

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, February 3, 1971

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

Prayer by the Rev. Canon Roger S. Smith of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees
Ought to Pass**

Report of the Committee on Business Legislation reporting "Ought to pass" on Bill "An Act to Correct an Error in Filing Fee for a Financing Statement under Uniform Commercial Code" (S. P. 1) (L. D. 15)

Report of the Committee on Labor reporting same on Bill "An Act relating to Witnesses in Workmen's Compensation Hearings" (S. P. 61) (L. D. 93)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read twice and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act relating to Qualifications and Term of Office of Commissioner of Inland Fisheries and Game" (H. P. 262) (L. D. 351) which was referred to the Committee on Fisheries and Wildlife in the House on January 26.

Came from the Senate referred to the Committee on State Government in non-concurrence.

In the House: On motion of Mr. Porter of Lincoln, the House voted to recede and concur.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills, Resolves and Resolutions were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

**Appropriations and Financial
Affairs**

Bill "An Act relating to Welfare Assistance" (H. P. 408) (Presented

by Mr. Genest of Waterville)

Bill "An Act Appropriating Funds for the Completion of Renovating Kupelian Hall, Pineland Hospital and Training Center" (H. P. 409) (Presented by Mr. Jalbert of Lewiston)

Resolve Providing Funds for Improvement of West Quoddy Head State Park Access Road" (H. P. 410) (Presented by Mr. Donaghy of Lubec)

Resolve Appropriating Funds for Swimming Pool at Pineland Hospital and Training Center" (H. P. 411) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act relating to the Conservation and Management of Migratory Birds" (H. P. 412) (Presented by Mr. Kelley of Southport)

Bill "An Act to Limit the Taking of Smelts in the Eastern River in the Town of Dresden to Hook and Line" (H. P. 413) (Presented by same gentleman)

Bill "An Act to Increase the License Fee and Limit the Number of Marine Worm Digger's Licenses Issued" (H. P. 414) (Presented by same gentleman)

Resolve Regulating Fishing on Part of Moose River, Somerset County" (H. P. 415) (Presented by Mr. Lawry of Fairfield)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act relating to Licensure of Physical Therapy Assistants and Temporary Permits Under Physical Therapy Law" (H. P. 416) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act relating to Reporting of Motor Vehicle Accidents" (H. P. 417) (Presented by Mr. Cooney of Webster)

Bill "An Act relating to Notice of Hearings before the Administrative Hearing Commission" (H.

P. 418) (Presented by Mr. Jalbert of Lewiston)
(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act Revising Certain Safety Laws in the Department of Labor and Industry" (H. P. 419) (Presented by Mr. Bedard of Saco)

Bill "An Act to Amend the Municipal Public Employees Labor Relations Law" (H. P. 420) (Presented by Mr. Bustin of Augusta)

Bill "An Act relating to Disqualification of Benefits for Certain Female Claimants under Employment Security Law" (H. P. 421) (Presented by Mrs. Doyle of Bangor)

Bill "An Act Affecting Unemployment Compensation During a Stoppage of Work Because of a Labor Dispute" (H. P. 422) (Presented by Mr. Genest of Waterville)

Bill "An Act to Revise Eligibility Requirements for Unemployment Compensation Benefits" (H. P. 423) (Presented by Mrs. Goodwin of Bath)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act relating to Tenants Serving on Local Housing Authorities" (H.P. 424) (Presented by Mrs. Doyle of Bangor)

Bill "An Act Granting Permits to Blind Persons to Operate Vending Facilities in Public Buildings" (H. P. 425) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)
Sent up for concurrence.

Liquor Control

Bill "An Act relating to Sale of Liquor Not to be Consumed on the Premises" (H. P. 426) (Presented by Mr. Cote of Lewiston)

Bill "An Act relating to Definition of Retailer under Liquor Law" (H. P. 427) (Presented by Mr. Stillings of Berwick)

Bill "An Act relating to Definition of Wholesaler under Liquor Law" (H. P. 428) (Presented by same gentleman)

Bill "An Act relating to Issuance of Malt Liquor Licenses" (H. P. 429) (Presented by Mr. Tanguay of Lewiston)

(Ordered Printed)
Sent up for concurrence.

Natural Resources

Bill "An Act to Regulate Deposit of Forest Products in Waters of the State" (H. P. 430) (Presented by Mr. Dam of Skowhegan)

(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act relating to Purpose of Baxter Wilderness Park" (H. P. 443) (Presented by Mr. Birt of East Millinocket)

Bill "An Act to Place Full-time Deputy Sheriffs under Personnel Law" (H. P. 431) (Presented by Mr. Henley of Norway)

Bill "An Act relating to Staffing the Joint Standing Committees of the Legislature" (H. P. 432) (Presented by Mr. McTeague of Brunswick)

Bill "An Act Permitting the Establishment of a Pleasant Point Passamaquoddy School Committee" (H. P. 433) (Presented by Mr. Mills of Eastport)

Bill "An Act relating to Participating Local Districts in the Maine State Retirement System" (H. P. 434) (Presented by Mr. Murray of Bangor)

Bill "An Act to Grant Adult Rights to Persons Eighteen Years of Age" (H. P. 435) (Presented by same gentleman)

Resolution Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor" (H. P. 436) (Presented by Mr. Lucas of Portland)

Resolution Proposing an Amendment to the Constitution Repealing the Provisions Which Establish the Treasurer of State as a Constitutional Officer" (H. P. 437) (Presented by Mr. Murray of Bangor)

Resolution Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money" (H. P. 438) (Presented by

Mr. Starbird of Kingman Township)

Resolution Proposing an Amendment to the Constitution to Provide for the Selection of a Lieutenant Governor, for His Duties and for Vacancies in the Office of Governor" (H. P. 439) (Presented by Mr. Vincent of Portland)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act Increasing State Tax in Unorganized Territory" (H. P. 440) (Presented by Mr. Morrell of Brunswick)

Bill "An Act relating to Trade-in Credit for Watercraft under the Sales Tax" (H. P. 441) (Presented by Mr. Kelley of Southport)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act relating to Elderly Persons' Examinations for Motor Vehicle Operators' Licenses" (H. P. 442) (Presented by Mr. Lewis of Bristol)

(Ordered Printed)
Sent up for concurrence.

Veterans and Retirement

Bill "An Act relating to Injury or Incapacity of Wardens of the Departments of Inland Fisheries and Game and Sea and Shore Fisheries" (H. P. 444) (Presented by Mr. Good of Westfield)

Bill "An Act relating to Retirement of, and to Allowance for Widow of, the Administrative Hearing Commissioner" (H. P. 445) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)
Sent up for concurrence.

Orders

Mr. Whitson of Portland presented the following Joint Resolution and moved its adoption:

WHEREAS, Alan B. Shepard, Jr., Edgar D. Mitchell and Stuart A. Roosa are performing a duty of national importance in their flight to the moon; and

WHEREAS, the Members of the 105th Legislature wish them safety and success in their endeavor; now, therefore, be it

RESOLVED: That we, the Members of the Senate and House of Representatives of the One Hundred and Fifth Legislature assembled, extend to Alan B. Shepard, Jr., Edgar D. Mitchell and Stuart A. Roosa our warmest wishes and hopes of success in the completion of their mission; and be it further

RESOLVED: That duly authenticated copies of this Resolution be forwarded forthwith by the Secretary of State to Alan B. Shepard, Jr., Edgar D. Mitchell and Stuart A. Roosa at Houston Space Center and that the Secretary of State immediately dispatch a telegram to this effect to Houston Space Center. (H. P. 446)

The Joint Resolution was adopted and sent up for concurrence.

On motion of Mr. Birt of East Millinocket, it was

ORDERED, that Rev. Howard Roberts of East Millinocket be invited to officiate as Chaplain of the House on Wednesday, March 10, 1971.

On motion of Mr. Carter of Winslow, it was

ORDERED, that Rev. Ernest L'Heureux of Winslow be invited to officiate as Chaplain of the House on Thursday, February 11, 1971.

House Reports of Committees Ought to Pass Printed Bills

Mr. Curtis from the Committee on State Government reported "Ought to pass" on Resolution Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years (H. P. 35) (L. D. 67)

Mr. Curtis from the Committee on Veterans and Retirement reported same on Bill "An Act to Clarify and Revise the Maine State Retirement Law" (H. P. 88) (L. D. 128)

Reports were read and accepted, the Bill read twice, Resolution read once, and tomorrow assigned.

Third Reader Tabled and Assigned

Bill "An Act relating to Rate of Contributions of Employees under

State Retirement System" (H. P. 87) (L. D. 127)

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

(On motion of Mrs. Lincoln of Bethel, tabled pending passage to be engrossed and specially assigned for Friday, February 5.)

**Passed to Be Engrossed
Amended Bill**

Bill "An Act Authorizing the City of Augusta to Lease Area within Proposed Civic Center" (H. P. 135) (L. D. 190)

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

Orders of the Day

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

Bill "An Act to Authorize Bond Issue in the Amount of \$3,850,000 for Student Housing at Central Maine Vocational Technical Institute, Eastern Maine Vocational Technical Institute, Northern Maine Vocational Technical Institute, and the Maine Maritime Academy, Site Improvements at Washington County Vocational Technical Institute, Heating and Air Conditioning Shop and Laboratory at Southern Maine Vocational Technical Institute, Completion of School Building at Peter Dana Point Reservation and Tribal Halls for Penobscot and Passamaquoddy Reservations" (H. P. 175) (L. D. 233) (In House, referred to the Committee on Appropriations and Financial Affairs. In Senate, referred to the Committee on Education in non-concurrence).

Tabled—January 28, by Mr. Bragdon of Perham.

Pending—Further Consideration.

On motion of Mr. Bragdon of Perham, the House voted to insist.

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

Bill "An Act relating to Cost of School Construction for State Aid"

(H. P. 223) (L. D. 305) (In House, referred to the Committee on Education. In Senate, referred to the Committee on Appropriations and Financial Affairs in non-concurrence).

Tabled—January 28, by Mr. Porter of Lincoln.

Pending—Further Consideration.

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

Mr. PORTER: Mr. Speaker, I move the House insist.

The SPEAKER: The gentleman from Lincoln, Mr. Porter, moves that the House insist on its former action. The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I move we recede and concur, and would speak to my motion.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that the House recede from its former action and concur with the Senate, and the gentleman may proceed.

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: This is my bill, and it would set cost on the construction of school buildings at least to the limit that the State would participate to a maximum sum for each and every community. And I would ask the House where they feel that this bill would get the best chance for a fair hearing, in the Appropriations Committee or the Education Committee.

I would also say that when we discuss other buildings, they are sent to the Appropriations Committee. Health and Welfare is not sent to Health and Institutional Services, these buildings are also sent to Appropriations Committee.

There will be a savings to the state in the long run in this matter, and as most of you may or may not be aware, the superintendent serves building committees as a secretary, and exerts a tremendous amount of influence on these building committees. You may also be aware that these building committees do not always contain people who are knowledgeable in the construction field.

It is unfortunate that a member of the Education Committee chose

to involve the Assistant Majority Leader in this matter. It is certainly not a partisan issue, unless you want to say that saving money for the State of Maine is a partisan issue, and I don't believe it is.

Superintendents are, by their nature, in competition with each other for teachers, better buildings, better books, better programs. And I say that if a town wants to build a monument to a superintendent then it should foot the bill for everything over a standard cost. Thank you. I would ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Millett.

Mr. MILLETT: Mr. Speaker and Members of the House: I really don't wish to argue the merits of the four tabled items which we are dealing with here this morning. I am referring to items 1, 2, 3, and 4, all of which have been tabled, two from last Thursday, and two from yesterday. The dispute seems to me as to whether or not the Committee on Education or the Committee on Appropriations and Financial Affairs should wrestle with problems dealing with educational facilities which also carry price tags or financial involvement.

I would say in reference to item two, the item we are discussing at this point, it had been my understanding in the past that the Appropriations Committee dealt with items of departmental request, both in the area of Parts I and II. This bill has no such request. It is true, as the gentleman from Waterville, Mr. Carey, has indicated, that it does carry financial repercussions in the sense that a minimum standard of construction, or a minimum cost per foot would be detailed in the particular bill itself.

I would also say that the Committee on Education is, I think, qualified to analyze bills which have educational policy written into them. And in this regard, I might speak just very briefly to item 1, which we just disposed of. We are not trying to make a power play of any kind in the Committee on Education.

But there has been some disagreement here on whether or not we should deal with matters which have long range policy effect, in terms of the establishment of the vocational-technical schools, the entire realm of school construction itself.

I would feel that item two would be more appropriately discussed within the Education Committee, and therefore I would support the motion of the gentleman from Lincoln to insist.

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

Mr. PORTER: Mr. Speaker and Members of the House: I would like to inform the gentleman from Waterville, Mr. Carey, and Members of this House, that no one from Education has contacted me concerning this bill. It is a matter of the Reference of Bills Committee. We felt it belonged in that particular committee, and I would read the statement of fact. "This bill attempts to set cost standards for the cost of construction of school facilities." It seems to me that is a matter of philosophy. Therefore, I think it belongs to the Committee on Education, and I will ask for a division, please.

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

Mr. JALBERT: Mr. Speaker, would it be possible to ask what the price tag of this bill is?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to any member, who may answer if they choose, relative to item two. The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, there is no price tag at this time. There is a savings to the state, but unfortunately that figure hasn't been brought forth, because we don't know what is coming forth in school construction.

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

Mr. JALBERT: Mr. Speaker and Members of the House. The gentleman from Dixmont, Mr.

Millett, has touched on the philosophy of the four items as brought before you. And I might suggest that ever since I can remember, these measures concerning vocational training schools or construction have been referred to the Appropriations and Financial Affairs Committee.

As a matter of fact, staying for a brief moment with item one, I am hoping when this bill gets to our committee, which it has been referred to, to present an amendment which will save one-fourth the cost. And a plan has been developed which will save our own director of the vocational school and others, besides myself, that this will save or cut the cost down at least three-fourths on the construction. It is a new program that I will bring forth before the committee.

Also if this measure here, and measures like these are to go to another committee but the Appropriations Committee, if it means dollars and cents, then how in heaven's name is the Appropriations Committee going to arrive at some sort of a program to submit to you people?

I am not going to make an issue of it, but very definitely these measures belong nowhere — and I am in an odd position to say so, of course, being on the Appropriations Committee — but I might suggest to the membership that these bills belong nowhere else but the Appropriations Committee. And if we are going to keep on doing this, then let's just do one thing, let's just abolish the Appropriations Committee and parcel out these bills to the Liquor Control Committee or other such committees.

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

Mr. HASKELL: Mr. Speaker and Members of the House: This whole area, I think, deserves a little more examination. The next item coming up, item three, the same—

The SPEAKER: The Chair would advise the gentleman and Members of the House to confine your remarks to the subject matter of

the matter before us, which is item two. This is under the rules.

Mr. HASKELL: Item two, again, the dispute — not dispute really, but the discussion revolves around the fact that many of these bills that carry a money tag for education, also carry some education policy implications that seem to fall within the province of the Committee on Education.

It is difficult to be in a situation where the bill is considered only for the effect of the appropriation without a real examination of the overall policy that lies behind it.

As an example, the Education Committee has reported out unanimously "ought not to pass" a request for a vocational-technical institute in one area of the state, largely on the basis of policy; that is, we did not feel that a sound, overall vocational policy has been established. So that it becomes a question of how we are going to have the policy examined, and at the same time, how we are going to have the total financial picture handled.

It seems to me that there should be some technique that could be developed so that these appropriations bills that do carry educational policy decisions could be reviewed by both committees.

I know that traditionally they have been examined only by Appropriations. But there are some extremely important policy decisions in this area of vocational education that are coming up. And this is the reason for the quandary as to where the assignment will be made.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I guess I am somewhat in a quandary myself, being a member of the Reference of Bills Committee. But I would point out to the Members of the House that since this particular item does involve saving of money, or possible saving of money to the state, and since traditionally such items have gone to the Appropriations Committee, this is probably

where it ought to go. If, for some reason, the Education Committee thinks that there will be possible savings or objections to the item because of policy of education, then perhaps it could be feasible to set up a joint hearing, or even perhaps a joint executive session to carry this out. And I think this is quite possible, and probably should be the thing that is attempted here. But since traditionally such items have gone to the Appropriations Committee, this is probably where it ought to go.

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

Mr. McNALLY: Mr. Speaker, a parliamentary question.

The SPEAKER: The gentleman may pose his inquiry.

Mr. McNALLY: Mr. Speaker, what happens if we insist? Will there be any conference between the two bodies?

The SPEAKER: The Chair is in a quandary to advise the gentleman as to what may happen. If the Senate concurs with the House in its insisting that this go to the Education Committee, it will go to the Committee on Education.

Mr. McNALLY: Mr. Speaker and Members of the House: I feel this is a bill that shouldn't be killed by any maneuver of insisting, because it surely has merits, and it would undoubtedly save money if people who draw up the plans, along with the superintendents, since we went through a deal like this in Ellsworth.

The superintending body, of course, wants the best he can get hold of, the architects want to make the most money they can out of their plans. And this is one way of perhaps making both parties realize that you can't always afford everything but the very best.

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Millett.

Mr. MILLETT: Mr. Speaker and Ladies and Gentlemen of the House: I think many of you are getting the impression that the Education Committee is a

completely liberal committee, which has no intention of saving the State of Maine money in any way. And I want to dispel that notion this morning, and concur with what the gentleman from Houlton has said earlier.

We took a very negative stand on a bill which had very worthwhile merits, the Knox County Regional Vocational-Technical School, submitted by the gentleman from Rockland, Mr. Emery. We did so on the basis that we felt a long-range policy ought to be established, and that we ought to make better use of our existing VTI's before we go further into the field.

I think you will find that the committee has a very long-range and conservative outlook where money is involved. I think the suggestion of the gentleman from Eagle Lake, Mr. Martin, is the very idea which had existed in the two chairmen, the Senate chairmen of Education and Appropriations, namely that we in the Education Committee might give analysis to the policy implications of a bill such as this, and then in concurrence with Appropriations, where a price tag is involved, report out a joint report, or at least meet in joint executive session.

Again I want to reemphasize the fact we are not trying to grab bills that do not relate to educational policy. But we do feel that rather than take bills on a separate basis, and just in a helter-skelter fashion report out some "ought to pass" and some "ought not to pass", that some long-range policy decisions should be made. And we are willing to attempt to assist in making these decisions within the Education Committee.

The SPEAKER: The Chair will advise the House that the question and motion of priority is to recede and concur. If you recede and concur this matter will be referred to the Committee on Appropriations and Financial Affairs. A vote has been requested. All in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

87 having voted in the affirmative and 52 having voted in the negative, the House voted to recede and concur.

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

Bill "An Act to Authorize Bond Issue in the Amount of \$19,145,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine" (S. P. 129) (L. D. 376) (In Senate, referred to the Committee on Education)

Tabled — February 2, by Mr. Porter of Lincoln.

Pending — Reference in concurrence.

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

Mr. PORTER: Mr. Speaker, I move this item be referred to the Committee on Appropriations and Financial Affairs.

The SPEAKER: The gentleman from Lincoln, Mr. Porter, moves that this item be referred to the Committee on Appropriations and Financial Affairs in non-concurrence. The Chair recognizes the gentleman from Houlton, Mr. Haskell.

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: This particular bill, I would like to relate an experience that I had in the last session. I think that this points up the real problem in this matter of policy decision.

In the last session I had some questions in my mind regarding the overall educational policy in regard to continued expansion of the super-university system. My only method of questioning the underlying policy was to appear when this bill was heard before the Appropriations Committee as an opponent of the capital funds requested. And appearing as an opponent, I raised some questions regarding policy at the university, and did not get answers to my questions because of the format of a public hearing.

Now whether the Appropriations Committee picked up the questions that I raised in the public hearing,

I have no way of knowing. I do know that in the last analysis the Appropriations Committee did reduce the amount that was requested by the university.

This year I again have questions regarding both the size of the university capital funds request, and I also have questions regarding current trends in higher education that I would like to have answered. If this bill is heard only by the Appropriations Committee I can see no technique by which I can get my questions regarding the capital funds request of the university answered, except to again appear in the public hearing as an opponent. And the university in this situation is under no obligation to give me the answers to the questions that I am going to raise.

For this reason it seems to me entirely reasonable that in this particular area, especially, that the Education Committee should be given an opportunity to raise the questions that are in our minds regarding overall policy at the university and the necessity for increased capital construction.

Now if, on the other hand, the bill is heard simply by the Appropriations Committee on the basis that the continued expansion of the university is the accepted policy of this body, which may or may not be the case, in my view we are not getting a true, deliberative approach to an extremely important problem in the educational field. An approach in which I feel those on the Education Committee who do have legitimate questions to raise in this area should have an opportunity to do so.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Last week there was a measure that I presented that concerned itself with private schools. The bill was to be referred to the Committee on Appropriations, it had a price tag on it. But it was pointed out to me that the measure was plainly philosophy, and what would be my reaction to having it referred to the Committee on Education in-

stead of the Committee on Appropriations. And I immediately agreed that that measure should be referred to the Education Committee, bowing to the judiciousness of the Reference of Bills Committee.

And this particular measure here, if there ever was a bill that concerns itself with no philosophy, it is this one. Talking of Number 376, Description of Construction at Orono, \$100,000; Portland - Gorham, \$140,000; Machias, \$960,000, and so on and on. Strictly a bond issue. And frankly, I might say a little bit of the percentage of the reason why I am on my feet is that I have got to really admit to you that I want to get at this one, and I want it nice and close to home. I can't clip anybody when he is 18 feet away from me, but when I get this one in the room where I want it, I can sure go to work on this little bauble, I guarantee you. And this bill here belongs not to be heard jointly, it doesn't belong anywhere but the Appropriations Committee. And when the vote is taken I hope that it be a division.

And if the gentleman from Houlton, Mr. Haskell, has difficulty finding out some questions from the hierarchy of higher education, give me the questions, I will find out the answers.

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. Porter, that this Bill be referred to the Committee on Appropriations and Financial Affairs in non-concurrence. A vote has been requested. All in favor of referring this to that Committee will vote yes; those opposed will vote no.

A vote of the House was taken.

130 having voted in the affirmative and 9 having voted in the negative, the Bill was referred to the Committee on Appropriations and Financial Affairs in non-concurrence and sent up for concurrence.

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

Bill "An Act relating to School Construction Aid" (S. P. 152) (L.

D. 421) (In Senate, referred to the Committee on Education)

Tabled — February 2, by Mr. Porter of Lincoln.

Pending — Reference in concurrence.

The House voted to refer the Bill to the Committee on Education in concurrence.

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

Bill "An Act relating to Sale of Pet Animals from Kennels and Pet Shops" (H. P. 394) (Committee on Reference of Bills suggested Committee on Legal Affairs)

Tabled — February 2, by Mr. Evans of Freedom.

Pending — Reference.

On motion of Mr. Evans of Freedom, referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

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

Bill "An Act relating to Return Date for Warrants Against Owner or Keeper of Unlicensed Dogs" (H. P. 395) (Committee on Reference of Bills suggested Committee on Legal Affairs)

Tabled — February 2, by Mr. Evans of Freedom.

Pending — Reference.

On motion of Mr. Evans of Freedom, referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

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

Bill "An Act Prohibiting Humane Agents from Quarantine of Dog Kennels" (H. P. 396) (Committee on Reference of Bills suggested Committee on Legal Affairs)

Tabled — February 2, by Mr. Evans of Freedom.

Pending — Reference.

On motion of Mr. Evans of Freedom, referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

Mr. Lund of Augusta was granted unanimous consent to address the House.

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: My purpose in rising today is to draw your attention to a most serious problem confronting the State of Maine, and which is the subject of a Joint Resolution on page five of your Senate Calendar for today.

At the 104th Legislature we enacted into law a whole new concept of oil handling legislation. The Coastal Conveyance bill represented a breakthrough at the state level. It has become fashionable to use superlative terms in describing legislation. But if anyone doubts the accuracy of my description of the results of the bi-partisan efforts that resulted in the Oil Handling bill last session he should refer to the booklet of suggested state legislation published and distributed on your desks the other day by the Council of State Governments. You will find the Oil Handling bill there described as being patterned after our Maine law.

Well, you may ask, how is this new landmark legislation working? The answer is that it isn't. The operation of the new oil handling law has been stalled by an injunction brought by the oil industry, while the constitutionality of the law is being tested in our courts. It has been stalled by a rapacious oil industry that professes to be oh-so-concerned with our environment. Oh - so - concerned with our environment, that is as long as it doesn't inconvenience the oil industry, or cost the industry any money. Perhaps it should be pointed out that it is not necessary to enjoin the operation of the law in order to test its unconstitutionality.

But while our state is without protection due to the injunction against enforcement of the Oil Handling bill, we have apparently left our state agencies without sufficient guidance as to where the public interest lies in regard to the encouragement of new industries in our state.

Many of us were dismayed to see at least one of our state departments actively encouraging the location of an oil refinery in the

City of South Portland. After that effort was defeated as a result of an effective zoning ordinance in South Portland, we are dismayed again by the same company encouraged by the same state agency, attempting to locate its oil refinery in Sears Island in the Penobscot Bay.

The Sears Island proposal, like others, involves bringing supertankers into deep water piers for unloading. A new navigational system is proposed to avoid accidents and oil spills. But if eliminating oil spills can be accomplished by simply adopting new navigational control systems, why aren't existing oil handling ports in this country doing it now?

We were dismayed a few weeks ago by the news that two small tankers collided in a fog under the San Francisco bridge, discharging more than a million gallons of Bunker C fuel into the bay. Now this accident didn't involve some Liberian rust bucket held together with concrete patches. Both vessels were owned by Standard Oil. If Standard Oil, with assets of over six billion dollars, cannot manage to keep two of its own tankers from colliding in San Francisco Bay, how are we to believe that supertankers many times as large and many times as unwieldy are going to scoot safely in and out of Penobscot Bay, which is often fog shrouded, and always studded with islands and reefs?

The answer clearly is that they can't do it safely with existing applied technology. If oil comes to Maine under existing conditions, sooner or later we too will have an oil spill.

Let's examine the probable consequences of such an accident involving a supertanker. In the first place, a supertanker of 200,000 tons or more is larger than any of the ships thus far involved in oil spills. Authorities tell us that if a supertanker should go aground off the Maine coast and lose its cargo, more oil would be spilled than has been lost by the total of all other known oil spills in the world since the beginning of time.

We also know now from recent studies of the effects of a spill

that oil does not mysteriously disappear. If it is not recovered, it gradually collects dust and debris until it sinks to the bottom where it destroys sea life and enters the food chain of the organisms it doesn't kill, rendering them unfit for human consumption. We do not know how many years this toxicity continues.

We in the Maine Legislature ought, therefore, to weigh the likelihood and consequences of such a disaster, and their effect upon our existing fishing and recreational industries in considering the advisability of promoting oil port development on our coast. Most of you will probably join me in the thought that the oil industry has not yet demonstrated to the world, to our nation, or to our State of Maine that it has developed sufficient safeguards against the dangers of oil spills, that we are ready to accept the conse-

quences to our present renewable resources in our fishing and recreational industries.

The burden of proof lies properly with the oil industry, and I say they have not yet met that burden. Until that burden has been satisfied we ought not to be using our precious state resources to encourage the location of oil industry on the Maine Coast. The Joint Resolution which I have referred to on the Senate Calendar spells out this policy for the guidance of all state agencies. I therefore urge you, for our own sake, and for the sake of generations to come, to give careful consideration to passage of this resolution when it comes before this body.

On motion of Mr. Susi of Pittsfield,

Adjourned until nine o'clock tomorrow morning.