Act Providing Notice or Severance Pay to Employees" (S. P. 156) (L. D. 474) the Speaker appointed the following Conferees on the part of the House:

Mrs. BROWN of York
 Messrs. RICHARDSON
 of Cumberland
 DURGIN of Raymond

On motion of Mr. Jalbert of Lewiston, it was

ORDERED, that Father Justin Vaskys of Greene be invited to officiate as Chaplain of the House on Monday, June 23.

**House Reports of Committees
 Ought to Pass
 Printed Bill
 Assigned for Later in
 Today's Session**

Mr. Snow from the Committee on Natural Resources acting in accordance with Joint Order (H. P. 536) reported a Bill (H. P. 1275) (L. D. 1603) under title of "An Act Providing for Regional Referendum on Location of Industry Substantially Affecting Regional Environment" and that it "Ought to pass"

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Snow.

Mr. SNOW: Mr. Speaker, I move the "Ought to pass" Report be accepted and will speak to my motion.

The SPEAKER: The gentleman from Caribou, Mr. Snow moves that the House accept the "Ought to pass" Report. The gentleman may proceed.

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: I realize that this L. D. has come to us rather suddenly and does involve industries, essential growth, and there seems to be some opposition to it at this time, but I would like to see this passed today, the report be accepted and at such time as it comes up for the third reading amendments might be prepared then and further debate take place. Thank you.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I don't propose to make any motion different than the one already made at this time but I agree with the gentleman from Caribou that this is a very far-reaching bill and I hope that in the time that we have before this comes up for third reading that every member of this House will familiarize themselves with the effects of this bill.

This in its first chapter requires for a regional referendum regarding the location of industry. Towns within an area of fifteen miles will be affected. I want you to consider what could happen to a group of small towns adjacent to a large town if they had to subject themselves to such a referendum. I wonder whether they ever would be able to get an industry.

This is one thing I hope you will consider. I haven't had time to go through the complete bill. It does come in late and I think that oftentimes bills of quite some import go through in the last hours of the session without having proper consideration. I am simply saying that you should familiarize yourselves with the effect of this bill and be prepared for it when it comes up for third reading.

Whereupon, on motion of Mr. Hewes of Cape Elizabeth, tabled pending acceptance of the "Ought to pass" Report and assigned for later in today's session.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Compelling Testimony in Civil Discovery Proceedings and Providing Immunity from Criminal Prosecution with Respect Thereto" (H. P. 860) (L. D. 1102) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

- Messrs. QUINN of Penobscot
- VIOLETTE of Aroostook
- of the Senate.
- Messrs. BERMAN of Houlton
- HESELTON of Gardiner
- FOSTER
- of Mechanic Falls

HEWES

of Cape Elizabeth
— of the House

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

- Mr. MILLS of Franklin
- of the Senate.
- Messrs. BRENNAN of Portland
- MORESHEAD of Augusta
- DANTON
- of Old Orchard Beach
- of the House.

Reports were read.

On motion of Mr. Berman of Houlton, the Majority "Ought to pass" Report was accepted.

The Bill was then given its two several readings.

Committee Amendment "A" (H-554) was read by the Clerk and adopted and the Bill assigned for third reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act Permitting the Inhabitants of the Town of Jay to be Within the Jurisdiction of the District Court of Livermore Falls" (H. P. 895) (L. D. 1156) which was recommended.

Report was signed by the following members:

- Messrs. VIOLETTE of Aroostook
- MILLS of Franklin
- QUINN of Penobscot
- of the Senate.
- Messrs. HESELTON of Gardiner
- FOSTER
- of Mechanic Falls
- BERMAN of Houlton
- BRENNAN of Portland
- HEWES of Cape Elizabeth
- DANTON
- of Old Orchard Beach
- of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following member:

- Mr. MORESHEAD of Augusta
- of the House.

Reports were read.

On motion of Mr. Berman of Houlton, the Majority "Ought to pass" Report was accepted.

The Bill was then given its two several readings and tomorrow assigned.

**Third Reader
Assigned for Later in
Today's Session**

Bill "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain Unclassified State Officials" (H. P. 1272) (L. D. 1601)

Was reported by the Committee on Bills in the Third Reading and read the third time.

Mrs. CUMMINGS of Newport offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-560) was read by the Clerk.

The SPEAKER: The gentlewoman may proceed.

Mrs. CUMMINGS: Mr. Speaker and Members of the House: This amendment takes out of the bill the executive director of Arts and Humanities and puts him the next step higher up, as otherwise this bill would cut his salary, and I think that we have all heard enough about those who want an increase in salaries so that I hope that you would go along with me in not having this man's salary cut, but rather have it maintained as it is. He is not asking for a raise. He came to Maine at a much lower salary than he was getting beforehand. He is doing a good job and I think it would be too bad to lose him, and I would hope that you would go along with this amendment.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: As you know, this is a redraft of the original bill submitted by Mr. Dennett of Kittery, L. D. 105, that would raise all salaries of the unclassified state employees. Now I doubt if too many on our Committee thought that the positions enumerated in the bill weren't worthy of raises. Some of them deserve some, some deserve more no doubt.

Through the years, as the older members know, that the legislature has been flooded by a number of bills to increase salaries of unclassified officials and during the last

session we took steps to attempt to make some system out of this chaos. It proceeded fairly well. We established upward limits and within those limits the Governor and Council could set salaries of named officials. Needless to say, as we have discussed before, most of the salaries were increased to the upward limit.

This year we have decided not to increase the upward limits of anyone. We do not feel that the resources of the State should be used to do this, not but what some are justified, but we feel that in the money mood this Legislature is in and the need for tightening the purse strings, that this is one area that small though it is, that we will have to tighten.

Now in reviewing this bill we found that several people, several positions, were not included and we included them. We reviewed the salaries that had been paid and we put the two — I believe the Director of Museum Commission and the Director of Arts and Humanities in a bracket that we felt was more or less compatible with the job that he is doing. Now this is not to downgrade the person that holds the position today or the position itself. But I might remind you that the Commission on Arts and Humanities was created in 1966. Apparently in some unguarded moment the Legislature passed it, then started off with a modest appropriation of \$11,000.

Now what does the Commission do? I am reading from the law. "There is established a State commission, to be known as the 'Maine State Commission on the Arts and Humanities,' to consist of not less than 15 nor more than 21 members, broadly representative of all artistic and cultural fields, to be appointed by the Governor from among citizens of Maine who are widely known for their competence and experience in connection with these fields" and so forth. The duties of the Commission is to: "Encouragement. To take such steps as may be necessary and appropriate to encourage and stimulate public interest and participation in the cultural heritage and . . . Freedom. To encourage . . . artistic expres-

sion . . . To make surveys as may be deemed necessary . . . on architecture, literature, history and allied studies. . . ."

Now this is all very good. It is nice to have, very nice to have. The Commission under Section 403 of this Act was empowered to employ, and at pleasure remove, a director, and also set his salary within the limits of the appropriation, which as I said in 1966 was \$11,000.

Now today this has burgeoned to something like \$50,000 in our Current Services budget, which we have already enacted. Yes, exactly \$50,000 — \$25,000 for each of the fiscal years. Yesterday we turned down a \$50,000 supplemental budget for this same Arts and Humanities Commission. Now I probably would be the first one to say that the Director of Arts and Humanities should have the \$18,148 we are now paying him if I felt we could afford it and it was commensurate with the duties that he performs. But I might remind you that there is a Deputy Attorney General we are paying \$18,200. Only this Deputy Attorney General, the Director of the State Planning Office, the State Tax Assessor, the Insurance Commissioner, the Bank Commissioner, the Commissioner of Education, the Commissioner of Mental Health and Corrections, Health and Welfare, Finance and Administration, and Economic Development and the Chairman of the Highway Commission is above this.

Below it, I have got three pages of officials that have far more to attend to than this man has, two and a half pages of salaries that are under this. I might say that beneath the salary of the Executive Director of the Arts and Humanities, beneath it, is the Chairman of the Public Utilities Commission, who is paid \$14,976; the Forest Commissioner, \$16,484; the Commissioner of Inland Fisheries and Game, \$16,000; the Commissioner of Sea and Shore Fisheries, \$16,484; the Director of Legislative Research, \$16,000; the Commissioner of Agriculture, \$14,500; the Chief of the State Police, \$16,484. Does the Director of the Arts

and Humanities have more to do and more responsibility we will say than the Chief of the State Police? The Attorney General, I think we only pay him \$14,000 and he is the Chief Law Enforcement Officer of the State.

In view of these facts, in view of the fact that the House saw fit to turn down \$50,000 yesterday for the Arts and Humanities Commission, in view of the fact that the State Government Committee has seriously tried to set up the salaries of these various officials in brackets that we felt and sincerely felt that they belonged — and I might say that there were two or three on the Committee that thought the Director of Arts and Humanities should go far lower than we put him; in view of this fact, ladies and gentlemen, I beseech you to go along with your Committee and I beseech you to indefinitely postpone this amendment and I move to do so.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird moves the indefinite postponement of House Amendment "A". Is the House ready for the question? All in favor of indefinite postponement of House Amendment "A" will say yes; those opposed say no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I am not as much concerned with the salary that would go or not go to the Executive Director of the Arts and Humanities or to the Director of the Museum Commission, but I am concerned with a new board being set up called "the non-classified State employee salary board" which would determine the salaries of the unclassified State employees.

Two years ago by unanimous decision of the State Government Committee we reported out a bill, and I was a member of that Committee at that time, which in effect set limits and gave the power to the Governor and Council to set up the salary of the unclassi-

field State employees. If you note, this bill says "The board shall consist of the Governor or his appointed representative, the President of the Senate, the Speaker of the House and two members appointed by the Governor and approved by the Speaker and the President, one representing the business community and one representing the labor community."

I can think of no board which would serve a more useless purpose than this one. They would be appointed to terms of four years, they would adjust the salary of the unclassified State employees. It is interesting to note that the gentleman who has just spoken to you indicated to me on this Floor in debate a couple of weeks ago, or a week ago, that I did not trust the people. Perhaps I might say, are we refusing to trust the Governor and the seven Councilors?

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

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin moves the indefinite postponement of L. D. 1601.

Whereupon, on motion of Mr. Richardson of Cumberland, tabled pending the motion of Mr. Martin of Eagle Lake to indefinitely postpone and assigned for later in today's session.

Passed to Be Engrossed Amended Bills

Bill "An Act relating to Truth in Advertising" (S. P. 329) (L. D. 1128)

Bill "An Act relating to Poor Debtors" (S. P. 333) (L. D. 1152)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Third Reader Tabled and Assigned

Resolve Proposing an Amendment to the Constitution Providing for Valuation of Certain Lands at Current Use (H. P. 878) (L. D. 1121)

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

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker, I note that Representative Kelley, the sponsor of this bill, is not here today and I would suggest that somebody table it for him.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker, I move that we table this until later in today's session.

Whereupon, on motion of Mr. Harriman of Hollis, tabled pending passage to be engrossed and specially assigned for tomorrow.

Bill "An Act Abolishing the Maine Aeronautics Commission, Transferring Certain of its Powers to an Aeronautical Director, Providing for the Tenure and Compensation of Such Director and Relating to the Aeronautical Fund" (S. P. 383) (L. D. 1356)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto and sent to the Senate.

On request of Mr. Richardson of Cumberland, by unanimous consent, unless previous notice is given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence, and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider shall be in order.

On motion of Mr. Richardson of Cumberland,

Recessed until two o'clock in the afternoon.

**After Recess
2:00 P.M.**

The House was called to order by the Speaker.

**Emergency Measure
Tabled Until Later
in Today's Session**

An Act Establishing a Truth in Lending Law (H. P. 1261) (L. D. 1591)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 93 voted in favor of same and one against.

Mr. Richardson of Cumberland then requested a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

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

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross that this matter be tabled until later in today's session pending passage to be enacted. It's a vote. A roll call is ordered.

**Finally Passed
Constitutional Amendment**

Resolve Proposing an Amendment to the Constitution to Permit Insurance of Payments on Mortgage Loans Made for Service Enterprises (S. P. 391) (L. D. 1316)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 105

voted in favor of same and 13 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Increasing the Number of Official Court Reporters (S. P. 137) (L. D. 434)

An Act to Create the Mountain Resorts Airport Authority (S. P. 368) (L. D. 1281)

An Act to Amend the Charter of the City of Portland (S. P. 379) (L. D. 1289)

An Act Creating Civil Liability to the State for Pollution of Waters (H. P. 1255) (L. D. 1587)

An Act to Grant a New Charter to the Town of Brunswick (H. P. 1260) (L. D. 1590)

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

(Off Record Remarks)

Orders of the Day

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

Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives (H. P. 1256) (L. D. 1588)

Tabled—June 17, by Mr. Rideout of Manchester.

Pending — Passage to be engrossed.

On motion of Mr. Berman of Houlton, tabled pending passage to be engrossed and assigned for later in today's session.

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

Bill "An Act to Provide Protection for the Consumer Against Unfair Trade Practices" (H. P. 770) (L. D. 1003)

Tabled—June 17, by Mr. Berman of Houlton.

Pending — Passage to be engrossed.

Mr. Berman of Houlton offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-524) was read by the Clerk.

The SPEAKER: The gentleman may continue.

Mr. BERMAN: Mr. Speaker, Members of the House: I didn't realize this afternoon that we were going to have such a nice time here, but I did go back to a book of fables which my good friend from Madison, Mr. Corson loaned me. And I would paraphrase it with regard to this particular amendment which I am offering.

Once upon a time in the land of Erewhon there was an unspoken rivalry among certain department heads over which department could produce the most offspring at a given session of the legislature. The first department head, the Commissioner for the Elimination of Waste and the Promotion of Greater Efficiency in Government, could only produce a couple of new employees because there really wasn't too much deep interest in promoting greater efficiency. The second department head modestly said his was the largest legal firm in the state and that his department had energetic recruiters in the legislature. But when Dr. Lemuel Gulliver, that keen traveler that Jonathan Swift tells us about, inquired of the third wise department head, the State Trade Commissioner, how many offspring she had produced, she smiled shyly and said, "Just one, sir, but he is a bouncing boy and singularly dedicated to one job and one job only, protecting the consumers of this state against unfair trade practices." Ladies and gentlemen, there is more truth than amusement to this fable of the three wise department heads. I hope you will adopt this sensible amendment which was the unanimous thinking of one committee of this House and when the vote is taken, I request a division.

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

Mrs. PAYSON: Mr. Speaker and Members of the House: I rise to urge you to vote against the adoption of House Amendment "A" and request permission to address you.

In previous action on June 4 the House indefinitely postponed a

committee amendment to create a new commission. I oppose the adoption of this second and new amendment because it again sets up an unnecessary commission. This amendment also provides that the Commissioner be a lawyer. I heartily approve of lawyers but if we are not careful we may run out of our supply.

I have been assured that we do not need a commission now. When we already have 48 departments, bureaus and commissions in our bureaucratic state government, do we have to set up another? If and when we need a commission to administer the provisions of this bill, I say let's create one, but not until that time arrives.

I therefore urge you to vote against the adoption of this amendment and would hope that you will vote "no."

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. HARDY: Mr. Speaker and Members of the House: I have to agree with the gentlewoman, Mrs. Payson, and I would request that the House take House Amendment "A" and look on the back side and note that this adds \$29,000 in the first year and \$34,000 the second year to our already serious problem of financing.

It annoys me no end that here is another commission, another branch of government that we are trying to set up by an amendment, so I wholeheartedly endorse the move to eliminate this.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: It is very difficult to speak against the bill proposed by a fellow member of my county delegation after especially such an era of good feeling as we have just experienced. However, I do want to say that I concur wholeheartedly with what has already been said and I hope you kill this amendment.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, Members of the House: I didn't realize my amendment was going to run into this type of opposition

but I would like to answer some of the statements that have been made, particularly my good friend from Hope, Mr. Hardy. He talks about the appropriation that the amendment contains, it is true. But if you look at this matter very carefully it is precisely the same appropriation that appeared on the gentlewoman from Falmouth's bill, so I am not adding anything that my good friend, the gentlewoman from Falmouth wouldn't add.

Now last week in the House I did something that ordinarily I wouldn't have asked to have done. I asked for a roll call on the Majority "Ought to pass" Report of setting up a new commission in connection with mining and I look down the list of names who voted for this new commission and I find my good friend from Hope, Mr. Hardy and my good friend from Falmouth, Mrs. Payson.

Now I am just wondering, I think there is a nice thing about being consistent, and certainly if we are going to protect the consumer I think it should be done very forthrightly, very candidly, just as much as if we are going to conserve and rehabilitate land affected in connection with mining because certainly if this needs a commission and we can't put it in the State's Attorney office, I see no reason in logic and fair play why we should put people that are supposed to protect the consumers, there's just two other assistants with general duties, in the State Attorney's department.

So I hope that I have answered the arguments put forth by my good friend from Hope, Mr. Hardy and I hope that the House will go along with this amendment that I worked very hard on, which makes very good sense and believe me, I believe sincerely that is for the best interests of the State of Maine.

The SPEAKER: The Chair will order a vote. All in favor of the adoption of House Amendment "A" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 47 having voted in the affirmative and 71 having voted in the negative, the amendment failed of adoption.

Thereupon, the Bill was passed to be engrossed.

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

Resolve Proposing an Amendment to the Constitution Providing for a Full-time Attorney General to Hold Office for Four Years (S. P. 491) (L. D. 1585) (House Amendments "A" H-534 and "B" H-537 adopted)

Tabled—June 17, by Mr. Dudley of Enfield.

Pending — Adoption of House Amendment "C" H-541.

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

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

An Act relating to Mandatory Discharge of Chattel Mortgages and Notes (H. P. 929) (L. D. 1190)

Tabled—June 17, by Mr. Dyar of Strong.

Pending—Motion of Mr. Benson of Southwest Harbor to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: The history of this legislation is long. Early in January I went to the Legislative Research and asked help with this bill relating to the Mandatory Discharge of Chattel Mortgages and Notes. This bill was forwarded to the Attorney General's office.

The intent of my bill was to have the discharge of these notes and mortgages on termination. Evidently the Attorney General's Office felt that it was necessary to contact the banks and ask their advice on this particular legislation. They came out with the bill under L. D. 1190 which to me had no connection whatsoever with my thought. During this session we have been very interested in the protection of consumers and the people of the State of Maine.

At the hearing before the Judiciary Committee, it seemed to me that the legislative agents representing the banks in the State of Maine were out in force. At that

hearing many points were brought out, one of which I would like to repeat at this time. Under the Uniform Commercial Code when an instrument is recorded, the borrower is charged \$2 for the recording. This recording, in essence, protects the lender, the person making the loan, in case there is default on the borrower. If this particular note is not recorded and the borrower should go through a wage earner for example, the lender would have to wait over a period of three years to collect his money as anybody else who has unrecorded bills against this person.

It was my feeling at that time if the banks want to lend the argument that they presented to this committee, that possibly this \$2 should be paid by the bank inasmuch as it was a type of insurance for their protection as we all know the borrower still pays the \$2.

Initially the thought behind this legislation was brought to me by a group of town clerks who had raised a problem of having files filled with undischarged notes and chattels. Under the present statute that many were not aware of, they could dispose of these at the end of a five-year period but for their own protection they felt they must hold them for a period of six years.

Whether or not you know what is going on if for example you bought an automobile in 1964 and had it financed for a 24-month period, and this was recorded, and you faithfully carried out your financial obligation and paid off this bill, I will guarantee in 99 out of 100 cases that the recording is still filed in the town clerk's office or in the Secretary of State's office.

In the case of a credit check on you or your business by a commercial firm or a local credit agency, these are a matter of public record. Anyone can go into a town office and look in your file and see your financial obligations as pertaining to the ones that are recorded.

Now in many cases credit can be hurt for you if you show a high amount of liabilities in a clerk's office, which these undischarged recordings will show even though

they have been paid off three, four and five years ago.

This particular bill came out of the committee with a unanimous "ought to pass" with Committee Amendment "A" under filing H-354. This bill passed the House with little trouble and went into the Senate. In the Senate it was tabled and this is where I became real discouraged. Upon checking with the Senate, the other body, I found that this had been tabled at the request of a legislative agent. Now I feel that we as legislators, who are elected by the people, should have the prerogative of knowing what is going on. I do not feel that it is the prerogative of a legislative agent to have a bill tabled so that the legislative agent can have an amendment drawn up that will be favorable to the people who he works for.

There was a Senate Amendment put on this bill, Senate Amendment "A" to Committee Amendment "A", which was accepted. This took off some of the curse of the bill and it came very close to my original intent. Things at this time were going along smoothly. Then we came up with House Amendment "A" to Committee Amendment "A" which was the bankers' compromise. At first I objected to this on the interpretation of the last several lines in the amendment, but I finally agreed to their compromise because I felt that even though the bill had been watered down, it still would be to an advantage to the people of the State of Maine as far as their credit was concerned. To go one step further, in research I have found that many many recordings show a fee of \$3, \$2 for the recording and \$1 for the discharge. I have also found that these notes have been terminated by payment and there has been no \$1 turned over to the municipality for the discharge. Not only are we short changing the consumer in the State of Maine, we are also shortchanging the municipalities who are the recipients of the \$1 discharge fee.

At the present time I don't have the slightest idea why the motion was made to indefinitely postpone this bill yesterday. But I will repeat again, I have compromised

with the banks who are against this bill. I thought the amendment that was presented by the gentleman from Cape Elizabeth, Mr. Hewes, met their views and met mine. I hope that when the vote is taken this afternoon that you will consider the people that you represent, not a small majority of a financial community. I ask when the vote is taken, it be taken by a roll call.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: I will repeat only the things that I said yesterday, that is that the bill in its present form, as amended, is in much better shape and much less objectionable than it was originally.

Secondly, it does place a major hardship on automobile dealers, appliance stores, department stores and all others who take chattel mortgages to handle their discharges in this manner. I think in many instances you would find that when the purchaser paid off the note, in many instances several years after the note was made, it would be extremely difficult, if not impossible, to find the original maker of the note.

I just feel that we could do much better without the bill. I repeat that it is in much better condition than it was originally, but I still object to what it would accomplish if enacted into law. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: I support the position of the gentleman from Strong, Mr. Dyar. The gentleman from Southwest Harbor said that it would be a great hardship. The great hardship, as I see it, is merely having to file a discharge. It is a simple act, and on finding the original maker, if the party didn't pay on his mortgage you can just rest assured that they could find the maker in a hurry to bring suit against the party that didn't pay. I support the position of the gentleman from Strong, Mr. Dyar.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: I will try to be very brief on this measure. I am extremely pleased that my able colleague from Cape Elizabeth got up and explained the position of the committee that as I recall unanimously decided in favor of Mr. Dyar's position. Now if there is going to be any meaning to the committee system and sometimes during this session, and I try to say this in good grace, I have seen some things done that I didn't think would be done in a responsible legislature, so I just hope that you will go along with the position enunciated by Mr. Hewes from Cape Elizabeth and Mr. Dyar from Strong who have worked very very hard on this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: Having served more years than I like to admit as a town clerk, I think that this is an important bill, and in all those years that I have recorded these chattel mortgages and so on, I never could understand why the people that had them recorded were not as anxious to get them discharged. And as for hunting up the maker, you certainly know where you had it recorded. You can find the town clerks and have it discharged, I am sure. And I am opposed to the indefinite postponement of this bill.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am completely baffled by the assumption that it is the duty apparently of the bank or person lending the money to see to it that this instrument is discharged. It seems to me that it is definitely the obligation of the borrower when he pays his last payment on a note to get his receipted note and himself take it to the town clerk's office and get it discharged. I think that it is just good business sense on his part, and I don't know why

we should make this the obligation of the bank or the person lending the money.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Southwest Harbor, Mr. Benson, that House Paper 929 L. D. 1190, An Act relating to Mandatory Discharge of Chattel Mortgages and Notes, be indefinitely postponed. If you are in favor of the motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEAS — Allen, Barnes, Benson, Birt, Bragdon, Clark, H. G.; Donaghy, Durgin, Hardy, Johnston, Noyes, Porter, Richardson, G.A.; Richardson, H. L.; Shaw, Thompson.

NAYS — Baker, Bedard, Berman, Bernier, Binnette, Boudreau, Bourgoin, Brown, Buckley, Bunker, Burnham, Carey, Carter, Casey, Chandler, Chick, Clark, C. H.; Coffey, Corson, Cote, Cottrell, Couture, Cox, Crommett, Crosby, Croteau, Cummings, Curtis, Cushing, Danton, Dennett, Drigotas, Dudley, Dyar, Emery, Eustus, Farnham, Faucher, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Giroux, Good, Hall, Hanson, Harriman, Haskell, Hawkens, Henley, Heselton, Hewes, Hichens, Huber, Immonen, Jalbert, Jutras, Kelleher, Kelley, K. F.; Keyte, Laberge, Lee, Leibowitz, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Marsteller, Martin, McKinnon, McNally, McTeague, Meisner, Millett, Mills, Mitchell, Moreshead, Morgan, Mosher, Nadeau, Norris, Ouellette, Page, Payson, Pratt, Quimby, Rand, Ricker, Rideout, Rocheleau, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Sheltra, Snow, Starbird, Stillings, Susi, Tanguay,

Temple, Trask, Tyndale, Vincent, Watson, Waxman, Wheeler, White, Wood.

ABSENT—Brennan, Carrier, Curran, D'Alfonso, Dunn, Erickson, Evans, Foster, Gilbert, Hunter, Jameson, Kelley, R. P.; Kilroy, Lawry, Lebel, Santoro, Soulas, Wight, Williams.

Yes, 16; No, 115; Absent, 19.

The SPEAKER: Sixteen having voted in the affirmative and one hundred and fifteen having voted in the negative, the motion does not prevail.

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

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

An Act Prohibiting the Conducting of Contests and Games by Retail Sellers (H. P. 1207) (L. D. 1534)

Tabled—June 17, by Mr. Bourgoin of Fort Kent.

Pending—Passage to be enacted,

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I now move that we enact L. D. 1534 and I would speak to my motion.

I want to read this from Fortune Magazine of February, 1969, and I quote, "The high profit margin in selling game pieces would impress a Texas oil man. Chances normally are printed on a piece of paper or plastic no larger than six inches square, costing around \$3.50 per thousand. The promoter sells them to a dealer for as much as \$12.50.

A game promotion for an oil company with 15,000 stations usually requires 150 million games. If the game continues for thirteen weeks the promoter makes \$1,350,000. Should the company continue the game for a year the profit totals \$5,400,000. The company puts up all the prizes.

"This lucrative little universe is exempt from public auditing when it comes to distributors of prizes. Promoters though are faithful to the old principle of the medicine men and the sideshow barkers—

they never give a sucker an even break. Large prizes are salted into prearranged areas for maximum promotional impact."

"In Florida 500 Cities Service dealers promoted a game that purported to offer an undisclosed number of Mustangs but a company executive saw to it that two winning tickets were handled by favored dealers. Possibilities of corruption are great since thousands of identifiable winning chances are handed along from printer to promoters to company executives."

I think the most telling argument for outlawing these games rests in your experience in buying gasoline. How much have you won since these games and gimmicks came out? I move for the enactment of this L. D. 1534.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 1534 was a Minority Report from the Business Legislation Committee. This L. D. prohibited all promotional schemes by retail establishments. It was later amended in the House under filing H-404 which had the effect of applying to establishments selling motor vehicle fuel. That is the way the bill stands before us now.

I have called the House's attention to the communication from the Attorney General's Office. The original one was dated March 4, and as late as June 13 I have another memorandum from him dealing with this subject, and I won't bore you with it but I will just read the important part of it. It says: "As the bill now stands it is probably unconstitutional as violative of the equal protection clause of the Fourteenth Amendment to the Constitution of the United States since the class of persons to which prohibition applies is so narrowly drawn."

In view of this, ladies and gentlemen, I don't see any sense of putting this legislation on the books which will result in litigation, so I move indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: This bill in its present form as amended, as Mr. Scott pointed out, does not merely apply to a gasoline station as the proponents claim. It applies to anyone selling motor vehicle fuel at retail. Thus, no grocery store having a gasoline pump in front of it, as is so in most of the country stores, could have any kind of a sales contest or promotion. They couldn't even sell many cereals, which have contests or prizes in them, or Cracker Jacks or dozens of other grocery items which constantly carry national promotional programs. They could not have a turkey raffle, a grand opening, a dollar day, and so on.

Automobile dealers also sell gasoline. They could not have any contest involving a prize such as a TV set or a car as is being done this very minute by Maverick. Shopping centers almost invariably have a gasoline pump on the lot, and all of the stores in the center would be barred by this bill from sales promotions.

But besides these features of the bill which are so unfair and so unworkable, as Mr. Scott has pointed out, the Attorney General's department has already issued two legal opinions on this bill, and I have two of different dates — April 8 and June 3. Both opinions make it very clear that this bill if enacted would be unconstitutional and illegal. It is discriminatory in prohibiting some retailers from using sales promotions, yet permitting others to do so. I won't quote from these opinions because Mr. Scott has already adequately covered that.

I know that some of us feel strongly that some types of games should be outlawed, but I submit to you that this is not the vehicle to do it. We are not here to pass illegal legislation or that which conflicts with the Constitution. It will be a waste of every one's time. So I support the motion to indefinitely postpone the bill.

The SPEAKER: The Chair recognizes the gentleman from Hollis, Mr. Harriman.

Mr. HARRIMAN: Mr. Speaker and Ladies and Gentlemen of the

House: Sometime ago in this House a statement was made that this contributed to the cost of gasoline as much as three or four cents a gallon. Any contest that I have ever known about of this type the highest cost that I have ever seen was 1½ per cent. Now this morning I stopped at a Shell station and filled my car up with gas and he offered me a Ben Franklin coin or something else and in the course of the conversation I said I have had these in my business and I said I know what they cost, from one to one and one half per cent. I said, what does this thing cost you? He said every one of these coins cost us a penny. Well I got one cent back on five dollars worth of gasoline. So if you pass this bill you are not going to cut the gasoline price very much.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: On the cost involved I stopped at five or six gas stations in Brunswick and Topsham and I found the service station operators to be uniformly against these games. They told me that their average annual cost ran from about three thousand up to almost eight thousand dollars a year. One gentleman told me that his average annual cost in games and various trinkets and so on ran almost as much as his net from running the station.

I would like to address myself primarily to the legal point involved. It has been mentioned that there is an opinion or a number of letters from the Attorney General to various peoples raising doubts in the mind of the Assistant Attorney General that wrote the letters regarding the constitutionality of such a bill. One of the members of the House was kind enough to let me use his copy of a letter so signed by the Assistant Attorney General which cited a case called the Tripleton case. I went into our law library and spent about two hours trying to find this case — which by the way did not have its citation listed as is customarily done in legal opinions. I couldn't find it. I thought, well, it is about ten at night and I worked a while today, has been in the House and

there is probably something wrong with me, it must be there. So I looked again the next day and couldn't find it again.

Finally I went to the Attorney General's department and told them of my plight and they said, "Well, this is what is called an unreported case, that is it isn't printed up in the law books because it was rendered by a lower court, by a trial court, rather than by an appellate court." I said fine. They didn't tell me how they came on to this case but at any rate they did. This is one case in the entire country. It is a case in the State of Maryland in a trial court there.

Now the Attorney General's office in Maryland — I found out by calling down to the court of appeals in Maryland, has appealed this case to the Maryland Supreme Court. So at least the Attorney General's office in Maryland, we can presume, does not think it very clear that the law is unconstitutional. Certainly that is a fact to be taken into account, but I think that to build an entire legal opinion on one case of the lower court that isn't even formally reported is stretching a point a bit.

There is an article in the Harvard Law Review, which is a fairly well thought of legal source, regarding the problem of games and of trading stamps, particularly as it applies to gasoline stations. The article concludes, by the way, that it is proper to classify to put gasoline stations or the sellers of motor vehicle fuel in retail in a separate class because this is where the problem is. We all know this. This is the area of the problem. What the Harvard Law Review says is this: "Unlike ordinary advertising this system serves no useful purpose. It thrusts an additional and unnecessary cost on distribution which must ultimately be borne by the entire public and under our competitive system it cannot be successfully resisted by individuals. It would be a perversion of the Fourteenth Amendment to say that it prohibits the remedy of community action in these otherwise incurable diseases of competition detrimental to the whole public."

It goes on—"The conclusion at any rate of the writer of this article," and this appears in Volume 29 of the Harvard Law Review, page 779, "is that you can classify." The only legal authorities that I know of that say you can't are this letter from one of the—or a number of letters perhaps, from members of the Attorney General's Department to members of the Legislature and one lower court case which the Maryland Attorney General's office differs with and is appealing to the Supreme Court of Maryland. For that reason I support the legislation because I do not doubt its constitutionality.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I support this piece of legislation very vigorously. Having run a filling station for some time I wouldn't say that it is costing me money but it certainly is costing my customers money. Because I have to find this cost and put it—maybe it is not on a gallon of gas but if they come in the station it is on something they got before they left. And I suspect other stations acquire their costs by some method, either an extra quarter on a tire change or an extra fifty cents on a change of oil or some other method.

I think the public would be much better served if these filling stations would sell service and wash your windshield and check your tires and do things that has to make your motor run a little better or your motoring a little happier. This does nothing for the motorist except take his money and I think a lot of the people in the State of Maine are being taken and that we as legislators should try to do something to correct this. It is getting worse by the year. And I know that if you pass it everybody in the filling station business would be overwhelmingly pleased, and so I hope for the kindness of this man that services your automobile quite well that you give him a lift and pass this legislation.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mr. MacPhail.

Mr. MacPHAIL: Mr. Speaker and Ladies and Gentlemen of the House: The big question on this legislation seems to be the constitutionality. A number of states have already ruled that it is constitutional. It is my understanding that only this week the Attorney General of Minnesota had the same question before him and he ruled that it was constitutional. I support the enactment of this legislation.

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

Mr. LePAGE: Mr. Speaker and Members of the House: Having serviced filling stations with a bookkeeping and tax service for years I can assure you this is a monkey on the gasoline retailer's back, that he has been unable to shake, and we would be doing him an extreme favor if we passed this bill.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoin.

Mr. BOURGOIN: Mr. Speaker and Members of the House I would compare the indefinite postponement of this bill to chain letters that was sent out a few years back. At the head of the list of the chain letters, who makes the money? The first three names at the head of it. Those from there on are suckers. And these games are sucker games. The only people that make money out of it are the fellows who originate them.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of this House: I think at the present time that you cannot go into a store without there being some sort of a gimmick or some sort of a game, and in my estimation there is very very few winners, perhaps one out of a million that win something. I therefore believe they are rigged right from the very top and I sincerely hope that we will pass this bill.

The SPEAKER: The pending question is indefinite postponement of An Act Prohibiting the Conducting of Contests and Games by Retail Sellers, House Paper 1207, L. D. 1534. The Chair will order a vote. All in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

27 having voted in the affirmative and 99 having voted in the negative, the motion did not prevail.

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

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

SENATE REPORT—Committee on Natural Resources on Bill "An Act Creating the Surficial Materials Conservation Act" (S. P. 314) (L. D. 1024) reporting "Ought not to pass", as covered by other legislation. (In Senate, accepted)

Tabled—June 17, by Mr. Martin of Eagle Lake.

Pending—Motion of Mr. Lund of Augusta to reconsider acceptance in concurrence.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: On the next item to follow, I will be offering an amendment today to take sand and gravel out of the effect of the bill and so I would hope that some member of the House would table this item until the next legislative day.

Thereupon, on motion of Mr. Tyndale of K e n e b u n k p o r t , retabled pending the motion of Mr. Lund of Augusta to reconsider acceptance in concurrence and assigned for later in today's session.

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

Bill "An Act Providing for the Conservation and Connection with Land Affected in Connection with Mining" (H. P. 1270) (L. D. 1598)

Tabled—June 17, by Mr. Lund of Augusta.

P e n d i n g — P a s s a g e t o b e engrossed.

Mr. Lund of Augusta offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-539) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: H-539 is an amendment which takes sand and gravel out from the controls that are proposed to be operated in the bill, L. D. 1598. My personal feeling is that I would rather see sand and gravel remain in, but it appears to be one of the prices of passage which will have to be paid along with others, and I therefore hope that the House will vote its adoption.

Thereupon, House Amendment "B" was adopted.

Mr. Benson of Southwest Harbor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-538) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. BENSON: Mr. Speaker and Members of the House: This is nothing more than a so-called grandfather clause for Callahan Mining down in Hancock County.

By legislative action and by legislative intent, several sessions ago we invited Callahan Mining to come into the State and to operate. We gave them several concessions and by our action I believe that we have invited them to come in here to operate a mining situation, and I feel that we should exclude Callahan Mining from the provisions of this bill up to the point where this bill becomes law. I have talked with several of the officials of Callahan Mining, and they understand that they are to comply with the provisions of this law from the time that it does in fact become law. So they will comply, and gladly so, with this law after it is enacted and does become law. They would feel, as the gentleman from Durham, Mr. Hunter, might say, they would feel very sad if they had to comply with this law now. It would cost them well in excess of \$200,000,

so I would urge the House to adopt House Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I cant, help but remark to the gentleman from Southwest Harbor, Mr. Benson, that this appears to be the reverse of the Prestile Stream. And to the gentleman from Hancock County, I am not sure whether to offer my condolences or my congratulations.

A question that I would like to pose at this point, Mr. Speaker and Members of the House, is this. Assuming that this legislation does not become effective until ninety days after we leave here, is there anything in the amendment which could prevent Callahan Mines from using a bulldozer over twenty acres of land, running it over and removing the top soil and then, in effect, we would also be grandfathering this land as well as the land that they are presently occupying?

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: That is a good question and I was afraid someone was going to ask it. Thank you very much, Mr. Martin.

The answer is, in all probability, yes, they could run a bulldozer over considerable land and then claim that this was, in a pinch, not covered by the law, but I am laboring under the assumption that these are honorable people. I have talked with them personally and they have told me that if they could be grandfathered out of this bill up to this point, up to the point where it does become law, then they would be very happy to comply with the law once it is law. So it is for this reason that I feel that these people will comply, that they will not act in an irresponsible manner, such as that suggested by the gentleman from Eagle Lake, and that they will do as they say they will.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I recognize that the principle of

the grandfather provisions has a long and not terribly honorable history in the laws of the State of Maine, and I would express the hope that the House might vote against this grandfather provision because, if I might describe it that way, this is the granddaddy of the grandfather clauses, it seems to me. Because in the first place, it does not take effect ninety days after this law is signed.

If you will look at subsection 6 of the bill, and we are talking about 1598 now, subsection 6 is on page 4, in drafting this bill we felt that problems might be caused if people who wanted to mine were required to file mining plans on the effective date of the bill, this would be the first date that the personnel who were carrying out its provisions would be in office so to speak, and it would create quite a log jam. So under subsection 6 on page 4, we provided that mining plans would not have to be filed, not ninety days after the bill was signed or if it became law, but when the regulations had been finally enacted by the commission established.

So there will be an opportunity under this law for the commission to begin its operation, and only when its regulations have been adopted then will people be required to comply. So in the first place, this granddaddy clause doesn't relate to when the bill becomes effective, but only when the regulations are finally adopted which will be sometime further on in the future.

Secondly, the grandfather clause as it is presently drawn doesn't simply exempt their operations up to that point, but it exempts, in effect, any operation that may in the future be carried on on that piece of land.

I have discussed this amendment with the gentleman from Southwest Harbor, Mr. Benson. I understand what he is trying to do, and I would suggest to the House in all sincerity that due to the way in which the draftsman of this bill has drawn it it shoots considerably beyond what I think Mr. Benson even intends to exempt. I intend no reflection upon the good will or integrity of the people who are operating Callahan Mines, but I

think it might be of some benefit to the House if the House were to understand the lease that Callahan Mines entered into following the action by this Legislature, and I have before me the twenty-two page document that embodies that lease and I would like to read to you the entire and complete provisions dealing with rehabilitation, and I am reading it to you.

"The lessee will cooperate with the lessor, its various agents and officials in the Town of Brooksville, Hancock County Maine, in the planning, funding and implementation of a program for the rehabilitation of the said lands upon the completion of the mining activities thereon.

The details of such program, including the funding and administration of same, and the source of funds to accomplish the program, shall be the subject of further discussion and negotiation between the parties."

In other words, sometime we are going to talk about fixing up the land and who is going to pay for it. Now as I said, I do not intend to cast aspersions upon the integrity of the gentlemen of Callahan Mines. I can say that they are very shrewd indeed if they got the State of Maine to enter into a lease such as this. I also would suggest that the grandfather provision which we are now considering is a granddaddy, and I hope that the House would not pass it in its present form.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I don't believe that anyone in this House has been much closer to the Callahan operation than I have, because I co-sponsored with my very good friend from Old Town, Mr. Binnette, the original bill in the 102nd Legislature for the Callahan Mining.

I would like to point out that even in spite of the contract clause which my good friend Mr. Lund has pointed out, that at the present time Callahan is spending thousands of dollars to plant, to rehabilitate land and to cover up

some of the original lacerations of the earth.

In reply to my good friend Mr. Martin from Eagle Lake, I do not recall that the Legislature has ever passed a pollution exemption for Callahan Mining. We did for Blackhawk Mining in Blue Hill. I opposed that and opposed it wholeheartedly, and the day after this Legislature approved of a pollution exemption for this Canadian based firm the firm announced that it was closing.

Callahan has worked in the sincerest type of cooperation with the people of the Town of Brooksville. They have explained every move before a move was made and I think that if you talked with the entire population of Brooksville, the only people who do object to the mine are a couple of dissidents who—two of them are out-of-state people and one does live in the Town of Brooksville. So I certainly would hope that this clause would be adopted, that we would adopt House Amendment "A" as submitted by Mr. Benson from Southwest Harbor.

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

Mr. McNALLY: Mr. Speaker and Members of the House: This is very brief. I only want to confirm what Mr. Richardson of Stonington is saying, and I can assure you that if all mining companies were doing as well as Callahan Mining in putting back the land in much better shape than it looked before they started with it, you wouldn't even need to have the bill.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mr. MacPhail.

Mr. MacPHAIL: Mr. Speaker and Members of the House: It would seem to me that the only thing this bill does is to try to as they say reclaim land and put it back to as near its original condition in appearance. It is very involved and offers many restrictions to mining industry. Mining is industry and industry is money, and I don't believe we should endeavor to restrict them any more than possible. You can drive thousands of miles in the State of

Maine and never see a mine or a gravel pit. You can drive those same thousand miles and see billions of trees and millions of acres of land; perhaps a mine might be a welcome diversion. For this reason, Mr. Speaker, ladies and gentlemen of the House, I move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair would advise the gentleman that the only thing pending before the House at this time is the adoption of House Amendment "A". Is the House ready for the question? All in favor of the adoption of House Amendment "A" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

76 having voted in the affirmative and 37 having voted in the negative, the amendment was adopted.

Mr. Lund of Augusta then offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-552) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "C" could best be described as carrying out some housekeeping changes that eliminate some inconsistencies in the bill. I have reviewed it carefully with others who are concerned with this problem and I don't think it does any substantial change but carries out as I say some housekeeping changes, and I would hope that it would be adopted.

Thereupon, House Amendment "C" was adopted.

Mr. Immonen of West Paris offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-556) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. IMMONEN: Mr. Speaker and Ladies and Gentlemen of the House: I realize that there is a need for some kind of regulation in the mining development, especially for operations where they

use equipment handling 185 cubic yards in one sweep. The first amendment by the gentleman from Augusta, Representative Lund, to remove the sand and gravel has taken off about 99 plus percentage of the tonnage from this original Committee bill.

I would be remiss if I did not inform you how this mining bill will affect the mining area in Oxford County and a processing plant in my town. There has been a feldspar processing plant in West Paris for 45 years. Feldspar is ground and milled for use in porcelain dishes, finish for kitchen appliances, insulation for some electrical conduits, and also is used in plastics and other things. Feldspar is usually mined by small operators from mountain ledges which are really away from the traveled highways.

Now this is not a high value material as copper, lead, zinc and other minerals. It brings less than \$10 per ton delivered at the processing plant. This could be hauled, it may be three miles, it may be 50 miles away from the plant, and at present they are hauling some 140 miles from Grafton, New Hampshire because it is a certain quality of feldspar that they want to use at the present time. And the royalty payment that they receive is around 30 to 40 cents per ton.

Presently the small operators have two or three man crews and have an investment in equipment of towards \$20,000 which includes compressors, jack hammers, dynamite buildings, tractor loaders, trucks, greasing equipment, etc. Years ago there were processing plants at Cantrace, Topsham and Auburn, Maine. The nearest one in New England now is in Keene, New Hampshire which I understand is a part-time operation.

About one month ago the plant at West Paris suffered a fire loss of some \$100,000 and they are now in the process of reconditioning the building and equipment. Expansion plans will require them to find new sources of supply. They have contacted a former operator at Topsham to have him reconsider mining again. With the adoption of this kind of a bill that we are now considering, an operator would won-

der how he can meet the requirements and obligations as set forth in this document.

Now on page 2 of the bill in Section 6 it mentions a thousand yards, anybody that has an operation of a thousand yards would come under this bill. Now there is no doubt a good intention when it mentions there, intends to remove a thousand yards. Now I think all miners are speculators in a way and they have good intentions but he does not know if that pit will bring out material to the extent of a thousand tons and I doubt if any member of the controlling commission or a commissioner has that foresight.

Page 3 has mention of an Administrative Code. What is it? It is not spelled out and probably could be based on whims and with pressures of a commissioner.

Page 4 mentions plans and fees. A feldspar operator often has to do prospecting for a new mine as there is no guarantee of supply at any pit. So he must do some prospecting or exploring for a future supply. But for each mine or pit he is required to pay a fee of \$50 along with an acceptable plan plus \$25 per acre. Then he must post a bond for at least \$100 which would require a minimum of \$175 for opening a pit or up to some \$2,000 per acre if the commissioners should see fit. Then the commissioners can require a reclamation plan and even require penalties of \$100 per day for non-compliance, any type of a non-compliance.

Now you can see where the small feldspar operators would call this a dangerous bill and would discourage them to continue in this work.

Now there are three grades of feldspar, some that are clear white and brittle, some with an inlay of mica and some with other types of impurities. The demands of plant orders may require shifting of operations from one pit to another. Ladies and gentlemen of this House, I believe you can understand how these demands can injure an industry and become a hindrance to some operators in my area and could hold up prospects in other areas of this state.

Now on page 5, the first paragraph mentions, "The commission may issue rules and regulations to encourage the hobby collecting of minerals or rock-hounding, so-called." Now there are gem stores in my area, quite a few in Oxford County and elsewhere in the state. We have different people that go and prospect for these gems and sell them to these stores and then others are hobbyists, who may be your neighbors, who will be prospecting from time to time, or vacationists who come to Maine who have developed an interest and have freer time to spend. I can hardly see a commission regulating them any more than they can regulate the flight of birds.

The Legislative Natural Resources Committee has put a lot of good intent in studying these various bills and I respect the time they have devoted to them. Understandably they were working under the impression that a proposed commission would be controlling gravel pits when they signed the report.

I attended the long hearing when representatives of Martin-Marietta and Swenson of West Concord, New Hampshire, as representatives of large concerns, expressed their views. But there were many speakers from various areas of the state representing the small operators who would have a hardship imposed with all the regulations of the bills then under consideration. It would increase the cost of operation with no apparent need.

I feel that the Committee has not given proper consideration for the small operators whose business can be destroyed by regulations. Maybe this main consideration of the Committee was only given to the gravel pits. But the amendment deletes 99 per cent of the tonnage of this bill. What else is there for the Commission to do?

This amendment that I have placed here takes out this business of the gem stores as I mentioned—that is for the birds, and then it places an exemption for the industries in my area, mining for feldspar, beryllium, mica, quartz and jasper. Now feldspar is the main commodity but there are pockets of beryllium, mica and

quartz, usually you find them.

I move the adoption of the amendment.

The SPEAKER: The gentleman from West Paris, Mr. Immonen moves the adoption of House Amendment "D".

The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I would move the indefinite postponement of House Amendment "D" and would speak briefly on it.

The SPEAKER: The gentleman from Augusta, Mr. Lund moves the indefinite postponement of House Amendment "D".

The gentleman may proceed.

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: In the redraft of the bill the Committee made every effort to accommodate people who might legitimately be accommodated and at the top of page 5 as has been pointed out provided for the commission to issue rules and regulations to encourage the hobby collecting of minerals or rock-hounding, so-called. It seems to me that the adoption of a blanket amendment by types of products, such as we have here, would be an unfortunate precedent to be setting in this bill because if we were to begin to exempt in a blanket fashion beryllium or some such material an equally persuasive argument could surely be presented for other types of materials.

The amendment that is before you here has nothing about size and as is drawn would exempt completely from the total operation of the bill any operation dealing with the minerals described in the amendment. It has been pointed out that these are low-cost products but it is also true that many of the other products which may in the future be found to be subject to mining in Maine—copper and nickel, for instance, will also be low grade ores, and I would hope that the House would vote the indefinite postponement of this amendment because I think it does constitute an unfortunate precedent on this bill.

The SPEAKER: The gentleman from Augusta, Mr. Lund moves the

indefinite postponement of House Amendment "D".

The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Members of the House: I support this amendment of Mr. Immonen of South Paris. I know several of these feldspar miners in the neighboring town of Topsham and I know that they would wholeheartedly support this amendment. So I hope you will support this amendment.

The SPEAKER: The Chair will order a vote. All in favor of the indefinite postponement of House Amendment "D" to L. D. 1598 will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

46 voted in the affirmative and 54 voted in the negative.

Whereupon, Mr. Lund of Augusta requested the vote be taken by the yeas and nays.

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

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

The SPEAKER: The pending question is on the motion for the indefinite postponement of House Amendment "D". If you are in favor of the indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEAS — Allen, Baker, Binnacle, Boudreau, Bourgoin, Brennan, Brown, Carter, Clark, C. H.; Crommett, Cummings, Danton, Drigotas, Eustis, Faucher, Fortier, A. J.; Fortier, M.; Fraser, Good, Haskell, Heselton, Hunter, Jalbert, Johnston, Jutras, Kelleher, Laberge, Leibowitz, LePage, Levesque, Lund, Martin, McKinnon, McTeague, Mills, Mitchell, Morgan, Noyes, Ouellette, Payson, Rideout, Rocheleau, Scott, C. F.;

Stillings, Susi, Tanguay, Temple, Thompson, Tyndale, Vincent, Watson, Waxman, Wheeler.

NAYS — Berman, Bernier, Birt, Bragdon, Buckley, Burnham, Carey, Casey, Chandler, Coffey, Cottrell, Couture, Cox, Croteau, Curtis, Cushing, Dennett, Donaghy, Dudley, Durgin, Dyar, Emery, Farnham, Finemore, Giroux, Hall, Hanson, Hardy, Hawkens, Henley, Hewes, Hichens, Huber, Immonen, Kelley, K. F.; Keyte, Kilroy, Lebel, Lee, Lewin, Lewis, Lincoln, MacPhail, Marquis, Marstaller, McNally, Meisner, Millett, Moreshead, Mosher, Norris, Page, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Ross, Scott, G. W.; Shaw, Snow, Starbird, Trask, Wight, Williams, Wood.

ABSENT — Barnes, Bedard, Benson, Bunker, Carrier, Chick, Clark, H. G.; Corson, Cote, Crosby, Curran, D'Alfonso, Dam, Erickson, Evans, Fecteau, Foster, Gauthier, Gilbert, Harriman, Jameson, Kelley, R. P.; Lawry, Nadeau, Sahagian, Santoro, Sheltra, Soulas, White.

Yes, 53; No, 68; Absent, 29.

The **SPEAKER**: Fifty-three having voted in the affirmative and sixty-eight in the negative, the motion does not prevail.

Thereupon, House Amendment "D" was adopted.

The **SPEAKER**: The Chair recognizes the gentleman from Owls Head, Mr. MacPhail.

Mr. **MacPhail**: Mr. Speaker, for the same reason I expressed before, because I am still against stifling industry, I move this bill and all papers be indefinitely postponed.

The **SPEAKER**: The gentleman from Owls Head, Mr. MacPhail, moves that L. D. 1598 as amended be indefinitely postponed. The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. **FINEFORE**: Mr. Speaker and Members of the House: Just very briefly I would like to go along with the indefinite postponement for one reason. I notice they have exempted sand and gravel and I believe all the contractors here would realize that there is less sand and gravel than there

is loam for fill taken out. And if sand and gravel should have been taken out, it sure should have been all fill and borrow should have been taken out. I hope you will go along with the motion to indefinitely postpone.

The **SPEAKER**: The Chair recognizes the gentleman from Hope, Mr. Hardy.

Mr. **HARDY**: Mr. Speaker and Ladies and Gentlemen of the House: The committee worked a long time on this bill but obviously now it is no good. We get right back to the commission that was worrying Mr. Berman, and I at this point see no point in setting up a commission for a hollow bill. We have exempted the feldspars, the gravel, the sand, the limestone, the granite, and the copper down in Hancock County. So I concur with the motion to indefinitely postpone.

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

Mr. **LUND**: Mr. Speaker and Members of the House: I don't think the rout is as bad as has been suggested. In the first place as to one objection—I may be in error, but I think a careful reading of the bill and the amendments will show that borrow has in fact been exempted along with sand and gravel, so I don't think that is the serious issue in question. It is true that whenever you exempt a particular industry from regulation, you do open up the problem to those who say that the bill is no longer any good, let's forget it and start in afresh.

However, a lot of hard work has gone into this legislation on the part of the committee and others. While the bill does not have all the features which I would like to see in it, I think it does represent a step forward and it does represent a move that the state can properly take without unduly inflicting hardship upon any person, and it would seem most unfortunate at this point if the House would accept indefinite postponement because I can assure you that the problem is not going to go away and it is going to be infinitely more difficult to approach this problem with the passage of additional time.

And so I for one at least am not of faint heart. I think we do have a workable bill. It is a matter that has been of considerable interest from many many different sources of both political persuasions, and I would ask the House to hold fast and stay with the bill.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think because there is a lot of merit to be had in this document if it were adopted and I think between this branch and the other branch and the members of this House an eventual agreement can be had as to how this bill can best be salvaged, so I hope that the motion to indefinitely postpone will not prevail and when the vote is taken on the motion to indefinitely postpone, I request the yeas and nays.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: You have adopted a series of amendments, all of which I opposed, and you have of course seriously reduced the scope of this legislation. But I think the bill in its present form is still worthwhile although it is not as much as some of us would like to have.

I know you have all read the novel about the people down South who were so unconcerned about their appearance and the appearance of their home during the winter months. When it got a little chilly they would tear up the front porch to use for firewood. Now that is exactly what we are doing in Maine, if we don't impose any kind of regulation, any kind of responsible legislation on those who use our natural resources to return these resources or to return the sites to the kind of Maine that we all want and we all want to live in.

Now before you amended out the gravel pits I had sort of a conflict of interest situation because of the construction of the new highway in the City of Portland—and quite why we need another one I am

not sure but we are getting one, they are literally reducing part of Cumberland in which I live into one giant gravel pit. So I had hoped that the gravel pits would remain in, that we would impose some sort of a reasonable restriction. That is out now.

But what you have left of the bill leaves enough for us to make an effort. And as the gentleman from Augusta has so capably and I think earnestly pointed out to you that delay earns you nothing, delay won't prove anything. It will just give more time for our opportunity to prove once again man's capacity to foul, to spoil his own environment. So I hope that you won't vote to indefinitely postpone.

Various little special interests all have their amendments in, including the one offered by that great foe of pollution of our environment and our esthetic beauty, the gentleman from Southwest Harbor. And we have done our little thing now and we have bowed to all these little special interests. The bill does have some merit to it in its present form and I hope that you won't take the final blow and kill good legislation.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: I would like to withdraw that statement on borrow because it is in there and I apologize. But I would also like to comment on what the gentleman from Cumberland has said that it doesn't bother us as gravel pits because they build the roads all down around Portland and not up in Aroostook County.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: I have been down to Cumberland and I know that there is a lot of good gravel down there. I am pleased that we have excluded gravel pits because I wouldn't want to see my good friend from Cumberland sitting up on a little pinnacle with nothing but holes all around it.

I would be very sad if we did indefinitely postpone this bill. I think a great deal of good honest hard work has gone into it. I think

that it does serve a real purpose. I think that it is a step, maybe a small step, in the right direction, and I have excluded by amendment the Callahan Mining operation and if that amendment goes farther than it should then I will be the first to apologize for it. I don't think that it does. But I would urge the House to vote against the motion to indefinitely postpone. I think that we are going in the right direction and we certainly have got to be cognizant of the problems that exist and I think that this is legislation that will assist with these problems.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: If Callahan Mine does go further than it should I probably will be the first to remind the gentleman from Southwest Harbor, Mr. Benson.

I would make this comment about what the gentleman from Cumberland was saying. If he doesn't want the road in Portland, we would love to have it in Aroostook. I could use it on Route 11.

I would certainly hope today that we would not indefinitely postpone this bill because it is a start in the right direction even though I did oppose two of the amendments that were adopted. That does not mean that we should throw away three fourths of a loaf of bread when we can get it, and so I would certainly hope that you would vote against the motion to indefinitely postpone the bill.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: In the debate on this bill here this afternoon there has been talk about water pollution and I would like to remind you that in the private conversations sometimes between you and me we have talked about water pollution here in this State and have wished in retrospect that twenty-five years ago or thirty or forty, that we might have had the foresight to have done something then, and we

all react how reasonable and sensible it would have been to have nipped this problem at the bud. We all recognize it to be a tremendously serious problem now. In this session we have approved a \$50 million bond issue to deal with this problem and I know that there are many of us sitting here this afternoon who don't believe that in our lifetime we will ever see clean water in all the rivers here in Maine.

Now we are dealing with another problem, land pollution, and it doesn't seem realistic to many of us here now that land pollution or ripping up the earth here in Maine can get to be a serious problem. We don't believe that it is now, yet I would ask you when you are flying over Maine to take a look and see how much of our ground is already torn to pieces. I think that we should thank our lucky stars that we have people who are devoted enough and interested enough to fight the fight now in attempting to control this problem. Be very thankful that they will fight the effort being made by private interests, and this isn't anything new.

If twenty-five, thirty or forty years ago we had attempted to put the most meager controls on water pollution, I assure you that industry would have screamed to high heaven, that no matter how limited the controls were that this was going to put them out of business and all that. Now we are reaping the harvest of this kind of thinking twenty-five or thirty years ago, and I would hope that we wouldn't fall guilty to this same lethargy that was experienced twenty-five or thirty years ago in relation to water pollution and will vote against indefinite postponement on this bill. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of the indefinite postponement motion. I think we all agree with the purposes of the ones that wrote this bill and it is difficult to oppose

this, but I would say that this cannot be compared to water pollution.

I think we have to do some serious thinking here in terms of what we are doing. In some countries of the world the land belongs to the government. In some countries the top soil belongs to the person that lives on it, but anything below top soil belongs to the government. In our country, whatever is on the land and under the land belongs to the person that owns it, and this is a very fundamental difference. Here we also assume that the air and the water is public property, but the land is private property.

One of the ladies in the debate the other day made the statement that some people rape and leave the land, but this hardly applies because rape implies that the person does not own or is not married. If you own the land you are married to the land and this is your land. It is yours to do what you wish. Now if we wish to change that concept, and I think this is very basically what we are doing in this type of bill, we are saying that if you can't comply with certain regulations set up by a board that you cannot use this land the way you want to use it. And so I raise this basic question as to whether or not this is the right approach to this land-use problem. I recognize the problem, but I would hope that the committee had come out earlier in the session so that we could have dealt with this basic problem.

And in closing I just want to read the first section of our declaration of rights in the Maine Constitution. "All men are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness."

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Snow.

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to mention briefly on the subjects that have come up and some of the questions that have

come up in regards to L. D. 1598. As House Chairman of this Committee, this bill did come to us earlier in the session. We have tried very hard to make something of this L. D. We have had a new draft which is now before you. We have gone along and listened very patiently to the amendments that have been tried to be put on this bill to salvage this bill, to make this bill workable. We have listened to the fears of the good gentleman from Cumberland in regard to the gravel and borrow pits that are being opened up in that area in connection with the highway project.

I would like to read to you just a small part of the contract in the agreement that was signed by the contractor with the state before this project was started. It says, "Acceptable conditions of approval shall include grading the area to blend with the surrounding terrain, covering the area with loam if necessary, seeding and mulching." Now these are things that will take place. This is an agreement that was signed by the contractor prior to this work being started.

So we don't have before us such a situation as perhaps some of you think back some number of years ago when we did leave abandoned pits and ugly scars on the earth. A lot of these things have been taken care of with such agreements as this and also with the powers that we have bestowed upon the Water, Air and Environmental Improvement Commission. So I think in all fairness, in the hard work that we have done in trying to salvage this bill, it looks to me as if this hasn't been accomplished and I will go along with the motion of the gentleman, Mr. MacPhail.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I have listened very carefully on this piece of legislation this afternoon. I am a bit touchy when you come to create new departments or new commissions, and it would seem to me at this point we would be creating a new commission. Nobody has talked about the cost

of this commission, and everybody knows that money is a little bit scarce around here. Nobody has talked about that, but it looks to me like we would be appointing a commission without much to look over or much to have a commission over.

And let me say this, that we have done a lot to protect those mines that are already here. There may be some others that want to come in and do some mining, and I think this might be a little harsh and I don't know if the state is quite ready for something like this because certainly there are a lot of people that would like to see the state — that is at least in the northern part of it, develop some and some jobs made and would like to see some mining done. I think we are not quite ready for this piece of legislation and I certainly would go along, now that it has been amended to this extent, that this commission would almost have nothing to be a commission over, I will go along with indefinitely postponing it.

The SPEAKER: The pending question is on the motion of the gentleman from Owls Head, Mr. MacPhail, that this bill as amended be indefinitely postponed. The gentleman from Madawaska, Mr. Levesque, moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

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

The SPEAKER: The pending question is on the motion of the gentleman from owls Head, Mr. MacPhail, that House Paper 1270, L. D. 1598 as amended, Bill "An Act Providing for the Conservation and Rehabilitation of Land Affected in Connection with Mining" be indefinitely postponed. If you are in favor of the motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Bragdon, Buckley, Casey, Couture, Curtis, Cushing, Dudley, Durgin, Emery, Giroux, Hall, Hanson, Hardy, Hawken, Huber, Immonen, Johnston, Lee, Lewis, Lincoln, MacPhail, Marstaller, McNally, Meisner, Nadeau, Noyes, Quimby, Rand, Rocheleau, Snow, Tanguay, Wight, Williams.

NAY — Allen, Baker, Bedard, Benson, Berman, Bernier, Binnette, Birt, Boudreau, Bourgoin, Brennan, Brown, Bunker, Burnham, Carey, Carter, Chandler, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cottrell, Cox, Crommett, Crosby, Cummings, Dennett, Dyar, Eustis, Farnham, Faucher, Finemore, Fortier, A. J.; Fortier, M.; Fraser, Good, Haskell, Henley, Heselton, Hewes, Hichens, Hunter, Jalbert, Jutras, Kelleher, Kelley, K. F.; Keyte, Kilroy, Laberge, Lebel, Leibowitz, LePage, Levesque, Lewin, Lund, Martin, McKinnon, McTeague, Millett, Mills, Mitchell, Moreshead, Morgan, Mosher, Norris, Ouellette, Page, Payson, Porter, Pratt, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Ross, Scott, C. F.; Scott, G. W.; Shaw, Starbird, Stillings, Susi, Temple, Thompson, Trask, Tyndale, Vincent, Watson, Waxman, Wheeler, White, Wood.

ABSENT — Barnes, Carrier, Chick, Cote, Croteau, Curran, D'Alfonso, Dam, Danton, Donaghy, Drigotas, Erickson, Evans, Fecteau, Foster, Gauthier, Gilbert, Harriman, Jameson, Kelley, R. P.; Lawry, Marquis, Sahagian, Santoro, Sheltra, Soulas.

Yes, 33; No, 91; Absent, 26.

The SPEAKER: Thirty - three having voted in the affirmative and ninety - one in the negative, the motion to indefinitely postpone does not prevail.

The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: I would like to beg your indulgence for just a moment. I am going to make a motion to reconsider and I would like to speak to that motion.

The SPEAKER: The gentleman from Houlton, Mr. Berman, now moves the House reconsider its

action whereby the indefinite postponement motion failed. The gentleman may proceed.

Mr. BERMAN: Mr. Speaker and Members of the House: I am going to be extremely brief, but like my good friend from Augusta, Mr. Lund, and my good friend from Pittsfield, Mr. Susi, I am not of faint heart, we got a very good vote here today, I don't want this bill to be held in this body, I would like to see it go to the Senate tomorrow, so I hope you will vote against my motion to reconsider.

The SPEAKER: The gentleman from Houlton, Mr. Berman, moves the House reconsider its action whereby it failed to indefinitely postpone this bill. All in favor will say yes; those opposed will say no.

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

Thereupon, the Bill was passed to be engrossed as amended by House Amendments "A", "B", "C" and "D" and sent to the Senate.

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

Mr. LEVESQUE: A parliamentary inquiry, Mr. Speaker.

The SPEAKER: The gentleman may pose his inquiry.

Mr. LEVESQUE: On the motion made by the previous gentleman from Houlton, Mr. Berman, to reconsider on the indefinite postponement of the motion, whereby now we have engrossed the document, can this document be held without further reconsideration where it was passed to be engrossed?

The SPEAKER: The Chair would advise in the affirmative.

Mr. LEVESQUE: Mr. Speaker, I now move that this document be reconsidered of engrossment.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, moves the House reconsider its action whereby this bill has been passed to be engrossed as amended. All in favor will say yes; those opposed will say no.

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

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

Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council (H. P. 1271) (L. D. 1600)

Tabled — June 17, by Mr. Benson of Southwest Harbor.

Pending — Passage to be engrossed.

Mr. Carey of Waterville offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-564) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: I move that House Amendment "B" be indefinitely postponed and would speak to my motion.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves the indefinite postponement of House Amendment "B" and the gentleman may proceed.

Mr. DENNETT: Mr. Speaker, Ladies and Gentlemen of the House: This legislative document which proposes an amendment to the Constitution to provide for the election of members of the Executive Council, would operate in this manner. As you know, we are divided into seven Councillor districts. Heretofore the majority party whose members were here in the House, these members of the majority party from this Councillor district nominated the members of the Executive Council and they in turn were elected by the Legislature.

This amendment proposes a change, a change in this manner, that the elected members to the Legislature from both bodies from any given Councillor district would assemble and vote as to whom they wish to be their councillor. If within that district a majority consisted of the Minority Party, then they would elect that member to the Council; and the Council could very conceivably be made up of both parties. As a matter of fact, it definitely would be because some districts have been quite consistent as adhering to the Minority Party.

Now I feel very strongly that in this particular instance the hand

of friendship has been offered, but when I behold this amendment it kind of changes the thing in its entirety. I think that we have held forth our hand in friendship and offered a piece of cake and this amendment says no, we don't want a piece of cake, we want the whole cake. In other words, this amendment offered by my very good friend, the gentleman from Waterville, Mr. Carey, simply wipes out this proposition that is contained within the bill and says that the electors, and this is every one in the Councillor district, shall vote for and elect the councillor.

Now this is fine to a certain degree but I think you all know what kind of a job a job on the Council is. We have gone through the years and we have cut senatorial districts down to be small districts, House districts in most instances are comparatively small, and the argument has always been that it has been quite difficult to campaign through these representative-senatorial districts and what have you, and the smaller the district the closer the representative or senator is to his people and it alleviates the hardships that are caused by campaigning a big district.

Now with the exception of one Councillor district our Councillor districts are large. Even the Councillor district in which I live, which comprises the counties of York and Oxford spread from the southernmost tip of Maine to the Canadian border. It is a pretty large district. I doubt very much if many people would even be interested in campaigning for the Council. This is one reason why I feel this amendment should be turned down, and secondly — and I will be honest, I think more important — it is breaking the tradition which we have always had of the Legislature electing the members of the Council.

Now again I repeat this is offered the hand of friendship a chance for the Minority Party, whichever party it might be, to have some chance of participating in the Executive Council. I hope you will go along with my motion to indefinitely postpone this amendment.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I hate to disagree with my coach and mentor, the gentleman from Waterville, Mr. Carey, but his amendment and bill which it amends really don't answer the problem. There are two basic problems as I view them with the Executive Council in its present makeup. That is first of all that the Minority Party in the Legislature has no representation whatever. This amendment would have you believe that that problem would be affected. Maybe it would be, I don't know. But the basic problem, the basic reason why I believe we must change our present system is because we must bring into this Legislative Hall and the one at the other end of this building responsibility not only to select programs and to raise taxes to pay for them but the responsibility to give these programs continuing review and assessment, to discard the old ones, and to get rid of those that weren't any good in the first place and not adopt new programs over which we have no control.

In short, the Legislature in my judgment can never do battle with the bureaucracy on anywhere near equal footing unless it returns right into its own self responsibility, responsibility to cut programs that don't belong in there and all that goes with it. Now I don't think that the way to effect that control is to go one further step away from the Legislature. We have our present system which purports to represent the Legislature. To go one step beyond that, into Councillor districts, these people would have no connection whatever with the Legislature.

And for that reason — of course war makes strange bedfellows — I am going to support the motion to indefinitely postpone the amendment and will support the motion to indefinitely postpone the bill. I don't think this is the answer and I hope that the majority of the people here in the House would agree with myself and the gentleman from Kittery, Mr. Dennett.

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

Mr. CAREY: Mr. Speaker and Members of the House: The only difference between my original bill, which was number L. D. 75 and the committee amendment which was L. D. 1600, of course is that the Council will be elected by the people. Now just as we are responsible to the people I think that so should the Council be responsible to the very same people. They can be no more responsible than by being elected by these very same people.

Now if you feel that you are going to lose complete control over the Council members from your district I say you are wrong because these people because of the large district will certainly have to depend upon you for their election.

I ran a survey before the election and I had a series of questions that I asked people pertaining to legislation which may come up at this session. One of the first questions on the questionnaire was should the Executive Council be abolished. And in the City of Waterville, the vote was overwhelmingly in favor of abolishing the Council.

I am not one for giving a Governor of any party free reins and it is for that reason that I came up with this proposal. I had a companion which also went to the State Government Committee which was L. D. 76. This would have increased the Council from seven to eight. When I appeared before the committee I made it quite clear that it was not one of the Governor's measures. This would have cut the Council districts into four Senate districts. It would have evened them up much more considerably. Currently there is a difference of 45 between the largest and the smallest district populationwise. Under the proposal that I had, that would have been lowered down to 9%.

That has gone by the boards. Maybe we can try some other time, but we are responsible to the people that sent us here. We are here six months out of a two year term except for possibly two or three or four or five special

sessions where we will be back for a week to maybe two weeks or even down to a single day. And these people who are in the Executive Council I think would be much more responsive if they knew that they were coming up for reelection by the people themselves.

I reluctantly ask for a roll call.

The SPEAKER: The gentleman further moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens to the vote.

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

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that House Amendment "B" to Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council, House Paper 1271, L. D. 1600, be indefinitely postponed. If you are in favor of the motion you will vote yes; if you are opposed you will vote no and the Chair opens the vote.

ROLL CALL

YEA: Allen, Baker, Benson, Berman, Birt, Bragdon, Buckley, Burnham, Casey, Chandler, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cox, Crommett, Crosby, Cummings, Curtis, Cushing, Dennett, Donaghy, Drigotas, Durgin, Dyar, Emery, Eustis, Farnham, Faucher, Finemore, Fortier, A. J.; Hall, Hanson, Haskell, Hawken, Henley, Heselton, Hewes, Hichens, Huber, Immonen, Johnston, Kelley, K. F.; Keyte, Lee, Leibowitz, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marstaller, Martin, McNally, Meisner, Millett, Mills, Mitchell, M o r e s h e a d, Morgan, Mosher, Nadeau, Norris, Noyes, Page, Porter, Pratt, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Scott, C. F.; Scott, G. W.; Shaw, Snow, Stillings, Susi, Temple, Thompson, Trask, Tyndale, Watson, White, Wight, Williams, Wood.

NAY: Bedard, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Carey, Carter, Cottrell, Couture, Dudley, Fortier, M.; Fraser, Giroux, Harriman, Hunter, Jalbert, Jutras, Kilroy, Laberge, Lebel, LePage, McKinnon, McTeague, Ouellette, Ricker, Rocheleau, Starbird, Tanguay, Vincent, Waxman, Wheeler.

ABSENT: Barnes, Brown, Bunker, Carrier, Chick, Cote, Croteau, Curran, D'Alfonso, Dam, Danton, Erickson, Evans, Fecteau, Foster, Gauthier, Gilbert, Good, Hardy, Jameson, Kelleher, Kelley, R. P.; Lawry, Marquis, Payson, Quimby, Sahagian, Santoro, Sheltra, Soulas.

Yes, 88; No, 32; Absent, 30.

The SPEAKER: Eighty-eight having voted in the affirmative and thirty-two in the negative, the motion does prevail.

Is it now the pleasure of the House that this Bill be passed to be engrossed?

Whereupon, on motion of Mr. Richardson of Cumberland, tabled pending passage to be engrossed and assigned for later in today's session.

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

Resolve Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of gubernatorial Appointments and Their Confirmation (H. P. 1016) (L. D. 1324)

Tabled — June 17, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Many many times during the past six or seven months I have been asked by people in varying degrees of hysteria why I as a Republican have had the temerity to join many other Republicans in this House in suggesting that the time has come to reappraise our Executive Council system. And I can only assure you that having voted against abolition of the Governor's Council

many many times before, it took some pretty hard cold facts to convince me that this wasn't just another proposal advanced by our friends across the way to have change for the sake of change, change for the sake of convincing people that we are doing something constructive.

But I have reviewed the facts and without creating a symbolic wailing wall picture for you, I want you to know that having viewed the facts and having served on the Governmental Operations Committee of the Legislative Research Committee in the last session, I am just as convinced as I can be that the comments I made to you earlier are correct, that as we appropriate, so must we examine, as we create new state agencies, so must we call them to account.

And when we leave here at the end of this regular session, as I have said before, there will be a collective sigh of relief go up all through the bureaucracy and until we as legislators bring back to ourselves the responsibility to see that legislative intent is carried out, to perform a continuing review and assessment of these programs and their cost and their intrinsic merit, until we are willing to accept that responsibility, the job that we pledge ourselves to do simply cannot be done.

The Executive Council has three major functions as you know: the supervision or the approval of interdepartmental fund transfers — and what that translates into in plain ordinary, as we call it, West Cumberland English, is that a department head who has had a special little goodie turned down can come in under the guise of departmental orders or transfers of departmental funds and enact to carry out programs or institute them, when in fact the Legislature has already turned them down.

The Executive Council sits with the Governor in his function of pardon and parole. Now I say that this is a function which should rest with the Chief Executive of this State as it does with many others. Executive clemency is really the highest or the last resort of those who are caught up in the web of

law and I think the concept of Executive clemency is a good one and it is one I suggest we leave with the Governor of whichever party he may be.

Finally and most important of all, in the question of confirmation of gubernatorial appointments, we now constantly find ourselves in a situation where, as the newspapers say it, "the all Republican Governor's Council," turned down a gubernatorial appointment, the implication being that partisan smoke-filled rooms have produced the defeat of another deserving appointment. And you know as I know that this was the situation that existed when Governor John H. Reed had a Democratic Council, that it was the all-Democratic Council, the implication being that some deserving appointment had been turned down simply for political reasons. I say we have just got to change that system.

Now this proposal would have a bipartisan elected group from the House and the Senate participate in these two remaining important functions, interdepartmental fund transfers and the confirmation of gubernatorial appointments. It would also undertake the responsibilities now assigned to the Legislative Research Committee. Now in the last analysis the traditionalists, for whom I have respect, are going to tell you that the system has worked well. I don't think it has. They are going to tell you in probably sonorous and convincing, constitutional lawyer type tones that our Constitution says thus and so, therefore it must always be thus. I suggest to you that is a pretty narrow way to look at State government.

Now last week I quoted the letter that was sent to me by former Governor Horace Hildreth and the newspaper headline writers keeping up an almost unblemished record of not quite getting the point of the story, it was suggested that I had quoted Governor Hildreth as saying that this was — his idea was to abolish the Council flatly, no problem. His view which I share is that this proposal provides for minority representation on the confirming authority, and I think

everybody here in his heart has to admit that this an essential. And he believes as I believe that there is no good reason to leave the question of confirmation to our friends in the other body who are not really, and I hate to say this, but are not really blessed with intellect superior to ours or statesmanship superior to ours or a judgement superior to ours.

This will give the House an opportunity to participate with the Senate through its elected members on the Legislative Council in the all important task of reviewing gubernatorial appointments, reviewing interdepartmental fund transfers and trying to put State government on a paying basis.

Now the one thing that I want to make absolutely clear in conclusion, and then you will I am sure also heave a collective sigh of relief, I am in favor of a strong legislature. I am in favor of our having the ability to come to grips with the problems that we face, which are just paralyzing, and I am in favor of legislation that will give us that power and this is such legislation. This will give us the power.

Now someone of my party said, well isn't this a case where the Governor is going to jump from the frying pan into the fire? Wouldn't he perhaps rather deal with this all-Republican Governor's Council? I don't know. The Governor has indicated that he would prefer almost any system. I would prefer that the Minority party, whoever that might be, would be represented in the State government in this very crucial area.

I hope that you will see your way clear today, Mr. Speaker and members of the House, to pass this bill to be engrossed. The companion bill which will show you the makeup of the Legislative Council which will insure a representative from — at least one representative from each of the existing Executive Councillor Districts, I think is a good compromise designed to meet the objections of those who had objections. When the vote is taken, Mr. Speaker, I request a roll call.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: Frankly I arise in the most humble manner. I am not a constitutional lawyer. If I have a sonorous voice it is an accident of birth and nothing that I have acquired. However, I am not going to plead with anyone. Ultimately I shall move the indefinite postponement of this bill but before I make that motion I would like to bring to the members of this House a few facts that I consider quite pertinent to this legislation.

The good gentleman, my very good friend from Cumberland, Mr. Richardson, has said that traditionally bills to abolish the Council have sprang from the opposition party. I entertain very grave doubts if this one would ever spring from the Minority Party. I might be wrong but I think not. First of all I would call to your attention, and it is only contained in a few lines, "Article III of the Constitution of the State of Maine. Section 1. The powers of this government shall be divided into three distinct departments, the legislative, executive and judicial. Section 2. No person or persons, belonging to one of these departments, shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted." Now I contend, ladies and gentlemen of this House, that this Legislative Council as suggested is a direct encroachment on the powers of the Executive.

Now perhaps you should say, "Why should I be so jealous of the powers of the Executive? Why not have a strong Legislature, the stronger the better." Yes, I believe very strongly in a strong and powerful Legislature and I would jealously guard its prerogatives, but by the same token I would not have the powers of the legislative body encroach upon the Executive any more than I would those of the legislative encroach upon the Judicial. They are separate and distinct.

Now, number one, as a confirming body I would not deny that

this is within the legislative prerogative because in many states, in many governments, the legislative body does act as a confirming body but the powers of the Executive Council far exceed those of merely confirming nominations made by the Governor. Now we have oftentimes heard that the Executive Council is an albatross around the neck of the Governor. Perhaps it is, but on the other hand I would suggest that if he had this Legislative Council he would exchange an albatross for a millstone. I doubt very much if any Chief Executive, and I don't care to what party he belongs, would care particularly for the control that could be demonstrated in this Legislative Council. I think all in all, despite the good motives and fine intentions of the gentleman from Cumberland, that constitutionally he is a little bit off base.

Now I am not a lawyer. He may come back with legal gobbledygook that will leave me sprawling but on the other hand I too am motivated by good intentions and I feel that I am on quite strong ground. I would read you Section 4 of Article V, and this refers to the Executive Council which is part of our Executive Department by the Constitution. It is recognized as being part of the Executive Department. The Legislative Council would still be part of the Legislature and again delving into executive matters which I believe are expressly prohibited by Article III. But Section 4 of Article V goes on to say that, "No member of Congress, or of the Legislature of this State, nor any person holding any office under the United States (post offices excepted) nor any civil officers under this State (justices of the peace and notaries public excepted) shall be Councilors. And no Councilor shall be appointed to any office during the time for which he shall have been elected."

Now where you have your Executive Council, whether it be good or bad, set up under the Constitution it has the guarantee that no members of the Legislature shall sit on that Council and yet again the Legislature intends to move into the position of the Council. I feel that it is all wrong and I be-

lieve that we should turn down this bill until something else better comes along. Mr. Speaker, I now move indefinite postponement of this bill and while I think a roll call has been asked for, just to make sure I will ask for one anyway.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: Very briefly in reply to some of the comments expressed by the gentleman from Kittery, the Executive Council in my mind ever since I have had a chance to know anything about it should be abolished entirely. In my mind the confirming powers should be exercised by the State Senate. I feel that here we would have a better control. However, I am not opposed to this bill. I shall vote for it because I believe that almost anything would be better than the system we now have, a system whereby a Council very often does things, appropriates money, after the Legislature has gone home, that the Legislature specifically rejected.

Under this bill the Legislative Council would exercise, expressly exercise powers in the Constitution because this bill would then become part of the Constitution. The Executive Council as we presently have it has encroached in many areas, encroached upon the legislative area and to some extent upon the executive area all through its existence. It keeps encroaching. It keeps encroaching on the legislative prerogative. If it were not so we would not have to have a document of some 76 pages or so to repeal statutory encroachments specifically allowed by the Legislature. We continually delegate power to these people. Now this document before us of course is a Constitutional amendment and I hope you will support it. I think that Mr. Dennett's description of the Council being a millstone is not necessarily true. It would be persons specifically elected by the people, members of the Legislature would act in this capacity, far different from the present method whereby people who are not elected by the people would do this.

I hope that this bill passes.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: Like my good friend from Kittery, Mr. Dennett, I too am a traditionalist. I also am what you might term a fundamentalist when it comes to dealing with the problems of State government. We do have separation separate and distinct branches of government. We do have separation of powers. We do have a balance that is workable. As Mr. Dennett explained earlier this afternoon, some of us are willing to compromise as to the makeup of the Executive Council as to how they are elected. So I hope the House in its wisdom this afternoon will go along with the gentleman from Kittery, Mr. Dennett, to indefinitely postpone this amendment.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I shall endeavor to be somewhat brief although on this matter of the Executive Council that is presently before you, remembering slightly over the last few years and I will go back only ten, I can remember reading at least fifteen or twenty years ago that the matter of the Legislative or the Executive Council was very much debated by both political parties. I never thought for a moment that I would see the day that at least both political parties would be changing to the point of talking about doing away with one philosophy that has been established by the days of the kings and the queens.

And today I am somewhat relieved of the fact that apparently we as Democrats, and at least by some Republicans, that they think probably the Executive Council as we have known it for all these years where they were there to protect the interests of the crowns and the kings as originally instituted was going to be changed. Now I don't agree with this bill in its entirety because I did not expect it to be wholeheartedly towards the way I thought it should

be, but at least I can see the trickles of water that are changing.

I think this document is going to do at least a few things that we have talked about over the years. First, it will eliminate the cloud over the Legislature that when they go home they will leave the legislative works in the hands of seven men that in a lot of instances they might have cared less as to what the Legislature did. After we have gone home they do exactly what they think they want to do, not what the Legislature wanted them to do although they were elected by the Legislature or by the Majority party of the Legislature. I think this new area that we are venturing into will give somewhat of a fairer representation that at least there will be Minority representation on the Legislative Council. I look at this somewhat as some of the other states that have confirming bodies, as the Senate as the confirming body for the Chief Executive, and I think the members of the Legislature that will be selected and-or elected by the different caucuses to participate in this Legislative Council will actually represent the wishes of the Legislature. Granted, that the Minority representation on the Legislative Council may not feel that they are fully covered but I must ask you in all sincerity, how much do we cover the Minority party with the present Council?

Now I think whether the Executive Councillors as we have them now are elected by the general public and Councillor districts will not do any more justice to a better system than the Legislative Council. So I hope this afternoon that you will vote to defeat the motion to indefinitely postpone this document and if there should be some errors in the document that can help further this cause of changing the Executive Council to a Legislative Council then we will have ample time to do the necessary corrections. So I ask for your support in defeating the motion to indefinitely postpone and then I again ask your support to vote that this document will be engrossed.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: It is late and I will be brief. First of all it seems to me that those of us who are not terribly excited about the prospect of annual sessions, unrestricted annual sessions, must recognize that if the confirming authority is placed within the Senate you are going to have annual sessions. The second thing is that while of course the gentleman from Kittery, Mr. Dennett is not a constitutional lawyer, he is very knowledgeable in these matters. The Attorney General's office assisted in the preparation of the bill which is before you and I would assume that there would have been some question raised prior to this time, but in order to be doubly sure I have requested an opinion from the Attorney General with respect to the constitutionality of this and I hope that the motion to indefinitely postpone does not succeed and we pass the bill to be engrossed and prior to the time that it is enacted we will have the opinion of the constitutionality before us.

The one thing I failed to mention to you, perhaps somewhat enamored with my own rhetoric, I failed to mention to you that this bill will not take effect until January of 1971. This means that the present members of the Executive Council will not be affected, and I agreed to this proposal and when it is in its final form this will be its final form, that it will not take effect until January of 1971, because I was so anxious to avoid any implication that I am now or have in the past been dissatisfied with the personal integrity, dissatisfied with the public service of those who serve on the Council.

So there is no question about your having complete freedom to vote on this bill, in my judgment, on its merits. No one has answered the question of the present problems that exist in our present Executive Council. This is a sincere effort to make that change and I think it is really, really — and I am addressing my remarks to the Republican members of the

House, it is really high time that we look at this objectively, that we opened our ears to the facts, to the evidence before us and voted to abolish the Executive Council.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House. I will be very brief, and speaking on the side of Mr. Dennett I sort of gild the lily but there were several points brought up that I think between the Committee hearings and between what has been said here today I think should be brought out.

First I sort of wondered how the good gentleman from Cumberland had strayed so far from the fold, in the course of his dissertation he mentioned the fact that Mr. Carey from Waterville was his mentor and coach, perhaps this has something to do with it, I don't know, but there is quite an oversimplification of the duties of the Council. I think this was best brought out by the fact that Mr. Starbird, I think he said that seventeen pages of the Public Laws are taken up by what would have to be changed in order to do away with the Council.

But the point that hasn't been mentioned at all is the fact that this is going to be a large group of people. At the present time we have seven. Mr. Carey's group of eight seemed more than necessary. It certainly would be more than a millstone with eighteen people, eighteen busy people, and they not only would be interfering in the Executive branch of the government but they also would be during the session which is this year lasted six months, would be pretty busy down this end of the House, at least I would hope they would be or they would have to be here — we would all have to be here the year-round. I think that this is well intentioned but it is just a poor bill and I move for indefinite postponement.

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Dennett that L. D. 1324 be indefinitely postponed. The yeas and nays have

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Dennett that Resolve Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation, House Paper 1016, L. D. 1324, be indefinitely postponed. If you are in favor of the motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Berman, Birt, Bragdon, Buckley Carey, Clark, H. G.; Crosby, Cummings, Curtis, Dennett, Donaghy, Dudley, Durgin, Dyar, Farnham, Finemore, Hall, Hanson, Hardy, Harriman, Hawkens, Henley, Hichens, Immonen, Johnston, Kelley, K. F.; Keyte, Lee, MacPhail, McNally, Meisner, Moreshead, Mosher, Norris, Noyes, Page, Porter, Pratt, Rand, Richardson, G. A.; Scott, G. W.; Shaw, Thompson, Trask, Wight.

NAY—Allen, Baker, Bedard, Benson, Bernier, Binnette, Boudreau, Bourgoin, Brown, Burnham, Carter, Casey, Chandler, Clark, C. H.; Coffey, Corson, Cottrell, Couture, Cox, Crommett, Cushing, Drigotas, Emery, Eustis, Faucher, Fortier, A. J.; Fraser, Giroux, Good, Haskell, Heselton, Hewes, Jalbert, Jutras, Kilroy, Laberge, Lebel, Leibowitz, LePage, Levesque, Lewin, Lincoln, Lund, Marstaller, Martin, McKinnon, McTeague, Millett, Mills, Mitchell, Morgan, Nadeau, Payson, Quimby, Richardson, H. L.; Ricker, Rideout, Rocheleau, Ross, Scott, C. F.; Snow, Starbird, Stillings, Susi, Tanguay, Temple, Tyndale, Vincent, Watsor, Waxman, Wheeler, White, Wood.

ABSENT — Barnes, Brennan, Bunker, Carrier, Chick, Cote, Croteau, Curran, D'Alfonso, Dam, Danton, Erickson, Evans, Fecteau, Fortier, M.; Foster, Gauthier, Gilbert, Huber, Hunter, Jameson, Kelleher, Kelley, R. P.; Lawry, Lewis, Marquis, Ouellette, Sahagian, Santoro, Sheltra, Soulas, Williams.

Yes, 45; No, 73; Absent, 32.

The SPEAKER: Forty - five having voted in the affirmative and seventy - three in the negative, the motion does not prevail.

Thereupon, the Resolve was passed to be engrossed and sent to the Senate.

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

An Act Providing Additional Penalty for Commission of a Felony while Carrying a Firearm (H. P. 1031) (L. D. 1361)

Tabled — June 17, by Mr. Carter of Winslow.

Pending — Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, I would move that the rules be suspended for the purpose of reconsideration.

The SPEAKER: The gentleman from Winslow, Mr. Carter moves that the rules be suspended for the purpose of reconsideration. Is there objection? The Chair hears objection.

This requires a two-thirds vote — it is not debatable. All in favor of the rules being suspended will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

47 having voted in the affirmative and 59 having voted in the negative, the rules were not suspended.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, I was going to ask for a roll call. Would that be in order, and speak to my motion?

The SPEAKER: The gentleman may have a roll call on the suspen-

sion of the rules. For the Chair to order a roll call it must have the expressed desire of —

Mr. CARTER: May I speak on my motion?

The SPEAKER: The gentleman cannot debate the motion to suspend the rules.

For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote on the motion to suspend the rules will vote yes —

The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: If I can't speak on the motion, I might just as well withdraw it.

The SPEAKER: The gentleman withdraws his motion to suspend the rules. Is it now the pleasure of the House this Bill be passed to be enacted?

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

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

Report "A" of the Committee on State Government on Bill "An Act Establishing a Human Rights Commission" (H. P. 1050) (L. D. 1384) reporting same in a new draft (H. P. 1262) (L. D. 1592) under same title and that it "Ought to pass", Report "B" reporting same in a new draft (H. P. 1263) (L. D. 1593) under title of "An Act Creating a Human Rights Act for Maine" and that it "Ought to pass" and Report "C" reporting same in a new draft (H. P. 1264) (L. D. 1594) under same title and that it "Ought to pass"

Tabled — June 17, by Mr. Benson of Southwest Harbor.

Pending — Motion of Mr. Rideout of Manchester to accept Report "C".

Whereupon, Mr. Rideout of Manchester withdrew his motion to accept Report "C".

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

Mr. RICHARDSON: Mr. Speaker, I move that the House accept Report "B" in order that

we may use this as a vehicle upon which to graft the necessary amendments and the matter would then be in proper position for amendment tomorrow at third reading, and I hope that we will not debate the bill at any length today, we just accept Report "B". We will have an amendment before us tomorrow and then we can debate the issue. Thank you.

Thereupon, Report "B" was accepted, the New Draft was read twice and assigned for third reading tomorrow.

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

Bill "An Act to Grant Adult Rights to Persons Twenty Years of Age" (H. P. 1162) (L. D. 1484)

Tabled — June 17, by Mr. Waxman of Portland.

Pending — Passage to be engrossed.

Mr. Corson of Madison offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-562) was read by the Clerk.

Thereupon, House Amendment "A" was adopted, the Bill passed to be engrossed as amended and sent to the Senate.

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

Resolve Proposing an Amendment to the Constitution to Reduce the Voting Age to Twenty Years (H. P. 614) (L.D. 802)

Tabled—June 17, by Mr. Corson of Madison.

Pending—Final passage.

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

Mr. VINCENT: Mr. Speaker, recognizing the fact that this is a constitutional item which requires two thirds of the vote, I would ask that this be tabled and be assigned for 10 o'clock tomorrow morning so that we may have a maximum turnout vote on this.

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

Mr. JALBERT: Mr. Speaker, I move this item lie on the table until the next legislative day.

Thereupon, the Resolve was tabled pending final passage and specially assigned for tomorrow.

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

Bill "An Act relating to Charitable Organization's Immunity in Civil Actions" (H. P. 558) (L. D. 739) (In House, Report "A" "Ought to pass" accepted and Bill passed to be engrossed) (In Senate, Report "B" "Ought not to pass" accepted)

Tabled—June 17, by Mr. Benson of Southwest Harbor.

Pending — Further consideration.

On motion of Mr. Berman of Houlton, the House voted to recede.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: The good lobbyist who has helped us in preparing an amendment to the committee report has in my opinion and in the opinion of members of the committee made a very good amendment. Therefore at this time I would offer House Amendment "A" to L. D. 739 under filing number H-559 and move its adoption.

House Amendment "A" (H-559) was read by the Clerk and adopted.

The SPEAKER: Is it the pleasure of the House this bill be passed to be engrossed as amended?

The Chair recognizes the gentleman from Eagle Lake Mr. Martin.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I would pose a question to the gentleman from Houlton or to any other member of the Bar who would care to answer. In effect, are we still removing the exemptions for other organizations other than those providing health care, and in particular the Boy Scouts, Girl Scouts, or any other charitable organization where someone could in effect have a suit brought against them as a result of actions that might occur there?

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

Mr. RICHARDSON: Mr. Speaker, as I understand it, the answer to the question is yes, you are exposing those organizations which are not involved in health care to these actions, you include churches of all the faiths, you include all other charitable enterprises not expressly included within the amendment, which I think very interestingly was drawn by the lobbyist as I understand from the Associated Hospital Service, who I am sure brought to the preparation of this amendment a completely candid and non - prejudiced view as to whose rights should be protected.

It is for this reason that I am not really impressed. I think that the House should restate its position to be in favor of the encouragement of charitable efforts in our society. Those who say that there is a problem just can't demonstrate a problem. Almost all of these organizations have insurance. Those who don't or those who don't have adequate insurance just can't afford the paralyzing blow of 50, 60, 70, 100 thousand dollars judgments. Therefore, Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, now moves that item 14, L. D. 739, be indefinitely postponed.

The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: I move that this matter lie upon the table until tomorrow.

The SPEAKER: The gentleman from Houlton, Mr. Berman, moves that this matter be tabled until the next legislative day pending the motion of the gentleman from Cumberland, Mr. Richardson, to indefinitely postpone.

Thereupon, Mr. Richardson of Cumberland requested a vote.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of this matter being tabled will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

26 having voted in the affirmative and 59 having voted in the

negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: In defense of the lobby for Blue Cross - Blue Shield, I just want the record to be set straight, I have always found them to be straightforward, honorable gentlemen, and I am sure that they wouldn't do anything such as was suggested by the gentleman from Cumberland, Mr. Richardson. I do support him however in his motion for indefinite postponement. I think we are getting into a very dangerous area here and I feel that this is something that we could well do without.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: I don't have the killer instinct by nature. We did try in good faith. I did rely upon this lobbyist who I am sure is a very fine person. I know he is a very good lawyer. When I asked him to draw up the amendment that would cover these charitable organizations principally in the providing of health care where the defense of charitable immunity sometimes could be used, I expressly said that these troops like the Boy Scout troops, the Girl Scout troops, the Brownies, and the churches be exempted.

Now I must apologize. The last few days I have been very very tired, but I hope for the sake of working out a problem that has been with us for some time, a problem that the good gentleman from Kittery, Mr. Dennett is very much interested in, a problem that the good gentleman from Portland, Mr. Brennan is very much interested in, that this afternoon you won't apply the killer instinct and kill a good bill just because some very well intentioned lobbyist gave me an amendment to offer which apparently doesn't do the job for which it was intended.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: Lest there be any question about it, I meant my remarks in jest. I am going to have dinner with this gentleman tonight, and I am sure — at least I hope I am sure — that I won't find any ground glass in my steak. I simply want to tell you that you start trying to draw amendments and the whole ridiculous proposal contained in this bill comes to light. You start exempting one charity as opposed to another and you are getting right back to the basic question which is "Should we exempt true charitable enterprises from the threat and the burdens of judgments far in excess of their ability to pay with insurance?" Now most of these organizations — your local parish houses, charitable organizations of one kind or another, have insurance.

So I am sorry that the amendment didn't do all the good things that it was supposed to do. I would suggest to you that all of us sitting down in our wisdom couldn't draw one because the basic issue is do you accept the proposition that we should exempt charities from tort liability insofar as they are not covered by insurance, and either you accept that or you don't. So I hope that you will go along with the indefinite postponement.

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

Mr. MORESHEAD: May I pose a point of inquiry?

The SPEAKER: The gentleman may pose his point.

Mr. MORESHEAD: Mr. Speaker, was House Amendment "A" accepted by the House?

The SPEAKER: The Chair would advise the gentleman that House Amendment "A" was adopted.

The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: I will be very brief. I think the good gentleman from Cumberland, Mr. Richardson, knows that this bill is before us in an attempt to rather take care of some very vicious legislation that is presently on the books regarding this charitable immunity in the State of Maine

today. And I think the gentleman from Cumberland will agree that this legislation that presently exists is not good. I should certainly hope that in some way something decent could be worked out. And I strenuously, in this case, support the gentleman from Houlton, Mr. Berman.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: I feel that there is no need for this bill. None was demonstrated at the hearing. And I would just want to quote from the good Book that the gentleman from Eliot, Mr. Hichens gave us earlier in the year, the first Corinthians - Chapter 13, verse 13, "And now abideth faith, hope and charity, these three, but the greatest of these is charity. And let's not be breaking down our charitable institutions.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: I'll be very short. Charity is fine, it is great; but justice comes before or at least equal to charity. If a charity chooses to be irresponsible and unjust under our present law they can get away with it. I agree with the gentleman, Mr. Dennett in stating that the present law, although an improvement over the past atrocious situation, is not good. Why should they have the choice of being unjust? If they are truly charitable they will be just and buy insurance to cover themselves.

The SPEAKER: The pending question is on the motion of the gentleman from Cumberland, Mr. Richardson, that this Bill be indefinitely postponed. The Chair will order a vote. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 60 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

Sent up for concurrence.

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

An Act relating to the Water and Air Environmental Improvement Commission (S. P. 322) (L. D. 1084)

Tabled — June 17, by Mr. Snow of Caribou.

Pending — Passage to be enacted.

On motion of Mr. Snow of Caribou, under suspension of the rules, the House reconsidered its action of June 9 whereby the Bill was passed to be engrossed.

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

The same gentleman then offered House Amendment "A" to House Amendment "A" and move its adoption.

Thereupon, House Amendment "A" to House Amendment "A" (H-561) was read by the Clerk.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: The hour is late and I have noticed a substantial number of amendments that apparently deal with this problem crossing my desk. I wonder whether Mr. Snow would be good enough to explain to us the effect of the amendment which is now proposed to be adopted.

The SPEAKER: The gentleman from Augusta, Mr. Lund poses a question through the Chair to the gentleman from Caribou, Mr. Snow, who may answer if he chooses, and the Chair recognizes that gentleman.

Mr. SNOW: Mr. Speaker and Members of the House: I will attempt to answer the good gentleman from Augusta, Mr. Lund's question in regards to this proposed amendment.

Back in the 103rd Legislature, I sponsored legislation that upgraded the classification of some of

the international waters, interstate waters, within the state to comply with federal regulations from a D classification to a C classification. Upon doing this it has been ruled that the classification has been removed, the existing classification of D, and they will become C classifications in 1976. In the interim there are no classifications on these bodies of water, and it is my understanding that this would cause these bodies of water to hold the classifications that they had in the interim period until such time as a new classification could be adopted.

The SPEAKER: The pending question is the adoption of House Amendment "A" to House Amendment "A".

Whereupon, on motion of Mr. Lund of Augusta, tabled pending the adoption of House Amendment "A" to House Amendment "A" and specially assigned for tomorrow.

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

SENATE REPORT — Committee on Judiciary on Bill "An Act Defining the Crime of Theft Known as Shopstealing and Establishing Rights and Penalties" (S. P. 365) (L. D. 1247) reporting same in a new draft (S. P. 503) (L. D. 1599) under same title and that it "Ought to pass" (In Senate, accepted and Bill passed to be engrossed).

Tabled — June 17, by Mr. Berman of Houlton.

Pending — Acceptance in concurrence.

On motion of Mr. Cox of Bangor, retabled pending acceptance of Report in concurrence and specially assigned for tomorrow.

On motion of Mr. Richardson of Cumberland,

Adjourned until nine - thirty o'clock tomorrow morning.