

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

Thursday, April 15, 1971

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

Prayer by the Rev. R. O. Richardson of Farmingdale.

The journal of yesterday was read and approved.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Providing for Scholarships for North American Indians Residing in Maine" (H. P. 260) (L. D. 342) reporting that the Senate recede and concur with the House in passing the Bill to be engrossed as amended by Committee Amendment "A".
(Signed)

HASKELL of Houlton
WOODBURY of Gray

LAWRY of Fairfield
— Committee on part of House.

KATZ of Kennebec
CHICK of Kennebec
MINKOWSKY
of Androscoggin
— Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

**Papers from the Senate
Reports of Committees
Ought to Pass in New Draft
Tabled and Assigned**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973" (S. P. 102) (L. D. 230) reporting same in a new draft (S. P. 533) (L. D. 1577) under same title and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It has been my understanding that the leadership of both parties have discussed this measure very amicably. Some members, however, of our committee, the Appropriations and Financial Affairs Committee are not aware of what the discussion has been which has been related to me as an individual, and we would like, in the committee, we have an executive session this afternoon and we would like to discuss it and I would appreciate it if someone would table this for one legislative day.

Whereupon, on motion of Mr. Bragdon of Perham, tabled pending acceptance of Report in concurrence and tomorrow assigned.

Report of the Committee on Natural Resources on Bill "An Act to Create the Saco River Environmental Advisory Committee" (S. P. 209) (L. D. 642) reporting same in a new draft (S. P. 544) (L. D. 1661) under same title and that it "Ought to pass".

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed. In the House, the Report was read.

(On motion of Mr. Simpson of Standish, tabled pending acceptance of Report in concurrence and tomorrow assigned.)

**Ought to Pass with
Committee Amendment**

Report of the Committee on Health and Institutional Services on Bill "An Act relating to the Regional Care Facility for the Severely and Profoundly Mentally Retarded at Bangor" (S. P. 297) (L. D. 854) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-76) was read and adopted in concurrence. Senate

Amendment "A" (S-81) was read and adopted in concurrence.

Tomorrow was assigned for third reading of the Bill.

Non-Concurrent Matter

Resolve Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction (H. P. 89) (L. D. 133) which was passed to be enacted in the House on April 6 and passed to be engrossed on March 30.

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

In the House: The House voted to recede and concur.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Amend the Act to Prevent the Pollution of the Waters of Sebago Lake" (H. P. 201) (L. D. 268) on which the House accepted the Minority "Ought not to pass" Report of the Committee on Public Utilities on April 8.

Came from the Senate with the Majority Report reporting "Ought to pass" in new draft (H. P. 1258) (L. D. 1617) accepted and the Bill passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Porter of Lincoln, tabled pending further consideration and tomorrow assigned.

Orders

Mr. Smith of Dover-Foxcroft presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Maine Education Council, established under chapter 452 of the public laws of 1967, is authorized and directed to conduct a comprehensive study of the Bill, "An Act to Fund the Costs of Public School Education from State Sources," H. P. 835, L. D. 1131, as introduced at the regular session of the 105th Legislature; and be it further

ORDERED, that the Maine Education Council submit a written report of their findings, together with any necessary recommendations and implementing legislation, to the next regular or

special session of the Legislature; and be it further

ORDERED, upon joint passage, that a copy of this Order be immediately transmitted to said Council as notice of this proposed study. (H. P. 1275)

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

On motion of Mr. Porter of Lincoln, it was

ORDERED, that Mr. Emery of Rockland be excused from attendance for the remainder of the week because of illness.

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Black Bass Fishing in Lakes, Ponds and Rivers" (H. P. 673) (L. D. 910) the Speaker appointed the following Conferees on the part of the House:

Messrs. KELLEY of Southport
PORTER of Lincoln
HANCOCK of Casco

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Open Season for Fishing in Lakes, Ponds, Rivers, Brooks and Streams" (H. P. 672) (L. D. 909) the Speaker appointed the following Conferees on the part of the House:

Messrs. KELLEY of Southport
PORTER of Lincoln
HANCOCK of Casco

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Age Limit for Motor Vehicle Operator Licenses" (S. P. 4) (L. D. 18) the Speaker appointed the following Conferees on the part of the House:

Messrs. LEBEL of Van Buren
DUDLEY of Enfield
McNALLY of Ellsworth

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Riding in Trailers" (H. P. 471) (L. D. 599) the Speaker appointed the following Conferees on the part of the House:

Messrs. SIMPSON of Standish
LEE of Albion
WOOD of Brooks

On the disagreeing action of the two branches of the Legislature on Bill "An Act to Revise the Laws Relating to Authority for Granting Degrees and to Approval of Degree-granting Institutions" (H. P. 706) (L. D. 949) the Speaker appointed the following Conferees on the part of the House:

Messrs. WOODBURY of Gray
HASKELL of Houlton
BITHER of Houlton

House Reports of Committees Ought Not to Pass

Mr. Lawry from the Committee on Education reported "Ought not to pass" on Bill "An Act to Reimburse School Administrative District No. 54 for Additional School Construction Costs" (H. P. 1144) (L. D. 1585)

Mr. Bourgoin from the Committee on Fisheries and Wildlife reported same on Bill "An Act to Regulate Otter and Beam Trawls" (H. P. 1018) (L. D. 1397)

Mr. Bunker from same Committee reported same on Bill "An Act Prohibiting Draggers within York County" (H. P. 648) (L. D. 879)

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

Leave to Withdraw

Mr. Kelley of Southport from the Committee on Fisheries and Wildlife on Bill "An Act to Increase the License Fee and Limit the Number of Marine Worm Digger's Licenses Issued" (H. P. 414) (L. D. 541) reported Leave to Withdraw.

Mr. Lewin from same Committee reported same on Bill "An Act relating to Use of Draggers in Part of New Meadows River, Sagadahoc and Cumberland Counties" (H. P. 338) (L. D. 447)

Mrs. Berry from the Committee on Health and Institutional Services reported same on Bill "An Act to Provide for Temporary and Conditional Licenses for Boarding Homes and Day Care Facilities" (H. P. 1020) (L. D. 1399)

Mr. Orestis from the Committee on Judiciary reported same on Bill "An Act to Permit the Transfer of County Jail Inmates to the Men's Correctional Center or State

Prison upon Proof of Incorrigibility" (H. P. 849) (L. D. 1163)

Mr. Page from same Committee reported same on Bill "An Act to Exempt Members of the Legislature from Jury Service" (H. P. 962) (L. D. 1323)

Mrs. Wheeler from same Committee reported same on Bill "An Act to Impose a Fee for Waiving the Waiting Period before Marriage" (H. P. 813) (L. D. 1036)

Mr. Hall from the Committee on Transportation reported same on Resolve Providing Funds for Repair of Certain Road in Town of Glenburn, Penobscot County (H. P. 977) (L. D. 1339)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mrs. Doyle from the Committee on Health and Institutional Services on Bill "An Act relating to the Administration of Aid to the Aged, Blind, Disabled and Medically Indigent" (H. P. 342) (L. D. 451) reported same in a new draft (H. P. 1271) (L. D. 1672) under title of Bill "An Act relating to the Administration of Welfare Programs" and that it "Ought to pass".

Mr. Henley from the Committee on Judiciary on Bill "An Act relating to Escape of Prisoners Following Removal from a State Institution or County Jail for Appearance in Court" (H. P. 386) (L. D. 1207) reported same in a new draft (H. P. 1272) (L. D. 1673) 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 Printed Bills

Mr. Bither from the Committee on Education reported "Ought to pass" on Bill "An Act relating to the Four Corners Community School District" (H. P. 1145) (L. D. 1536)

Mr. Bartlett from the Committee on Public Utilities reported same on Bill "An Act Increasing Indebtedness of Berwick Sewer District" (H. P. 1096) (L. D. 1484)

Mr. Mosher from same Committee reported same on Bill "An Act relating to Vacancies in the

Trustees of Mapleton Sewer District" (H. P. 1234) (L. D. 1550)

Reports were read and accepted, the Bills read twice and tomorrow assigned.

Divided Report

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act relating to the Department of Education" (H. P. 1089) (L. D. 1478)

Report was signed by the following members:

Messrs. KATZ of Kennebec
MINKOWSKY

of Androscoggin
—of the Senate.

Messrs. TYNDALE

of Kennebunkport
BITHER of Houlton
SIMPSON of Standish
HASKELL of Houlton
WOODBURY of Gray
LYNCH of Livermore Falls
LUCAS of Portland

—of the House.

Minority Report of same Committee on same Bill reporting that it be referred to the Committee on State Government.

Report was signed by the following members:

Mr. CHICK of Kennebec

—of the Senate.

Messrs. MILLETT of Dixmont

LAWRY of Fairfield

MURRAY of Bangor

—of the House.

Reports were read.

On motion of Mr. Donaghy of Lubec, the Minority Report was accepted, the Bill referred to the Committee on State Government and sent up for concurrence.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife on Bill "An Act Providing for Hunter-Orange Garments When Hunting" (H. P. 64) (L. D. 105) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. HOFFSES of Knox

BERNARD

of Androscoggin

—of the Senate.

Messrs. BOURGOIN of Fort Kent

LEWIN of Augusta

PARKS of Presque Isle

CALL of Lewiston

LEWIS of Bristol
KELLEY of Southport
MANCHESTER

of Mechanic Falls
KELLEY of Machias

PORTER of Lincoln

—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. ANDERSON of Hancock

—of the Senate.

Mr. BUNKER of Gouldsboro

—of the House.

Reports were read.

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

Mr. PORTER: Mr. Speaker, I move that we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Lincoln, Mr. Porter moves that the House accept the Majority "Ought to pass" Report.

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

Mr. BRAUN: Mr. Speaker, I ask for a division and I wish to speak on the motion.

The SPEAKER: A division has been requested. The gentleman may continue.

Mr. BRAUN: Mr. Speaker and Members of the House: I attended this hearing and we were told at the hearing that one fourth of this state was under the test zone of fluorescent orange, which is not true. This is about one eighth of our state. I have a map here to show.

They also testified at the hearing that five people were shot in fluorescent color — only fifteen in the other part. Now if you divide this out the percentage was much greater where they wore fluorescent clothing than it was in the other district, and there has never been a person dressed in green hunting deer ever shot to this date. We pass all kinds of laws for highways to eliminate deaths and I say to you let us make everybody dress in fluorescent to reduce our highway death in their clothing.

I think that this is a Communist act when we tell anyone the color of clothes they should wear. If anyone wants to wear fluorescent clothing it is perfectly

all right but I don't think we should be forced to do so.

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

Mr. LEWIN: Mr. Speaker and Gentlemen of the House: Four years ago a bill was passed providing for a test area on the west side of the Kennebec River. It was understood that two years from thence we would try a bill for the whole state. Two years ago in the last session we did try and they felt at that time that two more years should be given for the testing of the wearing of fluorescent clothing. Now there have been tests made, and as the gentleman from up the river mentioned this particular test that was made — figures can do whatever you want them to do for you.

In 1970 there were 22 cases of hunting mishaps. Four of these people were wearing fluorescent clothing in the southern part of the state, two in the northern part of the state. Sixteen were not. Now we will never know whether or not they might have been shot or not shot had they been wearing the clothing. However, many were in favor of the bill two years ago but still, as I told you, wanted a test period extended. Today we have the bill covering all of the state. Hunting is a great sport; we should keep it a safe sport as well.

Another angle I would bring out, and I won't carry it on any further except to say that this was also a safety factor when the hunters are lost in the woods. It makes it much more easy for the people seeking these people that are lost if we find them with fluorescent clothing. Thank you very much.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: We were able to defer this for a couple of years and have it tried and I don't think the trial has been satisfactory. It hasn't been as far as my people are concerned and we had just soon they try it down the southern part of the state for another ten years before they try to burden our people with this.

Now let me just remind you that they are talking about — this is basically what they say. They say where sight was involved this does help. Now mind you, where sight was involved. These accidents sight is not involved. They see the bushes wiggling — and they up and riddle them — mow them down. So sight wasn't involved in these accidents. And every one of them that I know of it wasn't a question of sight, it was a question of bushes moving and they give it to them. So sight wasn't involved.

Basically what they are telling you is true; they are saying that where sight was involved. But I am telling you that where these accidents happened sight was not involved. Simple as that.

Now my people a good percentage work in the woods and some of them are quite poor. They wear pretty shabby clothing; some of the clothing they have been wearing for some time. And if you pass this you are merely telling these people that they have got to wear this fluorescent, and there isn't a mite of warmth in it; and my people that work in the woods have to have warm clothing and they have to work seven days a week in some cases to make a living — and it is a pretty meager living at that.

Now if you put this fluorescent on these big shots that come in here hunting and try to protect their carcass from being shot what you are doing is making my people free game. See? And we don't like that; we think it is wrong. We would like to see the bill, we would like to see them maybe put on the hunting licenses that we recommend this. We hope that if you go hunting in our woods that you put fluorescent on. But when you say that everybody has to do it, you will never make my people put fluorescent on. I mean they work in the woods, they are surveying and they are in the woods; believe me, up where I come from we go in the woods for a lot of things other than hunting! As a matter of fact, just recently I came down the turnpike, the fellow right in front of me stopped very abruptly, run to the woods, he didn't have no gun, and I suspect that if he

didn't have fluorescent on he would be free game if someone was hunting.

I hope you seriously consider what you are doing before you pass a bill of this nature. I would like to move that this be indefinitely postponed and give it another ten years study so they can prove to you people that sight is not involved in these accidents.

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

Mr. McNALLY: Mr. Speaker and Members of the House: What concerns me more than anything else about this whole deal is, when the first part of the season comes about down in our part of the state, the first of it a lot of people are riding the roads — super sports and otherwise. And it has been known that when they see a deer anywhere in the road they jump out and take a shot at it.

Well now when I was going to work one morning, a fellow in a pulpwood truck was driving up by a man's field and he looked and saw a nice buck and he climbed out of his pulpwood truck, took a shot at it and got him. Now he didn't have on any fluorescent clothing and I would like to pose this question through the Chair to anybody on that committee, was that fellow, if this law is passed, hunting illegally?

The SPEAKER: The gentleman from Ellsworth, Mr. McNally, poses a question through the Chair to any member of the Fisheries and Wildlife Committee, who may answer if they choose.

The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: I would like to concur entirely with the thinking of Mr. Dudley of Enfield. During the past season in my legislative district, in the month of November, on the main street of the Town of Phillips a cow was shot by a police chief from one of our southern counties. In the Town of Kingfield a pig was shot behind a man's barn. In the Town of Strong a riding horse was shot within fifty feet of the main highway.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: Very briefly, I hunt quite a lot but I hunt all from an automobile or a truck, generally when I am scaling pulpwood, and I don't feel that someone is going to tell me to wear a fluorescent jacket when I am hunting. I don't think they are a bit more appropriate than a green jacket or a red jacket, and I hope you go along with the indefinite postponement of this bill.

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

Mr. PORTER: Mr. Speaker, Ladies and Gentlemen: We had a delightful hearing on this bill that we have had for the past three sessions. A great many spoke in favor of this bill and had very good reasons for supporting it. When we came to the opponents nine individuals stood in opposition to this bill. They all, except one, that is eight of the nine said that this fluorescent business was good business and they thought the people ought to be dressed in fluorescent orange; in fact they wore it themselves. But they resented having the state tell them that they had to do it.

I can understand that feeling; I have it myself. But it is time that we told some of these people that they have got to do it, as much as we dislike it, and I think that we should have this fluorescent orange statewide. We have tried it now for four years, it has proven satisfactory, it has cut down the accidents in the southwestern part of the state, and I am all for saving more lives. So let us pass this and give it a try.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I live in the area in which you have to wear this fluorescent clothing. I have been a bird hunter all my life. I used to go with my father and a friend of his. As a member of the old school my father always wore a red hunting jacket and his friend wore blaze orange.

Often I was on the outside and the two men were in the cover with the dogs. I could always see the man in blaze orange, much easier than I could my own father with a red hunting coat and hat.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: I think there are some problems that I personally see with this and these are the comments that I have heard home. They do generally coincide with the comments that have been made by the gentleman from Enfield, Mr. Dudley.

When this bill was first considered several years ago, on the use of blaze orange, one of the points of discussion was that the southern half of the State of Maine is much more open country. This is true, and there is also less lumbering. In the northern half of the State of Maine, and in the area where I come from this is on the very perimeter of it, there is a great deal of lumbering in there. It is also much more heavily forested; I suppose this could be an argument for the use of blaze orange. But on the other hand you have many people who are working in the woods. If these people do not wear blaze orange but you are customarily looking for this, if you see a movement and I have the feeling — and this is the comment that is made to me quite frequently, that there will be a tendency to shoot at people. At times these could be people who are lumbering or pulp cutting or working in the woods.

I feel that the use of it in the southern part of the state is a prerogative that possibly is up to these people, but I think it would be a mistake to force this statewide because the conditions in the northern half of the state are a great deal different than what they are in the southern. And I would certainly support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I lived in another state for quite a

period of years and we had quite a rhubarb over this orange blaze coloring twenty-five to thirty years back. At that time the way it was passed in that state it became mandatory to do it. This did not cut down on the shootings by people in the woods, where they shot into the bushes at something they could not see.

Now as far as this law is concerned here you will notice from the way it is drafted and printed, that the hunter wears the orange blaze and the game warden doesn't; and that was the purpose of the thing in the other state was so the game wardens could see where the hunters were located in the woods to follow what they were doing. And that was all that it was for at that time.

The SPEAKER: The Chair recognizes the gentleman from Albion, Mr. Lee.

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: I am against this type of legislation, not because I go hunting particularly but we are taking away the individual rights of every citizen in the State of Maine. They don't want us to do this, they don't want us to do that, because if this or if that. If I didn't get up this morning I wouldn't die on my kitchen floor, but I might die there in the bed. I suspect when my time comes I will, and if I was outdoors and I had on orange clothing I don't think that is going to protect me from a bullet.

I think we are taking away quite a part of our heritage to do somewhere near what we like to do and live a decent kind of a life.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: My group in Millinocket feel that this is just what Mr. Lee said, it is taking away the individual's right. They have gone on record as being unanimous against this bill, and I hope that you will go along with the indefinite postponement. Thank you.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I won't take your time but I would like to say this. I do hope that you will go along with the indefinite postponement of this bill this morning, and I would like to make this recommendation.

I would like to recommend that everybody who buys a license that we hand them a folder and that we recommend very seriously, we try to urge them to try fluorescent red, that it may save their lives; that we try to do it voluntarily rather than by legislation. And I suggest that when a man buys his license we could either put it on the license and make it part of the license. Every time that he looked at his license this would be on there, like they put it on cigarettes and like to put warnings on a lot of other things.

But I think we would get farther and we would get better cooperation from the people that I represent by asking them to do something and trying to point out to them that it might save their life, rather than to say do it or else. And I hope you will go along with this motion. Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Enfield. Mr. Dudley, that both Reports and Bill "An Act Providing for Hunter-Orange Garments When Hunting," House Paper 64, L. D. 105, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 77 having voted in the affirmative and 55 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Judiciary on Bill "An Act to Provide an Implied Warrant and Covenant of Habitability in Leases of Dwellings" (H. P. 267) (L. D. 356) reporting same in a new draft (H. P. 1273) (L. D. 1674) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. TANOUS of Penobscot
HARDING of Aroostook
— of the Senate.

Mrs. WHEELER of Portland
Messrs. HEWES

of Cape Elizabeth
LUND of Augusta
Mrs. WHITE of Guilford
Messrs. KELLEY of Caribou
ORESTIS of Lewiston
—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. QUINN of Penobscot
—of the Senate.

Mr. CARRIER of Westbrook

Mrs. BAKER of Orrington

Messrs. PAGE of Fryeburg

HENLEY of Norway

—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report.

Whereupon, on motion of Mr. Carrier of Westbrook, tabled pending the motion of Mr. Hewes of Cape Elizabeth to accept the Majority Report and specially assigned for Tuesday, April 20.

Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought to pass" on Bill "An Act Prohibiting Supersonic Flights by Nonmilitary Aircraft" (H. P. 607) (L. D. 818)

Report was signed by the following members:

Messrs. GRAHAM of Cumberland
VIOLETTE of Aroostook

—of the Senate.

Mrs. KILROY of Portland

Messrs. HERRICK of Harmony

WHITSON of Portland

SMITH of Waterville

Mrs. CUMMINGS of Newport

—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. SCHULTEN of Sagadahoc

—of the Senate.

Messrs. MacLEOD of Bar Harbor
 AULT of Wayne
 Mrs. BROWN of York
 Messrs. HARDY of Hope
 CURRAN of Bangor
 —of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Hope, Mr. Hardy moves that the House accept the Minority "Ought not to pass" Report.

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

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the acceptance of the Minority Report. People on the federal level have guaranteed that there will not be supersonic flights over populated land areas of this country. Naturally this excludes New York, but are some of the areas of Maine considered unpopulated? Maine with a population of less than one million, and certainly northern Maine, its wilderness area an attractive sonic boom dump, I feel that we in Maine do not want the sonic boom and its detrimental effects.

If it is unacceptable to New York, isn't it also unacceptable to citizens of Maine?

I introduced this legislation to eliminate the vagueness of the federal promise. I don't want Maine to become, as I have said, the nation's dump for sonic booms. L. D. 818 will not prohibit the overflight of SST's, but it will force them to comply with a speed limit which would allow them to pass through our state with a minimal amount of inconvenience to our citizens.

Those who oppose this do so on the ground that Federal action is preemptive. I agree. However, the Federal government has not acted on this question; it has only made a vague promise that supersonic flights shall not be permitted over populated land areas. I may point out that court precedents

illustrate that the states may legislate in areas preempted by federal legislation until federal regulations are set; then they of course become supreme.

Further opposition comes from a conservative wait and see attitude. SST's will not be operable for three years. We have time. I believe that we should act now while we do have time and let us remember that airlines are ordering SST's now. In fairness to them let us let them know that they will not be able to fly at supersonic speeds over our state.

As you may know, the State of Massachusetts last week approved an anti-SST bill. There are seventeen other states with such legislation pending. Let us take the first step by passing this bill to protect our Maine environment.

I would also remind you, ladies and gentlemen of the House, that the Maine congressional delegation stood firm against the SST regardless of party affiliation. Now I ask — should foreign SST's fly at supersonic speeds over our state if we can't fly an American aircraft at all? Should Maine accept what is unacceptable to New York? It will certainly be difficult for the people on the federal level to, when they do set regulations, allow supersonic flight over Maine if we pass this legislation.

I urge you to vote for acceptance of the Majority Report and defeat the acceptance of the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. McCloskey.

Mr. McCLOSKEY: Mr. Speaker and Ladies and Gentlemen of the House: I rise to oppose the motion to accept the Minority "Ought to pass" Report. As many of you know, I also have a bill concerning the supersonic transport plane. It is a bill which is very complementary to Representative Whitson's bill and it handles another aspect of the problem, and it follows next on the calendar.

The Maine Legislature has an opportunity this morning to debate an issue that has been debated at great length before the Congress and the Senate of the

United States. It is an issue that has gained the attention of the news media and thousands of people across the country, and it is an issue that is presently being debated in seventeen states across this nation.

This plane has occupied the attention of the United States Congress for the last two years. Finally, last month the Congress saw fit not to fund an American SST any longer since it poses such grave dangers both economically and environmentally.

These environmental dangers are still with us, however, in the form of both a Russian and a British-French SST. And so I and Representative Whitson have submitted bills that would protect Maine citizens against the environmental dangers of the British and the Russian SST's. Certainly now that the United States isn't going to build an SST we shouldn't let foreign countries pose environmental risks to our citizens.

Much of this issue is very complicated, which many of you people may not understand. So let me point out some of the grave dangers of the SST. First, extreme air pollution. A fleet of SST's would generate in one day the same amount of air pollution that a hundred million automobiles would generate in one year. Second, possible severe climatic changes. Seventy of the world's most eminent scientists have expressed concern over the possible effects of the SST on our climate. Thirdly, the sonic boom, a typical New Englander would be boomed on an average of twenty times a day and ten times a night. And fourth, the SST would generate an absolutely intolerable noise in the community and around the airport while it is landing and taking off. The noise would be far greater than any noise coming from subsonic aircraft presently flying.

Dr. Richard Garwin, an eminent physicist at the IBM Watson Laboratory and science advisor to Presidents Kennedy, Johnson and Nixon, has said that the SST would produce as much sideline noise as the simultaneous takeoff of

fifty 707's, the noisiest subsonic aircraft.

Moreover, let me point out that the noise from the SST would not be confined merely to the airport. It would be spread out over all the community. The noise would project out 9 to 15 miles on each side of the plane. So we are not talking merely about the noise from the SST affecting Bangor, but it would also affect Brewer, Veazie, Hampden and Orono.

One sonar expert from the Massachusetts Institute of Technology has stated that the noise from an SST would be so great that homes within a nine mile radius would have to be sound proofed at a cost of \$6,000 each.

Dr. Bruce Welch of the John Hopkins Medical School, an acknowledged world expert on the physiological effects of noise on animals and human, has stated that the noise of the SST could very well adversely affect organic, sensory, and physiologic functions of the body. It could lead to cardiovascular, glandular, respiratory and neurologic changes.

These, gentlemen, are the dangers pointed out by the most respected scientists in the world. Clearly they are unacceptable.

My bill and Representative Whitson's bill would attempt to solve these problems. Mr. Whitson's bill would solve the problem of the sonic boom, at least point in that direction. My bill would set noise level standards for supersonic aircraft flying into Maine. The standards we have set are high; they are not unreasonable. In fact the standard I have set is the same the Federal Aviation Administration has set for all new subsonic aircraft.

To be very clear, this is a conservative proposal. I am simply taking a Federal standard that is already present and applying it to the supersonic aircraft. I can't see any reason for granting a special privilege to supersonic aircraft. The bill would not affect any aircraft now flying, neither the 747's or the 707's. It would affect only supersonic aircraft, both of these bills.

Finally, Mr. Speaker, I would like to try to answer the objection,

and the objection the only one that I can see to be made, and that is why not let the Federal Aviation Administration and the Federal government set the standards.

First, the Federal Aviation Administration has a notably bad track record in this matter. It has been three years since the Federal Aviation Administration first promised to set noise standards for supersonic aircraft; they haven't set one yet. The Federal Aviation Administration has openly admitted that economics will be given as much consideration as the environment in setting a standard for SST's. The following statement made by the FAA is a typical one and I quote; "The FAA agrees that civil supersonic transports should be regulated for take-off and landing noise purposes and the sonic boom, and it is in the process of determining what standards will allow the maximum use of available noise reduction for such aircraft consistent with the economic reasonableness."

The last phrase is important — "consistent with the economic reasonableness." This statement is indicative of the relative importance the Federal Aviation Administration attaches to economics versus the environment.

And John Shaffer, director of the Federal Aviation Administration, has admitted that once the airlines have bought these planes and invested millions of dollars in them, that it would be difficult to then set standards which they can't meet. Therefore Maine should forge ahead to show the Federal Aviation Administration and the airlines that the supersonic transport planes must meet standards that will be consistent with the health and safety of Maine citizens.

Furthermore, New York and Massachusetts have set similar standards and thus even more SST traffic would be directed our way. It is imperative that we enact this law to give direction to the Federal Aviation Administration and protect our citizens.

Lastly, the people of Maine have shown their attitudes for this legislation. In an Educational Television program the people

polled 82% against the SST. In a survey done by Congressman Bill Hathaway 87% of the people were against the SST. The Natural Resources Council, the Sierra Club and the Coastal Action Committee all support these bills. There is without a doubt a great consensus in the State of Maine against the SST.

In summation I would say only that all of us are most concerned about the kind of America we want to pass on to our children. Every generation inherits a world it never made; and as it does so it automatically becomes the trustee of that world for those who come after. In due course each generation makes its own accounting to its children. When our time comes we want to make sure that we bequeath to our descendants a better, safer and cleaner world than the one in which we live.

Every man must have his own vision of things to come. But many Americans, I believe, share a broad and deep hope for a world where the imagination and energy of mankind are dedicated not to destruction but to the building of a generous and spacious future. Thank you.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I followed with a great deal of interest the national trend and the national decisions to not build the SST and I find myself completely in concurrence with the national decision as closely as we were divided. I find myself agreeing with the coming generation in the Maine House and their stand with regard to allowing these planes to fly over our territory. I believe that we would be inconsistent to do otherwise. I hope that the Majority Report will be accepted.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I agree with the previous speakers. As I see it, the Federal government has said that we will protect the heavily populated areas of our country and let the SST shat-

ter the sound barriers in less populated areas where there will be less objection.

When we consider the environmental dangers of an SST flight to people on the ground, can we say that the danger to the people in New York City is any greater than the dangers to the people in Brunswick, Maine or Portland, Maine or Bangor, Maine? The answer of course is no. I can see no reason why we should subject people of Maine to this threat just because we have a smaller population. I ask that you oppose the motion to accept the Minority Report and when the vote is taken I would ask that it be taken by the yeas and nays.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: First I wish to commend the young men who have done such a tremendous bit of research on this item. However, I am still not convinced that the State of Maine at this time should get into a field which, as already has been indicated to you by two or three speakers, has been preempted by the federal authority. I would also point out to you that in a recent article in the Christian Science Monitor of Monday they indicated that supervision of a statute like this would be almost impossible to police. Furthermore, an action of this type taken by the individual states in all probability would be unconstitutional.

You have had indicated to you here this morning that there will be thousands and thousands of supersonic SST's or their counterparts flying over the State of Maine blasting our plaster on our windows. But I say to you that already this country has seen fit to deny the manufacture or production of SST in this country. Other SST's on the drawing board and under construction have not been proven and it will be years before we see them.

You know this whole thing takes me back — not that I am that old but I can remember my father and my grandfather telling about the action and the methods waved before the people when the Model T

and its predecessor hit our highways. I can remember the stories of a man running down the road with a red flag in front of this contraption.

You can find statutes on your books today that have never been used here in the State of Maine. It says an automobile must stop for every horse he sees coming down the highway, and I say to you that this is somewhat the same. We haven't got them. There is no supersonic flight coming in over Maine, and heaven knows you can't land the supersonic airplane at 700 miles an hour even at Bangor International.

If these things do approach our shore at 200 miles at sea they are down to a subsonic speed and are approaching our runways no faster than the present day 707's or their equivalents. I urge you to accept the Minority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. McCloskey.

Mr. McCLOSKEY: Mr. Speaker and Members of the House: I would like to answer some of the objections that have been made by the gentleman from Hope, Mr. Hardy. Most of them I covered in committee very well and presented the committee with over 75 pages of testimony which tried to answer some of these objections.

First of all, the constitutionality. The constitutionality of both these bills are without a doubt. The Federal Aviation Administration regulations specifically states, and I quoted to the committee that any standards set by the Federal Aviation Administration does not preclude the setting of standards, local standards, both in terms of noise and in terms of the sonic boom. In fact they emphatically state that we should set these standards.

And the other objection that this is years ahead. The Concord is now flying. I have here newsprints from English newspapers describing the shock and the shattering of tiles and roofs and the great destruction wreaked by the prototypes of the Concord in England. "Concord shock cost leaps to 200 million." "Homes rock as Concord roars in

London." "It is sheer lunacy, homes d a m a g e d by Concord." Those are the headlines in the London Times.

So we are presently being confronted with these planes. I think that we should set standards before the American airlines go out and buy these planes, and then it would become more difficult to set standards in terms of the FAA.

So I would urge you not to accept the points put forth by the gentleman from Hope, Mr. Hardy.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Curran.

Mr. CURRAN: Mr. Speaker and Members of the House: I have a copy of a letter dated February 23 to the Pollution Control Board of the State of Illinois. I would just read part of it:

"The preparation and adoption of rules and regulations aimed at reducing noise in currently operating aircraft is therefore under active consideration by Federal Aviation Administration.

The Congress, in vesting this responsibility in the Federal Aviation Administration, evidenced its awareness of the complex problems that are involved which affect, among other things, the continued vitality of the air commerce of the United States and the safety considerations that must be weighed in any regulatory effort. It specifically directed the Federal Aviation Administration in adopting regulations to take into account the limitations of technology, the economic feasibility and impact of these regulations on interstate and foreign air commerce.

With this background, it is apparent that the Federal Government has preempted the field of controlling and abating aircraft noise by regulation. The regulations which you now have under consideration directly affect the operation of aircraft and aircraft engines in air commerce, and I must advise you that it is the view of the Federal Aviation Administration that any attempt by the Pollution Control Board to adopt regulations in this area

would conflict with the Federal Government's preemption of this regulatory field and, therefore, under the United States Constitutional limitations would be beyond the powers of a state or local municipality."

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

Mr. WHITSON: Mr. Speaker and Ladies and Gentlemen of the House: The body of law of this nation now lies in favor with Maine's action on this bill. It is unquestionably clear that until a federal agency acts the state has jurisdiction over matters which affect it.

Just as an interstate vehicle, a truck, any other vehicle, traveling through Maine abides by a Maine speed limit on our highways, because this affects the health and safety of our citizens. So, too, the federal courts rule that in an area such as aircraft aviation the state may rule until the federal agency which has controls does set regulations and standards.

And I submit to this body that the Federal Aviation Administration has never regulated the speed of aircraft. The speed limit set would be approximately 700 miles an hour, the speed of sound, not an unreasonable speed limit. It does not hinder the supersonic transport in its passage through our state.

I would answer Mr. Hardy's objection — and I am in sympathy with his viewpoint, however I feel that he is in error. I would answer his objection by saying that this law may actually never be used. But it will serve as a shoe horn to guide the Federal Aviation people when they do act to prohibit sonic flight over Maine. Thank you.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Every time the FAA is mentioned in this House I somewhat get a little bit shell shocked. As you know, I was a member of the Appropriations Committee last

time and as a result of that found one thing that bothered me in reference to the FAA. You well remember that four years ago this legislature gave money to construct a building and a new facility at the Augusta State Airport. And you may also note that this trip around we have given an extra \$5,000 to the Aeronautics Department so that they could maintain the second building that was left at the Augusta airport.

It was supported to be the understanding that the FAA was going to move into the new building, and lo and behold, after the new building was constructed, they decided that they were quite content with their quarters in the old building. So the State of Maine now has to spend additional money to hire janitors and to maintain that second building so that the FAA, who doesn't want to move, can stick around.

I get a little upset when I talk about the FAA because it reminds me of this particular incident. And if this is no different, I am sure that the FAA decides they are going to take something upon themselves, they do pretty well what they want to. And so for no other reason, even though I know where my personal feelings are this morning, I am going to vote for the two bills in an attempt to perhaps show the FAA that maybe the State of Maine can still do what it wants to.

The other approach I think we ought to be interested in taking is that for many years many of us have complained that the Federal government is doing too much; and many years I have argued that the reason that the Federal government is doing what it is doing is because the states have abrogated their responsibilities.

I hope that this morning we will take a step in the right direction and enact these bills and show the Federal government that we can work it out ourselves.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. McLeod.

Mr. McLEOD: Mr. Speaker and Members of the House: I think that I should lend a few remarks here

this morning. And there is no personal feeling against these two young gentlemen who have entered two very fine bills. They have researched them to great length.

I have no prepared speech here this morning. However, I do feel that I should rise to lend my thoughts to why we signed the report, or that I signed the report, before this gets bogged down with any confusion with buildings at airports in other parts of the state.

I probably have as much concern for the cleanliness of our air, water, coming from the area down on the coast as you know where I live. However, you do have a new airport trying to get off the ground in Bangor. This airport has the backing of eastern Maine, and I think our whole state. There are areas here at the Bangor airport that we feel we do not want to put any restrictions on them at the moment.

We have been told by these young gentlemen that this legislation is needed now; possibly it is. However, some of us on the committee felt that this was a little premature, and that possibly this was not the time to put something on it that the state might have difficulty in enforcing. This is a new area, and I can agree at times with these gentlemen that possibly we should have this restrictive legislation.

We had at the hearing a gentleman appear—at this particular hearing, I would like to mention at this time, we had very few people in attendance. There were representatives from the Bangor Municipal Airport, and there was also a gentleman who came in to speak who had had 20 years with Trans World Airlines as a flight engineer. This gentleman said, "Please, do not shut the door in the future growth of airlines."

So this being in a situation that I feel very strongly about, I don't want to see our air, our water, or anything else polluted. However, I do feel that this is a little premature until we can work it out, give it a little more thought. This will close my remarks at this time. However, this is how I feel and this

is why I voted as I did. Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Curran.

Mr. CURRAN: What bothers me under 1675, "An Act to Regulate Noise Pollution of the Supersonic Transport under the Environmental Improvement Commission," the first thought I have, that they would have to have a crew around the clock at the Bangor airport with a swing crew, plus sophisticated equipment.

Now this could run into a lot of money, and this bill doesn't call for any appropriation to cover it.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't rise this morning to try to influence a single member of this House. I just wanted you to know how I feel about this piece of legislation. I feel as though that it is premature, and that we are not being bothered with noise. And I have been around this place for quite a while, and when we are troubled with something these young people that are speaking this morning will no doubt be here and I won't be here. And I am sure they will take care of us if we do have a problem.

But this morning I would like to see us accept the Minority Report because we don't have a problem. I think this is premature, and we are trying to do something before it is time. And I am certain that either the Federal government or these boys that spoke here this morning will be around here at some future date. And if the problem does get here, and we do have noise, I trust that they will take care of it when it comes. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I am very interested in the discussion here this morning. I compliment everybody for their address to the House. But I am wondering how many of you people have noticed as you drive out

through the countryside, and what we have for sonic jets going over at the present time, the reaction on the animals that you see in the fields on the farms.

Have you ever noticed that out in a herd of cattle that are grazing when one of these planes go over that the cattle lift their heads and then they shake their ears and they run to the other end of the field? Have you ever noticed what happens with the horses and the other animals on the farm and what is happening and must be happening also in the woods?

Did you ever have the idea of seeing a dog run down the street and wonder why, and you would look up and see one of the small sonic planes going over? I think this is very good legislation.

The SPEAKER: The pending question is on the motion of the gentleman from Hope, Mr. Hardy, that the House accept the Minority "Ought not to pass" Report. 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 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 Hope, Mr. Hardy, that the House accept the Minority "Ought not to pass" Report on Bill "An Act Prohibiting Supersonic Flights by Nonmilitary Aircraft," House Paper 607, L. D. 818. If you are in favor of accepting the "Ought not to pass" Report you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bailey, Baker, Bartlett, Berry, G. W.; Binnette, Birt, Bourgoin, Brawn, Bunker, Call, Carrier, Churchill, Collins, Crosby, Curran, Curtis, A. P.; Donaghy, Drigotas, Dudley, Dyar, Evans, Finmore, Fraser, Gill, Good, Hall, Hardy, Hawkins, Hayes, Henley, Hewes, Hodgdon, Immonen, Jutras, Kelleher, Keyte, Lebel, Lee, Lewin, Lincoln, Little-

field, Lizotte, MacLeod, Maddox, McCormick, McNally, Mosher, Norris, Page, Parks, Pratt, Rand, Scott, Shaw, Simpson, L. E.; Trask, White, Williams, Wood, M. W.

NAY — Barnes, Bedard, Bernier, Berry, P. P.; Berube, Bither, Boudreau, Bragdon, Brown, Carey, Carter, Clark, Clemente, Conley, Cooney, Cote, Cottrell, Cummings, Curtis, T. S., Jr.; Cyr, Dow, Doyle, Farrington, Fecteau, Gagnon, Genest, Goodwin, Hancock, Haskell, Jalbert, Kelley, P. S.; Kelley, R. P.; Kilroy, Lawry, Lessard, Lewis, Lucas, Lynch, Mahany, Manchester, Marsh, Marsteller, Martin, McCloskey, McKinnon, McTeague, Millett, Mills, Morrell, Murray, O'Brien, Payson, Pontbriand, Porter, Rollins, Ross, Santoro, Shute, Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Susi, Theriault, Tyndale, Vincent, Webber, Wheeler, Whitson, Wood, M. E.; Woodbury.

ABSENT — Bustin, Dam, Emery, D. F.; Emery, E. M.; Faucher, Gauthier, Hanson, Herrick, Kelley, K. F.; Lund, Orestis, Rochelneau, Sheltra, Silverman, Tanguay, Wight.

Yes, 61; No, 73; Absent, 16.

The SPEAKER: Sixty-one having voted in the affirmative, seventy-three in the negative, with sixteen being absent, the motion does not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read twice and tomorrow assigned.

Divided Report Tabled and Assigned

Majority Report of the Committee on Natural Resources reporting "Ought not to pass" on Bill "An Act to Regulate Noise Pollution of the Supersonic Transport under the Environmental Improvement Commission" (H. P. 657) (L. D. 887)

Report was signed by the following members:

Mr. SCHULTEN of Sagadahoc
— of the Senate.
Messrs. AULT of Wayne
MacLEOD of Bar Harbor
CURRAN of Bangor
HERRICK of Harmony

Mrs. BROWN of York
Mr. HARDY of Hope

— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1274) (L. D. 1675) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. GRAHAM of Cumberland
VIOLETTE of Aroostook

— of the Senate.

Mr. WHITSON of Portland

Mrs. KILROY of Portland

Mr. SMITH of Waterville

Mrs. CUMMINGS of Newport

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Curran.

Mr. CURRAN: Mr. Speaker, I move that this bill be tabled for two legislative days.

The SPEAKER: The gentleman from Bangor, Mr. Curran, moves that L. D. 887 be tabled pending acceptance of either Report and specially assigned for Tuesday, April 20.

Mr. McCloskey of Bangor requested a division.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Hardy, who may debate the tabling time.

Mr. HARDY: Mr. Speaker, I think that this should be tabled for two days so that people may understand this thing further.

The SPEAKER: All in favor of this matter being tabled until Tuesday, April 20 pending the acceptance of either Report will vote yes; those opposed will vote no.

A vote of the House was taken.

77 having voted in the affirmative and 48 having voted in the negative, the motion did prevail.

Divided Report Tabled and Assigned

Majority Report of the Committee on Natural Resources reporting "Ought not to pass" on Bill "An Act Excluding Residential Housing from Site Location Law in Planning Board Communities" (H. P. 785) (L. D. 1061)

Report was signed by the following members:

Messrs. SCHULTEN of Sagadahoc
VIOLETTE of Aroostook
GRAHAM of Cumberland
— of the Senate.
Mr. MacLEOD of Bar Harbor
Mrs. BROWN of York
Messrs. CURRAN of Bangor
WHITSON of Portland
SMITH of Waterville
Mrs. CUMMINGS of Newport
— of the House.

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

Report was signed by the following members:

Mr. AULT of Wayne
Mrs. KILROY of Portland
Messrs. HARDY of Hope
HERRICK of Harmony
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: This bill, like so many divided bills, has its controversial aspects. There has been a series of meetings trying to straighten out some of the problems. We have a meeting scheduled for tomorrow. As a result, I would hope that someone would be kind enough to table this for a couple of days.

Whereupon, on motion of Mr. Hardy of Hope, tabled pending the acceptance of either Report, and specially assigned for Tuesday, April 20.

Third Reader

Tabled and Assigned

Bill "An Act relating to Limited Insurance Agent's License" (H. P. 256) (L. D. 338)

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

(On motion of Mr. Scott of Wilton, tabled pending passage to be engrossed and specially assigned for Tuesday, April 20.)

Passed to Be Engrossed

Bill "An Act relating to Amount of Life Insurance for Certain Retired State Employees" (H. P. 793) (L. D. 1069)

Bill "An Act relating to Tuition for State Wards" (H. P. 1267) (L. D. 1669)

Bill "An Act relating to Elementary School Guidance Counsellors" (H. P. 1268) (L. D. 1670)

Bill "An Act relating to Wholesale Purchase of Wine and Malt Beverages by Food Servicing Organizations for International Travel" (H. P. 1269) (L. D. 1671)

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

Tabled and Assigned

Bill "An Act relating to School Construction Aid" (S. P. 152) (L. D. 421)

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

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 421, An Act relating to School Construction Aid, which is before us, is a bill designed to update and increase construction aid for schools that are now eligible to receive construction aid. Before we act on this bill, I think we should look at the facts surrounding this proposition.

First, there is no appropriation on the bill. However, I am going to read parts of a memorandum from Asa Gordon to a member of the other body.

"If L. D. 421 is enacted, it will increase the cost of construction aid during the life of the \$50 million bond issue by 37.7 percent. If L. D. 421 is adopted and all construction aid is paid from the bond issue, the \$50 million will probably be exhausted before the end of the biennium of June 30, 1975." This indicates a deferred cost of about \$18,850,000.

Second, there are now a number of schools enrolling 14 percent of our children which are not now eligible to receive construction aid. And I believe that in all fairness, we should consider doing something for these schools before we increase the aid to those presently eligible and making the inequities in state aid even greater. L. D. 999 which is being held up by the Education Committee does give this

opportunity for the state to start treating all units fairly and it should be acted on before we consider the present bill.

The situation is like a family with seven children, six are being given three meals a day. The small one, however, gets no breakfast because it is all promised to the others. Now this bill proposes to give more to the six and ignore the one that is presently being discriminated against.

I hope someone will at least table this bill until we can discuss L. D. 999 and see if we are going to include the little one before we add to those that have some already. Thank you.

Whereupon, on motion of Mr. Jalbert of Lewiston, tabled pending passage to be engrossed and specially assigned for Tuesday, April 20.

Passed to Be Enacted Emergency Measure

An Act to Authorize Pollution-control Facilities to Be Financed by the Issue of Revenue Obligation Securities under the Municipal Industrial and Recreation Obligations Act (H. P. 1259) (L. D. 1618)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Increasing Funds for Lincoln County Court House Capital Improvements (H. P. 1261) (L. D. 1644)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Disposition of Portion of Fees Collected by Maine State Park and Recreation Commission (S. P. 20) (L. D. 48)

An Act relating to Retirement Allowance for Former Governors (S. P. 521) (L. D. 1419)

An Act relating to Meetings, Chairman and Employees of Board of Commissioners of the Profession of Pharmacy (H. P. 454) (L. D. 609)

An Act to Provide for Administrative Enforcement of the Municipal Public Employees Labor Relations Law (H. P. 600) (L. D. 801)

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.

Enactor

Tabled and Assigned

An Act relating to Sale Price of Liquor (H. P. 856) (L. D. 1181)

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

(On motion of Mr. Ross of Bath, tabled pending passage to be enacted and specially assigned for Tuesday, April 20.)

An Act Authorizing Emergency Closing of Financial Institutions (H. P. 1239) (L. D. 1525)

An Act Affecting Unemployment Compensation During a Stoppage of Work Because of a Labor Dispute (H. P. 1254) (L. D. 1574)

Finally Passed

Resolve Appropriating Funds to Prevent Sawdust Pollution at South Branch Lake and Saponac Pond in Penobscot County (H. P. 894) (L. D. 1214)

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

Orders of the Day

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

WHEREAS, former members of the Legislature were recognized

and honored by Welcome Back ceremonies of April 14, 1971; and

WHEREAS, the Culinary Arts Department of Southern Maine Vocational Technical Institute greatly assisted this effort by serving a buffet luncheon in the Hall of Flags; and

WHEREAS, amid recollections of fond memories of the day one often heard messages of gratitude for such a pleasant meal; now, therefore, be it

ORDERED, the Senate concurring, that we, the Members of the One Hundred and Fifth Legislature now assembled, extend a special note of thanks to the students and staff of Southern Maine Vocational-Technical Institute Culinary Arts Department, and might also comment that if the Legislature were grading their work for the day they would all have received straight A's; and be it further

ORDERED, that a copy of this Order, duly attested by the Speaker of the House and President of the Senate, and bearing the Great Seal of the State of Maine, be immediately transmitted to Mr. William Brisse, the students and staff, in recognition of their outstanding work. (H. P. 1276)

The Joint Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

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

HOUSE REPORT—Refer to the 106th Legislature—Committee on Labor on Bill "An Act Creating the Maine Health Care Facilities Labor Relations Act" (H. P. 746 (L. D. 967))

Tabled—April 13, by Mr. Ross of Bath.

Pending—Acceptance.

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

Mr. GOOD: Mr. Speaker and Members of the House: I understand Representative Kelley is preparing an amendment for this bill, and I also notice that he is not in his seat today. For these reasons, I respectfully request that this be tabled for two legislative days.

Whereupon, on motion of Mr. Finemore of Bridgewater, retabled pending acceptance of the Report and specially assigned for Tuesday, April 20.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought not to pass" —Minority (6) "Ought to pass" with Committee Amendment "A" (H-119)—Committee on Labor on Bill "An Act relating to Size and Construction of Railroad Caboose Cars." (H. P. 348) (L. D. 457)

Tabled—April 13, by Mr. McTeague of Brunswick.

Pending—Motion of Mr. Good of Westfield to accept Majority Report. (Roll Call Ordered)

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

Mr. GENEST: Mr. Speaker, Ladies and Gentlemen of the House: I feel that there were basically two reasons why this received a Majority "Ought not to pass" from the Labor Committee. Number one was the railroad companies cries of poverty and their highly exaggerated price of railroad caboose cars. And number two, the committee was told that this should be a matter for negotiation between the union and the railroad companies.

To this I say, the unions have had very little success in negotiating matters of safety. All of the safety rules and regulations presently in effect within the railroad industry are prescribed either by state or federal law.

As I previously mentioned, the present Maine law relating to size and construction of railroad caboose cars was enacted in 1913. In the year 1913, a 30-car freight train was considered to be a long train. Today, a train of 200 freight cars is not uncommon, with much greater slack action and run-in.

Freight cars presently being used are all constructed of heavy-gauged steel. Only the flimsy caboose cars are constructed of wood, by standards prescribed in 1913. We have asked the representatives of the railroad companies if they would be agreeable

to the bill if it were amended to allow them more time to be in compliance. Their response was that they were interested only in having the bill killed.

Ladies and gentlemen of the House, I hope for safety's sake that you would join me in voting to defeat the pending motion to accept the Majority Report of the committee and accept the Minority "Ought to pass" Report.

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

Mr. BITHER: Mr. Speaker, Ladies and Gentlemen of the House: You can't believe, I hardly believe it myself, how interested I have become in cabooses in the last week. I never thought it would happen.

Now we have a little railroad up in Aroostook County, and as I have the opinion that all these railroads were hard hit and were suffering, and we know the B & A is very hard hit and they are cutting back on their expenses. They cannot frankly, very frankly, the B & A—and when I say the B & A I don't mean the Boston & Albany, I mean the Bangor & Aroostook. And the B & A cannot afford to rebuild their cabooses — if cabooses is the correct plural for this. I meant to ask my partner here. Somebody told me it was "cabeese," but I don't think that is true.

Let me give you a few facts about the Bangor & Aroostook. I noticed we have an amendment here on my desk excluding the Belfast & Moosehead Lake Railroad, and that is very fine. I think we should have had another amendment excluding the Bangor & Aroostook because they cannot, I repeat, they cannot afford the cost of rebuilding these cabooses, or cabeese. The cost, I am told, would be between twenty and forty thousand dollars, depending upon what they start with.

Now the B & A have cut their expenses all along the line. Their directors are paid \$600 a year; if they are on the executive committee, they get double that, they get \$1200 a year. They have no president, no president at all, the chief executive officer of the Bangor & Aroostook — and this

again is to save expenses — is paid for by the Parent Corporation, the Amoskeag Corporation.

I would like to know where this bill came from. Sometimes I lay awake nights wondering if there isn't a little room down here in the sub-basement with a couple or three little men down there turning out bills for us to hear, because this bill certainly did not come from the labor unions in the Bangor & Aroostook. They did not ask for it; they do not ask for it. I wish you people would read that bill in a few minutes. It provides for insulation. Now, somebody made a nasty crack. I don't believe this is true at all, but somebody made the nasty crack that they wanted it insulated so they wouldn't hear the click, click, click on the rails as they played cards. But this does provide for steel-framed cabooses, and all of the cabooses being used by the B & A on their long runs, anything overnight, are steel framed. But they do have wooden cabooses — I don't like that cabooses, cabeese, then — they do have a lot of wooden cars that they use on short runs and for emergencies. Now this bill would not allow them to use one of these for an emergency, and I think this would produce an undue hardship on this railroad.

Incidentally, they are repairing these old cars, cabooses, just as fast as they can, but they frankly, this year and probably next year, cannot find twenty to forty thousand dollars to repair even one car. Now that is true, gentlemen, they cannot even repair one car.

It is a question in my mind too, which is safer? This is supposed to be for safety. Which is safer, a wooden car or a steel car? Now if you are going to be in a wreck, would you rather have your head cut off by a steel bar or a piece of eight by eight? I don't think it makes much difference.

I know what I would like to see happen to this bill. I think it is going to produce an undue hardship on our railroads. And if I may make a motion, I would move that we indefinitely postpone this bill and all its papers.

The SPEAKER: The pending question now before the House is on the motion of the gentleman from Houlton, Mr. Bither, that both Reports and Bill be indefinitely postponed a roll call has been ordered. All in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Barnes, Bartlett, Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Call, Churchill, Clark, Clemente Collins, Cooney, Cote, Cottrell Crosby, Cummings, Curran, Curtis, A. P.; Curtis, T. S. Jr.; Donaghy, Dow, Drigotas, Dudley, Dyar, Farrington, Fecteau, Finemore, Fraser, Gagnon, Good, Hall, Haskell, Hawkens, Hayes, Henley, Hewes, Hodgdon, Immonen, Jalbert, Jutras, Kelleher, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lee, Lessard, Lewin, Lewis, Lincoln, Lizotte, Lynch, MacLeod, Mahany, Manchester, Marsh, Marstaller, McCormick, McNally, Millett, Morrell, Mosher, Murray, Norris, O'Brien, Page, Payson, Pontbriand, Porter, Pratt, Rand, Rollins, Santoro, Shaw, Shute, Simpson, L. E.; Slane, Stillings, Susi, Tanguay, Theriault, Tyndale, Webber, Wheeler, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Bedard, Bernier, Berry, G. W.; Bourgoin, Carey, Carrier, Carter, Conley, Cyr, Dam, Doyle, Emery, E. M.; Gauthier, Genest, Gill, Goodwin, Hancock, Hardy, Lawry, Lebel, Lund, Maddox, Martin, McCloskey, McKinnon, McTeague, Mills, Rocheleau, Ross, Scott, Simpson, T. R.; Smith, D. M.; Smith, E. H.; Trask, Vincent, Whitson.

ABSENT — Albert, Bustin, Emery, D. F.; Evans, Faucher, Hanson, Herrick, Kelley, K. F.; Littlefield, Lucas, Orestis, Parks, Sheltra, Silverman, Starbird, White.

Yes, 98; No, 36; Absent, 16.

The SPEAKER: Ninety - eight having voted in the affirmative and thirty-six having voted in the negative, with sixteen being absent, the motion does prevail.

Sent up for concurrence.

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

Bill "An Act relating to the Rendering of Treatment and Services to Minors for Drug Abuse Without Parental Consent" (H. P. 391) (L. D. 506)

Tabled — April 13, by Mr. Gill of South Portland.

Pending — Motion of Mrs. McCormick of Union to indefinitely postpone.

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

Mr. GILL: Mr. Speaker, Ladies and Gentlemen of the House: I shall be brief. I rise to oppose the motion to indefinitely postpone and point out that this bill was passed in its original form by a vote of 91 for it. However, the gentleman from Portland, Mr. Santoro, would like to offer an amendment to it and I am in agreement with an amendment. However, we will first have to defeat the motion to indefinitely postpone.

The SPEAKER: The Chair would advise the gentleman and the House that amendments have priority over the motion to indefinitely postpone. Amendments are acceptable at this time.

Mr. Santoro of Portland offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-137) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. SANTORO: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is to permit notification to the parent or guardian of the minor receiving medical treatment from licensed persons rendering medical treatment of psychological or psychiatric treatment or establishing a social work program for the parents. A minor is not to be afraid of the law as long as he takes treatment. Because of this immunity it is not to be extended to the one involved in the sale of drugs.

This bill now, I believe as a doctor, will take care of these minors taking drugs that they look for help and they are afraid to seek it

somewhere else for fear of being incriminated or the fear of being reprimanded by their parents.

We have quite a bit of drug abuse in this state, and I believe this legislation will bring some of these minors to the light of the doctors, especially when the families didn't quite see that their children were taking drugs.

But the purpose of this legislation is not to take the children away from their parents, it is to give them the treatment and then notify the parents.

I hope you will go along with the passage of this amendment.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I oppose this amendment for many reasons, and it is not done in a moment of passion, or anything else, because I have talked this over with Dr. Santoro for many days. But I wish to state my opposition to this amendment.

In the first place I wish to call your attention to the Statement of Fact. It says in there, "The purpose of this amendment is to permit notification to the parent or guardian of the minor receiving treatment." Well, I submit to you this is a false statement. Because if you look on the amendment itself, it only says that — it doesn't even say that the physician — I don't even believe that it says physician in there. They use the very ambiguous words of the "licensed person rendering medical care." But what the Statement of Fact says that it is to permit notification to the guardian or parent. But this is not so.

If you read the amendment in different places here it says that the licensed person "at his discretion." Now if it is a doctor or anybody that gives this treatment, at his discretion, he doesn't have to notify the parents at all.

I truly believe that under the circumstances, that a parent, and under law, that the parent is liable to support his kids, is liable for the necessities of life. And medical treatment is one of them. I think it is one of the most important

ones. And for this reason, my personal reason, I do not endorse people taking the right of me, or putting a burden on me to treat them and then I am liable for the bill.

And even under this amendment we are also getting into the last section of it here, certified persons rendering social work services. This is a cute phrase right there. So for these reasons that under this bill, as the other bill, they wouldn't have — they do not have to report it. This is strictly permissive, and I don't like it. And I move for the indefinite postponement of Amendment "B."

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that House Amendment "B" be indefinitely postponed.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I do not feel that Representative Santoro's wording is cute. I will simply say that it says that a certified person that is rendering social work. And I am slightly appalled at the fact that the kind gentleman from out in the Town of Westbrook would refer to this part of the amendment as this.

We would be asked to believe this morning there is no great drug problem in this state again. We are going into this debate again. And there would not be any need for this legislative document if this was true. There would not be a bit of need for it, if our young people felt they had the confidence in all of their parents to go to them and tell them about their problem.

But it is a sad commentary when these youngsters would prefer to remain on drugs than they would to go and face up to it with their parents. And this is the purpose of this entire bill. And I say again, it is not the fault of the youngsters in all cases; but in almost all cases that when a youngster feels they cannot communicate with their parents it is the fault of the parent. And no matter how we feel we are as parents, and we have done such a fine job, and all of these things; let's look around at some of our youth today, and let

us say all parents have done a fine job.

And again I say I don't blame these youngsters. I blame the parents.

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

Mrs. BERRY: Mr. Speaker, may I ask a question to whoever may answer it through the Chair?

The SPEAKER: The gentlewoman may pose her question.

Mrs. BERRY: What if a parent finds a child missing for three or four hours? Who could he go to under this law to find out where he is? Is the doctor liable to tell him? Are the police? Is the hospital? Who could they go to find out? I am sure that after a child is gone a few hours that most parents would like to know where they are.

The SPEAKER: The gentlewoman from Madison, Mrs. Berry, poses a question through the Chair to any member who may answer if they choose.

The Chair recognizes the gentleman from Portland, Mr. Santoro.

Mr. SANTORO: Mr. Speaker and Members of the House: That is what that word discretion is intended to do. But if there is a case of hospitalization, the physician will certainly notify the family within 48 hours.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I am sure that isn't what the bill states.

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

Mrs. McCORMICK: Mr. Speaker and Ladies and Gentlemen of the House: I too oppose this amendment merely on the words of "may" and "at his discretion." May means if he wishes, but he doesn't have to; and at his discretion, also I feel still leaves a loophole whereby the doctor does not have to notify the parent if he doesn't wish to. Therefore I would like to vote against this amendment too. Thank you.

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

Mr. GILL: Mr. Speaker and Members of the House: I will agree with the last speaker that if the doctor or the individual has got to notify them, with no consideration for their own discretion, that there is no point in passing this bill. The purpose of it is so that they may be treated at a time they need.

And certainly a professional person realizes all too well that they have got to have the cooperation of the parent. And you can't say this time the proper time is three hours, or seven hours, or 29 hours. The whole point is that there is really no point if we go along with the thinking of the opponents of this legislation, to even bother to pass this piece of legislation.

I would simply say we should adopt this amendment, we should pass the bill and not reverse ourselves completely. I am not 100% content with this amendment, but from another angle. However, I do feel it is a compromise, and I am very surprised that when a compromise is offered there isn't a little bit of consideration that can be given to it.

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

Mrs. DOYLE: Mr. Speaker and Ladies and Gentlemen of the House: I hope that this body will vote against indefinite postponement of this amendment. I support L. D. 506 as originally written with or without amendments, but I will also support this amendment. It is a discretionary piece of legislation. It is a discretionary type of bill, and I think it is one of the most important bills that is being presented to this body.

I think that the opponents of the bill and the amendment have failed to recognize that the drug abuse problem does exist in Maine, and it does exist in juveniles under the age of 18. It exists in our junior high schools and in our elementary schools. These children, many of them, will not go to their parents with the problem. And under existing legislation we are denying treatment to these kids who need treatment.

And therefore I hope you will vote against the motion to indef-

initely postpone this amendment, and that you will continue to stay with the bill as you originally did. Thank you.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I guess we all agree that a drug problem does exist in the state. And I know that we all would like to set ourselves up as experts on this problem. I am not an expert, and I doubt very much that many of the members of this House are experts.

We do have one person here who probably would be considered the only expert, and that would be the doctor here in front of me. And he was opposed to the bill in its original form. He has taken the time to prepare an amendment, and I certainly would hope that we would avail ourselves of his expertise, and not postpone this amendment; pass the amendment, and pass the bill with his amendment on it. Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: As a signer of the Minority Report, I would like this House to know that I realize there is a drug problem in the State of Maine. This piece of legislation as originally presented was very poorly written, and left many loopholes in the present statutes. This was clarified by Courtland Perry, Jon Doyle, and Mr. Cohen of the Attorney General's office.

I am going to go along with this amendment this morning. I think Dr. Santoro as a professional man realizes the problem. He was a signer of the Minority Report, and he also realizes the drug problem in this state. This amendment is, in my mind, possibly loosely drawn in some sections. But it will at least aid the Rap Centers and the social workers to get these children who are on drugs in for treatment, and will also allow the doctor or person rendering treatment the right to notify the parents at his discretion.

The SPEAKER: The pending question is on the motion of the

gentleman from Westbrook, Mr. Carrier, that House Amendment "B" to Bill, "An Act relating to the Rendering of Treatment and Services to Minors for Drug Abuse Without Parental Consent," House Paper 391, L. D. 506 be indefinitely postponed. The Chair will order a vote. Those in favor of indefinite postponement of House Amendment "B" will vote yes; those opposed to indefinite postponement of House Amendment "B" will vote no.

A vote of the House was taken.

16 having voted in the affirmative and 114 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "B" was adopted.

The SPEAKER: The pending question now before the House is on the motion of the gentlewoman from Union, Mrs. McCormick, that this Bill be indefinitely postponed. The Chair will order a vote. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

22 having voted in the affirmative and 110 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended and sent to the Senate.

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

An Act Continuing the Maine Cultural Building Authority (S. P. 348) (L. D. 1016)

Tabled—April 13, by Mr. Bragdon of Perham.

Pending—Motion of Mr. Curtis of Bowdoinham to reconsider failure of passage to be enacted.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I have just come up from the Attorney General's Department, and there has been a great deal of misunderstanding on this bill. A good deal of it perhaps is brought about by the fact that Niran Bates of the Bureau of Public Improvements has also been the head of the Cultural Building Authority.

Now in handling the work on the Cultural Building, Niran Bates has

actually been acting in his capacity as the Chairman of the Authority, not in his work in the Bureau of Public Improvements.

I am sure that Mr. McNally and Mr. Lee are well aware of the problems that arise after a building or road or any other structure happens to be accepted, and then there is no one around to take care of any difficulties if we have leaks or cracks, or what have you that sometimes happen in new buildings.

Now the contract was with the Cultural Building Authority. If it comes to an end, there is no one to take care of the problems. It is as simple as that.

The SPEAKER: The Chair recognizes the gentleman from Albion, Mr. Lee.

Mr. LEE: Mr. Speaker and Members of the House: Mr. Donaghy stated this, I think I was wrong. I don't know that I passed judgment on keeping the Authority or not, but I did state what I thought was fact; and I was wrong.

I have a copy of the contract which I had with the Authority, and it was signed by Niran Bates, but as Chairman of the Cultural Building Authority; and I do believe that I was wrong. I think we should keep this in continuation until the duration of the contract is completed.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have now become confused. Are there two contracts existing? One which has the signature of Niran Bates as head of the Bureau of Public Improvements, and as Niran Bates, Chairman of the Authority? That is what I would like to know.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to anyone who may answer if they choose.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: There is one contract. It was signed by Niran Bates as head of the Cultural Building Authority.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I have the copy of the contract in question. There was one contract that was signed — they are all signed by Niran Bates who happens to be the Chairman. One contract was signed by and between the State of Maine through the Maine Cultural Building Authority and the contractors, Callahan and Lee. There is another one that was signed by and between the State of Maine and the Chairman of the Maine State Cultural Building Authority. It seems strange that the Chairman would have so much power.

There are several other contracts that were signed. One of them was signed in behalf of the State of Maine through the Maine State Cultural Building Authority, hereinafter called the owner, with a man called Walker O. Cain and Associates of New York, hereinafter called the architects. This was a contract for the Maine State Cultural Building. The funds available for the construction work on such project are \$3,500,000, which amount includes all construction work and the connection of all existing utilities and related services, any other costs directly chargeable to the proper functioning of the building, including equipment built in as a component part of the building, which sum is not to be exceeded.

We have another contract between the State of Maine and its agency, the Maine State Cultural Building Authority, and Stewart and Williams. It seems the sum of \$3,500,000, which was not to be exceeded, suddenly blossomed to a bid price of \$4,046,000. The original bid was \$4,199,000, and this was negotiated down to \$4,046,000.

We have a summary from the Maine State Cultural Building Authority that says that they have encumbered to this date, \$5,149,000. In your budget document on page 95 you will find that the Cultural Building Authority asked the Governor for \$1,052,000 additional. They were granted, at the Gov-

ernor's recommendation, \$167,000. The Appropriations Committee has further cut that request down to \$67,000 for shelving, because they already had another \$26,000 in the Current Services Budget.

If we don't end this Cultural Building Authority shortly, they may become probably one of the more expensive agencies in the State of Maine.

I have been in construction now for over twenty years. So I am quite familiar myself with what happens with a contract when a building is finally completed. There is a punch list which is taken care of, and there is normally a one year guarantee on these buildings.

Since Niran Bates happens to be the Director of the Bureau of Public Improvements and he happens to be on this Commission, there is absolutely no reason in the world why Mr. Bates cannot, in his capacity as the director of Public Improvements, handle any of the grievances that we have. I would suppose that we are not about to start calling a Cultural Building Authority, which is including people from down in Portland, to come up to Augusta to meet about whether a door is hanging correctly or not.

I would suggest that you go along with the vote that you took previously and not reconsider.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen: Apparently there is an effort being made here to equate support for the continuation of this Authority with an endorsement of all of their previous actions. I would like to indicate to you that this isn't so. Mr. West of the Attorney General's Office has said to those who have inquired of him that this Authority should be continued.

Niran Bates has the power to act in these matters only as he is given this power by the Authority, and the Authority has to be continued in order for him to act in their behalf. The contract was between the contractors and the Authority.

I hope that you will vote this morning to continue this Authority.

And it isn't in any sense an endorsement of what has been done, and we do control the purse strings. If there are questions of money, through our Appropriation Committee and through the actions of the entire Legislature, we will control that. But to solve this, Mr. Bates and Mr. West I am sure are acting in good faith, advise us that we should continue this Authority during the warranty period of the contracts. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: When Mr. West came before the State Government Committee, it was very clear in his terms that this was to complete the items that had already been contracted for. It has nothing to do with increased items and new items. And I think in all fairness to the State of Maine, to see that we get our money's worth, even though we don't agree with some of the things that have been brought to pass, that we should continue this Authority and see that the job is done right. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I take a dim view of the continuation of this Cultural Building Authority. Even since we have come into the session of the Legislature, a recommendation has been made to us to add shelves to this building which would amount to \$67,000. Now I can see a committee or an Authority of this kind, not necessarily wanting to cut off programs. Way back when this building was first built I looked at the plans. I went down to see some of the people on the Authority, and I told them that 300 square feet for the assistant to the assistant secretary was too much. Believe me when I tell you this, when we are so lacking in space in our confines here, it makes one sick to just look at the available space that has been precluded from us.

Now I have a lot of respect for the gentleman from Lubec, Mr.

Donaghy, and I mean this. But I was around here when this monstrosity next door was built. I went then, on the day that the contract was granted, and I told the Governor then; and the Council, and the committee that had been working on this — in those days it was committees, today it's authorities; today it is rhetoric, in the old days it was speeches; in my day it was pollution, now it is environment, and you know, it goes in cycles. But whether it was an authority or a committee, I told them two things. I said to the Governor and Council, you are taking the advice of an authority or a committee, and it is wrong, coupled with the fact that they gave the contract to a Massachusetts contractor. Can you imagine, and I stated so at the time, can you imagine a State of Maine contractor even having the audacity to submit a program to build a building in Massachusetts?

Now what is going to happen here is what happened in the same area. It took me two years, three years and a special session to prove that I was right.

The same committee recommended, and by that time the performance of bond was over and we had to appropriate at a special session \$500,000 to just cover up some cracks in the ceilings and the walls, on the floors, which is still coming out, and the program has never been right.

Now years ago we used to have one person to take care of the situation of these buildings. He was called the Superintendent of Buildings. We now have a fairly well staffed programming called the Public Improvements program, of which Mr. Bates is the Chairman.

Now I don't want us to be wedged in between the contractor, the Authority and the Public Improvement Authority. I would like to see it narrowed down. And if it isn't narrowed down, and you do not heed the words of the gentleman from Waterville, Mr. Carey, and possibly the words that I humbly submit to you, I guarantee you we will be back here at the recommendation of the Authority for more emoluments for that monstrosity.

And I don't know what the motion is, Mr. Chairman, but if it hasn't been made, I now move that this bill and all its accompanying papers be indefinitely postponed, and when the vote is taken, I ask for the yeas and nays.

The SPEAKER: The Chair would advise the gentleman that the pending question before the House is reconsideration whereby this failed passage to be enacted.

Mr. JALBERT: On that basis then, I hope that we do not reconsider.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think we are bothered with quite a problem here that probably many of us really do not know the answer to. I think sometimes when this situation prevails, we should go to some other authority, a person that you have some confidence in.

This letter was circulated some time ago, and to bring you up to date on it, it is not very long, I would like to read it into the record and possibly help you make a decision here. This letter was written by George West, Deputy Attorney General, and it is addressed to the Honorable Richard N. Berry, who is a member of the Cultural Building Authority. It says, "In checking the Private and Special Law which created the Maine Cultural Building Authority, I noted that the Authority when it shall have performed all its duties prescribed by P. & S. L. 1965, Chapter 259, shall be dissolved and cease to exist. There may be some question as to when the Authority has completed or performed all of its duties. Rather than depend upon an opinion of this office, I felt it was better to have the Legislature make some positive statement.

I have prepared such a bill and would suggest that if you are willing, you or someone drop it in the hopper. The date of December 31, 1972 is more or less arbitrary." And he has agreed if there is a desire to back this off a few months, it could be done.

"I understand the building will be completed for acceptance probably in early May. Once it is accept-

ed, there is a one-year guarantee which goes with it. Therefore, for at least a year the Authority ought to be able to exist to settle any construction problems which might arise. Perhaps a date could be something like June 30, 1972. That is immaterial to me, but I felt I had to give some definite date.

I feel it is important that this piece of legislation be introduced."

I do feel that many of us have had experience and contact with Mr. West. I feel that he, in his opinion, thinks there is a problem here and that this is the proper approach to it. And I certainly hope that you will reconsider.

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

Mr. GILL: Mr. Speaker and Members of the House: I would like to ask a question and I would like anyone to answer who could, if they would. If they planned on such a short-lived existence, why did they request \$1,167,000 for this Authority?

The SPEAKER: The gentleman from South Portland, Mr. Gill, poses a question through the Chair to any member who may answer if they choose.

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

Mr. JALBERT: Mr. Speaker, I would like to ask the good gentleman from East Millinocket, Mr. Birt, a question. Was the Honorable George West's opinion a legal one or a personal one?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to the gentleman from East Millinocket, Mr. Birt, who may answer if he chooses.

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

Mr. DONAGHY: Mr. Speaker, the letter was signed as Assistant Attorney General. I have been down to see him in that capacity today, he hasn't changed his mind or his capacity.

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

Mr. CAREY: Mr. Speaker and Members of the House: If this is the case then and the gentleman has acted in his capacity as Deputy

Attorney General, he has in fact given us an opinion that the Authority should be continued because their work is not done. Therefore this bill is not necessary at all.

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

Mr. McNALLY: Mr. Speaker and Members of the House: The things that are bothering me is the things that people who elect me talk about when I come home. And they have a fear in their mind that we may be seeing a growth like you saw when the office building was built of the inspectors on that building becoming the BPI, and now quite an expensive department.

What I don't understand is, if it is all right to write a contract which says to the contractor that you were held liable one year after the date of the acceptance, why wouldn't it be just proper in this case if you were going to extend your Building Authority why don't you extend it one year from the date of completion of the building to go along with the way the contracts are written?

The SPEAKER: The pending question is on the motion of the gentleman from Bowdoinham, Mr. Curtis, that the House reconsider failure of passage to be enacted of An Act Continuing the Maine Cultural Building Authority, Senate Paper 348, L. D. 1016. The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

68 voted in the affirmative and 65 voted in the negative.

Whereupon, Mr. Jalbert of Lewiston requested a roll call vote.

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 vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Bowdoinham, Mr. Curtis, that the House reconsider failure of passage to be enacted of this Bill. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bustin, Clark, Collins, Cooney, Cottrell, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, Doyle, Dyar, Evans, Farrington, Goodwin, Hall, Hancock, Hardy, Haskell, Hawkens, Hayes, Hewes, Hodgdon, Immonen, Kelley, R. P.; Lebel, Lee, Lewin, Lewis, Lincoln, Lucas, Lund, Maddox, Marstaller, Martin, McCloskey, McTeague, Millett, Mills, Morrell, Page, Parks, Payson, Porter, Pratt, Rollins, Scott, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Smith, E. H.; Starbird, Stillings, Susi, Trask, Tynedale, Vincent, Webber, White, Whitson, Wight, Wood, M. W.

NAY — Albert, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bunker, Call, Carey, Carter, Churchill, Clemente, Conley, Cote, Curran, Cyr, Dam, Dow, Drigotas, Dudley, Emery, E. M.; Faucher, Finemore, Fraser, Gagnon, Gauthier, Genest, Gill, Henley, Jalbert, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lesard, Littlefield, Lizotte, Lynch, MacLeod, Mahany, Manchester, Marsh, McCormick, McNally, Mosher, Murray, Norris, O'Brien, Pontbriand, Rand, Rocheleau, Ross, Santoro, Sheltra, Slane, Smith, D. M.; Tanguay, Theriault, Wheeler, Williams, Wood, M. E.; Woodbury.

ABSENT — Baker, Carrier, Emery, D. F.; Fecteau, Good, Hanson, Herrick, Jutras, Kelley, K. F.; McKinnon, Orestis, Silverman.

Yes, 73; No, 65; Absent, 12.

The SPEAKER: Seventy-three having voted in the affirmative and sixty-five in the negative, with twelve being absent, the motion to reconsider does prevail.

The pending question is enactment.

The Chair recognizes the gentleman from Albion, Mr. Lee.

Mr. LEE: Mr. Speaker and Members of the House: In order that an amendment might be offered to make this coincide with the completion of the one-year guaranty, I would hope that somebody would table this.

Whereupon, on motion of Mr. Donaghy of Lubec, tabled pending passage to be enacted and specially assigned for Tuesday, April 20.

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

HOUSE DIVIDED REPORT — Majority (10) "Ought to pass in new draft" — Minority (2) "Ought not to pass" — Committee on State Government on Resolution Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Single Member Districts (H. P. 208) (L. D. 274) — New Draft (H. P. 1238) (L. D. 1524) under same title.

Tabled — April 13, by Mr. Susi of Pittsfield.

Pending — Motion of Mrs. Goodwin of Bath to indefinitely postpone Reports and Resolution.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I was delighted when I saw that my friend and colleague from Bath, Mrs. Goodwin, had signed the "Ought to pass" Report on legislative districts. However, as she explained to the House, she was in favor of the original bill which would apportion only cities and towns entitled to two or more representatives, but she was opposed to the redraft of state-wide representation.

Personally this first bill would be the bill that I would favor too, even though Bath has two representatives and Mrs. Goodwin and I might be forced to run against each other. As an aside it presently looks that by coincidence though that we come from different districts.

I would like to see the original bill substituted for the report, but if this cannot be done the courts feel it might not be a truly one man-one vote decision, I feel that

the redraft is better than nothing and although I dislike it I must oppose the motion of Representative Goodwin for indefinite postponement.

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

Mr. BIRT: Mr. Speaker, I would request this be tabled for two legislative days, please.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that L. D. 1524 be tabled and specially assigned for Tuesday, April 20 pending the motion of the gentlewoman from Bath, Mrs. Goodwin, to indefinitely postpone both Reports and Resolution.

Mr. Starbird of Kingman Township requested a division.

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

A vote of the House was taken.

58 having voted in the affirmative and 75 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is indefinite postponement of both Reports and Resolution.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I have spoken on this bill before. This is a pure bill. It is one man-one vote concept. I should not see any point in continuing the employment of the research associates who were doing some work on this, so now I would leave it up to your good judgment, whether you are in favor of a principle of one man-one vote, and I would oppose the motion to indefinitely postpone this pure bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: What the gentleman from South Portland, Mr. Gill, is telling you in effect, he would like to nestle himself beautifully in that little corner of his district in South Portland. What I am going to tell you is this. As far as I am concerned, if this bill

passed I would be beautifully nestled in a little corner of my district. But I don't believe in that. I certainly hope the motion for indefinite postponement does prevail. When the vote is taken I ask for the yeas and nays. And if the bill passes anyway, I think it will be back here.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker and Members of the House: I hold in high regard Representative Gill, and most of the time I agree with him. And a couple of weeks ago when this item was up he made some statements, and I certainly agreed with him then. Not all of them, but some of them. He said that this particular item was a monstrosity. I had to agree with him there.

He also suggested to me that I was on Reapportionment, and that I could go and get a map of the City of Bangor and cut out a little safety place for myself. So I have never considered this although I did cut the City of Bangor up somewhat for Mr. Gill's pleasure. I like to represent my city, and I like the district that I cut out, Mr. Gill. And it runs from the Veazie line to the Hampden line, from the Hermon line to the river. So I hope Mrs. Goodwin's motion does prevail.

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 vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Bath, Mrs. Goodwin, that both Reports and Resolution Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Single Member Districts, House Paper 1238, L. D. 1524 be indefinitely

postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bustin, Call, Carey, Carrier, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Cyr, Dam, Dow, Doyle, Dri-gotas, Dudley, Emery, E. M.; Far-ington, Faucher, Fecteau, Fraser, Gauthier, Genest, Goodwin, Han-cock, Jalbert, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lessard, Lizotte, Lucas, Lynch, Mahany, Manchester, Marsh, Mar-tin, McCloskey, McTeague, Mills, Murray, O'Brien, Pontbriand, Rocheleau, Santoro, Sheltra, Slane, Smith, D. M.; Smith, E. H.; Star-bird, Tanguay, Theriault, Vincent, Webber, Wheeler, Whitson.

NAY — Ault, Bailey, Baker, Barnes, Bartlett Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Churchill, Clark, Collins, Crosby, Cummings, Curtis, A. P.; Curtis, T. S. Jr.; Donaghy, Dyar, Evans, Finemore, Gagnon, Gill, Good, Hall, Hardy, Haskell, Hawken, Hayes, Henley, Hewes, Hodgdon, Immonen, Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Little-field, Lund, MacLeod, Maddox, Marstaller, McCormick, McNally, Millett, Morrell, Mosher, Norris, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Trask, Tyndale, White, Wight Wil-iams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Emery, D. F.; Han-son, Herrick, Jutras, Kelley, K. F.; McKinnon, Orestis, Silverman.

Yes, 68; No, 74; Absent, 8.

The SPEAKER: Sixty-eight hav-ing voted in the affirmative and seventy-four in the negative, with eight being absent, the motion does not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted, the New Draft of Resolution read once and tomorrow assigned.

The Chair laid before the House the sixth tabled and today assign-ed matter:

HOUSE DIVIDED REPORT — Majority (11) "Ought not to pass" —Minority (2) "Ought to pass" —Committee on Education on Bill "An Act to Create a School Admin-istrative District for the Town of Orono" (H. P. 804) (L. D. 1077)

Tabled — April 13, by Mr. Susi of Pittsfield

Pending — Acceptance of either Report.

The SPEAKER: The Chair recog-nizes the gentleman from Dix-mont, Mr. Millett.

Mr. MILLETT: Mr. Speaker, I move the acceptance of the Major-ity "Ought not to pass" Report.

The SPEAKER: The gentleman from Dixmont, Mr. Millett, moves the acceptance of the Majority "Ought not to pass" Report.

The Chair recognizes the gen-tleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Members of the House: I would speak in opposition to the motion. At the request of the Orono Town Council, our school board and most citizens of our community, I am the sponsor of L. D. 1077, which is designed to give the taxpayers of Orono some of the benefits available to other communities in Maine.

Seven other single town districts have already been created, each for special reasons. I will confine my remarks this morning to those facts that make Orono's situation unique.

Orono has tried for years to associate itself with another com-munity to form a SAD. To our east is the Penobscot River, to the north is the City of Old Town with over 500 students in its high school, and a good educational program. To our west is the City of Bangor with an even larger high school and an equally fine educational program. These two cities have not been interested in combining with Orono although we have tried to work out joint programs.

To our south between Orono and Bangor is the Town of Veazie with a population of 1556 and no high school. Veazie would be a logical partner for a SAD. In fact, Orono and Veazie already cooperate in a school union for the purpose of

retaining a superintendent of schools, and 57 Veazie high school students now attend Orono's High School. On January 13, 1970, in a special Town Meeting, Orono voted 190 to 1 in favor of a SAD with Veazie, but Veazie defeated the proposal overwhelmingly 338 to 102.

Since relations between Veazie and Orono are friendly, you might be surprised that Veazie would turn down a SAD. I think there may be a reason for Veazie's reluctance. One of her biggest residents is the Bangor Hydro-Electric Company, which naturally pays a large part of the town's taxes, 61 percent to be exact.

Orono's largest resident is the University of Maine, which pays no taxes. Two-thirds of Orono's valuation, approximately \$50 million, is owned by the State of Maine and is tax exempt. Orono has no large tax-paying industry to help share the burden of growing school expenses. Consequently, 95 percent of Orono's property tax base is residential property.

Not only does state law exempt our largest landowner from paying property taxes, but state law also penalizes our community because we do not belong to a SAD. In the economics of education, Orono suffers a double penalty imposed by the state.

Orono High School has 380 students in grades 9 through 12. We are below the minimum of 500 students necessary to obtain construction aid unless we are in an SAD.

Orono citizens pay state taxes, just like the rest of our Maine citizens and Orono voted overwhelmingly by a ratio of 3 - 1 for the \$50 million bond issue for secondary education. Because of our unusual situation, our citizens are not eligible for the benefits provided by tax money to the citizens of other communities.

Because state laws are responsible for our predicament, we come to the state for a remedy. On behalf of the citizens of Orono, I ask you to vote in favor of L. D. 1077.

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

Mr. BITHER: Mr. Speaker, Ladies and Gentlemen of the House: As one of the two that signed the Minority Report, I have to okay and do okay everything Mr. Curtis has said. I would like to reiterate again that Orono, if there is any single town or any town that deserves a single town SAD, I think it is Orono. They are jammed right in between other towns and they cannot get into a SAD. And don't forget, as he pointed out, that they have the University of Maine there that is nontaxable property, and it makes a very difficult situation for Orono.

I would like to also remind you that this is very very much an impacted community. I may be wrong, but it seems to me that, I got the figure that 45 percent of the student enrollment there was connected with the university and university people, 45 percent of their students. I think they deserve to have a single town SAD.

Since I spoke about SAD's in another town some time ago, the name of which I forget right now, I think I have learned a great deal about SAD's. I was told then that my philosophy was wrong; it may have been. But I want to tell you what I have done since that time. I have read every word of the debate on the Sinclair Act of 1957, both at the regular session and the two special sessions, and I heard remarks in there that sound familiar, from the gentleman from Lewiston, Mr. Jalbert, "Gentlemen, if we don't get on with this work, we will be here until July." And I heard remarks from Harry Williams from Hodgdon, who didn't see how the SAD was going to help his community, and I heard remarks from Harold Bragdon and perhaps other, or I read them.

Now this, ladies and gentlemen, should be required reading for every freshman legislator. These are the parts that have been lifted out of the record, and most of this I have read three times in order to get the philosophy of the SAD's.

And I would like to say very briefly, and I don't want to hold you here too long, that it has been pointed out to me — this isn't my terminology, but it was pointed out

to me and I think this is right, that these SAD's are like marriages. When you join together in matrimony, you have to give up certain privileges for the benefits of the union. And that is what happens with the SAD's.

Now it is true that these were plural marriages, and plural marriages are, incidentally, illegal, but these were plural marriages in which the larger towns and the richer towns were supposed to take all the smaller and poorer towns in this union.

And I am not going to say anything about — not very much anyway, about the mistakes that have been made. If you will look at a map of Maine with the SAD's, and look at the queer shape of the SAD's, if you would listen to the word that is going around, if you would listen and look and think, just think, what has the vote we have taken so far on SAD's meant. I will tell you what I think it means. I think there is a lot of dissatisfaction with the SAD's. And as soon as this Legislature makes up its mind that there is a lot of dissatisfaction with SAD's and does something about it, the better off we will be.

Now we cannot hide our heads in the sand and think it is going away tomorrow, because it is not going away. It is getting worse. And we cannot blame the State Board of Education as many people do, we cannot blame the State Department of Education as many people do, but it is the legislators of the State of Maine that have got to do something about these plural marriages.

Now I am not going to contend that some of these plural marriages were shot-gun marriages at all. They may have been and they may not, I will leave that wholly up to you, but I heartily support the Minority Report of this committee. Thank you.

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

Mr. MILLETT: Mr. Speaker and Members of the House: I will be brief. I have tried in the past and have proven that it is futile to rely on logic. I haven't done my lobbying as others have, and I certain-

ly would not want to rely upon a motion here this morning. I will just bring out what I see are the differences and the similarities between this bill and the Madawaska bill which we have not yet taken care of, and hope that you might sometime sooner or later consider these bills on their merits.

I would agree with the gentleman from Orono, there are differences. There certainly is a big difference that I appreciated right from the beginning. People in Orono have made a very serious and sincere effort to form districts in the past, and for that I would commend them. They made an excellent presentation at the hearing. They are spending an average amount of money as far as effective school tax rates go for schools. They are average, very average, 35 mills as compared to a state median of 34.

They also have a problem, and Mr. Curtis brought this problem out. In terms of their overall community responsibilities, their municipal tax rate stood at 74 mills, compared to a state median of 51, which means that he does have a point when he brings out the university population, the services that may be required in order to support the university community. I don't however, feel that is a legitimate argument in favor of a single town School Administrative District. The problems which they have and the burdens that are borne by their resident property taxpayers are not caused by their school population but by the services which they choose voluntarily. I imagine, to provide for the overall community.

There is also another big difference, and I think the gentleman from Freeport, Mr. Marsteller, in his remarks on an earlier bill alluded to this. Orono presently does not qualify for school construction aid. They last made — their last construction took place in 1960. They have foregone any future construction until this date. They have pending in front of them a major construction project. In answer to a circulated questionnaire from the state department, they responded that they anticipated construction in the year of 1972, totalling \$850,000. If they become a single town

district, their present rate of construction aid is 24 percent, they would be qualified for \$204,000 for school construction aid.

Now without going any further, just considering that amount of money and the bonus money which amounts to an excess of \$20,000 a year, I am sure you can all realize why this bill means a great deal to the gentleman from Orono, Mr. Curtis. I don't begrudge him for his attempts to get this money. I think all of us come down here with our first goal to protect our constituents, in other words, to help our municipalities.

Somewhere along the line, as we near the closing days of the session, I find myself being a little bit more and more concerned about the state. And I think we all have an obligation here to protect state revenue. We don't like to face up to it, but every now and then we are forced into it. I think we are fast approaching that point in time where we are going to have to make some pretty keen decisions.

And I would agree with all the criticisms that have been made. I agree with the gentleman from Houlton, Mr. Bither, the Sinclair Law was not perfect certainly. We have reached the time, and I have made this point before, when we have got to back up. We have got to look at this thing and we have got to try to help it. We have got to cure it. But we don't kill it by opening up all these back-door entries and actually distorting the initial purpose of the law. Now I make this as a statement; I have made it before. It doesn't seem to make any effect on many, but it is in my opinion the hard, fast truth, that when you have something which is ill and it has reached a point in time where a majority of our communities are affected, and beyond which we will not likely go voluntarily, I think it is time, and I will support any attempt to back off and study this whole thing.

It is true it is a marriage proposition, and I had this thought too. But I would carry it back prior to the marriage state. And as Mr. Bither has said, a single person, and there are some in this body, enjoy many rights and privileges which I don't enjoy. I admire them

for that. That is a decision which they have made, and I assume they have made it voluntarily. But they have a great deal of freedom, and that freedom exists within the several cities, the several larger towns who are able to call everything within their educational program their own.

Now it may not mean much to some people to say this is my high school or this is my grammar school, but I will bet that if I could poll individually those of you who are in the 208 towns that don't belong to districts, one of the first things you would say is, "I enjoy being able to say this building and this program in my town is our town's and not a SAD, not owned by a quasi-municipal corporation, and therefore, I have a direct voice and I don't share my problems with any other town. I therefore don't share with a fictitious marriage partner who in a single town district would not exist. I operate on my own, and I think this is a noble purpose. And I would submit that maybe there are at least 50 communities in this state who are large enough to continue doing this, in my philosophy, for a period indeterminate. I really feel that way.

However, there is also a quasi-municipal state of marriage known as common law marriage by which — I will qualify that and make this a little more definite — two people choose to live together to actually enjoy the rights and benefits of marriage, although not being bound by those responsibilities. And this is exactly what a single town SAD does. It gives all the rights and benefits but has none of the obligations.

Now we are talking about a great deal of money here. We are talking about a philosophical point. I haven't been successful and I grant that probably I won't be this morning. But I think the time is rapidly approaching when if we do want to improve upon things, we ought to be able to keep our heads up, not go around the back door and attack problems that exist, but look at this from an overall point of view and study it and make your decisions on the

basis of what is good for the State of Maine, the State of Maine's resources, the commitment which has been made by 287 towns already, and try to keep faith with the law. We are talking about law, and the Sinclair Law has been badgered around here as being an evil creature. It was made by man, let's face it. And I commend those people who had a part in it. I think they have opened the door for a great deal of improvement in education in Maine. Without it we would be in a position today of tremendously difficult times. I think we have made advances, not in all cases, I am sure. But I would just suggest to you that before you continue on your merry way of sending these little do gooders for the home communities along the way, that maybe you ought to think of the State of Maine now, and that is all I am asking. If we do, I think you will see the light and maybe there is some merit to Orono's problem. I think there is. But I don't think this is the solution to the problem. Thank you.

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

Mr. DAM: Mr. Speaker and Members of the House: Today I rise to support the single School Administrative District for the Town of Orono. And in the last session I opposed this, I think twice, there were two bills came in; and I have opposed it consistently for the Town of Madawaska.

However, at this time I would not oppose Madawaska, neither would I oppose Orono or any other single town desiring to form a district. If you ladies and gentlemen of the House will recall, last week several times a bill was tabled relating to the transfer of one municipality from a district to another. I sought to have an amendment put on that bill. And after receiving the cold shoulder from the state agencies that were involved, I feel that the state agencies do not want to do what is right by the people.

I feel that if the people are denied the right to withdraw from

a district, this is taking away the rights of the people. And I feel that the people in Orono and Madawaska both have the right to go into a single administrative district. And I only hope that by allowing this that this will bring about a little more opening up of the Sinclair Act. It will bring about a little more thinking on the part of the Department of Education as to what has been done, and it will make the people more concerned with SAD's all over the state. And these people that are already in the SAD's, they will realize that they have been taken by the golden tongue and golden throated oratory of the members of the Department of Education.

However, I do differ with the gentleman from Orono on the basis of his argument in saying that a large area of his town is tax exempt, state-owned property. This is true. But to me the University of Maine, as well as any state facility located in any town, is the same as an industry. It employs many many people. It brings much money into the towns. And stop and think for a minute what the City of Augusta would be if the state offices were not here and the state capitol were not here.

And it seems very strange to me, and we will have bills before us in the appropriation bill and the budget, where the state at this time is thinking of closing down facilities. And these have been closed down in the past; in the 104th Legislature one was closed. And we are consolidating these into one area, one community. And then we find all these bills coming before us asking for tax relief.

Well, I can assure you, speaking for my town, that if we had some state operated facilities in our town we would assume that these are industries; and this is bringing money into our area. And we do have one facility; and this is even now being talked about being closed out and being consolidated in with other state agencies.

And the more we consolidate these, the more these towns will claim we are being crucified by the state and we are not getting

funds. I disagree with this. I think when you have a state agency that you do have money coming into your town, and this is one area of growth that the town can stand.

The SPEAKER: The Chair recognizes the gentleman from Alton, Mr. Barnes.

Mr. BARNES: Mr. Speaker and Members of the House: I wish to go on record as supporting the gentleman from Orono in his legislation. And my main reason for doing it, of course, is that the Town of Veazie, which is one of the towns I represent, it is a bordering town of Orono. And as the gentleman has pointed out, they do have 57 pupils enrolled in the Orono High School.

Now I have one question that is bothering me a little bit. I was born in the Town of Veazie more years ago than I care to admit, and I am wondering if this so-called marriage between Veazie and Orono took place if that would make Orono my stepfather.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to support our House Chairman, Mr. Millett. There is much more involved here than the single issue of making the Town of Orono a single town district. The precedent effect of this is going to create a tremendous problem for your Education Committee, who are trying to reflect the legislative opinion, as we hold hearings from all parts of the state, many of which have as their purpose circumventing by one device or another the policy which has been established here in the legislature of seeking to achieve more economical education by district formation.

This has been the policy of this legislature for ever since the establishment of the Sinclair Act. And if we have now reached the point that it is the legislative intent to abandon this as a policy, I agree with Representative Millett that this should be met head on by appropriate legislation. It should not be met by attempting to circumvent the law by these

devices of creating single town districts.

Now I have voted consistently against the formation of single town districts. I do recognize that the case in the Town of Orono is stronger than any that we have heard to date. However, I do say to you that the precedent that you establish with this has extremely important ramifications for a future educational policy for the state. And if there is going to be a shift in educational policy it should be met head on, and not through the back-door approach.

Mr. Curtis of Orono requested a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: Perhaps you don't all know that in the last legislative session we had 15, 16 or 17 of these SAD's come in and wanted the Legislature to dissolve them. This couldn't be done according to the conditions under which they were bonded.

Now at the present time if Orono wants a separate SAD, I am going to support it. If they want to get into that mess, good luck to them.

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

Mr. BRAWN: Mr. Speaker and Members of the House: I shall go along with Orono wanting to be separate. I know what it has done up in my district. A welding shop has gone out, an axe shop has gone out, the First National Store has gone, machine shop has gone, Benjie's restaurant has gone. And I could name right on here what has happened in my little town since a SAD came in.

Why? Because their taxes have tripled in three years time. They cannot stand it. And I hope that everyone will go along so that each school will get the same subsidy for each child whether they go alone or with others.

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

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

House: I have heard on many occasions comments made that I could not agree with in any way, and I have just heard two. I think it is time to call attention to the fact that people sometimes make statements that have no basis in fact whatsoever.

The gentleman from Eastport said we handled 15 or 16 dissolution bills in the 104th session. The hard and fast truth is, we didn't have a single one.

And if anybody got anything out of the argument from Mr. Brawn of Oakland, then I would like to hear him say it in English. I didn't hear anything.

Either we are going to take these bills on the basis of what they contain, or we are going to be in chaos, because we can talk in circles here from now until the first of August.

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

Mr. BRAUN: Mr. Speaker and Members of the House: So that he will understand, Mr. Millett, exactly what I said, the municipal budget did not go up one cent in the last four years, and every cent of this raise was in the educational department consolidation.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Cyr.

Mr. CYR: Mr. Speaker and Ladies and Gentlemen of the House: I feel that I should get up because I have a stake in the vote that you are going to take right now on this bill. I also would like to give you the benefit of my activities in trying to lobby my bill through.

I found that we have a dual system of education. Half of the communities are in districts, and half are not, and the half that are in districts want out.

Now this is not a healthy situation. The reason for that, as I can see it, is the attitude and the policies of the Education Department. If we go back to the concept of the Sinclair Act, I can buy the concept of sharing the wealth. I can buy it on a state level, but not on the local level. When you have it on the local level you are putting too much

burden on the big towns that have to share the highest burden.

We have heard a lot about marriages this morning. Usually when you get married, my understanding has always been it is a 50-50 proposition. I can see sharing maybe 60% if my partner is not capable of carrying the 50%. But when you are asking, like in the case of my town, you are asking my town to carry 92% where the other two towns would carry 8%, I call this an unholy alliance. And this is what we have throughout the State of Maine, unholy alliances.

And it is time that the Education Department got their head out of the sand and looked for a solution. I can see, again, sharing the wealth on the state basis, but not on the local or an area basis. If the industry of that particular area happens to be in trouble, you are compounding the trouble of that same industry in that same town. Because you are putting the industry in a noncompetitive basis with other communities that produce the same product.

And this is what we have. Also I think it is a false or at least a very dangerous premise that they started from by equating bigness with goodness. And I can show you throughout the State of Maine that you have many high schools that have small schools or medium sized schools that turn out just as good a product as some of the larger schools.

And it is for that basis that I mentioned before that every decision should be decided on the basis of the merits of the project. And if a single town can offer you economy, efficiency, and reality, I think you should go along.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: I find myself in somewhat the same position that Representative Millett was in a few minutes ago in trying to correct some misunderstandings. And I think possibly if the gentleman from Madawaska, Mr. Cyr, would take a look at the present statutes relative to districting, he would

find that a varying formula is feasible and is workable. It has been worked out in several cases in the state, and it is workable in this situation.

And I am completely positive that if they want to work out — and the Madawaska situation is not up for discussion — but to clear the point, if he was desirous, or the people of Madawaska are desirous of forming a district, it should be developed on a formula that will allow proportionate in relation to school population as well as evaluation.

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 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 Dixmont, Mr. Millett, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Create a School Administrative District for the Town of Orono," House Paper 804, L. D. 1077. If you are in favor of accepting the Majority "Ought not to pass" Report you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Bernier, Berube, Birt, Bragdon, Brown, Bunker, Bustin, Carey, Carrier, Carter, Conley, Crosby, Finemore, Genest, Haskell, Hayes, Henley, Hewes, Hodgdon, Immonen, Lawry, Lee, Lizotte, Lund, Lynch, Maddox, Martin, McTeague, Millett, Mosher, O'Brien, Page, Payson, Porter, Pratt, Rand, Rocheleau, Scott, Sheltra, Smith, E. H.; Stillings, Trask, Tyndale, Webber, Wight, Wood, M. W..

NAY — Albert, Ault, Bailey, Barnes, Bedard, Berry, G. W.; Berry, P. P.; Bither, Boudreau, Bourgoin, Brawn, Call, Churchill, Clark, Clemente, Collins, Cottrell, Cummings, Curran, Curtis, A. P.; Curtis, T. S. Jr.; Cyr, Dam, Donaghy, Dow, Doyle, Drigotas, Dyar,

Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Gagnon, Gauthier, Gill, Good, Hall, Hancock, Hardy, Hawkens, Kelleher, Kelley, R. P.; Keyte, Kilroy, Label, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Mahany, Manchester, Marsh, Marsteller, McCormick, McNally, Mills, Morrell, Murray, Norris, Parks, Pontbriand, Rollins, Santoro, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Slane, Starbird, Susi, Tanguay, Theriault, Wheeler, White, Williams, Wood, M. E.; Woodbury.

ABSENT — Baker, Bartlett, Binnette, Cooney, Cote, Dudley, Emery, D. F.; Evans, Goodwin, Hanson, Herrick, Jalbert, Jutras, Kelley, K. F.; Kelley, P. S.; Lessard, Lucas, McCloskey, McKinnon, Orestis, Ross, Silverman, Smith, D. M.; Vincent, Whitson.

Yes, 46; No, 79; Absent, 25.

The SPEAKER: Forty-six having voted in the affirmative and seventy-nine in the negative, with twenty-five being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read twice and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought not to pass" — Minority (5) "Ought to pass" with Committee Amendment "A" (H-124) — Committee on Agriculture on Bill "An Act Establishing the Maine Apple Fund and Maine Apple Commission" (H. P. 253) (L. D. 335)

Tabled — April 13, by Mr. Evans of Freedom

Pending — His motion to accept Minority Report.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: At the present time the Maine apple industry is being promoted by the New York and New England Apple Institute, and this promotion is funded by voluntary contributions from the growers of Maine and other New England

states. All of the growers benefit from this promotion, whether they contribute or not.

I would like to point out one thing right now, that on this list of growers that you have received, there were 87 alleged growers on here who are against this bill. Only 12 have contributed. Now this piece of legislation would create a Maine Apple Commission which would be dedicated to the promotion of the Maine product. And it would be funded by levying a tax of three cents on every box of apples that a grower grows above and beyond 1,000 boxes. So the small grower would not be affected at all, and the big grower naturally would be paying the most.

It is interesting to note that of the bigger growers which are 10,000 boxes or more annually, 42 are in favor of it whereas some 28 are not. I would say for the good of the State of Maine and one of its finest products that this piece of legislation would be good for the apple industry, and I would urge you to accept the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I am not an apple grower, never have, and never will be. But I do have apple growers in my district and I am sure most of you do too.

I think we are dealing with a bill today that involves the economic security of a segment of our population. The value of the apple crop at the farm is about \$3 million. And that will generate several dollars of additional income in the state. So we are considering a piece of legislation that involves an income to people of the state in excess of \$20 million a year. That is not insignificant in the State of Maine.

The opponents of the bill, as far as I can read the material that has come over my desk, base their opposition on their rugged individualism to operate their farms and market their products on their own. And I feel that they have taken a shortsighted attitude,

because they feel that this bill will promote the sale of apples outside of the state. They have more in common with the people who market outside the state than they realize.

The State of New York has an apple crop of about \$50 million. The State of Washington on the other side of the country has something in excess of \$50 million. Both states devote considerable money to advertising their apples. The State of Washington gives more for marketing than, I think, the State of Maine has in value in its apple crop.

And if the marketers of apples outside the state do not maintain the percentage of the market, or lose, then where will they market their apples? They will have to market them within the state. And I wonder what this will do to the people who are in opposition to the bill?

I suggest that if the marketers are forced to withdraw within the state the overall loss to all growers of apples will be insignificant if you consider the three cent tax. That would be a minor portion of their loss.

I hope you will seriously consider your action on this bill.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I would wish that the body here would know that this isn't a fight that has been going on for a long time. I see some of our opposition in the back of the hall, and I am sure they would say that the apple growers have been quite harmonious in the last number of years.

I have also heard that I am a puppet for the proponents. I am sure my husband would tell you that I am no puppet. And they wonder why I, as a woman, would stand. I don't believe that a lot of people know what some farm wives are. They are not just wives, they are partners.

And what I am going to say just now, I am not saying because I want you to know how smart I am; because lots of times I think a farm woman is very dumb. I am

a bookkeeper; I am a secretary; I am a paymaster; I have pruned apple trees; I have grafted apple trees; I have picked apples; I have cooked for a bunch of 20 or 25 Canadians in the fall of the year. I take care of the red tape that goes along with this procedure. I tend to the salesroom when I am home. Up to this winter, when I have been down here, I have had sometimes complete control of the packing house, especially when my husband has been away. I have been inspector, and all the other things. Yes, I drive the forklift if you want to know. I haven't yet tackled a trailer truck, but some day I may have to.

And so I am just stating this so that you will know that I can be concerned. Last year the apple growers looked for a good and an opportune year in their business, but the only thing the season brought was a consistent array of red ink in growers' ledgers across the country.

The industry was not able to take care of the increase of the number of bushels of apples. There wasn't any money for the needed promotion. Again this year the industry is in the red.

We know that man cannot stay alive without research to find answers to the new diseases that are evident each year. Who would have known 25 years ago what a virus was? Yet today it is a common name, and research is being carried on on such continually.

The apple industry experiences virus also. New diseases and new insects appear yearly. Research is also needed here. During the last 10 to 12 years research in the pomological line has decreased considerably at the state level through our state agricultural programs. Accompanied by a few years of low prices and slow markets it seems reasonable that something must be done to save our industry.

For years a number of growers in Maine, as you have been told, have been voluntarily taxing themselves through a private advertising agency. I would like to take our place as an example. We are a medium sized grower, and have contributed during the last three years about \$2,413. Now from in-

formation, it is indicated that ten of the opposition growers who are about our same size have only contributed in combination \$1,532. This means an average of about \$153 in the three years for each of the ten growers. Do you wonder they are against legislation if they can be carried by others?

They also say we can ride on the research of other states. This is just an excuse. As they know that soil, climate, disease, and insects are not the same in every state. We need research here at home under our own State of Maine conditions, along with advertising and promotion.

When the domestic help is inadequate, and it has been for a number of years, labor must be obtained outside. We need revenue to help get us this foreign labor. Research, traveling, and so forth is needed to convince the labor agencies of the unavailability of workers.

You have letters on your desk stating that the money would be used directly for the New York and New England Apple Institute, which has been referred to here this morning. If you would just look at your bill you would find that not a penny has been earmarked. This would be up to a five man commission recommended by the growers themselves.

And it has been also rumored that the committee would be made up of all proponents of the bill, and all big growers. This is not true. It will be upon the recommendation of the growers themselves, and approved by the Commissioner of Agriculture.

On one sheet that you have had before you, the back sheet has contained a number of names without the number of bushels that they have grown. I have taken this to a number of apple growers, and many of the names are not known by any of them. I went to a former state employee of the pomological line, in the extension. He looked the list over, and he thought that many of them were out of business. And I personally know that two of them would not be affected. We have bought one of the orchards, and we lease another.

These letters that you have before you were all written with the idea of the original bill of five cents a box with only five hundred exemption. Most of these people who wrote the letters knew this amendment was coming up to three cents a bushel and 1,000 bushel exemption.

This legislation was proposed and supported by the only state-wide apple growers' association, the Maine Pomological Society, after a two year study, a grower poll, and a series of state-wide meetings among all growers including non-members.

The last meeting in which this proposal was reviewed was as late as January of this year at the annual meeting of this organization. There was no opposition at this discussion, and many of the so-called opponents were present. The growers could go to the state for revenue to get them on their feet, but a good many of them believe in solving their own problems when possible. And this legislation, they believe, would help them and the industry.

And I might add here, my husband was at an executive meeting last night, and there was a problem—something that came up which was to be discussed, and I am sorry to say that some of the opposition had left before they discussed this.

I called the Maine Extension man who is at the Maine Experimental Farm in Monmouth to ask him if this was all right to mention, and he said it was. And this is that there is a federal order being talked about, and actually in the works for the New England States. This would be an order for all the states, and if the rest are for it, Maine will just have to follow. We will have the federal government in our business. We would have no choice. The money would be used for marketing and advertising, nothing in research to help us with our productive problems. It would be out of the grower's hands completely with no say whatsoever as to where our money goes.

Is this what the growers would want? I am sure it wouldn't be. So which would be best for our growers? I know there are many of you

representatives who have constituents at home who are opposed to this; and I do not ask you to vote with the Minority Report, if you think their reasoning is logical. I wouldn't go against my constituents myself. But there are many of you who do not have growers in your counties who have not had opposition, and I would ask you that you would consider my remarks, and those of the feelings of more than 63 others in the industry. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Webber.

Mr. WEBBER: Mr. Speaker, Ladies and Gentlemen of the House: Being a signer of the Majority "Ought not to pass" Report, I rise to defend my position. At the hearing on this bill, we had a large group of apple growers testify to the pros and cons of this bill. The majority of the growers were opposed to it. Since that time I have received a lot of mail concerning it, have talked with quite a few growers, and the majority are opposed to L. D. 335.

I have no apple growers in my area, so I have felt that I have looked at this with a very impartial point of view. In view of the very strong opposition, I could not in good conscience vote for this bill. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: I rise in opposition to the acceptance of the Minority "Ought to pass" Report. Now it is very obvious by the report of the Agriculture Committee that the proponents of this bill were unable to convince the majority of the committee of its merits. They have also been unable to convince the majority of the apple growers that it is a good bill.

I understand the apple growers are having financial problems. This bill seeks to correct them by imposing a tax on the growers, which the majority, especially the smaller growers, don't want. The State Grange also opposes this bill.

I cannot help but compare this tax to the tax on potato growers that we have in Aroostook. More

than twenty years ago the potato growers obtained permission to impose a tax of one cent per barrel on the potatoes they sold. Now in the County we think in terms of barrels which contain two and two-thirds bushel. This means that we pay 36/100 of one cent per bushel on potatoes actually shipped out of the County.

Now the Aroostook County potato growers are a large group of about 1,700 growers who market a tremendous volume of bushels of potatoes, about one-seventh of all the potatoes grown in the whole country. While 36/100 of a cent per bushel seems small, it produces a lot of money. It is paid by the growers willingly if not cheerfully.

The potato grower under this setup is a good deal like the union man. He never gets his hands on the money. He has no choice but to pay, and no real choice of how the money is spent.

I point out to you that after 20 years of the potato growers paying this tax, the Aroostook potato farmer is still worse off than the apple growers.

To get back to the apple growers, they are a small group of perhaps 135 to 160 growers. They are being asked to contribute three cents per bushel, a much higher sum. They are being asked to pay on apples grown, which is vastly different from apples sold. The grower has to declare in the fall how many bushels of apples he grew and pay one half the tax. At the end of the season he has to pay the other half or be subject to a \$500 fine. If he has had to sell at a loss, where he gets the money to pay the tax, plus the \$500 fine, is not spelled out in the bill. Now I would seriously question whether this tax is the answer to the over production of apples. And I would also wonder if the large growers would be at all unhappy to see many of the small growers fade away.

I hope the House would vote against the motion to accept the Minority Report and accept the Majority Report "Ought not to pass," and I would ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I wish to speak in opposition to the motion to accept the Minority Report for several reasons. This is an apple tax, or more specifically, a production tax.

The growers in Franklin County, that beautiful little county, the home of Sugarloaf, U.S.A., is one hundred percent opposed to this taxation measure. Franklin County has many other things to boast about. We are the toothpick center of the world, the home of the G. H. Bass Shoe; and not only that, Strong, Maine is the birthplace of the Republican party.

Franklin County has the largest number of growers of any county in the State. In the town of Wilton alone we have nine growers who produce over 111,000 bushels and the tax under this measure would be quite substantial. A production tax has never helped in raising the price of a product. We have several products taxed now — namely, milk, potatoes and blueberries, with very little effect on consumption or price.

The Maine McIntosh is unique in its firmness, color and shelf style. If this tax is passed, part of the money will go to the New York, New England Apple Institute. This agency promotes apples in seven states. The Maine apples should not be promoted or advertised in the same manner with lower quality apples.

Part of this money goes to operate Highmoor Farm in Monmouth. If the individual growers must tighten their belts, so must Highmoor. To many growers, the cost of operating Highmoor is out of reason. It is the opinion of the growers in my area that they need Highmoor, but on a smaller scale and more efficient.

There are approximately 135 growers in the state who would be taxable under this bill. Ninety of these growers have asked to be put on record as opposed to this bill. At the hearing, I understand about 2 to 1 were opposed to it. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: This bill is a bill that came before my committee and it had a very good hearing. And that day there was very much opposition to this apple bill. And as one of the signers of the "Ought not to pass" Report I hope this House will go along with us on this today.

People in our area are small growers to a certain extent, and they definitely do not want it. And practically all the letters we have gotten from them are opposed to this apple tax.

The SPEAKER: The Chair recognizes the gentleman from Parsonsfield, Mr. Pratt.

Mr. PRATT: Mr. Speaker and Members of the House: I call your attention to the letter which was placed in your box by the proponents yesterday, and the heading is the Maine State Pomological Society and it was signed by Rufus Prince, Chairman, Legislative Committee.

On this list of the orchardists supporting L. D. 335, I found in here four growers in my area. And after the flood of mail I had received in opposition to this, I questioned this. So last evening I called each and every one of these four, and they are violently opposed to this legislation.

They stated that some year or two ago, they were polled in regard to a voluntary contribution, but there was no mention at that time of any tax. If these four are in error, I wonder how many more. I really question the accuracy of this letter and I feel the list should be checked and the members should be polled.

A similar bill to this was tried a few years ago and went down in defeat and I think that we should give this one also a decent burial. I remind you that the committee report was a Majority "Ought not to pass" and I now move the indefinite postponement of this and all its accompanying papers.

The SPEAKER: The Chair will order a vote. All in favor of indefinite postponement of both Re-

ports and Bill "An Act Establishing the Maine Apple Fund and Maine Apple Commission," House Paper 253, L. D. 335, will vote yes; those opposed will vote no.

A vote of the House was taken. 95 having voted in the affirmative and 24 having voted in the negative, the motion did prevail. Sent up for concurrence.

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

An Act Increasing the Coverage and Entry Fee of Small Claims Law Defining Certain Procedures. (H. P. 221) (L. D. 303)

Tabled — April 13, by Mr. Dyar of Strong.

Pending — Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: I tabled this bill the other day due to the late hour. And during the previous discussion here I am a firm believer in an apple a day keeps the doctor away, and I am getting very hungry.

But I would like to state that I do not construe L. D. 303 would be a bill initiated by a certain segment of a professional community to entice their business. Inasmuch as the first section of this bill increases the statutory regulation of small claims from \$100 to \$200, which in essence would take a lot of civil actions out of the hands of lawyers here in the State of Maine.

But the last paragraph in this bill is the one that I am very concerned with, which states that the claimant or his attorney has to appear in court on a small claim, and if they don't appear the judge shall have the complaint dismissed.

Now we are late in time on talking this bill. It is up for enactment now. I think there is a lot of danger in this bill to the small business in the State of Maine. For example, I think you will find that the average small claim put into the courts in this state, the District Courts would average less than \$50. If this bill is passed as written you would have considerable cost.

I have checked with the Maine Bar Association, their recommended fee for an attorney for one day in court is \$300 a day, or \$150 for a half a day. Therefore a small businessman who had two cases to go into the small claims and was represented by an attorney might have two claims for a total of \$100. His attorney's fee, if he did not choose to go into court himself, would be probably \$150 to collect this \$100, which would naturally disillusion him as far as taking a claim into court.

I would also visualize that if this bill goes through, wherein the plaintiff must have himself present, or his attorney, that the defendant will have the counsel of the Pine Tree Legal Association, which normally would be no cost to the defendant. And the plaintiff would have to pay for his attorney.

I have been into the district court in my area trying to get their views on this bill. They feel it would be very cumbersome at the present time. They tell me that over 50 per cent of the small claims filed, the defendant does not appear, and it is necessary for the person making the small claim to pay an additional one dollar for disclosure and execution.

It is my experience with small claims that if you have the execution disclosure, the defendant will come into court, disclose his assets to the court, and then the judge will give the person up to a year to pay, say, a \$15 bill.

I understand that Judiciary has a bill coming up before them which will possibly change some of the errors and inconsistencies in the court system, and I feel if there is something wrong in the small claims law as written now, that that is the bill that should be used.

If we pass this bill we are going to do great injury to the retail establishment in the state, hospitals, our professional people such as doctors and dentists who do use this source to try to collect their monies.

People argue that this is discriminatory toward the defendant who is normally a poor working man. But I think you will find that most people in business have sent numerous bills to this person; they

have traveled numerous miles knocking on doors Friday night trying to get a dollar now and then, and it has cost them money, and I think they are entitled to some decent stand without having to go into court at this additional expense.

I would much rather see, if this is the feeling of the people in the District Court and the legal association of the State of Maine, if they want to do something with the small claims law, repeal it in its entirety and make all actions a civil action.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I must apologize for debating at this late hour, but the gentleman from Strong has raised some questions which I think ought to be explained.

In the first place I would like to explain what the small claims court is. The present limit in small claims court is \$100. The purpose of this court, and it has been on the books for a good many years — I am not sure how many — the purpose is to enable a person who has a small claim of some kind or a dispute with his neighbor to go to court without the expense of having an attorney. He doesn't have to see an attorney, he goes down to the Clerk of the District Court, explains the nature of his complaint, and the Clerk of Courts then initiates the action, arranges for service upon the defendant, and a hearing is held in which the parties, without the benefit of counsel ordinarily, sit down and in a barnyard justice fashion, if you will, presided over by the District Court, settle their differences, and that is the end of it.

And in the years I have practiced law, I have never happened to bring a claim under the small claims law. But I have used it many times, suggested that a client use it on a small claim where it really wouldn't pay him to have an attorney bring it. So this is what the law is all about.

Prior to this session the Department of Labor and Industry inquired if I would be willing to put

in a bill raising the limit from \$100 to \$200. The reason for this was because many employees who are not paid by their employer use the small claims court as a means of getting paid. And the rate of pay having gone up, many people earn more than \$100 and want to bring suit against their employer if he hasn't paid them.

Along with this, a request was made by the District Court to clarify the procedure to be followed when the plaintiff did not show up. Under the present procedure a date for hearing is set, and the defendant, if he is a working man, has to take leave of his job for a day and go down to court. And the present law does not spell out clearly what happens if the defendant takes off a day. And so the practice of the courts varies in different places in the state.

In some places the defendant will lose a day's pay, go down to court, and find the plaintiff is not there. The court then calls the plaintiff and says come on down. By then it is too late to have a hearing, and the defendant must lose two days from work. This seems to be an injustice, and therefore the bill contains in it the language providing that if the plaintiff or his attorney are not there that the defendant — and the defendant, appears, the defendant is entitled to judgment, or rather, if the plaintiff or his attorney do not appear, then the defendant is entitled to judgment.

This is substantially the way cases are conducted in courts in general. And this is the second provision of the bill.

Now the law was not written initially for the purpose of providing people who had claims with an automatic way of getting judgment. There are many situations in which a merchant may have a claim against a customer for money owing, and the customer may have a defense. He may say the merchandise was no good, or wasn't delivered. And the purpose is not to provide people who have claims against large numbers of people with a means of filing 50 claims in court and then not bothering to go down to see what happens to them.

So this is the basic procedure which is involved. The committee considered the bill, and added to the present bill an amendment which you have on your desk under filing number H-91, as a Committee Amendment, which provides also for notice to the plaintiff by mail so that the plaintiff will be notified when the hearing is, and will be able to be there.

I can't see any serious problem. There was no serious objection raised at the hearing, and I hope you will vote for enactment of this legislation.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: I would like to submit that, as I stated before, that the practice today is the defendant does not appear in court on a small claim. There is nothing in the statute today that makes him appear in court.

The plaintiff can run down there two days a weeks to District Court hoping the defendant will be there, and he doesn't have any legal action to force him there. The only way you can get him into court is on paying the extra dollar for the disclosure and the execution. So this bill here is purely ineffective, and I hereby move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Strong, Mr. Dyar, now moves the indefinite postponement of L. D. 303 and all its accompanying papers.

The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: I oppose the motion to indefinitely postpone the bill. This is not a lawyer's bill. In fact it is almost an anti-lawyer's bill. Because this raises from \$100 to \$200 the amount of claim that can be made in the small claims court.

Normally lawyers do not participate in small claims court matters, and normally lawyers do participate in regular civil matters. So in effect we are raising—this bill would raise from the present legal limit of \$100 up to \$200

the amount of a claim that an individual may make himself whereby he wouldn't normally need an attorney to represent him.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: I do not want to call this a lawyer's bill. It isn't in the first section. The lawyers are being very nice in the first section.

In the last section they make a lawyer's bill out of it by saying the plaintiff or his attorney must appear in court. Now if I am the plaintiff going into court on a small claims, I know full well that the defendant is going to have a court appointed attorney there, or a member of the Pine Tree Legal Counsel, which is going to force me to have an attorney. So this definitely is an attorney's bill if you read the last section of the bill.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Strong, Mr. Dyar, that An Act Increasing the Coverage and Entry Fee of Small Claims Law Defining Certain Procedures, House Paper 221, L. D. 303 be indefinitely postponed. If you are in favor you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

31 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

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

On motion of Mr. Clark of Jefferson,

Adjourned until twelve o'clock noon tomorrow.