

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

MARCH 7, 1974 TO MARCH 29, 1974

Index

Legislative Ethics Committee Report

the second offense would call for a mandatory jail sentence, and as I see it, that would be the only answer, I favor this "ought to Pass" report.

The SPEAKER: A roll call has been ordered.

The pending question is on the motion of the gentleman from Oakland, Mr. Brawn, that the House accept the Minority "Ought to pass" Report in concurrence on Bill "An Act Relating to Mandatory Sentences for Persons Convicted of Second Offense Breaking, Entering and Larceny or Burglary," Senate Paper 957, L. D. 2607. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Boudreau, Bragdon, Brawn, Briggs, Bunker, Bustin, Cameron, Carey, Carrier, Chick, Chonko, Churchill, Clark, Conley, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Deshaies, Donaghy, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Emery, D. F.; Evans, Farley, Farrington, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Hoffses, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelley, Kelley, R. P.; Keyte, Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, McCormick, McHenry, McMahon, McNally, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Najarian, O'Brien, Palmer, Parks, Rolde, Ross, Shaw, Shute, Silverman, Smith, S.; Snowe, Sproul, Stillings, Strout, Tierney, Trask, Trumbull, Tyndale, Walker, Webber, White, Willard, Wood, M. E.; The Speaker.

NAY — Bither, Brown, Connolly, Curtis, T. S., Jr.; Farnham, Huber, Kelleher, LaPointe, Martin, Maxwell, McKernan, McTeague, Murray, Norris, Peterson, Simpson, L. E.; Smith, D. M.; Susi, Talbot, Wheeler, Whitzell.

ABSENT — Carter, Dam, Davis, Dow, Faucher, Fecteau, Gauthier, Genest, Jacques, Kilroy, Perkins, Pontbriand, Pratt, Ricker, Rollins, Santoro, Sheltra, Soulas, Tanguay, Theriault, Twitchell.

Yes, 108; No, 21; Absent, 21.

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

Thereupon, the Bill was read once. Under suspension of the rules the Bill was read a second time, passed to be engrossed and sent to the Senate.

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

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws," (S. P. 821) (L. D. 2337) New Draft (S. P. 953) (L. D. 2606) (Emergency)

Tabled — By Mr. Simpson of Standish.

Pending — Motion of Mr. Martin of Eagle Lake to indefinitely postpone Senate Amendment "G".

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

Mr. MARTIN: Mr. Speaker, I have gotten a copy of the existing law and also the amendment. For your information, what it does is basically make it retroactive to April 1 to conform with other state employees. I think this is fair and in conformity with what we intended to do with the other people. Besides the gentleman from Lewiston, Mr. Jalbert, told me that we really don't have to worry, the Democrats are going to be occupying those spots anyway.

I will now withdraw my motion of indefinite postpone of the Senate Amendment.

Thereupon, Senate Amendment "G" was adopted in concurrence.

Senate Amendment "H" (S-436) was read by the Clerk.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I have some reservations about this particular amendment, in that I feel that it does make some very definite changes in the law. It does bring about actually three changes in the fine somewhat. It puts a maximum on and the fine could, according to what information I could get, could continue each day with the maximum fine of up to \$100. It also does

allow the closing of a building which, to me, would be, although it might certainly be called for and worthwhile, it still goes a little beyond what I think should be done without at least a public hearing. In establishing a public nuisance, there is quite some change in the law there. I frankly think this was some type of a law that could affect a lot of old buildings, but at the same time, the people in the state should have a chance to make some comments on it. I feel it is the type of bill that should have a public hearing and I am going to move to indefinitely postpone Senate Amendment "H."

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would support the motion to indefinitely postpone. These matters generally come up before our Committee on Legal Affairs, and we have had stuff like this come before us. As a matter of fact, in 1973 we changed the law. We set the fine at that time at \$50 for each offense and this certainly is not in thinking with the committee; this is a \$100 fine. But there is something that is added here that goes beyond what the committee wanted. We had said at one time that the dilapidated building could be removed because of dilapidated conditions or want of repair, but now they have added the word "age" to it. A building can be in fantastic shape, like some of our people here can be in fantastic shape, but because of their age suddenly they are going to be destroyed.

We used to have recourse to the courts. If somebody wasn't happy with the decision, they could go to court in some of the sections we had under this law; that is no longer true. Now, you go to the guy's boss who inspected the building, the Commissioner of Public Safety, and it says right here in this amendment that he shall have the final decision to make. So you no longer have recourse in the courts like you had. I would certainly support the indefinite postponement.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I arise to oppose the motion of indefinite

postponement. Maybe, as Mr. Carey has said, that the word age shouldn't have appeared in this amendment, but to indefinitely postpone the whole amendment because of the word age or fine, I think this would be wrong on the part of the House.

As the law is now, it says that any municipality of over 2,000 inhabitants shall annually appoint an inspector of buildings. And any municipality of less than 2,000 inhabitants shall, if they so desire, appoint an inspector of buildings. That law is vague and it does come under Title 25, I think Chapter 313.

As the law is now, a building inspector in a municipality can call upon the State Fire Marshal, if they feel the conditions warrant it, or that it would be beyond maybe their scope of inspection. But as the law is written now, there is nothing that allows the fire marshal to close a building for occupancy.

In some of the buildings that I have been involved with, there has been a lot of home or owner repair work done, and I have definitely nothing against this because I am in that business of rentals and I do a lot of my own work. But when it comes to certain work, then I think there is definitely a place to draw the line.

I can cite one incidence in my own town where last November, the middle of November it was, where the state inspection came in with myself and the fire chief, and the gentleman from the electrical division, the oil burner division, and from the fire prevention. We went into a building that was being converted into eight apartments. While we were there, the first thing going into the buildings, we saw a wicked mess, and anybody who didn't know the least thing about buildings would realize what a mess the building was in and they wouldn't want to stay in this building overnight or even, I would say, for one hour. While we were there, one of the tenants came down. I got to talking with him on the heating system; I asked him how it was to heat, was he burning much oil or was he keeping warm, and he said, "Yes, I am keeping warm now." I said, "What do you mean, now?" Well, he said, "The landlord came over and did some work on the furnace." And I said,

“Yes, that is why I asked you the question, because I see a pump laying there and a transformer and I figured he must have done some work.” He said, “Oh yes, he changed those parts because they were worn out and then it didn’t work good and it didn’t heat, so he came over and he reached inside and put a little thing on the end of the pipe inside.” I said, “You mean a nozzle?” He said, “I don’t know,” so looking around the cellar, I did find the nozzle and I said, did it look something like this? He said, yes, so then I asked him to go upstairs and turn his thermostat up, it was a single pipe, hot air furnace, and when he turned it up the furnace was way, way over-fired, way beyond the capacity of what the chimney could take, or even the firebox could take. This was done so the tenant wouldn’t complain and so they would be warm.

We can, in a town, any town, you can go to court and you can take people under the public nuisance law and your case will be thrown out. It is no different than when you take a case into court for persons plumbing without a license or plumbing without a permit or working for compensation in violation of the licensing laws of the state. The judge will say, “Well, I don’t want to take them on all three, let’s take them on a lesser one.” This has happened to me in quite a few instances. The man pays the \$25 fine he goes right back out and in no time at all he has made back his \$25, plus a good, healthy profit.

What this amendment does, mainly, is to allow the State Fire Marshal’s Office to forbid the use of the building until the correction is made. Now, they can do this in the case of public buildings. They can do this in case of schools or any public building or municipal building or anything else, but this gets it down to buildings. And there should be a concern of every member of the House here today, because the more fires you have in your community, the higher your rate of insurance goes up, not only the money factor, but the factor of personal injury or death to anybody that could be living in this substandard housing.

Now, we have heard a lot about substandard housing; we have heard a lot about Maine Housing Authority, and here is a chance to get some of these

people out of these places that are fire traps and death traps. I don’t think the department is asking for anything beyond what they should have. Maybe if the word, by reason of age, or the fine, if it should bother anyone, and a fine to me wouldn’t bother because we talk about mandatory sentences and we want to tighten up on all these violations of the law, so one good way to tighten up on violations of the law is to put a stiffer fine, that shouldn’t be. But if the reason of age is the reason this should be killed, then maybe somebody could table this until later today and redraft it and take the word age out. Other than that, this is a good amendment. This is an amendment that should receive consideration of every member in this House, if they have any concern for individuals living in the fire traps and the slums that they are living in the State of Maine today. When I speak of slums and fire traps, I am not referring to the cities, I am referring to small municipalities too.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to support the amendment. I would like to read a few articles from today’s Portland Press Herald, York County edition. The headline reads, “Fatal fire began in the kitchen” and goes on to explain that a young girl was critically injured and her mother and four year old brother were also critically injured. One daughter died from smoke inhalation. The mother was also eight months along, lost the child, in one of these buildings that we are talking about now. I would like to mention that the owner of the building is the Metropolitan Corporation, it is called, of Biddeford. Now, on that same front page, next column over, the headline reads “Six more tenements ordered torn down” and it goes on to say that three of those tenements are owned by the Metropolitan Corporation of Biddeford. This problem exists and we are not going to get at the roots of this problem by rejecting this amendment.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: If you are looking for the culprit who had the Senate Amendment drafted, it was the gentleman standing before you right now. The reason I had it drafted was because in Gardiner there is a site called the American Tissue site, which burned down in November of 1970. Because of the lack of enforcement or reluctance on behalf of the community to attempt to tear this building down — there is a 150 foot chimney which stands there — there are many children in the neighborhood, mine being one of them, who has gone into that mill site. It is not legally posted. There is no fence around it, and that whole chimney has a tendency to lean and sections of the bricks blow off every day. We have been trying in the City of Gardiner for four years to remove this structure. Finally, we came to the State Fire Marshal and asked him to do it under Title 25, Section 2392.

For the question that was raised on age, I can read in Section 2392, from the law book, that age is already one of the conditions which would be used to determine a dangerous matter. The reason for the rewording of Section 2392 by the Attorney General was that the law was changed in 1973, but it was a cut and paste job. There was no continuity of sentence. It did not start out by saying that State Fire Marshal shall inspect and then give the time requirements and then give the next step in procedure, the appeal. The statute did not read in any logical order. When I talked to the Attorney General, he told me that that alone would create a problem, were he to be taken to court by the same gentleman who owns that site and refuses to tear it down. The gentleman said the people that own the American Tissue site have notified the City of Gardiner that if we touch one single brick that we will be involved in a million dollar law suit. Now, a million dollar law suit could not possibly be defended by the city solicitor, which would mean that we could be taking on \$100,000 in extra legal fees to fight the law suit. So the Attorney General did draft this particular rewrite of 2392 to make that perfectly clear that the state has the authority that the inspector that laid down the authority, the time limits and if you took a moment

to read 2392, you would see there is no real change in the language, but a rewording setting things out in their proper order. I would urge that you would vote against the indefinite postponement of this amendment.

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

Mr. CAREY: Mr. Speaker and Members of the House: The gentleman from Gardiner, Mr. Whitzell, is correct. The word age does appear in there and it was found in another area apart from the area that this thing started from. But the law also says that the state fire marshal and fire inspectors, upon the complaint of any person, or whomever he or they shall deem it necessary, may inspect the cost of being inspected all buildings and premises within their jurisdiction. It also says that any building or stuff that is left over from building a structure which for want of repair for reason of age or dilapidated condition or any other causes, especially liable to fire or which is so situated as to endanger other property or the safety of the public or whenever such officer shall find in or around any building combustible or explosive matter or other conditions dangerous to the safety of such buildings or where such officer shall find any building which has been gutted by fire or whenever such officer shall find that the debris remaining from a building which has been destroyed by fire or otherwise, he shall order the same to be removed or remedied and such orders shall forthwith be complied with by the owner or occupant. So it is already in the law. What he is already looking for is right in the law and there is no need — all this thing does is say that it is taken out of the courts, so he must be worried about his city solicitor or town solicitor not being able to defend what might be a million dollar suit and that I doubt very much.

I wish the gentleman was a little more tied to his municipality than he seems to be. The fact that the fine has been increased and is made a daily thing—his problem can be remedied by the existing law and maybe Mr. Emery, who is the chairman of the Legal Affairs Committee, he hasn't got the books with him, but he might be able to substantiate

that we did in effect have this before us in 1973.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: As far as my good friend from Waterville, Mr. Carey, has gone, if he had gone a little further, the difference in this amendment and what it presently is, if he had read on he would have read if such order is made by any fire inspector, such owner or occupant may, within 24 hours, appeal to the insurance commissioner who shall within ten days review such order and file his decision thereon. His decision shall be final and shall be complied with within such time as may be fixed in said order or decision by the insurance commissioner.

Now, the difference in that language that is there now, in that section of 2392, and what is in the bill primarily says that the building, if it is found to be unsuitable, it can be closed.

Now the other thing is, as far as the fines, yes, the fines have been upped. The fines have been upped by a fine of not more than \$100.

Previously it read that they shall be punished by a fine of not less than \$20 nor more than \$50 for each offense. So, now it is left up to the courts of not more than \$100, so they could under this amendment, even though it is set to increase the fines, it could be left to say that they could be only fined \$5. The meat of this amendment is that the fire marshal can say when he comes to an apartment building, until these changes are made to bring this building into conformity, and as far as the rules and regulations in the State of Maine are concerned or the building codes, they are not that tough, they are not that tough at all. If you people could go into these houses, these substandard houses and see the way the people are living and the landlord is collecting the rent and the conditions that exist, then there would be no hesitation today to adopt this amendment.

I would hope that you people today would not vote to indefinitely postpone this but vote to adopt it and show the people in the state that we do have some concern for those people that are being

victimized or being forced to live in substandard housing.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly let me give you the history of this. There are two different sections under the law that deal with delapidated buildings and dangerous buildings. One of them is under Title 17, and under Title 17, Section 2851, that is where the municipality has the authority to tear down delapidated buildings.

Well, we had gone as far as we could go under that statute, yet we were still faced with a million dollar law suit if we touched one brick of that building, because the person who owns it lives out of state. He comes from Maryland. Now, what we had to do, since we couldn't get any satisfaction, we couldn't have this thing abated through that statute, we went to the State Fire Marshal. The State Fire Marshal and the Attorney General's Office had first said yes, then they sent another letter and said no, we will not handle it because we don't feel that we have the facts that substantiate that you have gone as far as you can go under Title 17. The Attorney General later met with city officials and the city solicitor and we had gone through every step, every procedure the municipality had done.

Currently, and since 1968, there has been an order to the Fire Marshal's Office that the state shall not take part in any of these claims under this title, unless the municipality had exhausted its avenues of relief. In our case, we proved that we had exhausted our avenue of relief. The Attorney General said that he could take it.

When I conferred with Attorney General Jon Lund on this item, he said this is a horrible statute under 2392. He said it is a cut and paste job, and it does not set forth step by step procedures that the department would take. I asked if he would rewrite it, and I said I would see if I could ask the people over in Judiciary if they would accept it in. I talked to the chairman of the committee who said that if one person on a committee refused it, then it wouldn't go in. It didn't go in, and he said, you can offer it as an

amendment. Since the bill was over in the Senate, I asked Jerrold Speers, who is my Senator to offer it, and he did and it was accepted and he explained why.

The section that Mr. Carey mentioned that there was no due process in court for appeal is under section 2392. We didn't change that part of the statute; 2393 says that if they file a complaint, they go to the Superior Court in the county where the building is located and that the insurance commissioner would represent—at the order of the insurance commission. So there is this redress under 2393. What we were looking for under 2392 was continuity; it didn't read well. He can go to court with the existing statute, but why take the chance of having the state trimmed in court because the language is vague? So, what he wanted to do was set down authority and who could determine right through the process, and that is how George West drafted it, was approved by the Attorney General and is on the bill and it is an important amendment, not only to the people of Gardiner but to the state because the state is going to walk into court and be trounced by a large corporation which is unwilling to abate a known public nuisance. Many of you that have driven through Gardiner and know what I am talking about. Senator Muskie came to my house about a month ago and the first thing the Senator said was, "That is one heck of a mess you have down on the place. That chimney looks like it is ready to fall." Well, the fact of the matter is, it is almost ready to fall and there are many children and it is a residential neighborhood and we would like to have the thing abated.

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, to indefinitely postpone Senate Amendment "H" in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

40 having voted in the affirmative and 49 in the negative, the motion did not prevail.

Thereupon, Senate Amendment "H" was adopted in concurrence.

Senate Amendment "I" (S-437) was read by the Clerk.

The SPEAKER: Is it the pleasure of the House to adopt Senate Amendment "I" in concurrence?

(Cries of Yes and No)

The Chair will order a vote. All in favor of adopting Senate Amendment "I" will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Senate Amendment "K" (S-439) was read by the Clerk and adopted in concurrence.

Senate Amendment "L" was read by the Clerk and adopted in concurrence.

Senate Amendment "N" (S-442) was read by the Clerk and adopted in concurrence.

Senate Amendment "O" (S-443) was read by the Clerk.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I wanted to address myself to this particular amendment today because it attempts to clarify a bill that we passed in the regular session relative to community-based services for the mentally retarded. The problem with the bill, or the legislation as currently written and therefore requiring this correction in the omnibus bill, is that it does not specify capital construction and purchase of buildings.

When this bill was heard before the Health and Institutional Services Committee in the regular session, I quite frankly was under the impression that the appropriation was going towards development of services. By services I mean services to the mentally retarded.

Last fall I had an opportunity to attend a meeting in York County at the invitation of Representative Goodwin, at which time a number of people who were parents of mentally retarded children indicated that the department was not providing any sort of services to their way of thinking. I indicated to them at that time that we had passed this particular bill and there should be something on the line.

As a result of that particular meeting with this association of parents of the

mentally retarded. I inquired of the department as to how this particular money that was appropriated in this bill was being spent. I found out, as a result of my communication, that a portion of the money was going into bricks and mortar programs to help capitalize the cost of group homes in both Bangor and Waterville. This was not, in my opinion, the intent of the legislation. Again, I repeat, I was under the impression that the money was going to be used for the development of services, services which are much needed, by the way.

Sometime in January, I wrote a letter to the former House Chairman of the Appropriations Committee, Mr. Haskell from Houlton, and indicated to him my concern that the department, to my way of thinking, to my understanding of the bill, was going in to help capitalize these group homes in these respective communities.

I think the need has been demonstrated in the public clamor, particularly those people who have children that are mentally retarded indicate they would like to have more services developed. State plans I have read that have been compiled by the department indicated interests in these sort of services as well. However, I do not think that the department, at least under this particular piece of legislation, should be assisting in the capitalization of these group homes. So I oppose this amendment and I hope that when the vote is taken, it will be by a division. Mr. Speaker, if it is in order, I will make a motion to indefinitely postpone the amendment.

The SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker, Ladies and Gentlemen of the House: This has been a worry of mine all session. The gentleman from Portland, Mr. LaPointe, indicated that he did not feel that the intent of this bill was for any construction. It was heard during the last session, and I was very grateful indeed that the Appropriations Committee, did fund this. Of course, the whole problem is that we didn't say construction, stones and mortar; we said services, and there we made our mistake.

I have checked with some of the members of the committee and some have felt that the intent was that there should be construction funded by the department and some had felt that there weren't. Certainly, it was my intent and I guess I have worked on it so long and talked so long in the committee about problems of the mentally retarded, that I just took it for granted that everybody would know.

As of right now, there are beginnings of two group homes, one in Waterville and one in Bangor. There was a bill presented for payment on account of the Bangor facility, and that was when the problem arose and does need reclarification. I hope very much that you will not indefinitely postpone this amendment. I feel that the idea of group homes for the retarded persons, a living experience of that kind, is so much better than being in an institution and there will be services. I have had information from the department this morning that as of right now \$50,000 has been indicated that they can have in the Bangor — Waterville facilities but there will also be a \$60,000 services program. I repeat, I hope very much that you will not indefinitely postpone this amendment.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I think my concern with this amendment is based on programs that this department has embarked upon which, in my mind, is avoiding coming before the Appropriations Committee under appropriations for capital construction. I am very much for the group home program, provided services are provided. I am very concerned when the department will take money, contract with an individual for 12 beds or 18 beds for a period of one year and then find the beds not available.

What I am saying is that the building hasn't even been built. We are financing group homes, the capital construction costs of group homes. We are paying money to an individual to build a facility from the start. Now, if we are paying for twelve beds, say, at \$10,000 a year for the services, we are talking in terms of \$120,000, which the individual can use to

build the group home. Once the group home is built, then the department will proceed to put the patient or the person in the group home and we continue paying on the monthly basis. To my knowledge, we get no credit whatsoever for the contractual costs involved prior to the building being available to patients of the State of Maine. So hopefully, I will not suggest voting for or against this amendment, I think you can use your own prerogative on this, but I am very concerned on the way the department is handling state funds.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: We are talking about Senate Amendment "O," and I wish to say that I am in favor of this particular amendment. I think you have to differentiate between certain programs and others. I think this is a program that requires a lot of compassion and a lot of understanding. This actually involves the mentally retarded, and I figure if we are to make any effort in helping people in this state, I think this is an amendment by which we can do it. There is no specific mandatory saying that we have to do such a thing, but all this does is broaden out the good program that this particular bill under the revised statute is doing.

I hope you do support this, because I feel I have supported these programs to mentally retarded ever since I have been in this House and it is all due to the fact that I think these people cannot help themselves. I think they need our help and I think this is a good amendment, and I hope you support it and vote against indefinite postponement.

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

Mr. LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to sound like a reactionary on this particular bill, but bear in mind that I am not. When the bill was heard before the committee in the regular session, I was under the impression that it was going to go towards the development of services. At that time, I was aware of the

fact that the revenue sharing act of 1972 was amended in such a way as to allow for services to the mentally retarded in the community to be used as a source of matching with federal funds.

I was aware that if we could appropriate, as the original bill called for, \$200,000, or \$100,000 as the case might be when this bill was passed, we might have been able to match some of this money with federal programs, with federal funds, and develop the types of services that I thought were necessary. And some of the people that I have had an opportunity to run into at these meetings, feel strongly about it.

I also feel for the state to be in the business of capitalizing these group homes is not really appropriate at this particular time. I based this consideration on the fact that the Health and Institutional Services Committee is currently engaged in a study of the residential needs of Maine's mentally retarded, and this sort of thing will get us off and we don't have an opportunity to fully make our study and draw a proper conclusion, so I hope you support the amendment, the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. LaPointe, that Senate Amendment "O" be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. LaPointe of Portland requested a roll call vote.

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

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

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question. I am having a great deal of difficulty in deciding whether or not to vote with this. I was on

the committee and I understood it was to include capital construction, but I would like to ask someone, perhaps on Appropriations, whether or not this program was continued this year? I haven't had a chance to look it up and see in the present budget, whether this program was continued in Part I budget and if this \$100,000 is going to be refunded every year?

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, poses a question through the Chair to anyone who may answer if she or he wishes.

The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the gentleman's question, the original bill called for an appropriation of \$200,000 each year of the biennium. The Appropriations Committee gave it \$100,000 each year, so there was nothing in this session.

I would like to express, while I am on my feet, that I feel this does provide a more natural, normal life for our unfortunate people and I hope you will vote as you did before.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I am a little confused on the issue that the gentlewoman from Guilford, Mrs. White, has referred to on one piece of appropriation bill. There was another section of the Appropriation, maybe the same one, the original I believe was \$500,000 which the appropriation committee cut to \$100,000 which would be for the benefit, I believe, of the Benson School, which is presently a New Jersey group, to have the summer facility at Owl's Head here in Maine and with the money the state is allocating under the contract procedure again, this money will be used to make this facility a year-round facility.

I am somewhat bothered when we have places like the Sweetser School in the State of Maine, which has been operating in this state for years, which offers basically the same program, that we did not offer them assistance, that we have the Devereau School in Philadelphia, which has the same

program and the State of Maine has been contracting for their services. It has a summer program up in Embden, Somerset County, that we have directed possibly \$100,000 to one out-of-state group.

I am sort of opposed to brick and mortar money when, in my mind, we spent millions for brick and mortar to build a monument to failure, possibly, and yet we are going along allowing more capital construction.

I think the original intent, as the gentleman from Portland, Mr. LaPointe has pointed out, was services for the mentally retarded, the emotionally disturbed, and yet we are building new buildings. I am very concerned with the attitude of the Department. I must go back to the statement I made, when they are contracting with corporations, nonprofit groups to build these buildings, paying for beds a year in advance that don't exist to help that individual build his own building. I think we should go through the normal channels like anybody in the boarding home business and nursing home business. They have to go to the bank, they have to get mortgage money to build these facilities, and I cannot see for the life of me why we should be giving taxpayers' money to out-of-state corporations to capitalize on the State of Maine.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to touch briefly on what Representative Dyar has just talked about. I think he is a little bit off base. I think what basically he was talking about was one situation where the Devereau School in New Jersey wants to set up a facility out near Owl's Head in Maine, and before they commit themselves, they do want some sort of commitment from the state to make sure that there would be enough patients to fill up the home they want to build. This is also for children who have mental health problems, not a mental retardation problem, multiple mental health problems.

I do feel that this amendment, now that I have looked at it a little bit more thoroughly, perhaps will be a good thing.

One of the basic problems with the community-base mental retardation services is the cost to start up. It is that capital, that initial dollars that they need to get a facility off the ground, and I think perhaps in some situations if they could get \$50,000 from the state to start their plan, they would be able to provide tremendous services to that area.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. LaPointe, that Senate Amendment "O" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W., Binnette, Boudreau, Carey, Carter, Chick, Connolly, Cottrell, Curran, Dam, Donaghy, Dow, Dudley, Dyar, Genest, Hunter, Jacques, Kelleher, Keyte, Kilroy, LaPointe, Lawry, Lewis, E.; Maddox, McCormick, McNally, Merrill, Morin, L.; Mulkern, Murray, O'Brien, Rollins, Shaw, Sproul, Talbot, Tierney, Whitzell.

NAY — Albert, Ault, Baker, Berry, P. P.; Berube, Birt, Bither, Bragdon, Brawn, Brown, Bunker, Bustin, Cameron, Carrier, Chonko, Churchill, Clark, Cressey, Davis, Deshaies, Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Farrington, Fecteau, Finmore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Hoffses, Huber, Jackson, Jalbert, Kauffman, Kelley, Kelley, R. P.; Knight, LaCharite, LeBlanc, Lewis, J.; Lynch, MacLeod, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, Morton, Murchison, Najarian, Norris, Palmer, Parks, Peterson, Ricker, Rolde, Ross, Shute, Silverman, Simpson, L. E.; Smith, S.; Snowe, Stillings, Susi, Tanguay, Theriault, Trask, Trumbull, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Willard, Wood, M. E.; The Speaker.

ABSENT — Briggs, Conley, Cooney, Cote, Crommett, Curtis, T. S., Jr.; Dunn, Evans, Faucher, Ferris, Herrick, Hobbins, Immonen, Littlefield, McTeague, Mills, Morin, V.; Perkins, Pontbriand, Pratt, Santoro, Sheltra, Smith, D. M.; Soulas, Strout.

Yes, 37; No, 88; Absent, 25.

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

Thereupon, Senate Amendment "O" was adopted in concurrence.

Under suspension of the rules, the Bill was read the second time.

Mr. Dunleavy of Presque Isle offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-819) was read by the Clerk.

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

Mr. KAUFFMAN: Mr. Speaker, I move this amendment be indefinitely postponed.

The SPEAKER: The gentleman from Kittery, Mr. Kauffman, moves the indefinite postponement of House Amendment "C".

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

Mr. BITHER: Mr. Speaker and Members of the House: I would like some information on this. I wish Mr. Dunleavy could tell me what he means or who he would include on this phrase "or any law enforcement officer in uniform," if he could tell me in a few words, without a speech, because I think we have had enough speeches today.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Dunleavy.

Mr. DUNLEAVY: Mr. Speaker and Members of the House: I will try to be brief. At the present time, only a member of the State Police, upon reasonable grounds to believe that a vehicle is unsafe or is not equipped as required by law, may direct a motorist to proceed to an inspection station for the purpose of having his vehicle inspected.

The problem arises when a local law enforcement officer or town policeman finds a vehicle that clearly does not meet the requirements of the law, and he stops the motorist and then, since he cannot order the motorist to proceed to an inspection station and have his vehicle inspected, he has to go back to his car, get on his car radio, call the State Trooper, wait around until that State Trooper arrives, and then the State

Trooper orders the motorist to proceed to an inspection station to have his vehicle inspected. Under the present situation, we are wasting the time of the town policeman, the State Trooper and the motorist himself. With this amendment, the town policeman could order the motorist to go to the inspection station and have his vehicle inspected, as he cannot do by law now.

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

Mr. LaCHARITE: Mr. Speaker and Members of the House: I would like to ask a question of the gentleman from Presque Isle, Mr. Dunleavy. I am wondering what the meaning of any law enforcement officer would mean. Would that mean a warden, or does it mean just a police officer? Does it mean a lady who is in uniform who helps children cross the street to schools? I think the meaning of law enforcement officer is almost anyone in uniform.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a very dangerous amendment to allow on the errors and inconsistencies bill without a public hearing. This certainly was not an error when the original bill was enacted to exclude other than State Police Officers in enforcing the motor vehicle inspection laws. The motorists are now required to have very rigid inspections each year, and they should not be continually harassed by people who are not qualified to make a judgment as to the safety of motor vehicles.

If you look at the amendment, you will see that the law enforcement officer would be enforcing the inspection of motor vehicles. I would just like to ask the gentleman from Presque Isle what expertise he feels that a sea and shore fisheries warden, inland fish and game warden, liquor inspector or even the thousands of constables around the state have in fulfilling these duties? Personally, I would think they would have very little expertise in this field.

Ladies and gentlemen, these are just a few of the laws and regulations that are

required for the inspection of motor vehicles, a 31-page document for the inspection of motorcycles, another document with 61 pages for the inspection of motor vehicles. So if the game wardens and the liquor inspectors are going to enforce this act, I think they should make themselves familiar with these regulations. I would support the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Parks.

Mr. PARKS: Mr. Speaker, Ladies and Gentlemen of the House: You read this amendment, read it carefully, and it says, "any law enforcement officer in uniform." This would definitely include game wardens, sea and shore fishery wardens, civil defense police while they are on duty, the lady traffic police officers that are helping children cross the street at different schools.

This morning I called our judge, district court judge in Presque Isle, and asked him what he thought of an amendment like this, would it be beneficial? He said, "No, not as the amendment has been presented."

I can see possibly where in these larger communities such as Portland, Lewiston-Auburn or Bangor, or some place, where they have a regular organized police department and they have traffic officers who are trained and know what they are doing, this might be all right. But by and large, to have all of our local police in these smaller towns have the authority to harass motorists, especially some of these fellows on nights, in my opinion, we should not allow this to happen. So I am going to support the motion to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Dunleavy.

Mr. DUNLEAVY: Mr. Speaker, Ladies and Gentlemen of the House: I was asked to introduce this amendment by a member of my local police force in Presque Isle, and he assures me that all of the members of the Presque Isle Police Department are behind this amendment.

I think the argument that this would lead to game wardens and liquor

inspectors ordering people to have their cars inspected is a bit invalid and a bit facetious. They don't do it now; I don't see any reason why they should do it if this amendment were adopted.

The problem we have is we are wasting our police officers' time. If they see a car that is inoperative or in some way poorly equipped, we are talking about the safety of the motorist, and we are also talking about the time of the officer and when you talk about officer's time, you are talking about taxpayers' money, too.

This bill would expedite the matter for private individuals. It would allow that the local police officer would not be tied up. It would allow that State Trooper would not be tied up, and the motorist could get his car inspected and be on his way.

Now, all local law enforcement officers, and I speak primarily of municipal police officers, have to attend police school since 1969, they are trained in this particular field. They understand the problems. Sometimes the motorist may have something wrong with his car and not even realize it. This bill would promote safety and save time.

When the vote is taken, I ask for the yeas and nays.

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

Mr. DUDLEY: Mr. Speaker and Members of the House; I will be very brief. I think this bill has been very well covered and this amendment should be indefinitely postponed. There are many reasons, but I will not cite the whole of them. First of all, by law people are compelled to go to a filling station or an inspection station twice a year. I don't want to further harass the people. In these small towns we have a lot of eager beaver policemen or constables that only serve a short time, and I know they would just use this to harass people. There are very few of these vehicles on the road, after they passed this inspection twice a year and if there is a few the state police can easily take care of it. And when we raise the inspection fee we also put on extra police force, extra state police and this is their precise duty, to look after these cases

and all they have to be is reported and they will be taken care of. So, this is an emergency session, don't forget, we are down here on, and I don't think we should use this emergency session to come down here and further harass people. I hope that you will indefinitely postpone this quickly.

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

Mr. LaCHARITE: Mr. Speaker and Members of the House: I think the idea behind the amendment, my good friend from Presque Isle, Mr. Dunleavy, has introduced, is good, but I think the looseness of the term "any law enforcement officer" is not. Therefore, I would urge your vote to indefinitely postpone this amendment.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I want to give you one brief and good reason why you shouldn't vote for this amendment, because this says "any law enforcement officer in uniform." Well I want to tell you why this is the reason I feel you shouldn't vote for it. I happen to be a law enforcement officer in the City of Westbrook. I am not in uniform, but if for no other reason, if you came before me, especially the liberals, if they came before me I wouldn't send them to an official inspection station, I think you know where you would be going. I really believe you shouldn't vote for this amendment because I don't feel I am qualified and I know a lot of others who are not.

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

Mr. CAREY: Mr. Speaker and Members of the House: A comment has been made about harassment. I have two police officers in the City of Waterville. I am very familiar with the municipal police work, and I have two police officers out of seven that work at night that I know would use this for harassment and I support indefinite postponement.

The SPEAKER: A roll call has been requested. For the Chair to order a roll

call it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Kauffman, that the House indefinitely postpone House Amendment "C". All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Bustin, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Fecteau, Ferris, Finemore, Flynn, Fraser, Garsoe, Gauthier, Genest, Good, Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Hoffses, Huber, Hunter, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, Merrill, Morin, L.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Peterson, Ricker, Rolde, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Sproul, Stillings, Strout, Talbot, Tanguay, Theriault, Tierney, Trask, Twitchell, Walker, Webber, Wheeler, Willard, Wood, M. E.

NAY — Berry, P. P.; Cottrell, Dunleavy, Gahagan, Goodwin, H.; Kelley, R. P.; McTeague, Rollins, Whitzell.

ABSENT — Albert, Briggs, Cooney, Cote, Crommett, Evans, Farley, Faucher, Immonen, McCormick, Mills, Morin, V.; Perkins, Pontbriand, Pratt, Santoro, Sheltra, Soulas, Susi, Trumbull, Tyndale, White.

Yes, 118; No, 9; Absent, 23.

The SPEAKER: One hundred and

eight having voted in the affirmative and nine in the negative, with twenty-three being absent, the motion does prevail.

Mr. McMahon of Kennebunk offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-820) was read by the Clerk.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: At the very outset, I want to emphasize that my amendment goes in a different direction than that of the one you just voted on. Also, this amendment came to me just last week, or I would have introduced it as a separate bill. I will read to you the letter from my Chief of Police in the town of Kennebunk, which is responsible for this amendment.

"My reason for this recommendation is as follows: As a local Police officer I also have occasion to stop motor vehicles for violation of the inspection section of Title 29," and is what what we are talking about the sticker part only. "When stopping a vehicle for such violation I would issue a summons to appear in court to answer to the charges of operating uninspected motor vehicle, but after so doing I immediately allow the same vehicle to drive away, committing the same violation. Granted, I could have the vehicle towed away, but I do not think it is fair to the public."

Now, ladies and gentlemen, realistically the police in my town have asked the State Police to furnish them with already signed permits, which is what they use. At least one of the State Police in my area has been very generous doing this. The fact is that under the present law a municipal police officer can not enforce the requirement that a vehicle go to be inspected, and that is all this amendment would do if you adopt it.

The SPEAKER: The Chair recognizes the gentleman from Standish Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of House Amendment "D".

I think that we are in a position right

now where we have got to face the realities of life and maybe of this special session a little bit. I believe the amendment that was posed by the gentleman from Kennebunk was well intended. As he said it only came to him last week, or he would have attempted to introduce it as a special bill. It is a bill of substantive change. I will admit we have had some others right in here this morning of substantive change, some of them have tried to be killed and have not.

I think we have lived with this on the books as it is now for some time. I guess another seven to nine months won't hurt another time, or at least for the short time being.

I am going to be very candid and tell you that you weathered the storm with all the Senate amendments. The normal course of procedure for the errors and inconsistencies bill is to appear before the public hearing and to attempt to have the bill amended after it comes out. If you fail to do so, I suppose you can attempt to amend it on the floor, that is the rights and your rights or our rights. However, I feel that in this particular instance some did not go and therefore now have attempted to amend it on the floor. Others went, were turned down or rejected, and now are attempting to amend on the floor.

The bill as it is before you right now is all pre-engrossed. If it stays in the condition it is in right now we can have the bill back here possibly for enactment this afternoon and we can definitely take one day right off this session. As I look at this amendment and as I look at the two following it, I don't see anything that is of dire emergency or anything that is to the point that it is truly an error and inconsistency, and I would hope that you would indefinitely postpone this particular amendment and that we can proceed and have this bill for enactment this afternoon and go out of here.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Frankly, I am not going to be terribly offended if you indefinitely postpone this amendment, especially since Mr. Simpson has indicated that to do so will

facilitate things here.

I would just call to your attention that police officers are not being hampered by the present law, and the public is being inconvenienced. That is why I felt no hesitation in attempting to amend this omnibus bill, because I think this amendment seeks to correct an inconsistency in the present law.

Mr. Speaker, I would ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker and Members of the House: If I remember right, last year I was going to have my motorcycle inspected. I went down to the police station to get a permit, and I don't know whether my police department is not supposed to be doing that but I suspect that not only is my police department already issuing these permits and you drive down and pick it up, but some are completely unaware that there is a law against it, so I would ask that we support it and make them legal too.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I rather favor this amendment. I fully realize that big bill has been pre-engrossed. I went to the Engrossing Department this morning at eight o'clock to find out the status. If we attach one or two amendments it doesn't mean this bill has to be completely pre-engrossed all over again. The only thing that I wonder is the fairness of the situation.

Now, I am not pleading for anything myself, we have let the Senate, the other body, attach 13 amendments. If we prohibit this House from attaching any, it just doesn't seem fair to me. I don't believe in the final analysis it would hold us up any. It would hold this one bill up several hours, but really that is the only thing that concerns me. Take them on their merit and if they can wait, let them wait and let the bill go through, but if it is something that really can't, I think we should have as much opportunity as the other body did.

The SPEAKER: The Chair recognizes

the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: In terms of time, I do think it is important we keep time in mind, but I do have to disagree with the majority floor leader. If we were to add one short amendment or two, it would mean in effect the difference of approximately one hour. That particular hour, of course, is once it has gone to the other body and they have receded and concurred with our action assuming that they were to do that. The only thing that would have to transpire would be the additional section inserted on a page and that particular page inserted in the proper section within the omnibus bill, and the rest of it is all printed already. It is preprinted at the K.J., and then all they have to do is run, run the final engrossed copy. So if we add on a couple of amendments, I don't think we ought to be concerned about the time. I think it will probably make the difference of one hour to two hours, but not one day certainly in the length of the session the way that it is done.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This certainly will be a convenience to your constituents, because now quite often they have to chase around and find the State Police in order to go to the inspection station. This would be of some help and it also doesn't say they must do it, they may do it. In the city places it would be very convenient, and I think I would be willing to stay another hour or so to see this convenience done for the people, because we have done so many many things to inconvenience them while I am here, I would like to see us do one thing to convenience them.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: Mr. Dudley kind of took the wind out of my sails because that is practically what I was going to say. The idea of this amendment as far as I am concerned, is a service to the people. I am disturbed with the fact that in the previous amendment, being said it

was harassment by the police officers. Actually, these are permits that are being signed by the police officer or, if the state police gives it out, as it is at this time, he has to leave a bunch of them at the desk at all police stations with his signature, which is not legal really. Everybody is sticking their neck out to make things convenient for the ordinary citizen, the driver who wants to get his inspection sticker. I favor this amendment and I hope you go along and pass it.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I feel that this amendment is as much of an emergency and important, more important, in fact, than the one we passed this morning on breeding of horses.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that House Amendment "D" be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

17 having voted in the affirmative and 103 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "D" was adopted.

Mr. Huber of Falmouth offered House Amendment "B" and moved for its adoption.

House Amendment "B" (H-811) was read by the Clerk.

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

Mr. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: Most briefly, stated in the statement of facts, this amendment clarifies the definition of island in the Coastal Island Registry Act and facilitates its administration and corrects its inconsistencies in Section 1210 of this act.

This amendment has been approved as being the intent of the law by the sponsor, by Mr. Pottress, and Miss Stinch of the State Planning Office and by the Administrator of this act, Mr. Umberger in the Forestry Department.

At this point, I would like to stop, but in light of the gentleman from Standish, Mr. Simpson's comments, perhaps I had better continue. In correcting the definition as written in the law, the definition currently hinges on the word protrudence, which isn't found in the largest dictionary I could find in the Law Library and really doesn't define "island". This has been interpreted by the Forestry Department and they view this as any land that protrudes above normal high water. Normal high water, itself, is undefined in the law, so there is a problem there, there is no reference point in the definition of "Island."

This could lead to multiple registration fees paid for what is deeded as and considered as one single island. The proposed definition clarifies this vagueness and further pins down the definition of island to the Coastal Island Registry itself which, for any of you who are unfamiliar with it, is actually an atlas of the coast of Maine with each marked island numbered in it. This has been prepared by the State Planning Office and goes into considerable detail.

The second section of the Amendment clears up what is certainly an inconsistency in Section 1210, which reads in the first sentence, "any person who owns title to an island or part of an island in Maine coastal waters that has three or more residential structures thereon is exempted from this chapter." Two sentences later it says, "any person that has title of record to an island on which there is less than four residential structures must register." This leaves an island with three structures in limbo really. What one section says that this has to register, this is an island with three structures, two sentences following says it doesn't have to register.

This doesn't deal with the filing figure, and I would feel that this would be a substantial change to the act. It isn't a substantive change, it is simply clarification and the clearing up of an inconsistency.

I think this should pass now, as registration has to be accomplished before December 31, 1974 and the problems will occur during this registration period, which is before the commencement of the next legislature. I hope you will adopt this amendment.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: I hope this is indefinitely postponed. In the lakes where I am, we have an island there known as Briggs Island, which has only one cottage on it. It has been owned for years by a family. Under this law, if it is passed, and there is only one cottage upon this island, they will have to register it.

Over in Great Pond, another one which is also in my district, there is a piece of land there that they are now fighting over, who owns this island. If we are to pass this, we are going to say definitely that these people that have a warranty deed to this property do not own this property, that the state will own this property, and I hope this is indefinitely postponed.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Oakland, by going back to the original law, would note that this does not apply to him, and the only way that it could apply to Oakland would be if Oakland would suddenly find itself located on the coast of Maine some morning. Because the way that the bill is written, it specifically says, in the original bill that we are now amending, it deals with coastal islands and does not deal with inland waters at all.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: Let's refer then to Mark Island, which sets off from Little Christmas Cove, West Southport, which this gentleman over here is very much familiar. There is only one cottage on this island. It has been there for years; this is the same friend. I use this as an example because this, if it happens there, it could creep in the inland as well as coastal, if we get by with it.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, Ladies

and Gentlemen of the House: I am strongly in favor of the motion to indefinitely postpone this. Let's go back into history a little bit of the State of Maine. King's Grants, which covered the whole State, since then this property has been divided and sub-divided and one thing and another. Back to your colonial ordinances, tidewater ownership went to low, low water mark, which is the furthest point out that the tide goes by normal, natural circumstances. In other words, a full moon run out with an offshore wind, or your riparian rights go out for 100 rods, whichever is the furthest.

I have owned islands, for some reason or other, most of my life, and I find them expensive to buy and very difficult to sell, but most of these islands have had connected to them what is known as Bard Islands. There has been one warranty deed title that has included these bard islands. A bard island is an island that you can walk to at low water, but at high water there would be water between the little bard island or the little island that is part of the main island and the big island. These bard islands have not been subdivided in the titles. Right at the moment I have a problem where an island that I have checked the title back way before the turn of the century, and the state has decided that a couple of little protrudances along side the top of the tide there is water, that these islands apparently no longer belong to me, they would belong to the state, and yet it is completely contrary to the law of the land. I hope that we do not change the law of the land and deprive people of their property without any recompense. Please vote for indefinite postponement of this amendment.

The SPEAKER: The gentleman from Southport, Mr. Kelley so moves for indefinite postponement of this amendment.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a bad amendment. I think the gentleman from Bristol, Mr. Lewis, would agree with me. This would affect an island that has become famous,

John's Island, which has been leased by the town of Bristol, to the Louder or Tunney Estate, I don't know which and I think the gentleman from Bristol, Mr. Lewis, might agree with me that when the Tunneys are there, the Louders aren't there and when the Louders are there, the Tunneys aren't there. But, anyway, it affects them. It has become a very famous island. I think this is a bad order; I think it would create chaos everywhere, all over the state and all over the coast. I don't want the people that are identified with these islands to lose their identity and I don't know what the motivation behind this amendment is, but I think it is bad and I think it ought to be postponed. Has it been moved to indefinitely postpone?

The SPEAKER: Yes, the gentleman from Southport, Mr. Kelley, has so moved.

The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I am no lawyer, but I interpret this entirely opposite from what Representative Kelley has told you from Southport. I thought Mr. Huber had done quite a good job of explaining this. On what Mr. Kelley claims are Bard Islands, under the present bill, the Coastal Island Register, you have an island that is one main island. It may not be more than 100 feet square. At low tide you might have several rocks protruding at low tide and you can walk out and go duck hunting from them or anything you want to, but at half tide or high tide, you can't get to these but there is still a rock protruding. And under this Coastal Island Register, as I interpret it, you have to have a number assigned to it. So if you have four of these protruding out, instead of recording say just number 33 and pay them one \$10 fee, you are going to pay \$50. You are going to pay \$10 for each one of these rocks protruding out at high tide.

I would like to ask Mr. Huber if this isn't his intention, to clarify this so you only have one number assigned to this so-called island that is recorded in a deed somewhere, in whichever county it might be? Under this bill, if you indefinitely postpone this, I interpret it

that you are going to pay \$10.00 for each rock protruding out to have a number assigned to it.

The SPEAKER: Mr. Churchill of Orland poses a question through the Chair to the gentleman from Cumberland, Mr. Huber, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Orland, Mr. Churchill, has stated my intent exactly. This is the way the act is being administered. If the amendment is not adopted, we could get into multiple registration situation. Also, people could register what they feel is their island and later the state could have recourse and come and pick off the offline rocks of these islands.

Indefinite postponement of this amendment or proposed amendment will certainly not repeal the act as passed in the regular session. I objected at the time of passage of this act of requiring an island owner to accomplish a considerable amount of work in registration in the Island Registration in addition to the normal registration in the registry of deeds and then paying \$10 for the privilege. The act passed, nevertheless, in regular session. All I am trying to do now is to clarify and simplify the administration of this act, and again I repeat, indefinite postponement of this amendment in no way can indefinitely postpone the act that is already passed.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that you will not indefinitely postpone this amendment. If you want to do anything for the coastal people, please do not indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Members of the House: Could this be postponed until later in today's session, until I have a chance to talk with Mr. Huber. Apparently we want the same thing, but the way I understand it it is accomplishing the opposite.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I would like to give you a few reasons or comments of why the forceful Judiciary Committee did not let this amendment in. In the first place we found that the definition of island, as it is now in the law, is much more acceptable and much narrower than this broad interpretation here or definition.

In the second place, one of the main changes in the Judiciary we have run into in the last two years here is these bills which come to us with the definition of mean high tide, such as this bill here has in the fourth line of Section 3. Mean high tide, we haven't found anybody yet that can actually describe where mean high tide is. It is all a matter of interpretation and nothing has ever been definite about it.

Then this does apply to coastal waters. I think that some of us were a little upset, not upset, but just concerned about wherever you have a group of islands that is given a number, that that island shall be considered as one island. Well, I don't think that this should be. So, either you have an island or you have a group of islands and I think it should be individual.

The thing is in the second section of the bill, actually it broadens out from three to four residential structures, which just makes it that much harder in order for them to be an individual island. I think that this last section is not in the interest of the people of this state, and these are some of the reasons why we didn't let the amendment in and why I support indefinite postponement.

Mr. Churchill of Orland was granted permission to speak a third time.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I had a letter recently from one of my constituents. There are seven islands in the little town of Penobscot and they are really hot under the collar that they have to pay a \$10 fee to even register these. They are already recorded in the Hancock County Registry of Deeds, and they are mad enough now that they have to record one number. I went over and

talked to the gentleman in charge of this and he showed me a hundred letters that he had complaining on just this one situation that we are trying to explain. They are sore because they have to pay one fee.

Now, one man had 15 of these pieces all recorded in the Registry of Deeds and he had 14 more that he couldn't prove title to at high tide the way the deed was written, because sometimes they were recorded at high tide and some at low tide. In order for him to prove ownership of these it would cost him more money than they were worth. So he gave a quit claim deed and turned them over to the state because they weren't worth it. I am asking you that this is the amendment they need to clarify some of this and save our coastal people a little money. It is bad enough to have to pay one fee.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I find that the islands that are already numbered, and the Bard Islands we are stuck with, but there are additional ones and I would like to withdraw my motion for indefinite postponement.

The SPEAKER: The gentleman from Southport, Mr. Kelley, withdraws his motion for indefinite postponement.

Thereupon, House Amendment "B" was adopted.

Mr. Berry of Buxton offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-810) was read by the Clerk.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Standish, Mr. Simpson, has already told us what might happen to these amendments. One of them, I guess, slipped by him. I am kind of hoping that this one will, or at least you will ignore the plea that he made to indefinitely postpone these.

This amendment is an amendment that I tried to attach to any bill that had Title 30 on the top of it, and none of these came along. I and some members of the Election Laws Committee kept a diligent

watch for Title 30 and it just didn't get here. I didn't want to have to put this amendment in on the errors and inconsistencies, but there was no other vehicle left.

The reason that the amendment is here is because that in the Town of Buxton we have had a couple of problems, and a couple of the other towns that I represent, they have had problems. There are certain people who go to the town clerk, they ask for nomination papers, they ask that these papers be given to them blank. These papers are circulated blank. After the names have been acquired, these people will come back to the town clerk and inquire as to who is running for what, this is municipal all the way—I hope you realize that. They come back to the town clerk, inquire as to who is running for what, decide whether or not they want to run against this person or that person or pick out the easiest person on the ballot, take the papers back home, fill their name in or give them to somebody else and have somebody else's name filled in, and lo and behold, you have got somebody on the ballot that you might not want on the ballot.

The other reason we recently changed from an appointive planning board to an elective planning board. This meant that in March we had seven people up for election for the local planning board. We had a request from one of the citizens in town that he be given 15 sets of blank nomination papers. When the town clerk inquired as to what position he wanted to seek, he told her that it was none of her business, to give him the papers and he would circulate them, get the petitions. He might want to run for the five-year term or the four-year or the three-year term and so on. The end result of this was, the town clerk didn't give him the blank nomination papers. He went to a lawyer and we are now faced with a possible law suit over whether or not she should have given him the papers.

Now, there is nothing in the law now that says she shall or she shall not. You will notice that this amendment says she may. I have put "may" in here, because I have taken into consideration the complications that might arise in cities such as Portland and Bangor where if it

were mandatory the town clerk or municipal clerk would have to fill out possibly hundreds of nomination papers.

Any town clerk that doesn't wish to do this under this amendment would not have to do it. It is only those who do want to do it. I can assure you there are several town clerks in southern Maine who do want those papers filled out as to who is running for what.

Now, the town clerks in southern Maine have recently been attending some sort of a conference. I don't know just exactly what the title of that conference is; it is a workshop of some type. This problem has been brought to them and not one has objected to this amendment. In fact, most of them favor it. I would ask that you please go along and adopt this amendment.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Since I am the House Chairman of the Election Laws Committee, the gentleman from Buxton, Mr. Berry, came to me first about this problem. Without going into the merits of it, I discussed exactly what it was and found out that it went in Title 30 and not Title 21, which are the state election laws, so we couldn't put it in our omnibus bill, but I would have been willing to. So he wanted me to tell him where it could go and I said if we had a bill with Title 30 we will try to put it on that bill, and we didn't have one. That is why he has it this afternoon on this errors and inconsistencies bill.

I want you to certainly discuss it on its merit. Most of you come from smaller towns and you know yourself how your town and your clerks feel about this. I once again will say that I don't believe this will hold us up very long. We have adopted one amendment. I have been down and seen the clerk in charge of the Engrossing Department, and I have seen the pre-engrossed bill. The first amendment that we did adopt will come near top of page 29 and probably can be fitted right in there, and this would fit in the very next page near the top. If changes have to be made, it probably would only be a few changes. So as far as I can tell you, this also would not slow us up very much, and I think that perhaps the other body would go along with this.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I would go along with this a hundred percent, because I see these things happen. As we are new in our town going under this Title 30, going under this program, I think it is the best thing in the world to do, because people can very easily do just what Mr. Berry has said. I hope you will support it.

Thereupon House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Emergency Measure Later Today Assigned

An Act Providing Funds for Maine Vacation Travel Services (S. P. 952) (L. D. 2604)

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and later today assigned.)

Passed to Be Enacted

An Act Relating to Dams and Reservoirs (S. P. 916) (L. D. 2527) (H. "A" H-721) (H. "B" H-725) (S. "A" S-387)

An Act Relating to Review, Reports and Proposed Amendments of the Maine State Retirement System (S. P. 944) (L. D. 2590) (H. "A" H-794)

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.

Enactor Reconsidered

An Act Making Supplemental Appropriations from the General Fund for the Fiscal Year Ending June 30, 1975 and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government. (S. P. 951) (L. D. 2602) (H. "F" H-806)

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

The SPEAKER: The Chair recognizes