

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, April 21, 1971

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

Prayer by the Rev. Mr. Robert Canfield of Augusta.

The journal of yesterday was read and approved.

Orders Out of Order

Mr. Hodgdon of Kittery presented the following Order and moved its passage:

ORDERED, that Paula Kraft and Robert Peverly of Kittery be appointed to serve as Honorary Pages for today.

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

Mr. Hawkens of Farmington presented the following Order and moved its passage:

ORDERED, that Stephen Hall and Kimberly Hall of Windham be appointed to serve as Honorary Pages for today.

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

**Papers from the Senate
Reports of Committees
Ought Not to Pass**

Report of the Committee on Fisheries and Wildlife reporting "Ought not to pass" on Bill "An Act Establishing a State-wide Open Deer Season for the Month of November" (S. P. 2) (L. D. 16)

Report of same Committee reporting same on Bill "An Act relating to Open Season on Deer in Management Units" (S. P. 389) (L. D. 1179)

Report of the Committee on Judiciary reporting same on Bill "An Act relating to Judicial Divisions of the District Court" (S. P. 377) (L. D. 1113)

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

Leave to Withdraw

Report of the Committee on State Government on Bill "An Act relating to Term of Office of Department Heads Appointed by

the Governor" (S. P. 55) (L. D. 95) reporting Leave to Withdraw.

Came from the Senate read and passed.

In the House, the Report was read and accepted in concurrence.

Covered by Other Legislation

Report of the Committee on Fisheries and Wildlife on Bill "An Act relating to Open Season on Moose" (S. P. 141) (L. D. 380) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

**Ought to Pass with
Committee Amendment**

Report of the Committee on Fisheries and Wildlife on Bill "An Act relating to Use of Weapons in the Allagash Wilderness Waterway" (S. P. 307) (L. D. 901) 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".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-88) was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought to pass" on Bill "An Act to Clarify the Regulation-making Power of the Environmental Improvement Commission" (S. P. 311) (L. D. 904)

Report was signed by the following members:

Messrs. GRAHAM of Cumberland
VIOLETTE of Aroostook
SCHULTEN of Sagadahoc
— of the Senate.

Messrs. WHITSON of Portland
CURRAN of Bangor
Mrs. BROWN of York

Mrs. CUMMINGS of Newport
Mr. SMITH of Waterville

— of the House.

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

Report was signed by the follow-
ing members:

Messrs. MacLEOD of Bar Harbor
AULT of Wayne

Mrs. KILROY of Portland

Messrs. HERRICK of Harmony
HARDY of Hope

— of the House.

Came from the Senate with the
Majority Report accepted and the
Bill passed to be engrossed.

In the House: Reports were read.

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

Mr. HARDY: Mr. Speaker,
Ladies and Gentlemen of the
House: This is another Environ-
mental Improvement Commission
bill that I am not very happy with.
I am not going to debate this
at length this morning. I wanted
to point out to you rather than
ask you to read the bill. I will
read two lines as to what has been
done here.

Presently it says, "The
commission may make reasonable
rules and regulations relating to
the conduct of hearings held under
this section." And I point out to
you the word 'reasonable'. When
you turn the page over and come
to the Statement of Fact—inciden-
tally that section has been struck
out and the Statement of Fact
says:

"The intent of this bill is to con-
fer broad regulation-making power
on the Environmental Improve-
ment Commission." And I submit
to you that the Environmental
Improvement Commission is a
young commission and I think they
are doing very well, but I hesitate
most emphatically to broaden their
regulation-making powers at this
point.

So I would move the acceptance
of the Minority "Ought not to
pass" Report.

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 Chair recognizes the gentle-
woman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker and
Members of the House: The
Majority "Ought to pass" Report
was 8 to 5. I would further refer
to the bill and read to you the
report in Section 1 that says, "The
commission may, in accordance
with the Administrative Code,
adopt, amend and repeal such
reasonable regulations as it deems
necessary to carry out this Title
or any other laws which it is
charged with the duty of
administering."

It seems to me in most other
commissions this is the kind of
power that we have given them,
and this has not been used.
Presently there are two specific
references to regulation-making in
the statutes, which this bill repeals
in favor of the more comprehen-
sive language to be placed in
the section of the statutes dealing
with the powers and the duties of
the Commission.

The bill also makes violations of
the regulations subject to the
general civil remedies and the
criminal penalty sections of the
environmental laws. Now one of
our problems that we have faced,
even though people seem to feel
a great many things are happening
in the environment, is that we are
having great difficulty in enforcing
many of these things that we have
passed here. And I believe this is
reasonable legislation to allow the
Commission to act to implement
the laws that we have passed.

I ask you to vote against the
Minority "Ought not to pass"
Report.

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

Mr. MILLS: Mr. Speaker and
Ladies and Gentlemen of the
House: The same objection that
Representative Hardy had to this
bill is the same as what I have
myself. I think this is a very poor
piece of 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
Chair will order a vote. All in favor
of accepting the Minority Report

will vote yes; those opposed will vote no.

A vote of the House was taken.

64 having voted in the affirmative and 47 having voted in the negative, the motion did prevail in non-concurrence.

Sent up for concurrence.

Order Out of Order

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

ORDERED, that Janet Davis of Augusta be appointed to serve as Honorary Page for today.

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

Messages and Documents

The following Communication:

THE SENATE OF MAINE
AUGUSTA, MAINE

April 20, 1971

Honorable Bertha W. Johnson
Clerk of the House
105th Legislature

Dear Madam Clerk:

The Senate today voted to Insist and join in a Committee of Conference on the disagreeing action of both branches of the Legislature on Bill, "An Act Reclassifying the Waters of Lake Auburn and Little Wilson Pond, Androscoggin County." (H. P. 606) (L. D. 808)

Respectfully,

(Signed)

HARRY N. STARBRANCH
Harry N. Starbranch
Secretary of the Senate

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

The following Bill, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, was received and referred to the following Committee:

Public Utilities

Bill "An Act relating to Sinking Fund for Bath Water District" (H. P. 1282) (Presented by Mr. Ross of Bath)

(Ordered Printed)

Sent up for concurrence.

Orders

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

Mr. JALBERT: Mr. Speaker, have we taken up the communication from the Senate?

The SPEAKER: The Chair would advise the gentleman that the communication was from the Secretary of the Senate and it has been disposed of.

The Chair understands that the gentleman from Lewiston, Mr. Jalbert requests unanimous consent to briefly address the House.

Mr. JALBERT: I inquire, Mr. Speaker, what action was taken by the House.

The SPEAKER: The Chair would advise the gentleman that the only action that is pertinent is to place it on file.

Tabled and Assigned

Mr. Susi of Pittsfield presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 7-B, to read as follows:

7-B. Use of copies. The director of Legislative Research shall not accept any request for drafting bills or resolves from material submitted in any generation of reproduction or other than the original, unless in his discretion it is not practicable to obtain such material in any other manner.

The Joint Order was tabled pending passage under the rules and tomorrow assigned.

House Reports of Committees

Leave to Withdraw

Mr. Berry from the Committee on Agriculture on Bill "An Act relating to Packaging of Toxic Substances with Consumerables" (H. P. 980) (L. D. 1342) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Evans from the Committee on Agriculture reported "Ought to pass" on Bill "An Act relating to Duties of the Assistant Chief of the Division of Inspection for Sardines" (H. P. 629) (L. D. 891)

Mr. Mosher from same Committee reported same on Bill "An Act relating to Fish and Fisheries Product Inspection" (H. P. 901) (L. D. 1239)

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

Passed to Be Engrossed

Mr. Carter from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act Appropriating Funds for a Fishway on Boyden Lake Stream in Perry" (H. P. 870) (L. D. 1191)

Report was read and accepted, and the Bill read twice.

Under suspension of the rules, the Bill was given its third reading, passed to be engrossed and sent to the Senate.

By unanimous consent, ordered sent forthwith.

Divided Report

Majority Report of the Committee on Veterans and Retirement on Bill "An Act relating to Benefits for Widows of State Police Officers" (H. P. 9) (L. D. 9) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mrs. CARSWELL of Cumberland

Messrs. ANDERSON of Hancock

BERNARD of Andros-
coggin

— of the Senate.

Mr. THERIAULT of Rumford

Mrs. LINCOLN of Bethel

Messrs. LEWIN of Augusta

JUTRAS of Sanford

SIMPSON of Millinocket

VINCENT of Portland

HAYES of Windsor

— of the House.

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

Report was signed by the following members:

Messrs. DOW of West Gardiner

PRATT of Parsonsfield

CURTIS of Bowdoinham

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

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

The SPEAKER: The gentlewoman from Bethel, Mrs. Lincoln moves that the House accept the Majority "Ought to pass" Report.

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

Mr. PRATT: Mr. Speaker and Members of the House: As one of the signers of the Minority "Ought not to pass" Report on this bill, I felt that I should at least state the reasons for our position. I think we are all aware that the Maine State Police have the best retirement system in the state and I am sure they deserve it for their hazardous duty. Under their plan they may retire after 20 years service at half pay. This means that if a trooper is hired when he is 21 years old he may retire at 41 at half pay.

There are several options offered him at this time. He may take a reduced pension and reserve a portion of his retirement to be taken by his wife after death, or he can take the full one half and accumulate retirement benefits possibly from another later job, which many have done. And he will no doubt accumulate Social Security benefits from later employment, as many have testified at several hearings.

The amendment which you have before you, this was to take in two more widows and this built the cost of this, if you will do a little quick arithmetic you will notice that in the second year of the biennium this totals from the General Highway Fund \$69,214 and \$23,071 from the General Fund, which totals up to some \$92,000. Now this is for the next biennium, but it doesn't mention what the following biennium will be faced with. This certainly could increase to gigantic proportions.

In a statement from Ed Walters, the Executive Secretary of the Maine Retirement System, he pointed out that this L. D. permits the state police officer to retire under full benefits and then upon his death his widow would be entitled to a payment for the

remainder of her lifetime, or until she should remarry, at the rate of one half of the amount being paid to the deceased. And he continues to say, it should perhaps be pointed out — which is in repetition to what I have stated, that when any member of the Retirement System retires he can select an option which would produce under Option 3 similar benefits or under Option 2 better benefits to the secondary beneficiary.

However, in choosing one of these options there would be a reduction from full benefits and this reduction is based upon the age and the plan. And this does attack the General Fund and the Highway Fund and I feel at this time that this is something that we just can't afford and I will tell you with my past experience on this committee, if this receives an "Ought to pass" Report you will find that in the next legislature that every division of the state employment will be back after these benefits. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 9, An Act relating to Benefits for Widows of State Police Officers, is, as you will note, a very short L. D. However, it is a very meaningful L. D. because the lives and the futures of people are affected by this bill.

Presently, the law is divided on the retirement of State Police officers, in that it provides widows benefits to one group of State Police officers who enlisted in the Maine State Police prior to July 9, 1943, and it excludes widows benefits for any member who would have enlisted in the Maine State Police after 1943. For example, at the present time, there are approximately 87 retired Maine State Police officers and out of the 87 retired Maine State Police officers approximately 54 are included under the present law and upon their death their widows would receive one half of their retirement pay for life or until she should remarry.

However, for the remaining 33 retired State Police officers, upon their demise, their widows and

families would receive no benefits under the present retirement provisions. In addition to this, we presently have a force in excess of 300 Maine State Police officers, many of whom will be eligible for retirement and will be retiring in the very near future, and all of these men and the men that shall follow into retirement in the years ahead are excluded from the widows' benefit upon retirement.

As a matter of fact, among the present complement of retired officers, two officers, namely Lt. Paul R. True and Trooper Francis Powers, both died very shortly following their retirement, each leaving a widow and, in one case, leaving a widow with two children. Neither of these widows receive any widows' benefits and are left to find a means of support for themselves.

The intent of L. D. 9 is to correct the inconsistency and to provide widows' benefits for the widows of retired Maine State Police officers who are not now included under the retirement law. There is one point that we should clear up and that is that a State Police officer, upon retirement, may elect to take a reduced retirement and thus provide widows benefits in case of his demise for this family.

However, this is not realistic since the retirement of a State Police officer is one-half pay and is little enough to live on, to say nothing of taking a reduced retirement in order to provide this widows' benefit. State Police officers who enlisted prior to 1943 and who receive the widows' benefits as part of their regular retirement are not penalized by taking a reduced retirement in order to receive this benefit. In other words, this benefit is granted to them automatically and it should be, but it should also be extended to all State Police officers upon retirement.

Now, all of us know the requirements and expectations we have of our Maine State Police force. All of us know the personal dedication and the hazardous duty that these men face through all of their years of active service. Further, we know that these men have placed themselves, so to speak, be-

tween us and the criminal elements that pervade our state and country today. We also note the difficulties that they face with the growing crime rates, traffic and narcotic problems and their every day duties.

We must remember that a State Police officer asks his wife and family to make a great sacrifice. Actually a State Police officer's wife assists this officer throughout his career a great deal. She is constantly involved because of the people who come to their residence, the telephone calls and messages, many of an emergency nature which she has to take care of, and the constant fear that she and the children must live through while her husband is doing his police work. We also know that to keep, provide and continue the caliber of State Police force that we now enjoy, we must make sure that, as a state, we provide our State Police officers with some measure of protection and benefits for their families.

While my remarks are not all inclusive, I have attempted to highlight the purpose of this bill and to state that I feel strongly that there is an inequity in the present law and that we must correct that inequity and provide uniform equitable benefits for all State Police officers, both retired and for those who shall follow.

And I would like to say that the State Police do put in more from their salary into the pension fund. Your regular state employee puts 5 per cent; the State Police puts in 7½ per cent. I hope that you will go along with the "ought to pass" motion.

The SPEAKER: The pending question is on the motion of the gentlewoman from Bethel, Mrs. Lincoln that the House accept the Majority "Ought to pass" Report. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

90 having voted in the affirmative and 21 having voted in the negative, the motion did prevail.

Thereupon, the Bill was given its two several readings.

Committee Amendment "A" (H-157) was read by the Clerk and

adopted and the Bill assigned for third reading tomorrow.

Order Out of Order

Mr. Littlefield of North Berwick presented the following Order and moved its passage:

ORDERED, that Jennifer Sue Wilson of North Berwick be appointed to serve as Honorary Page for today.

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

Passed to Be Engrossed

Bill "An Act relating to Restitution of Funds Defrauded from Consumers" (S. P. 357) (L. D. 1053)

Bill "An Act Creating a n Advisory Commission for the Study of Public Support for Post-secondary Education in Maine" (S. P. 473) (L. D. 1492)

Bill "An Act to Create a Crime Laboratory" (H. P. 919) (L. D. 1271)

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

Bill "An Act relating to the Transition to the Somerset County Commissioner Districts" (H. P. 1114) (L. D. 1533)

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

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker, I would move the indefinite postponement of L. D. 1533 and would speak briefly to my motion.

The SPEAKER: The gentleman from Fairfield, Mr. Lawry moves the indefinite postponement of item four, L. D. 1533.

The gentleman may proceed.

Mr. LAWRY: Mr. Speaker and Members of the House: This L. D. would change the order of electing the commissioners from District numbers two and three. This was L. D. 1033 and it passed in the 104th Legislature, set up Somerset County districts, was researched, was discussed and it was approved by all parties concerned; and I can

see no reason to change it at this date.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise to oppose the motion for indefinite postponement of L. D. 1533, because what this primarily does and the only thing it does is change the two districts, the election dates of District No. 2 and No. 3. As far as I am concerned, and speaking for myself, this was an oversight when we passed the bill creating Somerset County commissioner districts.

I don't feel in my mind that it is right to pass any legislation that will legislate any man in office, out of office, by not allowing him a chance to run for that office again. I think that if the people want the man in the office and they elect him, that he should have the right to serve and he also should have the right, if he intends to run again, to run again, and that no bill should be passed to legislate this man out of office. Therefore, I hope the people will vote against the motion for indefinite postponement.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I would like to support the gentleman from Skowhegan, Mr. Dam, for the same reasons that he has mentioned. I don't believe that we should take action in this legislature which makes it impossible for a person to succeed himself in office, which is the effect of the present arrangement in Somerset County. I would hope that you would vote against the indefinite postponement.

Those people who are presently the incumbents in Somerset County are not at all settled at this time whether or not they want to succeed themselves, but if they should want to I think that it is their prerogative and not something that should be taken from them by us. So I would hope that you again would go against indefinite postponement. Thank you.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen: This bill was heard before County Committee; we approved it as "ought to pass." It is corrective legislation and it backs up exactly what the Majority floor-leader has stated to you.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker and Members of the House: I am also on the County Government Committee and the three commissioners appeared there, and this was all in complete agreement with all the three commissioners that this transition should take place. I hope that they will support this bill.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker and Members of the House: I certainly don't intend to get into a family fight and I can understand the gentleman from Pittsfield and the gentleman from Skowhegan supporting this bill as their district happens to be number three, and the one that I am in, Fairfield and Madison and Solon are in District No. 2.

I don't like to legislate anyone out of office; it would be the last thing in the world that I would want to do. I can sympathize with these people; however, we have already had one election. I didn't hear anyone come to the support of the man who was legislated out then.

It seems to have come about when this particular gentleman has come up at the next election will see a commissioner from the District No. 3, which would be Skowhegan, Pittsfield, Detroit and Canaan, going out of office, but he will have a chance to be back in two years from then, and I am sure if he is interested in running he will be there. I hope that we do indefinitely postpone this bill.

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

Mr. DAM: Mr. Speaker and Members of the House: In the reference that my good seatmate

Mr. Lawry, made to the gentleman that was already legislated out; this is not true because I have talked to this gentleman and he was a member of my party, and his health was bad and he did not think he was going to run again. So there was nothing legislated out. The only thing legislated out was the fact that he was a sick man and he did not want to run, and it was his health and not the legislature.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am not going to take part in this caucus, only to say that somebody ought to be ashamed of one another for picking on one another.

The SPEAKER: The pending question is on the motion of the gentleman from Fairfield, Mr. Lawry that House Paper 1114, L. D. 1533, Bill "An Act relating to the Transition to the Somerset County Commissioner Districts" be indefinitely postponed. The Chair will order a vote. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken, 31 having voted in the affirmative and 91 having voted in the negative, the motion did not prevail.

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

Bill "An Act to Provide an Implied Warranty and Covenant of Habitability in Leases of Dwellings" (H. P. 1273) (L. D. 1674)

Bill "An Act Creating Piscataquis County Commissioner Districts" (H. P. 1279) (L. D. 1679)

Bill "An Act Prohibiting the Driving of Deer While Hunting" (H. P. 1280) (L. D. 1680)

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 Bills

Bill "An Act to Provide Temporary Licenses for Administrators of Medical Care Facilities Other Than Hospitals" (S. P. 355) (L. D. 1051)

Bill "An Act Creating Aroostook County Commissioner Districts" (H. P. 91) (L. D. 135)

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

Bill "An Act Regulating Hunting from Certain Public Ways" (H. P. 98) (L. D. 142)

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

On motion of Mr. Bourgoin of Fort Kent, the House reconsidered its action of yesterday whereby Committee Amendment "A" was adopted.

The same gentleman then offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-160) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. BOURGOIN: Mr. Speaker and Members of the House: This legislation would affect only the southern zone because we have a lot of tar and gravel roads that run through townships that are wooded, and in case you see a bird or a deer alongside the road you would have to run out maybe fifteen yards — twenty yards, get off the right-of-way to shoot that bird or that deer. We have no problems with shooting people up in the northern zone.

So for those reasons and many more I would like that this amendment be adopted.

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

Mr. HANCOCK: Mr. Speaker, may I pose a question through the Chair, please.

The SPEAKER. The gentleman may pose his question.

Mr. HANCOCK. Would the previous speaker or some member of the Fisheries and Wildlife Committee define the southern zone for us, please?

The SPEAKER: The gentleman from Casco, Mr. Hancock poses a question through the Chair to a member of the Fisheries and Wild-

life Committee. The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoin.

Mr. BOURGOIN: The northern and southern zones are divided by the line starting from around Jackman, the C.P.R. Railroad to Vanceboro, and the northern is the northern part of it and the southern would be the southern part of it.

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

Mr. McNALLY: Mr. Speaker, I would like to pose another question through the Chair to anybody that can explain to me. I believe right now, looking at the calendar, that we are going to have no northern and southern zone if we pass the bill whereby you have three weeks, the first three weeks in November.

Would somebody tell me, is there going to be a northern and southern zone, if it's all one season north and south in the state?

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

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

Mr. LEWIN: Mr. Speaker, in answer to the gentleman's question I might say that an amendment is proposed on this bill which he is talking about and it will be determined from that whether or not we will have the two zones.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted. Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and sent to the Senate.

Bill "An Act Prohibiting Dragging for Fish in Spruce Creek, York County" (H. P. 264) (L. D. 353)

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

Thereupon, on motion of Mr. Martin of Eagle Lake, the Bill was passed to be engrossed as amended and sent to the Senate.

Bill "An Act Creating York County Commissioner Districts" (H. P. 553) (L. D. 729)

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

Bill "An Act to Authorize Issuance of Warrants for Administrative Inspection" (H. P. 744) (L. D. 1006)

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

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to the passage of this bill because I feel that the ramifications of such an important bill and its effect upon the age-old guarantees of privacy guaranteed under the Fourth Amendment of the United States would be suspended. The United States Constitution on the Fourth Amendment and under certain provisions of the Fourteenth Amendment has always held that a man's home is his castle from the early days of English law, upon which a great percentage of our law is based. This right has always been upheld.

The argument that housing laws and health inspections are necessary hardly seems a reason for the passage of this bill. In fact, these regulations have been around for a number of years. The good gentleman from Augusta, Mr. Lund, yesterday said that there were some problems in somebody's area about leakage from somebody's sewer. Well, under the present law I believe that there are plenty of methods and means and provisions by which these conditions can be corrected without passing such a bill as this.

This bill, if enacted, would apply to every building in Maine. It would apply to the medicine cabinet where grandpa keeps his cough syrup in the little dark bottle. It would apply to the hunting camp, the fishing camp, and somebody's

garage, and every other building in the state. We should remember that many lives have been sacrificed for freedom and privacy of the home. I feel that we should not throw it away in a hurry.

The State of Maine has survived many decades without this type of search. I ask why all of a sudden do we need such a law? This change in our laws would promote a change unwanted by what I believe is the majority of our people. This bill would give police power to many. Power is a heady thing. History shows that police acting on their own cannot be trusted. The Fourth Amendment of the United States Constitution and our State Constitution protects the citizen against uncontrolled invasion of privacy of our home. History has shown that officers tend to be officious. Health officers making out a case for criminal prosecution of a citizen are no exception.

We live in an era where politically controlled officials have grown powerful through an ever increasing series of minor infractions of civil liberties. One invasion of privacy by an official of the government can be as oppressive as another. Health inspectors are important, but they are hardly more important than the search for narcotic peddlers, kidnappers and others. The fear that health inspection will suffer if constitutional safeguards are applied is strongly held by some. An official's measure of his own need is often not square with the Bill of Rights.

Mr. Speaker and members of the House. I would remind the House that up until this very minute there has been no procedure in the State of Maine to obtain a search warrant except under civil rules of procedure and the only reason for obtaining a warrant has been that of criminal intent. When the vote is taken I ask for a roll call. I move that this bill be indefinitely postponed and all of its accompanying papers.

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

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

House: It is difficult to answer so many different comments on a bill all at once on short notice, but those of us who were here yesterday will remember this is the same bill which was discussed yesterday and which survived a motion for indefinite postponement.

The gentleman from Auburn, Mr. Emery, would like to know why we need to have such a bill and in the same breath he suggests but does not say that it is unconstitutional. And I guess the best answer is that we need such a bill because the Supreme Court of our land has declared that it is necessary to obtain inspection warrants to conduct the type of inspection that we are talking about here.

To review it again, this is not a bill aimed at anything other than providing an enforcement means for our regulations dealing with the areas of health, sanitation and building codes, and the basic issue I think is, are we going to conduct such inspections only in those buildings where the people are willing to have the inspections conducted or are we going to conduct them on a uniform basis?

As to the suggestion that this has to do with police power, I simply call attention to the fact that this bill contemplates warrants being issued by the court, and by that fact alone it would mean that we would not be dealing simply with who the police or the enforcement authorities chose to pursue.

I happen to feel rather strongly also about the sanctity of the home, but I think we must recognize that we are no longer living in the pioneer days when every man could do just as he pleased within the four walls of his house or the boundaries of his land. I think that all of us, if we want to enjoy the sanctity of our home, need to provide some means to ensure that our neighbor is not going to conduct his affairs in such a manner as to damage the property rights and the sanctity of the homes all around him.

Now I don't happen to have the lack of confidence that the rules issued by our Supreme Court of our state would be unreasonable and I would ask you again to op-

pose the motion today for indefinite postponement as you did yesterday.

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

Mrs. DOYLE: Mr. Speaker, I would like to pose a question through the Chair to anyone who could answer. Before I can vote on this bill I would like a clearer definition of administrative search or inspection. Who are the administrators involved in this?

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

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

Mr. CALL: Mr. Speaker and Members of the House: I am definitely for the indefinite postponement of this bill. I have nothing prepared this morning on this particular bill, but I can say simply and clearly that it is just one more bill that makes life miserable for property owners. In fact I might go so far as to repeat what another member of this House stated yesterday, and that is that this is a lawyers' bill. Now I think it is decidedly ironic that in many many instances we have some sort of problem where we have got to have some help; and invariably the place to go is to a lawyer, and it may be a lawyer who has been a party to a bill like this.

So I say to the members of this House, please vote for the indefinite postponement because with this bill and others like it if you don't see the real damage I am afraid you will see it when it is too late.

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

Mr. McTEAGUE: Mr. Speaker, I would pose a parliamentary inquiry to the Chair. The gentleman from Lewiston, Mr. Call, I believe has suggested that there may be some question about the members of the House who are lawyers voting on this bill. I would ask for a ruling from the Chair regarding whether members of the House who are lawyers may vote on this

bill, and also a separate ruling, Mr. Speaker, as to members of the House who are landlords whether they may vote on this bill.

The SPEAKER: The Chair would almost rule that this is a facetious question. However, the Chair will rule definitely that lawyers and landlords will be entitled to vote upon this particular issue. It is a state-wide issue and not pertinent to the welfare of either individual, the lawyer or the tenant.

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

Mr. EMERY: Mr. Speaker, may we have this tabled for one day, please.

The SPEAKER: The gentleman from Rockland, Mr. Emery, moves that this matter be tabled for one legislative day pending the motion of the gentleman from Auburn, Mr. Emery, that it be indefinitely postponed.

Whereupon, Mr. Ross of Bath 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.

5 having voted in the affirmative and 115 having voted in the negative, the motion did not prevail.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen: Since this motion was debated yesterday I have tried to find out if we have the inspectors qualified across the state to enforce this if we pass it. I have come to the conclusion we have put the cart before the horse. There is nobody eligible to qualify to enforce it if we pass it. I will back the indefinite postponement.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: In the effort to answer the question that was posed by Representative Doyle, I would say that we have persons within the municipalities, particularly the larger communities of our state, who are charged with the enforcement of

our health regulations, with the enforcement of our building codes, and at the present time unless we have passage of this type of legislation these gentlemen will not be able to enter premises where their request for admission is denied.

So it comes back to — the basic issue I think is, do we want to enforce our municipal ordinances against those who say, sure, come on in, and not enforce them against those who say, I don't want you in — or do we want to have uniform enforcement?

At this point, Mr. Carey of Waterville moved the previous question.

The SPEAKER: For the Chair to entertain the motion for the previous question it must have the consent of one third of the members present and voting. All desiring the previous question will vote yes; those opposed will vote no.

A vote of the House was taken.

The SPEAKER: A sufficient number having voted in the affirmative, the previous question is entertained. The question now before the House is, shall the main question be put now? This question is debatable for no more than five minutes by any one member. Is it the pleasure of the House that the main question be put now?

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The main question is on the motion of the gentleman from Auburn, Mr. Emery that House Paper 744, L. D. 1006, Bill "An Act to Authorize Issuance of Warrants for Administrative Inspection" be indefinitely postponed.

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 Auburn, Mr. Emery, that this Bill 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, Bailey, Barnes, Bedard, Berry, G. W.; Berry, P. P.; Berube, Bither, Bourgoin, Brawn, Call, Carey, Carrier, Clark, Conley, Cote, Curtis, A. P.; Cyr, Donaghy, Doyle, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans, Faucher, Fecteau, Finemore, Gauthier, Hall, Hancock, Henley, Herrick, Hewes, Immonen, Jalbert, Kelleher, Lebel, Lee, Lessard, Lincoln, Lizotte, MacLeod, Maddox, Mahany, McCormick, McNally, Mills, Norris, Page, Pontbriand, Rand, Rocheleau, Santoro, Scott, Shaw, Shute, Theriault, Trask, Tyndale, Webber, Wheeler, Wight, Williams.

NAY — Ault, Baker, Bartlett, Bernier, Binnette, Birt, Boudreau, Bragdon, Brown, Bunker, Bustin, Carter, Churchill, Clemente, Collins, Cottrell, Crosby, Cummings, Curran, Curtis, T. S., Jr.; Dam, Drigotas, Fraser, Gagnon, Genest, Gill, Good, Hardy, Haskell, Hawkens, Hayes, Hodgdon, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Lawry, Lewin, Lewis, Littlefield Lund, Lynch, Marsh, Marstaller, Martin, McCloskey, McKinnon, McTeague, Millett, Morrell, Mosher, Murray, Orestis, Parks, Payson, Porter, Pratt, Rollins, Ross, Simpson, L. E.; Simpson, T. R.; Slane, Smith, E. H.; Starbird, Stillings, Vincent, White, Whitson, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Cooney, Dow, Farrington Goodwin, Hanson, Jutras, Kilroy, Lucas, Manchester, O'Brien, Sheltra, Silverman, Smith, D. M.; Susi, Tanguay.

Yes, 64; No, 71; Absent, 15.

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

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

**Third Reader
Tabled and Assigned**

Bill "An Act Establishing a State-wide Open Deer Season" (H. P. 906) (L. D. 1250)

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

(On motion of Mr. Porter of Lincoln, tabled pending passage to be engrossed and tomorrow assigned.)

Bill "An Act Authorizing the Mars Hill Utility District to Enforce Liens to Secure Payment of Rates" (H. P. 1097) (L. D. 1485)

Bill "An Act to Incorporate the Andover Water District" (H. P. 1098) (L. D. 1504)

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

**Third Reader
Tabled and Assigned**

Bill "An Act relating to Schedule of Rates of Motor Vehicles for Hire by Holders of Certificates of Public Convenience and Necessity from Public Utilities Commission" (S. P. 254) (L. D. 761)

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

(On motion of Mr. Williams of Hodgdon, tabled pending passage to be engrossed and tomorrow assigned.)

**Passed to Be Enacted
Emergency Measure**

An Act to Amend the Birch Point Village Corporation (H. P. 942) (L. D. 1301)

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 none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Increasing the Debt Limit of the Town of Wiscasset

School District (H. P. 1221) (L. D. 1434)

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. 118 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 the Regional Care Facility for the Severely and Profoundly Mentally Retarded at Bangor (S. P. 297) (L. D. 854)

An Act Providing for Scholarships for North American Indians Residing in Maine (H. P. 260) (L. D. 342)

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
Indefinitely Postponed**

An Act Increasing Compensation for Members of the State Board of Barbers (H. P. 907) (L. D. 1251)

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

On motion of Mrs. Payson of Falmouth, under suspension of the rules, the House reconsidered its action of April 13 whereby the Bill was passed to be engrossed.

The same gentlewoman then offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-159) was read by the Clerk.

The SPEAKER: The pending question is the adoption of House Amendment "A".

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I wonder how many this morning read the amendment under filing number H-159. This increases each board member from \$20 a day to \$35 a day. If we come back here each year at a special session and we get \$20 a day, which I believe

is enough — it is enough for me anyway, and I don't see why they should get any more coming back than we should. Therefore I move for the indefinite postponement of House Amendment "A".

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves the indefinite postponement of House Amendment "A".

The Chair recognizes the gentlewoman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: I would be very glad to explain to you why I have submitted this amendment and what it comes down to. At this time we have an L. D. which would allow the Board of Barbers to raise their pay per diem from \$20 to \$35. The Board of Hairdressers would like to have the same equal treatment now which they have had in the past with the Board of Barbers, and therefore I agreed to put in the amendment.

This \$35 per day compensates these people for the time they take off four times a year for the examinations of new hairdressers. Certainly \$35 a day is less than they are probably earning. This money also would come out of their own funds and therefore I feel that it is fair for them to decide how they wish to expend their own funds and at what rate they wish to reimburse themselves for the efforts which they make.

I hope that you will vote against the motion to indefinitely postpone this amendment.

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

Mr. GILL: Mr. Speaker, may I direct a question to the lady from Falmouth?

The SPEAKER: The gentleman may pose his question.

Mr. GILL: Do I understand that if we were to move to indefinitely postpone the amendment and the bill that it would remain at \$20 for them both?

The SPEAKER: The gentleman from South Portland, Mr. Gill, poses a question through the Chair to the gentlewoman from Falmouth, Mrs. Payson, who may answer if she chooses, and the

Chair recognizes that gentlewoman.

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the gentleman from South Portland, Mr. Gill's question, the bill allows the Board of Barbers to increase their per diem pay from \$20 to \$35. The amendment would allow the Board of Hairdressers to do the same.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: In the last session of the legislature I had a bill in to raise the Board of Hairdressers because their job is an arduous one. I think now if we are going to raise the Board of Barbers that we should treat the hairdressers equally, and I agree wholeheartedly with the gentlewoman from Falmouth, Mrs. Payson in opposing the indefinite postponement.

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

Mr. DYAR: Mr. Speaker and Members of the House: As a member of the Committee on Health and Institutional Services we have heard numerous bills from the hairdressers and the barbers this session. One bill that I was interested in was a bill put in by the beauticians, which would have closed every barber shop in the State of Maine due to the fact that they would have to be a licensed cosmetologist in order to cut hair.

Now another thing on this Board of Hairdressers, when they do hold their examinations, I believe they can get a \$150 fee for the use of the shop they use that day. In checking with hairdressers and barbers in the areas around the state, I find that this legislation has been presented to this session of the legislature, copies of these bills have never been sent out to the people in the profession, the barbers and hairdressers of the state.

These two boards have entered these bills to raise their fees unbeknown to the people who are paying the license fees in the state. We have been asked to increase the license fees of the people in the trade to pay these people.

At this time I move the indefinite postponement of L. D. 1251 and all its accompanying papers.

The SPEAKER: The pending question is the indefinite postponement of House Amendment "A", the only matter before the House.

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

Mrs. DOYLE: Mr. Speaker and Ladies and Gentlemen of the House: I rise to support the remarks and the amendment presented by the gentlewoman from Falmouth, Mrs. Payson. I think that one point that has not been clarified is that this is money that is not state money; this involves funds collected by the Board of Hairdressers and the Board of Barbers. It is not that we are spending our money or state-wide money to increase this fee. Perhaps the members of both of these boards do not earn \$35 a day when they go to their meetings. This is not the question. If they are asking to use their own money, to be reimbursed at this rate, then I really don't see what we are quibbling about. I would hope that we would vote against the motion to indefinitely postpone and support the amendment introduced by Mrs. Payson.

The SPEAKER: The pending question is on the indefinite postponement of House Amendment "A". The Chair will order a vote. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken. 62 having voted in the affirmative and 52 having voted in the negative, the motion did prevail.

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

Mr. KELLEHER: Mr. Speaker, I move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, now moves that L. D. 1251 be indefinitely postponed.

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

Mr. LEWIN: Mr. Speaker and Members of the House: When this bill came in originally it passed without any problem. A few days ago another bill concerning the

hairdressers was heard by committee. It had many unfavorable portions in the bill and therefore it was killed. Included in the bill was an increase from \$20 to \$35. I was approached and asked if I had any objection to this being tacked on to the bill that I have this morning.

Now this, I think there should be a definite understanding that there is no money as far as the State is concerned involved. It is simply putting up the cost from \$20 to \$35. I have talked with several barbers over and above the others and some of the hairdressers and they were in full accord. I hope that you will not go along with the indefinite postponement.

The SPEAKER: The pending question now is on the motion of the gentleman from Bangor, Mr. Kelleher that this Bill be indefinitely postponed.

Whereupon, Mrs. Doyle of Bangor requested a division.

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

A vote of the House was taken. 69 having voted in the affirmative and 55 having voted in the negative, the motion did prevail.

Sent up for concurrence.

An Act relating to the Change of Name of the Old Cemetery Association (H. P. 999) (L. D. 1361)

An Act to Create the Orono-Veazie Water District (H. P. 1265) (L. D. 1665)

Finally Passed

Resolve to Reimburse Donald H. Young of Portland for Damage to Property by Escapee from Boys Training Center (H. P. 1032) (L. D. 1423)

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

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

Mr. BITHER: Mr. Speaker and Members of the House: L. D. 262, An Act to Designate the Mineral

Tourmaline as the Official Mineral for the State of Maine was passed by both branches of the 105th Legislature and it was signed by the Governor on February 26, 1971. So Tourmaline is now the official mineral for the State of Maine.

We could not have made a better choice in my opinion. The State of Maine has long been noted for its fine specimens of semi-precious gems, especially Tourmaline. Most of our Maine Gem Stones especially Tourmaline, come from an area running northwest-southeast across southeastern Maine, mostly in Oxford County. This is the famous pegmatite area in Oxford County.

It is believed that Tourmaline was first found at Mt. Mica near Paris, Maine in 1820 by the Hamlin boys. And I am talking about the Hamlin boys — one of them was vice-president under Lincoln as you know. There are many other locations within this area.

In the years following 1820 many hundreds of fine crystals were found and sold to collectors all over the world. The finest Tourmaline crystals of all the world's museums have come from this section of Maine.

Tomorrow in the rotunda there will be an exhibit of some of these fine Tourmaline crystals as well as some more ordinary ones; because you do not find beautiful crystals on every turn, I assure you. This exhibit has been sponsored by the Federation of Maine Mineral and Gem Clubs whose president is Mr. Charles Chakovmakos of the Chemistry Department of the University of Maine in Farmington.

Now some of these crystals that you are going to see tomorrow — and incidentally I have not seen this, some of these crystals that you are going to see tomorrow, beginning at 8:30, may never be duplicated or equalled again since they contain some of the finest specimens from localities long since depleted.

Tourmaline has a tremendous range of colors, both across the width and along the length of this rather unique rounded-triangular

crystal. The mineral is an aluminum silicate and like nearly every other mineral if allowed to form without external interference will assume the shape of a solid bounded by flat or plane surfaces making up a crystal.

Such solid crystals constitute the finest example of order in nature. All minerals, with few exceptions, are crystalline or will crystalize. Their atoms are arranged in orderly rows or layers, and is the outward expression of the orderly atomic arrangement within, and that is what determines the crystals.

Now I hope that you people will look at this exhibit. It is going to be here from 8:30 to 4:00. There are several people who are going to come here and explain this, and I hope that you folks will look the exhibit over and show the members of the mineral clubs that you appreciate the effort they are making in this the first showing of Maine's official mineral.

Perhaps either on the record or off the record, Mr. Speaker, I might add something else that has nothing to do with minerals, but I would like to report to this House that out here in the rotunda, in the marble trim of the floor of this House, there are several beautiful examples of fossils, the fossil gastropod, and one of them are right in front of the Minority Leader's door and I am sure that when he goes in there he will swing around it so he won't wear it out. These fossils are very very old, millions of year old, and I assure you there is no significance about it being in front of the Minority Leader's. But sometime look at those. People have reported them to me as being scratches on the floor; they are not. They are perfect examples of gastropods. Thank you.

On request of Mr. Martin of Eagle Lake, the following matter, item eight under tabled and today assigned matters, was taken up out of order by unanimous consent:

HOUSE JOINT ORDER in Recognition of Secretaries Week.

Tabled — April 20, by Mr. Ross of Bath.

Pending — Passage.

Thereupon, on motion of Mr. Martin of Eagle Lake, the Joint Order (H. P. 1283) received passage and was sent up for concurrence.

By unanimous consent, ordered sent forthwith.

The Chair laid before the House the first item of Unfinished Business:

HOUSE DIVIDED REPORT — Majority (9) "Ought not to pass" — Minority (4) "Ought to pass"— Committee on Natural Resources on Bill "An Act Excluding Residential Housing from Site Location Law in Planning Board Communities" (H. P. 785) (L. D. 1061)

Tabled — April 15, by Mr. Hardy of Hope.

Pending — Acceptance of either Report.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: As you heard last week, there has been a great deal of discussion that there is an attempt being made to work out a compromise. It has been our feeling that if this is done it ought to be done in committee because it is going to take quite a bit of time. And so for that reason, Mr. Speaker, I would move that we substitute the bill for the report.

Thereupon, the Bill was substituted for the Reports.

On further motion of the same gentleman, the Bill was recommitted to the Committee on Natural Resources and sent up for concurrence.

The Chair laid before the House the second item of Unfinished Business:

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

Tabled — April 15, by Mr. Scott of Wilton.

Pending — Passage to be engrossed.

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

The Chair laid before the House the third item of Unfinished Business:

Bill "An Act relating to School Construction Aid" (S. P. 152) (L. D. 421) — In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-47). In House, Committee Amendment "A" adopted.

Tabled — April 15, by Mr. Jalbert of Lewiston.

Pending — Passage to be engrossed.

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

Mr. MILLETT: Mr. Speaker and Members of the House: We alluded to this bill yesterday but did not get to it in view of the fact that we adjourned early. This morning I think there seems to be considerable agreement that there is merit in keeping this bill, and item ten which is on page eight of today's calendar, together, inasmuch as they both have a direct bearing upon the \$50 million bond issue which is now available.

With this thought in mind and in the hopes that maybe the committee might work out a combination of the two, I would move that this bill be recommitted to the Committee on Education.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to agree with the remarks just made by the gentleman from Dixmont, Mr. Millett, and further state that the House Chairman of the Appropriations Committee has come up with the thought also that for past constructions we might want to discuss the feasibility of going into another bond area. And I think if this measure and the other measure on page eight would be recommitted and the discussion is made with the Appropriations Committee I think we might come

up with a program that would be satisfactory to the majority.

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

Mr. MARSTALLER: Mr. Speaker and Members of the House: I concur with the last two gentlemen who spoke that L. D. 999 which is later on our calendar also affects the bond issue, and that the committee is in a position to combine these bills and come up with a figure that we can understand as to what it will do to the bond issue, and I concur with the motion to recommit to the committee.

Thereupon, the Bill was recommitted to the Committee on Education in non-concurrence and sent up for concurrence.

The Chair laid before the House the fourth item of Unfinished Business:

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

Tabled — April 15, by Mr. Ross of Bath.

Pending — Passage to be enacted.

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

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: It has been brought to my attention and to the attention of some of the members of the committee that there are some administrative problems with this bill, and perhaps a legal problem that might arise as a result of its passage in its present form.

Our Liquor Control Committee tomorrow afternoon is scheduled to hear a bill identical to this one. What I would like to suggest to this House — that I know we want to discourage tabling, but I also think we would like to discourage debate — what I would like to suggest is, perhaps it might be more appropriate for the committee to iron out the problems in committee session tomorrow afternoon, then perhaps we won't need to debate the bill on the floor. And I would hope that some member would table this item for two days.

Thereupon, on motion of Mr. Ross of Bath, retabled pending passage to be enacted and specially assigned for Friday, April 23.

The Chair laid before the House the fifth item of Unfinished Business:

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 15, by Mr. Finemore of Bridgewater.

Pending—Acceptance.

On motion of Mr. Kelley of Machias, the Report was accepted, the Bill referred to the 106th Legislature and sent up for concurrence.

The Chair laid before the House the sixth item of Unfinished Business:

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

Tabled — April 15, by Mr. Donaghy of Lubec.

Pending—Passage to be enacted.

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

Mr. LEE: Mr. Speaker, a parliamentary inquiry. Can this be tabled now?

The SPEAKER: A tabling motion is in order.

Mr. LEE: I move this be tabled for one legislative day.

Whereupon, Mr. Ross of Bath requested a division on the tabling motion.

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

A vote of the House was taken.

45 having voted in the affirmative and 82 having voted in the negative, the motion did not prevail.

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

Mr. JALBERT: Mr. Speaker, I am fully aware that this measure is not getting the two-thirds necessary for enactment. By the same token, I will just not sit here and see this piece of legislation pass

for what I would almost term as personal, private legislation.

Mr. Speaker and members of the House, this measure here concerns itself with something that in my opinion is very bad for us to continue doing. This Maine Cultural Building Authority was not hired here for a life-long contract. We have, according to our law, something on the books that says, in effect, that we have a one year performance of bonds.

Now there was another proposal that was made that this bill could be amended, that it would be, this Cultural Building Authority would not be in effect when the whole contract is over or when the performance of this Cultural Authority would be still in effect until the performance of bonds is finalized.

Now I have watched this measure, and I am going to repeat myself — I have watched the shenanigans that went on many years ago in the Senate Chamber when the contract was given for that monstrosity over there. It cost us, because of shenanigans well up over a million dollars to fill up cracks that we wouldn't have had to fill up if we had a decent contractor. And if we hadn't had an outsider from the State of Maine who ran off the minute the performance of bonds was over and never figured that he would come back here anyway. If he had been a state contractor, he would have been more careful because he was in business.

Now as far as the people who belong to the Maine Cultural Building Authority, I number most of them as friends and some of them as very very dear friends. But I mean, like me, they don't know a mallet from a hammer nor do they know a nail from a board. And incidentally, it is not my intention to want to know the difference between a nail from a board at this stage of life. I assure you.

This is a bad piece of legislation. This is private, preferential legislation, and this should not be allowed to pass in the halls of this House. Mr. Speaker, I move the indefinite postponement of this measure, all of its accompanying papers, and I ask for a roll call when the vote is taken.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think we are fully aware that this thing has been around us for so long that we are all getting sick of it. The point that I have reached, the very simple one, if you recall, on two previous roll calls I have voted for passage of this particular L. D. I asked a very simple question for the past two weeks, and it was something like this: If this bill does not pass, does the state still have the one year guarantee from the contractor even though we would probably be working with Niran Bates as an official of the Bureau of Public Improvements rather than as Chairman of the Building Authority? The proponents of this legislation have indicated to me that they think that probably they would be all right. But no one to this point has assured me of anything.

I have reached the point this morning where I am sick of it; I am going to vote for indefinite postponement, and once we let it go to the other body, and if they can't do anything with it there, if they can't answer the questions any better than they were answered here on this floor, then it ought to be killed. And so I would hope this morning you would vote for indefinite postponement.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I am sorry that I wasn't here at the start of this debate. It might have made a little difference in that I saw George West finally, yesterday. I have been trying to get a hold of him for some time. He has been sick and out of town on business and all this sort of thing, and finally yesterday he agreed to make the amendment that he says we need, and so it is somewhere in the works. And I had hoped for instead of indefinite postponement that you would go along with tabling it for another day or two. I am not asking this, I understand it can't be done now.

I hope you will vote against indefinite postponement because the Attorney General's Office has said that the state can well be in trouble if the contractor hasn't done a good job building the building. And we need at least a year to see whether or not they did a good job of building the building. This has nothing to do with the use of the building or whether you like the way it was built or who built it or anything like this. It would just be bad business for us as legislators to allow this contractor, if he has done a bum job, to get away with it, and he can according to the Attorney General's Office.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I fully agree that we ought not to be interested in letting anyone get away with anything. But if we are ever going to get out of here before the first of August or the first of December, we have got to reach a point where legislation that has been tabled for at least three weeks, off and on, where no amendments have come forth, then let's get rid of it. Let us dispose of the bill this morning, let it go to the other body. If they can't work out that amendment, then it ought not to come back here. And if they can, then we can work on that assumption.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this Bill be indefinitely postpone. 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 those 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 Lewiston, Mr. Jalbert, that An Act Continuing the Maine Cultural Building

Authority, Senate Paper 348, L. D. 1016, 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

YEAS — Albert, Bedard, Bernier, Berry, G. W.; Berube, Binnette, Boudreau, Bourgoin, Brawn, Bunker, Call, Carey, Carrier, Carter, Clemente, Conley, Cote, Cottrell, Curran, Cyr, Drigotas, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Faucher, Fecteau, Finemore, Fraser, Gauthier, Genest, Gill, Good, Henley, Hodgdon, Jalbert, Jutras, Kelleher, Kelley, P. S.; Keyte, Lawry, Lebel, Lessard, Littlefield, Lizotte, Lucas, Lynch, Mahany, Manchester, Marsh, Martin, McCormick, McKinnon, McNally, McTeague, Mills, Mosher, O'Brien, Parks, Pontbriand, Rand, Rocheleau, Rollins, Ross, Santoro, Scott, Slane, Smith, E. H.; Starbird, Tanguay, Theriault, Webber, Wheeler, Whitson, Wight, Wood, M. E.

NAYS — Ault, Bailey, Baker, Barnes, Bartlett, Berry, P. P.; Birt, Bither, Bragdon, Brown, Bustin, Churchill, Clark, Collins, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Dam, Donaghy, Doyle, Evans, Farrington, Gagnon, Goodwin, Hall, Hancock, Hardy, Haskell, Hawkens, Hayes, Herrick, Hewes, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, MacLeod, Maddox, Marstaller, McCloskey, Millett, Morrell, Murray, Norris, Orestis, Page, Payson, Porter, Pratt, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Trask, Tyndale, Vincent, White, Williams, Wood, M. W.; Woodbury.

ABSENT — Cooney, Dow, Hanson, Kilroy, Sheltra, Silverman, Smith, D. M.

Yes, 76; No, 67; Absent, 7.

The SPEAKER: Seventy-six having voted in the affirmative and sixty-seven in the negative, with seven being absent, the motion does prevail.

Sent up for concurrence.

The Chair laid before the House the seventh item of Unfinished Business:

CONFERENCE COMMITTEE REPORT — on Bill "An Act In-

creasing Minimum Salaries for Teachers" (S. P. 162) (L. D. 484)
Tabled — April 16, by Mr. Mills of Eastport.

Pending — Motion of Mr. Lucas of Portland to reject.

Thereupon, the pending motion to reject the Conference Committee Report prevailed.

On motion of Mr. Martin of Eagle Lake, the House voted to further insist and ask for a second Committee of Conference.

The Chair laid before the House the eighth item of Unfinished Business:

HOUSE DIVIDED REPORT — Majority (10) "Ought not to pass" — Minority (3) "Ought to pass" — Committee on Liquor Control on Bill "An Act to Permit the Sale of Beer on Sunday for Off-premises Consumption" (H. P. 1033) (L. D. 1424)

Tabled — April 16, by Mr. Kelleher of Bangor.

Pending — Motion of Mr. Stillings of Berwick to accept Majority Report.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I would simply rise to oppose the acceptance of the Majority Report and I would like to explain to you briefly just what the contents of this bill are.

This particular bill would allow those municipalities and towns which now permit the sale of malt beverages to vote next September as to whether or not to permit the sale of malt beverages from 12:00 to 12:00 on Sunday. And at the public hearing there was a comment that was made by the Chairman of the Liquor Commission. It was not in regard to this legislative document, and he mentioned large stores are getting larger and small stores are going out of existence.

So therefore I feel that if a community wants to permit their stores to sell malt beverages that they should be able to vote on the question. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Gagnon.

Mr. GAGNON: Mr. Speaker and Ladies and Gentlemen of the House: On this particular issue back in 1966 when this first came up on referendum, along with Sunday liquor sales in Class A Restaurants, it was voted down by the people. In '69 the liquor question was again posed, deleting this particular portion, and it was passed.

I don't think in the last two years the majority of people have changed their minds on this particular thing, and I can't see where we should keep referring these things back to the people shortly after they have already denied it.

I know myself, some fifteen years ago when I was out during the Sunday afternoons when many of the citizens in Maine like to go for a Sunday drive, it was greatly appreciated to have one afternoon when there weren't a lot of people running around with beer in the cars.

I don't think we should send this back at this time. Possibly in the future it may be acceptable; but right now I don't think we should kick it back to them again. I would hope that you go along with the Majority Report.

Mr. Ross of Bath requested a roll call.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: I merely want to put in my few words. I approve of the decision of the committee, the majority, ten decided that this bill should not pass. I also would like to remind you all that I have said before, anything that is going to extend the increase in the use of alcoholic beverages or liquors from now on I am opposed to for the reasons that I stated a week or two ago.

When we consider that even just in malt beverages this state consumed almost 20 million gallons in one year. For a state that has less than a million people, that is an awful lot of malt beverages. And somebody got a lot of my share, because I don't think I used over two or three gallons, and my wife doesn't use any. So if you consider that, and the chil-

dren and the babies, really some people don't even bother with water.

Now in addition to that 19 million, here was another over two million of spirits, hard liquor sold in the State of Maine. So it seems to me there is enough of it consumed without widening the sales of either the liquors, hard or the malt beverages.

So I hope you will accept the Majority "Ought not to pass" Report.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I believe in the two terms that I have been here this is the first time I have ever spoken on a liquor question. But I am in favor of passage of this document, and there are a number of small stores in my community that are.

We all know that the big stores are pushing the small stores out, and this will help them tremendously. When I was around Bangor Monday, I was over various parts of the city, I made the point to stop at the various small stores and ask these particular people if they were interested in this L. D. And they certainly were. And they still are, due to the fact of their economic conditions that puts them in that they have to open up early Sunday mornings, or any morning, and stay at late hours at night just to stay competitive so they can make a living.

I understand that this will generate a considerable amount of money to the state, and the position that we are in right now we need money. And I support Mr. Gill's motion. I hope that the Majority Report fails to pass, the "Ought not to pass" doesn't prevail.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I think this is the first time I have ever risen on a liquor question. But I beg to differ with my good friend Mr. Kelleher from Bangor. I know many small stores the owners would like to have a day

off, and I can't see the relation between the competition from the big store on the small store on this because if neither one are open or able to do it they are certainly not driving anyone out of business.

I hope that you will accept the Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Jutras.

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: In this instance I am going to vote for the bootleggers today. I am going to vote no, because in 1966 the people of Maine have made their commitment to this bill, and they said no. It should not appear before us today.

However, the small operators, they do not want Sunday sales because of the reasons advocated by Mr. Donaghy of Lubec. They want a day off, or they want to sell it on Sunday. For that reason I will vote no.

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

Mr. BARNES: Mr. Speaker and Members of the House: This very quiet member of the House has got to put in his five cents worth here this morning. I would like to point out to these ladies and gentlemen that we recently passed a bill which would allow them to purchase beer by the keg. And my contention is that if a man can't get a keg of beer to last him over the weekend, my heart really bleeds for him.

I would also point out that acceptance of the Majority Report would be the best birthday present this old coot ever received. Thank you.

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 Berwick, Mr. Stillings, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Permit the Sale of Beer on Sunday for Off-premises Consumption," House Paper 1033, L. D. 1424. 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

YEAS — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Bernier, Berry, G. W.; Berube, Birt, Bither, Bragdon, Brawn, Brown, Bunker, Bustin, Call, Carrier, Churchill, Clark, Collins, Crosby, Cummings, Curtis, A. P.; Cyr, Dam, Donaghy, Drigotas, Dudley, Emery, D. F.; Evans, Fecteau, Finemore, Gagnon, Good, Hall, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Immonen, Jutras, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield Lizotte, Lucas, Lynch, MacLeod, Maddox, Mahany, Marsh, Marstaller, McCormick, McNally, McTeague, Millett, Mills, Morrell, Mosher, Parks, Porter, Rocheleau, Rollins, Ross, Scott, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Smith, E. H.; Starbird, Stillings, Susi, Trask, Tynedale, Webber, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAYS — Bedard, Berry, P. P.; Binnette, Boudreau, Bourgoin, Carey, Carter, Clemente, Cote, Curran, Curtis, T. S., Jr.; Doyle, Dyar, Farrington, Faucher, Fraser, Genest, Gill, Hancock, Hodgdon, Jalbert, Kelleher, Keyte, Lebel, Lesard, Lund, Manchester, Martin, McCloskey, McKinnon, Murray, Norris, O'Brien, Orestis, Page, Pontbriand, Pratt, Rand, Santoro, Slane, Tanguay, Theriault, Vincent, Wheeler, Whitson.

ABSENT — Conley, Cooney, Cottrell, Dow, Emery, E. M.; Gauthier, Goodwin, Hanson, Hardy, Kilroy, Payson, Sheltra, Silverman, Smith, D. M.

Yes, 91; No, 45; Absent, 14.

The SPEAKER: Ninety-one having voted in the affirmative, forty-five having voted in the negative,

with fourteen being absent, the motion does prevail.

Sent up for concurrence.

The Chair laid before the House the ninth item of Unfinished Business:

HOUSE DIVIDED REPORT — Majority (7) "Ought not to pass" — Minority (6) "Ought to pass" — Committee on Liquor Control on Bill "An Act relating to Credits to Liquor Licensees by Wholesalers" (H. P. 1093) (L. D. 1481)

Tabled — April 16, by Mr. Bailey of Woolwich.

Pending — Acceptance of either Report.

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

Mr. MADDUX: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report.

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

The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker and Members of the House: This was my bill, and the purpose, as outlined in the Statement of Fact is to permit licensees to receive credit for liquor purchases the same as is received by wholesalers.

By liquor I mean beer and wine. Everyone knows I have been a licensee of the Commission in good standing for 15 years and I think I know a little about this business and what goes on.

I venture to say before this bill came up everyone thought that all licensees had to pay cash for their liquor. Well the wholesalers do not have to pay cash for their purchases of beer or wine from the out-of-state sellers. However, the wholesalers collect cash on all their sales to licensees within the state, which includes the state excise tax. In addition, they do not have to pay for the excise tax to the state until the tenth day of the month following that in which the shipment into the state occurs.

The wholesalers are good businessmen and through the years have been very successful in having a lot of legislation enacted in

their favor and nothing for the little fellow, what is called the papa and mama stores. This bill is not liberalization in any way, shape or manner. It is simply this — "What is fair for one is fair for the other." Why let the wholesaler use someone else's money to operate, including state money — the excise tax?

Law permits the wholesaler to get credit for their purchases; monthly payment of their state excise taxes; at no cost to have their trucks printed; permits advertising on their trucks; to receive free uniforms for their employees; to receive refunds and to transfer their licenses from one town to another. No other licensees of the Commission are permitted by law to do any of these things. Let anyone tell me, is there any other business practiced within the State of Maine protected by state law like the beer and wine wholesalers?

I am not against wholesalers but I do say that other licensees should receive credit from the wholesalers. The same state sells to licensees for cash and gives no credit, but does give a discount. If the wholesaler does not want to give credit, he does not have to. This bill simply permits it.

So I hope you will vote against the motion to accept the "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from West Paris, Mr. Immonen.

Mr. IMMONEN: Mr. Speaker and Members of the House: I want to support the motion of the majority of the committee. First I believe that this type of regulated business should be done by cash. Cash on the wholesale and retail transaction of beer and wine is required in 33 states.

Credit sales were tried in Maine during the first four years after the repeal of the Federal Prohibition Amendment; that is during the years of 1934 to 1938. Business was in confusion when credit was allowed with various types of distasteful dealings and practices not conducive for a clean operation.

By allowing credit deals we are opening up and encouraging the business of dumping. Some slow-selling, unpopular brands would be pushed into a store with different types of sales gimmicks, including consignment. Should some beer or wine prove difficult to sell some retailers may be forced to lower the price from pressure from the wholesaler. The wholesaler has an interest in the retailer's business, and could, by litigation, have a claim.

On a cash basis both the buyers and the sellers can be friends. In credit buys there are times when friendship can become strained. I realize that many licensed retailers do have a good credit standing, and would not cause any problem, and it is a convenience in business. But the danger lies in the marginal operator or retail licensee who may not have ample capital reserves. This could create problems in having the cash ready at times when due. The marginal dealer could be extending credit to his customers when he can postpone his beer payments.

Actually there is no great problem. Most all the retailers do a cash sale business, and they are enjoying a good cash flow. They do a very minimal amount of credit selling in food stores, and of course wine and beer are sold for cash.

Do we want another bill to come in that retailers can sell beer by credit? This bill uses words "normal", "usual", and "customary credits". Who can define what these words are intended to mean? Five days? Ten days? Or 30 days? The bill doesn't say anything. Are we going to leave this up to the Liquor Commission to set the limits and the regulations? I remember four years ago we had a lot of bills on small loans. They had a law in 1917. They never had any legal action taken, and these loan agencies tried different types of gimmicks to attract their customers. And would we be having this type of a setup with the wholesale trade of beer?

If we want to create more jobs for the control inspectors of the

Liquor Commission, the new problems created by this kind of legislation would make it mandatory. This bill does not state what amount of appropriation would be necessary. Do you wish to relax the control? This cash system has worked for 30 years. Thank you.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: As you probably know, I neither drink nor smoke, but I have managed a store. In that store we did sell beer and ale. Now I don't know why that one thing should be able to be gotten on credit and another not, and I think that I shall definitely go along with Mr. Faucher. And I think that if one thing can be on credit then they all should for good business.

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

Mr. BAILEY: Mr. Speaker and Members of the House: I would have to vote against the Majority Report this morning. As you will notice, I signed the Minority Report. I feel that we should not give special consideration to the wholesalers in this regard. We do not give any special consideration to other wholesalers. I see no reason why we should to the wholesalers in the liquor industry. And I will go along with Mr. Faucher from Solon.

The SPEAKER: The Chair will order a vote. All in favor of accepting the Majority "Ought not to pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

64 having voted in the affirmative and 58 having voted in the negative, the motion did prevail.

Sent up for concurrence.

The Chair laid before the House the tenth item of Unfinished Business:

Resolution Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Single Member Districts (H. P. 1238) (L. D. 1524)

Tabled — April 16, by Mr. Susi of Pittsfield.

Pending — Passage to be engrossed.

On motion of Mr. Susi of Pittsfield, retabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the eleventh item of Unfinished Business:

HOUSE DIVIDED Report — Majority (8) "Ought to pass in new draft" — Minority (5) "Ought not to pass" — Committee on Judiciary on Bill "An Act Prohibiting Personal Liability of School Board Members" (H. P. 6) (L. D. 6) — New Draft (H. P. 1252) (L. D. 1578) under new title "An Act to Indemnify Public Officials and Employees of the State of Maine" — In House, Reports and Bill indefinitely postponed.

Tabled — April 16, by Mr. Hardy of Hope.

Pending — His motion to reconsider.

On motion of Mr. Page of Fryeburg, retabled pending the motion of Mr. Hardy of Hope to reconsider and tomorrow assigned.

The Chair laid before the House the twelfth item of Unfinished Business:

Bill "An Act to Amend the Act to Prevent the Pollution of the Waters of Sebago Lake" (H. P. 201) (L. D. 268) — In House Minority "Ought not to pass" Report accepted. In Senate, Majority Report reporting "Ought to pass" in New Draft (H. P. 1258) (L. D. 1617) accepted and Bill passed to be engrossed in non-concurrence.

Tabled — April 16, by Mr. Susi of Pittsfield.

Pending — Further consideration.

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

Mr. GILL: Mr. Speaker and Members of the House: I move that we recede and concur, and I would like to speak to my motion.

The SPEAKER: The gentleman from South Portland, Mr. Gill, moves that the House recede from its former action and concur with the Senate.

The gentleman may proceed.

Mr. GILL: Mr. Speaker and Members of the House: I would like to rise, and with pleasure this morning, to support the redraft that was put out by the Public Utilities Committee, and this particular redraft is one that I can support. This is a bill that was introduced by a colleague of mine from South Portland, Representative James Conley. Originally I could not be too enthusiastic about this bill, but at this time I feel this is what the people of South Portland need to protect their water supply.

I would point out to you that at the present time our water supply is very good quality. And this particular condition is one that 25,000 people from South Portland would like to see continue. There has been a little bit of an indication that this might not continue unless we can afford them a certain amount of protection around the two intake pipes for our Portland water supply.

Actually, at this point, this area that they are considering is less than one tenth of one percent of the total area involved in Sebago Lake.

Previously the gentleman from Standish has pointed out that he had some objection to them purchasing some shore frontage property around the intake area; however, I do feel that you will concur with the usage of the sewage in the septic tanks, that this is a necessity to keep these septic tanks away from the inlet.

There was some remark about them closing up Chadbourne's Landing. I understand Chadbourne's Landing is not used to any great extent. But in a case where it was a necessity to use it, there would be absolutely no objection to this.

I would further point out that the Portland Water District, and as a result these people are elected by the people that use the water, have agreed to permit the Town of Standish to continue as they are now. And I cannot believe that in this day and age, if you look at the proposed budget for the Environmental Improve-

ment Commission where we are trying to clean up our waters and our rivers and things of this type, I cannot believe that this body would not grant the users of Portland water supply this small degree of protection. And I would further point out to them that now is the time to act to protect it, rather than in five to ten years when it will be a lot more expensive.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: It is not my position to stand here and tell you that I would be opposed to the protection of the water quality of Greater Portland, because as I told you the other day, this is not my intent nor would it ever be my intent.

Now you just heard two arguments anyway that I would like to definitely point out to you. First of all, the argument was presented that this particular 1,800 foot radius would be necessary for septic tanks sewage and so forth, which seems to be prevalent in the area, according to the gentleman who spoke, and that this would prevent this particular sewage from coming into this area.

Now I have been down to the intakes. I was down there twice last week. This 1,800 foot radius, I would like to have you just look at the original bill as to what the Portland Water District was asking for. And now take a look at what they are willing to accept for some type of an amendment. And they want a 1,800 foot radius, which has an arc started from a center of a circle on the shore that is at a point of equal distance between the two intakes.

Now one intake is out into the lake 1,200 feet, one intake is out into the lake 800 feet. But if you draw a line from the two pumping stations and then set this post back — you are setting the post back between 400 and 500 feet. That would mean that this arc of 1,800 feet would just about come by the ends of these two intakes.

The present law in the State of Maine says that the Portland Water District has the right to buoy off their intakes if they so desire for a radius of 100 feet over the direct intakes. Now I would like to have you tell me just exactly how sewage, if there is any that might come from Frye Island or anything else, how these buoys some hundred feet around that intake is going to be prevented by this particular legislation.

As to Chadbourne's Landing — the courts have so ruled, and Mr. Monie agreed the other day right in our Cumberland County meeting, that the courts have ruled that Chadbourne's Landing cannot be closed. And in this particular meeting, he admitted that this would close Chadbourne's Landing because the arc would come around to the point that nobody could trespass across the waters to get off Sebago Lake if needed.

I would submit to you that I could go on and I could go into this in great detail. It is nothing but a simple case of coercion of the Portland Water District versus the Town of Standish. It has been going on for years. It will continue. This is just a chance for them to get their foot in the door, and I will submit to you that if this goes through, or even if it doesn't go through, you will see this two years from now, four years from now and six years from now, right down the line. And when the time comes that they can prove to me that there is any possibility of pollution or a threat of pollution, I will gladly introduce the legislation for them, but not until such time.

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

Mr. HEWES: Mr. Speaker and Members of the House: I think we want to act in what is the best interest of the people of the State of Maine. Over a hundred thousand people, as I understand it, use the waters of the Portland Water District, a tenth of our state's population. And apparently as many as 36 billion gallons of water have been pumped through the Portland Water Dis-

trict from the Sebago Lake in a day. Now in addition to the hundred thousand people, we have tourists and what not, and the Portland Water District does not have open vats or sterilization tanks such as I know the Biddeford-Saco Water Company has. In other words, the water is pumped right from the Sebago Lake through a pumping station which has purification procedures, but it is pumped to the homes of Greater Portland. And I think that for the purity of the water, we should go along with the passage of this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion to recede and concur. I wish to briefly point out a couple of facts which I feel should be re-emphasized. The Portland Water District intake valves which are the subject of this legislative document supply water not only to the residents of Portland, but also to the residents of South Portland, Scarborough, Windham, Cape Elizabeth, Westbrook, Gorham, Cumberland and my own community of Falmouth. The total population of these towns is approximately 150,000 persons.

While I recognize the fact that persons in the outlying communities utilize private well systems for their supplies of water, many people in these communities depend on the water from Sebago Lake for their water supply.

The Trustees of the Water District responsible for the protection of the water supply are not employees or owners of any profit-making organization. They are individuals elected by the people within the Water District, just as we are elected by the people of our respective communities, to run that water district and represent all the users in a manner which the Trustees feel is beneficial to the people.

L. D. 1617 is not an attempt on the part of these elected officials to gain more power for themselves and more holdings. It is rather a foresighted approach to an environmental problem which should be categorized as "preventative main-

tenance." The gentleman from Standish, Mr. Simpson, would have us refrain from taking any action concerning the protection of this water until such time as the problem becomes apparent. This, I submit, would be like shutting the proverbial barn door after the horse has departed for greener pastures.

If the representatives of the approximately 2,095 persons in the town of Standish do not wish to have their intake buoyed off, as it would have been in the original draft, that is certainly their prerogative. However, I sincerely challenge that town's right to impose such a determination upon the approximately 150,000 other people who must rely upon Sebago Lake for their water supply.

For these reasons, Mr. Speaker and ladies and gentlemen of the House, I urge you all to accept the motion to recede and concur. Thank you.

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

Mr. BERNIER: Mr. Speaker and Members of the House: I am from one of these areas that is concerned with the clean waters that they have been talking about. Unfortunately, there is a difference between clean waters and drinkable water. If you are going to wait until the water has to go through a processing plant, a treatment plant, which is normally used for sewage, then I don't want to be part of that particular system. What little fresh water we have left today I think we should preserve. I think someone has said that it is too late to close the door after for the horse is stolen; the horse is half way through, ladies and gentlemen, and I think you should kick him back.

Today and this week I believe we are celebrating Earth Day, or whatever. We make a great big ado pounding our chests about the environment, watching that our natural resources are not allowed to filter away, and then we come up with an argument like we have today, I cannot even understand, it is beyond my belief that there should even be an argument. Just a few landowners — and mind you I understand their problem, they

have cottages, they paid a lot of money for these cottages. I don't have one of them. The land there is very expensive. I can see their point. But regardless, there are hundreds of thousands of people drinking this water, and that is the main concern today.

If the people built around Sebago Lake, if they are willing to drink diluted sewage with their water, that is their affair. But we the people in Westbrook don't particularly care to do that. In fact, just the very thought of it brings a lump to my throat, and it has a dark brown feeling, I assure you, which I don't particularly care to have.

In my estimation, this is a choice of two evils. Either you abide by the rules and demands of the Portland Water District, which I believe, in my estimation, do not go far enough by any means. The original bill was more to my satisfaction.

Can you imagine these people who go ice fishing? They go ice fishing when it is cold. And when it is cold these sportsmen have a way of warming up by certain little cocktails which could produce Molotov cocktails. All we ask is that these sportsmen stay away from the inlet, from the intake where I drink my water. It seems to me it is a very small thing to ask.

Really, I understand the situation in Standish and I sympathize with them. But please, do not take away our drinking water. That is all there is left; there is no more. And remember, the natural resources that you use up today will never come back; they are gone forever.

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

Mr. SIMPSON: Mr. Speaker, I rise to move that this bill and all its accompanying papers be indefinitely postponed, and when the vote is taken, I request it be taken by the yeas and nays.

The SPEAKER: The Chair would advise the gentleman that the only motions that could be allowed at this time are recede and concur, insist and adhere. These are the motions of priority.

Mr. SIMPSON: I thank you Mr. Speaker: Ladies and gentlemen, I would request that you support me and that we not recede and concur and that we insist.

Now you have just heard some of the statements that the proponents of this particular measure would like to have you believe. As I pointed out a little earlier, there are something like fifty square miles in Sebago. It has a watershed of some fifty square miles around the outside perimeter of the lake. I would point out to you that right in the Town of Bridgton alone there is no sewerage system in the Town of Bridgton and all the waters from the sewerage systems in the Town of Bridgton go into Stevens Brooks, into Long Lake, and could eventually flow down into Sebago Lake and into the intakes of the Portland Water District.

Now I would ask you what these particular buoys are going to do for that particular subsurface pollution or the surface pollution coming in?

I am kind of taken back a little bit here by some people: namely, the gentleman from Westbrook who just spoke who said he was very much concerned with his drinking water. And yet just a couple weeks ago we had a bill in here that would allow the Portland Water District to put a sewerage system on Frye's Island, something that the courts have ordered. It must be done. And that effluent then would have been put into the Presumpscot River. And yet that gentleman at that time voted against that particular bill. He would rather see evidently, the sewerage system on Frye's Island stay as septic tanks and get into the water. So I don't understand the rationale of that particular vote or the vote of the rest of the people from Portland. There were only two people who voted for that in this House.

I would like to also point out that right now there is a two mile limit around these particular intakes that no building can be constructed, no sewerage system, or anything else—no swimming, no bathing, no washing of clothes in the water. And the only septic

tank that is within that two mile radius is some 800 feet from the intake, and it belongs to the Portland Water District.

We have been told about ice fishing. There hasn't been an ice fishing shack inside of the two mile limit for years. This year was the very first time that there have been any down there at all. They are well outside of Indian Island. They are well outside the two mile limit. Right in the particular area we are talking about, nobody would go ice fishing in this particular area. So I don't see any problem with them ice fishing.

As I said before, the northwest currents of the air—how could anything flow from the upper end of the lake to the lower end of the lake? And I would submit to you ladies and gentlemen that these buoys just around the intakes are not going to do anything to protect the pollution of those intakes.

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

Mr. BERNIER: Mr. Speaker and Members of the House: If I may rebut the gentleman from Standish, the reason why I did not vote for the previous bill was that I do not care myself to drink any effluent from any treatment plant. And I certainly did not want to impose that same treatment upon the people drinking the water from North Gorham Pond.

It is quite apparent that I have not reached a situation yet where I am willing to go along with all these modern apparatuses that claim they can take sewage and make drinking water out of it: I am sure that the people here are not ready. The time may come when we will have to drink the effluent from the treatment plant. But Lord, God knows, I hope that is a long way off.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I dislike to disagree with my friend, I think, Representative Simpson of Standish. I am sure he knows as much as anyone in Cumberland County about Sebago Lake and its

history and the history of the relationship between the Portland Water District and Standish.

We did have this Cumberland County meeting, and the thing that impressed me there was the map and the facts concerning the intake or outtake, or outlet, or whatever you call it of the total water system of our great community there in Cumberland County. And from the explanation, it really didn't seem unreasonable to me, the request that the Portland Water District wanted at this time.

I understand that Standish itself has built a wonderful dock which is used by most people in that area for boat facilities. And of course boating facilities are growing greater in demand, as boating is one of our fastest growing sports in the United States, and more boats are being launched every year on Sebago Lake, and more camps are being built. But the thing that impressed my mind was this, that these big intake pipes go out there 1,200 feet. The water is only 22 feet deep and all the Portland Water District wants is a little more protection perhaps of this 1,200 foot pipe of 600 feet — 1,800 feet. Now that seems to me a very precautionary protection in these times for a great water system.

I sometimes feel that Representative Simpson's feeling at this moment may be based by coloration of past history in this respect. But it does seem to me that this little matter and this little protection at this time is not an unreasonable one.

Mr. Simpson of Standish requested the vote be taken by roll call.

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

Mr. WHITSON: Mr. Speaker, I would pose a very brief question to the gentleman from Standish, Mr. Simpson, through the Chair, if I may. I would ask the gentleman, on behalf of the ice fishermen on Sebago Lake who spend many a cold day perhaps indulging in their favorite liquid refreshment, could Mr. Simpson tell me where the nearest restroom is in relation to the Portland water intake?

The SPEAKER: The gentleman from Portland, Mr. Whitson, poses a question through the Chair to the gentleman from Standish, Mr. Simpson, who may answer if he chooses.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I am certainly not a resident of either the City of Portland or Sebago Lake. As a matter of fact, I have never even seen Sebago Lake. But I have served on the Public Utilities Committee for, this is the third session, and every session we have a few days discussion with the Portland Water District's Trustees there over some fancied desecration of the water.

Now we had a good discussion on this bill in Public Utilities Committee and we had a good discussion in the House which accepted the "Ought not to pass" Report. To me, this was a wise decision.

Now Sebago is a big lake and it is a pure lake. It has always had multiple use which has not affected the water quality. The Portland Water District has all the restrictions they need to keep the water quality high. It was brought out in the hearing that the water quality of Sebago is higher today than it was many years ago, much higher than it was way back. There is no reason in the world why the south end of Sebago Lake should be made into a private pond of the Portland Water District.

This bill violates the principle of multiple use which is supposed to be the policy of the State of Maine. It is very obnoxious to the people of Standish and the surrounding towns. If it were to pass it would be illegal for a man to walk across the lake on the ice. It is designed to correct a problem which does not exist. To me it is going too far.

I hope we do not pass this bill. The passage of this bill would have nothing whatever to do with the quality of the Sebago Lake water, because I would point out there are no septic tanks, except one owned by the Portland Water District, anywhere near the south

end of this lake. And there are no cottages anywhere near the end of the lake for the simple reason they have a two mile radius which is a much bigger place than this bill says anything about, where bathing and everything else is prohibited. Thank you.

Mr. Bernier of Westbrook was granted permission to speak a third time.

Mr. BERNIER: Mr. Speaker and Members of the House: Not wishing to overstay my welcome, I will try a third time. It seems that this multiple purpose of the use of water can be pushed just a little bit too far. I have a friend of mine who is running for trustee, or at least he is thinking of running for trustee of the Portland Water District. He tells me, he says, "I have a way to save money." He says, "You know, we will use the pipes during the day for water, at night we will use them for sewage." I hope he was joking.

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 South Portland, Mr. Gill, that the House recede from its former action and concur with the Senate. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS—Bedard, Bernier, Berube, Boudreau, Brown, Bunker, Bustin, Call, Carey, Carrier, Churchill, Clemente, Collins, Conley, Cote, Cottrell, Crosby, Curran, Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dri-gotas, Farrington, Faucher, Fec-teau, Fraser, Genest, Gill, Goodwin, Hardy, Hawkens, Henley, Hewes, Hodgdon, Jalbert, Jutras, Kelleher, Kelley, P. S.; Keyte, Lebel, Lincoln, Lizotte, Lucas,

Maddox, Mahany, Marsh, Martin, McCloskey, McTeague, Mills, Morrell, Murray, O'Brien, Orestis, Parks, Payson, Pontbriand, Rand, Rocheleau, Ross, Santoro, Shaw, Sheltra, Shute, Slane, Smith, E. H.; Stillings, Tanguay, Tyndale, Vincent, Wheeler, White, Whitson.

NAYS — Ault, Bailey, Baker Barnes, Bartlett, Berry, G. W.; Binnette, Birt, Bither, Bourgoin, Bragdon, Brawn, Carter, Clark, Cummings, Curtis, A. P.; Doyle, Dudley, Dyar, Emery, D. F.; Evans, Finemore, Gagnon, Good, Hall, Hancock, Haskell, Hayes, Herrick, Immonen, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Les-sard, Lewin, Lewis, Littlefield, Lund, Lynch, MacLeod, Manchest-er, Marstaller, McCormick, Mc-Nally, Millett, Mosher, Norris, Page, Porter, Pratt, Rollins, Scott, Simpson, L. E.; Simpson, T. R.; Starbird, Susi, Theriault, Trask, Webber, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Albert, Berry, P. P.; Cooney, Dow, Emery, E. M.; Gau-thier, Hanson, Kilroy, McKinnon, Siverman, Smith, D. M..

Yes, 74; No, 65, Absent, 11.

The SPEAKER: Seventy-four having voted in the affirmative, sixty-five in the negative, with eleven being absent, the motion does prevail.

Thereupon, the Bill was given its two several readings and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (10) "Ought to pass" in New Draft — Minority (3) "Ought not to pass" — Committee on Labor on Bill "An Act relating to Chiropractic Treatment Under Workmen's Compensation Law" (S. P. 65) (L. D. 130) — New Draft (S. P. 538) (L. D. 1615) under same title. — In Senate, Majority Report accepted, Bill passed to be en-grossed.

Tabled — April 16, by Mrs. Lin-coln of Bethel.

Pending — Motion of Mr. Good of Westfield to accept Majority Report.

The SPEAKER: The Chair recog-nizes the gentleman from Cari-bou, Mr. Collins.

Mr. COLLINS: Mr. Speaker and Ladies and Gentlemen of the House: Those of you who arrived early today may have noticed that the House Chairman of the Labor Committee, who moved the acceptance of the Majority Report, walked to work today. And I would like to tell you that the honorable gentleman from Westfield may walk to Aroostook County this weekend should this pass.

L. D. 1615 provides that an employee sustaining a personal injury by accident in the course of his employment may seek and be entitled to reasonable chiropractic treatment for the relief thereof. It further states that treatment shall consist of adjusting the spinal column by hand, and permits a chiropractor to testify before the Industrial Accident Commission.

I suggest to you that the very language of the bill implies a medical diagnosis as a first step before treatment, and I think that we must all agree that chiropractors are not at all medically qualified. They do not attend medical schools, or practice in accredited medical hospitals. In fact the chiropractic schools that they do attend are not accredited by any recognized educational accrediting agency in the United States.

I should like to tell you about a couple of actual cases that are pertinent to our deliberations on this bill. One woman who worked at a Ramada Inn in a New England state was engaged as a maid. She bent over to make a bed and when she straightened up she felt a sharp pain in her back. X rays showed that she had thinning of her bones and a collapsed vertebra. Now medical treatment would have been hormone treatment to restore calcium to her bones. However, the chiropractor who treated her manipulated the spinal column and collected fees from the Employer's Workmen's Compensation, and did not of course solve her problem.

In Aroostook County a man suffering from a back pain went to a chiropractor for treatment. His pain, it developed, was caused by cancer of the prostate. The treatment by the chiropractor consisted of furnishing the patient with vita-

mins which contained a large percentage of male hormones. These male hormones tend to stimulate the growth of the cancer of the prostate, and the patient subsequently died.

Let us look for a moment at the federal government's position with respect to the chiropractors. They are not commissioned in the armed forces; they are not permitted to practice in Veterans Administration Hospitals; the Health, Education, and Welfare programs do not include chiropractic schools and students in any of their health professions, student scholarships or loans.

I hope that you will defeat this legislation which in effect makes the chiropractor a recognized member of the health profession before the Industrial Accident Commission.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Jutras.

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: For many years we have talked and belabored this bill on the chiropractors, and it seems to me that the time has come whereby the people of the State of Maine should be given a break finally. If they do elect to select the services of a chiropractor in an industrial accident they should be compensated for this service.

These tales — the meat of this bill, L. D. 130, is simply this: Will the people who use the chiropractors be compensated or be accepted for having used their services in industrial accidents? Whoever votes against this bill today is voting against the people of the State of Maine. That is all I have to say.

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

Mr. MORRELL: Mr. Speaker and Members of the House: I would like to read a very short comment made by a Dr. Daniel Hanley, who is Executive Director of the Maine Medical Association. And I think he is regarded as one of the top medical men in the State of Maine. And his comment is as follows:

"The medical profession does not oppose chiropractic or its inclusion in medical programs in Maine for economic or competitive reasons. There are less than 40 active chiropractors in the state, and they exert no discernable effect on the workload or income of medical or osteopathic doctors.

"We oppose chiropractors simply and solely because their beliefs and lack of sound scientific training constitute a potential danger to the ill and the injured of the state, which would not be increased by their inclusion in sound health or injury programs such as Workmen's compensation and Blue Cross and Blue Shield programs."

The SPEAKER: The Chair recognizes the gentlewomen from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker and Ladies and Gentlemen of the House: As a minority signer of the "Ought not to pass" Report I was interested in an article that I read recently. The AFL-CIO, the nation's largest labor organization, and perhaps the nation's most influential consumer group, submitted to Congress in 1970 what the AFL-CIO calls its "Fact Sheet on Chiropractic." It is a ringing denunciation of chiropractic as a health care provider, pointing up the invalidity of the chiropractic theory, its educational shortcomings, and its other inadequacies.

Also there is a very revealing experience of a national organization in dealing with chiropractic as a health care service provided its members under its health benefits plan. I refer to the National Association of Letter Carriers, which incorporated chiropractic into its health insurance plan when it was adopted in 1960. I would like to quote a sentence from a report published by the Letter Carriers based on their more than five years of dealing with chiropractic. "By mid 1965, we were convinced that it would be a greater disservice to our members to continue recognition of chiropractors than to eliminate them from our contract." So on January 1, 1966 the Letter Carriers eliminated chiropractic from its health plan.

I found these two items to be most interesting. I certainly hope you will defeat the motion to accept the Majority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Members of the House: I like to think of the people in my district as being the salt of the earth. There are many of them with brains far in excess of mine, and they did not send me here to do all their thinking for them.

I think mainly what they hope from me is that, first, I will not add to their tax burden. And second, that I will not vote for added restrictions that tie their hands and still their voices.

The opponents of this bill could be likened to over protective parents. When a child is growing up certainly they need protection, but the time always comes when they feel perfectly capable of making their own decisions.

When this body, in its boundless wisdom, is not able to come up with the answer to a question, they quite often, by referendum, let the people decide. That is all that is asked here today.

I have been told by a member of the legislature that the people are so stupid that they should not be allowed to go to a doctor of their choice, but should be funneled in like sheep to one of our choice. This may be so in his district, but not in mine. Where is the logic behind the thinking that the voters who had the intellect to elect the right candidates last November have in six short months become such imbeciles that they cannot be trusted to go to a doctor of their own choice? That when they have a slipped disc, and are in great pain, that they should not go where they will get relief at a reasonable fee, but instead must go to an M. D. because we, in our great wisdom, say this is right.

I am perfectly willing that the opponents of this bill should go to any doctor they choose. I only ask that we who support the bill be allowed to do likewise and be covered by Workmen's Compensation.

When you consider the fact that 48 states already recognize the chiropractor, that the committee report was ten to three "Ought to pass", and that the other body has voted favorably, then I cannot believe but that we should do the same.

I would like to read at this time a letter from a medical doctor from the Town of Mexico.

"My answer to your question is a personal one. It is not meant to be construed with the feelings of either the Maine Medical Association or the American Medical Association. As to the art of Chiropractic, I can simply say that in this day and age it is hardly a scientific method of treating an ill patient. However, be this as it may, I will give you my opinion on services rendered when they are rendered for treatment for industrial injuries.

Being very much an individual, and an out-spoken one, thank God, I frown upon political maneuvering and cohesion by any group in interfering with the lawful rights of any person or a group of persons. I am not aware of the present bill you speak of, nor do I state that this bill is a product of cohesion or political maneuvering but simply state, and categorically so, that the right of an individual, as far as I am concerned, is of the utmost importance in this society or any society.

It is my opinion that any person in this land has the right to select a practitioner of his choice in the treatment of bodily injury or illness. I may disagree with the choice he may make, however, will support him to the end that he retain the right to make such a choice. It is also my opinion that once having made the choice and having been treated by this second party that the second party be paid for services rendered.

If as you say, Maine and Wisconsin are the only two states in our Union that do not provide for payment for services rendered to all qualified practitioners when Workmen's Compensation is involved, then I think it is evidence enough that most states favor your contention. Although I may take issue with the so-called art of Chiro-

practic I feel that something more important is at stake here, namely, the right of an individual to choose his own practitioner, assuming of course, that this practitioner is legally qualified as such.

I believe I have answered your questions and will be interested to hear what the lawmakers have to say about this bill. Sincerely, James Martin, M. D."

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

Mr. HODGDON: Mr. Speaker and Ladies and Gentlemen of the House: This issue is not a new issue to appear before this House and is an issue, whenever it is brought upon the floor, brings forth emotional expression. I would ask you if you will recall for a moment with me some years ago when the same condition existed as regards osteopaths. Today we find the medical association and osteopaths to be bed fellows.

This L. D. that we are considering this morning is not a redraft. It is not all the chiropractors want; it is not exactly what the committee wanted, but it is a compromise.

I would like to point out to you, ladies and gentlemen, that there is nothing in this L. D. that gives a chiropractor the right to practice in the State of Maine; they have had that right for several years. There is nothing that says they have the right to treat an injured person; they have had that right for several years. There is nothing that says they will charge a patient; they have had that right for several years. There is only one issue involved here, and that is the right of the patient to collect under Workmen's Compensation for treatment from a chiropractor under an insurance carrier. The issue is just that simple.

The only other issue involved is the freedom of choice. I cannot dwell too long upon this subject. I think it is most important. I don't think this body has a right to tell a person what he shall have for a doctor any more than we have the right to tell him what lawyer he should go to.

There has been reference to a survey that was made on the Federal level by Health, Education and

Welfare in regards to chiropractic practice being put under Medicare.

First and foremost, ladies and gentlemen, I would call to your attention that the committee that was named to investigate that possibility had consisted entirely of medical doctors. And I would suggest to you that a report from that committee being favorable had about as much chance as somebody who was accused of murder appearing before a jury of the murdered victim's relatives. In spite of this, this bill was passed in the Senate of the United States and Congress was adjourned before action could be taken in the House.

In the essence of time, I do not want to quote in its entirety, but I would like to bring to your attention some statements from people from other states. I do want to assure you that these comments are not being taken out of context. The full statements are here for anyone to look at. From Rhode Island — "The Workmen's Compensation Act has been in force in Rhode Island for over thirty years and has been a tremendous asset to the people of Rhode Island, regardless of financial position or job status. Our state has definitely shown that it has benefited not only the public but the state as well. It has proved the undeniable right of the American citizen to choose a doctor of his choice, and the therapy employed is one of the greatest assets of being an American."

From the State of Connecticut — "As you know, the members of the Connecticut Chiropractic Association, Incorporated, are properly recognized and empowered to treat employees under our Compensation Act. We have never experienced any problems, particularly those causing increased budgetary costs with chiropractic claims."

From the Commonwealth of Massachusetts — "As Chairman of the Board of Examiners, I have watched with keen interest the performance of the chiropractic profession in this area and find that the licensed practitioners of chiropractic have functioned in their relations with the Workmen's Compensation Board in a most exemplary and proficient manner, both in the area of care rendered the

injured employee, and when necessary, appearance before the Industrial Accident Commissioners functioning in the capacity of expert witnesses."

From the State of Vermont — "We have our own personal feelings about a chiropractor here or there about the state. However, based on many years of experience, we have exactly the same feeling regarding a medical doctor here or there about the state. As long as all can practice their profession in Vermont, are recognized by the statutes and can administer to injured employees, then it is difficult under our Workmen's Compensation Act for the carrier to deny payment of any bill from the chiropractor."

Lastly, Mr. Speaker and ladies and gentlemen of the House, I have a letter from the Union Mutual Life Insurance Company, addressed to the Labor Committee of the 105th Legislature. "I request passage of L. D. 130, Workmen's Compensation, for the following reasons: Freedom of choice of doctor, gets the employee back to work sooner, saves loss of man hours and costs. I also feel this will keep the Workmen's Compensation rates down." I do not wish to carry on with any more quotes or any more statistics.

I submit to you, you have before you two simple issues. Number one, the freedom of choice, and number two, to allow an injured employee to collect from his insurance carrier under the Workmen's Compensation Act.

Mr. Speaker, when the vote is taken, I request it be by roll call.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: I would just like to make two comments. One, I believe the gentleman from Kittery, Mr. Hodgdon, mentioned the osteopaths being accepted. They were accepted after they added at least two years to their medical training. They were not accepted until they did. I think that the chiropractors have had that suggestion made, that they add to their medical training.

Secondly, I would like to state that it is not just a simple matter

of choice. It does give the chiropractors the opportunity to diagnose injury, and that is the big point that I am opposed to. I say that possibly there is a matter of choice involved. But I wonder how many of us, if we are injured to the point of being unconscious, if we want chiropractors, who do not have that further medical knowledge, to diagnose our injuries. That is just two points I wanted to bring up.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Gagnon.

Mr. GAGNON: Mr. Speaker and Ladies and Gentlemen of the House: Where I have been working with this situation in Workmen's Comp. for the past ten years, I thought I better say something on it. I have torn feelings on this matter. Over the past ten years I have paid a number of chiropractors under Workmen's Comp. because on a company basis, this is strictly optional. We aren't required to, but we can pay without prejudice.

I have to give the devil his due on both sides. I have had chiropractors who have done a good job for me in getting people back to work that might otherwise be malingers. I have had medical doctors and osteopaths do the same thing. I have also seen medical doctors and osteopaths possibly make a wrong decision on a diagnosis; I don't think they are beyond this either. I have seen some very good chiropractors who stick to the scope of their occupation, which is primarily therapeutic, being not much more than an extension of a physical therapist. As long as they stay within this scope and don't get out beyond this, I don't believe that there is going to be any trouble.

I have mixed emotions on this. I have been wrestling with this for some time because of my dealings with them. I thought that possibly some of this information might be of assistance to some of you, who like me have not made up their minds yet on the matter.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Jutras.

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House:

For many years we have belabored over this bill and it is simply spelled out in black and white on page seven of the calendar today, a House divided report, Majority (10) "Ought to pass" in New Draft — Minority (3) "Ought not to pass" — Committee on Labor on Bill "An Act relating to Chiropractic Treatment Under Workmen's Compensation Law," S. P. 65, L. D. 130. That is all that is necessary.

Mr. Hodgdon has elucidated to the members of this House as to how they should vote. And there is no question in anyone's mind after his talk this morning. Let us vote with Mr. Hodgdon.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: My mail from Orono has been overwhelmingly opposed, un-animously, in fact, to this bill. Most of this mail, as you might guess, represents opinions of medical people, M. D.'s, and perhaps they think that they have a professional interest to protect. One letter, however, that expresses another point of view, is that of a representative of an insurance company, and he also opposes that bill.

Like the gentleman from Kittery, Mr. Hodgdon, I too have received a letter from a representative of the Liberty Mutual Insurance Company, and I would like to read two sentences from that letter.

"I strongly feel that chiropractors are not properly trained to treat Compensation Injury cases and my experience with them has been that their charges are consistently higher than that of MD's, that they over treat and on many back injury claims where the employees went to them it has been necessary to have the employee seen by a Neurosurgeon and who in some cases found they have had ruptured discs which required surgery. This has prolonged the disability of the employees and resulted in higher medical cost."

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

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen of the House: As is quite apparent now, the medical association is opposed to this bill. I would remind you of some other measures they have opposed in the past. The 40-hour week, the child labor laws, Social Security for the aged, and Medicare. With such a track record, could we stand by them now? Thank you.

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

Mr. GENEST: Mr. Speaker and Ladies and Gentlemen of the House: The issue before us today, as in the past, is not being put in the proper perspective. The ability of chiropractors is not the issue. Their ability as doctors is not on trial. The issue here today is purely and simply, shall the people of Maine have freedom of choice in the matter of health care when they are covered by Workmen's Compensation insurance?

Our Labor Committee, after studying the matter for five weeks, said yes by a ten to three "Ought to pass" Report. The committee spelled out the area of chiropractic care by reporting out the bill in a new draft which I have been advised is agreeable to all concerned. The chiropractors are agreeable to this new draft as 90% of industrial accidents are back injuries, and this is the area that the new draft, L. D. 1615, will permit them to treat.

When we give passage to this bill, an injured employee who hurts his back on the job will not be compelled to go to a chiropractor, but if he voluntarily so chooses, then the responsible party, his employer's Workmen's Compensation insurance will pay for his care. He will not have to pay for it out of his own pocket as he does now.

This is a worthy bill, and corrects what might properly be called a social injustice. It puts freedom of choice in proper perspective.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Sheltra.

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the

House: You have often heard the old cliché, "The operation was a success, but the patient died." I don't believe anyone here can tell me that any medical man is beyond suspicion insofar as the medical findings or diagnoses that he might come out with.

I have sat and talked to too many people who have gone from one medical man to another until finally they found one that would come out with the right diagnosis. So consequently, I think they are human beings, too, and I feel that so are the chiropractors. If they are licensed by the State, I think that the public certainly should have freedom of choice as to whom they want to see and when they want to see them.

I have had personal experiences with chiropractors and I found that they have been helpful to my family. I had a brother, for instance, that was troubled with his back and went to a professional man first and got a shot of novocain. The next thing he knew his ailment became worse. He ended up at a chiropractor's office, and found relief. So like I say there is much to be made on both sides.

And as far as possible blunders are concerned, I think they are being made as often by one on either side. And I concur with Brother Hodgdon on his statements that he made this morning. I hope that you will go along with the majority here and vote "Ought to pass."

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Collins.

Mr. COLLINS: Mr. Speaker and Members of the House: I think we must all admit that chiropractors do perform a function of sorts. However, I think it is pertinent that the basic issue here is really whether they are medically competent. Because when we have an industrial accident we are not in a position to diagnose our own ailment or injury. And the very first thing that must be done is to have this diagnosed.

Now I don't think that we are competent to say, "Well, I have sprained my back, and therefore I shall go to a chiropractor." Now

it may be that you have broken your back, and in that case I can assure you that you do not want to go to a chiropractor. However, if you first do go to a chiropractor you place yourself in the position of seeking his medical diagnosis which he is not competent to make. And herein rests the crux of the whole matter.

Now if I wanted to have my back massaged, I think that a chiropractor could do an excellent job on it. However, if I fall off a ladder that is 40 feet high and I land on my back and I am not dead, I surely hope that you won't take me to a chiropractor because if I do have a broken back and he starts manipulating I am sure that he will injure it so that I will never walk again.

Now there can be no compromise on this with respect to medical competency. And I repeat just once more that medical diagnosis has to be the first step before any treatment can be made.

Now I have just one paragraph that I want to read to you from an orthopedic surgeon by the name of Francis W. Chan. And I know the hour is getting late, so I won't belabor this much longer. And it says, and I quote, "The limited amount of medical education necessary to qualify as a chiropractor automatically eliminates him from being qualified to determine the full extent of severe injuries, and also to diagnose and administer proper treatment of such injuries. Secondly, he is not qualified to judge the degree of disability and its permanence in a great many cases. Each member of the governing body of this lovely state should be striving to upgrade the standards of medicine and treatment by encouraging every participating member of the medical profession to increase his degree of education, not sanction his lack of it."

Mr. Speaker, at this time I should like to move for indefinite postponement of this bill and all accompanying papers, and I should ask for a roll call.

The SPEAKER: The gentleman from Caribou, Mr. Collins, now moves the indefinite postponement of both Reports and Bill.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to the indefinite postponement. I will give you a personal reason why. Twelve years ago my wife was crippled; she was so twisted up on the left side and along her left arm and left leg that she was in constant agony. There was no question but what she needed the best treatment that could be available.

After several doctors and thousands of pills and an immense medical bill, I took her to a chiropractor in Danvers, Massachusetts. The man was very good, and for a ten dollar bill, which was the cost to me, he manipulated my wife's body to such an extent that the months of pain were gone. Ladies and gentlemen, that woman, my wife that you see here—you generally see her sitting up in the lower right-hand side of the balcony, you see her out here in this corridor. Now if a chiropractor can do that, I am in favor of anything we can do to help the chiropractors.

This was my own personal experience, and I think the only difference between doctors and members of the legislature is that here if we make an error they expose our mistake; when a doctor makes one they bury it.

Mr. Gagnon of Scarborough moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question it must have the consent of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken.

The SPEAKER: Obviously more than one third of the members present having voted yes, the motion for the previous question is entertained. The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Is it the pleasure of the House that the main question be put now?

A viva voce vote being taken, the main question was ordered.

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 Caribou, Mr. Collins, that both Reports and Bill "An Act relating to Chiropractic Treatment Under Workmen's Compensation Law," Senate Paper 65, L. D. 130, 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 — Ault, Baker, Barnes, Bernier, Berube, Binnette, Brown, Bunker, Call, Carrier, Carter, Collins, Crosby, Cummings, Curran, Curtis, T. S., Jr.; Donaghy, Drigotas, Emery, D. F.; Fraser, Gill, Hancock, Haskell, Henley, Immonen, Jalbert, Kelleher, Lawry, Lee, Lincoln, Lund, Lynch, MacLeod, Maddox, Morrell, Moshier, Murray, Norris, Page, Payson, Porter, Pratt, Rand, Rocheleau, Ross, Santoro, Scott, Shaw, Smith, E. H.; Starbird, Susi, Tyndale, Webber, White, Wood, M. W.

NAY — Albert, Bailey, Bartlett, Bedard, Berry, G. W.; Berry, P. P.; Birt, Boudreau, Bourgoin, Brawn, Bustin, Clark, Clemente, Conley, Cote, Cottrell, Curtis, A. P.; Cyr, Dam, Doyle, Dudley, Dyar, Evans, Farrington, Fecteau, Finemore, Gagnon, Genest, Good, Goodwin, Hall, Hawkens, Hayes, Herrick, Hewes, Hodgdon, Jutras, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Lebel, Lewin, Lewis, Littlefield, Lizotte, Mahany, Manchester, Marsh, Mars-taller, Martin, McCloskey, McCormick, McNally, McTeague, Millett, Mills, O'Brien, Parks, Rollins, Sheltra, Shute, Simpson, L.

E.; Simpson, T. R.; Slane, Stillings, Tanguay, Theriault, Trask, Vincent, Wheeler, Whitson, Williams, Wood, M. E.; Woodbury.

ABSENT — Bither, Bragdon, Carey, Churchill, Cooney, Dow, Emery, E. M.; Faucher, Gauthier, Hanson, Hardy, Kilroy, Lessard, Lucas, McKinnon, Orestis, Pontbriand, Silverman, Smith, D. M.; Wight.

Yes, 55; No, 75; Absent, 20.

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

Thereupon, the Majority "Ought to pass" Report was accepted in concurrence, the New Draft read twice and tomorrow assigned.

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

Bill "An Act Prohibiting Supersonic Flights by Nonmilitary Aircraft" (H. P. 607) (L. D. 818)

Tabled — April 16, by Mr. Norris of Brewer.

Pending — Passage to be engrossed.

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

Mr. NORRIS: Mr. Speaker and Members of the House: The hour is late, so I will try to be brief this morning. The good intentions of the sponsor notwithstanding, I submit that this legislation prohibits the SST which does not exist at this time from flying in an area over which we have no jurisdiction anyway.

So I would now move that this Bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Brewer, Mr. Norris, now moves the indefinite postponement of L. D. 818.

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

Mr. WHITSON: Mr. Speaker and Members of the House: The hour is late. Recently the bill before us today, L. D. 818, was referred to as being in the same glue pot as the bill which we disposed of yesterday concerning the SST. I would point out that both of these

bills were heard together, and that the committee saw fit to give only this bill, L. D. 818, an "Ought to pass" Report.

I would submit that this was done because there are differences in these bills. However, I will not further discuss the differences in these bills. Rather I will limit myself to the merits of the bill at hand.

It seems to me that the principal opposition to this bill comes from representatives of the Bangor-Brewer area who fear that such a bill would adversely affect the competitiveness of the Bangor International Jetport. Let me assure these gentlemen that I have been told by Mr. D'Errico, the director of the Bangor International Airport, that if anything, this bill would help the Bangor International Jetport.

His reasoning was — and there could be no better authority than the director himself — that if the SST is made to fly at subsonic speeds over Maine, then the practicality and economic feasibility of landing at Bangor would be greatly increased. Yes, according to what Mr. D'Errico, the director of Bangor International Jetport, himself told me in the committee hearing, this bill may, far from hurting the airport, lead to a great increase in airport traffic and service.

We have debated the merits of this bill once before. I see no reason to be repetitive, especially in light of the fact that we have been threatened with an early rising tomorrow if we do not limit debate. And believe me, it is an early rising for those who must drive up from down country.

I will, however, submit additional pieces of information for your consideration. I would first submit information concerning the detrimental effects of the sonic boom which is what this legislation is aimed at. There are volumes available. However, I would like to quote from a letter which I have received from an Israeli bio-acoustics engineer. He says: "In principle the supersonic boom does not only severely affect new born babies, patients gone through brain-surgery and sick

people in general, but the supersonic boom also endangers old historical buildings, animal farms, and so forth. Civil supersonic flights by so-called supersonic transports would result in a host of serious effects and dangers, such as in the first place the sonic boom, a startling, often shocking, doubleclap that sweeps the earth within a roughly 60 mile wide 'carpet' along the entire supersonic flight path, bringing intolerable noise, even to districts and hidden oases of calm where we could relax up to this moment.

"Technical history has shown the impossibility of stopping technological development, but let us energetically deny, that civil supersonic transports, if accepted without restriction, do really constitute an advance of mankind."

I would further submit to you evidence in the form of Federal Court rulings concerning the right of a state to rule on matters germane to the health and welfare of its population. I would submit the ruling of Aircraft Owners and Pilots Association versus The Port Authority of New York. In this case the court ruled the Federal Aviation Administrator has not so pervasively regulated the movement of aircraft as to exclude local provisions having the effect of curtailing activities not forbidden by federal regulations in the absence of other competent prohibition.

I would further submit to you the case of Grace versus MacArthur in which the court ruled that an aircraft flying over the state was to be considered to be in that state, and that the parties on board and the craft were in the legal jurisdiction of that state.

I would submit that the legislation before you is not new or unusual. West Germany, Norway, Denmark, Sweden, The Netherlands, Ireland and Canada are countries which have flatly prohibited supersonic flights or flights which would produce annoying sonic booms.

And I would submit to you a letter which I received from the City Clerk of Santa Barbara, California in which he cites a municipal ordinance in the City

of Santa Barbara in which "Flights of manned and piloted aircraft over and in the vicinity of the city so as to cause loud, sudden and intense 'sonic booms' in the city constitute a public nuisance."

Further the municipal ordinance cites that: "It is unlawful to pilot any aircraft over and in the vicinity of the city at supersonic speeds so as to cause loud, sudden and intense 'sonic boom' impacts in the city."

I would submit to you that this is a rewording of the bill before you. I would briefly repeat that the purpose of this bill is to forbid in Maine what is unacceptable to New York. I ask you to take the vagueness out of the promise made by the federal people to prohibit supersonic flight over populated areas. I ask you to once again approve this legislation. Thank you.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I apologize to the House, I will be very brief. I talked to our airport manager Friday, and he was just as much concerned about this item as he was the one yesterday. He was afraid though that maybe at the committee hearing that he didn't give the impression that he was as much against this one as he was Mr. McCloskey's. And I support Mr. Norris's motion to indefinitely postpone.

Mr. Whitson of Portland requested the yeas and nays.

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 Brewer, Mr. Norris, that Bill "An Act Prohibiting Supersonic Flights by Non-

military Aircraft," House Paper 607, L. D. 818, be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Ault, Bailey, Baker, Bartlett, Bedard, Bernier, Berry, G. W.; Birt, Bither, Brawn, Bunker, Call, Carey, Churchill, Curran, Curtis, A. P.; Donaghy, Drigotas, Emery, D. F.; Evans, Finemore, Fraser, Gagnon, Gauthier, Gill, Good, Hall, Hardy, Hawkens, Henley, Hewes, Hodgdon, Immonen, Jalbert, Jutras, Kelleher, Kelley, K. F.; Keyte, Lawry, Lee, Lewin, Lincoln, Littlefield, MacLeod, Maddox, Mahany, Manchester, McCormick, McNally, Mosher, Norris, Page, Parks, Pontbriand, Porter, Pratt, Rand, Scott, Shaw, Sheltra, Simpson, L. E.; Theriault, Trask, Tyndale, White, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAYS — Albert, Barnes, Berube, Boudreau, Bourgoin, Bragdon, Brown, Bustin, Carter, Clemente, Collins, Conley, Cottrell, Cummings, Curtis, T. S., Jr.; Dam, Doyle, Dyar, Farrington, Genest, Goodwin, Haskell, Hayes, Herrick, Kelley, P. S.; Kelley, R. P.; Lebel, Lewis, Lund, Lynch, Marsh, Marstaller, Martin, McCloskey, McTeague, Millett, Mills, Morrell, Murray, O'Brien, Rollins, Ross, Shute, Simpson, T. R.; Slane, Smith, E. H.; Stillings, Susi, Tanguay, Vincent, Webber, Wheeler, Whitson.

ABSENT — Berry, P. P.; Binnette, Carrier, Clark, Cooney, Cote, Crosby, Cyr, Dow, Dudley, Emery, E. M.; Faucher, Fecteau, Hancock, Hanson, Kilroy, Lessard, Lizotte, Lucas, McKinnon, Orestis, Payson, Rocheleau, Santoro, Silverman, Smith, D. M.; Starbird, Wight.

Yes, 69; No, 53; Absent, 28.

The SPEAKER: Sixty-nine having voted in the affirmative, fifty-three in the negative, with twenty-eight being absent, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

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

An Act relating to the Color of School Buses no Longer Used for School Purposes (S. P. 210) (L. D. 643)

Tabled — April 16, by Mr. Lebel of Van Buren.

Pending — Passage to be enacted.

On motion of Mr. Lebel of Van Buren, passed to be enacted, signed by the Speaker and sent to the Senate.

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

Bill "An Act to Amend the Municipal Public Employees Labor Relations Law" (H. P. 420) (L. D. 547) — In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-120) — In House, Committee Amendment "A" indefinitely postponed.

Tabled — April 16, by Mr. Lee of Albion.

Pending — Adoption of House Amendment "A" (H-146).

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I move that this item lie on the table for one legislative day.

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker now moves that this matter be tabled until the next legislative day pending the adoption of House Amendment "A".

Whereupon, Mr. Good of Westfield requested a division.

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

A vote of the House was taken. 77 having voted in the affirmative and 27 having voted in the negative, the motion did prevail.

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

Bill "An Act Creating the Cumberland County Recreation Center" (S. P. 404) (L. D. 1221) — In Senate, passed to be engrossed.

Tabled — April 16, by Mr. Cottrell of Portland.

Pending — Passage to be engrossed.

Mr. Simpson of Standish offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-161) was read by the Clerk and adopted and the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

Bill "An Act Providing for Records of Sales of Used Merchandise" (H. P. 490) (L. D. 631) — In House, Adoption of Committee Amendment "A" (H-115) reconsidered.

Tabled — April 16, by Mr. Carter of Winslow.

Pending — Adoption of House Amendment "A" (H-135) to Committee Amendment "A".

On motion of Mr. Carter of Winslow, retabled pending adoption of House Amendment "A" to Committee Amendment "A" and tomorrow assigned.

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

Bill "An Act Appropriating Funds for Overtime in State Employment and Establishing Hours for a Work Day and a Work Week for Certain Employees" (H. P. 278) (L. D. 367) — In House, Majority "Ought not to pass" Report accepted. In Senate, Minority "Ought to pass" Report accepted and Bill passed to be engrossed as amended by Senate Amendment "A" (S-50).

Tabled — April 20, by Mr. Martin of Eagle Lake.

Pending — Motion of Mr. Marsteller of Freeport to Insist.

The motion to insist prevailed.

On motion of Mr. Martin of Eagle Lake, the House asked for a Committee of Conference.

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

HOUSE REPORT — Leave to Withdraw — Committee on State Government on Bill "An Act relating to Salary of the Supervising Inspector of Elevators" (H. P. 609) (L. D. 820)

Tabled — April 20, by Mr. Lewin of Augusta.

Pending — Acceptance.

The Committee Report was accepted and sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought to pass" — Minority (5) "Ought not to pass"— Committee on Education on Bill "An Act relating to School Construction Aid for All Administrative Units" (H. P. 737) (L. D. 999)

Tabled—April 20, by Mr. Lynch of Livermore Falls.

Pending — Motion of Mr. Bither of Houlton to accept Majority Report.

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

Mr. MARSTALLER: Mr. Speaker and Members of the House: L. D. 999, which makes all educational units eligible for construction aid, and L. D. 421 which we have just voted to return to the Education Committee which applies for additional construction aid for those units now eligible, on these two bills the suggestion is that they be combined as they both affect the \$50 million bond issue.

This suggestion meets with my approval and I expect that the committee can come up with a new bill that will give as near equal treatment as possible to all units and have the least adverse effect on the bond issue.

So I now move that we recommend the Reports and the Bill to the Education Committee.

Thereupon, both Reports and Bill were recommitted to the Committee on Education and sent up for concurrence.

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

Bill "An Act Requiring Public Hearings by the Park and Recreation Commission Prior to the Exercise of Eminent Domain" (H. P. 825) (L. D. 1115)

Tabled—April 20, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

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

House Amendment "A" (H-162) was read by the Clerk and adopted and the Bill was passed to be engrossed as amended and sent to the Senate.

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

Bill "An Act relating to Conveyance of Secondary Pupils" (H. P. 763) (L. D. 1029)

Tabled — April 20, by Mr. Curtis of Bowdoinham.

Pending — Passage to be engrossed.

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

Mr. CURTIS: Mr. Speaker and Members of the House: If this bill is passed this will bring on quite an expense to 52 communities in the State of Maine. The figures that I have on this might be interesting to you. There are 52 communities that do not convey their secondary pupils, which brings about close to 7,000 students who are not transported at this time; and these municipalities transporting secondary pupils have been determined by the Department of Education that 58 per cent are transported and applying this percentage to 7,000 it would bring about 4,000 which are not being served.

At the present cost per pupil for transportation at \$66, and this would bring about a state expenditure of — well complete expenditures \$268,900.

Now at the present time the state subsidizes 60% of this conveyance cost. So over a biennium this would amount to \$320,000. But this bill, if it were enacted, would not take effect until the next biennium, and the state would not reimburse the communities until the following biennium which would be 1975. But it would bring about a \$320,000 cost.

But the part I am concerned about is the communities' share in this. Now I have some communities I represent who are begging and pleading with me not to come up with more costs at this time for them. This is a worthwhile bill, no question about it. It would be nice

to transport all high school students. But I feel at this time that these communities are not in a position to do this.

And one of my towns that I represent, the Town of Richmond, has tried twice to get into an SAD and has not been able to. Both times they have voted to, but other towns have turned them down. So in the very near future they have got to come up with a building program for a high school. And I don't think at this time we should add any additional burden of asking them to convey their secondary pupils. So, Mr. Speaker, I now move the indefinite postponement of this bill.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, now moves the indefinite postponement of L. D. 1029.

The Chair recognizes the gentleman from Bangor, Mr. Murray.

Mr. MURRAY: Mr. Speaker and Ladies and Gentlemen of the House: This bill is my bill. It had a majority committee report. What it does, it would require the 52 communities in the state now that do not transport their secondary students to do so. I think it is unfair to say that in 10% of our communities the secondary students don't have this privilege that the rest of the 90% of the communities do.

We have written in our SAD laws that any community in an SAD is required by law to transport their students. But the communities that are not don't come under this law. I think that it is the responsibility to each community to make sure that their students get to school.

I remember a couple months ago we talked about hitchhiking. And on that snowy day in February we all decided that that was a "no no", and that no one could do it. But, ladies and gentlemen a lot of students, this is their only way of transportation right now.

I think that if this bill was passed that it would affect the rate of truancy, it would affect the rate of dropout, it would affect a lot of these things, because now it is a convenient excuse for students not to show up for school if there is no means of transporting them there.

Definitely there is a cost involved, but I think this is the responsibility of the community to come up with it. So, ladies and gentlemen, I oppose this motion. I think that we should do to every student in the state what we are doing with 90%. Thank you.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I rise briefly to point out that this is a case of home rule. We passed it last session. If these people feel that their children need to be transported, I feel sure that they will do it. If they don't want to do it, I don't think that we should tell them that they have to. I hope you go along with indefinite postponement.

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

Mr. BUSTIN: Mr. Speaker and Ladies and Gentlemen of the House: As we discuss many many education measures which come before this Legislature you hear of problems that teachers are having, and you hear of the problems that taxpayers are having. And it is not too often that we hear about the problems of students.

Now this bill pertains to one thing only, equality of opportunity for students to get an education. If you are in a School Administrative District or in a large municipality, then you have that opportunity. If you are in one of these 52 Maine towns, you don't have it, unless your parents can get you to school one way or the other. And if you are poor and things aren't going too well for you, and you are a high school student, then probably the little nudge that you need to drop out is not to be able to get there. Maybe it is an excuse one day, but if you do drop out then you don't go back.

The issue is equal educational opportunity, and I think we should go along with Mr. Murray on this bill.

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

Mr. BITHER: Mr. Speaker and Members of the House: Just one little note I would like to add, and Mr. Murray can correct me on this if I am wrong. But this bill, as I recall it, allows a school board to decide who shall be transported. Now right here in this row I heard somebody say, "Well, let these kids walk, it is good for them." If they are miles away they may be transported. But if they are close they are not going to be transported at all. This does not provide for all students to be transported, only those that need transportation. Thank you.

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

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: My Town of Freeport is one of the towns involved here. This town took action to determine whether or not the town wanted to transport the high school pupils, and they canvassed the parents.

There is plenty of transportation available, and the town has made provision to take the cases that are needed on the bus. And I think we have dealt with this matter under home rule if you will. And that, as I recall, the majority of the Committee on Education voted "Ought not to pass" on this bill. And I will go along with the motion for indefinite postponement. Thank you.

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

Mr. CURTIS: Mr. Speaker and Members of the House. In answer

to Mr. Bither, of course even now with primary students the towns are not required to transport them if they are within reasonable walking distance. I am not sure exactly the tenths of a mile, but I think if it is less than three-tenths or so they don't have to transport them. And that is about what this amounts to.

Also, the gentleman from Freeport, the Minority Report was "Ought not to pass."

The SPEAKER: The pending question is on the motion of the gentleman from Bowdoinham, Mr. Curtis, that Bill "An Act relating to Conveyance of Secondary Pupils," House Paper 763, L. D. 1029, 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, 67 having voted in the affirmative and 42 having voted in the negative, the motion did prevail.

Sent up for concurrence.

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

An Act relating to Jurisdiction of Municipal Police Officers in Fresh Pursuit (H. P. 887) (L. D. 1208)

Tabled—April 20 by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

Thereupon, on motion of Mr. Hewes of Cape Elizabeth, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Mr. Collins of Caribou.

Adjourned until nine o'clock tomorrow morning.