

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

Tuesday, February 9, 1971

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

Prayer by the Rev. Mr. Roy W. Moody of Gardiner.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Joint Resolution: (S. P. 195)

WHEREAS, the proposed development of facilities associated with the transportation, storage and refining of oil and oil products within the boundaries of the State of Maine is receiving continued attention from all of the citizens of the State of Maine; and

WHEREAS, increasingly numerous incidents such as the foundering of the "Arrow" of Nova Scotia, oil drilling disasters in Louisiana and California and oil spills in the waters of other coastal states have proven damaging to the vital interests of the citizens of these states; and

WHEREAS, Maine has a tourist industry of inestimable value, including vacation facilities having a value in excess of \$270 million and an annual tourist expenditure level in excess of \$400 million; and

WHEREAS, sixty per cent of Maine's capital investment in vacation facilities are located on the coast of Maine due to its unique aesthetic characteristics; and

WHEREAS, oil spillage and pollution would greatly endanger the fishing industry of Maine which now produces a product having a value in excess of \$140 million annually; and

WHEREAS, a law passed at the Special Session of the 104th Legislature designed to protect the vital interests of this State in controlling the handling of oil and preventing oil pollution has now been rendered ineffective by injunctive procedures brought on behalf of a group of oil companies; and

WHEREAS, it has come to the attention of the Legislature that certain governmental agencies have been actively promoting and encouraging the establishment of oil related industries along the Maine coastline most recently and particularly on Penobscot Bay; and

WHEREAS, in adopting the following Resolution the Legislature does not intend to alter or affect in any way the duties and responsibilities of the Environmental Improvement Commission; now, therefore, be it

RESOLVED: That the 105th Legislature of the State of Maine, having regard for its vital interest in the preservation of its unique natural resources for the benefit of our citizens and in its valuable tourist and fishing industries, hereby directs each and every agency, commission and department of the Government of this State, other than the Environmental Improvement Commission, to forthwith halt any promotion of or material assistance to any business activity involving the drilling for or refining of oil or oil products, or the transportation or storage of oil or oil products on or near coastal waters of the State, not destined for consumption in Maine, until the litigation concerning the validity of Chapter 572 of the Public Laws of 1969 has been resolved; and be it further

RESOLVED: That copies of this Joint Resolution, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to each department, agency and commission as notice of the Legislature's intent.

Came from the Senate read and adopted.

In the House, the Resolution was read.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The marvels of modern technology have brought us more than their desired effects. They carry grave risks and perils, some of which have caused problems

for which there are at present no satisfactory answers. The possibility of a massive oil spill on the coast of Maine, with its accompanying gross pollution is dreadful to contemplate. It is a terrifying prospect. It is the spectre which is raised whenever oil development is mentioned. Will this spectre be laid to rest by passage of the resolution before us? What effects can we expect if we concur with the Senate on this matter?

We have been informed that this resolution will have no legal effect, that it will not be binding on any actions of the DED or any other State department.

I would like to read to you the letter I sent to the Attorney General's Department and the response:

"Dear George,

The Senate has voted to pass Senate Paper 195 relative to Joint Resolution to cease State Encouragement or Development of Oil Related Industries along the Maine Coast until pending litigation is resolved.

It appears that the Maine Revised Statutes, Title 10, Section 601, Sub-chapter V-A, section 3 that the Department of Economic Development is to 'encourage and assist in the promotions and development of the resources and facilities of the State by co-operating with and assisting other state agencies, and public and private organizations.'

May the State Legislature by Joint Order direct a State agency to 'halt any promotion of or material assistance to any business activity involving the drilling for or refining of oil or oil products, or the transportation or storage of oil or oil products on or near coastal waters of the State, not destined for consumption in Maine,' as cited in above mentioned order."

And the response:

"February 5, 1971

Dear John:

I have your letter of February 4 relative to Senate Paper 195. . . . You asked the question whether the State Legislature by

Joint Order may direct a State agency to 'halt any promotion of or material assistance to any business activity involving the drilling for or refining of oil or oil products, or the transportation or storage of oil or oil products on or near coastal waters of the State, not destined for consumption in Maine.' Relative to the Joint Order, you quote from 10 M.R.S.A. § 611, sub-section 3, as being the law which the Joint Order attempts to overrule.

This office has in the past ruled that a Joint Order does not amend or repeal a Legislative Act. A statute or Legislative Act may only be amended or repealed by an Act of the Legislature passed by both Houses and approved by the Governor, and additionally approved on referendum if such further action is necessary in the particular instance. Therefore, we must say that insofar as the Joint Order seeks to repeal or amend the provisions of the above-cited statute, it must fail of its intended purpose.

Very truly yours,

George C. West
Deputy Attorney General"

Therefore, the immediate objective of the resolution is not served. It will have two secondary effects: first, it will give vent to the mood of the Legislature, to the general feeling of vexation and frustration at the technological pollution caused by the unrestrained actions of the past; second, at the very session in which governmental reform is being seriously considered and attempted, a legislative directive would run counter to statutory authority.

Title 10, Subchapter III, dealing with industrial promotion of the Department of Economic Development states: "Solicitation for industrial prospects. Devise, initiate and prosecute an aggressive system of solicitation of and assistance for industrial prospects without the State" This section of the statute clearly sets forth a duty to the DED. This resolution before us would not interdict the statute, as I have already read to you the decision of the Deputy Attorney General. It would, however, introduce the problem of the

effectiveness of a statute being weakened by the whim of a current Legislature. This year, oil is to be discouraged. Next year — what? At a time when the public is demanding more effective representation and more effective government, is this a responsible move for this body?

If we are serious in our concern that oil development on the coast be halted, we have two courses open. We can introduce a bill to repeal that area of responsibility which is now the province of the DED. We can hold public hearings to obtain all the information available. If we feel, at the conclusion of the hearings, that it is in the best interests of the state to suspend all new development of any kind, we can enact legislation to that effect.

The second course open to us is to utilize the protection we already have. The 104th passed landmark legislation in the Site Location Act, the preamble to which states: "The Legislature finds that the economic and social well-being of the citizens of the State of Maine depends upon the location of commercial and industrial developments with respect to the natural environment of the State; that many developments, because of their size and nature, are capable of causing irreparable harm and damage to the people and the environment in their surroundings; that the location of such developments is too important to be left only to the determination of the owners of such developments; and that discretion must be vested in state authority to regulate the location of developments which may substantially affect environment."

The police power of the state to control the location of developments substantially affecting local environment is exercised through a negative vote by the Environmental Improvement Commission. The vehicle for our protection is already available. If that protection appears weaker than some may wish, strengthen it by providing adequate staff and enlarging the Commission's area of jurisdiction to implement the law thoroughly and completely. An-

other method to explore may be statewide zoning which could place broad regions of the state out of the reach of any environmentally risky venture.

I urge the members of the House to examine their motives and objectives very closely and determine for themselves whether passage of this resolution would be an effective, responsible instrument of legislative deliberation, or an exercise in futility. Will this measure accomplish what its sponsors intend? I believe it will not. I consider this a well-intentioned, but ill-designed method of attempting to reassure the people of Maine. In actuality, its lack of effectiveness makes it a hoax.

The SPEAKER: The Chair recognizes the gentlewoman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: This order we have before us may not have the power of a law, but it does have the power of an attitude. More and more I am convinced that unless we have the right attitudes about our environmental crisis, curing pollution and refusing to pollute, the bigger the gap is going to become between what is said about pollution and what is actually being done.

All the laws we pass will be helpless to effect the kind of thoroughgoing changes which will be necessary unless we wish to regulate every aspect of our lives and unless all segments of society and government have a sincere attitude, instead of saying one thing and doing another. There is a gap right now between what is being said and what is being done at every level of government and in every part of society.

The impetus of much of this must come from the people. So far in each community that has been threatened by the inherent conflict of business interests versus environmental interests, the people have taken a stand against the business — I speak of Trenton, Machiasport, South Portland, and now Searsport. We do have far-reaching measures passed in the 104th.

I believe this order is a response by government to those people and to many other citizens in Maine who do not believe that an oil refinery on Sears Island is in the best interests of the people of Maine for the long term.

I would like to quote to you Philip Wylie, a noted author, who said recently, "We must leave to posterity ample evidence of the nature of Nature, or our heirs will read about what is no more — and conclude that what made a few of us rich, and many comfortable, left them, our heirs, poor indeed, a city dump habitat on the shores of a sewer sea."

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

Mr. JALBERT: Mr. Speaker and Members of the House: Speaking as a member of the Environmental Committee within the Legislative Research Committee that studied this situation, it could be well that some explanations might be in order.

Certainly the Legislature at a Special Session last year presented and passed landmark legislation. It would appear that somewhere along the line, eventually, a closer rapport between those whom we might call extreme conservationists and environmentalists might be in order.

It would appear also that we might possibly heed—or the gentleman who heads the Department of Economic Development might also heed the comments that were made to the Sunday Telegram, in which it was quoted that Democratic Governor Curtis told the Telegram he did not believe that the DED was promoting oil development in Maine now. If Keefe is in favor of more oil developments along the Maine coast "he is expressing his opinion as an individual."

On that basis it would appear to me that that part of the order which devotes itself to the economic development is proper.

I like personally the individual who heads the DED; I remember, however, distinctly in my own City of Lewiston, the very first time he made a public address at

the annual Chamber of Commerce meeting, he leveled a mild blast at legislators and the Legislature. I had not met him then. I have met him since. I have grown to like him as an individual. I went to him, introduced myself to him, and I suggested to him that possibly the idea of taking off on the Legislature, or legislators, might be, in my words, like fighting city hall. I left it there, and there it lies.

It might be also suggested to those who are with the oil interests that they submit their briefs as quickly as possible to the Superior Court, so that these can be heard. And then the proper issue on funding of the refineries, if we ever have them, would be done properly. And also the question, naturally, of the constitutionality of the law.

This problem must go through the method of the Superior Court, because of the fact that we have nothing to give to the Court now. We have no vehicle, we have no bill that we could ask the Supreme Court, that is, for an opinion. Therefore the attorneys, who have a right to, for the oil industries, have resorted to appeal through the Superior Court, which would naturally then be appealed to the Supreme Court.

I think possibly this order might also state what should be stated in the order and what the intent is, that we do not want oil at Searsport. Comment has been made to me by an extremely reliable source, that an official of Maine Fuels has been known to make the statement that if funds would be available for the dredging of the harbor at Searsport that it would come through the Legislature. My only comment to that is that it is extremely wishful thinking.

And also there might somewhere along the line, no matter how serious the problem is, there must be some levity to it. And certainly it would behoove me, on a bright sunny day in summer, when the gentleman in question from the Maine Fuels would appear in Searsport, or in that area, and he would take a peek at the white sneakers hanging off from the

verandas, just how much of a chance he would think he would have of passing or invoking a refinery in the area of Searsport.

I think eventually, if we did have — if we did have — and until the courts have decided, it is highly problematical if any passage by the EIC favorably of any area of a refinery could be favored.

And if it were, it behooves me that it could well be in the area of South Portland — and they have spoken no — and possibly in the Eastport area. In any event, I feel that in view of what I have read as to what the governor has stated, and I have quoted his own words; and in view of the fact that what I have stated as far as the courts are concerned, and what we must certainly do nothing now but have a wait and see opportunity. I think that right now it is serving notice as to what our feelings are. And I feel that the order is proper, and I certainly hope and endorse its passage.

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

Mr. CAREY: Mr. Speaker and Members of the House: I am having a slight problem figuring out who elected us to this body, whether it's the environmental lobby or the people back home who also want us to work for the industrial expansion of this great state.

As some of you who have been tied to municipal affairs in the past will recall, when you used to vote to cut the school budget you were labeled as being opposed to education. And I am sure that a vote against this order, which has no power, will be called a vote against the environment, and will certainly label you as one opposed to environmental control.

Now this couldn't be further from the truth. As some of you who will recall having served in the past session of the Legislature will know, we passed what is still considered to be the strictest of environmental legislation in the 104th. Are we forgetting that the Department of Economic Develop-

ment is charged by law with the operation of an Industrial Promotion Division, and that division is directed by law to help surrounding communities through the state in promoting new industries?

The DED is not hiding behind any closed doors when they talk to incoming industry or possibly prospective industrial developers. They point out the need to meet the EIC standards, and this is done before they allow construction.

Now if this order passes then the next logical step might be a bill to abolish either the DED or the EIC. We could proceed by Legislative order, and we certainly would save the state a lot of money.

We are currently being pushed by a group of Johnny-come-latelys who are on an environmental kick between causes. They want to stop where we are and clean up our air, our water, our land, and acquire more parks, playgrounds, and open space.

Now these people are not to be confused with the dedicated citizens who for years have pushed for meaningful improvements in our way of life. This latter group is to be complimented, and should be assured of our continued support in their efforts.

But of the first group, I say that the majority is made up of people who should start an environmental program on themselves. And that program includes haircuts, and a complete washing of the mind and body. That alone would be a great improvement in our way of life. Let them work to clean up the filth in today's movies.

One of the reasons that respected, responsible and sincere environmentalists have proceeded at the pace that they have is, I am sure, a complete knowledge that the programs that they support, and they ask us to support, cost huge sums of money, and open space and grass — and when I say grass, I am speaking of the real stuff — parks, nature trails, and the like contribute nothing to the tax structure, but rather they become a burden upon themselves to the over-burdened tax-

payer. These items do not buy bread, they do not provide clothing, or build homes, provide jobs, or any of the necessities of life.

There are those who would like Maine made a huge park, and a wildlife refuge so that tourists could have a place away from their jobs to come and relax. I don't represent the tourists. I represent the people of my city who live and work in the State of Maine 12 months out of the year.

Now we cry here in this state because of the rising taxes. I am sure most of you know that the easiest way to lighten the tax load is to spread it over more people and more industry. We cry here and in the communities all over the state because of the loss of our young people. We expand the capabilities of the University of Maine so that they can better train more of our children. But this only means that they leave us in greater numbers.

The way to hold the people here in the State of Maine is to offer them meaningful employment, and we won't be doing that if we put our thumb on the DED.

Industrial expansion is an amazing thing. By itself it generates more expansion. Basically it means the expanded need for more goods and services. And the particular industry that we are discussing here today means even more.

It means a good chance to reduce fuel costs that would benefit the taxpayer time and again. Reduced fuel costs would benefit the homeowner directly in his heating costs. It would also benefit the taxpayer who has to heat schools and municipal buildings with his tax dollars. And it would lower the electrical generating costs, which again would benefit him.

Now this industry means cleaner fuels, a major goal of the EIC. And in fact an area which has been referred to in the legislation of 1969. Our cost at the local or the state level is not constant, nor do we have any hope of it leveling off in the immediate future. We must generate new industry, and we must retain our young people.

Orders such as the one before us today are not helping solve our problems. The sponsor of the order himself conceded it is not binding because of the law which charged the DED with doing exactly what they are doing. Passage would only discredit the DED. It would widen the gap between us, and we are being used in the battle between some members of the DED and some members of this Legislature.

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

MR. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: We have heard from Aroostook County, we have heard from Kennebec County, we have heard from several other areas in the State of Maine. But I happen to represent ten miles of that beautiful coast down there in Penobscot Bay, and I think it's about time that I had something to say.

I would like to inform the House that there are very few Johnny-come-latelys on the coast of Maine. The greatest part of our population down there has been there for so many years that I hate to think back that far. And they appreciate that coast, they love their coast, and they don't particularly want to see anything come along to smudge up the rocks and the seaweed that we have down there.

I have seen oil on that coast. Some 10 or 15 years ago we had some of that God-awful black messy tar on the rocks from Camden through Friendship, and it took years to clean it up. We have an industry down there on the coast right now. We have the vacation industry which amounts to many millions of dollars to the State of Maine. We have a large fishing industry on the coast of Maine that this thing is not supposed to be good for — and I mean a spill of this particular industry would not be good for it.

I think back just a few days when there was a huge tanker came into the bay, and I am familiar with that bay. It was so big — and not as big as the tankers that they propose to bring into

Searsport right now — that they had to tie the thing up out there in the bay and pump the oil off onto small tankers to get it into the oil tanks at Searsport Harbor.

Now they talk of dredging that bay. You know what dredging it means? That's a rock bar, and they will blow a hole through that thing. I can just see the jagged edges of that scraping the bottom of some of these multi-million gallon tankers.

I think that this order — even though they say it may not do any good, I think that this order has a real point. I think it's the people in this Legislature expressing their thoughts. And I think that order portrays very honestly and very sincerely the thoughts of the people on the coast of this state.

The SPEAKER: The Chair recognizes the gentleman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: Mr. Speaker and Members of the House: I agree with the gentleman from Waterville. This order will not cure pornographic movies nor the economic ills of the State of Maine, nor will it relieve the tax burden or cure dandruff. However, I do think that as an expression from this Legislature it should be passed. You will find if you talk to those who have been involved personally in the past site presentations that they think it's great as long as it is somewhere else. Yes, we need more industry. Yes, we need more employment. Yes, we need a lot of people in the State of Maine. But not here, not where we are. And I think that this particular resolution perhaps will bring to the fore how many more sites has the DED got in mind? How many more times will we have to go through hearings and hassles and newspaper coverage of towns that are protesting?

The individuals on the coast that I have spoken with, they are not poor. They are not poor at all. They may not have much money, but they are not poor. They know what they have, and they are very definitely interested in keeping what they have, not only for themselves but for the future.

I think those of us who are for this resolution are not in blind opposition to progress. But we are in opposition to blind and dictatorial progress. Therefore, I think that if we could get some expression from the DED of other businesses, the clean industries that they are trying to bring, that we are not really against them. They are doing the job that they are supposed to do. But it seems at the moment — and perhaps it is the fault of the press — it seems at the moment that they are getting a lot of bad publicity because so far any large influx of business into the State of Maine has had to do mainly with oil. And I think it seems almost as if they were pushing down protesting throats medicine that is prescribed to cure someone else's ills. And I would like to see this resolution passed.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I rise to speak in support of this resolution. I am speaking for the people of South Portland. Actually we have enjoyed, we will say, two types of the oil industry in South Portland. We have had a very fine relationship with the Portland-Montreal Pipeline. Now this is a fine company that has been a leader in the formation of our committee to keep things clean down there. They are community minded. They create employment. They create employment for the Pilots' Association of Portland, which is a very worthwhile organization in relation to tankers, and we have enjoyed a fine relationship.

However, during the past 12 months we have gone through an experience with Maine Clean Fuels. This has been an entirely different relationship.

It has been mentioned that this might restrict the activities of the DED. And I would simply relate that if this is the case in this matter it would be fine. Public hearings were held — as many as four or five in South Portland, with tremendous attendance, so much

so that you had to stand at the rear one day. And it seems one day I was standing behind a gentleman that came in that looked quite familiar, who turned out to be the Commissioner of the DED. Evidently he didn't recognize me or he had no reason to. And at that time their position had been that they take no position. However, I will assure you that everyone that got up and opposed this concept, Mr. Keefe chose to make some remarks about the individual. And I would have preferred it if he simply stood up as a proponent rather than to tell us that he had no position.

But in all fairness, the Portland-Montreal Pipeline is a fine thing. We go back 20 to 25 years. However, I feel that they themselves could possibly support this type of resolution. Thank you.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I also recognize the danger of oil pollution on the coast. Therefore, I rise in support of Senate Paper 195. Now there are two points I would like to make.

First of all, we have been discussing the Department of Economic Development, and we have been discussing the oil that they are promoting, or maybe not promoting according to which article you read in the newspaper. But the point of the matter is, I believe, that the DED should support industry, should attract industry which is compatible with the Maine environment. That doesn't include oil. It makes very little sense to me to attract oil pollution to the State of Maine.

We have something that is very valuable. We have a coastline in many places which is unspoiled. We have a fishing industry. We have a tourist industry. We have thousands of property owners who do not want to see their property destroyed. It makes little sense to me to sell the coast of Maine for the traditional 30 pieces of silver, or in this case 30 blobs of oil.

Another point that I would like to make is that I am especially opposed to oil development in Penobscot Bay. Penobscot Bay would be a funnel. The pollution from any oil spill would spread from Searsport on one side of the bay to Castine on the other. This is something we don't want. We don't need the oil.

We aren't opposed to economic development in Maine. We aren't necessarily opposed to oil. But we are opposed to any program such as the proposed development of Sears Island that would seriously endanger the livelihood of hundreds and thousands of people, the fishing industry, the tourist industry, and the beauty of the Maine coast.

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

Mr. WHITSON: Mr. Speaker and Members of the House: This state annually draws many tourists from urban areas of our nation. They come here for a reason, to escape what some would bring here: underground industrial development. Let us learn from these tourists.

For many years, Maine was considered economically handicapped. Many of our citizens now see ecological purity as an asset more valuable than any which would be brought to this state by hasty economic development. Let us not compromise this most valuable asset.

I ask my fellow legislators to vote in support of this resolution. Thank you.

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

Mr. MORRELL: Mr. Speaker and Members of the House: I hope that we do not in this session declare an open season on the DED. Rather I think we ought to perhaps more clearly define their assignment, and more properly fund the efforts that we assign them to.

I know personally that they are currently working on a number of projects which are compatible with what we think is the State of Maine. But because of the critical

proposal regarding Sears Island, I think that it is entirely proper that it be discussed on the Floor of the House.

I support the joint resolution. I cannot believe that the development of additional substantial facilities at Sears Island on the Maine coast will solve to any degree at all the problems facing the oil industry from causes originating halfway around the world. Nor can I believe that such planned facilities at Sears Island will either directly or indirectly provide any great number of new job opportunities to areas which certainly need them.

And we can easily visualize the frightful result of a mishap involving a supertanker moving into or out of Sears Island or any other port in the State of Maine. These boats are many many times larger, and the risks are many many times larger, than the boats presently being utilized. And I think that is perhaps the key involvement in these proposals.

I hope that this House will vote to support the joint resolution.

Mr. Lund of Augusta requested a roll call vote.

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

Mr. DAM: Mr. Speaker and Members of the House: I too don't consider myself a Johnny-come-lately in the movement for clean air, clean water, and clean industries in the State of Maine. I do firmly believe that we should have new industries in the State of Maine. And we can. But they can be industries that are clean, industries that we can be proud of.

And we are definitely now in a position where we can hold out a little while longer and wait for these industries. I support this order on the oil very strongly. No one has definitely said how many jobs this will create for the Maine people. In my mind it would create very few jobs for the Maine people. Most of these would be high-paid technicians coming in from other states.

If there were adequate laws to protect the movement of oil, and

to regulate it, then I might support it. But as it is now, I cannot support it. I value the Maine coastline as much as I value the Kennebec River in my area. And I feel that today we should all support this order.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of this resolution. I do not want to take a slap at the DED. I think actually this resolution is simply to be a guide to them in their future operations, at least a guide insofar as the thoughts of this Legislature is concerned.

I am sorry to differ with the gentleman from Eagle Lake, and the very articulate gentleman from Waterville, but I am sure in both the long speeches that were made, a good part of it was what is known as a red herring. And if anyone should recognize a herring, I think it's someone from the coast of Maine, especially from the area of Lubec.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDOX: Mr. Speaker and Members of the House: As a representative of the people, or a portion of the people, of Knox County, before this vote is taken I wish to go on record as supporting this resolution. It definitely will react to the advantage of these people, and they simply wish to express their fear for a potential hazard that could happen in Penobscot Bay with disastrous results.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I fail to see that we would accomplish anything by accepting this thing before us. As I understand it, there are a lot of oil dealers in the state, and I am one of them. I handled some million gallons of the stuff last year, and it wasn't flown in. It was hauled in by barge and so forth. And so there is a lot of it, I want to point out to you, being carted into this state now.

Now there has been some oil spillage around the world. But it wasn't where the refinery was. In most cases it was a ship caught on the rocks somewhere off the coast of France, or what have you. And in no case that I can think of was it near an oil refinery. And so the chance of us having an oil spillage is quite great at the present time, and I don't think we would enhance it a great deal if we had a refinery.

I am not going to say that any particular spot is good for the refinery, but I will say that I am one of the few people in this House that has had a chance to visit the most modern refinery in the world, made by the Getty Oil Company in Delaware City. And I am sure that this order wouldn't get far if the rest of you people had had a chance to see this refinery in Delaware City.

The Delaware River is not a very clean river, but the water going in from this refinery is clean enough to drink. It is even cooled before it is put in. And where it dumps into the Delaware River they have built a great big trestle so you can go up and see. And the fish from up and down the Delaware congregate there to get this clean water that is coming out of the refinery. And it's cooler. Because in the summer, when I was there, the Delaware River is quite warm. And the water that is being returned to the river from this refinery is so much colder than the water in the river that you can see literally thousands of fish that have accumulated in this cold water.

Now this water, you can actually go along, and the guy that takes you on the tour actually takes a dipper and takes a drink of the water to show you that it is fit for human consumption when it's returned to the river.

Now this is not so if you were to visit, say, somewhere in Jersey City an oil refinery that has been there for 40 years, built by Jersey Standard or some of the old refineries; but even these plants when they are building new ones are building more modern facilities where there is absolutely no pollution.

So it's only too bad that more people couldn't visit the real modern refineries that have been built in the last two or three years, and then you would have, I am sure, a whole different aspect of this. And so then, in my opinion, the only danger is the actual transporting which we already have. And I don't think this would accomplish more than if you were to put in an order here in the House this morning to stop all sin in the State of Maine, it would have about that much effect. I don't believe it would do it. And I don't believe you can stop oil coming into the State of Maine.

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

Mr. LEWIS: Mr. Speaker and Members of the House: As a representative of eight small coastal towns. I certainly want to go on record as supporting this joint order. I can visualize what might happen to three of those towns that I represent, those towns being directly on our coastline.

Beautiful Pemaquid Point, for instance, which annually attracts 48 or 50 thousand summer visitors. It is easy for me to visualize what might happen to that area if we had a major oil spill. I think probably I have received more requests to support this order from my constituents than anything that has appeared before me since I have been in the Legislature, and I have been here now for four terms.

I certainly want to go on record as supporting this order.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I rise to speak for the first time on the Floor of the House, and if my knees are weak, my convictions are not.

I regard this question as one of the most important yet to come before the Legislature. Not only because it addresses itself to the particular menace to the environment of Maine, but perhaps more significantly because it affords the 105th Legislature an opportunity very early in the session to establish a position for all to

see with regard to the grave area of widespread concern having to do with the protection of the unique environment of Maine, which I feel will ultimately prove to be far more valuable to the state and its people than any money from oil, which can only be obtained by the prostitution of its environment.

I was distressed to read that the Commissioner of the Department of Economic Development recently expressed a view that there are two kinds of environmentalists: the genuine environmentalist and the political environmentalist. Now every member of this House is a politician, and I personally resent the implication that as a politician I cannot be a genuine environmentalist. More important, I find the aspersions cast upon the Maine Legislature as contemptible.

I do not wish my vote in favor of this resolution to be interpreted as a vote against the DED. This would be beneath the dignity of this body, and would detract from the importance of the particular question. I urge my fellow members of this House to support the joint resolution. Thank you.

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

Mr. KELLEY: Mr. Speaker and Members of the House: I would like to speak in favor of this joint resolution. I represent five coastal towns, and the threat of oil has us very much worried.

I made my first trip up the Penobscot in 1913 by boat. For the last 35 years I have run it with boats in a command position. I have run it in the nighttime in fog and snow, working with radar and towing barges up there. Believe me, this is a dangerous water to put a big ship in. The tides are very strong at times, they are almost unpredictable, the cross tides, and a big ship, even with competent pilots, could easily get in trouble going up there. I hope that everybody will vote in favor of this resolution.

The SPEAKER: The pending question is the adoption of the Joint Resolution, Senate Paper

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

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 the adoption of this Joint Resolution in concurrence. If you are favor of adoption you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Birt, Bither, Brawn, Brown, Bunker, Bustin, Call, Carrier, Carter, Churchill, Clark, Clemente, Cooney, Cote, Cottrell, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Dam, Donaghy, Doyle, Drigotas, Dyar, Emery, D. F.; Evans, Farrington, Faucher, Fecteau, Finemore, Gagnon, Gauthier, Gill, Hall, Hancock, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Jalbert, Kelleher, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Kilroy, Lawry, Lebel, Lee, Lessard, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lund, Lynch, MacLeod, Maddox, Manchester, Marstaller, McCloskey, McCormick, McNally, McTeague, Millett, Morrell, Mosher, Murray, Norris, Orestis, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, E. H.; Stillings, Susi, Tanguay, Theriault, Trask, Tyndale, Webber, Wheeler, White, Whitson, Wood, M. W.; Wood, M. E.; Woodbury.

NAYS — Berube, Binnette, Boudreau, Bourgoin, Carey, Conley, Cyr, Dow, Dudley, Emery, E. M.; Fraser, Genest, Goodwin, Jutras, Keyte, Lucas, Mahany, Marsh, Martin, McKinnon, Mills, O'Brien, Rocheleau, Santoro, Smith, D. M.; Vincent, Williams.

ABSENT — Bragdon, Collins, Crosby, Good, Hanson, Starbird, Wight.

Yes, 116; No, 27; Absent, 7.

The SPEAKER: 116 having voted in the affirmative, 27 in the negative, with 7 being absent, the Joint Resolution is adopted in concurrence.

Bills and Resolve from the Senate requiring reference were disposed of in concurrence.

Reports of Committees Ought to Pass

Report of the Committee on Election Laws reporting "Ought to pass" on Bill "An Act relating to the Number of Signatures Required on Nomination Papers" (S. P. 32) (L. D. 65)

Report of same Committee reporting same on Bill "An Act relating to Preservation and Destruction of Campaign Reports" (S. P. 81) (L. D. 175)

Report of the Committee on Judiciary reporting same on Bill "An Act Increasing the Number of Superior Court Justices" (S. P. 83) (L. D. 177)

Report of same Committee reporting same on Bill "An Act Increasing Number of Official Court Reporters" (S. P. 84) (L. D. 178)

Report of the Committee on Public Utilities reporting same on Bill "An Act relating to Filing of Annual Reports by Public Utilities" (S. P. 77) (L. D. 172)

Report of the Committee on Taxation reporting same on Bill "An Act relating to Gasoline Road Tax Credits" (S. P. 90) (L. D. 219)

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 Boards of Registration for Certain Municipalities under Election Laws" (H. P. 61) (L. D. 102) which was passed to be engrossed as amended by Committee Amendment "A" in the House on February 2.

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

In the House: On motion of Mr. Fraser of Mexico, the House voted to recede and concur.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Berwick, Mr. Stillings, to the rostrum to serve as Speaker pro tem.

Thereupon, Mr. Stillings assumed the Chair as Speaker pro tem and Speaker Kennedy retired from the Hall.

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:

Agriculture

Bill "An Act relating to Prevention of Cruelty to Animals" (H. P. 514) (Presented by Mr. Bailey of Woolwich)

Bill "An Act relating to Charges for Transporting Milk" (H. P. 515) (Presented by Mr. Hall of Windham)

Bill "An Act Increasing the Hundredweight Fees Payable to Maine Milk Commission" (H. P. 516)

(Presented by same gentleman)
(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act relating to Overtime Pay for Certain Classified State Employees" (H. P. 517)

(Presented by Mr. Wood of Brooks)

Bill "An Act to Provide for Night Pay Differential for State Employees" (H. P. 518)

(Presented by same gentleman)

Resolve Providing for Purchase of One Hundred Copies of "Lisbon, the History of a Small Maine Town" (H. P. 519) (Presented by Mr. Lessard of Lisbon)

Resolve Providing for Purchase of Copies of History of Cape

Elizabeth (H. P. 520) (Presented by Mr. Vincent of Portland)
(Ordered Printed)
Sent up for concurrence.

County Government

Bill "An Act Increasing Salaries of County Officers of Sagadahoc County" (H. P. 521) (Presented by Mrs. Goodwin of Bath)

Bill "An Act Increasing Payments to the Androscoggin County Law Library" (H. P. 522) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)
Sent up for concurrence.

Education

Bill "An Act Providing for Termination of the Old Town Great Works School District" (H. P. 523) (Presented by Mr. Binnette of Old Town)

(Ordered Printed)
Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Authorize the Construction of Self-Liquidating Housing for the University of Maine and the Issuance of Bonds of the State of Maine in an Amount Not Exceeding \$10,000,000 for the Financing Thereof" (H. P. 524) (Presented by Mr. Smith of Dover-Foxcroft)

(On motion of Mr. Jalbert of Lewiston, tabled pending reference and tomorrow assigned.)

Election Laws

Resolution Proposing an Amendment to the Constitution to Provide a Shorter Time for Establishing Voting Residence" (H. P. 525) (Presented by Mr. Vincent of Portland)

(Ordered Printed)
Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Repealing Law Relating to Permits for Aircraft Pilots to Transport Fish and Game" (H. P. 526) (Presented by Mr. Simpson of Millinocket)

Bill "An Act relating to Use of Lights While Locating or Taking Raccoon Found by a Dog" (H. P.

527) (Presented by Mr. Vincent of Portland)

(Ordered Printed)
Sent up for concurrence.

Health and Institutional Services

Bill "An Act relating to Definition of Resident Trainee, Licensing and Compensation of Board under Laws Relating to Funeral Directors and Embalmers" (H. P. 528) (Presented by Mr. Carey of Waterville)

Bill "An Act Repealing the Law Relating to Sterilization" (H. P. 529) (Presented by Mr. Cottrell of Portland)

Bill "An Act relating to Licensing of Physical Therapy Assistants" (H. P. 530) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act Creating the Interstate Compact on Detainers" (H. P. 531) (Presented by Mr. Lewin of Augusta)

Bill "An Act Revising the Laws Relating to Physicians and Surgeons" (H. P. 532) (Presented by Mrs. Payson of Falmouth)

Bill "An Act relating to Applicability of Law on Sale and Possession of Cannabis, Marijuana" (H. P. 533) (Presented by Mr. Vincent of Portland)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act Creating the Television and Radio Technicians' Licensing Act" (H. P. 534) (Presented by Mr. Lewin of Augusta)

(Ordered Printed)
Sent up for concurrence.

Liquor Control

Bill "An Act relating to Payment for Sales of Malt Liquor or Wine in Retail Stores" (H. P. 535) (Presented by Mr. Lizotte of Biddeford)

Bill "An Act to Remove Inconsistency in Age of Check-out Personnel in Retail Stores under Liquor Laws" (H. P. 536) (Presented by Mr. Slane of Portland)

(Ordered Printed)
Sent up for concurrence.

Natural Resources

Bill "An Act to Revise the Site Location of Development Law" (H. P. 537) (Presented by Mr. Curran of Bangor)

Bill "An Act relating to Certain Laws Relative to Great Ponds" (H. P. 538) (Presented by Mr. Lund of Augusta)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Increasing the Number of Members on the Board of Trustees of the Bath Water District" (H. P. 539) (Presented by Mrs. Goodwin of Bath)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Require Fluoridation of Some Public Water Supplies" (H. P. 540) (Presented by Mrs. Payson of Falmouth)

(On motion of Mr. Carrier of Westbrook, tabled pending reference and tomorrow assigned.)

Bill "An Act to Authorize the Beaver Cove Water Company to Utilize the Water of Moosehead Lake" (H. P. 541) (Presented by Mrs. White of Guilford)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act relating to Holidays for State Employees" (H. P. 542) (Presented by Mr. Curran of Bangor by request)

Bill "An Act relating to Membership of Board of Trustees for Accident and Health Insurance Program for State Employees" (H. P. 543) (Presented by Mr. Kelleher of Bangor)

Bill "An Act to Increase Housing and Meal Allowances for Members of the Legislature" (H. P. 544) (Presented by Mr. Porter of Lincoln)

Resolution Proposing an Amendment to the Constitution Providing for the Election of the Attorney General by the Electors (H. P. 545) (Presented by Mr. Bartlett of South Berwick)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Exempting New Machinery and Equipment Used for Manufacturing and Research from Sales and Use Tax" (H. P. 546)

(Presented by Mr. Carey of Waterville)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act relating to Weight for Commercial Vehicles Hauling Forest Products or Raw Ore" (H. P. 547) (Presented by Mr. Dyar of Strong)

(Ordered Printed)

Sent up for concurrence.

Veterans and Retirement

Bill "An Act Changing the Formula for Retirement under the State Retirement System" (H. P. 548) (Presented by Mr. Lewin of Augusta by request)

(Ordered Printed)

Sent up for concurrence.

Passed to Be Engrossed

Bill "An Act Repealing Bond for Liquor Licensees of Hotels, Clubs and Restaurants" (H. P. 41) (L. D. 73)

Bill "An Act Repealing the Requirement of Notarizing Applications for Liquor Licenses" (H. P. 42) (L. D. 74)

Bill "An Act relating to Mental Illness and Mental Retardation of Persons in State Penal, Correctional and Juvenile Institutions" (H. P. 68) (L. D. 109)

Bill "An Act to Increase the Borrowing Capacity of the Four Corners Community School District" (H. P. 96) (L. D. 140)

Bill "An Act relating to Shooting at or Near Wildlife Decoys" (H. P. 99) (L. D. 143)

Bill "An Act relating to Maine Beer Wholesalers Association, Inc." (H. P. 120) (L. D. 164)

Bill "An Act relating to the Use of Power Boats on Snow's Pond in the Town of Dover-Foxcroft, Piscataquis County" (H. P. 148) (L. D. 203)

Bill "An Act relating to Certain Penalties under Fish and Game Laws" (H. P. 170) (L. D. 228)

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

**Third Reader
Indefinitely Postponed**

Bill "An Act relating to Inspection of Fish, Game and Equipment by Game and Coastal Wardens" (H. P. 189) (L. D. 246)

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

On motion of Mr. Bourgoin of Fort Kent, the Bill was indefinitely postponed and sent up for concurrence.

Bill "An Act relating to Use of Power Boats on Long Pond, Franklin County" (H. P. 226) (L. D. 308)

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

Amended Bills

Bill "An Act relating to Notification of Panel of Mediators in Labor Disputes" (S. P. 15) (L. D. 43)

Bill "An Act relating to Falsely Assuming to be an Officer" (H. P. 70) (L. D. 111)

Bill "An Act relating to Trespass on Enclosed or Cultivated Lands" (H. P. 71) (L. D. 112)

Bill "An Act relating to Violations of Parking Regulations at the State House" (H. P. 136) (L. D. 191)

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

At this point, Speaker Kennedy returned to the rostrum.

The SPEAKER: The Chair thanks the gentleman for an excellent performance.

Thereupon, the Sergeant-at-Arms escorted Mr. Stillings of Berwick to his seat on the Floor, amid the applause of the House, and Speaker Kennedy resumed the Chair.

**Passed to Be Enacted
Emergency Measure**

An Act to Correct an Error in Filing Fee for a Financing Statement Under Uniform Commercial Code (S. P. 1) (L. D. 15)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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 Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Clarifying School Construction Aid on a Special Project in School Administrative District No. 22 (H. P. 184) (L. D. 242)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Witnesses in Workmen's Compensation Hearings (S. P. 61) (L. D. 93)

An Act relating to Controlled Atmosphere Storage Room for Apples (S. P. 80) (L. D. 174)

An Act Designating November 11th as Armistice Day (H. P. 32) (L. D. 56)

An Act to Clarify the Laws of the Department of Veterans Services (H. P. 49) (L. D. 83)

An Act relating to Certificates of Authority to Inspect Elevators for Insurance Purposes (H. P. 57) (L. D. 98)

An Act relating to Property, Capital Stock and Indebtedness of Eastport Water Company (H. P. 79) (L. D. 119)

An Act relating to Capital Stock and Indebtedness of Northern Water Company (H. P. 104) (L. D. 169)

An Act relating to Capital Stock and Indebtedness of the Waldoboro Water Company (H. P. 105) (L. D. 170)

An Act relating to Time of Annual Meeting of Mount Desert Island Regional School District (H. P. 111) (L. D. 155)

An Act relating to Property, Capital Stock and Indebtedness of

the Skowhegan Water Company (H. P. 121) (L. D. 165)

An Act relating to Property, Capital Stock and Bonds of the Hartland Water Company (H. P. 156) (L. D. 211)

An Act relating to Capital Stock, Property and Indebtedness of North Berwick Water Company (H. P. 157) (L. D. 212)

An Act relating to Capital Stock of Southwest Harbor Water Company (H. P. 158) (L. D. 213)

An Act relating to Holding Property by Greenville Water Company, formerly Greenville Light and Power Company (H. P. 159) (L. D. 214)

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.

On motion of Mr. Ault of Wayne, Adjourned until ten o'clock tomorrow morning.