

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

Herrick, Hoffses, Huber, Hunter, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Littlefield, MacLeod, Mahany, McCormick, McHenry, McNally, Morton, O'Brien, Parks, Rollins, Ross, Shaw, Simpson, L. E.; Sproul, Stillings, Susi, Trask, Trumbull, Walker, Wheeler, Willard.

ABSENT—Brown, Bunker, Churchill, Cote, Deshaies, Dudley, Farley, Faucher, Fecteau, Ferris, Lawry, Maddox, Morin, V.; Perkins, Pratt, Santoro, Silverman, Soulas, Webber.

Yes, 75; No, 55; Absent, 19.

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

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

An Act to Change Weights and Related Provisions for Commercial Vehicles (H. P. 2060) (L. D. 2592) (H. "B" H-791) (H. "D" H-800)

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

The SPEAKER: The Chair recognizes the gentlewoman from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, my seatmate, the gentleman from Strong, Mr. Dyar, asked me if I was going to say anything more on this truck weight bill, and I told him that I had said all that I intended to say the first day on this bill, but I guess that is a woman's prerogative, to change her mind.

At this time, I would like to read the open letter which you all have on your desks to the 106th Legislature from the Department of Transportation, as I feel this letter expresses the views that I have tried to bring out before.

"While I am very reluctant to write you this letter during the legislative process, I am compelled to do so if I am to fulfill my responsibilities to the people of the State of Maine in assuring that they can travel the Maine highways in reasonable safety.

"The Maine Legislature has a long and proud history of positive action in developing highway safety legislation,

from motor vehicle inspection to implied consent. To school bus safety, Maine has often been a leader in highway safety programs.

"Currently you are considering final enactment on truck weight legislation, L. D. 2592, which would mean a significant step backwards to the safety of Maine's approximately 500,000 licensed drivers and their often young passengers. This legislation would increase Maine's allowable truck weights from a basic maximum today for a five-axle vehicle of 73,280 pounds to a weight of 128,500 pounds, for a special privilege on six-axle vehicles before a fine would be imposed. Also, the legislation would allow 54,000 to be carried on a three-axle truck with only 12 feet between axles compared to 36,000 today on that same vehicle.

"It is obvious to the Department of Transportation that such a concentration of loads on the many old bridges throughout the state will have a very serious impact on our ability to assure that these bridges remain safe for the use of Maine's motorists. While I cannot guarantee you catastrophic bridge failures, I can assure you that such loads will impose an inordinate amount of risk on the travelling public in this regard.

"We already have in Maine an extremely serious problem in regard to the ability of many of our bridges to withstand the loads being hauled today. Maine still has nine bridges which include so-called pin connections similar to that which failed catastrophically on the Sober Bridge between Ohio and West Virginia not so long ago. It is extremely difficult to determine the condition of these bridges due to their method of construction.

"In addition, the State of Maine is responsible for maintaining approximately 1,300 bridges constructed before 1935, and the towns maintain approximately 1,000 bridges, nearly all of which are in the same condition. Rather obviously, these bridges were not designed for the above weights, and many have deteriorated to the point where it is becoming impossible to repair them and to be confident of their adequacy.

"I am sure it is unnecessary for me to point out to you the dangers involved in allowing trucks to carry weights that they were not built to safely handle, and the legislation would allow all of these older trucks to carry the same weights as more modern vehicles.

"While it is certainly understandable that the economics of those handling wood products in the pulp and paper industry should be of sincere concern to you, I am hopeful that in responding to that problem you will not jeopardize the lives of Maine motorists. Very truly yours, Roger Maller, Commissioner, Maine Department of Transportation."

As most of you know, the first day I tried to bring out these same points. At this time, I would also like to explain a road condition in my district.

As you know, in the last session, we were able to start in this state program for resurfacing roads in the skinny-mix program. Last night, some of you will also remember that I left this session a little early — and as I told the gentleman from Standish, Mr. Simpson, last week he informed us that we were going to be out either Friday or Saturday and not to plan anything. So I had changed my schedule somewhat and stayed last week. But dates that I had planned last week, when my family came to me, my children who were in school and told me that they had a very important banquet going on and would I be there. I said, "Oh yes, we are going to be adjourned by that time and I will be there." Well, when we came back on Monday, I was faced by the children and they said, "I suppose now you are not going to make our banquet?" I said, "I have given you my word, and I will go." So yesterday afternoon I left here about four-thirty or quarter to five, went home, picked up my family and started to Waldoboro. I went over a section of road at the Union-Warren town line, which had just been resurfaced last year with the skinny-mix. I have not been over that road most of the winter, so the farm on the Union-Warren town line, which has been owned all these years by a very elderly couple, now has a very young couple living in it and the gentleman on the farm is in the pulp industry. He is now clearing the land, and those pulp trucks have been running all winter. And

much to my dismay, the road which the people of Warren had contacted me on to try to get a little relief for and that we just had resurfaced last summer, after about 30 years of bumping along, full of potholes, beside of the road which runs between Union and Warren, which pulp trucks have to travel to the area where they sell their product, the edges are very much broken down. They have managed to keep one wheel half on the pavement and half on the shoulder of the road. For the 30 years that we have tried to get the road fixed, it now, putting it bluntly, has gone to pot.

The other side of the road coming back from the mill is fine. The trucks are unloaded coming back and this in itself is what is going to happen all over the area. I don't think I need to say anything more.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I hate to argue this bill with the good woman, Mrs. McCormick from Union, but we had this bill come before us a couple of weeks ago on our committee and we studied it. We redrafted it, we discussed it, and finally we came out with five different drafts to the bill — four different drafts. The first draft was drafted by the Commissioner of Transportation. He had in that draft double bottoms, a weight of 100,000 pounds for six-axle trucks and nothing for the other categories below the six-axle that most of the truck drivers in the State are using now.

Draft B was drafted by the Commissioner of Transportation. It left out the double bottoms. It included 100,000 pounds for six-axle trucks. Some of us questioned at that time the weight of 100,000 pounds for six-axle trucks, but he insisted, to me at least, that that was the weight that we should go for a six-axle truck, so we kept that in there, that weight.

He did nothing and gave no extra weight in Draft A for the three categories below the six axle and very little, which is practically nothing, in Draft B. We thought for sure that if we were going to give a 100,000 pounds to the pulp companies, which own most of the six-axle trucks I don't think there are very many of them that are owned

outside the companies — that we should do something for the people who have to earn a living hauling pulp. So we came up with this Draft C. We came up with a weight that we thought was good to help these people, and we have listened to different ones discuss the bill, and we revised those weights down to where they are very little but they will help a little.

Now, I am going to tell you what these weights are. For a three-axle truck, the old weight, or the present weight now is 51,800 pounds. We have recommended that we go to 54,000 pounds, which is 2,200 pounds. That is less than one half cord of hard wood. A four-axle truck, the present weight is 66,300 pounds. We have asked that we go to 69,000 pounds, which is a difference of 2,700 pounds, which is very close to a half cord of hard wood and less than a cord of soft wood, which would be fir and spruce wood. A five-axle truck, the present weight is 73,280 pounds. We have asked for 80,000, which is 6,720 pounds over the present weight and will give about a cord and a half, a little over a cord and a half, more wood for these people to haul.

The price of gas has gone up, we all know what it is, the price of oil. We know these truck tires, we know what they cost, and we know what the increases in the costs are, and this difference in the weight that we have asked for for these people will hardly pay the difference in the cost of inflation in the last twelve months. I will defy anyone in this House to come up behind one of these trucks, pass one of these trucks, meet one of these trucks with five cord or five cord and a half and know which one has the five cords and a half on it. They talk about safety, they talk about how hard it is to meet and pass one of these trucks.

What we are asking for is within reason for the difference in salaries, the difference in costs that everybody else has had in the last year, and these people have had nothing.

I don't believe it is going to be any detriment to the highways, for the simple reason we talk about a piece of highway gone to pieces with the weights that they are now and an extra half a cord of wood on there, who knows? Doubtful that it would make any difference whatever.

Now, you can do what you want to, but we give everybody else a raise because we think they need a little more to get a living, and that is what we are asking for for these people, just a very little to take care of the extra costs of doing business. I don't want to argue this any more because this is what we are asking for. It is so small that I doubt very much if anyone would ever know the difference, except it will help pay the costs of the increase in fuel and costs of operating these trucks.

The SPEAKER: The Chair recognizes the gentleman from East Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to debate this any longer today, but there are a couple of points that I would like to make. Number one, the good lady from Union, Mrs. McCormick, has brought up the question of the road that goes from Route 1, from Warren out to Union. I am very familiar with that road; I go over that road at least once a month. The question I have on that is not the fault of the trucks that is breaking this down. Last year when that piece of road was resurfaced, they didn't take care of the ditching, they didn't do the grading on the side of the road, and that is one reason that this piece of road is broken down.

Now another point that she brought up in her very excellent presentation today, that came from the Department of Transportation, I would like to have you take that report out and on the second page, in the third paragraph, go down where it says, "this legislation would increase Maine allowable truck weights from a basic maximum today for five-axle vehicles of 73 to 80;" that is wrong. The basic maximum weight today for five axles is 92,000 pounds, because this 73 to 80 doesn't take into consideration the tolerances. I fully realize what the Commissioner of Transportation is trying to put across to us. He is taking the minimum at one extreme and going to the maximum with the other.

I can see this very clearly and I can understand why he is trying to put this across to us but, nevertheless, we have 92,000 pounds today with the tolerances

on five axles. Granted the six axle vehicles, maybe this 128,000 is too large. I am sure if we enact this bill today, that this can be rectified. On the other part, the legislation would allow 54,000 pounds to be carried on three axles. This is what we are asking for. He has 36,000 pounds today and that is wrong; it is 46,000. So I am not arguing the report he put out, but I think he should have had his facts properly and I hope today that you pass this report.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: You can sit back easy because I am not going to give a speech. Just one thing I don't like and one thing alone. This was brought over this morning, what the gentlewoman from Union, Mrs. McCormick, has read, from the Transportation Department, brought over and put on our desks, written up this morning. It is supposed to be made out by Roger L. Mallar. He did not sign it. Roger Mallar didn't sign this, so how do we know who it was made out by? His name is printed on this; it isn't even written on. How can they stand up here and say this was signed by Roger Mallar?

I object to this letter very, very much under that point. If he wanted to write this letter and send it over to us, why didn't he sign it? I doubt that Roger Mallar ever saw this letter or even had a chance to read it. I will dispute it very, very much. I don't think it should be entered here as evidence. I think Mr. Wood here has done a wonderful job explaining this this afternoon, and Mrs. McCormick did too, and I would go along with her, but I very much dispute this letter.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I, too, read with interest the letter. I had no reasons to disbelieve that it comes from the Department of Transportation. I thank them for providing us with this information. I think it is a prerogative that every department has in keeping

with their functions. However, they are a creation of the Maine Legislature. And as I recall the Constitution, we could either accept or reject or amend the Department of Transportation or any other department that we so choose. I don't think we ought to let the letter bother us because, after all, they are our creation and not the other way around. We are not their lobby nor are they the other way around. I think we ought to keep that in mind.

We are the group of people who have to make the policy decisions. They have a recommendation. They have made a number of points in that letter, which obviously many of which I disagree with. And I would like to spend just one moment talking about a specific one.

As I recall the bill that was offered by the department, they specifically talked about one increase in the weight of six-axle vehicles to 100,000 pounds, and this was included in the Department of Transportation draft of the bill. Now, this letter seems to indicate that the department is opposed to such an increase when, in fact, it was contained in their very bill. I don't think this is necessarily a fact.

The point, however, and the one that I am most concerned about, is that the bill does not change the provisions in the law which permit the 10 percent tolerance for vehicles carrying highway construction materials with loads of farm products. This maximum weight that the Commissioner is talking about of 128,000 pounds is to be carried only in the months of December, January, and February.

Now, for those of you who don't live where I live, or are not involved in the out-of-doors, let me just tell you, that during those three months, it really wouldn't matter if you had 500,000 pounds on the roads, because the roads are frozen clear through. I happen to know that because I happen to be a Trustee of a Water District and when we have breaks, we have to go down five feet through frost in order to get to the pipe, and maybe there is a foot and half or two of dirt that is not frozen before we get to the water pipe. Once you have five feet of frozen ground during those three months, which we do in Oxford,

Aroostook, Piscataquis, Penobscot, et cetera, it doesn't matter what you put on that road. Of course, I would be the first one to say that if I thought it would have a disastrous effect upon Maine highways, I wouldn't be standing in front of you saying that I am a proponent of this legislation. I do stand as a proponent, because I do believe it is needed.

We talk about road conditions. I quite agree that there are roads in my area that don't see trucks over 25,000 pounds. Those roads are in no better condition than the ones that see the trucks of 100,000 pounds. The problem is not because of weight; the problem is caused by water drainage, by the material that was used to construct the highways, and caused by many, many other factors, and weight is a related item and I quite agree, but it is not the dominant reason why we have problems with Maine highways. One of the factors that the District Manager of the office in Presque Isle told me that he was most concerned about was the problem of water drainage and that this created serious problems with the highways, and I suspect that the gentlewoman from Union, in talking about the road that she went over last evening, that was probably the problem that occurred there, because it is a real problem. When you have a winter like we have had this past winter, with a large amount of water being deposited by mother nature, then you are going to have the problems that we have, and I just think that this is what has created the situation.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: As you all know, I favor passage of this bill. A number of things Mrs. McCormick has said are true. We have bridges in this state that are too old, they are dangerous for that kind of traffic and should be posted. And trucks approaching bridges like that should be prohibited from passing over them. That doesn't mean that they should be prohibited from all highways in the state. One of the reasons we have bridges like this that are unsafe is because in several years past there have bond issues attempted to be passed

to repair those bridges or rebuild them, and the bond issues, some of them haven't even been brought before this legislature.

In our committee in this last session, the Governor suggested \$19.5 million for construction and the Transportation Committee, of which I am a member, wisely or not, reduced that to \$7,500,000 because we feared that the House or the people would not pass it. We thought at the time that the two cent tax would replace that, and that didn't even come out of committee.

I would have favored that tax. One of the reasons I would have favored it, I regret that we have \$20 million of our own right here in Washington we can't get back unless we match it with another \$10 million. And by now, I imagine that fund is much more than \$20 million. If we don't go after it, somebody else will.

While we talk about not having enough money, we will sit back here and do nothing and let the money go. I suppose that I am getting off the subject. I urge passage of this bill and, if necessary, post the bridges that are dangerous.

The SPEAKER: The Chair recognizes the gentlewoman from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to set the record straight. I don't know if Mr. Strout is talking about the same piece of Route 131 that I am, but 131 that I am speaking about does not run from Route 1, it happens to run between Route 90 and Route 17. Those pulp trucks, I feel, are the ones breaking it down. They have to go down Route 131 to Route 90 down Route 90 onto Route 1 to the Kenniston Mill. It is a very short distance.

As for Mr. Martin from Eagle Lake, salt may cause problems in his area, but on the coast, when the rest of the state is getting snow, we get rain. I don't believe we have had the snow plows out in the Town of Union more than three times all winter, and I think as far as coming in to sand and salt those roads, you could almost count them on two hands and have a few fingers left over.

As for Mr. Finemore from Bridgewater, on the signature on this letter, I questioned that this morning too

because I know that Mr. Mallar left for Washington yesterday, and, in questioning this, I found out that Mr. Mallar dictated this letter over the telephone this morning to his secretary, and I think it would be a hard job for him to sign it from Washington, D.C.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Although I support this bill, I have just checked and do concur with the comments that were just made by the gentlewoman from Union, Mrs. McCormick. That letter was dictated by Roger Mallar before he left for Washington. I just talked with his secretary and she was the one who took the dictation. I was bothered a little bit because of the reflection that it made on another member of this body, and that is why I wanted to check it out. Although I support the bill, I do not agree with the letter.

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

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: I have to go along with the modest increase incorporated into this bill, because I feel that the people I represent look upon it as logical and reasonable, and I go along with them. I am in favor of this bill.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we do pass this bill this afternoon. There are two little items that I would like to mention. A few days ago when we were debating it, somebody said they couldn't get by a truck like this because it was big and wide. I would inform this House that the trucks haven't changed in width for a good many years.

I was in the trucking business on two different occasions, in the fifties and back in the thirties. The trucks that I was operating in the thirties had a very small tire. We used to overload them, of course, all the time and we did more damage to the roads by far than what these new trucks are able to do. These new trucks have big tires, wide tires. The amount per square inch on the road

is so much smaller than it used to be that our roads definitely do stand up and are going to stand up.

I happen to live on Maxwell Road. It is about a mile long and it is a direct route from some of the north part of the country into the IP Mill. There is an average of probably five or six trucks every hour going over that road. I happened to see one big fourteen wheeler go down over it this morning with a huge load of pulp on it. I took pains to look at the surface of that road and it just had that new skinny-mix put on it last summer and it is in perfect condition. It is in perfect condition because these trucks are not hurting it a bit.

Let's mention bridges just a second. It says that a bridge in the State of Maine that is unsafe, I am sure the department will post it. These trucks don't want to use it. They pay \$30,000 or \$40,000 for a truck, and they definitely don't want to fall into a river.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I think Roger Mallar's letter is a clear case of trying to tell the legislature what it should do. I am glad that the House Chairman does not wear the collar of the department. The Judge of Probate in Oxford County, this morning, informed me that the State Police started weighing up trucks about five o'clock this morning outside Rumford. I don't know if this has any bearing on the bill or not. The last vote was 73-42 in favor of this bill, and I hope this trend will continue.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. Albert.

Mr. ALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Being a road commissioner for three years, you people are blaming these-trucks for all the troubles that are happening on these roads. This is not the trouble. The trouble is these country roads have never been built. We went to work and tarred these roads and turned them over the the State to get some money so it wouldn't cost the town so much money to maintain these roads. These roads have

got about two inches of tar, and when the spring of the year hits, you have no base, so a truck goes down. You can't blame a truck for that.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: When this bill first came around, I spoke against the bill, mainly because of the bridge situation in my town and the amount of work I see being done on the bridge. But yesterday, at five minutes of one I left here and I went back to Skowhegan, because we had a meeting on a survey that is being done by the Department of Transportation as well as a firm out of Massachusetts on an alternate proposal for a new by-pass around the town. The bridge was mentioned, the safety of the bridge in my town, yesterday, and members of the Highway Department were there, the State Highway Department, and they assured the people that were at the meeting, this is the group on the advisory committee, that our bridges were old; they were built before 1905, and they do need maintenance but they are safe and they will always be maintained in a safe condition. So for this reason, I will support this bill at this time.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Willard.

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: In the last few years, I am sure that the Highway Department has spent the lion's share of the money for the southern part of the state, and that is right because that is where the travel is. The tourists come in from out-of-state, the roads have been crowded and, of course, that is where most of the people live, is in the southern part of the state. I am in hopes that in the future that they will get their roads fixed up down there so we can have more money to spend in the northern part of the state.

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote for this bill today. There are some things in it that I don't like. I wish there

were more to it. I wish the fine was a little steeper after we give them a little more weight. They have been hauling these loads right along, so I think we should make it legal for them to do so.

The SPEAKER: The pending question is passage to be enacted. All in favor of this bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mrs. McCormick of Union 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.

The SPEAKER: The pending question is on passage to be enacted of An Act to Change Weights and Related Provisions for Commercial Vehicles, House Paper 2060, L.D. 2592. All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Bustin, Cameron, Carrier, Chick, Churchill, Clark, Conley, Cooney, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Dow, Dudley, Dunleavy, Dunn, Dyar, Evans, Farnham, Farrington, Faucher, Finemore, Fraser, Gahagan, Good, Greenlaw, Hamblen, Hancock, Herrick, Hunter, Immonen, Jackson, Jacques, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, Mills, Morin, L.; Morin, V.; Morton, Mulhern, Murchison, Murray, Norris, Palmer, Parks, Ricker, Rollins, Shute, Smith, D. M.; Smith, S.; Snowe, Strout, Talbot, Tanguay, Theriault, Tierney, Trask, Trumbull, Twitchell, Tyndale, Walker, White, Whitzell, Willard, Wood, M. E.

NAY — Baker, Boudreau, Briggs, Carey, Carter, Chonko, Connolly, Cottrell, Donaghy, Emery, D. F.; Flynn, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Hobbins, Hoffses, Huber, Kauffman, LaPointe, Littlefield, Mahany, McCormick, Merrill, Najarian, O'Brien,

Peterson, Rolde, Ross, Shaw, Sproul, Stillings, Susi, Wheeler.

ABSENT — Brown, Bunker, Cote, Cressey, Drigotas, Farley, Fecteau, Ferris, Gauthier, Jalbert, Lawry, Maddox, McTeague, Perkins, Pratt, Santoro, Sheltra, Silverman, Simpson, L. E.; Soulas, Webber.

Yes, 93; No, 34; Absent, 22.

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

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

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

Mr. MARTIN: Mr. Speaker, having voted on the prevailing side, I move we reconsider our action whereby this bill was passed to be enacted and ask that you vote against me.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the House reconsider its action whereby this bill was passed to be enacted. All in favor of reconsideration will say yes; those opposed will say no.

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

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) (H. "K" H-822)

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

By unanimous consent, the preceding enactors were ordered sent forthwith to the Senate.

Enactor Reconsidered

An Act Relating to Mandatory Sentences for Persons Convicted of Second Offense Breaking, Entering and Larceny or Burglary (S. P. 957) (L. D. 2607)

Was reported by the Committee on

Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from South China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, I move the rules be suspended for the purpose of reconsideration.

The SPEAKER: The gentleman from China, Mr. Farrington, moves the rules be suspended for the purpose of reconsideration. Is there objection?

(Cries of "Yes")

The Chair hears objection, the Chair will order a vote. This requires a two-thirds vote. All in favor of the rules being suspended for the purpose of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

83 having voted in the affirmative and 23 having voted in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, I move we reconsider our action whereby this Bill was passed to be engrossed. Is this the pleasure of the House?

(Cries of "No")

The Chair hears objection. The Chair will order a vote. All in favor of the House reconsidering its action whereby this Bill was passed to be engrossed will vote yes; those opposed will vote no.

A vote of the House was taken.

76 having voted in the affirmative and 19 having voted in the negative, the motion did prevail.

Thereupon, Mr. Farrington of China offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-831) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: The Statement of Fact states, this amendment is to have the bill apply not only to second offenders but any subsequent offender thereafter. The way the bill was originally written, it just said second offenders, and I think it would be your intention that the fourth, fifth offenders also be included.