

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, March 10, 1971

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

Prayer by the Rev. Mr. Howard A. Roberts of East Millinocket.

The journal of yesterday was read and approved.

Papers from the Senate

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

**Report of Committee
Ought Not to Pass**

Report of the Committee on Fisheries and Wildlife reporting "Ought not to pass" on Bill "An Act relating to Tending Tree or Pole Sets under the Trapping Laws" (S. P. 93) (L. D. 257)

In accordance with Joint Rule 17-A, was placed in the legislative files.

Non-Concurrent Matter

Joint Order relative to Temperature in State House Building and Bureau of Public Improvements Investigating Problem (H. P. 1006) which was passed in the House on March 5.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. DAM: Mr. Speaker, I move that we insist and join in a Committee of Conference and I would speak to my motion.

The SPEAKER: The gentleman from Skowhegan, Mr. Dam moves that the House insist on its former action and ask for a Committee of Conference.

The gentleman may proceed.

Mr. DAM: Mr. Speaker and Members of the House: The reason why I oppose the indefinite postponement of this order, I do not feel that the Bureau of Public Improvements in this order would have to make any alterations at once, but they would make a study of the system and if money was needed to upgrade the system they

could make a report and ask the Legislature to provide this money.

It seems senseless to me to say that the purpose, as I read in the paper this morning, that the purpose of this order has been accomplished. The purpose of the order has not been accomplished, because to accomplish this order they have already said there would have to be changes. The morning paper also said that one of the good Senators of the other body

The SPEAKER: The Chair would caution the gentleman from referring to the other body to influence this body here.

Mr. DAM: In the newspaper article this morning I read where they would have to change the heating system. This is not true. They would have to make some changes, but this would save the State money over a period of time. It is senseless to overheat the buildings, then open the windows to cool them off. If this is controlling the heating system in an efficient manner then why don't the people right here do this same thing in their homes?

Now all that was asked was that a closer control of the heat be had in order to cut down on the waste of money. There is a great waste of money in state government, not only in the heat but in the area of the power bill, the area of excess printing, and all of these things add up to a goodly sum. I think it is time that we start in some areas to say to the people of the State of Maine that we did not come to Augusta to waste your money but we have come to Augusta to try to give you efficient government, try to give you what you need to operate the State and give you the services that you desire, but we don't intend to sit here and see this money wasted by going out the window in excessive heat. Now every time I go by these buildings I see not only this building but the other buildings that the State heats, that their windows are open.

Now this is money that is being paid out. Just recently, just in the past four or five weeks, the State of Maine saw fit to release the oil contractor from his contract be-

cause presumably he had bid too low and he said he would go bankrupt if he had to supply the State with the oil at the price he bid.

So this tells me one thing, that we are burning an excessive amount of oil and it is time that we cut it down and I would hope that the House would support my motion to insist and join in a Committee of Conference.

The SPEAKER: The pending question is on the motion of the gentleman from Skowhegan, Mr. Dam, that the House insist on its former action and ask for a Committee of Conference.

The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker, I move that we recede.

The SPEAKER: The Chair understands that the gentleman from Freedom, Mr. Evans moves that the House recede from its former action and concur with the Senate. The Chair will order a vote.

Whereupon, Mr. Dam of Skowhegan requested a roll call.

The SPEAKER: 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 the motion will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Freedom, Mr. Evans, that the House recede from its former action and concur with the Senate. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YES — Albert, Bailey, Barnes, Birt, Bither, Brawn, Collins, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Evans, Farrington, Gagnon, Hancock, Hardy, Henley, Immonen, Lee, Lewis, MacLeod, Page, Porter, Scott, Shaw, Theriault, Tyndale.

NO — Ault, Baker, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Brown, Bunker, Bustin, Call, Carey, Carrier, Carter, Churchill, Clemente, Conley, Cote, Curran, Cyr, Dam, Dow, Doyle, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Faucher, Fecteau, Finemore, Fraser, Gauthier, Genest, Gill, Good, Goodwin, Hall, Haskell, Hawkens, Hayes, Herrick, Hodgdon, Jalbert, Jutras, Kelleher, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lessard, Lewin, Lincoln, Littlefield, Lizotte, Lucas, Lynch, Maddox, Mahany, Manchester, Marsh, Marsteller, Martin, McCormick, McKinnon, McTeague, Millett, Mills, Mosher, Murray, Norris, O'Brien, Orestis, Parks, Payson, Pontbriand, Pratt, Rand, Rocheleau, Rollins, Ross, Sheltra, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Susi, Tanguay, Trask, Vincent, Webber, Wheeler, White, Whitson, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Bragdon, Clark, Cooney, Cottrell, Donaghy, Drigotas, Hanson, Hewes, Lund, McCloskey, McNally, Morrill, Santoro.

Yes, 27; No, 110; Absent, 13.

The SPEAKER: Twenty-seven having voted in the affirmative and one hundred ten in the negative, with thirteen being absent, the motion to recede and concur does not prevail.

Thereupon, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Classifying Mousam River, Main Stem, West Branch" (H. P. 202) (L. D. 269) which was passed to be engrossed as amended by Committee Amendment "A" in the House on February 26.

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. Jutras of Sanford, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act relating to Length of Certain Motor Vehicles" (H. P. 213) (L. D. 280) which was passed to be engrossed as amended by Committee Amendment "A" in the House on February 24.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Wood of Brooks, the House voted to insist.

Non-Concurrent Matter

Bill "An Act Amending and Restating the Act to Incorporate Dyer Library Association" (H. P. 350) (L. D. 459) which was passed to be engrossed in the House on March 4.

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

In the House: On motion of Mr. Norris of Brewer, the House voted to recede and concur.

Petitions, Bills and Resolves Requiring Reference

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

Agriculture

Bill "An Act to Prohibit False or Misleading Potato Labeling and Branding" (H. P. 1046) (Presented by Mr. Mahany of Easton)

Bill "An Act relating to Fees for Marketing and Advertising Farm Products" (H. P. 1047) (Presented by same gentleman)

Bill "An Act Revising the Maine Potato Tax Law" (H. P. 1048) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Correct Inconsistencies in the Town Election Law" (H. P. 1049) (Presented by Mr. Gagnon of Scarborough)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act relating to Sale of Marine Worms" (H. P. 1050) (Presented by Mr. Kelley of Southport)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act relating to Transportation of Seriously Injured People Directly to a Hospital" (H. P. 1051) (Presented by Mr. Dam of Skowhegan)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Limiting the Powers of Building and Housing Inspectors" (H. P. 1052) (Presented by Mr. Emery of Auburn)

Bill "An Act relating to Display of Flags of Certain Foreign Countries" (H. P. 1053) (Presented by same gentleman)

Bill "An Act relating to Habitual Offenders of Motor Vehicle Laws" (H. P. 1054) (Presented by Mr. Hewes of Cape Elizabeth)

Bill "An Act to Ensure the Payment for Child Support" (H. P. 1055) (Presented by Mr. McTeague of Brunswick)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act relating to Boundaries of Municipalities in Annual Reports" (H. P. 1056) (Presented by Mr. Ault of Wayne)

Bill "An Act to Establish a Boundary Line between the Towns of Wayne and Leeds" (H. P. 1057) (Presented by same gentleman)

Bill "An Act Revising the Harbor Master Law" (H. P. 1058) (Presented by Mr. Kelley of Southport)

(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act Imposing Effluent Charges to Abate Water Pollution" (H. P. 1059) (Presented by Mr. Vincent of Portland)

(Ordered Printed)
Sent up for concurrence.

Taxation

Tabled and Assigned

Bill "An Act to Reimburse Certain Municipalities for Property Taxes Lost on Exempt Property Owned by the State" (H. P. 1060) (Presented by Mr. Curtis of Orono)

(On motion of Mr. Marstaller of Freeport, tabled pending reference and tomorrow assigned.)

Bill "An Act relating to Excise Tax on Camp Trailers" (H. P. 1061) (Presented by same gentleman)

Bill "An Act relating to Persons Required to Make Returns of Income for Income Tax Purposes" (H. P. 1062) (Presented by Mr. Emery of Auburn)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act relating to Vacation and Sick Leave of Certain Employees of Highway Departments" (H. P. 1063) (Presented by Mr. Barnes of Alton)

Bill "An Act to Repeal Obsolete Laws and Correct Errors and Inconsistencies in the Motor Vehicle Laws" (H. P. 1064) (Presented by Mr. Stillings of Berwick)

(Ordered Printed)
Sent up for concurrence.

Veterans and Retirement

Bill "An Act relating to the State Police Retirement System" (H. P. 1065) (Presented by Mr. Gagnon of Scarborough)

(Ordered Printed)
Sent up for concurrence.

Orders

Mrs. Lincoln of Bethel presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the State Insurance Commissioner, Executive Secretary of the Maine State Retirement System and Legislative Finance Officer be directed to undertake a joint study of the provisions of (H. P. 8) (L. D. 8) "An Act to Revise and Clarify Laws Relating to Group Life In-

surance Under Maine State Retirement System" to determine the advisability and feasibility of making the changes proposed and to submit a report of their findings and recommendations to the next special or regular session of the Legislature; and be it further

ORDERED, upon final passage of this Joint Order that copies be transmitted forthwith to said Insurance Commissioner, Executive Secretary of the Maine State Retirement System and Legislative Finance Officer, as notice of the study to be undertaken. (H. P. 1069)

The Joint Order received passage and was sent up for concurrence.

On motion of Mr. Trask of Milo, it was

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

The SPEAKER: The Speaker would express his great pleasure at seeing a senior member back in his seat this morning, and I am speaking of the Honorable Rodney Ross of Bath who has been ill now for some time, and I know that you all will be pleased that he has recovered his health and is in splendid condition.

Many of you members have inquired for Representative Ross during his absence and I know that you will welcome him back with a hearty applause. (Applause)

House Reports of Committees

Leave to Withdraw

Mr. Kelley from the Committee on Labor on Bill "An Act to Revise Eligibility Requirements for Unemployment Compensation Benefits" (H. P. 423) (L. D. 557) reported Leave to Withdraw.

Mr. Tanguay from the Committee on Liquor Control reported same on Bill "An Act relating to Issuance of Malt Liquor Licenses" (H. P. 429) (L. D. 563)

Reports were read and accepted and sent up for concurrence.

Referred to 106th Legislature

Mrs. Lincoln from the Committee on Veterans and Retirement on Bill "An Act to Revise and Clarify Laws Relating to Group

Life Insurance under Maine State Retirement System" (H. P. 8) (L. D. 8) reported that it be referred to the 106th Legislature.

Report was read and accepted, the Bill referred to the 106th Legislature and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Cote from the Committee on Legal Affairs on Bill "An Act Including Escalators and Manlifts in the Elevator Law" (H. P. 73) (L. D. 114) reported same in a new draft (H. P. 1066) (L. D. 1126) under same title and that it "Ought to pass"

Mr. Hawkens from the Committee on Liquor Control on Bill "An Act relating to Definition of Wholesaler under Liquor Law" (H. P. 428) (L. D. 562) reported same in a new draft (H. P. 1067) (L. D. 1127) under same title and that it "Ought to pass"

Mr. Finemore from the Committee on Taxation on Bill "An Act relating to the Property Tax Exemption for Parsonages" (H. P. 244) (L. D. 325) reported same in a new draft (H. P. 1068) (L. D. 1128) under same title and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Scott from the Committee on Business Legislation on Bill "An Act Amending Charter of Eliot and Kittery Mutual Fire Insurance Company" (H. P. 450) (L. D. 605) reported "Ought to pass" as amended by Committee Amendment "A" (H-43) submitted therewith.

Mr. Murray from the Committee on Education on Bill "An Act Increasing Indebtedness of Town of York School District" (H. P. 44) (L. D. 76) reported "Ought to pass" as amended by Committee Amendment "A" (H-44) submitted therewith.

Mr. Keyte from the Committee on Transportation on Bill "An Act relating to Payment of Fees to Secretary of State for Reports of Records" (H. P. 486) (L. D. 627)

reported "Ought to pass" as amended by Committee Amendment "A" (H-45) submitted therewith.

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act relating to Availability of Statistical Reports of Employment Security Commission" (H. P. 11) (L. D. 11)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
MARCOTTE of York
— of the Senate.
Mrs. LINCOLN of Bethel
Messrs. KELLEY of Machias
LEE of Albion
ROLLINS of Dixfield
SIMPSON of Millinocket
BEDARD of Saco
GENEST of Waterville
GOOD of Westfield
— of the House.

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

Report was signed by the following members:

Mr. LEVINE of Kennebec
— of the Senate.
Messrs. McTEAGUE of Brunswick
BUSTIN of Augusta
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Westfield, Mr. Good.

Mr. GOOD: Mr. Speaker, I move that we accept the Majority "Ought not to pass" Report.

Whereupon, on motion of Mr. Mills of Eastport, tabled pending the motion of Mr. Good of Westfield to accept the Majority Report and specially assigned for Friday, March 12.

Passed to Be Engrossed

Bill "An Act to Clarify the Duty of Licensed Users to File Use Fuel Tax Reports" (H. P. 247) (L. D. 328)

Was 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 Amended

Bill "An Act relating to Definition of Class A Restaurant Under Liquor Laws" (H. P. 302) (L. D. 402)

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

Mr. Martin of Eagle Lake offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-42) was read by the Clerk and adopted and the Bill passed to be engrossed as amended and sent to the Senate.

Bill "An Act relating to Snow Removal on State Highways in Built-up Sections of Certain Municipalities" (H. P. 311) (L. D. 411)

Bill "An Act relating to Temporary Registration Certificates for Vehicles" (H. P. 313) (L. D. 413)

Bill "An Act relating to Definition of Retailer under Liquor Law" (H. P. 427) (L. D. 561)

Bill "An Act relating to Retirement of, and to Allowance for Widow of, the Administrative Hearing Commissioner" (H. P. 445) (L. D. 579)

Bill "An Act relating to Fees for Replacement of Number Plates for Motor Vehicles" (H. P. 511) (L. D. 656)

Bill "An Act Providing for Repair, Maintenance and Operation of State-owned Dam on Dead River, Androscoggin County" (H. P. 604) (L. D. 806)

Bill "An Act relating to Acquisition of Land for National Forests" (H. P. 1042) (L. D. 1100)

Bill "An Act Providing Additional Driver License Examiners in the Division of Motor Vehicles" (H. P. 1043) (L. D. 1101)

Resolve to Reimburse Bernard Powers of Newry for Loss of Cigarettes" (H. P. 106) (L. D. 148)

Resolve Providing Retirement Benefit for Clyde Walker of Hallowell (H. P. 319) (L. D. 419)

Resolve Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Ernest F. Miller (H. P. 373) (L. D. 479)

Resolve Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Grace V. Pullen (H. P. 374) (L. D. 480)

Resolution Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature (H. P. 1041) (L. D. 1099)

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

Amended Bills

Bill "An Act to Repeal Tax Exemption for Planting and Cultivating Forest Trees" (S. P. 67) (L. D. 132)

Bill "An Act to Clarify Certain Forestry Laws" (S. P. 112) (L. D. 291)

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.

Passed to Be Enacted

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

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

Orders of the Day

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

Senate Report — Ought to pass with Committee Amendment "A" (S-20) Committee on Liquor Control on Bill "An Act Providing for Adult Identification Cards under Liquor Law" (S. P. 119) (L. D. 298) — In Senate, Report accepted and Bill passed to be engrossed as amended by Committee Amendment "A".

Tabled — March 5, by Mr. Vincent of Portland.

Pending— Acceptance in concurrence.

On motion of Mr. Vincent of Portland, the Report and Bill were indefinitely postponed in non-concurrence and sent up for concurrence.

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

SENATE DIVIDED REPORT — Majority (6) "Ought to pass" — Minority (4) "Ought not to pass" — Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Defaulted Maine Sugar Industries, Inc. Loans" (S. P. 370) (L. D. 951)

Tabled—March 5, by Mr. Birt of East Millinocket.

Pending—Motion of Mr. Martin of Eagle Lake to indefinitely postpone Reports and Bill.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: It is the belief of the members of the Majority Party that the responsible way to meet our obligations under the defaulted Maine Sugar Industry loan is to take from our current surplus of some \$11.7 million plus the amount of \$1 million to meet this current obligation.

The alternative is to borrow this money through bonding for this purpose, and thus presumably create the illusion that we have a degree of solvency which isn't actually ours to enjoy. I hope that you vote with me this morning against the indefinite postponement of this bill. And if this is successful, we will then move for the adoption of the Majority Report, and send this bill along its way. Thank you.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: During the discussion of this bill last week there were some questions posed as to whether this could legally be financed from surplus or not. The question was based on the position, or the statement in the law which said that the funding could only come from the Governor's Contingent Fund or from bonding.

I, as a result, asked the Attorney General's Department if they would review this and research it and prepare for me an opinion as to whether or not this could be done. And very simply, to give both sides of it, I would read the short letter that I sent to the Attorney General's Department, in which I said:

"I would like to have a ruling from your Department as to whether payments to the M.I.B.A. for defaulted loans can be made from surplus, or do they have to be made by sale of bonds?"

The letter I have received from the Attorney General's Department — and I will read this into the record — is addressed to me.

"I have your letter of March 4. You ask if the Legislature may appropriate from the Unappropriated Surplus of the General Fund to make payments for defaulted loans insured by the Maine Industrial Building Authority. I answer your question in the affirmative.

The Constitution of Maine, Article IX, Section 14a provides that the Legislature by proper enactment may insure the payment of mortgages in amounts not exceeding a stated figure. It further says in the same Act that the Legislature 'may also appropriate moneys and authorize the issuance of bonds on behalf of the State at such times and in such amounts as it may determine to make payments insured as aforesaid'. The Constitution thus provides that the Legislature may appropriate moneys to make payments as needed. This answers your question in the affirmative.

It has been stated on the floor of the House that there are two ways in which payments may be made; one by the Governor and Council taking funds from the State Contingent Account or from the proceeds of bonds to be issued upon order of the Governor and Council. These two provisions appear in Title 10, Section 802. It is true that these two methods are the ones which the Legislature has given to the Governor and Council to finance defaulted loans. The Governor and Council has no other methods available to it.

However, as pointed out above, the Legislature has the authority

to appropriate moneys at such times and in such amounts as it may determine to make payments on defaulted loans."

And this is signed by the Attorney General.

When we discussed this in committee, I think the final report came out with a six to four divided report. I think it is strictly a philosophical thing that if you have money in your pocket you do not go out and borrow additional money to pay your debts. I think this has been a long standing philosophy of mine. I have used it in my own personal life, and I have attempted to do the same type of thing in the legislature.

Now I would add to what the gentleman from Pittsfield has just previously said relative to the comments of the use of surplus. And I am reading from the Budget Document on the Governor's Budget Message. And I will just take the last sentence.

"The essential soundness of the State of Maine's economy is reflected in the fact that existing sources of revenue this biennium have exceeded expenditures, and as of July 1, 1971, it is estimated that this Legislature will have \$30,180,000 of General Fund surplus available for appropriation."

If we have \$30,180,000, it seems that we are not acting in good faith with the people to go out and borrow an additional million dollars. If we have \$300 in our pocket and we have a bill of \$10, we certainly don't go out and borrow the \$10 when we have the funds. This is a philosophical point that I believe completely we should follow, and I would hope that the indefinite postponement is not accepted.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It must indeed be with a feeling of some comfort to rise and oppose, or propose a resolution or legislation knowing that numerically you are, to a certain degree, in an area of safety. I would remind the membership of the House that back

in 1964 that we worked in the area of raising the bond availability programs, or as we stated, that we could take such moneys from the proceeds of bonds. We raised this to the tune of \$40 million, and then of course we went to \$80 million without one word of debate at a special session.

Now I would restrict myself for a moment to the gentleman from East Millinocket, Mr. Birt, my capable colleague of many moons on the Appropriations and Financial Affairs Committee, and remind him that I could stand here ad infinitum and elaborate on measures that he has voted upon which were nonrecurring, or recurring, came out of surplus or vice versa. I know that he does not herald that philosophy any more than I do. But I know that he knows that he has done it, and I know that he has done it. And a short recess and bringing back the record of the legislature would only attest to that philosophy.

We speak of a purported \$30 million surplus. We already know that 50% of that surplus is set aside for debt service, the amount necessary to fund currently authorized bonds expected to be issued. And I am fully aware that this is a recurring item. And I may not agree with it, no more than I may agree with the fact that we are going to need insurance, if you may, for the better part of five to six million dollars to finance our leaping programs of welfare, just to finish out the requirements by law for this biennium.

I also know that somewhere along the line — and I am sure that my learned colleague from East Millinocket, Mr. Birt of the Appropriations Committee, knows also that we may have to go to the equipment items to fund equipment requests in the Part I Budget which tally up to some \$3.5 to \$3.7 million. We may shift these good self-insurance programs, million dollars from the area of the L.D. — the Martin L.D. 237, but eventually that will have to come out of a surplus which is the anticipated surplus cushion that we have.

We also know that our leaping items of fuel costs to finish out this biennium must come from the unappropriated surplus. So that all in all the \$30 million supposedly that the good gentleman from East Millinocket, Mr. Birt, talks about very quickly dwindles itself to the area of three to four million dollars or less, if we are to take other items from the programming.

I can well remember back in 1961 when I attempted to put in an order that would raise the estimates — or we would take, I mean, \$2 million out of the then surplus, and I was called a chairman of a monumental shell game for doing so. And it was only ten days later that the then very capable chairman of the Appropriations Committee, the honorable Harold Bragdon of Perham, put in the same order under his name and the practice has been entertained ever since.

It behooves me that in any area that if we do not go to this type of programming with the so-called cushion of \$30 million, it would hardly be possible for us to explain to our constituents that we are using this procedure of keeping this money for strictly capital items when we have such a surplus. I am not saying that I entertain the idea and herald it, because I never have. But it is a practice that was started, it is a practice that has been, and it is a practice that is.

Now let us for a moment think that instead of the default of the Vahlsing program of \$1 million, let us say that it would be a default of the Bath Iron Works, had they gotten that last program that is debatable as to whether they wanted or should have had or not. And it is their judiciousness to carry on their program as well as they are doing now. And they are doing a very splendid service to the people of the State of Maine and contributing a great deal to the national defense.

But let us say that they would have wound up borrowing \$50 million, as we, without one word of debate, gave them carte blanche to do, and as we, without one word

of debate, in a one day special session of the legislature okayed their program and gave them a stamp of approval, gave them a \$50 million credit card under the name of the State of Maine. Let us say that something would have happened and they would have found themselves in default of \$40 million. How then would we have paid the \$40 million with no surplus money?

I say that the intent of the law was from the proceeds of the bonds. The people of the State of Maine okayed this in referendum. And I for one have faith in the people of the State of Maine, and they certainly in past years have shown their judiciousness in their choice of what they wished for bonds yes or no. I repeat, I ask the question, what then would we have done with no surplus? And as the good, able gentleman from Eagle Lake, Mr. Martin, quietly mentioned last week, what would we do if we had no surplus? Where would these moneys come from?

And I might suggest to you, as I have often suggested to the very capable gentleman — and I am very very happy to see him back here — the very capable gentleman from Bath, Mr. Ross, on another matter that we have jostled upon a few sessions in the last few sessions, that there is a four letter word written on this measure anyway called veto. I might suggest that the same thing might pertain to this one, and I might suggest that we are wasting a great deal of time by going along just trying to prove a point, which has been proven.

I do not agree personally with the method used by the individual, Mr. Vahlsing. The point thereby and therefore has been proven. The way to handle this situation is through the bond program, and no other way. And I wholeheartedly concur with the philosophy of the gentleman from Eagle Lake, Mr. Martin, and when the vote is taken I move it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the

House: In the extensive discussion we have seen here about various methods of financing, I think we should not lose sight of the very simple facts that we have before us. The State of Maine owes about \$1 million as a result of defaults on the Maine Sugar Industry loans.

We have two alternatives available to us. We can pay it in cash out of money we have on hand now in surplus, or we can borrow in order to pay this amount. If we borrow the money we don't have the immediate capital outlay, but in the long run we are going to pay more because we pay back the principal plus the interest.

Now I think we should spell out today the reason for that borrowing capacity. In order to make the bonds marketable, the bond holders have to have some assurance that they will be paid in the event of default. They have to have some assurance that they will be paid whether the legislature is in session or not. And for this reason the MIBA statute provides that there is authority to issue bonds. In checking on this yesterday I had occasion to discuss with one of the draftsmen who drew up the MIBA bill, and he pointed out to me that it is necessary to have this bond issuing authority because this is the only way the money could be raised if the legislature was not in session. But just because the authority is contained in the act to enable us to issue bonds does not suggest that that is the only way or the correct way to do it.

I think it should be spelled out clearly today, because apparently this may be the first clear confrontation between the Majority and Minority Parties this session, and I think we should make very clear that people know what they are voting for, and that the people of the State of Maine know who voted how and why.

Republicans, I think, are prepared today to say if we have the money we should pay for it. And this is what we are seeking to do. To appropriate the money, because we have the money to pay for money that we now owe. The Minority Party apparently has something else in mind. But I

think that there is a difference between saying we should borrow the money because we have the authority, and saying that we should borrow the money because we have to. We do not have to borrow the money, and I would suggest to you that the way to follow sound financing is to pay cash if you can.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I am rising to support the remarks of the gentleman from Lewiston, Mr. Jalbert. Let me point out in reference to this beautiful surplus that everyone keeps alluding to that it very well could escape us in the short time ahead, in two years from now, or in four years from now, when supposedly we will still be faced with paying off the \$1 million for seven more times, if the sugar beet industry doesn't get off the ground.

Let me point out to you that last month's tax revenues fell below the estimates. This, granted, was for the first time in the past year, probably caused by a national problem called inflation. What will we do in the future when there is no surplus? Are we then going to revert to another system created by the Majority Party?

It seems to me that this proposed appropriation from surplus is a classic example of short-sighted legislation. It completely ignores the procedure that was approved by the people of Maine at referendum to meet state payments in case of defaults in MIBA guaranteed loans. That authorized procedure, namely the issuance of bonds, provides a readily available way of meeting the state's obligation which would not impair the efforts of this legislature to meet the needs before it.

We should think very carefully of the consequences that we are going to take today. Unlike so many other states throughout the country, our state entered its legislative session with a healthy surplus. This surplus, as has already been pointed out, will help to fund some critical programs that we cannot do without or to fund pro-

grams that must be taken care of in order to complete the fiscal year.

The surplus helps therefore to ease the pressures for new taxation. But if we begin to erode the surplus for shortsighted partisan reasons, we will simply be backing ourselves into a fiscal corner. The flexibility which the surplus provides will be lost. There is simply no necessity for action of this kind. We have available an alternate program which has been authorized by the citizens of Maine in referendum which would leave our surplus intact and would permit the state to meet its obligations.

The entire sugar beet effort in Aroostook County has already been barred by too much partisanship. Too many people are standing on the sidelines waiting to announce the demise of the second crop effort and say, "Well, we told you so." Too many people want to dramatize the default situation by cutting into the state surplus and thereby try to complicate the impact of the situation.

I do not think that the Majority Party, the Republican Party, or this House should be a party to such a conduct. It simply places us in a fiscal bind which is completely avoidable. And I would hope that the House would act responsibly and the Majority Party would follow suit in going along with the motion of indefinite postponement to solve the problem now and immediate.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The good gentleman from Augusta, Mr. Lund, makes a great deal of the fact that we should have money in our pocket and that we should pay for it now and certainly one does not dispute that observation.

However, I have before me the record of the Special Session of the 1957 Session of the Legislature when this MIBA program was placed on the books of law, when the \$20 million was set up insofar as going out to proceeds of bonds to pay for possible programs that might go bad. And at that time we had over \$20 million in the sur-

plus. I am wondering why then did the then Majority Party go along with such a program.

The fact that we are in session of the legislature, in my opinion, hasn't got too much bearing on it. I still haven't had my question answered, that if we were in session of the legislature and if we had no surplus, just how would we meet this obligation? The answer to that is very obvious. Certainly my question is pertinent when I ask just what would we do if we had gone into a major program that we fully intended to go to, and we heralded to go to, to the tune of \$50 million, and we would have found ourselves in default of \$30 million. How then would we have financed this obligation?

I say to you that the point has been made. And I say to you, I think the proper way to go in this area is to meet this obligation in the way that the people of the State of Maine have said that we should meet them. And we should go along about our business.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoin.

Mr. BOURGOIN: Mr. Speaker and Members of the House: I would like to bring up a point here that has not been brought up, on a bond issue we have to pay interest. I understand that the \$30 million surplus is drawing interest which cancels the interest we would have to pay on the bonding. And I am in favor of the bonding.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: Not to repeat what has been said this morning, I would like to say that it seems much better to pay as we go and at least we will save interest for that period of time. We will have periods with less anticipated revenue, as the gentleman from Eagle Lake has mentioned this morning, due to the fact that the seasons of the year and the difference in the seasons and the income tax return, we will have less income during those periods.

I would like to agree with the remarks of the gentleman from

Pittsfield, Mr. Susi, and the gentleman from East Millinocket, Mr. Birt, and the gentleman from Augusta, Mr. Lund, and I would like to say, in regard to some of the remarks which are very very good from the gentleman from Lewiston this morning, that we bond, and he mentioned this period when the legislature isn't in session, which I will agree is correct to one hundred percent; the only thing is, at that time the Council and the Governor have the power to borrow the million dollars that we need if we need them at that time, and as a rule this will come due when we are in session with the exception of the special session. If we happen to go to annual sessions we will always be in session when this comes due and we can cover it at that time.

I hope at this time we will go along with the feeling of the Majority Party and vote against the indefinite postponement of this Bill.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that both Reports and Bill "An Act Appropriating Funds for Defaulted Maine Sugar Industries, Inc. Loans" (S. P. 370) (L. D. 951) be indefinitely postponed in non-concurrence. If you are in favor of this motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Albert, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bustin, Carey, Carrier, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Cyr, Dam, Dow, Doyle, Drigotas, Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Goodwin, Hancock, Jalbert, Jutras, Kelleher,

Kelley, P. S.; Kilroy, Lawry, Lebel, Lizotte, Lucas, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Murray, O'Brien, Orestis, Pontbriand, Rocheleau, Santoro, Sheltra, Slane, Smith, D. M.; Smith, E. H.; Starbird, Tanguay, Theriault, Vincent, Webber, Wheeler, Whitson.

NAY — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Brawn, Brown, Bunker, Call, Churchill, Collins, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, Dudley, Dyar, Emery, D. F.; Evans, Fine-more, Gagnon, Gill, Good, Hall, Hardy, Haskell, Hawkins, Hayes, Henley, Herrick, Hodgson, Immonen, Kelley, K. F.; Kelley, R. P.; Keyte, Lee, Lewin, Lewis, Lincoln, Littlefield, Lund, MacLeod, Maddox, Marsteller, McCormick, Millett, Morrell, Mosher, Norris, Page, Parks, P a y s o n, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury, The Speaker.

ABSENT — Bragdon, Clark, Hanson, Hewes, Lessard, McNally. Yes, 67; No, 78; Absent 6.

The SPEAKER: Sixty - seven having voted in the affirmative and seventy - eight in the negative, the motion does not prevail.

Thereupon, on motion of Mr. Susi of Pittsfield, the Majority "Ought to pass" Report was accepted in concurrence, the Bill read twice and assigned for third reading tomorrow.

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

SENATE JOINT ORDER re Cloture on Tuesday, March 16, 1971 at 1 p.m. (S. P. 422) — In Senate read and passed.

Tabled — March 9, by Mr. Scott of Wilton.

Pending — Adoption of House Amendment "A" (H-41)

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

Mr. PORTER: Mr. Speaker and Members of the House: Twenty - four hours ago I submitted House

Amendment "A". In my typical fashion I have changed my mind. I now ask that House Amendment "A" be indefinitely postponed and that we pass the Order in concurrence.

Thereupon, House Amendment "A" was indefinitely postponed, and on motion of Mr. Porter of Lincoln, the Order was passed in concurrence.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought not to pass" — Minority (5) "Ought to pass" — Committee on Legal Affairs on Bill "An Act relating to the Control of Dogs" (H. P. 270) (L. D. 359)

Tabled — March 9, by Mr. Porter of Lincoln.

Pending — Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, I move that the House accept the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Westfield, Mr. Good.

Mr. GOOD: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose the motion by my good friend, the gentleman from Brewer, Mr. Norris.

I don't want to make a big issue out of this so-called "Dog Leash Bill". However, I do want to bring to your attention a few facts that I think give merit to this bill. I will try to be brief.

First, of all the letters that I have received from people all over the State, 95 percent are in favor of this legislation. Many letters were from older people who are afraid of stray dogs that roam uncontrolled in the area where they live. These people feel that their freedom is somewhat hampered that they cannot walk from their home to a neighbor's or to the store without being threatened by these dogs. Some of these older people have no transportation and

they have to walk on the streets if they are to get out at all.

Other letter writers have complained that their children are being molested by dogs at school and while going to and coming from school. I have had several letters from wardens and sportsmen who claim, and can furnish proof, that dogs kill thousands of deer a year, and I can personally testify to the fact that dogs can literally ruin a flock of sheep. I have had as high as fifty sheep killed at one time by a gang of only three dogs. Now the carnage that dogs can create in a deer yard is bad enough, but in a sheep pasture it is even worse. In a sheep pasture, the dogs do not kill to eat but only rip open the stomachs and throats of the animals and leave them to die.

Other letters are from people who are tired of having their gardens and flowers trampled and ruined, and they are tired of having to clean up large and frequent piles of dog manure deposited regularly by someone else's dog.

These dogs we are talking about are not the well-mannered, kind and friendly dogs owned by responsible and considerate people. These dogs are not affected by this law. We are talking about the large minority of dogs who run wild and are owned mostly by irresponsible and inconsiderate people who quite often own several dogs, never see them but once a day or less, and quite frequently never pay a dog tax and never have them inoculated for rabies. The fact that these dogs are never inoculated against rabies makes them a constant danger to children, adults and other dogs and animals. These dogs should be under some kind of control.

In 1953 the Legislature passed a bill setting up shelters where stray dogs were held for fourteen days at one dollar per day from the State. After that fourteen day period these dogs are destroyed. The fees and the length of shelter time have somewhat changed since that time. However, in the first year of operation the State paid out over \$3455 for dog board. In 1969-1970 the State paid out \$63,520 for the same reason and it is predicted that in the

current year the expense to the State will be way over that amount and that the Department of Agriculture will have to call on the State for money to operate, all due to this one item of expense. The passage of this bill will cut the expense in half.

At the hearing, most opposition to this bill was from shelter operators. These people operate these shelters for profit and not because they are lovers of dogs. The intent of this bill is not to harass dog owners. This bill would be more of a protection for good dogs rather than a hardship for them or their owners. I like dogs and I have owned a hunting dog most of my life. For over twenty years I was a traveling salesman and for many of those years I carried my dog in the car with me. But I made sure that my dogs were where they should be and that they never bothered anyone.

I am telling you right now it is quite a job to take care of a dog the way it should be done; to keep him clean, feed him, and tidy up after him. I don't mind feeding and cleaning up after my own dog, but I am darned if I want to be made to do it for someone else's dog. Dogs make great pets and should be given every opportunity for a happy life, but when it comes to a showdown between dogs and people, people should be given some consideration.

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

Mr. CALL: Mr. Speaker and Members of the House: Pets were never more comfort to anyone than at the present time, with the entire world in such a chaotic situation. The possession of anything right now that can bring us happiness should be encouraged rather than discouraged.

A dog is fortunate if he lives to be ten years old. I say let those ten years be as pleasant as possible. Any type of dog restraint should never be state-wide. If there is a dog problem in any particular area, it should be handled by the authorities of that particular community. Many police chiefs do not want their town to have a

dog leash ordinance because it is too hard to enforce.

I can speak with authority relative to the subject of dog control in my own city. The aldermen considered a dog leash ordinance until strong opposition during a public meeting in the City Council chamber brought about unanimous thinking by the aldermen that a dog leash ordinance was out of the question. We finally passed, after thorough study of the matter, a dog control ordinance which, fundamentally, insists that an owner whose dog has been annoying other people must, after having been notified properly, control his dog. At the time of the passage of the dog control ordinance, there was no opposition. And I have heard nothing from the situation since from the police or from anybody else. In my city the situation is working out all right apparently.

Certainly state-wide confinement would be very hard on people who live on farms. A dog living on a farm is more of a necessity than a pet. He performs duties which are very helpful to the farmer such as herding cows, sheep and other livestock, and killing rodents which destroy crops.

There are too many people who see a leash law as a way to get rid of dogs; it is not mere control that this group desire, but complete eradication. To me that is shameful! The dog-haters know full well that many dog owners will destroy their pets before they will subject themselves and their dogs to the inconvenience of a leash and other methods of confinement. This proposed legislation would punish unnecessarily the dog and the owner of that dog which leaves its home a few minutes early in the morning, comes back in the house for a couple hours, then goes out again for an hour or less, and then back home for the rest of the day.

That part of L. D. 359, which I find most of offensive of all, is that part which would allow veterinarians in Maine's societies and shelters to give away or dispose of stray and abandoned dogs after a five day waiting period. The waiting period is now ten days. Once it was fourteen days. Even fourteen days isn't enough. Some-

body could take a dog and drop him off a hundred miles away. The dog wouldn't know where he was and the owner wouldn't know where the dog was.

Along with many letters that I received I had this enclosed clipping, but the party who sent it to me asked me to read it here in the House. And since that time, I was sent a booklet which has that same eulogy on the dog contained in it.

"Senator Vest, of Missouri, was urged by the attorneys in a dog case to help them. Voluminous evidence was introduced to show that the defendant had shot the dog in malice, while the other evidence went to show that the dog had attacked the defendant. Urged to speak, Vest arose, scanned the face of each juror for a moment, and said:

"Gentlemen of the Jury: The best friend a man has in the world may turn against him and become his enemy. His son or daughter that he has reared with loving care may prove ungrateful. Those who are nearest and dearest to us, those whom we trust with our happiness and our good name, may become traitors to their faith. The money that a man has he may lose. It flies away from him, perhaps, when he needs it most. A man's reputation may be sacrificed in a moment of ill-considered action. The people who are prone to fall on their knees to do us honor when success is with us may be the first to throw the stone of malice when failure settles its clouds upon our heads.

"The one absolutely unselfish friend that man can have in this selfish world, the one that never deserts him, the one that never proves ungrateful or treacherous, is his dog. A man's dog stands by him in prosperity and poverty, in health and sickness. He will sleep on the cold ground, when the wintry winds blow and the snow drives fiercely, if only he may be near his master's side. He will kiss the hand that has no food to offer; he will lick the wounds and sores that come in encounter with the roughness of the world. He guards the sleep of his pauper master, as if he were a prince. When all

other friends desert, he remains. When riches take wings and reputation falls to pieces, he is as constant in his love as the sun in its journey through the heavens.

"If fortune drives the master forth an outcast in the world, friendless and homeless, the faithful dog asks no higher privilege than that of accompanying him, to guard against danger, to fight his enemies; and when the last scene of all comes, and death takes the master in its embrace, and his body is laid away in the cold ground, no matter if all other friends pursue their way, there by the graveside will the noble dog be found, his head between his paws, his eyes sad, but open in watchfulness, faithful and true even in death."

In closing let me ask this question. Haven't we abused man enough without launching a vicious, unwarranted attack against man's best friend? Think of it.

The SPEAKER: The Chair recognizes the gentleman from North Berwick, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker and Ladies and Gentlemen of the House: It is with much regret that I find L.D. 359 reported out of committee with the Majority Report "Ought not to pass". I have had more correspondence on this bill than any other, all favorable, with just one exception. And there is no need to go into that other bill.

People apparently cannot or will not face the seriousness of this problem. In my county alone in the last two weeks the Wildlife Department has sent in several extra wardens to cope with the problems of dogs slaughtering our deer population. We have lost more deer in York County to uncontrolled dogs than we would have had had we had a full-time open season on the deer.

I do not blame the dogs. I lay full blame on their owners. And it is for this reason that I ask you in all good conscience to support us and to vote for the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Mrs. Doyle.

Mrs. DOYLE: Mr. Speaker and Members of the House: I rise to support the bill and the remarks of Mr. Good. And I speak as someone who has raised and bred and shown dogs for more than ten years. And I think that in an urban area if you allow dogs to run loose, a dog on the street is a dead dog. And in your rural areas, a dog that runs at large is a danger to the deer population. And I hope that the Minority Report will prevail. 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 was one of the five signers of the Minority "Ought to pass" Report. I think there were about three points that we ought to bring out.

First of all, in the spring of the year, especially in many places there are dog packs. There are many male dogs chasing a female dog around, not that that is unusual, you understand. (laughter)

The SPEAKER: The House will be in order.

Mr. EMERY: But this creates a dangerous situation, especially around schools where there are a lot of children. And as you all know, dogs will follow their masters to school. Now I know several situations in my own vicinity where a pack of a dozen or more dogs have turned on a child and have seriously mauled and injured him. Now this is a situation I believe stricter dog control laws could help eliminate.

Another point that I will bring up from public hearing on this bill was that many dog lovers, kennel club members support this. In fact one of the sponsors even looked like a dog. But anyway, this bill has broad support. It has considerable merit. It will control the situation that I believe gets out of hand very often, especially in the spring of the year, where dogs do run at large, and because of their immediate temperament are indeed a danger to especially small children. I hope you will support the Minority Report.

The SPEAKER: The Chair would understand that the gentleman

made a complimentary rather than a disparaging remark.

The Chair recognizes the gentleman from Saco, Mr. Bedard.

Mr. BEDARD: Mr. Speaker and Members of the House: I stand in support of Mr. Good's bill. There has been a report in York County that 88 deer have been killed by dogs since January 1st. They are now using a helicopter to find the dogs. And I think it is time that the deer will be protected. 88 deer since the first of January is a lot of deer, and a lot of sportsmen are losing good hunting. And I am in favor of the bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am fully aware that this is a very serious piece of legislation. But you know somewhere along the line in this House, at least for me, there has been some sad days since we have convened, and there hasn't been a great deal of levity. And I have told this story to a few people, and I have been asked actually to tell a few more about my experience as far as dogs are concerned. And I am not talking about that lovable little Samson in green, that little Dachshund that I pat every once in a while. I go back now to many moons ago, some would say in the Ice Age, the very first employment that I had.

I was brought from the Lewiston Gas Company with a book and a flashlight three miles up the road in Thorne's Corner so-called. And I was given instructions, told where to find the meter, and told where to go to read the meter. My very first call was a very peaceful one. And my second call concerned itself with a very light bark that I twinged a little inside out, but not too bad.

But, sisters and brothers, the third call concerned itself with my opening an iron gate and the minute that the iron gate creaked a little bit, this wolf came at me with one leap, and I guarantee you he was headed not in the direction of licking my hand. And believe it or not, I immediately did not wait for 12:00 o'clock to be picked up; I resigned then and

there as a meter reader for the Lewiston Gas Company.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of the gentleman from Westfield, Mr. Good. My first correspondence as a freshman legislator were from a number of people very concerned with wild dogs in York County, and especially in Old Orchard Beach. And I turned over a lot of the correspondence to George W. Bucknam, the Commissioner of Inland Fisheries and Game. And some of the response from him went like this. "There are several dog bills being introduced in the current session of the Legislature which should, if enacted," — and incidentally L. D. 359 is one of these—"reduce the damage done by dogs. We shall keep close watch of this legislation and hope to see some resulting improvements in the dog control program."

I think I would like to compliment Mr. Good again. I think he really hit it right on the head, and I would urge that the House go along with the Minority Report on this bill. Thank you.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I would like to say that my home town, Madison, has had a leash law this last year. At our town meeting there was quite a debate last year. They were quite concerned about the granddaddy dogs that had always been able to roam as they wanted. But we don't hear too much now about granddaddy dogs, and it got to the point when you went downstreet the dogs took the sidewalk and we took the road.

And we live on a farm, and we have seen numerous packs of dogs. Our orchard is fenced, and the dogs get the deer in a corner, and have been in the past destroying a number of deer. And we haven't seen this in the last year. And so I would support Mr. Good on his motion.

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

Mr. COTE: Mr. Speaker and Members of the House: I want to give my position why I voted for the Majority Report "Ought not to pass", because I felt it could be best handled at the local level. We have a concept of home rule we passed in this House, and since then I have become quite concerned with home rule. There have been many attempts to take away the home rule feature of the bill that was passed here. And that is why I voted. I am not against the control of dogs, but I voted it be done at the local level, I felt.

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

Mr. DAM: Mr. Speaker and Members of the House: Mr. Cote has echoed the same sentiments that I had on this. I do not feel that it is up to the legislature to set control over the dogs over the state. This can be done better by the local communities. And if there are any problems, these local communities should take care of their own problems and not come to the legislature to get off the hook themselves.

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

Mr. CALL: Mr. Speaker and Members of the House: I think we have something here that is very clear. In fact, it has been clear in my mind along with other proposed legislation. It looks to me as though just about every bill that comes up has a predecessor, has some law that takes care of what is being proposed.

Now we have laws now on all of this. The wardens are supposed to watch, and they can even shoot dogs if they see them chasing deer. It seems to me that in a lot of instances where there already is some legislation that it is a case of lack of enforcement.

And for the most part, lack of enforcement is because of a lack of desire to enforce. People don't want somebody else to be peeved

at them. So what do they do? They come up with some other sort of proposed legislation that they hope might bring the enforcement a little closer to home.

But you can't get away from the basic idea that if a person is afraid to take the bull by the horns in one instance, he is apt to be afraid to take the bull by the horns in a modified instance. So I feel the laws are here now. If the dogs are chasing deer, lie in wait for the dogs; the way law enforcement officers in the past, when they had a real serious problem, buckled down and did something about it. Thank you.

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

Mr. PORTER: Mr. Speaker and Members of the House: I am a dog lover. I have the most useless and most lovable dog in the country. I am for dogs. But I am very concerned with our deer herd.

It is common agreement today that our deer herd is in real jeopardy. The extreme winter we have had has been very difficult for the deer. And now we are moving into the month of March which is the time when most of these deer are harassed by dogs. They run in packs. Unlike the bobcat who jumps on the deer and goes to the throat and kills it immediately, the dog eats the deer alive. We must do something to protect our deer herd. The municipalities have not enforced dog laws. They have had opportunities, and they have not met the responsibilities. I think it now is the time for the state to say we must control these dogs or we will have no deer herd.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to have some of you people come down on my street and see what a dog did to seven little children last year. Thank you.

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

Mr. KELLEY: Mr. Speaker and Members of the House: This bill was heard before Judiciary or Legal Affairs, I have forgotten which. But there are also several bills before Agriculture in relationship to the dog problem. I don't know the technical procedure, but possibly if this bill could be considered with the other bills, one good dog bill could be worked out of it.

The feature of cutting down the boarding time from ten days to five days before a dog is disposed of, a lot of us don't like this idea because of stolen dogs and the trouble of locating them before they are disposed of. I have a bill in to double dog licensing fees to provide the money so that they could continue to board dogs for ten days. And if there is any way that this bill could be held and combined with the others I think it would be worthwhile.

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

Mr. BRAWN: Mr. Speaker and Members of the House: As I heard the gentleman say here, a lot of people appeared at that hearing, and I do serve on that board, they looked like dogs. Well now probably I look like a dog. But they are very friendly, and I have raised dogs and I love dogs, as the gentleman said before.

Now the thing that most of these people were opposed to and I am opposed to also is this five-day waiting period. Now I don't know how many of you people have hunted coon or how many of you have hunted cat or rabbit. I have, Now you take your dog and you go out here in the morning, for the benefit of you who are not familiar with it. A hot trail dog, you keep him on the leash. You follow that cat's track until you come to a kill. When I say a kill, I mean a deer that he has been eating. All right, the minute this dog whines, he is hot on the trail. You unhitch this dog and you let him go.

That cat may strike right off across country. You do your best. And this cat may never circle. You go back with your snowshoes, you get at your Jeep, you drive off here four or five miles to cut

your dog off. You will hear him off in the distance. You try to cut him off again, and that cat is going right off across country. He may be going five miles, seven miles, maybe ten or thirteen miles before ever he circles to come back. And he may not circle to come back.

All right then, he has got out of your hearing. This dog is out of your hearing completely. Now you have got a dog there worth two or three hundred, or maybe \$500 in money. And you love this dog. This dog would die for you anytime. You try to find this dog. You can't.

You go home. You have a name on his collar, but he gets his collar caught and it gets broken off his neck. Somebody picks up this dog. They take this dog in. All right, they don't know who this dog belongs to. There is no way of finding out.

All right, the dog is killed after they keep him five days. This is the reason why these people in these rural areas were against this bill. This is why the committee was against this bill. It is an unfair bill. We feel the municipalities can deal with this on the local level, and I think this is where it belongs. And I still stand with my convictions, ought not to pass.

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

Mr. BITHER: Mr. Speaker and Members of the House: We have heard a good deal here about home rule, and I certainly believe in home rule; not that I have home rule myself, (laughter) but I believe in it sincerely.

The SPEAKER: A point well taken, sir.

Mr. BITHER: I would like to clear up one or two points, and one is that several people have spoken about these dogs on farms and I believe, if I read the bill correctly, this does not affect dogs on your own property. This is on someone else's property.

We have heard this home rule repeated over and over and over again — leave this up to home rule. Now the only trouble with home rule is that the dogs do not respect or understand these town

boundaries, and they are going to run from one town to another — now I am serious about this. Just think of it! They don't respect town boundaries. And someone else has said, "Well we don't need it on our small towns."

Now I was born and brought up in an awful small town — I won't even tell you the name of it. But that town wouldn't any more understand a lease law than nothing at all — they would never do anything about it. I think that we have got to do something to take care of these smaller towns. The town in which I live, Houlton, has a lease law and I don't think it is being enforced terribly well, but it is doing a good job. Because the people know it can be enforced and it is being enforced to some extent.

Of all the letters I have had, and I have had quite a few, only — well I only had one. One dear old lady called me about these lovely beautiful dogs, and they are, and she said, "Well, you know the dogs are not at fault." And that is true, she is very true; it is not the dogs that are at fault. She says the owners don't take care of them and they have to run around and dump people's garbage and so forth; and that is very true. But this is the type of thing we have got to control.

I heartily support this Minority Report.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I shan't belabor this much longer. The home rule concept has been mentioned. At the committee hearing the majority of the people there were against this bill; I feel that is why we got this report.

I think the problem with the dogs is the fact that even in the communities that do have lease laws, and I mean stricter lease laws than the bill we have before us, are not enforcing — they are not enforcing. Now you can pass this law out and you still are not going to solve the problem, because you have got no one to enforce it. The people are not enforcing the laws that they have.

As far as the deer herd goes, again I don't feel — and this is in my own mind, how this is going to affect that one way or the other. If a deer, if a pack of dogs or a single dog is caught chasing a deer, my understanding is that this warden service is to dispose of them immediately. There is no question. And they are overtaxed. Perhaps we need more wardens and less laws. That is all I have to say on the subject. I would hope that you would support me on the Majority "Ought not to pass" Report.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that the House accept the Majority "Ought not to pass" Re-

port on Bill "An Act relating to the Control of Dogs," House Paper 270, L. D. 359. The Chair will order a vote. All in favor of accepting the Majority Report will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 70 having voted in the negative, the motion did not prevail.

On motion of Mr. Good of Westfield, the Minority "Ought to pass" Report was accepted.

The Bill was read twice and tomorrow assigned.

On motion of Mrs. Boudreau of Portland,

Adjourned until nine o'clock tomorrow morning.