

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth*

*Legislature*

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, April 22, 1971

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

Prayer by the Rev. Mr. Calvin Alexander of Gardiner.

The journal of yesterday was read and approved.

**Orders Out of Order**

Mr. Dyar of Strong presented the following Order and moved its passage:

ORDERED, that Bonny, Patricia and Christopher McCormick of Union be appointed to serve as Honorary Pages for today.

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

Mrs. McCormick of Union presented the following Order and moved its passage:

ORDERED, that Rodney Knowles of Greenwich, Connecticut and David Rollins of Augusta be appointed to serve as Honorary Pages for today.

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

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

ORDERED, that Claude Berube and Julie Beauparlant of Lewiston 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**

From the Senate: The following Order:

WHEREAS, in the year 1861 military drill was instituted in the public school system of the City of Bangor; and

WHEREAS, the City of Bangor has the distinction of being the first of the nation's cities to adopt such a military training program; and

WHEREAS, the Junior Reserve Officers' Training Corps at Bangor High School is currently in its 110th year of continuous operation; and

WHEREAS, this is indeed the "nation's oldest" ROTC program

and will officially celebrate its 110th anniversary of a most colorful heritage on May 14, 1971; now, therefore, be it

ORDERED, the House concurring, that we, the Members of the One Hundred and Fifth Legislature of the State of Maine now assembled, do hereby acknowledge the observance of May 14, 1971 as Junior ROTC Day in the State of Maine and join all our citizens in support of Junior ROTC, its traditions and goals; and be it further

ORDERED, that duly attested copies of this joint order be transmitted forthwith to the principal of Bangor High School and director of the ROTC Department in honor of this special observance (S. P. 547.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

**Ought to Pass**

Report of the Committee on State Government reporting "Ought to pass" on Bill "An Act relating to Compensation of Municipalities for the Loss of Services of Municipal Law Enforcement Officials" (S. P. 384) (L. D. 1140)

Report of same Committee reporting same on Bill "An Act relating to the Maine Law Enforcement and Criminal Justice Academy" (S. P. 426) (L. D. 1246)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read twice and tomorrow assigned.

**Amended in Senate**

Report of the Committee on Business Legislation reporting "Ought to pass" on Bill "An Act relating to Installation of Sprinkler Systems in New Hotels" (S. P. 329) (L. D. 977 )

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Senate Amendment "A" (S-95) was read

by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

**Ought to Pass with  
Committee Amendment  
Tabled and Assigned**

Report of the Committee on County Government on Bill "An Act Creating Oxford County Commissioner Districts" (S. P. 270) (L. D. 798) reporting "Ought to pass" as amended by Committee Amendment "A" (S-91) 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.

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

Mr. BERNIER: Mr. Speaker, I notice that Mr. Fraser is not here and he wanted to speak on this bill. I would enjoy the courtesy of someone tabling this for one legislative day.

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

Report of the Committee on State Government on Bill "An Act relating to Insurance on State-Owned Property" (S. P. 135) (L. D. 347) 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-94) 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 Fisheries and Wildlife reporting "Ought to pass" on Bill "An Act relating to Night Hunting for Wild Animals" (S. P. 22) (L. D. 50)

Report was signed by the following members:

Messrs. HOFFSES of Knox  
BERNARD

of Androscoggin  
ANDERSON of Hancock  
— of the Senate.

Messrs. PARKS of Presque Isle  
PORTER of Lincoln  
LEWIS of Bristol  
KELLEY of Southport  
LEWIN of Augusta  
KELLEY of Machias  
CALL of Lewiston

— of the House.

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

Report was signed by the following members:

Messrs. MANCHESTER

of Mechanic Falls  
BUNKER of Gouldsboro  
BOURGOIN of Fort Kent  
— 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 Augusta, Mr. Lewin.

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

The SPEAKER: The gentleman from Augusta, Mr. Lewin moves that the House accept the Majority "Ought to pass" Report in concurrence.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: Before we pass this bill I want the House to know what it accomplishes. It shortens the day of hunting and it hits at the hours of the best hunting time, the dawn and dusk hours. It does not control the days when we have fog, which is a lot more dangerous for a hunting accident than this would be.

So I would hope that we leave the hours as they are, half an hour before sunrise to half an hour after sunset. I would ask for a division on this so that we

would not shorten the day as it is the best hours of hunting.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I stand to support the Majority Report of the committee. I would like to point out that this bill does not affect the morning hunting at all; the time would stay the same, one half hour before sunrise. We have for many years had on our books for birds, one half hour before sunrise until sunset. For game animals it has been one half hour before sunrise until one half hour after sunset.

The problem is that many people today are shooting at deer in the last few minutes of dusk, and sometimes it is deer and sometimes it is men. If it doesn't drop right there they don't bother to go down and try to track it in the woods and it is pathetic to find so many animals that have been wounded and lost because of the darkness and the inability of the hunters to pursue.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: I would like to bring to your attention that two years from now maybe it would be cut in the morning too.

The SPEAKER: The Chair will order a vote. All in favor of the motion of the gentleman from Augusta, Mr. Lewin, to accept the Majority "Ought to pass" Report in concurrence will vote yes; those opposed will vote no.

A vote of the House was taken. 65 having voted in the affirmative and 58 having voted in the negative, the motion did prevail.

The Bill was read twice and tomorrow assigned.

#### Order Out of Order

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

ORDERED, that Donald Lampson and Allen Harris of Westbrook be appointed to serve as Honorary Pages for today.

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

#### Divided Report

Majority Report of the Committee on Labor reporting "Ought to pass" on Bill "An Act Increasing Minimum Wages" (S. P. 16) (L. D. 44)

Report was signed by the following members:

Messrs. TANOUS of Penobscot  
MARCOTTE of York  
LEVINE of Kennebec  
— of the Senate.  
Messrs. McTEAGUE of Brunswick  
GENEST of Waterville  
BEDARD of Saco  
SIMPSON of Millinocket  
KELLEY of Machias  
GOOD of Westfield  
BUSTIN of Augusta  
— of the House.

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

Report was signed by the following members:

Mrs. LINCOLN of Bethel  
Messrs. ROLLINS of Dixfield  
LEE of Albion  
— of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed as amended by Senate Amendment "B".

In the House: Reports were read.

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

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

The SPEAKER: The gentleman from Westfield, Mr. Good moves that the House accept the Majority "Ought to pass" Report in concurrence.

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

Mr. SUSI: Mr. Speaker, I move that this item be tabled two days, please.

Whereupon, Mr. Ross of Bath moved that the matter be tabled until later in the day's session.

The SPEAKER: The Chair would inform the gentleman that the longer time has priority.

Mr. Jalbert of Lewiston then asked for a division.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi moves that this matter be tabled until Tuesday, April 27, pending the motion of the gentleman from Westfield, Mr. Good, that the House accept the Majority "Ought to pass" Report. 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.

60 having voted in the affirmative and 67 having voted in the negative, the motion did not prevail.

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

Mr. LEE: Mr. Speaker and Members of the House: As a member of the Minority "Ought not to pass" Report I feel that I should say something about this. At a time when the economy of our state when almost every business is having trouble making ends meet, we are trying to practically drive the small businessman out of business at a time when the federal government, the President of the United States, and several distinguished Democratic senators have said that the increase of wages without increase in productivity has got to be curbed or inflation will keep on. I am against this bill and I hope that it doesn't pass.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I sponsored the first Minimum Wage bill in the State of Maine. This was in 1959 when I was a member of the other body. Prior to this workers in certain small businesses were receiving anywhere from 35 to 50 cents per hour. I felt that this was not only bad, but unfair and not humane. My bill at that time was a dollar.

Members of the other party wanted to start at \$1.25 and in all of my debates over there my opposition was formidable, headed by

Judge Alton Lessard, the former Judge Peter MacDonald, the very beloved and esteemed Senator from Lewiston, Jean Charles Boucher. During this debate one of these gentlemen remarked that the Republicans were so tight that the Senator from Sagadahoc, Senator Ross, wouldn't even buy his wife a new Playtex girdle. I only repeat that because that is already on the record of the Senate.

But to prove that we were not that tight, the last increase in the Minimum Wage law was also sponsored by a Republican who happened to be from Bath, the former Senator Ralph Brewer. I still am in favor of the conception of Minimum Wages if they are fair and equitable. The original bill would increase it from \$1.50 to \$2.00. The amended bill now says \$1.80. I feel this is justified and I wholeheartedly support the motion as presented.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I presented a \$2.00 Minimum Wage bill at this session. When I found out, too late, that the bill had been printed and found out that the chairman of the Labor Committee had already presented a measure that was a like measure but was different than mine. And I went to the committee and I told them that I would withdraw my measure in favor of and out of courtesy to the gentleman from East Millinocket, Senator Tanous. I felt that I wanted to do this because he had gone. I found out, before me to ask for the bill, and out of courtesy to him I did it, and I think that courtesy should extend itself incidentally into other areas probably go into the co-sponsorship and we would avoid duplication and save money thereby.

However, when I withdrew I also agreed to the \$1.80 Minimum Wage bill and certainly I did not disagree with the cost of the bill. I stand wholeheartedly behind the program. I certainly hope that the Majority Report "Ought to pass" does prevail. When the vote

is taken I hope it will be taken by the yeas and nays.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: Earlier in the session we had a bill before the Education Committee sponsored by the gentleman from Old Orchard, Mr. Farrington, that would have mandated the study of economics at the high school level. I was opposed to the bill because I am opposed to mandating courses at the high school level.

However, I think there might be some merit if we mandated a short course in economics for people who are trying to serve in the legislature. Because at a time when the principal and the overwhelming problem that faces our nation, is an inflationary phenomenon that is known as the cost push effect that this nation has not yet learned the technique of controlling, and when this same problem is present in all the advanced capitalistic countries of the world, and that this body would seriously entertain the measure that could only be compared to pouring gasoline on a fire that was out of control. It seems to me that a little better appreciation of the basic economics would be a very helpful thing. However, the total effect of an increase in the Minimum Wage in the State of Maine, certainly on a national scale, would be minimal. There is, however, an extremely important effect of Minimum Wage legislation that unfortunately is not well known and is not sufficiently appreciated.

A short while ago President Nixon appointed a task force to investigate the problems of our cities in relation to unemployment, the rapidly increasing welfare load, and appointed as the chairman of that task force Edward Banfield, who is the Urban Affairs professor at Harvard. Professor Banfield has written an extremely interesting book, the title of which is "The Unheavenly City," and he makes some very interesting points on the effects of Minimum Wage legislation in the field of welfare.

Now it must have occurred to all of you as you view the almost uncontrolled welfare problem that we have at both a state and a national level, that in the period of unprecedented job opportunities when our economic level was extremely high — and I am referring to the period of the 1960's, that in this period the number of people on welfare in this nation almost doubled, that there must be some causes that we didn't fully understand.

It is interesting to note that the chairman of this task force makes this statement: "The principal effect of Minimum Wage is to injure some of the lowest paid workers by forcing them into even lower paid occupations exempt from the act, one of which is unemployment." You don't have to look too far to recognize that the effect that we are producing by constantly and rapidly increasing our Minimum Wage, is to screen out of the labor market thousands of workers who are described as marginally productive workers.

These people have no alternative since they are effectively screened out of the market they have to become permanent welfare cases. And this is exactly what is happening in this state, it is exactly what is happening in all of the states across the nation. In an attempt to provide a reform by increasing the Minimum Wage we are in fact forcing into permanent welfare status thousands of our citizens.

We have an additional fact, which certainly isn't as important but is nevertheless significant—we are making it increasingly difficult for our youngsters of school age and those just beyond high school age to secure entry into the job market. I had some statistical material prepared for distribution in the House, but I had anticipated that this was not going to be debated this morning. But the statistical material which comes from the United States Department of Labor very clearly shows that the root cause of much of our juvenile delinquency, of many of the riots

that we have, characterized in our urban centers in the last few years, have as a very significant contributing cause, the passage of Minimum Wage legislation.

We have made it so difficult for teenagers, particularly those who have not finished their high school education, to secure employment, that we are in fact creating many of our juvenile delinquency problems by the passage of Minimum Wage legislation.

For these three reasons, I would think it extremely ill advised for this body at this juncture to attempt to lead the nation in establishing higher Minimum Wage levels. I think that by doing this we are simply adding immeasurably to our welfare problems, we are creating very severe difficulty for our youngsters, and we are creating extreme difficulty for many of our small employers in the state.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I think that all of us are fully aware what this bill does. The time to debate it is now and the vote ought to be taken this morning. I don't think that the vote is going to change by more than two or three at any point during this session.

I would like to say a few comments about the remarks of the gentleman from Houlton, Mr. Haskell. When we talk about legislators having to have a short course in economics, frankly I don't disagree with him. But I am sure that the gentleman is fully aware of the cost push effect in the other direction as well; and that is a very simple one. That most employers, and the very small employers are usually the ones involved, are the last ones to do anything about raising the Minimum Wage unless they are told to do so or unless they have to do so. And if you don't believe me, just go back to your home town and take a look at what some of the small employers are paying and you will

find that they are still paying the \$1.60 minimum.

I know that some people have made a great strive in trying to change this. Many small employers have done a good job. I am not criticizing all of them of course. I am telling you that the biggest abuse of low wages are caused by many of the people that we are trying to do something about this morning.

If any of you have tried to live on \$1.60 an hour for forty hours, then I think you know fully well what the Minimum Wage would do. And you may argue that anyone who was worth their salt is not going to get only \$1.60. Well, I remind you that some people are not going to pay a dime over what they are forced to do, and a dime over what they are forced to do means \$1.60.

I simply cannot believe that we are going to equate juvenile delinquency with the Minimum Wage. That we are going to equate that Maine ought not perhaps for one occasion lead the nation. Teenagers are not going to become juvenile delinquents just because they can't find a job. I am sure that the gentleman from Houlton, Mr. Haskell, knows that juvenile delinquency starts a lot younger than eighteen. I am sure that the gentleman from Houlton is also aware that there are exemptions to the law on the books now and those are not being removed by this bill.

And perhaps for one occasion let Maine take the lead, and that is what the gentleman from Houlton says we might do this morning, and do the job to help the people that work in Maine. So I would hope that you would vote for acceptance of the Majority Report.

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

Mr. WHITSON: Mr. Speaker and Members of the House: I think the statement was made earlier that all legislators should have a basic course in economics. I would submit to you that I have had this basic course; I majored in economics in colleges. And I would submit and concur with Mr. Martin's statement. I believe that this



Minimum Wage bill should pass and it has my wholehearted support.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I am not speaking as a contractor this morning, because the contractors are not affected by this Minimum Wage. I don't think that anybody in this House that has ever paid as little as \$1.60 for several years now for labor. But I have been requested by two blueberry growers that support me in my county, who have warned me that this will be one more nail to their coffin as blueberry growers. They say that the only way that they will be able to come out of it will be to go into mechanical means for picking, which means that much less of employment. Never having owned an acre of blueberry land or ever worked in it or anything about it, I can only submit to you what the blueberry growers of Ellsworth have told me would happen to them.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: The gentleman from Houlton, Mr. Haskell, has told us about economics and about his philosophy of it. It seems to be that we are really dealing perhaps with a matter of philosophy rather than economics regarding our vote today. Or at least a matter of the philosophy of economics. There is the one view that I think Mr. Haskell has espoused which I would call the dribbled down view of prosperity. That is, if the rich get richer, some of us and many down at the lower end of the scale will get the droppings from their table. I think that is a view that has been well rejected by this state and by our nation.

The other view and the view which I think squares with modern economics is that in our mass consumption society we are all interdependent upon the welfare of each other. The butcher, the baker, the candlestick maker, all do better when the working

men and women in their town make a better wage. They have more to spend and the prosperity goes out to all of us.

The reason for the adjustment proposed—and the bill is \$2.00 and I understand it has been amended in the other body to go to \$1.80 and then \$2.00, is really not even a step ahead; it is just catching up, and catching up too late. We have had inflation for many reasons, primarily the war over the last five years or so. And this inflation has meant that the Minimum Wage, which was enacted at \$1.60 at the federal level some six or seven years ago, is now worth only about \$1.24. So if we increase our Minimum Wage to \$1.80, and then to \$2.00, we are really not increasing the number of loaves of bread or bottles of milk that people can buy with the Minimum Wage; we are just helping them catch up to what they lost due to inflation.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I certainly did not major in economics, but I think there is something in economics that anyone who has ever done business, large or small, should realize; and that is the matter of production. We all know that a small businessman cannot be pushed forever to pay a person more than he produces.

I talked to a labor leader — now this might surprise you, recently, and the labor leader came to me and he says, "I hope you do not vote the Minimum Wage." Now that may sound funny to some of you people, but it is true. Of course I will not name him. He says, "Well I have people working that are not possibly earning the Minimum Wage in factories," and he says "What happens? They have to pay it to them." If the factory — some of the factories have their own minimum wage, what happens is it has to be taken away from the others. Somebody has to pay this difference.

Now normally a good many cases, how many of us can go out and hire anybody at the Minimum Wage? I know I can't; I have had

to pay \$2.00 to \$2.50 an hour for labor, or anything of that sort. But there are a few instances and there are a few people who still will be glad to get along on \$1.60 an hour or \$1.50 an hour. They do not demand much of life. I can name probably 25 or 30 right in my town that they get all they want out of life, and the only difference would be if they got \$1.80 an hour they would buy a little bit more beer.

Now I agree with what Mr. Haskell said; he said it in a lot more technical way than I am able to do. But I still insist that we are just taking more and more steps towards complete socialism. If the government, our government, our state government and everyone else keep insisting that industry pay more and more Minimum Wage, they are taking away from a good many other areas where people would really earn it. Because there is only so much money you can squeeze out of a business. If you are going to pay an engineer \$15,000 a year, he has got to produce \$15,000 a year. If you are going to pay a workman in a factory \$5,000 a year, he is supposed to produce \$5,000 a year; or else soon money is going to be taken away from the engineer.

It seems to me that is sort of a rule of thumb economics. There is only so much money that comes out of a business. And this is all there is to it. So if you keep jacking up the Minimum Wage, what is going to happen? It is just going to hasten this socialism, which I call galloping socialism, and we are getting closer to it all the time.

I don't expect that my harangue is going to make any difference, but I have been asked by several small business people to oppose any further increase in the Minimum Wage at this time.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I think that perhaps we are still a long way from socialism and I would like to cite some statistics that might prove it. 1.6% of the population of this country owns 52% of the private wealth; they own 80% of all stock; they own

70% of all productive property; and they pay only 14% of the taxes. And we are standing here quibbling about 20 cents an hour for a man who makes only \$64.00 a week.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: The usual argument that always appears in a discussion of Minimum Wage has appeared. The gentleman from Eagle Lake, Mr. Martin, has confused it by saying that we would have to imagine trying to live on \$1.60 a week. Mr. Martin completely overlooks the fact that our society presently is characterized by the fact that the average family unit has more than one wage earner; and the fact that we are screening out the marginal workers from the labor market is the key point in this discussion.

There are and have always been in all societies people who are handicapped, either physically, mentally, by youth or by age. These people on the production lines or in a work situation in many cases cannot earn the minimum, and as we increase the minimums we deny them work opportunities. This can be documented. I just had distributed to you statistical material that has been assembled by the Department of Labor that very clearly shows the effects of an increase in the Minimum Wage on marginally productive workers.

When Mr. Martin attempts to argue that when the rate among the groups described in this graph goes from somewhere in the neighborhood of 4% to around one out of every four unemployed, and when he says that there is no relationship between this and a marked increase in riot activity and juvenile delinquency, he simply is not familiar with the facts of life. Because this is a factor and a very significant factor, and it is also a factor, and it cannot be successfully argued, that we are screening out of the labor market thousands of people.

These people are becoming permanent welfare charges and we cannot on the one hand vote for

a constantly increasing minimum hourly wage and then be perplexed as to why we have a tremendously, constantly increasing load of welfare cases. Because this is a factor. It has been documented by substantial authorities. It is going on. You can observe it from your own experience. It is a factor that I appreciate is not well understood. But just to make the point.

Historically it is extremely interesting that the very first Minimum Wage legislation that was proposed in the nation was proposed to effect a social reform. The first Minimum Wage legislation was proposed as a method of decreasing prostitution. And the success of that endeavor I think is about as successful as some of the social goals that are attached to Minimum Wage legislation currently.

We are trying to achieve social goals by Minimum Wage legislation and we continue along blithely ignorant of the unfortunate economic effects that we are having with Minimum Wage legislation. Now this state, of all the states, has been characterized industrially by industry that is described as labor intensive industry. I will cite an example—the shoe industry is labor intensive. A large part of the cost of the production of the shoe industry is the labor cost.

Nationally, as we have increased Minimum Wage legislation, more and more of the shoe production has been transferred from this country to foreign sources, to the point that this state and New England at large has lost literally thousands of production jobs in the shoe industry. One of the contributing factors is constantly increasing Minimum Wage legislation.

Now, granted, it would be desirable if we could replace these labor intensive industries with more sophisticated industry. To date we have not been able to do so. We are in a situation now that our men returning from Vietnam cannot find employment. There are hundreds and thousands of jobs in labor intensive industries in the state that have been eliminated by increasing Minimum Wage through legislation.

So when you look at this you have to look at it not only from the point of view of the desirable social effects that you are trying to achieve, you would have to look at it from the hard-headed economic effects that you are in fact having; and the economic effects that you are having is that you are constantly screening out of the labor market the very people that you are trying to help. You are making them permanent welfare cases.

We would be well advised in this body to reject this Minimum Wage legislation and all its amendments.

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

Mr. MORRELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to rise in opposition to Mr. Haskell. I think it is important for you to get the viewpoint of a businessman, and not a big one. My feeling, and I have chatted with several other businessmen in my area, and they did not describe to me any real opposition to this bill at all.

Now I think when you talk about productivity, where you are talking on a production line, where you are talking in the higher pay scales, one has to be particularly concerned about that. But from our own experience I think it has been rather interesting that as you—and we are talking about people on the lower end of the wage scale, as you gradually get them up, I think experience from many businessmen has been that you in effect do increase their productivity.

It seems to me that I would have frankly been in favor of the bill before amendment — I am perhaps even more in favor of it now, but I think that you can cite all kinds of statistical evidence from elsewhere to point up the fact that the Minimum Wage does create some problems. I think every piece of legislation does. But if you balance everything, if you talk with small businessmen who are concerned about paying people properly and trying to get particularly those on the lower end of the wage scale up gradually and trying at the same time

through management skills to make them more productive, that a combination of these two is effective.

I would hope that you would vote in favor of this legislation. I think it is good. I think it is humane. I think it does improve productivity, and I submit to you that many thoughtful small and large businesses in this state are for this kind of legislation.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I would certainly hope this morning that we don't get carried away from the issue of Minimum Wage from one to socialism, juvenile delinquency, and very lastly to prostitution. I hope that we manage to stick to the issue of Minimum Wage.

I certainly don't want to get into a verbal argument with my friend from Aroostook, but I would point out to you that this graph is seven years old. The last year on here is 1964. I would point out that dealing with white teenagers that the rate has gone from 8% in 1948 to 12% in 1964; but the problem is with the non-white teenagers having gone from 8% to 24%. And I am sure that the gentleman from Houlton, Mr. Haskell, knows full well that the problem with the non-white is caused by a heck of a lot more than the problem dealing with Minimum Wage.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I am always bothered by charts that come to us, and particularly one that comes from a good source — and namely, the statistics come from the Bureau of Labor. But I wonder if through the Chair Mr. Haskell can tell us who the Free Society is and who comprises its membership?

The SPEAKER: The gentleman from Auburn, Mr. Drigotas, poses a question through the Chair to the gentleman from Houlton, Mr. Haskell and he may answer if he

chooses; and the Chair recognizes that gentleman.

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen: That chart that I distributed was included in Professor Banfield's book, "The Unheavenly City". I can't answer your question, I don't know who the Free Society is. This is an exhibit that Professor Banfield included in his material.

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

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen of the House: For anyone that has made a minimum wage after they have taken out of his salary he can make more collecting Unemployment Compensation than he can make in a wage, and your Unemployment Compensation is not taxed. This is one reason that many people will stay on Unemployment and draw Unemployment Compensation instead of going to work.

Recently I had a friend returned from Vietnam who was collecting the Unemployment Compensation and this was where it was borne out the fact that he could collect more than making a minimum wage. So I would hope that you would support the increase in the Minimum Wage.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: We have listened to all these statistics that have been given to us here. But the way I am seeing this is the low wages has made the unemployment we have across the state, which is so large.

Recently we just passed a bill extending 13 weeks of Unemployment Compensation, 50% federal money. This was an emergency thing for the state. We also have a bill before us that is going to change the quarters of earning power, which will affect my county very seriously in the fishing industry. Mechanization in my opinion has been the biggest cause of our unemployment.

This bill we have before us this morning has a lot of merit to it. It is a balanced bill and it is spaced out on time when these increases

will take effect. I think that it deserves passage.

The SPEAKER: The pending question is on the motion of the gentleman from Westfield, Mr. Good that the House accept the Majority "Ought to pass" Report on Bill "An Act Increasing Minimum Wages," Senate Paper 16, L. D. 44.

A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All 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 Westfield, Mr. Good that the House accept the Majority "Ought to pass" Report in concurrence. If you are in favor of the Majority Report you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Albert, Bailey, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Birt, Boudreau, Bourgoin, Brawn, Brown, Bunker, Bustin, Call, Carey, Carrier, Carter, Churchill, Clark, Clemente, Collins, Conley, Cote, Cottrell, Curran, Curtis, T. S., Jr.; Cyr, Dam, Doyle, Drigotas, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans, Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Genest, Gill, Good, Goodwin, Hancock, Hawkens, Hayes, Herrick, Hewes, Hodgdon, Jalbert, Kelleher, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Lawry, Lebel, Lewin, Lewis, Littlefield, Lizotte, Lucas, Lund, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Martin, McCloskey, McCormick, McKinnon, McTeague, Millett, Mills, Morrell, Murray, Norris, O'Brien, Parks, Pontbriand, R and, Rocheleau, Ross, Shute, Simpson, T. R.; Smith, E. H.; Starbird, Stillings, Susi, Tanguay, Theriault, Tyndale, Vincent, Webber, Wheeler, White, Whitson, Wood, M. E.

NAY — Ault, Berry, G. W.; Bith-  
er, Bragdon, Crosby, Cummings,

Curtis, A. P.; Hall, Hardy, Haskell, Henley, Immonen, Lee, Lincoln, Marsteller, McNally, Mosher, Page, Payson, Porter, Pratt, Rollins, Shaw, Simpson, L. E.; Trask, Wight, Williams, Wood, M. W.; Woodbury.

ABSENT — Cooney, Donaghy, Dow, Gauthier, Hanson, Jutras, Kilroy, Lessard, Orestis, Santoro, Scott, Sheltra, Silverman, Slane, Smith, D. M.

Yes, 106; No, 29; Absent, 15.

The SPEAKER: One hundred six having voted in the affirmative, twenty-nine in the negative, with fifteen being absent, the motion does prevail.

The Bill was given its two several readings.

Senate Amendment "B" (S-96) was read by the Clerk and adopted in concurrence, and the Bill assigned for third reading tomorrow.

#### Order Out of Order

Mrs. Berube of Lewiston presented the following Order and moved its passage:

ORDERED, Laura Murray and Susan Marichal of Lewiston be appointed to serve as Honorary Pages for today.

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

#### Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought not to pass" on Bill "An Act Prohibiting the Landing of Supersonic Transport Planes in Maine" (S. P. 486) (L. D. 1456)

Report was signed by the following members:

Mr. SCHULTEN of Sagadahoc  
— of the Senate.  
Messrs. AULT of Wayne  
MacLEOD of Bar Harbor  
HARDY of Hope  
Mrs. BROWN of York  
Messrs. HERRICK of Harmony  
CURRAN of Bangor  
— of the House.

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

Report was signed by the following members:

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

Mrs. KILROY of Portland  
Messrs. WHITSON of Portland  
SMITH of Waterville

Mrs. CUMMINGS of Newport  
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

On motion of Mr. Hardy of Hope, the Majority "Ought not to pass" Report was accepted in concurrence.

#### Tabled Later in the Day

From the Senate: The following Order: (S. P. 552)

ORDERED, the House concurring, that the following be recalled from the Governor's Office to the Senate: Bill, "An Act relating to Disposition of Portion of Fees Collected by Maine State Park and Recreation Commission" (S. P. 20) (L. D. 48)

Came from the Senate read and passed.

In the House, the Order was read.

On motion of Mr. Hewes of Cape Elizabeth, tabled pending passage in concurrence and later today assigned.

#### Non-Concurrent Matter

An Act relating to Criminal Trespass in Buildings and on Premises (S. P. 532) (L. D. 1568) which was passed to be enacted in the House on April 13 and passed to be engrossed on April 8.

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

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

#### Non-Concurrent Matter

Majority Report of the Committee on Fisheries and Wildlife on Bill "An Act Providing for Hunter-Orange Garments When Hunting" (H. P. 64) (L. D. 105) reporting "Ought to pass" as amended by Committee Amendment "A" and Minority Report reporting "Ought not to pass" which Reports and Bill were indefinitely postponed in the House on April 15.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed as amended by Committee Amend-

ment "A" and Senate Amendment "A" in non-concurrence.

In the House:

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

Mr. LEWIN: Mr. Speaker, I move to recede and concur and would speak to my motion.

The SPEAKER: The gentleman from Augusta, Mr. Lewin, moves the House recede and concur.

The gentleman may proceed.

Mr. LEWIN: Mr. Speaker and Ladies and Gentlemen of the House: This bill as it is now amended by Senate Amendment "A," under filing number S-98, will simply extend the period of study of the effectiveness of wearing fluorescent clothing — that is a cap, a vest or other garment while hunting deer in the area south of U.S. Route 2 and west of the Kennebec River.

I hope you will go along with my motion to recede and concur.

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

Mr. BRAWN: Mr. Speaker, I ask for a division and I would like to speak to the motion.

The SPEAKER: The gentleman may proceed.

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I do live in this district where this is enforced. Last night the Messalonskee Fish and Game had a meeting. There are 909 members in this club. There were 140 there last night. This question was brought up before them. Every man and woman there was against this last night. They say this is America we live in. Let's not take away what precious rights we have. Let's let every man have a right to wear what he wants. If he wants to wear fluorescent, then he should.

Now I am asking for a division and I hope that everyone will vote against the motion.

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

Mr. IMMONEN: Mr. Speaker, Ladies and Gentlemen of the House: I wish to support the motion of the gentleman from Oakland, Mr. Brawn. This area has had a four-year course of compul-

sory education, in the use of hunter orange, and it is now a general practice and used by the hunters.

I hope by your vote that the people of this area will be considered as graduates. I would not ask for an honorary degree, but your vote would be a sufficient diploma.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Lewin that the House recede from its former action and concur with the Senate. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 55 having voted in the negative, the motion did prevail.

The Bill was given its two several readings.

Committee Amendment "A" (H-136) was read by the Clerk and adopted in concurrence. Senate Amendment "A" (S-98) was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

#### Non-Concurrent Matter

Majority Report of the Committee on Agriculture reporting "Ought not to pass" on Bill "An Act Establishing the Maine Apple Fund and Maine Apple Commission" (H. P. 253) (L. D. 335) and Minority Report reporting "Ought to pass" as amended by Committee Amendment "A" which Reports and Bill were indefinitely postponed in the House on April 15.

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

In the House:

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

Mr. PRATT: Mr. Speaker and Members of the House: I think you will recall that we defeated this bill in the House last week by a vote of 95-28, and I am sure at this time you wouldn't want to reverse your decision, so I will now move to adhere.

Thereupon, the House voted to adhere.

#### Non-Concurrent Matter Tabled and Assigned

Bill "An Act relating to Elderly Persons' Examinations for Motor Vehicle Operators' Licenses" (H. P. 412) (L. D. 577) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 14.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. LEWIS: Mr. Speaker, I move that we insist on our former action whereby we passed this on April 14 to be engrossed and would speak to my motion.

The SPEAKER: The gentleman from Bristol, Mr. Lewis, moves that the House insist on its former action.

The gentleman may proceed.

Mr. LEWIS: Mr. Speaker and Members of the House: When this bill was presented I considered it a very simple bill, not realizing that it might run into such opposition. I would like to explain to the House members a little bit about the history of this bill and how it originated.

As all of the members here in the House realize, Lions Clubs all over the country are vitally interested in eyesight, and as a result of that, the small club that I belong to in the Pemaquid area went to the expense and trouble of conducting for a three-day period free eye tests for people who were willing to come in and take advantage of the opportunity. As a result of this testing, it resulted in the fact that many people were neglecting their eyes, many people were wearing eye glasses that had been given to them—in one case one person was wearing a pair of eye glasses that he had picked up along the roadside.

As a result of this testing period, a group of Lions from my club came to the Secretary of State's office early last summer and passed on to Mr. Joseph Edgar the results of this testing program that we had conducted. He was sympathetic toward our problem and immediately called in another

member of his department and they agreed to prepare a bill to be presented to the legislature that would possibly help in cutting down motor vehicle accidents, and we all realize that we have a very bad record relative to traffic accidents; and as a result, the bill was introduced.

Now to start off with, I think the bill has a misnomer and I think probably as a result of that, many people felt that a bill asking that examinations be given when a person reaches fifty years of age was certainly not an elderly person's bill. But anyway, that is the way it went. It was amended in committee. The bill called for, as I say, a fifty year age limit. It was amended by the committee to sixty, which resulted in cutting down the present obligation from sixty-five to sixty. I went along with that, realizing that I might possibly not get anything except five years anyway, and I would be sure of that. But as a result of the action taken in the other body, you see what has happened to the bill.

Now there was a whole lot of work put into this bill. At the committee hearing Mr. Edgar appeared and spoke for the bill. The Director of, I think, Safety Driving in Maine appeared and spoke in favor of the bill, and we now are faced with this action by the other body.

I would hope that somebody would table this bill for me to let me further study it and possibly prepare another amendment.

Thereupon, on motion of Mr. Curtis of Bowdoinham, tabled pending the motion of Mr. Lewis of Britol to insist and tomorrow assigned.

#### **Non-Concurrent Matter**

Bill "An Act to Repeal the Prohibition of Publishing a Periodical by the Department of Economic Development" (H. P. 897) (L. D. 1217) which was passed to be engrossed in the House on April 9.

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

In the House: On motion of Mr. Farrington of Old Orchard Beach,

the House voted to recede and concur.

#### **Non-Concurrent Matter Tabled and Assigned**

Bill "An Act relating to Duty of State Board of Education Concerning Interscholastic Activities" (H. P. 985) (L. D. 1347) which was recommended to the Committee on Education in the House on April 8.

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

In the House: On motion of Mr. Millett of Dixmont, tabled pending further consideration and specially assigned for Tuesday, April 27.

#### **Non-Concurrent Matter**

Bill "An Act Prohibiting the Turning Back of Speedometers or Odometers on Motor Vehicles" (H. P. 1244) (L. D. 1553) which was passed to be engrossed as amended by House Amendment "A" in the House on April 8.

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

In the House: On motion of Mr. Hewes of Cape Elizabeth, the House voted to recede and concur.

#### **Non-Concurrent Matter**

Report of the Committee on Transportation on Bill "An Act relating to Fees for Inspection of Motor Vehicles" (H. P. 281) (L. D. 370) reporting same in a new draft (H. P. 1256) (L. D. 1576) under same title and that it "Ought to pass" on which the House substituted the original Bill for the Report and indefinitely postponed the Bill as amended by House Amendment "A" on April 13.

Came from the Senate with the Report accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Stillings of Berwick, the House voted to recede and concur.

The New Draft was read twice.



Senate Amendment "A" (S-87) was read by the Clerk.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I now move the indefinite postponement of Senate Amendment "A" and I hope you will go along. I am a little bit hoarse this morning, my mouth is kind of dry to lap stickers, and so I hope you will go along with indefinitely postponing this measure.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, moves the indefinite postponement of Senate Amendment "A".

The Chair recognizes the gentleman from Kennebunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker and Ladies and Gentlemen of the House: This morning I received a telegram which I would like to read to you. "Our association of 107 members urge your support on L. D. 1576 as amended. We feel that this will give a better inspection, cause less accidents on our highways, and cut the death toll down in Maine. We sincerely and conscientiously urge you to support this bill and also ask your brother legislators to back this bill with their vote."

Now this is from 107 sticker-lickers in York County, and I think it carries some weight. York County is probably a little more congested area than some other parts of the state. This along with the fact that this will mean a revenue of some \$600,000 to the fund, I think it merits your support.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I had hoped that I wouldn't have to bore you with a similar conversation that was made the other day. However, I am sure that this doesn't improve the inspection of the automobile. It doesn't improve what you will be getting for your dollar.

I am also sure that most people, regardless if it is the garageman or the plumber, or what have you,

will accept a raise very graciously in these days of inflation. I think the garageman is no different than any of these other people when he sees a chance where he can make a fast buck, sure he is interested.

He has a very able lobbyist before us that is in the halls of the House that has asked him to send a few telegrams to some of the legislators, and it may impress some people. But the poor individual on the street that has got to pay the bills unfortunately is not able to have a lobbyist here to send you a telegram, and if he was able to he would tell you that he doesn't think we should have more taxes of any nature, whether it be on your windshield or any other method.

Now the honest garageman, the honest man that is trying to do a good job and trying to fix your automobile, is convinced that this sticker is not a factor in the job you get done. As a matter of fact, he could afford to give you this sticker on your windshield, because what he is interested in is to get your car in there and see that it is fit for the highway. And in doing so, he will sell you tires, brake linings, light bulbs, and many other jobs. And generally speaking, it is the guy where you buy your gasoline where you depend on his service. And he is tickled to death to get you into his place, and he is very well pleased in most cases that he is making a good thing.

There have been very few garages failing in the State of Maine because they are allowed — they don't have to go to any government agency to have their wages raised. All they have to do is just put on the bulletin board "Our wages for service here now, instead of being \$5 an hour, is now \$6 an hour." And in some cases more. It is as simple as that, if he wants more money. It is not regulated by any agency or any union or anything. And quite frequently if you have noticed in the last year or two these garages have done just that. They have put a sign on the bulletin board that wages here are now so much money.

And so in case they are not making enough money to pay their crew and run a very efficient business, I am sure there will be another notice on the bulletin board that we now have to raise our rates another dollar to compensate for inflation.

But I don't think that we in this House have to supplement this group of people by increasing the sticker on the windshield, where everybody gets in their automobile and sees what we did to them for a group of people that does not at this time need our assistance in getting a raise in pay.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker and Ladies and Gentlemen of the House: Just to set the record straight this telegram did not come from a lobbyist, unless Ralph Nollette, President of the York County State Inspection Association of Sanford, Maine is considered as a lobbyist.

I would also state that not too long ago in this House we increased the minimum wage by a vote of 106 to 29. So I think that we are taking care of some of these people. Now let's be consistent.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will go along this morning with the gentleman from Enfield, Mr. Dudley. I think all this is just an extra tax on the people, and I don't believe the people will go along with it.

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

Mr. STILLINGS: Mr. Speaker and Ladies and Gentlemen of the House: I don't like to belabor the point. This bill has been debated twice on the floor of this House, and this is now, of course, the third time.

I don't like to clutter up the legislative record with a lot of debate, but I would like to point out to you again that this is a highway safety

measure. The purpose of the bill is to improve the inspection program, and then to broaden the enforcement of the inspection program. We need both the revenue producing features and the increase in the fee to the automobile owner in order to do this.

The problem very essentially is this. There just are not enough inspection stations in the State of Maine to do the job. We have about 1,480 inspection stations to inspect approximately 1,100,000 vehicles. The \$2 fee we think is realistic and needed. We hope it will upgrade the inspection program in the interest of traffic safety, and we hope that the funds that will be provided by the twenty cent increase in the cost of the fee will upgrade the enforcement program.

If you allow these two amendments to be removed, the original intent of the bill is destroyed. All you will have done, essentially, number one, is to increase the cost of inspecting school buses to \$5; and you know who pays that, you and I, the taxpayer, because the buses are owned by our municipalities and by our school districts. And number two, you will have exempted road tractors, or some tractors, industrial tractors, and highway construction equipment from the inspection law.

I certainly hope this morning that you don't allow your emotions to dominate over reason, or that you allow private interests to dominate over the public interest. I hope that you would vote against the indefinite postponement of this amendment.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I never liked the argument where for more money you will get better service or better men. I think our inspection stations are doing a good job. I don't think that we should come up with an argument, "Well if we give them \$2 they will do a better job." They seem to be doing a pretty good job right now.

As Mr. Dudley says, where you go to your general service station where you buy your gasoline, he is usually the fellow that reminds you if you don't already know yourself that your inspection sticker is due. And again I dislike anyone giving the argument for more money we can get better service or better people. We are getting good service now, and I don't think we should hit the taxpayer anymore, now or any other time.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I seem to be up against my good friends Mr. Kelleher and Mr. Dudley this morning. I hope you go along with Mr. Crosby and Mr. Stillings, because there is a segment in the automotive industry, these are the new car dealers, that hate to do this anyway, but they do do it for their customers. And it boils down to the fact of whether you want a qualified man, that is the \$5 an hour man to do the inspection on your car for safety reasons — and these are for safety reasons — or do you want the young fellow that handles the grease gun that they pay \$1.60 an hour to.

There definitely is, believe me, a definite difference in the quality of the inspection you get. Now many many of the new car dealers and used car dealers, and large garages — and there are a segment in the municipalities, that have been doing this as a service to their customers to get the work, but more and more and more every day are dropping it because it is just — they are just doing it at a loss.

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

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I was going to introduce a similar bill myself earlier in the session, and Representative Stillings came out with a bill that I thought was more comprehensive and really covered the sub-

ject a little better, so consequently, I withdrew mine.

I am still of the opinion, and always will be, you get what you pay for. And I certainly hope you do go along with this bill and without the amendments.

Mr. Dudley of Enfield was granted permission to speak a third time.

Mr. DUDLEY: Mr. Speaker and Members of the House: I only want to make one statement in regard to what the gentleman from Brewer, Mr. Norris, has said about better qualified mechanics. There is only one category they fall into. In order to inspect your automobile, the state gives a very rigid test to become an inspector. A member who can do this on your staff, he has to pass a very rigid examination and be qualified as a licensed operator of an inspection station. And so, at least the man who inspects your car, signs his name on the sticker, has to have a license that is given by the Maine State Police, and the examination is quite rigid.

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

Mr. BRAWN: Mr. Speaker and Members of the House: One thing that has been brought out here in trying to make people think that anyone in the station can inspect a car, this is not true. If the man that holds the license is not there, you cannot get your car inspected, as Mr. Dudley will tell you. It is just the ones that have taken the test and passed it.

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

Mr. CALL: Mr. Speaker and Members of the House: I think we are all pretty well aware that all auto accidents are not the result of worn brake linings, not the lack of ridiculous neck braces, not the result of failure to have brand new tires on the car. The big reason for auto accidents can be blamed on the nut that holds the steering wheel.

The SPEAKER: The pending question is on the motion of the gentleman from Enfield, Mr. Dud-

ley, that Senate Amendment "A" be indefinitely postponed. The Chair will order a vote. 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. 50 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

Thereupon, Senate Amendment "A" was adopted in concurrence and the Bill assigned for third reading tomorrow.

### Orders

On motion of Mr. Call of Lewiston, it was

ORDERED, that Carol, Alfred, and Peter Lund of Augusta be appointed to serve as Honorary Pages for today.

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

Mrs. BROWN: Mr. Speaker, I would ask if the House is in possession of Senate Paper 311, L. D. 904?

The SPEAKER: The Chair would reply in the affirmative. Senate Paper 311, L. D. 904, Bill "An Act to Clarify the Regulation-making Power of the Environmental Improvement Commission" is in the possession of the House.

Mrs. BROWN: Mr. Speaker, I move that we reconsider our action of yesterday whereby we accepted the Minority "Ought not to pass" Report and will speak briefly to my motion.

The SPEAKER: The gentlewoman from York, Mrs. Brown, now moves that we reconsider our action of yesterday whereby the House accepted the Minority "Ought not to pass" Report, and the gentlewoman may proceed.

Mrs. BROWN: Mr. Speaker and Members of the House: I believe that a totally wrong impression has been given in regard to what L. D. 904 proposes to do. The vote appears to have been made more from emotion than on knowledge of the impact of the bill. It is not some sinister move to give all kinds of power to the EIC Commission. It simply grants to the Com-

mission the rules and regulation power that have been given to many many departments and commissions in this state by this legislature. These departments promulgate rules and regulations which should not become a part of our statutes.

The Administrative Code provides that before any agency can make regulations it must publish or otherwise circulate notice of its intended action and afford interested persons opportunities to submit suggestions orally or in writing. This insures that the agency will be made aware of the views of the public and this practice has had the result of preventing agencies from making unwise, unfair or over-zealous regulations. Also, before any regulation can become effective, the Attorney General's Office must approve it as to form and legality, which results in another check and balance on the agency.

The rules and regulations are a means of implementing the administration of the statutes that we have already passed, helping the public to know and understand what is required of them.

I urge you to vote for the motion to reconsider and I would ask for a roll call when the vote is taken.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday I watched with amazement as the House Chairman of the Natural Resources Committee championed a minority view and successfully scuttled the Majority Committee Report on L. D. 904.

Now, I would never condemn an honest political tactic, especially if it is successful, but I did feel a bit sheepish about leaving the gentlewoman from York, Mrs. Brown, all alone in her defense of the majority viewpoint. Now that she is attempting to resurrect that bill for a more careful consideration, I hasten to her support and would simply like to point out some important things that went unsaid yesterday.

First of all, if you will examine the bill, you will see that contrary to what was said yesterday, it does not give regulatory power to the EIC for the first time. From the beginning the EIC has been given the power, and I quote, "to make reasonable rules and regulations relating to the conduct of hearings . . . (and to) adopt, amend and repeal rules for the conduct of hearings under this section . . ." and so forth.

What this bill does, to be sure, is to confer broader and more comprehensive regulatory powers to the EIC in accordance with the Administrative Code in order that it may carry out the laws with which it has been charged by this legislature. This is really no different from the administrative and regulatory powers which the legislature has given to the many regulatory boards and commissions of the state.

The EIC is new, of course, and there is some natural skepticism of all things that are new. But the EIC was borne out of a recognized need to control the environment of Maine and to stem the tide of abuse of our environment by those who would ignore the rights of all the people.

Most of us, I think, subscribe to the principles for which the EIC stands and to the reasons for its creation. A defeat of this bill would serve only to water down the effectiveness of this Commission by tying their hands in the administration of the duties that it has been charged with.

The EIC is not going to destroy the environment of Maine; it is going to try to save it. The EIC is not going to undermine the rights of the people of Maine; it is going to try to protect them. We should not attempt to weaken the EIC; we should attempt to strengthen it. At this juncture we can do this best by supporting L. D. 904 and I ask my colleagues in this House to vote to reconsider and, subsequently, to support a motion to accept the Majority "Ought to pass" Report.

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

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House: All state agencies and commissions have the statutory power and responsibility to make rules and regulations necessary for the enforcement of the laws which they are charged with enforcing.

I would submit to you the following: Title 28, Section 55, dealing with the powers of the Liquor Commission. "To have general supervision in manufacturing, importing, storing, and transporting sale of liquors and to make such rules and regulations as they deem necessary."

Title 22, Section 42, dealing with the Department of Health and Welfare: "The Department shall issue such rules and regulations as it shall deem necessary and proper for the protection of life, health and welfare."

Dealing with the Commissioner of Agriculture, Title 7, Section 12: "The Commissioner of Agriculture shall make uniform rules and regulations for carrying out this title."

Dealing with the Highway Commission, Title 23, Section 51, of the Maine Revised Statutes: "The Commission may from time to time make and shall enforce rules and regulations," and on and on and on.

Every department and agency in this state government is vested with the power to make rules and regulations pertaining to the titles which they are charged with enforcing.

For some time I have been suspicious of the motives of many of my fellow legislators in the area of environmental legislation. It has seemed to me on occasion, as I sit through committee hearings of the Natural Resources Committee, that everyone supports bills which would provide for environmental integrity, except when it becomes an inconvenience to them. Yes, then it seems they object.

Further, I have noticed that a great many legislators have jumped on the environmental bandwagon with bills which at times seem almost token. Environmental bills make nice trophies to bring home to the constituents. In these times it is a good thing to have

a record as an environmentalist, even if you aren't.

And yesterday when this bill was defeated, a bill which would allow the EIC the power which is granted to every other agency and commission in this state, I began to more than suspect that there are a great many imitation environmentalists in this legislative body.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Let me be brief, but I hope effective, if that is possible. Yesterday, when this went through, I really didn't do much and I didn't think much about it until someone brought it to my attention last night. Apparently the thing that bothered many of us here in the House yesterday was the Statement of Fact, which if you take a look at L. D. 904, it says that the intent of the bill is to confer broad regulation-making powers for the EIC. And I think that many people got the impression that this bill was a far-reaching thing.

After speaking with the people in the Attorney General's office and also with the sponsor of the bill, I find that this is not the case, that we are not, in effect, giving them any broad powers whatsoever. And so I hope that this morning we would support the gentlewoman from York, Mrs. Brown, and move to reconsider, and accept that and then accept the Majority Report.

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

Mrs. CUMMINGS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to just add one little extra thing on this. It has been suggested that perhaps this would add more work to the already overburdened Environmental Improvement Commission. But far from it. This regulatory power will clarify what their work is and will make it easier for the public to follow the regulations. The environmental protection programs can be more effectively administered if reasonable rules and regulations are available. And they, of course, as Mrs. Brown

pointed out, will be able to be criticized and looked over and followed by the public before they are put out as official rules and regulations by the Environmental Improvement Commission.

I think that this bill is only fair to them, to give them the powers that the other commissions have, and I hope you go along with the request.

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 one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentlewoman from York, Mrs. Brown, that the House reconsider its action of yesterday whereby it accepted the Minority "Ought not to pass" Report on Bill "An Act to Clarify the Regulation-making Power of the Environmental Improvement Commission," Senate Paper 311, L. D. 904. All in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bailey, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Bragdon, Brown, Bunker, Bustin, Carter, Churchill, Clark, Clemente, Collins, Conley, Cote, Cottrell, Crosby, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Doyle, Dudley, Dyar, Emery D. F.; Farrington, Faucher, Fecteau, Fraser, Gagnon, Genest, Gill, Good, Goodwin, Hall, Haskell, Hawkens, Hayes, Henley, Hewes, Hodgdon, Immonen, Jalbert, Kelleher, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Lawry, Lebel, Lewin, Lewis, Lincoln, Lund, Lynch, Manchester, Marsh, Martin, McCloskey, McCormick, McKinnon, McNally, McTeague, Millett, Morrell, Murray, Norris, O'Brien, Orestis, Parks, Payson, Ponthriand, Porter, Pratt, Rollins, Ross, Shute,

Simpson, T. R.; Smith, E. H.; Starbird, Stillings, Susi, Theriault, Trask, Tyndale, Vincent, Wheeler, Whitson, Wood, M. W.; Wood, M. E.; Woodbury.

**NAY** — Ault, Call, Carey, Donaghy, Emery, E. M.; Evans, Finemore, Hancock, Hardy, Herrick, Lee, Littlefield, MacLeod, Maddox, Marstaller, Mills, Mosher, Page, Shaw, Simpson, L. E.; Wight, Williams.

**ABSENT** — Brawn, Carrier, Cooney, Dow, Drigotas, Gauthier, Hanson, Jutras, Kilroy, Lessard, Lizotte, Lucas, Mahany, Rand, Rocheleau, Santoro, Scott, Sheltra, Silverman, Slane, Smith, D. M.; Tanguay, Webber, White.

Yes, 104; No, 22; Absent, 24.

The **SPEAKER**: One hundred four having voted in the affirmative and twenty-two in the negative, with twenty-four being absent, the motion to reconsider does prevail.

The pending question is to accept the Minority "Ought not to pass" Report in non-concurrence. All in favor say aye; those opposed say no.

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

Thereupon, the Majority "Ought to pass" Report was accepted in concurrence.

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

Mr. **JALBERT**: Mr. Speaker and Members of the House: I listened to the young gentleman from Portland, Mr. Whitson, in his fine remarks. When he was quoting from Title 28, and he was quoting from the liquor laws, I might suggest to him that before the Chairman of the Liquor Commission can go ahead and set up any rules and regulations that he wants to, he must hold a public hearing. And I have not read this measure, but I would suggest to them that something along that line is placed into this bill, because I went along today, and there wasn't too much I could do about that fast hammer, but in any event I would suggest that the measure be amended so that we will not make a czar out of the head of the EIC.

The **SPEAKER**: The Chair would advise the members that this is

not debatable at this time. It will be in its third reading.

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

On motion of Mr. Manchester of Mechanic Falls, the House reconsidered its action of yesterday whereby Bill "An Act Regulating Hunting from Certain Public Ways," House Paper 98, L. D. 142, was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto.

On further motion of the same gentleman, the House reconsidered its action of yesterday whereby Committee Amendment "A" was adopted.

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

House Amendment "B" (H-165) to Committee Amendment "A" was read by the Clerk.

The **SPEAKER**: The gentleman may proceed.

Mr. **MANCHESTER**: Mr. Speaker and Members of the House: I don't know if you realize just what this bill would do, but any dirt road or back road in the country in the State of Maine in an organized territory, you would not be able to have a loaded gun within the road limits. This amendment I put on it is for numbered highways only. It would still leave the dirt roads and the back roads but it would keep them off the main roads.

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

Mr. **KELLEY**: Mr. Speaker and Ladies and Gentlemen of the House: I would like to speak against this amendment because it defeats almost the entire purpose of the bill. The problem areas that we have in the State of Maine are mostly not numbered roads. We have many many hundreds of miles of roads that are not numbered in our organized territory.

The problem that we are up against is that you will find these roads covered during the deer hunting season with men with guns. And it is a dangerous situation. There have been cars shot up when

deer were crossing the road and a car came around the corner. We are the only state in the northeast that allows hunting from our roads at the present time. And I suggest to you all that if we are going to keep hunting in the State of Maine that one of the ways to do it is to make it safer and less obnoxious to the many people who are against hunting.

I hope that you will defeat this amendment.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I dislike very much speaking against the gentleman from Southport, Mr. Kelley. But about the only way I can hunt is out on the roads. I hunt the roads during the fall of the year, I hunt for birds, and I have never been in any trouble over it. You take this privilege away from us older fellows who can't get in the woods any more, why I think it is terrible, I hope we go along with the amendment.

The SPEAKER: Did the gentleman from Southport, Mr. Kelley, move indefinite postponement of House Amendment "B"?

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to suggest to the last speaker that bird hunting is permitted under the proposed legislation.

I move indefinite postponement of this amendment.

The SPEAKER: The gentleman from Southport, Mr. Kelley, now moves the indefinite postponement of House Amendment "B" to Committee Amendment "A". The Chair will order a vote. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

The Bill was passed to be engrossed as amended by Committee

Amendment "A" as amended by House Amendments "A" and "B" thereto and sent to the Senate.

Mr. Carter of Winslow presented the following Joint Order and moved its passage:

WHEREAS, the key which unlocked the whole valley of the Kennebec to the ax of the settler was a fort at the confluence of the Kennebec and Sebasticook Rivers; and

WHEREAS, this quadrangular fortress and small garrison known as Fort Halifax provided protection for inhabitants and traders as early as 1752; and

WHEREAS, the twenty-eighth town to be incorporated in the Province of Maine was the Town of Winslow, named in honor of the general who erected the fort; and

WHEREAS, in the sight of this famous landmark and one of the oldest wooden blockhouses known in the United States, this progressive community grew and became incorporated on April 26, 1771; and

WHEREAS, April 26, 1971 is the TWO HUNDREDTH ANNIVERSARY of the said incorporation of the Town of Winslow and its rich heritage; now, therefore be it

ORDERED, the Senate concurring, that we, the Members of the One Hundred and Fifth Legislature now assembled, extend our heartiest congratulations and best wishes to the citizens of Winslow on the historical and memorable occasion of the bicentennial anniversary of the founding of the Town of Winslow in the State of Maine; and be it further

ORDERED, upon passage, that a copy of this Order, duly attested and bearing the great seal of the State of Maine, be immediately transmitted to the citizens of Winslow in token of the sentiments expressed herein. (H. P. 1288)

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

By unanimous consent, sent forthwith.



**House Reports of Committees  
Ought to Pass in New Draft  
New Drafts Printed**

Mr. Woodbury from the Committee on Education on Bill "An Act Permitting Cooperative Agreements among Units for Special Educational Purposes" (H. P. 705) (L. D. 948) reported same in a new draft (H. P. 1285) (L. D. 1684) under title of "An Act Permitting Agreements Among Units for Cooperative Educational Purposes" and that it "Ought to pass".

Mr. Bunker from the Committee on Fisheries and Wildlife on Bill "An Act relating to Guides When Using Canoes at Summer Camps" (H. P. 987) (L. D. 1349) reported same in a new draft (H. P. 1286) (L. D. 1685) under title of "An Act to Permit Camp Counselors to Supervise Canoeing" and that it "Ought to pass".

Mr. Wight from the Committee on County Government, acting in accordance with Joint Order (H. P. 1278), reported a Bill (H. P. 1284) (L. D. 1683) under title of "An Act relating to Payments to the Law Libraries in the Several Counties of the State" and that it "Ought to pass".

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

**Ought to Pass  
Printed Bills**

Mr. Cote from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act to Extend the Period of Anticipatory Borrowing by Municipalities" (H. P. 712) (L. D. 958)

Mr. Crosby from same Committee reported same on Bill "An Act relating to Name Maine Yacht Racing Association, Inc." (H. P. 941) (L. D. 1300)

Mr. Smith from same Committee reported same on Bill "An Act relating to Acquisition of Land by Conservation Commissions" (H. P. 714) (L. D. 959)

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

**Ought to Pass with  
Committee Amendment**

Mr. Brawn from the Committee on Legal Affairs on Bill "An Act to Create the Bangor Parking Authority" (H. P. 890) (L. D. 1229) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment "A" (H-164) was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bill.

**Divided Report**

Majority Report of the Committee on Fisheries and Wildlife on Bill "An Act Establishing an Open Season on Moose" (H. P. 192) (L. D. 249) reporting same in a new draft (H. P. 1287) (L. D. 1686) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. BERNARD

of Androscoggin

— of the Senate.

Messrs. LEWIN of Augusta

KELLEY of Southport

MANCHESTER

of Mechanic Falls

PARKS of Presque Isle

BOURGOIN of Fort Kent

PORTER of Lincoln

— of the House.

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

Report was signed by the following members:

Messrs. HOFFSES of Knox

ANDERSON of Hancock

— of the Senate.

Messrs. BUNKER of Gouldsboro

KELLEY of Machias

CALL of Lewiston

LEWIS of Bristol

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Parks.

Mr. PARKS: Mr. Speaker, I move the House accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Presque Isle, Mr. Parks,

moves the House accept the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker and Ladies and Gentlemen of the House: I was going to wait until the third reading to debate this bill, but I feel there will be other speakers on it.

I attended this hearing at which the opposition was widespread, not only at the hearing but also throughout the state. The one thing I questioned was the census taken by the Department of Inland Fish and Game when it reported that they projected 15,000 moose in the State of Maine. I felt that he probably had a little bit more moose milk than he should have had, because I had a friend of mine come up from New York who wanted above all to see a moose herd. I suggested that he hire a small plane and go up to the Allagash area, as depicted by these people, and find a moose. He came back rather dejectedly and said he had seen five moose during the trip.

Now I don't know just how many moose there are in the State of Maine. I might even concede to the figure of four or five thousand. But I can't even be convinced on that amount. Over the years, in the last decade particularly, our deer herd has suffered to the point where we are deeply concerned about it. We are deeply concerned about a great many of our wildlife resources. And this includes most of the species.

I ask you to consider very sincerely and seriously before you make this move to approve this Majority "Ought to pass" Report. We are losing our resources bit by bit. They are being chipped away bit by bit. And I would assume that there may be another motive behind this in view of the fact it is \$25 a license, \$25 to register one, which might increase the coffers of the Inland Fisheries and Game Department at this time.

The projection of our herds has not been up to the standards that

should be accepted by the people who are interested in conserving our wildlife. This is the sign of the State of Maine, the glorious and wonderful moose. And I have heard tourist after tourist come up to see just one moose, let alone 15,000 as depicted by the Inland Fisheries and Game.

Ladies and gentlemen of the House, I ask you to consider this bill very seriously before you vote. And when the vote is taken I ask that it be taken by roll call.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: First of all let me tell you that I am speaking as an individual legislator, that I am speaking as a legislator who comes from an area which is in northern Maine. I am speaking as one who has gone through this every two years.

But I would like to tell you again some of the problems and some of the things which I think we face. The gentleman from Kennebunkport, Mr. Tyndale, indicates that the moose is indeed a beautiful animal, and I don't disagree with him. Perhaps it is picturesque, but it certainly is not beautiful or handsome.

If he talks about the problem that we are having with our deer herd then this is a problem caused in part, by the moose. For those of you who don't realize where I come from, I live in northern Aroostook County, an area which is the size of Massachusetts. Most of it is unorganized, and most of the area west of Route 11, where I live, is totally woods. And what has bothered me over the years for so long is that the State of Maine does nothing about the moose population itself, but we allow other people to do such an effective job for us.

And I would like for those of you that are new members to discuss it very briefly with you. Canadians are doing an effective job of taking care of the moose population for those of us who live in northern Maine. And you

may argue that this is not true, but if you lived there you know what is going on. Especially along the western border of Maine in the area of Daaquam and Estcourt, and I would like you sometimes to come up and take a look at what is going on.

In 1967 I had some pictures taken of exactly what the story is, and it hasn't changed, and it is still there. The Canadians along the Maine-Quebec border build moose stands on the border itself. And if you took a look at these—and I will pass this around so you can take a look at it—you would find that these resemble something that you might see in Tibet, or what you might have seen when the Chinese were attempting to take it over and finally did.

What it amounts to is a very high cabin built on top of stilts with a couple holes around it on the area which is totally free of all trees on the international border. And of course, as you know, if you have ever known anything about moose they come in and they call the moose, and then when the moose hits the clearing it is in international boundary, they pop him one, and he is dead, and he is a Canadian moose. And they haul him over to Canada.

And then of course at times, and I won't say that anyone in this House has ever participated in that, but I understand some moose meat eventually finds its way back to the United States.

Now it seems to me if we are going to persist in not having an open season, then perhaps what we ought to do is simply give every Canadian the right to come into this area and do the job for us, because in part he is doing it now. Anyway, as far as I am concerned, being first of all the representative that represents the people where this is—or the lack of people where this is—then I have a right to be concerned. And I think also as legislators representing the entire state we also here ought to be concerned with that.

And so without further ado, I hope that we accept the bill that

the gentleman from Presque Isle, Mr. Parks, has, and I would hope that we would accept the Majority Report, and perhaps make a start at harvesting some of our own rather than let someone else do the job for us.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Parks.

Mr. PARKS: Mr. Speaker and Ladies and Gentlemen of the House: I will be brief in my remarks. Now this is not the first time since 1935 that a moose bill has been debated here in the Hall of the House. Now you will hear pleas from people for the life of this magnificent animal. Now let me say to you, ladies and gentlemen, our magnificent animal is in serious trouble, so our biologists tell us.

Now our biologists are a dedicated group of people who the Fish and Game Department pay good money to to study such things as our wildlife. Now I will accept their opinions before I will others who only see a moose, and that not too often.

Statistics have proven in our neighboring province of New Brunswick and Nova Scotia that an open moose season has proven very successful. The moose have increased, and they are a healthier herd. Now I have here a report from the province of New Brunswick back since 1964. Now they have proposed a ten day moose season. Our season is only six days.

Now when they first started it in 1964 they had 400 licenses issued; they harvested 183 moose. So you can see the percentage is very small. And so on down — '66 and '67, until 1970. Since 1967 they have issued 1,000 moose permits. And in '67 there was 297 moose; in 1970 there were 310. So you can see that there is only between the 30% and 40% harvest for the number of licenses that are issued.

Now here in Maine, if this bill is passed, we only propose to issue 500 licenses. And we expect there will only be around 200 moose that will be harvested, from a herd of around five to six thou-

sand in the area that we have zoned out for the moose hunting.

Now therefore I urge you all to support this Majority "Ought to pass" Report.

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

Mr. BOURGOÏN: Mr. Speaker and Members of the House: I would like to invite Representative Tyndale to take a flight that was taken by one of my friends last year with the pilot of the Fish and Game Warden. They took off from Fort Kent, went up the Fish River as far as Sly Brook, Sly Brook Lakes, and they went 20 miles and counted eight moose that were out in the open besides those that were in the woods.

We are over populated in the northern zone where the hunt will be of moose, and I believe it would relieve our deer for more fodder.

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

Mr. CALL: Mr. Speaker and Members of the House: I wouldn't shoot a moose any more than I would go into somebody's pasture and shoot a cow. The moose is a majestic animal, and sometimes I am wondering if we can really call it wild. I wouldn't be a bit surprised that most of the people in this House saw the Associated Press picture — and in some newspapers in our state which subscribe to the Associated Press service, the picture was very huge, particularly in the Portland Press Herald. And it was a picture of a family sitting at the supper table. And every evening around five o'clock this beautiful majestic moose came up to the kitchen window, the family opened the window, and while they were having supper the moose dined with them.

It was a very touching picture, Mr. Speaker, and I certainly cannot see shooting an animal which to me, as I have said before, doesn't seem wild.

Now in all due respect to my dear friend from Eagle Lake, the Minority Leader, and all due

respect to his comments, this business — and I suppose I could say the same relative to my dear friend from Fort Kent, Mr. Bourgoïn, and it is this. If there is a policing problem on the border relative to the moose, let's get after the proper authorities and have something done about it.

Now it isn't just here in the State of Maine that there is closed season all the time on moose. It is all over this country. And that can be proved by just going through the pages relative to the moose in any encyclopedia, just as I did, and you will find it is closed season everywhere.

And like my good friend Mr. Tyndale, I don't like exaggeration. He didn't say as much, but I know that he does — I don't like exaggeration. I don't like these big numbers like 15,000 when maybe it is just a matter of a few hundred. And I haven't any more on my piece of paper so that concludes my testimony for now.

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

Mrs. CUMMINGS: Mr. Speaker and Ladies and Gentlemen of the House:

A noble mammal is the moose,  
Though larger than a freight ca-  
boose,  
He's something I would gladly  
choose  
To see in the woods both free and  
loose.

On life he has a tenuous lease,  
But somehow manages to increase.  
If we decide someone to fleece,  
I'll choose the hunters, not the  
meese!

Some words go together  
Like "baseball" and "battable"  
But "harvest" and "moose"  
Are incompatible.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: Back a few days ago, my friend from Lewiston, Mr. Call, was violently opposed to the leash law for dogs.

Now I wonder if he is suggesting a leash law for moose.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I do not belabor this issue, but I am deeply concerned about all our natural resources. And I am advising some of the farmers up north, they better lock the barn because the cows will be next, particularly if the Inland Fisheries and Game Department should run a little short on funds.

Mr. Parks did say that they would issue 500 licenses and they only expected to harvest 200. Well out of a suspected herd of even 5,000, that is a very small percentage and they certainly must be poor hunters.

I do not say that some of these figures are distorted. All I can say is this, that if one by one our natural resources are to be chipped away like this by bills of this nature, we will come to the point where Maine will be history as far as these great animals are concerned.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I simply rise to concur with the gracious poet from Newport.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I have sat in my seat thinking that this time at least I wouldn't say anything. I haven't changed my thinking. I don't buy the philosophy of the Fish and Game Department. I think that this House is discussing a very serious thing in a very jocular vein this morning.

I feel that the ultimate result of this bill, if you pass it, is the extinction of the moose herd. I see no merit in it and I hope you will vote against it.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Parks.

Mr. PARKS: Mr. Speaker and Members of the House: We have

heard several people here speak this morning about they are afraid of the extinction of the moose herd. Now this definitely is not so. It has been proven over in the Province of New Brunswick, since they have had their moose season over there it has actually increased their herd.

Now the reason this has come about is these sick moose, so to speak, that we have, they have killed them off and the herd has become healthier. Therefore, that has been in a large part due to getting rid of these sick moose, that the moose herd has increased over there. There are certain areas in New Brunswick where this moose herd has increased to such an extent that the deer have had to move out because the moose will get all the feed in the area, so therefore the deer herd has had to move out of that area and the moose are very thick. And that is very very prevalent in the Bay of Fundy area. Now our biologists tell us that the same thing will happen here.

Now by shooting 200 moose out of a population of somewhere between thirteen and fifteen thousand, I can't see for the life of me where we are going to deplete or totally do away with our moose herd here in the State of Maine.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: I wish to bring to your attention that this bill is for two years only, that it can be amended by the commissioner for the second year to no hunting at all if he should feel that it would be detrimental to the herd.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: The moose being a large animal, I thought I would get into the debate here this morning. (Laughter) I do not know too much about the moose, but I know that we have a Fish and Game Department. The taxpayers of this state are paying millions of dollars towards maintaining that department and I think somewhere along the line that we

should take some of their recommendations and try them out.

Now if the Fish and Game Department is not efficient in their recommendations, then let's get rid of the Fish and Game Department, let's save twenty-five or thirty million dollars for the taxpayers of this state and go along our merry way.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: During the open season on moose here I was one of the fortunate ones to get one in every year it was open, I did shoot a moose. But there is one thing against this law that I am against. I think we should have an open moose season, but not for bulls, cows and calves. They are not going to shoot just 200, they are going to shoot anything and they are going to shoot five or six hundred. And if they were to amend this to eliminate cows and calves and take bulls with one crotch antler or better, I would be in their favor, but not the way it is now printed.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: On previous sessions here on moose bills, I have been opposed to them because I consider the moose in my county a very strong attraction for the tourists, and we need all the tourist trade we can get.

However, where this has been divided into an area that is going to take in northern Aroostook, in that area for the moose hunting, I will support the bill.

And I would pose a question through the Chair to Representative Martin of Eagle Lake. On those pictures he showed us here this morning by holding them aloft, is this going to be a contest between the Maine and the Canadian hunters over who calls the most moose?

The SPEAKER: A roll call has been requested. All those 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 Presque Isle, Mr. Parks, that the House accept the Majority "Ought to pass" Report on Bill "An Act Establishing an Open Season on Moose." House Paper 1287, L. D. 1686. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bartlett, Bedard, Bernier, Berry, P. P.; Binnette, Bither, Boudreau, Bourgoin, Carey, Carter, Clark, Conley, Cote, Cottrell, Crosby, Curran, Curtis, T. S., Jr.; Cyr, Drigotas, Emery, D. F.; Evans, Farrington, Faucher, Fecteau, Finemore, Fraser, Genest, Gill, Good, Hancock, Haskell, Hawkens, Hayes, Henley, Herrick, Immonen, Jalbert, Jutras, Kelleher, Kelley, P. S.; Kelley, R. P.; Keyte, Lebel, Lewin, Littlefield, Lucas, Lund, Lynch, MacLeod, Mahany, Manchester, Marsh, Marsteller, Martin, McKinnon, McTeague, Mills, Parks, Pontbriand, Porter, Pratt, Rollins, Ross, Shaw, Sheltra, Simpson, L. E.; Simpson, T. R.; Susi, Tanguay, Theriault, Webber, White, Wight, Wood, M. W.; Wood, M. E.; Woodbury

NAY — Bailey, Baker, Barnes, Berry, G. W.; Berube, Birt, Bragdon, Brawn, Brown, Bunker, Call, Carrier, Churchill, Clemente, Collins, Cummings, Curtis, A. P.; Dam, Dudley, Dyar, Gagnon, Hall, Hardy, Hewes, Hodgdon, Kelley, K. F.; Lawry, Lee, Lewis, Lincoln, Lizotte, Maddox, McCloskey, McCormick, McNally, Millett, Morrell, Mosher, Murray, Norris, O'Brien, Orestis, Page, Payson, Rand, Rochelleau, Shute, Smith, E. H.; Starbird, Stillings, Trask, Tyndale, Vincent, Wheeler, Whitson, Williams.

ABSENT — Bustin, Cooney, Donaghy, Dow, Doyle, Emery, E. M.; Gauthier, Goodwin, Hanson, Kilroy, Lessard, Santoro, Scott, Silverman, Slane, Smith, D. M.

Yes, 78; No, 56; Absent, 16.

The SPEAKER: Seventy-eight having voted in the affirmative and fifty-six in the negative, with six-

teen being absent, the motion does prevail.

The New Draft was read twice and tomorrow assigned.

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought to pass" on Bill "An Act relating to Definition of Retail Sale under Sales and Use Tax Law" (H. P. 898) (L. D. 1218)

Report was signed by the following members:

Messrs. WYMAN of Washington  
HICHENS of York  
FORTIER of Oxford  
— of the Senate.

Messrs. ROSS of Bath  
COTTRELL of Portland  
DAM of Skowhegan  
CYR of Madawaska  
TRASK of Milo  
FINEMORE

of Bridgewater  
— of the House.

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

Report was signed by the following members:

Messrs. McCLOSKEY of Bangor  
MORRELL of Brunswick  
COLLINS of Caribou  
DRIGOTAS of Auburn  
— of the House.

Reports were read.

On motion of Mr. Ross of Bath, the Majority "Ought to pass" Report was accepted.

The Bill was given its two several readings and tomorrow assigned.

#### Passed to Be Engrossed

Bill "An Act relating to Chiropractic Treatment under Workmen's Compensation Law" (S. P. 538) (L. D. 1615)

Bill "An Act relating to Duties of the Assistant Chief of the Division of Inspection for Sardines" (H. P. 629) (L. D. 891)

Bill "An Act relating to Fish and Fisheries Product Inspection" (H. P. 901) (L. D. 1239)

Bill "An Act to Amend the Act to Prevent the Pollution of the Waters of Sebago Lake" (H. P. 1258) (L. D. 1617)

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 relating to Use of Weapons in the Allagash Wilderness Waterway" (S. P. 307) (L. D. 901)

Bill "An Act relating to Benefits for Widows of State Police Officers" (H. P. 9) (L. D. 9)

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

#### Passed to Be Enacted Emergency Measure

An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973 (H. P. 533) (L. D. 1577)

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. 119 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

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

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. 110 voted in favor of same and 12 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 Clarifying the Secondary School Tuition Law (S. P. 276) (L. D. 859)

An Act to Create the Saco River Environmental Advisory Committee (S. P. 544) (L. D. 1661)

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

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

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

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

#### Orders of the Day

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

Bill "An Act Authorizing the Bureau of Public Improvements to Assist Municipalities and School Administrative Districts in the Construction of School Buildings" (H. P. 1115) (L. D. 1534)—Committee Amendment "A" (H-140) adopted.

Tabled—April 20, by Mr. Lee of Albion.

Pending — Passage to be engrossed.

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: I have no particular feeling on this bill, but when I read the title of it I went and did some investigation. It seems the sponsor, Mr. Dam, went to the Bureau of Public Improvements to see why they couldn't get some help in, perhaps, construction problems on school administrative units. But this particular bill is a far cry from that. It puts the BPI in control of all school buildings; it has to be approved by them. The plans have to be handled by them. It is going to be an expensive thing in the first place, and I wonder just how much the municipalities needed this.

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

Mr. DAM: Mr. Speaker and Members of the House: This is not what this bill does. What L. D. 1534 does is allows the Bureau of Public Improvements to assist any

municipality or SAD in the construction of school buildings. This is not pertaining to only one area in the state. This takes in a state-wide area.

What this bill does too, is put back in the statutes of the State of Maine a law that was previously there during the time that Senator Muskie was Governor of the State of Maine. After his session expired, the architects put pressure on the legislature to have this law repealed. This puts the law back. This gives some protection to the small towns when they sit down with the architects and the contractors to discuss school building.

As it is now, there is nothing in the statutes that will allow the state to withhold their funds on school construction if a municipality or an SAD encounters any building problem. This will give this power to the state to withhold the funds. And it allows the BPI to send a man in on certain stages during the construction and to inspect the building and then if this building is in good shape or has progressed according to their satisfaction, then the state will release that portion of the payment that is due up to that date.

There is nothing wrong in this bill. This is a bill that is good for every person in the State of Maine, but especially every community that is contemplating any construction in the future of any school facilities.

This does not help my town; this does not help my SAD because we have already finished our building. It is done. But this will take care of anything that happens in the future for other towns.

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

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

HOUSE JOINT ORDER — Re Amending Joint Rules by adding a new Joint Rule, Joint Rule 7-B.

Tabled — April 21, under the rules.

Pending—Passage.



Thereupon, the Joint Order (H-1289) received passage and was sent up for concurrence.

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

Bill "An Act Establishing a State-wide Open Deer Season" (H. P. 906) (L. D. 1250)—Committee Amendment "A" (H-153) adopted.

Tabled — April 21, by Mr. Porter of Lincoln.

Pending — Passage to be engrossed.

Mr. Manchester of Mechanic Falls offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-167) was read by the Clerk.

The SPEAKER: The pending question is the adoption of House Amendment "A" and the Chair recognizes the same gentleman.

Mr. MANCHESTER: Mr. Speaker and Members of the House: This amendment changes the deer season from the first twenty-one days in November in the southern zone to the Saturday following Thanksgiving. Now the reason I have done this is that most of the people I represent, and they are the working people, they work five days a week, and the only time they get a chance to hunt is on Saturday. The present bill will give them three Saturdays providing the weather isn't inclement.

Two years ago we took away Armistice Day from them. This one here will take away Thanksgiving and they won't have any time left at all to hunt for the working man.

The out-of-state hunters, they can still get in these three weeks. We are going to have that many more hunters in the woods and there is much more chance of an accident because the woods will be infiltrated a lot heavier and I think this would be much better for all concerned.

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

Mr. PORTER: Mr. Speaker, Ladies and Gentlemen of the House: The Maine deer herd is in trouble. Three years ago our Department of Inland Fisheries

and Game estimated that we had deer population of 250,000. I saw some figures as of last December in which the estimated deer population was 100,000. Then last winter we had by far the worst winter that we have ever had. Our deer became exhausted from fighting the deep snow and the extreme cold. At one point during the winter, due to the extreme cold, we came very very near losing our complete herd. If the savage cold weather had lasted a few more hours, we would have had no deer herd.

The bobcats have been taking their usual numbers; and I am sorry to say, so are the poachers. In my area we know of five deer in one deer yard and they have been killed by poachers this winter. The dogs have been into their devilish work and they have killed more deer this winter than ever. It is safe to say that now our deer population is considerably less than 100,000.

In 1969, we lost a crop of fawns due to the extreme winter. This winter it was even more severe. It is safe to say that we have lost another crop of fawns. In other words, we have lost two crops in three years. And what is left? Only the seed crop — just the hundred thousand left for the seed crop, and we expect it to come back to 250,000. Any hunting this year will be depleting the seed crop. How deeply can we go into that seed crop and expect our deer to replenish themselves?

I carefully considered asking this legislature to prohibit all hunting for one year to save that seed crop. The State of Minnesota and the State of Maine have a great deal in common concerning their deer herds. Information is exchanged between the two states, and only last week the State of Minnesota decided not to have a deer season this fall.

Perhaps that would be best for the State of Maine to save that crop of deer. However, the State of Maine is operating on dedicated revenue. Therefore, in order to save some hunting and to save some revenue coming into the department, I have recommended

a deer season from November 1 to November 21. That will allow us some hunting. That will allow us to maintain our department. But it still frightens me to think of our cutting into that seed crop.

You have been presented an amendment this morning that just about leaves the season the same as it has been. Here in the southern zone they have been having twenty-six days of hunting. This amendment allows twenty-four. That is no way to save a deer herd. That will deplete our herd so severely it will take many many years for them to come back. I am utterly opposed to the butchering of the seed crop that we value so very highly.

I move for the indefinite postponement of this amendment.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in one hundred percent support of Mr. Porter. Since 1927, when I killed my first deer, and I have killed deer every year other than the year I was in the war and in the hospital until this last fall. This last fall I did not get a deer. In fact, I only saw four deer the entire season, and I hunted from daylight until dark every day over the state, because I come down here on these bills and I did want to know what the deer herd was in the state.

And as Mr. Porter will tell you, I have appeared before them and I have been a bitter enemy on the slaughter of the deer herd. Years ago when the deer were thick, you could see anywhere from one to five or seven a day. You jumped them. Today you can hunt eight or ten days, and if you see the flag of one or hear the crash of one or the snort, you are lucky. So I will go along with Mr. Porter on his indefinite postponement.

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

Mr. BITHER: Mr. Speaker and Members of the House: I dislike to be in opposition to my friend Mr. Porter from Lincoln, but I did

tell him personally the other day that I was opposed to some of his ideas, so I am not going behind his back at all; and I will tell you what I told him. I think he has lived down south so long that he has forgotten what northern Maine is like. South, that is down in Lincoln.

Up in northern Maine sometimes we have early snows and if we have three weeks in November as he has suggested we might not have a hunting season at all. Two years ago—I hunt in the Haynesville woods area, I have a hunting camp there. It is not going to make too much difference to me next fall because I am going in there and I am going to stay the whole season. But for a lot of people they can't do that.

Two years ago we had early snow and we left one weekend around the eighth or tenth of November — now that is the eighth or tenth of November and we never got back in camp because the snow was too deep. You could not get back in there, and you couldn't hunt if you got back there.

You know outside of the college faculties or a bunch of schoolteachers, this is one — I was going to say queerest groups that I have ever been associated with, I shouldn't say that — the most peculiar groups that I have ever been associated with. We get hung up, we get hung up; and I hope you know what I mean by hung up. You come around and I will explain it later. But we get hung up on the most awful things and once we get hung up we can't get off that.

Now I asked Mr. Marsh, someone that was with me yesterday morning I think it was down in the cafeteria, if he had had any later reports on the deer herd because some of my old friends that are in the woods tell me that the deer herd this winter has not suffered as bad. Now I know it has suffered in western Maine and southwestern Maine, but up in northern Maine, and Mr. Marsh verified this, that in northern Maine he thinks the herd has come through very good.

I have hunted since I was a little boy and I haven't killed deer by the thousands I will tell you right now, but I have hunted and have been in the woods and I don't care whether I shoot a deer any fall or not; but I like to be in the woods. And I will tell you this. The people have been saying the herd was a certain number of thousands, but I know that last fall, last fall I saw more deer. There were more deer in the area where I hunted than there has been for the past five years.

I am very much opposed to three weeks season. Now I would like to tell you another reason why in southern Aroostook I am opposed to a three weeks season. I live in a college town. We have there Ricker College in case you don't know. We have six or seven hundred students, and I will wager in that six or seven hundred students we have 150 to 200 young men who hunt. Now they get all fired up about this hunting business, as they come many of them into Maine for the first time. They buy a license, they buy guns, and they hunt morning, noon and night. Now when they are hunting I don't want to be in the woods at all. So—no joking now, I am very serious about this. If we have an earlier season and let those fellows get it out of their system for the first week or two, then it is safe to go in the woods.

Now that is a fact. I think that if you shorten this season up you are going to have a lot more accidents because you are going to have a lot more people in the woods. I don't know what effect this is going to have upon the sporting camps. Some people say that doesn't make any difference; it does to me. I think that the sporting camp owners should be considered and a shorter season is going to be — some of them it probably will ruin.

I would like to point out to you another thing. These deer have been up and down. You can't tell me we haven't had times when the deer herd was down. You folks all know — most of you know. I have

heard a lot of talk about moose and so forth this morning and by people I suspect that have never been in the woods. I would just like to call your attention that these deer have a remarkable faculty of coming back awfully fast, and they can if they are allowed to, and I mean by allowed to if they have the feed. If it isn't all eaten off by the moose ahead of time and they starve to death as does happen, why they will come back awfully fast.

I would like to have some of you people read a book by Ben Ames Williams, called "Come Spring," and it is a lovely little story about the founding of the Town of Union. Of course it is a fictional story but it is based on fact. And it deals with the time right after the American Revolution, at the end of the American Revolution, just before 1820-40 or 20, 1800. Not one mention in that book, not one mention of a deer. They never saw a deer in Maine in 1800. There were no deer in Maine. They came in with the white man and they have increased along with the white man.

I could make an appeal for the deer about the same as some people can on the dogs. I am telling you. They have been very closely associated with man right straight along. And until man has gone back into the wilderness and cut the big woods off there were no deer back in the big woods.

I have a letter here from James Pierce of Houlton, who is not a young man, and I am not going to read it to you, but he is very much opposed to a shorter season, and he personally doesn't care as far as he is concerned, but he points out in a book by Lou Dietz, on the Maine woods. And I have another reference to another book on the Allagash, and years and years ago back in the big pine country there were no deer, or very few deer in that section. They have come in since then with man.

Mr. Pierce says that when his grandfather was in Houlton — and he was one of the founders of southern Aroostook, and when his grandfather came into that country, and I think it was around 1840,

there were no deer or very few deer in that country. I think these deer have a remarkable faculty and will come back if they are shot and I think you are going to find — and I will wager, I will wager the gentleman from Lincoln that before the summer is over with we are going to find that the deer herd did not suffer nearly as bad as they are now thinking.

I am in favor of this amendment to this bill.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Parks.

Mr. PARKS: Mr. Speaker and Members of the House: I am quite amazed that we have so many experts here on deer population, especially from Ricker College. I don't remember being around when the Revolutionary War was being fought here or when the deer came in. But let me say this to you ladies and gentlemen. Our deer herd is in trouble. We are in short supply of deer here in the State of Maine.

Now if we are going to conserve our deer we will have to do it realistically. I am definitely in favor of Mr. Porter's motion to indefinitely postpone this amendment.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I will support Mr. Porter. I only hunted a week last year and I have sat here and listened to the moose story over, and I have heard people who see more moose than I have state that there wasn't any deer because the moose had driven them out.

Now we have just heard a gentleman say there is plenty of deer and the moose haven't frightened them away. In other words it seems to me that according to what you believe in that is what it is. I can only state from experience. I didn't go hunting until the week of Thanksgiving. At that time what small deer there were were gone, because I saw exactly one fawn track. I was fortunate enough to get a six point buck and what deer we got in our party were all bucks, and I think that we have already been shooting the seed herd for two years.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Manchester.

Mr. MANCHESTER: Mr. Speaker and Members of the House: I believe that as far conservation if we have stronger enforcement of dogs, night hunters and poachers, it would be a lot better than cutting the deer season and having everybody so anxious to get a deer they are going to be shooting at anything that moves, no matter what it is. I think we would be a lot better off having enforcement in these areas.

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

Mr. CALL: Mr. Speaker and Members of the House: I don't recall which report I signed in committee. It is very confusing, but in my opinion there is too much against this bill. I pose this question. Does my good friend, the gentleman from Lincoln, realize that a shorter hunting season will mean a longer season of chasing for the dogs? This revelation causes me to believe for sure what Mr. Porter has said several times; to wit, that he is a dog lover.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to call your attention, if I might, to the little distribution by Mr. Bourgoin of Fort Kent. I would like to preface my remarks by saying not only does Standish protect the fourth most purest body of water —

The SPEAKER: The Chair would advise the gentleman that the only matter before the House is House Amendment "A".

Mr. STANDISH: I think that if you will wait to my next statement, Mr. Speaker, you will find what I was going to say. That we also, if you will notice on here, had the largest deer kill in the State of Maine last year within our community. I would tell you at the present time that the deer population is still in excellent shape.

There is one thing that bothers me about this particular amendment, as all the amendments that we have before us here this morn-

ing, and that is that I am afraid what is going to happen, everybody from different parts of the state are going to keep pulling their own individual way until suddenly we are going to end up with the same law that we have on the books at the present time.

I think one thing that we have right now that we have got to realize is the vastness of the size of this state, from the northern part to the southern part. I think we must also take into consideration the amount of deer killed and the population of the deer. In southern Maine I think we should realize that our foliage season is a lot later than that in northern Maine and therefore we find that in the first week in November is not ideal hunting conditions and also for safety factor it isn't, and also that the temperature in southern Maine is very much warmer than it is in northern Maine.

I personally would be very much in favor of a three week law in southern Maine and a three week law in northern Maine. But because of the vastness in the particular state I would like to see us in southern Maine have the last three weeks in November, from the 10th to the 30th, and I would like to see northern Maine maybe pick out their three weeks.

Now I know somebody is going to say that, well, this is going to give us maybe five or six weeks overall statewide. But I don't believe that that is going to have any great effect on the deer herd. I think if we take the concentration out of each area by at least one week in southern Maine and two to three weeks in northern Maine that we can protect the deer herd, and it needs to be done at the present time.

It really bothers me to see all these amendments this morning and somehow I just feel that with these amendments and without some type of a new redraft of this that would divide the state up in two areas with three weeks each, that we are going to end up with exactly what we have now, and this would be very bad for the State of Maine.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I didn't intend to get up and speak on this this morning, but I am concerned, I did have a bill in at the beginning of the session to allow the workingman, the people in my area that are working people, a Sunday hunting bill to allow them to hunt on Sunday and this was roundly defeated and for good reasons. I will admit that.

As I look at the calendar here, I have to agree with the gentleman from Mechanic Falls, Mr. Manchester, that the workingman gets three days to hunt during the season, which would be the sixth, the thirteenth and the twentieth because the season would cease of course on the Sunday of the twenty-first. I just bring this as a suggestion, and I am probably way out of order, but perhaps you could table this for a day and close the season on the twenty-first and then allow it to reopen for Thanksgiving Day on the twenty-seventh and give the working people in the state a chance. These are the people that are being discriminated against with this bill. The hunters, the people with money can come in, they can hunt Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, but the poor fellow that has to work doesn't stand much of a chance when you only give him three days of hunting in his own state.

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. Porter, that House Amendment "A" be indefinitely postponed. The Chair will order a vote. All in favor of indefinite postponement of House Amendment "A" will vote yes; those opposed will vote no.

A vote of the House was taken.

68 having voted in the affirmative and 43 having voted in the negative, the motion did prevail.

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

Mr. BOURGOIN: Mr. Speaker, Members of the House: I wish to present an amendment to this bill to take care of the northern zone. And it is filed under number H-170 and I would like to speak to my motion.

The SPEAKER: The Chair understands that the gentleman from Fort Kent, Mr. Bourgoin, offers House Amendment "A" to Committee Amendment "A", and to do so the rules must be suspended.

Thereupon, on motion of Mr. Bourgoin of Fort Kent, under suspension of the rules, the House reconsidered its action of April 20 whereby Committee Amendment "A" was adopted.

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

House Amendment "A" (H-170) to Committee Amendment "A" was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. BOURGOIN: Mr. Speaker and Members of the House: If you will take the chart that I distributed to you this morning of where the deer were killed, you will note that in the northern zone the highest township the kill was 84; the next highest is 83. In the southern zone you will notice that one township had a kill of 289 deer, another one of 284 deer. And of course, when you distributed the southern zone there was a kill of 24,000 deer while the northern zone, 6,900-plus deer.

Now I would like to bring to your attention that the Department of Fisheries and Wildlife is in serious trouble financially. They are actually running their department under the Contingency Fund which they have, and it certainly would be lowered.

We are already cutting eight hunting days off the past season, from October 15 to October 25 in this season, and next year to October 23. This is only to affect the southern zone. It would give us five full weeks. It would help the commercial camps, and it would sell a lot of licenses for people to come hunting in our territory which is

only hunted about 10 per cent of what your southern zone is being hunted.

Our deer kill in the northern zone is not through hunting. The deer are more controlled by the supply of food in the winter yards, by the kill of bobcats and various lumbering operations have destroyed some of the yarding places of the deer.

At the hearing, Supervisor Curtis of the northern zone said that he did not notice much difference by flying over his territory about the deer herd in the northern zone than he has in previous years. I believe with the eight days we are cutting off at the front of the season that it would take care of the deer herd in the northern zone very well. And I would appreciate anybody who could save the hunting.

I have been in the woods all my life. I worked taking care of woods operations for seventeen years for U. S. Customs on the southwest border and I believe that our deer herd is about the same as it had been previously. It fluctuates from year to year, it has in the past fifty years, and I suppose it will in the coming fifty years. But deer have a great way of coming back because a nine-month old doe will sometimes drop a fawn the next spring.

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

Mr. PORTER: Mr. Speaker and Members of the House: We have before us another amendment. I find it very difficult to oppose this amendment as presented by the good gentleman from Fort Kent, Mr. Bourgoin, because frankly I have to agree with what he is saying.

Fortunately, the deer in the northern zone did not suffer quite so badly this last winter. I am not sure whether the gentleman from Fort Kent would determine that the deer have longer legs and can handle the snow or whether they go around on snowshoes, but they did not suffer the difficulties as the deer did in the southern zone.

However, I would like to offer a few suggestions on his proposal.

When October comes the Maine hunter begins to walk around on tiptoe, he begins to talk in a whis-

per, he begins to feel his trigger finger itching, and he is in the worst stages of the hunting season, the hunting fever. And the only cure for that is to get out into the woods a few days and hunt the elusive whitetail.

Now if the northern zone should have a longer season, I am sure many of our hunters here in the southern part of the state would feel obligated to go to that northern zone and try to rid themselves of their hunting fever. There would be a huge influx during those days in October when the weather is so pleasant and it is so enjoyable to be in the woods.

Now for the out-of-staters. Most of them are deathly afraid of being caught in northern Maine in a blizzard. Consequently, they like to do their hunting earlier. At present many of the camps are booked solid for the two weeks in October. I am sure those who are booked for the first week will have to make those cancelations, consequently there would be a huge number of out-of-staters in Maine during that last week in October.

I fear they would be cutting too deeply into our seed crop. Now wouldn't it be better to accept the three week season this year to save that herd, and then come back here next January in special session, and if it has been a normal kill, and if it has been a normal winter, then suggest that in 1972 we open it an extra week in the northern zone? I think it makes sense to have a state-wide three week season. And I now move the indefinite postponement of that amendment.

The SPEAKER: The pending question now is the motion of the gentleman from Lincoln, Mr. Porter, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Again speaking in my individual capacity of a legislator from northern Maine, obviously involved and interested in the problem, I find the remarks of the gentleman from Lincoln, Mr. Porter, interesting. Because it always in-

terests me to find that people are more than willing to go from four to three weeks in the southern zone, and yet for those of us in northern Maine that have had six weeks, they don't mind taking us to three immediately.

It would seem to me proper and right that we ought to be given an opportunity so that we can decrease in a like manner as pointed out by the gentleman from Lincoln, Mr. Porter. We in effect, by not adding on this amendment, would be saying that the hunting season in northern Maine would be cut in half of what it now is.

Now this is what bothers me. It is not that eventually this probably is the thing to do. I am not arguing that point today. But if you are going to do this in one fell swoop, I think it is extremely unfair to the people in the northern zone to do it this way. Especially, as was pointed out by the gentleman from Lincoln, that many of these people now have reservations accepted and approved with money for a number of the weeks involved. And if they are going to cancel it would seem to me that we ought not to tell them that they have got to cancel three weeks. I fear what it is going to do, and I fear the consequences.

I agree with the gentleman from Fort Kent, Mr. Bourgoin, that if you take a look at the deer kill in the northern zone you will find that it is reasonable; that it is not at all like what has happened in the southern zone. And it would seem to me that we ought to give the northern zone a chance.

If the bill at the present time does not contain a provision to give the commissioner the power to close automatically the northern zone if anything does happen, then I would recommend that we would amend it into the bill. So that it would solve that particular problem. If we see that there is a problem, and the commissioner feels that something ought to be done, then perhaps what we ought to do is simply to give them that power to shut down the season.

And one other suggestion before I sit down, and obviously it has nothing to do with this particular

bill at this point, but perhaps in view of what is going on today and what may happen toward the end of the session or any day in between, that we ought to consider seriously putting the management of deer seasons and everything else dealing with hunting seasons and fur-bearing animals and fish, and leaving that power and determining what the amount of the season ought to be in the power of the hands of the Fish and Game people who know what the story is.

It always interests me that every time we debate fish and game matters there are 151 people in here and we have 151 experts. And I stand up saying that I know something about it, and I can tell you that I don't truly, because I don't hunt and I don't fish that much. But I do know what the story is there as what is told to me.

It seems to me grossly unfair that we would cut the northern zone in half and we would not do the same to the southern zone. Especially this is where the problem is at this time. I would think that if the gentleman from Lincoln, Mr. Porter might be willing, what we ought to do is cut the southern zone down to two weeks, to solve that particular problem as it exists now.

Mr. Kelleher of Bangor 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 those who desire 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 for the previous question, the previous question is entertained. Now the question before the House is, shall the main question be put now? Which is debatable for five minutes by any member. Is it the pleasure of the House the main question be put now? Say aye; those opposed say no.

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

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

gentleman from Lincoln, Mr. Porter that House Amendment "A" to Committee Amendment "A" 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. 71 having voted in the affirmative and 45 having voted in the negative, the motion did prevail.

Committee Amendment "A" was adopted.

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

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

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)—In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-75) and Senate Amendment "A" (S-90). In House, Committee Amendment "A" and Senate Amendment "A" adopted.

Tabled—April 21, by Mr. Williams of Hodgdon.

Pending — Passage to be engrossed.

On motion of Mr. Williams of Hodgdon, under suspension of the rules, the House reconsidered its action of April 20 whereby Committee Amendment "A" was adopted. On further motion of same gentleman, Committee Amendment "A" was indefinitely postponed in non-concurrence.

The Bill was passed to be engrossed as amended by Senate Amendment "A" in non-concurrence and sent up for concurrence.

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

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 21, by Mr. Susi of Pittsfield.



Pending — Passage to be engrossed.

Mr. Birt of East Millinocket offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-168) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker, posing a question through the Chair to the gentleman from East Millinocket. Would he care to explain the amendment?

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin poses a question through the Chair to the gentleman from East Millinocket, Mr. Birt who may answer if he chooses; and the Chair recognizes that gentleman.

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: The amendment, if I can explain it in very simple language, attempt to stay within the present language that is in the Constitution relative to the apportionment of the House, with the exception that it removes in the second section, relative to the breakdown of the county into its districts, that it eliminates actually the multi-member district, that it puts it into single-member districts.

If the gentleman desired I would go through the whole process of what is involved, but I think most of it is staying essentially the same language that is in the present Constitution relative to the apportionment outside of eliminating the multi-member districts and making them single-member districts.

The SPEAKER: The pending question is the adoption of House Amendment "B". Is it the pleasure of the House that the amendment be adopted?

(Cry of "No")

The Chair will order a vote. All in favor of the adoption of House Amendment "B" will vote yes; those opposed will vote no.

A vote of the House was taken, 62 having voted in the affirmative and 43 having voted in the negative, the motion did prevail.

The SPEAKER: The Chair rec-

ognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: This amendment makes the bill worse than it has ever been. I move the indefinite postponement of this bill and all of its accompanying papers and when the vote is taken I request that it be taken by the yeas and nays.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin now moves the indefinite postponement of L. D. 1524 as amended.

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

Mr. GILL: Mr. Speaker and Members of the House: I arise to oppose the motion to indefinitely postpone this pure bill, which is not quite as pure as it was before the adoption of the amendment. However, it is still the same concept involved that the gentleman is opposing, one man-one vote, and I will concur with the gentleman that we will want a roll call on this question. The fundamental question is one man-one vote concept rather than some of our more populous areas being represented by anywhere from three to four to five or more representatives.

I feel that every person in the State of Maine should have the same voice in the decisions that are made up here. They should make their voices known here through one vote for one representative.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would concur with the gentleman from Eagle Lake, Mr. Martin, and I would suggest that the gentleman from South Portland, Mr. Gill, if he will stick around a few semesters a roll call is not all he is going to hear from on this measure.

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

Mr. SUSI: Mr. Speaker and Members of the House: I would

hope that you would support this Resolution as it is amended here now. It does implement the one man-one vote concept. We have so far as possible under the amendment retained the divisional boundaries. It is a step forward. I hope you do support it.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I would like to address myself to the Resolution as amended today. As I understand the amendment offered by the gentleman from East Millinocket, Mr. Birt and adopted by the House, it would mean that we would continue to have a situation where the county base numbers; in other words, the number of people, citizens per representative, would run from some 5,000 in some counties to 7,000 in other counties. I would ask that someone explain to me how that implements the one man-one vote theory.

I am fortunate enough to reside in the good Town of Brunswick in Cumberland County, a stone's throw from Sagadahoc County. The people in Sagadahoc are fine people, fine citizens, and they deserve equality in representation. But no county, large or small, deserves any greater representation than its population warrants.

The amendment just offered today by Mr. Birt means that this Resolve before us would continue to perpetuate the system we have, which is contrary to one man-one vote. It might be more proper to describe it as follows. If you live in a circuit county you have one vote in Augusta per 5,000 people; that is the lucky county. If you live in the unlucky county, according to the whirl of the wheel, you have only one vote in Augusta for every 7,000 citizens. I can't understand how this helps one man-one vote.

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

Mr. BIRT. Mr. Speaker and Ladies and Gentlemen of the House: I do have a couple of thoughts on this. There seems to be a good

deal of division of opinion for the legislature among attorneys, knowledgeable people throughout the state, as to just exactly what the courts' meaning is.

Now I have talked to several people in the State of Maine who have the view that the courts would not violate the county lines on distribution and they would feel that the one man-one vote, as long as it is distributed equally within the county, would be within the concept of some of the federal laws of the Supreme Court. But basically anybody could disagree with this point. The point might be right. I think that the only people who can make this decision would be the people in the courts.

At the present time the system we use I think it works adequately and I would hesitate very much to want to go outside of the counties and establish representative districts on a state-wide basis. This is done in one state. I do not believe it is a concept that we want to do here. I believe we should stay within the concept that we have at the present time, and I think the final decision may have to be made by the courts but I think they are the only people who can make the decision.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that this Resolution 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 Eagle Lake, Mr. Martin that this Resolution 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, Bernier, Berry, P. P.; Binnette, Boudreau, Bourgoin, Bustin, Call, Carey, Carrier, Carter, Clemente, Conley, Cottrell, Curran, Cyr, Dam, Doyle, Drigo-tas, Dyar, Emery, E. M.; Farrington, Fecteau, Fraser, Genest, Hancock, Jalbert, Jutras, Kelleher, Keyte, Lawry, Label, Lizotte, Lucas, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McTeague, Mills, Murray, Orestis, Pontbriand, Sheltra, Starbird, Tanguay, Theriault, Webber, Wheeler, Whitson.

**NAY** — Bailey, Baker, Barnes, Berry, G. W.; Berube, Birt, Bither, Bragdon, Brawn, Brown, Bunker, Churchill, Clark, Collins, Crosby, Cummings, Curtis, A. P.; Curtis, T. S. Jr.; Donaghy, Emery, D. F.; Finemore, Gagnon, Gill, Good, Hall, Hardy, Haskell, Hawken, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, Lund, MacLeod, Maddox, Marstaller, McNally, Millett, Morrell, Mosher, Norris, Page, Payson, Porter, Pratt, Rand, Rollins, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Trask, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

**ABSENT** — Ault, Bartlett, Beard, Cooney, Cote, Dow, Dudley, Evans, Faucher, Gauthier, Goodwin, Hanson, Kelley, P. S.; Kilroy, Lessard, McCormick, McKinnon, O'Brien, Parks, Rocheleau, Ross, Santoro, Scott, Silverman, Slane, Smith, D. M.; Smith, E. H.; Tyn-dale, Vincent.

Yes, 52; No, 69; Absent 29.

The **SPEAKER**: Fifty-two having voted in the affirmative and sixty-nine in the negative, with twenty-nine absent, the motion does not prevail.

Thereupon, the Resolution was passed to be engrossed as amended by House Amendment "B" and sent to the Senate.

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

**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 21, by Mr. Page of Fryeburg.

Pending — Motion of Mr. Hardy of Hope to reconsider.

The **SPEAKER**: The Chair recognizes the gentleman from Fryeburg, Mr. Page.

Mr. **PAGE**: Mr. Speaker, there has been an amendment offered to this bill, which is down in the Attorney General's office. We have been waiting a ruling on this in regard to municipal immunity that it might or might not interfere with. I am sorry to ask to do this, but I would like to have it tabled.

Whereupon, on motion of Mr. Hewes of Cape Elizabeth, retabled pending the motion of Mr. Hardy of Hope to reconsider and tomorrow assigned.

The Chair laid before the House the seventh 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 21, by Mrs. Baker of Orrington.

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

House Amendment "A" was adopted.

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

Mr. **LEE**: Mr. Speaker and Members of the House: This particular piece of legislation came out Majority "Ought to pass", and four of us saw fit to go against it with a different amendment. This

has to do with the forming of unions and agreements between the various departments in a municipality, and I believe what it does is sets up a union shop, which I am totally against. We should have the right to do what we should do, and I am against this particular amendment.

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

Mr. FINEMORE: Mr. Speaker, I now move indefinite postponement of this Bill and all its accompanying papers.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, now moves indefinite postponement of L. D. 547.

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

Mrs. LINCOLN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to call the attention of the Legislature this morning to the provisions of L. D. 547 which will permit municipalities, schools, and School Administration Districts to enter into so-called union security agreements when contracts are negotiated with the local chapter of the Maine Teachers Association, The American Federation of State-County-Municipal Employees, or some other local employer organization.

In very simple terms, section 1B of L. D. 547 permits municipalities and schools to enter into a labor contract which will require that an employee must be a union member for the duration of the contract.

Let me repeat — as a pre-employment condition and as a condition for continued employment a teacher or employee could be required to be a union member.

Ladies and gentlemen of the House, I ask you today whether or not you feel that an employee should have the right to join an employee organization such as the M.T.A. if he wishes. If L. D. 547 passes, municipalities will be permitted to sign a contract with a union which could say that the employee must join if he wishes to work. I personally feel this is wrong and an abridgement of individual rights.

I realize that I am raising the much feared "right to work" con-

troversy, but I do feel strongly that this paragraph 1B is an invasion into an individual's rights.

I ask you, what you would think if we allow state employees and university employees to bargain? Will you vote to require an employee must be a member of a union to work for the state? Please think about this when you vote.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: I was a member of the Labor Committee last year that brought this bill out. This particular section that Mrs. Lincoln has pinpointed, it seems to me, is perhaps the most objectionable change that has been made.

The committee last year felt that the wisest course was to not attempt to put this provision into the framework of the law, but at the same time not to include it as one of the prohibited acts under the law. It is my belief that the thing that we do when we attempt to spell out within the framework of the law the condition of a closed shop, union shop, or agency shop, or whatever term you want to use, I think when we attempt to write it into the law it is interpreted in some quarters as a tacit approval by the legislature of the principle.

As a matter of fact, I think the framework of the law should be left neutral, and I think that the negotiating process which is relatively new both to the schools and to the teachers, that out of this negotiating process over a period of time that a framework and a philosophy should be allowed to develop at the local level. I feel it is a mistake for us to attempt to spell into legislation at this juncture this extremely controversial issue.

I would also like to point out that there is an additional change on the second page, paragraph C, which was the most controversial section at the time this legislation was adopted. Namely, when you get down to the fact that policy is not negotiable. Now I note that there has been a change in the language here from "working condition" in existing legislation to

“terms and conditions of employment.” It would seem to me that in the view of the management side, that is the school boards and the superintendents, I feel that they would regard this as erosion of their prerogatives in the policy making area.

I note that the Statement of Fact that accompanied this bill says that it is to correct the errors and inconsistencies in the law. As a matter of fact, it seems to me that we have nothing here except a series of amendments, two of which in my view are ill advised. So I think that I would be inclined to support Mr. Finemore’s view that it should be indefinitely postponed.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: In addition to a number of, I believe, relatively noncontroversial technical amendments, Mr. Haskell has pinpointed the two portions of this bill which do have substance to them. One listed in Section 1B on page one of the bill, and also in Section 9, which is on page three of the bill deals with union security, the other in Section 3C on page two of the bill changes the phrase “working conditions” to “terms and conditions of employment.”

First of all on the change from the phrase “working conditions” to “terms and conditions of employment,” I think that the members of the 105th who served in the 104th are aware that when we adopted this bill we tried to pattern it after the existing Federal Labor Law, the National Labor Relations Act. The reason for this was that we were going into a new area in our state, and we thought we would benefit — have the benefit of certainty if we adopted federal language whenever possible, because there are many court decisions construing the federal language.

The language change of “working conditions” to “terms and conditions of employment” is merely a change in our law so that we would adopt, if you will, the Federal Court decisions in the area and give us some certainty. Certainty is what we seem to lack un-

der the existing law, and uncertainty makes for different legal opinions, and makes not for bargaining, but for litigation which I think is part of the problem that exists under the present law.

The same can be said on the union security matter. Mr. Haskell recounts that it was the decision of the Labor Committee which heard the bill in the 104th to leave the question open. My recollection is, including the special session of the 104th, when we had some amendments to the bill in, that it was the opinion at least if not all, of most of the members of the Labor Committee at that time that union security agreements were already provided for. That is, they weren’t mandatory, but they weren’t prohibited. It was up to the local town and the local union to decide whether they wanted to bargain on it or not.

Unfortunately, this attempt in a sense to duck the issue hasn’t worked very well. And we have a difference of views, and again we have bargaining stalled and people going through all of the many time consuming and expensive procedures because we as a legislature were not specific enough when we enacted the law.

But the meat of the bill before you is really the union security provision. Now there are three types of union security provisions available. One is the union shop, which means basically that there is a requirement to belong to the union before you are employed. That is not contained in this bill. The union has no control whatsoever over hiring under this bill.

The second form of union security agreement is the union shop, where the union has no control or function in regard to hiring, but after a certain period after the employee is hired — usually 30 days — membership in the union becomes a condition of employment. That is again not — and I repeat, not in this bill.

What this bill provides for is what is called in shorthand terms the agency shop. The idea of the agency shop is this — and again remember that the bill is permissive, it doesn’t say to the town or the SAD, you must do this, it says

you can do it. And any town or SAD that doesn't want to agree to it doesn't have to agree to it. But if both the management and the union want to agree to the thing, and a majority of the employees go along with it, they can do it.

The idea behind the agency shop is this, that the members of the bargaining unit have the right to be fairly and freely represented by the bargaining agent. The bargaining agent cannot discriminate against a certain class of employees. It cannot say, we won't present your grievance, but we will present yours. It must under law fairly represent all members of the bargaining unit.

Now we come down to the question of freeloaders. If our law requires — and it does — that the bargaining agent represent all members of the unit, is it not fair and just and reasonable that those people who benefit shall pay their fair share of the cost of servicing them? Now we all know the history of this question across the country and in Maine. And the answer that the people of our state have given to this question in referendum is yes, it is fair.

Now the reason I think that we went for the agency shop rather than the union shop was this. We recognize that there are members of particular religious denominations who may have their own particular feelings against belonging to any type of organization. It is more or less a conscientious objector clause, if you will. So they don't have to belong to the organization, but they can't be a Freddie the Freeloader either. They are required to pay their fair share.

It is interesting, Mr. Speaker, that at the hearing on this bill, not one municipal or teaching employee appeared at the hearing to say, "Dear Labor Committee, don't take away my precious rights," etcetera. The only ones that appeared to say this were some members of management. I think it is commendable on the part of the management that they are so solicitous regarding the rights of the employees, but I do ask you to remember that not one employee appeared and said "Don't pass this."

I also ask you to remember when you vote on it that no town is required to do this. This bill permits it. Why should we as a legislature prohibit a town or city and the local employee union from reaching this agreement if they want to? If you also look on page three you will see an additional safeguard built into this bill. Under Section 9 on page three, there is a provision for a special union security election. What does that mean? That means that even if the town wants to go along with the agency shop, a form of union security, and the union does also, that the membership of the union, if they want to, can withdraw this power from the union and from the town in a secret ballot election conducted by an agency of the state, the Department of Labor.

We have all the safeguards you could possibly have built into it. This fight on right to work has been decided by the people of Maine some 15 years ago. I see no benefit in resurrecting it. But if we leave the law in its current unstable state all we are doing is instead of saying to our unions and to our town and SAD officials, "sit down, agree on your financial package, your benefit package, and get back to work, (and let us have peace," you are saying, "let's fight, let's litigate, let's spend our money not on education or on salaries or on public works, but litigation."

I think that is a poor idea. I don't think you could find a smaller type of union security than is created in this bill. And I don't think you could find or conceive of greater safeguards.

There are really three vetoes available. Number one, the town can veto it because it can say, "Yes, we will bargain on that, but we just wouldn't agree to union security." Number two, the union can veto it if it doesn't like it. Admittedly, the union is apt to like it. And number three, and most importantly, the very employees involved, the ones that didn't come down to the Labor Committee and tell us that this was a bad thing, they said nothing

against it at all — they can vote in the individual town that it shall not be this way.

Mr. Speaker, when the vote is taken I ask for a roll call.

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

Mr. GOOD: Mr. Speaker and Members of the House: This bill had a lengthy hearing in the committee and it came out with an "Ought to pass" Report. There are all kinds of rumors that have been circulated in these halls about closed shop, giving the teachers and other state employees too much power, and many other similar ridiculous reports.

This bill only makes plain some language in the current bill to coincide with the Federal Labor Law. It allows a choice of bargaining agent for the employees, and it also allows that when 30% of any group of employees are dissatisfied they can dissolve their present group, union, or association as a bargaining agent. And the Department of Labor and Industry must conduct an election, and 51% must concur to designate another bargaining agent.

The time has come when for the good of the people of the State of Maine, and the good of the Republican party, incidentally, when we must stop opposing a bill just because we think it is a labor bill. Labor isn't a nasty word. Labor is people, and people, incidentally, have a vote, and they should be considered.

We have a Department of Labor and Industry to protect the people of the State of Maine, and on this particular bill the very efficient Commissioner of Labor and Industry, Miss Martin, and the equally efficient labor representative Mr. Dorsky both agree. This in itself is a miracle.

I think this is a good bill and I hope it passes.

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

Mrs. BAKER: Mr. Speaker and Members of the House: I rise to oppose the motion for the indefinite postponement of the bill. It does seem to me that some of the objec-

tions to the bill could be taken care of by amending out those portions which the majority find — may find objectionable. But I want to go on record as supporting the remarks of the gentleman, Mr. McTeague, of Brunswick in particular with his reference to Section 3C.

As he explained to you, it is the terminology here that we are seeking to change, changing the words "working condition" for "terms and conditions of employment." So that we may take advantage of law that has already been interpreted and on record. And there are a few other provisions of the bill which are important to the smooth working of collective bargaining for municipal employees.

Therefore, I would vote against the motion to indefinitely postpone, and keep the bill alive, and possibly the parts that people find most objectionable could be amended out.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: First of all I want to commend Mr. McTeague. I think he gave a very clear and lucid explanation of the import of the bill.

I hope, however, that you did listen to him closely, and I think that he agreed with me that the type of activity which the language in this first section of the bill seeks to make possible by legislation is not prohibited under existing law. This is the point that I was attempting to make.

This activity is not one of the prohibited activities under existing law, and in my view when you write it into the law you then give tacit legislative approval of the principle involved.

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 Bridgewater, Mr. Finemore, that Bill "An Act to Amend the Municipal Public Employees Labor Relations Law" House Paper 420, L. D. 547 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 — Barnes, Berry, G. W.; Bither, Bragdon, Brawn, Bunker, Carey, Carrier, Carter, Clark, Collins, Cummings, Curtis, A. P.; Donaghy, Dyar, Emery, D. F.; Finemore, Fraser, Hardy, Haskell, Hayes, Immonen, Jutras, Kelley, K. F.; Keyte, Lee, Lewin, Lincoln, Littlefield, Lizotte, MacLeod, Maddox, Manchester, Marsteller, McCormick, McNally, Mosher, Norris, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rollins, Shaw, Simpson, L. E.; Trask, Wight, Wood, M. W.

NAY — Albert, Bailey, Baker, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Brown, Bustin, Call, Churchill, Clemente, Conley, Cote, Cottrell, Crosby, Curran, Curtis, T. S., Jr.; Cyr, Dam, Drigotas, Farrington, Fecteau, Gagnon, Genest, Good, Hall, Hancock, Hawken, Herrick, Hewes, Hodgdon, Jalbert, Kelley, R. P.; Lawry, Lebel, Lucas, Lund, Lynch, Mahany, Marsh, Martin, McCloskey, McTeague, Millett, Mills, Murray, Orestis, Page, Shetra, Shute, Simpson, T. R.; Starbird, Stillings, Susi, Tanguay, Theriault, Webber, Wheeler, White, Whitson, Wood, M. E.

ABSENT — Ault, Bartlett, Beard, Birt, Cooney, Dow, Doyle, Dudley, Emery, E. M.; Evans, Faucher, Gauthier, Gill, Goodwin, Hanson, Henley, Kelleher, Kelley, P. S.; Kilroy, Lessard, Lewis, McKinnon, Morrell, O'Brien, Rocheleau, Ross, Santoro,

Scott, Silverman, Slane, Smith, D. M.; Smith, E. H.; Tyndale, Vincent, Williams, Woodbury.

Yes, 50; No. 64; Absent, 36.

The SPEAKER: Fifty having voted in the affirmative, sixty-four in the negative, with 36 absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

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

Bill "An Act Providing for Records of Sales of Unused Merchandise" (H. P. 490) (L. D. 631)—In House, Adoption of Committee Amendment "A" (H-11) reconsidered.

Tabled—April 21, by Mr. Curtis of Bowdoinham.

Pending — Adoption of House Amendment "A" (H-13) to Committee Amendment "A".

Thereupon, on motion of Mr. Hewes of Cape Elizabeth, retabled pending adoption of House Amendment "A" to Committee Amendment "A" and tomorrow assigned.

The Chair laid before the House a matter tabled earlier and assigned for later in today's session:

The following Order: (S. P. 552)

ORDERED, the House concurring, that the following be recalled from the Governor's Office to the Senate: Bill, "An Act relating to Disposition of Portion of Fees Collected by Maine State Park and Recreation Commission" (S. P. 20) (L. D. 48)

Thereupon, the Joint Order received passage in concurrence.

On motion of Mr. Conley of South Portland,

Adjourned until twelve noon tomorrow.