

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 24, 1971

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

Prayer by the Rev. Mr. William Dunstan of Gardiner.

The journal of yesterday was read and approved.

Orders Out of Order

Mr. Fecteau of Biddeford presented the following Order and moved its passage:

ORDERED, that Denise Daigle of Fort Kent be appointed to serve as Honorary Page for today.

The Order was received out of order by unanimous consent, read and passed.

Mr. Lewin of Augusta presented the following Order and moved its passage:

ORDERED, that Keith and Kraig Burnham of Augusta be appointed to serve as Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

Mrs. White of Guilford presented the following Order and moved its passage:

ORDERED, that Charlene Elwell and Rebecca Berry of Buxton be appointed to serve as Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

Mr. Carrier of Westbrook presented the following Order and moved its passage:

ORDERED, that Michele Berube and Louise Rocheleau of Auburn be appointed to serve as Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

The Speaker appointed the following Conferees on the part of the House relative to House Paper 691 — Joint Order relative to Publication of Telephone Number for Each Sales Tax Divisional Office:

Messrs. KELLEHER of Bangor
GILL of South Portland
DUDLEY of Enfield

Papers from the Senate

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

Reports of Committees Ought to Pass

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Lascivious Speech or Behavior in Public Places" (S. P. 85) (L. D. 179)

Report of same Committee reporting same on Bill "An Act Authorizing the Recording of Certified Copies of Petitions, Decrees and Orders Filed Pursuant to the Federal Bankruptcy Act" (S. P. 113) (L. D. 292)

Report of same Committee reporting same on Bill "An Act relating to Recording Floor Plans and Definition of Building under Unit Ownership Act" (S. P. 179) (L. D. 531)

Report of the Committee on Labor reporting same on Bill "An Act relating to Compensation of the Panel of Mediators" (S. P. 18) (L. D. 46)

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.

Ought to Pass with Committee Amendment

Report of the Committee on Election Laws on Bill "An Act Clarifying and Revising Certain Election Laws" (S. P. 72) (L. D. 151) reporting "Ought to pass" as amended by Committee Amendment "A" (S-9) submitted therewith.

Report of the Committee on Fisheries and Wildlife on Bill "An Act relating to Use of Power Boats on Long Pond, Oxford County" (S. P. 110) (L. D. 289) reporting "Ought to pass" as amended by Committee Amendment "A" (S-10) submitted therewith.

Came from the Senate with the Reports read and accepted and the

Bills passed to be engrossed as amended by Committee Amendment "A".

In the House, the Reports were read and accepted in concurrence and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bills.

Messages and Documents

The following Communication:

THE SENATE OF MAINE

Augusta, Maine

February 23, 1971

Honorable Bertha W. Johnson
Clerk of the House of Representatives

105th Legislature

Dear Madam Clerk:

The Senate today voted to join in a Committee of Conference on House Paper 691 — Joint Order relative to Publication of Telephone Number for Each Sales Tax Divisional Office and the President appointed the following members of the Senate to the Committee:

Senators:

HOFFSES of Knox

MOORE of Cumberland

MINKOWSKY

of Androscoggin

Respectfully,

(Signed)

HARRY N. STARBRANCH

Harry N. Starbranch

Secretary of the Senate

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

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

Appropriations and Financial Affairs

Resolve Providing Funds to the Department of Health and Welfare for Mosquito Control Project" (H. P. 798) (Presented by Mr. Curtis of Orono)

Resolve Providing Funds for Development of Fort Point State Park, Stockton Springs" (H. P. 799) (Presented by Mr. Shute of Stockton Springs)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act relating to Insurance Trade Practices" (H. P. 800) (Presented by Mr. Simpson of Millinocket)

(Ordered Printed)

Sent up for concurrence.

County Government

Bill "An Act Establishing Sheriff, Register of Probate, County Treasurer, Register of Deeds and Clerk of Courts in Androscoggin County as Full-time" (H. P. 801) (Presented by Mr. Manchester of Mechanic Falls)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act relating to Aid for Regional Technical and Vocational Centers" (H. P. 802) (Presented by Mr. Birt of East Millinocket)

Bill "An Act relating to Trustees and Executive Committee of Lincoln Academy" (H. P. 803) (Presented by Mr. Clark of Jefferson)

Bill "An Act to Create a School Administrative District for the Town of Orono" (H. P. 804) (Presented by Mr. Curtis of Orono)

Bill "An Act relating to Conferring Degrees by Christian Academy of Glen Cove" (H. P. 805) (Presented by Mr. Emery of Rockland)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act relating to Political Designations on Nomination Petitions" (H. P. 806) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Improve the Enforcement of the Marriage Blood Test Requirement" (H. P. 807) (Presented by Mr. Orestis of Lewiston)

Bill "An Act to Improve the Procedure for Correcting Vital Statistics" (H. P. 808) (Presented by same gentleman)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act relating to Condonation as a Defense to an Action for Divorce" (H. P. 809) (Presented by Mr. McTeague of Brunswick)

Bill "An Act relating to Recrimination as a Defense in an Action for Divorce" (H. P. 810) (Presented by same gentleman)

Bill "An Act relating to Division of Real and Personal Property by the Court under a Decree of Divorce" (H. P. 811) (Presented by same gentleman)

Bill "An Act relating to Fees for Recording Marriage Intentions and Issuing License" (H. P. 812) (Presented by Mr. Orestis of Lewiston)

Bill "An Act to Impose a Fee for Waiving the Waiting Period before Marriage" (H. P. 813) (Presented by same gentleman)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act Amending the Law Relating to Home Rule" (H. P. 814) (Presented by Mr. McTeague of Brunswick)

Bill "An Act to Correct an Ambiguity in Procedure for Recording Municipal Charters and Amendments" (H. P. 815) (Presented by Mr. Orestis of Lewiston by request.)

Resolve to Reimburse Norwood Beverage of Camden for Damage by Highway Construction (H. P. 816) (Presented by Mr. Hardy of Hope)

(Ordered Printed)
Sent up for concurrence.

Liquor Control

Bill "An Act relating to Business Days and Hours for Sale of Liquors" (H. P. 817) (Presented by Mr. Hodgdon of Kittery)

Bill "An Act relating to the Sale of Alcoholic Beverages at the Bangor International Airport" (H. P. 818) (Presented by Mr. Kelleher of Bangor)

(Ordered Printed)
Sent up for concurrence.

Natural Resources

Bill "An Act relating to the Collection and Disposal of Solid Wastes by the Washington County Commissioners" (H. P. 819) (Presented by Mr. Donaghy of Lubec)

Bill "An Act relating to the Location of Solid Waste Disposal Areas" (H. P. 820) (Presented by Mr. Hardy of Hope)

Bill "An Act relating to Enforcement Options under the Environmental Laws" (H. P. 821) (Presented by Mr. Whitson of Portland)

(Ordered Printed)
Sent up for concurrence.

Agriculture

Bill "An Act relating to the Disposal of Manure" (H. P. 822) (Presented by Mr. Whitson of Portland)

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

Public Utilities

Bill "An Act to Create the Orono-Veazie Water District" (H. P. 823) (Presented by Mr. Curtis of Orono)

Bill "An Act to Amend the Charter of the Orono-Veazie Water District" (H. P. 824) (Presented by same gentleman)

(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act Requiring Public Hearings by the Park and Recreation Commission Prior to the Exercise of Eminent Domain" (H. P. 825) (Presented by Mr. Littlefield of North Berwick)

Bill "An Act relating to Establishment of a State Building Code by the State Housing Authority" (H. P. 826) (Presented by Mr. Vincent of Portland)

Bill "An Act to Regulate Industrialized Housing under the Maine State Housing Authority" (H. P. 827) (Presented by same gentleman)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act relating to the Operation of Motor Vehicles" (H.

P. 828) (Presented by Mr. Henley of Norway)

Bill "An Act relating to Mobile Homes and Other Overlength, Overwidth Vehicles in Transit" (H. P. 829) (Presented by Mr. Hodgdon of Kittery)

Bill "An Act relating to Permits by Sheriffs to Tow Unregistered Motor Vehicles" (H. P. 830) (Presented by Mr. McKinnon of South Portland)

(Ordered Printed)

Sent up for concurrence.

Veterans and Retirement

Bill "An Act relating to Back Contributions for Creditable Service Under State Retirement System" (H. P. 831) (Presented by Mr. Hayes of Windsor)

Bill "An Act to Provide Retirement Benefits for Certain State Employees" (H. P. 832) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. Porter of Lincoln, it was

ORDERED, that Mr. Cote of Lewiston be excused from attendance for the remainder of the week because of business.

House Reports of Committees Ought Not to Pass

Mrs. Brown from the Committee on Election Laws on Bill "An Act relating to Candidates for Political Office in Primaries" (H. P. 112) (L. D. 156) reported "Ought not to pass", as covered by other legislation.

Mrs. Wood from same Committee reported same on Bill "An Act Prohibiting Cross-filing by Candidates in Primary Elections" (H. P. 485) (L. D. 626)

In accordance with Joint Rule 17-A, were placed in the legislative files and sent to the Senate.

Leave to Withdraw

Mr. Binnette from the Committee on Election Laws on Bill "An Act relating to Return Envelopes for Absentee Ballots Designating Official before Whom Ballot to be Marked" (H. P. 484) (L. D. 625) reported Leave to Withdraw.

Mrs. Boudreau from same Committee reported same on Bill "An Act to Eliminate the Straight Party Ballot in the Election Laws" (H. P. 452) (L. D. 607)

Reports were read and accepted and sent up for concurrence.

Referred to Committee on Veterans and Retirement

Mr. Donaghy from the Committee on State Government on Bill "An Act relating to Participating Local Districts in the Maine State Retirement System" (H. P. 434) (L. D. 569) reported that it be referred to the Committee on Veterans and Retirement.

Report was read and accepted, the Bill referred to the Committee on Veterans and Retirement and sent up for concurrence.

Ought to Be Adopted Joint Resolution

Mr. Donaghy from the Committee on State Government reported "Ought to be Adopted" on Joint Resolution Proposing Abolition of Futures Trading of Potatoes on the New York Mercantile Exchange by the Congress of the United States (H. P. 140) (L. D. 195)

Report was read and accepted, the Joint Resolution adopted and sent up for concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolution Proposing an Amendment to the Constitution Providing for Early Convening of the Legislature (H. P. 206) (L. D. 272)

Report was signed by the following members:

Messrs. JOHNSON of Somerset

CLIFFORD of

Androscooggin

— of the Senate.

Messrs. HODGDON of Kittery

DONAGHY of Lubec

MARSTALLER of

Freeport

STILLINGS of Berwick

CURTIS of Orono

Mrs. GOODWIN of Bath

Mr. STARBIRD

of Kingman Township

— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Resolution.

Report was signed by the following members:

Mr. WYMAN of Washington
 — of the Senate.
 Messrs. COONEY of Webster
 FARRINGTON
 of Old Orchard Beach
 — of the House.

Reports were read.

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

Mr. DONAGHY: Mr. Speaker, I move the acceptance of the Majority Report.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves the acceptance of the Majority "Ought not to pass" Report. The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: This is a piece of legislation that I have worked up and introduced for the Legislature to consider. The bill was heard yesterday by the State Government Committee. I would like to give you just a little bit of the background of this initially.

The first original thoughts on this came to me from an article which is one of several that General Eisenhower wrote during the time after he completed his tour as president. And at that time he pointed out that the incoming president was inaugurated on the 20th of January and is faced with all the problems of presenting a budget and the State of the Union Message. He at the time suggested that the president should be inaugurated early in December, with Congress convening the 20th of January, which would give him some initial time to be able to work out some of the programs that he might want to recommend to the incoming Congress.

I think that the Legislature should continuously be searching for ideas. As our legislative sessions are increasing in length because of the volume of business which is placed before us and we are required to accomplish, new ideas the same as businesses do, to try to improve our legislative

process, should be continuously explored as to their merit.

Now this idea of the early convening of the Legislature, and what this bill would allow is actually it would almost formalize the Pre-Legislative Conference. The legislature would be convened the second week in December for three days. At that time the officers who will preside over the legislature will be formally elected. And I have heard comments from someone at times that it creates a little problem in locating personnel, because you are not 100 per cent sure of your final election until the meeting in January when the legislature formally convenes.

This would allow the Speaker and the President of the Senate, as well as the staff who operates both the House and Senate, the Clerk and the Secretary, to formally go to work and either procure their staff or to make the formal selections of the committee appointments.

Now last week we all received in the mail Key Points in Legislative Procedure, in which there were 20 ways to expedite the legislative process. The first two recommendations in this particular report gave serious thought to methods of early convening of the legislature, or methods of formally getting committees appointed early. There is a good deal more could be developed on this. The idea of the inauguration or the swearing in of the legislature in December is not completely unique, because it is discussed in there.

And it also comments on North Dakota — and here reading from the report — "In North Dakota, a three day organizational session, including leadership elections, committee assignments, and rules for adoption, was first held in December 1968. With Legislative-Council Proposals ready, the Legislature was off to an earlier start."

I do think that the idea has some merit for consideration and I would hope with some of the thoughts that I have passed on this morning that it might be given some further thought. And the legislature could then explore as to whether this a worthwhile piece of legislation for final passage.

And with these thoughts, why hopefully somebody will table this for a couple of days and keep the bill alive, and we can give some thought to it and make a decision as to which way we want to go.

Thereupon, on motion of Mr. Donaghy of Lubec, tabled pending his motion to accept the Majority "Ought not to pass" Report and specially assigned for Friday, February 26.

Passed to Be Engrossed

Bill "An Act relating to Charges for Care and Treatment of Persons in State Institutions" (S. P. 99) (L. D. 263)

Bill "An Act relating to Definitions and Credit Cards Under Truth-in-Lending Law" (S. P. 140) (L. D. 379)

Bill "An Act Creating the Model White Cane Law for the Blind" (S. P. 142) (L. D. 381)

Bill "An Act relating to Community Mental Retardation Services" (S. P. 153) (L. D. 422)

Bill "An Act relating to Return Date for Warrants Against Owner or Keeper of Unlicensed Dogs" (H. P. 395) (L. D. 581)

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

Amended Bill

Bill "An Act relating to Length of Certain Motor Vehicles" (H. P. 213) (L. D. 280)

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.

Passed to Be Enacted

An Act to Remove the Word Steam from the Boiler Law (H. P. 117) (L. D. 161)

An Act Changing the Name of the Preachers' Aid Society of the Maine Conference of the Methodist Church (H. P. 237) (L. D. 319)

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.

Orders of the Day

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

HOUSE JOINT ORDER re Publication of Telephone Numbers in Each Locality District of All State-Paid-For Telephones (H. P. 692)—In House, passed. In Senate, indefinitely postponed in non-concurrence.

Tabled — February 19, by Mr. Binnette of Old Town.

Pending—Further consideration.

On motion of Mr. Dudley of Enfield, the House voted to insist and ask for a Committee of Conference.

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

Messrs. DUDLEY of Enfield
KELLEHER of Bangor
GILL of South Portland

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

AN ACT relating to the Number of Signatures Required on Nomination Papers (S. P. 32) (L. D. 65)

Tabled — February 19, by Mr. Vincent of Portland.

Pending—Passage to be enacted.

On motion of Mr. Vincent of Portland, retabled pending passage to be enacted and specially assigned for Friday, February 26.

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

SENATE JOINT ORDER re Amending Joint Rule 1 (S. P. 314)—In Senate, passed.

Tabled — February 23, by Mr. Martin of Eagle Lake.

Pending — Passage in concurrence.

On motion of Mr. Martin of Eagle Lake, the Joint Order was passed in concurrence.

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

Bill "An Act Increasing the Mileage Allowance for State Employees on State Business" (H. P. 757) (Committee on Reference of Bills suggested Committee on Appropriations and Financial Affairs)

Tabled — February 23, by Mr. Donaghy of Lubec.

Pending—Reference.

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

Mr. DONAGHY: Mr. Speaker, I would move that this be referred to the Committee on State Government, and would speak briefly to my motion.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves that House Paper 757 be referred to the Committee on State Government, ordered printed, and sent up for concurrence. The gentleman may proceed.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: The State Government Committee has this year already heard a bill on this. I would think it would be a waste of time to refer it to another committee. We can just take it along with the information we have already received on the other bill.

Thereupon, the Bill was referred to the Committee on State Government, ordered printed and sent up for concurrence.

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

AN ACT to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 75 (S. P. 197) (L. D. 548)

Tabled — February 23, by Mr. Porter of Lincoln.

Pending—Passage to be enacted.

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

Mr. CURTIS: Mr. Speaker and Members of the House: Once again I would like to briefly tell you about this bill. As I told you on February 11, the people in the towns that I represent, the majority of the people are opposed to the validation of this bill by this Legislature. And the bill is a redraft of L. D. 82. And as I told you before, the Education Committee did see some difficulties on the vote taken October 5, and came up with a redraft where they declared the October 5 vote

null and void, and have gone back to validate the former two votes.

Now once again I ask you if there is a great deal of opposition in the number of towns concerning the validation of this bond issue, should we take that upon ourselves to validate? And I feel that we shouldn't. And I won't take any more of your time, but I ask you to go along with me in opposing the enactment of this bill.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: This bill has been before us a number of times, and I believe it has been discussed on the floor three times. The problem, again, is basically one of validating a vote in the Towns of Topsham, Harpswell, Bowdoinham and Bowdoin to enable these folks who are now in SAD 75 to construct a junior and senior high school, both in one plant.

My principal concern with it is that these children from these towns in SAD 75 now attend high school at Brunswick High. Our high school is overcrowded at this time by some four or five hundred. The education of all the children involved, both from Brunswick and the SAD 75 towns, is suffering.

We feel that the difficulties that require validation are the typical technical difficulties that can sometimes arise in towns due to the very complex and intricate requirements of our law. The problem was first raised by bond counsel who will require the validation by the legislature before they would approve the issuance of bonds.

This is not a matter that is the primary concern of the Department of Education. It is a matter that is of primary concern to the parents of some 1,700, 1,800, and 1,900 students at the Brunswick High School. The committee which heard this bill has, if my memory is correct, unanimously recommended passage. The opposition to the bill and certain features of the proposed high school seems to center in one of the communities in the SAD. But this has a broad ef-

fect again on the educational needs of almost 2,000 students.

Additionally we believe that in the next two years the overcrowding which now exists at the Brunswick High School will increase substantially. We have already been on split or double sessions. I ask you to consider voting for this bill, and Mr. Speaker, when the vote is taken, I ask that it be by a roll call.

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

Mr. BERNIER: Mr. Speaker and Ladies and Gentlemen of the House: I am concerned with this bill because I have a daughter that lives in Topsham. It is not my habit to get involved in matters that are primarily local. But where I have four granddaughters in Topsham, I am a little bit more than concerned, because at the present time just being lovely is not enough for anyone, girls or boys. And I certainly believe that the concern of the people of Topsham, Harpswell, Bowdoinham, and so forth, are more than concerned, because at the present time there is no school for these pupils.

How anyone can possibly throw off their responsibilities in regards to giving schooling to their children I cannot understand. It is about time that the people of this SAD 75 look the matter straight in the eye and accept the fact that they cannot do without this legislation.

I would certainly appreciate your support in this matter. I do not often make a direct appeal, but today I do. And I hope you will support me a hundred percent. Thank you very much.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I hope you will support Mr. Curtis on this, and vote ought not to pass. I am a property owner in Bowdoinham. I have many friends there and in Topsham, and Bowdoin, and down in Harpswell.

The problem could easily be solved if the people planning this building would come out with a

new set of plans for about two-thirds of the cost which they admit would give them adequate housing facilities and not a very exorbitant, expensive plant. This is what the people in the towns are objecting to, and it would not take long to get a vote through. And the people down there say, "Why, if we don't vote for the thing, should you people up there say we have to have it and pay for it?"

Everybody down there wants education. Everybody recognizes the necessity of having adequate school facilities, and they are willing to build them. But they do not want to build an extremely expensive plant when it isn't necessary to spend so much money.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Bailey.

Mr. BAILEY: Mr. Speaker and Ladies and Gentlemen of the House: I would remind you once again that when the initial vote was taken on this SAD 75 that the vote was carried by a majority of some seven to one in favor of forming this district. This vote was taken on the bond issue, as Mr. Curtis has outlined, two different times. Both times bond counsel found irregularities in the warrant. But since this body has in the past validated similar bills, or similar votes taken by different communities throughout the state, I still cannot see any difference in this bill than the many that have gone before us in the previous sessions.

And we can't lose sight of the fact that we are not voting and telling these towns how much money they can spend or what type of building they are going to build. The only concern and the only question before us today, was this vote valid that was presented to the people. And I see no reason to say that it was not valid. I think that it was as valid as most votes that are taken.

Last week when this bill came before us on the motion to indefinitely postpone, the majority of this House was against postponement. And at this time I would ask for support of this bill, and

that we vote to get this school off the ground, and this L.D. off our calendar.

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

Mr. MORRELL: Mr. Speaker and Ladies and Gentlemen of the House: I would like to dispel any thought that any of you may have that this is a department bill. It is not. It is a problem that exists in the communities that are involved.

I would like to just reiterate quickly a couple of comments I made the other day. First, well over a year ago when Brunswick was approached by the SAD communities with the assurance that it would have a high school of its own by the fall of '72, Brunswick, based on that assurance, did two things. One, it extended the existing contract which would have expired in September of '71 to September of '72. Second, on the assumption that the tuition towns would withdraw between 500 and 600 students from Brunswick High School they determined at that time not to build an addition to our high school; in effect, deciding to go along with an extremely difficult situation, to continue to be cooperative, and to work with the tuition towns.

The situation now, I can tell you from personal experience as a parent with several youngsters in the high school, has existed for several years, will apparently exist for at least another year and a half, an overcrowding of over one third. I think each of you can imagine just what kind of a situation educationally exists, in spite of the fact that we do have an excellent teaching and administrative staff.

Secondly, I think that the problems that exist in the SAD concept there in Topsham, Bowdoinham and Bowdoin and Harpswell should be resolved by themselves, that this House should not be a vehicle to serve as a further obstacle to whatever solution they are able to work out. And I would implore each of you to vote for this L.D. and let the communities

involved solve their own problems, and not turn it back to this House. Thank you.

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

Mr. LUCAS: Mr. Speaker and Ladies and Gentlemen of the House: Unfortunately, education seems to have become the whipping boy for the taxpayers' plight, and I see just cause at the moment for that. Although the question before us is whether to validate certain proceedings that were voted upon on three different occasions by the people of SAD 75.

The Education Committee heard this bill, heard much testimony on behalf of the dissidents, and we still agreed that the validation of the bond issue was valid and should be acted upon as we reported it, ought to pass. And I would suggest that the question of the school design, the size of the school are questions of the locality, and not of our concern. I would urge you to support this bill.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I would like to agree with the gentleman from Brunswick, Mr. Morrell, and say let's return this bill to the people, let the people decide this. And that is exactly what I ask. If we do not validate this, this will go back to the people and they will decide the question themselves.

The SPEAKER: The pending question is passage to be enacted. 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 on this matter 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 passage to be en-

acted of An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 75, Senate Paper 197 L. D. 548. All in favor of enactment will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bailey, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Brawn, Brown, Bunker, Bustin, Call, Carey, Carrier, Carter, Churchill, Clemente, Collins, Conley, Cooney, Cottrell, Cummings, Curran, Curtis, T. S., Jr.; Cyr, Dow, Doyle, Drigotas, Farrington, Faucher, Fecteau, Fraser, Gagnon, Genest, Gill, Goodwin, Hancock, Hardy, Haskell, Hayes, Henley, Hewes, Hodgdon, Immonen, Jalbert, Kelleher, Kelley, P. S.; Keyte, Lawry, Lebel, Lewin, Lewis, Littlefield, Lizotte, Lucas, Lund, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Millett, Mills, Morrell, Murray, O'Brien, Orestis, Page, Parks, Pontbriand, Porter, Pratt, Rand, Rocheleau, Rollins, Santoro, Scott, Shaw, Sheltra, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Tanguay, Tyndale, Vincent, Webber, Wheeler, White, Whitson, Wight, Williams, Wood, M. W.; Woodbury.

NAY—Ault, Baker, Clark, Crosby, Curtis, A. P.; Donaghy, Dudley, Dyar, Emery, D. F.; Evans, Finemore, Good, Hall, Hawken, Kelley, K. F.; Kelley, R. P.; Lee, Lessard, Lincoln, Marstaller, McCormick, McNally, Mosher, Payson, Shute, Silverman, Starbird, Theriault, Trask, Wood, M. E.

ABSENT — Bragdon, Cote, Dam, Emery, E. M.; Gauthier, Hanson, Herrick, Jutras, Kilroy, Norris, Ross.

Yes, 109; No, 30; Absent, 11.

The SPEAKER: 109 having voted in the affirmative, 30 in the negative, the Bill is passed to be enacted as an emergency measure. It will be signed by the Speaker and sent up to the Senate.

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

Mr. McTEAGUE: Mr. Speaker, in order that we may finally be done with this matter I would move reconsideration, and ask the Members of the House to vote against my motion.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, moves to reconsider our action.

Mr. Dyar of Strong moved that the bill be tabled until tomorrow pending the motion of Mr. McTeague of Brunswick to reconsider.

Mr. Porter of Lincoln requested a division on the tabling motion.

The SPEAKER: A vote has been requested. All in favor of tabling the Bill pending the motion to reconsider will vote yes; if you are opposed to the tabling you will vote no.

A vote of the House was taken.

20 having voted in the affirmative and 112 having voted in the negative, the motion did not prevail.

The SPEAKER: All in favor of reconsideration say yes; those opposed will say no.

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

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

An Act relating to Preparation of List of Residents by Assessors. (H. P. 185) (L. D. 278)

Tabled—February 23 by Mrs. Boudreau of Portland.

Pending—Passage to be enacted.

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

Mr. Whitson of Portland moved that the House reconsider its action of earlier in the day whereby Bill "An Act relating to the Disposal of Manure" (H. P. 822) was referred to the Committee on Agriculture.

Whereupon, Mr. Smith of Waterville moved that the Bill be tabled until Friday, February 26, pending the motion of Mr. Whitson of Portland to reconsider.

Mr. Evans of Freedom requested a division on the tabling motion.

The SPEAKER: A division has been requested on the tabling motion. All in favor of tabling the

Bill pending motion to reconsider will vote yes; those opposed will vote no.

A vote of the House was taken.

22 having voted in the affirmative and 98 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is reconsideration.

Mr. Evans of Freedom requested a division on the reconsideration motion.

The SPEAKER: A division has been requested. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

27 having voted in the affirmative and 96 having voted in the negative, the motion to reconsider did not prevail.

Mr. Haskell of Houlton was granted unanimous consent to address the House.

Mr. HASKELL: On Joint Resolution Proposing Abolition of Futures Trading of Potatoes on the New York Mercantile Exchange by the Congress of the United States, House Paper 140, L. D. 195, which we passed this morning, I have some reservations regarding the wisdom of this move. Not regarding the course of submitting it to the Congress, but I have some reservations regarding whether we should in fact eliminate potato future trading in the State of Maine. And I would like to make a part of the record my reservations in this area.

First of all, some of our most successful farmers in Aroostook County regularly use hedge transactions on the future market as a part of their regular operation. The second point that I would like to make is that currently the course of the potato industry in the state seems to be moving more and more into the area of processing.

Part of the processing method involves the contracting on the part of processors for potatoes. It seems to me that in the long run, as contract prices are offered to the farmer, it would be valuable for the farmer to have the future marked price as a check against the contract price offered by processors.

The point that I consider most important, however, is the fact that the abolition of the future market will tend to reduce quite substantially the amount of credit that is available to farmers to plant and to harvest their crops. This comes about because our banking institutions regularly require farmers who borrow money from them for this purpose to hedge enough of their crop to cover their loans. Likewise, our fertilizer companies regularly require a hedge as a basis for loans for fertilizer.

In the absence of a future market, these hedge transactions would not be available, and I have checked with lending institutions in the county and they inform me that this would have the effect of substantially reducing the amount of credit available.

Now the trend in the county for many years has been the smaller producers are gradually being eliminated through the sheer force of economics, and the processing is being concentrated more and more in the hands of the larger producers. I am afraid that if the Congress takes our actions seriously that in the long run this is going to accelerate the departure from the scene of our smaller producers.

Mr. Donaghy of Lubec was granted unanimous consent to address the House.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I will be very brief on this. The bill was heard at some length by the State Government Committee. At the time of the hearing we had representatives of several farmers' organizations testify that this was necessary to control the market on potatoes, this market being hurt by the gambling so-called of the potato futures, through potato futures. And there was no real testimony opposing this resolution at that time.

It seems as though that from what we can hear on the outside, that the opposition has found that they are getting a little tough going in Washington and so they are coming back here to lobby us. And I don't want this House to

think that even the folks in Washington County don't want some potatoes to go with their fish.

Mr. Collins of Caribou was granted unanimous consent to address the House.

Mr. COLLINS: Mr. Speaker and Ladies and Gentlemen of the House: For the past 18 years the price of Maine potatoes has been controlled in large part not by the grower, not by the shipper, but by a conglomeration of hedgers and speculators on the trading floor of the Mercantile Exchange in New York City.

For all practical purposes, every transaction in actual potatoes from Maine is related to or completely geared to what takes place on the futures trading floor.

Volumes have been written on the subject, the process of future trading can be rather briefly outlined. The actual trading is done by members of the exchange who meet on the floor, pit, or ring of the market. These traders or brokers bid and offer with each other in the execution of orders for future delivery of the commodity. These may be orders from the public or from the trader's personal accounts. For an example, an order to buy five carloads for a retired person in St. Petersburg, Florida for May delivery may meet with an equivalent order to sell for a housewife in Baltimore. In this instance neither party had any intention of actually receiving or delivering the potatoes, but are speculating on future market trends. Official figures reveal that only about one percent of the trades in potato futures are settled by receipt or delivery of the product.

The persons who trade in these contracts represent every line of human endeavor. A publication of the Commodity Exchange Authority showed that one typical day speculative market positions in potato futures were held by 241 physicians, lawyers, teachers and the like, 211 manufacturers, capitalists, financiers and similar occupations, and 127 retired persons, 62 housewives, 165 salesmen and purchasing agents. In all 1273

speculative accounts were reported as having market positions on that particular day.

What are the effects of this type of manipulation? If the commodity involved, such as wheat, is produced in numerous states and countries, and has a long storage life and a low degree of perishability, then this form of marketing is quite acceptable. The existence of a backlog of supply makes manipulation less attractive, more difficult, and more likely to be detected.

In perishables, potatoes, however, it is an entirely different situation, one which has placed Maine potato producers completely at the mercy of speculation and rumor. As stated previously, few if any prospective buyers or sellers will make a transaction in real potatoes without relating it to the current quotation on the Mercantile. Therefore, it is easily understood how rumors, regardless of how ridiculous, can establish a market trend that for days or weeks has absolutely nothing to do with supply and demand.

And as a part-time banker I should like to say that this elimination of mercantile trading will not in any way affect the financing of Maine potatoes. And I should also like to say that 82 percent of all the Maine potato growers are in favor of eliminating the New York Mercantile Exchange.

Mr. Kelley of Caribou was granted unanimous consent to address the House.

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 195 seeks to have the United States Congress remove potatoes from speculation on the futures market, as was done in the case of onions in 1958.

After 21 years or more of actual experience with the operations of the potato futures market, it has become apparent to the great majority of the industry, from growers to retail outlets, that this perishable commodity is not adaptable to futures trading.

Many had hoped that potato futures could become a useful part of the marketing system, as is true of the more storable commodities

such as grain and cotton. Unfortunately and disappointingly, far from promoting orderly marketing increasing futures activity has been accompanied by increasing demoralization of the industry, erratic price movements unrelated to supply and demand, and a steady and drastic deterioration of Maine's position as compared with producing areas not dominated by the futures market.

Until recently, futures trading in potatoes has been limited to Maine. Many of the producing areas in the United States do not use futures, so elimination of futures will not have any unfavorable impact on any area. An overwhelming majority of growers and dealers in actual potatoes are strongly opposed to futures trading and have urged its immediate elimination. As was pointed out by the gentleman from Caribou, 82 percent have just recently voted to eliminate, and back in 1964 as I recall close to 90 percent have voted to eliminate.

Maine's situation as regards both actual price and price stability has deteriorated in relation to competitive areas as futures trading has increased in Maine potatoes. Growers in those areas of the country where there is no use of futures trading have consistently fared better than those in Maine, and the Maine grower's position has progressively worsened as futures trading has tightened its hold on the market.

The potato futures market is used only to a negligible extent in hedging and much of this is done in a manner damaging to the price structure and to the average grower. Also, futures trading causes confusion, disorder and price gyrations and the futures market is often completely dominated and controlled by speculative interests.

Growers are demoralized and confused by the antics of the futures market and this causes failure to make a constructive effort to solve other problems such as orderly marketing.

Mr. Cyr of Madawaska was granted unanimous consent to address the House.

Mr. CYR: Mr. Speaker and Members of the House: I know to most of you this is probably a complex and complicated problem that you probably don't understand too well. However, I would like to touch on a phase of this marketing which hasn't been touched as yet. It is the disrupting influence of orderly marketing by the mercantile board. This disruption occurs three ways: daily, monthly, and seasonally.

The daily disruption, there are no potatoes being traded before the board opens up at ten o'clock in the morning until two o'clock in the afternoon. If the price goes up on the board, then farmers don't want to sell, because the outlook looks good, so nobody wants to sell. If the price goes down then the farmers don't want to sell.

The second disruption, it is in regard to your monthly disruption. Farmers will hedge on the board part of their crop. Now if they hedge, let's say, 50 percent of their crop, it means that if they have to deliver on the board they will probably have to store or keep about two-thirds or three-quarters of their crop so that they make sure that they can make their deliveries. Which means that the farmer will sit on his crop until March, April and May, which are the months that are being traded on the board. So the farmer will sit on his crop, on three-fourths of his crop until such a time that he knows what he is going to do with that contract. If he can rebuy his contract and make money on it, let's say in March, April or May, then he will have his crop to dispose of. So what he is doing, he is creating a surplus. You may have a short crop, and yet by this transaction the farmer will create a surplus later on in the marketing season, in April or May, and will suffer the consequences.

The other disruption is that your three major trading months are March, April and May. And the closing dates of those trading months are the tenth of the month. So about a week or ten days — about a week before the tenth of

the month, very few buyers will buy, because they do not know how many deliveries will be made on the board. So all buying stops for about a week before the tenth of the month date. And then if your delivery happens to be high on the tenth, if you are going to have, let's say, a thousand cars or 1,500 cars that will be delivered, then the buyers will wait until those cars are delivered at Harlem River, and then will make an offer, a very low offer on those cars and hope that they will be successful in doing that.

So during that same time very few buyers are buying on the actual market, because they are waiting for a buy at Harlem River. Now at Harlem River, if it is a dentist or a doctor that has speculated, that has bought that car, and he is notified by the mercantile board that that car is at Harlem River, what are you going to do with it? Well, you can imagine he is not interested in eating the proceeds of that car. So he is going to try to dispose of that at whatever price he is offered. And this has a tendency to disrupt the whole market, lower the price and weaken the market. And this is the danger of the mercantile exchange. And this is why the farmers have lost control completely of their marketing.

And this is why they are in the situation that I explained to you yesterday, the industry is just under the dominance of the traders in New York, and they have no

more control of their product. And I think that we should go along on the elimination. Thank you.

Mr. Mahany of Easton was granted unanimous consent to address the House.

Mr. MAHANY: Mr. Speaker and Ladies and Gentlemen of the House: Of all those who have spoken so far I don't think they depend entirely on raising their living by farming. I think I am the only 100 per cent farmer who rises to speak on this bill. I think some of the things that have been said for the future trading of potatoes on the exchange are very well taken. Some of the things that have been said opposing future trading I do not agree with entirely. However, the majority of the growers in my area, and for that matter throughout Aroostook County, feel that they want future tradings of potatoes eliminated from the New York Exchange. Therefore, I have to lay aside my own feelings and support this measure.

Personally, I believe that the future trading of potatoes on the New York Mercantile Exchange is helpful to growers if it's used as a hedge, and the growers follow it the way they should, simply using it as a hedge, and not speculation. Thank you.

On motion of Mrs. Berry of Madison,

Adjourned until nine o'clock tomorrow morning.