

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, April 28, 1971

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

Prayer by the Rev. Mr. Lawrence Merckens of Hallowell.

The journal of yesterday was read and approved.

Order Out of Order

Mrs. Berry of Madison presented the following Order and moved its passage:

ORDERED, that Ruth Dean, Dawn Withee, and Gail Corson of Madison be appointed to serve as Honorary Pages for today.

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

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

Report of the Committee on Fisheries and Wildlife reporting "Ought not to pass" on Bill "An Act Providing Complimentary Hunting Licenses to Maine Residents over 70 Years of Age" (S. P. 100) (L. D. 264)

Report of the Committee on Judiciary reporting same on Bill "An Act relating to Penalty for Littering" (S. P. 200) (L. D. 585)

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

**Ought to Pass with
Committee Amendment**

Report of the Committee on Judiciary on Bill "An Act relating to Costs of Investigation Where Injunction Is Issued under Unfair Trade Practices Law" (S. P. 331) (L. D. 978) reporting "Ought to pass" as amended by Committee Amendment "A" (S-107) submitted therewith.

Report of same Committee on Bill "An Act relating to Mental Examination of Persons Accused of Crime" (S. P. 383) (L. D. 1169) reporting "Ought to pass" as amended by Committee Amendment "A" (S-109) submitted therewith.

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

amended by Committee Amendment "A".

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

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Suspension of Motor Vehicle Operator's License and Registration" (S. P. 192) (L. D. 553)

Report was signed by the following members:

- Messrs. TANOUS of Penobscot
- QUINN of Penobscot
- of the Senate.
- Mr. HEWES of Cape Elizabeth
- Mrs. BAKER of Orrington
- Mrs. WHITE of Guilford
- Messrs. PAGE of Fryeburg
- HENLEY of Norway
- of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

- Mr. HARDING of Aroostook
- of the Senate.
- Messrs. LUND of Augusta
- CARRIER of Westbrook
- KELLEY of Caribou
- Mrs. WHEELER of Portland
- Mr. ORESTIS of Lewiston
- of the House.

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

In the House: Reports were read.

On motion of Mr. Lebel of Van Buren, the Minority "Ought to pass" Report was accepted in non-concurrence.

The Bill was given its two several readings.

Committee Amendment "A" (S-93) was read by the Clerk and adopted.

Senate Amendment "A" (S-104) was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act to Amend the Laws Relating to Forcible Entry and Detainer" (S. P. 229) (L. D. 675) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

Mrs. BAKER of Orrington
Mrs. WHEELER of Portland
Messrs. KELLEY of Caribou

PAGE of Fryeburg
Mrs. WHITE of Guilford
Messrs. LUND of Augusta
ORESTIS of Lewiston

— of the House.

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

Report was signed by the following members:

Mr. QUINN of Penobscot
— of the Senate.

Messrs. HENLEY of Norway
CARRIER of Westbrook
HEWES
of Cape Elizabeth
— of the House.

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

In the House: Reports were read. On motion of Mr. Hewes of Cape Elizabeth, the Minority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence. (Later Reconsidered)

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Appeals under Municipal Zoning Ordinances" (S. P. 440) (L. D. 1268)

Report was signed by the following members:

Messrs. QUINN of Penobscot
KELLAM of Cumberland
— of the Senate.
Messrs. GAUTHIER of Sanford
FECTEAU of Biddeford
CROSBY of Kennebunk
SMITH of Dover-Foxcroft
CURTIS of Bowdoinham

NORRIS of Brewer

— of the House.

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

Report was signed by the following members:
Mr. CLIFFORD

of Androscoggin

— of the Senate.

Messrs. BRAUN of Oakland
EMERY of Rockland
COTE of Lewiston

— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

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

Non-Concurrent Matter

Bill "An Act Regulating Hunting from Certain Public Ways" (H. P. 98) (L. D. 142) which was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendments "A" and "B" thereto in the House on April 22.

Came from the Senate with House Amendment "A" to Committee Amendment "A" indefinitely postponed, House Amendment "B" to Committee Amendment "A" indefinitely postponed, and the Bill passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendments "A" and "B" thereto in non-concurrence.

In the House: On motion of Mr. Kelley of Southport, the House voted to recede and concur.

Messages and Documents

The following Communication:

THE SENATE OF MAINE
AUGUSTA, MAINE

April 27, 1971

Hon. Bertha W. Johnson
Clerk of the House
105 Legislature
Dear Madam Clerk:

The Senate voted to Adhere to its action whereby it accepted the Minority Ought Not to Pass report in non-concurrence, on Bill, "An Act Relating to Mental Illness as a Ground for Divorce." (H. P. 883) (L. D. 1204)

The Senate voted to Adhere to its action whereby it Indefinitely

Postponed Bill, "An Act Relating to Elderly Persons' Examinations for Motor Vehicle Operators' Licenses." (H. P. 442) (L. D. 577).

Respectfully,

(Signed)

HARRY N. STARBRANCH

Harry N. Starbranch
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

Mr. Lawry of Fairfield presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Maine Education Council, established under chapter 452 of the public laws of 1967, is authorized and directed to conduct a comprehensive study of the Bill, "An Act Relating to Financing Maine Education Buildings," H. P. 481, L. D. 622, as introduced at the regular session of the 105th Legislature; and be it further

ORDERED, that the Maine Education Council submit a written report of their findings, together with any necessary recommendations and implementing legislation, to the next regular or special session of the Legislature; and be it further

ORDERED, upon joint passage, that a copy of this Order be immediately transmitted to said Council as notice of this proposed study. (H. P. 1294)

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

On motion of Mr. Trask of Milo, it was

ORDERED, that Mr. Berry of Buxton be excused from attendance because of the duration of the week because of illness.

House Reports of Committees Ought Not to Pass

Mr. Lessard from the Committee on Health and Institutional Services reported "Ought not to pass" on Bill "An Act relating to Certificate of Registration Limited to Manicuring" (H. P. 908) (L. D. 1252)

Mr. Jutras from the Committee on Veterans and Retirement reported same on Bill "An Act

relating to Retirement Contributions by State Police and Wardens of the Departments of Inland Fisheries and Game and Sea and Shore Fisheries" (H. P. 1039) (L. D. 1430)

Mrs. Lincoln from same Committee reported same on Bill "An Act relating to Back Contributions for Creditable Service under State Retirement System" (H. P. 831) (L. D. 1122)

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

Leave to Withdraw

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Information Center at Eastern Terminal of Interstate 95" (H. P. 56) (L. D. 97) reported Leave to Withdraw.

Mr. Lawry from the Committee on Education reported same on Bill "An Act relating to Financing Maine Education Buildings" (H. P. 481) (L. D. 622)

Reports were read and accepted and sent up for concurrence.

Ought to Pass

Printed Bills

Mrs. Doyle from the Committee on Health and Institutional Services reported "Ought to pass" on Bill "An Act relating to Change of Name of the Arthritis Foundation, Pine Tree Chapter, Inc." (H. P. 959) (L. D. 1320)

Mrs. Payson from same Committee reported same on Bill "An Act to Provide for Thirty Days' Notice When a Nursing Home is Being Voluntarily Closed" (H. P. 1116) (L. D. 1535)

Mr. Jutras from the Committee on Veterans and Retirement reported same on Bill "An Act to Provide Retirement Benefits for Certain State Employees" (H. P. 832) (L. D. 1123)

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

Ought to Pass with Committee Amendment

Mr. Kelleher from the Committee on County Government on Bill "An Act Increasing Certain Fees

for Deputy Sheriffs" (H. P. 1070) (L. D. 1462) reported "Ought to pass" as amended by Committee Amendment "A" (H-177) submitted therewith.

Mr. Kelley from same Committee on Bill "An Act to Authorize Cumberland County to Raise Money for Court House Capital Improvements and New Construction" (H. P. 735) (L. D. 997) reported "Ought to pass" as amended by Committee Amendment "A" (H-178) submitted therewith.

Mr. Haskell from the Committee on Education on Bill "An Act relating to Increases in School Assessments in School Administrative Districts" (H. P. 702) (L. D. 945) reported "Ought to pass" as amended by Committee Amendment "A" (H-179) submitted therewith.

Mrs. Payson from the Committee on Health and Institutional Services on Bill "An Act to Revise the Pharmacy Laws" (H. P. 453) (L. D. 608) reported "Ought to pass" as amended by Committee Amendment "A" (H-180) submitted therewith.

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

Divided Report

Majority Report of the Committee on Education reporting "Ought to pass" on Bill "An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education" (H. P. 475) (L. D. 836)

Report was signed by the following members:

Messrs. CHICK of Kennebec
MINKOWSKY
of Androscoggin
—of the Senate.

Messrs. LAWRY of Fairfield
HASKELL of Houlton
MILLETT of Dixmont
SIMPSON of Standish
BITHER of Houlton
TYNDALE

of Kennebunkport
MURRAY of Bangor
LUCAS of Portland
—of the House.

Minority Report of same Committee on same Bill reporting that it be referred to the 106th Legislature.

Report was signed by the following members:

Mr. KATZ of Kennebec
— of the Senate.
Messrs. WOODBURY of Gray
LYNCH
of Livermore Falls
—of the House.

Reports were read.

On motion of Mr. Millett of Dixmont, the Majority "Ought to pass" Report was accepted.

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

Divided Report

Tabled and Assigned

Majority Report of the Committee on Health and Institutional Services reporting "Ought not to pass" on Bill "An Act relating to Use of Hypodermic Syringes" (H. P. 1019) (L. D. 1398)

Report was signed by the following members:

Messrs. HICHENS of York
GREELEY of Waldo
MINKOWSKY
of Androscoggin
— of the Senate.

Mrs. McCORMICK of Union
Mr. LESSARD of Lisbon
Mrs. BERRY of Madison
Mr. DYAR of Strong
Mrs. CUMMINGS of Newport
—of the House.

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

Report was signed by the following members:

Mrs. PAYSON of Falmouth
Messrs. LEWIS of Bristol
CLEMENTE of Portland
Mrs. DOYLE of Bangor
Mr. SANTORO of Portland
—of the House.

Reports were read.

(On motion of Mr. Gill of South Portland, tabled pending acceptance of either Report and tomorrow assigned.)

Divided Report

Report "A" of the Committee on Legal Affairs on Bill "An Act relating to the Design of Buildings by Architects and Engineers" (H.

P. 235) (L. D. 317) reporting same in a new draft (H. P. 1293) (L. D. 1695) under title of "An Act relating to the Design of Buildings Constructed by the State or Political Subdivisions" and that it "Ought to pass"

Report was signed by the following members:

Messrs. FECTEAU of Biddeford
EMERY of Rockland
GAUTHIER of Sanford
BRAWN of Oakland
CROSBY of Kennebunk
COTE of Lewiston

— of the House.

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

Report was signed by the following members:

Messrs. QUINN of Penobscot
CLIFFORD

of Androscoggin

KELLAM of Cumberland

— of the Senate.

Messrs. NORRIS of Brewer
CURTIS of Bowdoinham

— of the House.

Reports were read.

(On motion of Mr. Norris of Brewer, tabled pending acceptance of either Report and specially assigned for Friday, April 30.)

Passed to Be Engrossed

Bill "An Act relating to Theft of Trade Secrets" (S. P. 379) (L. D. 1134)

Bill "An Act relating to Size Limit of Trout" (S. P. 548) (L. D. 1687)

Bill "An Act Repealing Certain Procedure for Registration of Voters" (H. P. 187) (L. D. 244)

Bill "An Act to Prohibit False or Misleading Potato Labeling and Branding" (H. P. 1046) (L. D. 1437)

Bill "An Act relating to Fees for Marketing and Advertising Farm Products" (H. P. 1047) (L. D. 1438)

Bill "An Act relating to Boundaries of Municipalities in Annual Reports" (H. P. 1056) (L. D. 1447)

Bill "An Act to Clarify the Classification of Certain Minor Tributaries of the Penobscot River" (H. P. 1094) (L. D. 1482)

Bill "An Act Establishing the Law and Legislative Reference Library under the Legislative Re-

search Committee" (H. P. 1104) (L. D. 1510)

Bill "An Act relating to Control over Abandoned Automobiles" (H. P. 1123) (L. D. 1542)

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

Third Reader

Tabled and Assigned

Bill "An Act relating to Suspension of Motor Vehicle Operator's License for Speeding Violation" (H. P. 1151) (L. D. 1602)

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

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

Amended Bills

Bill "An Act relating to Permits for Keeping Certain Wild Animals in Captivity" (S. P. 375) (L. D. 1111)

Bill "An Act Creating the Rumford-Mexico Sewerage District" (S. P. 488) (L. D. 1499)

Bill "An Act to Give the Attorney General Authority to Require Certain Telephone Records" (H. P. 909) (L. D. 1254)

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 relating to Insurance on State-owned Property (S. P. 135) (L. D. 347)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 123 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act relating to the Maine Law Enforcement and Criminal Justice Academy (S. P. 426) (L. D. 1246)

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

Emergency Measure

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

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

Emergency Measure

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

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, 121 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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

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, 128 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Increasing Minimum Wages (S. P. 16) (L. D. 44)

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

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

Mr. HASKELL: Mr. Speaker, I move that the rules be suspended for the purpose of reconsideration of engrossment.

The SPEAKER: The gentleman from Houlton, Mr. Haskell moves that the rules be suspended for the purpose of reconsideration of engrossment. Is there objection?

(Cries of "Yes")

The Chair hears objection and will order a vote. All in favor of suspending the rules will vote yes; those opposed will vote no.

A vote of the House was taken.

61 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

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

Mr. HENLEY: Mr. Speaker, I move that this lie on the table one legislative day.

Whereupon, Mr. Martin of Eagle Lake requested a division.

The SPEAKER: The gentleman from Norway, Mr. Henley, moves that L. D. 44 be tabled until tomorrow pending passage to be enacted. 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.

63 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

The SPEAKER: Is it now the pleasure of the House this Bill be passed to be enacted?

Whereupon, Mr. Emery of Rockland requested a division.

The SPEAKER: A division has been requested.

Whereupon, Mr. Martin of Eagle Lake requested a roll call.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and

voting. All members desiring a roll call 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 Chair recognizes the gentleman from Houlton, Mr. Haskell.

Mr. HASKELL: Mr. Speaker, is it debatable at this point?

The SPEAKER: It is debatable.

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: My position on this bill I think is well known by this juncture. I would like to call your attention, however, to some material that I distributed to this House this morning and I just want to make reference to one statement.

This material was a commentary written by Yale Brozen, Professor of Business Economics at the Graduate School of Business, University of Chicago. This commentary was written in reference to the prospects of passage at the federal level of a \$2.00 Minimum Wage and I just want to call attention to one point that I think is significant.

He says, "In these states with Minimum Wage Laws unemployment is 20 per cent higher than the states which do not have Minimum Wage Laws." Now there are states, as I am sure you people are well aware, that have not enacted any Minimum Wage legislation whatever at the state level and rely entirely on the imposition of federal standards to set the wage rates in their states.

I would like to point out that this state is in competition for industrial development with these states. I would further like to point out that industries in this state are in direct competition with these states. Of all the states in the United States this one, the State of Maine, from the point of view of good economics, is the least likely candidate that I can think of to establish the highest state standards in the United States for this type of labor.

I think that we are making an extremely serious economic mis-

take here this morning. I think we are placing this state in a very serious disadvantage as it seeks to replace industry in this state. I think that you are going to live to regret that you participated in what in my view is an extremely serious error, one that is going to be extremely costly to the state as it seeks to make industrial development, one that is going to add immeasurably to your welfare load in the state, and in the last analysis the effect of which is to injure the very people that some of you think you are helping by the passage of Minimum Wage legislation.

The people that are injured by this action are the people who are the least able to compete in the job market. You are injuring the teenagers, you are injuring those that are physically and mentally handicapped, you are injuring the marginal workers in this state by making them permanent welfare cases. Mark my words, in about two years, as we sit here scratching our heads wondering what has happened to welfare costs, the root cause of some of the future increases is right here today.

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

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: I do appreciate Mr. Haskell's view on this bill. I will agree that the paper he distributed to us was true. But, there should be some rule or regulation of any lobbying unit to put propaganda on our desks here that is not true.

I have in my hand a letter under the heading of Maine Merchants Association, signed by Robie M. Liscomb. Concerning a minimum wage law he states in paragraph 3 — "Consider the cost to the State itself. . . Maine has 550 employees today, making less than the proposed minimum. This will cost the state \$381,400 plus the ripple raise which must go to every state employee to maintain a normal wage differential. If current differentials are maintained, it will cost the state \$20,000,000 in the biennium."

I have checked this out most thoroughly with the Department of Personnel and I find quite a different story. Mr. Harris, former director of the Department of Personnel informs me that with the exception of a few students who are being paid to go to Vocational School, there is absolutely nobody in the state employment who starts in for less than \$1.83 an hour. This is 3 cents above the proposed Minimum Wage.

I think this speaks for itself.

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: Reading through the debate of last Thursday, there were some points in favor of this measure that I don't think were brought out. They relate to where the majority of this money, or a large percentage of this money, will be spent by the people who earn it, and that is on housing. I think you are all aware that in this state, and in my own district I am acutely aware of it, housing is a real problem.

The more or less prosperous people in our state, of course, are eligible for conventional mortgage money. If they are veterans they can get VA loans. FHA loans, farmer loans are available to these people. Then when we drop down into the moderate income or lower income categories we find the people are eligible for HUD programs, 235, 236 and 237.

But when we drop down into the lower incomes, the Minimum Wage people, the people who are working hard, regular hours, we find that there is no way that these people are eligible for any kind of home ownership and housing loan. You are aware that on our present Minimum Wage laws, a person earning I believe it is \$1.60 an hour is only taking home or earning a gross wage of \$3,128 a year. With the \$2.00 Minimum Wage of course this is going to go up to about \$4,000 a year.

In talking to people in the banking industry, people working with the government agencies in charge of these different programs, the \$2.00 Minimum Wage and this

increased earning would make a significant number of our citizens eligible for low income HUD programs that they are not now eligible for and I think it would have a significant impact on our housing problems here in the state. That is one more thing that I think should be in the record in support of this measure.

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

Mr. EMERY: Mr. Speaker and Members of the House: I regret that I am going to have to vote against this this morning if it is not amended to include only the 20 cent increase to \$1.80. I am very sorry because I feel that an increase to \$1.80 would be beneficial to the citizens of Maine and to the workingman. However, I believe that a 40 cent jump over the two-year period is too much. I don't think it is wise economically for some of the reasons that have been mentioned this morning.

What concerns me most of all is the job situation with respect to our high school and college students. I have talked with a good many businessmen in my area and they tell me that if the Minimum Wage is increased to \$2.00 an hour in two years they are going to find it very very difficult to hire kids during the summer; and we all know that with the expense of school as it is these days it is very important that these kids help defray some of the costs of their education.

I feel that the \$2.00 an hour Minimum Wage is too high, especially for the economic status of the State of Maine as it is now. If the bill comes back from the other body, or if we ever see it again, amended to \$1.80 without any increase, I shall support it at that time. I cannot support the \$2.00 an hour increase. I felt that I ought to make my thoughts as a matter of record.

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

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: I voted against this bill the other day and I expect to vote against it this morning, and

I want to give my reasons why and I hope you will join me.

If we raise this Minimum Wage, what we are going to do, we are going to hurt the young people, the limited person and the older persons. I have talked to several small businessmen about this bill, one who hires an older person to work in the store, and he said that right now the economics are questionable whether he should hire this person; but if he has to pay a high Minimum Wage for this person his only choice is to let this person go.

I talked to a filling station operator who hires a young person part time to come in to help him, and he said that if he has to pay more, that this person isn't doing that much, that he will have to let this person go. I think we have a very serious problem here.

The people that are in production and are doing a good job, are getting over these wages now. So it really doesn't affect them and it will hurt these people that are limited and our young people. I am going to vote against this bill.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: We have heard these same arguments over a good many years against the Minimum Wage. And yet in spite of these arguments the Minimum Wage has been raised and I don't think that it has reflected in the results that these people have projected. I feel that this is a good thing for us, a good thing for the economy, and I certainly am in favor of it and I hope you will go along.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: As I mentioned the other day, I sponsored the first Minimum Wage bill in 1959. At that time, in order to secure passage of the bill, we had to have eleven exemptions. There have been many changes since then and they are difficult to find. I did do some work and I thought you might be interested to know what people are exempt now.

Persons in agriculture, domestic help, working on commission basis, working for a non-profit institution, counselors at a summer camp, employed in certain fishing occupations, a switchboard operator with 750 stations or less, a home worker, members of your own family, or an executive if he earns at least \$100 per week.

Now the major changes that have been made since then, waiters and waitresses are not exempt now. Taxicab drivers were exempt, but they are not exempt now. And it used to be that a person under the age of 18 could work in any business if they were regularly enrolled in an educational institution or on vacation therefrom. This is just for the information of the House.

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

Mr. MORRELL: Mr. Speaker, could I pose a question to Mr. Ross?

The SPEAKER: The gentleman may pose his question.

Mr. MORRELL: My understanding is that teenagers now in school only have to be paid 75% of the Minimum Wage, and that would be true of the new one. Is that correct or am I incorrect?

The SPEAKER: The gentleman from Brunswick, Mr. Morrell poses a question through the Chair to the gentleman from Bath, Mr. Ross, who may answer if he chooses; and the Chair recognizes that gentleman.

Mr. ROSS: Well, probably somebody from the Labor Committee should answer that. It is my understanding that that is not a correct statement.

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

Mr. McTEAGUE: Mr. Speaker, in response to the question of Mr. Morrell, I have before me Title 26, Section 664, which is a portion of the Minimum Wage law. The last paragraph in that section reads as follows: "Employees who are under the age of 19 and are regularly enrolled in an educational institution, or are on vacation therefrom, may be paid a rate of not less than 75% of the applicable Minimum Wage

required for other employees in the same occupation.”

I believe, Mr. Speaker, that means basically that high school and college students under age 19 may be paid 75% of the Minimum Wage.

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

Mr. MORRELL: Mr. Speaker, Ladies and Gentlemen of the House: If that is correct, this in effect means that the Minimum Wage or the wage that could be paid to such individuals would be going under this law from \$1.20 an hour to a \$1.35.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: In reply to the gentleman from Brunswick, who has just spoken, this may be true as far as law and the statutes and this sort of thing is concerned, but as a practical matter once that Minimum Wage is up it would be very difficult to find someone that is willing to work for less than the Minimum Wage, even if it is a youngster coming along to rake leaves or mow lawns or what have you. We have to be practical about these things.

The real reason that I rose is because I have in my hand here a Manpower Resource Study for the area that I represent. I am not proud to present this, but I find here in a letter of transmittal from Mr. Schoenthaler of the Employment Service, that the rate of unemployment in this area is 21.8 per cent. There is in my opinion a very good reason for this, two good reasons actually.

I come from an area that depends primarily on fishing for a living, and the canning of sardines. The fish supply has been very short for two years now. But over this, this is an industry that has been going downhill for at least fifteen years and the prime reason for this is that the food packing industry, not only in this area but all over the United States, is one of the lowest paid industries in the world. And we have to compete with these other places.

It doesn't make any difference whether they are in Chicago or St. Louis, wherever it is, the meat packers, fish packers, that sort of thing, traditionally get the lowest wage. But even with this, this area is not able to compete and you are going to be forcing this entire area onto relief if we go through with this Minimum Wage deal. Because many of the packers are not able — it is piecework primarily and many of the people are not able to keep up because many of them are older people, and they will have to be let go in order for the businesses to survive in that area.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: The question arises in my mind why we anticipate what the federal government is going to do in a year or two and sort of jump the gun on this. I am for raising the Minimum Wage, but it seems to me — I would like to have this question answered — why can't we do it up to \$1.80 now, and then in a special session or later when the federal government acts why can't we go to \$2.00? I don't know how many states in this nation now have a \$2.00 minimum limit. I am sort of sorry I am misinformed but these questions arise in my mind at this time.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen: To answer Mr. Cottrell's question, my purpose in asking for reconsideration was to offer an amendment, which is on your desks, that would hold this to \$1.80, and I failed to get the rules suspended so was unable to offer the amendment.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: It is difficult today, after the extended debate we had earlier regarding this bill, to think of anything novel or original to say on either side. I think though, as the gentleman from Houlton, Mr. Haskell, has

pointed out, there may be a difference of philosophies involved here. One thing that strikes me is the philosophy of this House showed itself well when we approved this bill over three to one, if I recall correctly, some few days ago; and I doubt very much whether our philosophy has changed significantly since that time.

It strikes me, Mr. Speaker, that if you took and recorded the arguments for and against that were made this morning, that if you changed the figures from \$1.80 to 25c or 40c, you could have played these same arguments in this same House and throughout the country twenty or thirty years ago. All the dire predictions were made. I ask you to use your common sense. Did they come true? Are we in fact a poorer country? Are people worse off today than they were awhile back?

We have tears cried, Mr. Speaker, out of concern or a stated concern for the very poor people. And yet I think it is a fact that whenever a few contacts that have been made with members of the Legislature by members of the public have not been these poor employees; they have been some employers.

Mr. Speaker, if it has not been asked already, I ask that when the vote is taken that it be by a roll call.

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

Mr. BERNIER: Mr. Speaker and Ladies and Gentlemen of the House: It has been said here this morning that if we raised the Minimum Wage that we will have more people on relief, and somehow I just can't follow that reasoning. Because I know, I have been aware in my work, and my avocation you might say, as a landlord, that many people make out better on relief than they do working at a Minimum Wage. You have to pay them because they have to have a certain incentive to work. What is the sense of working if you are not getting a living wage? And these people, these occupations that we have here in this state — and heaven knows we

have too many of them, that cannot keep up with the economy, I do believe that we would be better off without them. These low paying industries, I mean they don't do us any good. Why not just let them die a peaceful death?

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think first I would like to answer one of the suggestions of the gentleman from Westbrook, Mr. Bernier. It isn't specifically the whole industries that need some low paid personnel. A good many industries do need here and there, they do have jobs that just simply cannot earn two dollars an hour.

I would like to mention something which has not been mentioned. We have mentioned the youths, the young people, the handicapped. We have another type of handicapped individual and that is the factory worker when he gets along near retirement age. Some of the Minimum Wage practices are driving them right away from jobs that they could do part of the year to spell off their Social Security. A good many elderly people would like to work at a slowed down pace. They cannot produce \$1.80 an hour or \$2.00 an hour.

I think that probably I got more reaction against our action last week in passing this bill than anything else that was done this year, and surprisingly so. I come from an area right now which is depressed. We have lost two industries in the last few months and one of the others is slowing down. And also, strange to say, out of about seven people that nailed me on this bill, five of them were factory workers. They said, "What in the world are you thinking of down there?"

Now another thing I would like to mention. It has been said here, usually by some of the younger people who perhaps have not been through what some of us have, that we should pay more money because it would help the economy, it would move along, they could afford to buy homes, and so on.

I wonder what the philosophy is. Can you get blood out of a turnip? Can we just say that industry will pay so much money and let it go at that?

It seems to me that the worker, as I said the other day, has got to produce, otherwise industry cannot afford to pay him. As to letting the industries go that pay a low pay, we have let a lot of them go. It has been mentioned that they thought the economy wasn't hurt any through the years. Maine has one of the highest figures on Minimum Wage; has been for years. One of the highest states in the Union; and still we are one of the lowest brackets in economy. Could possibly that high Minimum Wage have something to do with it?

Now I do know, and we all should realize as we stop to think, as Mr. Haskell said, there are going to be certain fringe employees that will certainly lose out. They will either go on welfare or else in the case of the elderly they will not be able to spell off their Social Security by getting work that they can do leisurely and get just the Minimum Wage, because they won't be able to afford to pay any \$2.00 an hour for their work. Because they only want of work to earn about a dollar or a dollar and a quarter an hour, I have heard that statement said a good many times by elderly people.

So for that reason I feel that if we go along at \$1.80, it seems to me that is a pretty good jump at this time. And if you were to vote this, reconsider and take on that amendment, to hold up for a couple of years on that additional 20 cents, I think it would be a very smart thing. We still would be raising the Minimum Wage, but we wouldn't be going at it half cocked.

Thereupon, Mr. Mills of Eastport 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 members requesting that the Chair entertain the motion for the pre-

vious question will vote yes; those opposed will vote no.

A vote of the House was taken.

The SPEAKER: A sufficient number having voted in the affirmative, the previous question is entertained. Now the question before the House is, shall the main question be put now? Which is debatable for five minutes by any member.

All in favor of the main question be put now say aye; those opposed no.

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

The SPEAKER: The pending question is passage to be enacted of An Act Increasing Minimum Wages, Senate Paper 16, L. D. 44. The yeas and nays have been ordered. All in favor of the enactment of this bill will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Barnes, Bedard, Bernier, Berube, Binnette, Birt, Boudreau, Bourgoin, Brawn Bunker, Bustin, Call, Carey, Carrier, Carter, Churchill, Clark, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Curran, Curtis, T. S., Jr.; Cyr, Dow, Doyle, Drigotas, Dudley, Dyar, Emery, E. M.; Evans, Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Genest, Gill, Good, Goodwin, Hall, Hancock, Herrick, Hewes, Hodgdon, Jutras, Kelleher; Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Kilroy, Lawry, Lebel, Lessard, Lizotte, Lucas, Lund, MacLeod, Mahany, Manchester, Marsh, Martin, McCormick, McKinnon, McTeague, Millett, Mills, Morrell, Murray, O'Brien, Parks, Ross, Santoro, Sheltra, Shute, Silverman, Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Susi, Tanguay, Theriault, Vincent, Webber, Wheeler, Wood, M. E.

NAY — Ault, Bailey, Baker, Bartlett, Berry, G. W.; Bither, Bragdon, Brown, Cummings, Curtis, A. P.; Donaghy, Emery, D. F.; Hardy, Haskell, Hawkens, Hayes, Henley, Immonen, Lee, Lewin, Lewis, Lincoln, Littlefield, Lynch, Maddox, Marstaller, McNally, Mosher, Norris, Page, Payson, Porter, Pratt, Rand,

Rocheleau, Rollins, Scott, Shaw, Simpson, L. E.; Trask, Tyndale, White, Williams, Wood, M. W.

ABSENT — Berry, P. P.; Crosby, Dam, Hanson, Jalbert, Keyte, McCloskey, Orestis, Pontbriand, Whitson, Wight, Woodbury.

Yes, 94; No, 44; Absent, 12.

The SPEAKER: Ninety-four having voted in the affirmative and forty-four in the negative, with twelve absent, the Bill is passed to be enacted. It will be signed by the Speaker and sent to the Senate.

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

Mr. CAREY: Mr. Speaker, having voted on the prevailing side I move for reconsideration.

The SPEAKER: The gentleman from Waterville, Mr. Carey, now moves that the House reconsider its action whereby this Bill was passed to be enacted. The Chair will order a vote.

All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 69 having voted in the negative, the motion to reconsider did not prevail.

Enactor Amended

An Act relating to Night Hunting for Wild Animals (S. P. 22) (L. D. 50)

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

On motion of Mr. Birt of East Millinocket, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed on April 23.

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

House Amendment "A" (H-189) was read by the Clerk and adopted and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

An Act relating to Schedule of Rates of Motor Vehicles for Hire by Holders of Certificates of Pub-

lic Convenience and Necessity from Public Utilities Commission (S. P. 254) (L. D. 761)

An Act relating to Installation of Sprinkler Systems in New Hotels (S. P. 329) (L. D. 977)

An Act relating to Compensation of Municipalities for the Loss of Services of Municipal Law Enforcement Officials (S. P. 384) (L. D. 1140)

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

Enactor

Tabled and Assigned

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

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

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I received a call this morning from a very good friend of ours and a member of this body, who is not here, Representative Jalbert of Lewiston; and he respectfully asked me to ask this House if this item could be tabled until Friday. I wish some member would so move.

Whereupon, Mr. Collins of Caribou moved that the item be tabled for two legislative days.

Mrs. Doyle of Bangor requested a division.

The SPEAKER: The gentleman from Caribou, Mr. Collins, moves that L. D. 1615 be tabled and specially assigned for Friday, April 30, pending passage to be enacted. A division has been requested. All in favor of tabling this matter will vote yes; those opposed will vote no.

A vote of the House was taken.

89 having voted in the affirmative and 27 having voted in the negative, the motion did prevail.

An Act relating to the Wearing of Fluorescent Clothing When Hunting in the Southern Zone for Two Years (H. P. 64) (L. D. 105)

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

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

Mr. BRAWN: Mr. Speaker, Members of the House: This morning I would like to move indefinite postponement of this bill and all its papers, and the reason is because it takes in the area in which I live. I believe this is clearly discrimination. The rest of the state passed it down.

This does not affect farmers, woods operators or anyone going through the woods. There is one thing here which I haven't mentioned and according to my religion I do not intend to ever say a word against anyone and I hope you will not think that this statement that I am making does do this.

But when this bill came into effect, or when it was up for the first time to be voted upon, a gentleman called me and told me that there was a group of fluorescent hats being shipped to the Department of Inland Fish and Game. I went to that department where the biologists were. This bundle came in. When I saw who it was from I asked to see this opened. They opened it up and there was a cap for every member of the Fish and Game Department free of charge, with their exact sizes.

Now I am wondering if this is for the interest of saving lives or what the main purpose is, and I will stand by my motion.

The SPEAKER: The pending question is on the motion of the gentleman from Oakland, Mr. Brawn that L. D. 105 be indefinitely postponed.

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

Mr. LEWIN: Mr. Speaker and Members of the House: During the recent hearing on L. D. 105 before the Fisheries and Wildlife Committee, the Associated Sportsmen's Club of Cumberland County and others went on record as wanting to continue this law in this area. I am going to ask you again to consider the reduction of accidents in hunting, which the wearing of hunter orange has brought about in the southwestern area in the

last four years. Certainly since the record shows the 55% accident reduction in this area, and since generally the hunters and clubs within this area are satisfied with the law, I believe we would be remiss not to retain the law in this area where it has been so well accepted over the last four years.

Now this bill as amended merely extends the period of study in the area south of U.S. 2 and west of the Kennebec. Now I hope that you will not go along with the motion for indefinite postponement.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I must disagree with Mr. Lewin, the fine gentleman from Augusta. All the clubs in this district do not go along with this. The Messalonskee Fish and Game, which I believe is the largest club in this whole area, with almost a thousand members, had a meeting the other night and they are against this. So I am asking that this be indefinitely postponed, and furthermore, this depends on how you make your figures whether you save lives or not because I do not think it has done what they tell us when you check the percentage of the other states, when there are eighteen states set off.

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

Mr. LEWIN: Mr. Speaker and Members of the House: In rebuttal, I would like to mention again that during the recent hearing of L. D. 105 by the Fisheries and Wildlife Committee, the Associated Sportsmen's Club of Cumberland County and some others went on record as wanting to continue. I did not say everybody.

The SPEAKER: The Chair will order a vote. All in favor of indefinite postponement of An Act relating to the Wearing of Fluorescent Clothing When Hunting in the Southern Zone for Two Years, House Paper 64, L. D. 105, will vote yes; those opposed will vote no.

A vote of the House was taken.

26 having voted in the affirmative and 81 having voted in the negative, the motion did not prevail.

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

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

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

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

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

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

Enactor

Tabled and Assigned

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

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

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

Mr. CARRIER: Mr. Speaker, I move this be tabled for two days, please.

Thereupon, Mrs. Brown of York requested a vote on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. If you are in favor of tabling this matter until Friday, April 30, you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

62 having voted in the affirmative and 51 having voted in the negative, the motion did prevail.

Enactor

Tabled and Assigned

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

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

(On motion of Mr. Trask of Milo, tabled pending passage to be enacted and specially assigned for Friday, April 30.)

Enactor

Tabled and Assigned

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

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

(On motion of Mr. Herrick of Harmony, tabled pending passage to be enacted and specially assigned for Friday, April 30.)

Orders of the Day

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

Bill "An Act to Eliminate Moose River from the Maine Forestry District" (H. P. 141) (L. D. 196) In House, passed to be engrossed. In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-103) in non-concurrence.

Tabled — April 23, by Mr. Susi of Pittsfield.

Pending — Further consideration.

On motion of Mr. Faucher of Solon, the House voted to recede.

Senate Amendment "A" (S-103) was read by the Clerk and adopted in concurrence.

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

House Amendment "A" (H-182) was read by the Clerk.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I have not had an opportunity to look at House Amendment "A" and I wonder if somebody would table this until we have this opportunity.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Let me very quickly try to explain what the amendment does.

I really don't think there is any reason to table it.

The amendment itself would merely remove the title from the existing bill. When the other body changed the bill in substance, they forgot to change the title. And so the amendment itself would merely change that.

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

Mr. BRAGDON: Mr. Speaker, the comments satisfy my objections.

Thereupon, House Amendment "A" was adopted.

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

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

Bill "An Act Establishing a State-wide Open Deer Season" (H. P. 906) (L. D. 1250)—In House, Committee Amendment "A" (H-153) adopted; passage to be engrossed reconsidered.

Tabled—April 23 by Mr. Birt of East Millinocket.

Pending — Adoption of House Amendment "C" (H-173)

Mr. Norris of Brewer withdrew House Amendment "C".

Mr. Kelley of Southport then offered House Amendment "B" and moved its adoption.

House Amendment "B" H-169) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: If you will notice on your desk this morning was a three page paper that I had circulated. The first page is a map of the State of Maine showing the deer kill for this last year. The second page is a 17-year record of the deer kill by counties. The third page is a copy of House Amendment 169.

Now this amendment would provide for this next year, or this year rather, that the opening day in the northern zone would be on Monday, Veterans' Day, the 25th day of October; and for the north-

ern zone, the season would run through to the Saturday after Thanksgiving. In the southern zone the hunting season would be from Monday, November 1 through the Saturday after Thanksgiving. This is only a very slight reduction in the southern zone, a couple of days off the last end of the season when we are apt to have snow, when sometimes our kill is the largest.

In the northern zone it takes off a week in October preceding the 25th of October, when there is some hunting pressure and the deer kill is largely does and fawns.

Now to sit here today with a glass bowl and predict how many chicks will hatch this spring, or how many deer we will have in our covers next October and November of this year or the next year, is a very difficult thing to do.

I have lived somewhat closely with the small segment of the deer population over a period of years. I was out this last weekend checking certain places that I know very well. I saw more deer this year than I have ever seen at the same time of year before. But it is such a small sample it doesn't mean a thing.

We all know that we have had a very very severe winter. There are sections where deer have had a disastrous winter. If you will look at your maps, you will see that a very large percentage of the deer registered in the State of Maine are along the coast and in the western-southwestern part of the state. Probably 25 per cent of the entire state produces close to 75 per cent of the deer kill. This particular area is better deer country. There is more winter cover than we have in our northern country.

Look up in the great County of Aroostook and you will see the effect of the sprays used to kill potato vines and what it has done to the eastern side of that great county on deer kill. You will notice that in your big woods country you have a relatively small kill of deer. This is a combination of lack of hunting pressure, as a factor to be cranked in here that nobody knows as to how many of the deer that are killed in this particular

area or in any part of the state are registered, but it comes right back down to the fact that when you get into the northern section of your state you are getting into an area that is pretty far north from the Virginia white - tailed deer. This animal has great reproductive capacity.

The southern and coastal sections of the state are ideal cover, and deer are farm animals. The history of it is probably well known to many of you. You go back sixty or seventy years and there was hardly a deer in the central and northern part of the state. Today we have many more. We all recognize the forestry practices and what they have done to the deer in the north. But this season that I am proposing takes into consideration not only the economics of the State of Maine but also the season and the change in climates. It is difficult to set the same regulations for Kittery and Fort Kent.

There are some built-in safety factors. We hope the Commissioner now has or will have the ability to close any section of the state if they find a real reason to do it because of a major deer shortage.

I do wish you would look carefully at the proposed amendment and at your county records of deer kill.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I wish to arise in favor of this amendment of Mr. Kelley's. I went home last weekend for the first time in several weeks, and I learned, among other things, that the natives of my north country were not about to take gracefully a three-week hunting season in the month of November. This thing I learned in no uncertain terms. I also learned that anybody that would vote for such a bill was certainly not a sportsman. I think I got the implication that they were just the reverse.

I am satisfied with the arguments that they put up. They felt that this thing had not had sufficient publicity in the area, that they were definitely surprised that

we were talking about a three-weeks in November season.

One of the arguments that some of them used with me was the fact that many of the camps had made commitments for this year, which were for the month, the last week or more in October. I called this morning, and have had conversation with one of the persons who contacted me over the weekend, and I am advised that there was a meeting of the Fish and Game Club in Presque Isle last night where there was fairly good attendance. And it is my understanding that they discussed in substance, we will say, what Mr. Kelley's amendment contains, and that they were completely satisfied with it.

Now I hope that for the benefit of the good legislator from Aroostook County some of you other people maybe will decide to stretch a point and keep us happy another two years. We have many things that make us unhappy. We hope you will not impose this three weeks in November deer season on us. I hope you will go along with Mr. Kelley's amendment.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Again I must repeat that I am standing up as an individual legislator and in no other capacity this morning. I am in favor of the amendment offered by the gentleman, Mr. Kelley, for the reason that if you take a look at the chart which was given out to you, and you take a look at the deer kill, for example, in the Town of Wells, and you find that that figure is 215, or you can take any other community; and then you compare that with my community of Eagle Lake which is up there as far north as you can go, move back two townships from the Canadian border, and you will find a figure of 52. Obviously we could assume that we have less of a problem than they have in the southern zone, and I would hope that we would not get penalized for the evils and problems of the southern zone.

I think that we have done relatively well. We have not had a great problem. Every game warden that I have spoken to and the supervisors in the northern zone have indicated to me that there is no problem this year. And as I understand the bill, we are giving the commissioner the power to close it if he finds that there is a serious problem. So I would hope that you would vote for the amendment this morning.

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

Mr. PORTER: Mr. Speaker and Ladies and Gentlemen of the House: It grieves me that I am unable to convey to some of you the grave concern that our sportsmen have in our diminishing deer herd. Our committee sat for five hours and we listened to 22 proponents try to tell us in their most forceful manner their thought that the deer herd in Maine was in deep deep trouble. They not only expressed their concern, but they urged us to do something about it, and to do it now.

They went even further. They said that they would support us in our action to try to improve the deer population in the State of Maine in future years. Those 22 proponents were not speaking as individuals, except in three cases. All of the rest of them were sent here as representatives of clubs, groups, and organizations. Those groups were from two dozen to over 2,000. And they, speaking before us, were representing those clubs.

Now let nobody assume that our particular situation here is unique, because it is definitely not so. Until five years ago in the Province of New Brunswick they were killing 30,000 deer each year. Last fall they killed 6,000—6,333 to be exact. That is a reduction from 30,000 to 6,000 in five years.

In the State of Minnesota a few years ago they were killing as many deer as Maine did, from 35,000 to 40,000. Last year they had a deer season of three days — not three weeks, three days. And this fall there is going to be no hunting deer in Minnesota.

The same can be said for Quebec and New Hampshire. The deer population is down clear across the northern tier of our states and two provinces in Canada.

How far is that population going to go down? Is it soon going to start going up? Or are we going to continue to let that decline? That will be dependent pretty much on what we do here today.

There are bobcats, dogs, and poachers; about them we can do very little. About the hunting pressure we can do something. And I believe we should do something. Otherwise the Maine deer could disappear.

About 20 years ago on the slopes of Mt. Katahdin I met a young man whose only claim to fame was his grandfather shot the last caribou in the State of Maine. He thought that should impress me greatly. I was impressed, but not very favorably. Some day soon — and it could be within our lifetime — we are going to read where somebody shot Maine's last bald eagle. And it could happen, I hope it doesn't, but it could happen that somewhere within our boundaries there is some individual who would be willing to shoot Maine's last deer.

Now we have Amendment "B". Amendment "B" looks very familiar. It is a combination of the two amendments we defeated last Thursday. In the northern zone the last six hunting days in October, and 24 hunting days in November. We defeated that bill, that amendment last week 71 to 45. In the southern zone making it 24 hunting days, which is a reduction of only two days, we defeated that amendment 68 to 43.

Ladies and gentlemen, you have taken action on two amendments which are the same as this one. I move that Amendment "B" be indefinitely postponed.

The SPEAKER: The gentleman from Lincoln, Mr. Porter, now moves that House Amendment "B" be indefinitely postponed.

The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker and Members of the House: I would like to agree with Representative Porter that we have a very serious

deer problem as far as the deer population goes. And after a severe winter the people in our area—and I come from deer hunting area — realize the deer herd is down. I also live on the border of New Brunswick, and have watched that deer herd disappear almost, until they have put in some good sound policies of cutting down the deer season and the deer kill. And now their deer herd is rebuilding.

I think now is the time to come in with the three week hunting season which my area does favor, and try to bring the whitetailed deer back. I hope this amendment is defeated, and I hope you realize that this is serious if you are sportsmen, a hunter, and just hoping to get that last customer, that last buck, a dollar bill from them for the last buck that stays in Maine is not right. We want these deer here and we want these sportsmen here; but we want them here for a good many years, not just a few years to come because we have killed off our deer population.

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

Mr. BITHER: Mr. Speaker and Members of the House: Before I am through I would like to pose a question to Mr. Porter, or anyone else, where he gets his facts and figures, his information about these dire predictions of what is going to happen to our deer.

I go along with the game biologists, and I wish you folks would go along with the game biologists. You know this is a most difficult job to debate Mr. Porter, because he sits over there smoking that pipe, and he is so real that he is just unbelievable. So just don't look at him, please. And I might add he is the only one of the Porter family I have not had as a student, and I have no control over him whatsoever.

But I would like to know where they got their facts and figures, because the game biologists say our deer herd is in excellent shape in northern Maine, and is not nearly in as bad shape in southern Maine as we were predicting. I would like to also say that right now in this legislature we have four

measures — four — that are in process or somewhere along the line that will protect the deer herd.

Now I didn't hear this morning anything from the gentleman from Lincoln about saving the seed herd. I hoped he would go into that because I too learned the facts of life quite early, and I know the story of the birds and the bees. And some of you people who do not hunt do not realize that these deer rarely ever have single fawns. They have two most generally; two is the most common. And very often three. Our herd can come back very fast if it is down.

But I would like to just point out to you that we have four measures now in this House that will conserve deer. Number one, we have in the process of passing a bill to prevent driving of deer. Number two, we have in the process somewhere along the line of a sunset-sunrise bill; and it is that half hour before sunrise and that half hour after sunset that we are hunting now where most of your deer are killed. If that is passed we are going to conserve our herd. We also have a bill that prevents hunting from roadways; that is going to conserve deer. And I believe somewhere — I don't know where it is, but I believe there is a bill or an amendment authorizing the commissioner to close districts anytime he thinks the herd is down.

Someone posed a question to me, and this was a person in high authority whom I cannot quote, but he says, "If we have a three week season, who can say how many deer are going to be saved?" A three week season, how can anyone say that we are going to save our deer in three weeks? You are just simply going to put a lot more hunters in the woods — if you cut that season in two, or shorten it, you are going to put a lot more hunters in the woods during that period, and you are going to have a lot more accidents. And who can say you are going to save even one deer by having a concentrated season? I just don't believe you can say that at all.

Another thing the department told us — at least I read this in the paper — that the department

needed \$800,000, and were going to increase the license fees to make up for that increase or that lack of money. Now if we need \$800,000, and on the other hand we cut our season way down, isn't it entirely possible — don't you think that our out-of-state hunters are going to be decreased? I figure that we are going to lose half of them. And if we lose half of them, there goes your \$800,000 that you are going to raise in fees.

I do not favor this three week hunting bill, and I do favor, very definitely favor, the amendment by Mr. Kelley, and I hope you people who do not hunt will remember what I said. Look over this way. We had a pipe smoker over here, and I think he has gone out, but do not look that way because he looks too much the Squire of Lincoln, and I am afraid you are accepting everything he says at face value. I would like to know where he gets all his facts and dire predictions from.

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

Mr. BRAWN: Mr. Speaker and Members of the House: I have listened to the gentleman here and I have listened to Mr. Porter, and I will go along with Mr. Porter one hundred per cent. All my life I was not always on the honest side of the ledger, and I dare say that I have probably killed more deer than any living man in this place right here today. And I think I could back this up by the people who have hunted with me. This is why they probably made me a game warden in the State of Maine.

Last fall I traveled all over this state to find out what the deer herd lost, and the deer herd in the State of Maine has really gone down. I didn't get a deer for myself last year; I didn't get one for anyone else. And the fellow that hunted with me, it was the first year he ever missed. And I started shooting deer back in 1927. And other than the years I was in the war and the year I laid in the hospital, this is the only time that I have ever missed. When a man tells me that I don't know, when I go out here from daylight in the morning and I hunt until dark at

night, and as I tell you, when I was on the other side of the ledger, I couldn't tell darkness from daylight, so I know there was plenty of deer then, but they certainly are not here now, and I will have to go along with Mr. Porter.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: Being on the Fisheries and Wildlife Committee, I would like to bring to your attention that the clubs that appeared before the committee are, I would say, practically all from the southern zone. We had a couple of representatives from the northern zone that expressed their views which coincide with Mr. Kelley's amendment.

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

Mr. DYAR: Mr. Speaker and Members of the House: I think that this morning we should pay a lot of heed to the words given to us by the gentleman from Lincoln Mr. Porter. We do have problems here in the state with the deer herd, and I would like to cite the little Town of Temple in Franklin County which has always been a very fine deer hunting area. Last season 42 deer were tagged in that town. Thirty-eight deer were tagged by non-resident hunters.

We have heard this morning that we should listen to the biologists. In my mind I am very disturbed over some of the biologists' reports. My thinking is probably wrong, but I basically think they must begoing against the old principle of counting the legs and dividing by four. At the present time they are counting the legs and multiplying by four.

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

Mr. NORRIS: Mr. Speaker, I would inquire through the Chair to Mr. Kelley from Southport if the Fish and Game Commissioner is in favor of this amendment?

The SPEAKER: The gentleman from Brewer, Mr. Norris, poses a question through the Chair to the gentleman from Southport, Mr. Kelley, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I believe that the Department is in favor of this and the gentleman in question is in favor of it. I have discussed it at great length with him.

I would also like to say, while I am on my feet, that I recognize there are problems in some sections of the state. But I call your attention to Lincoln County. For the last three years we have increased our deer kill each of these years over the preceding year. It is a question of management. We feel that we have a situation in Lincoln County. We are above our 17 - year average. We do have plenty of deer there, and I see no reason why we should shorten the season there.

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

Mr. PORTER: Mr. Speaker and Members of the House: The last time I had a conversation with a college professor I flunked the course. But I will try to answer some of his questions.

I thought I made it very clear last week that if the department was not on dedicated revenue, I certainly would suggest that we have no hunting this fall.

The good professor mentioned that the does generally have twins and occasionally triplets. That is perfectly true in normal years. Two years ago was not a normal year. This past winter was not a normal year. I doubt seriously if we have any fawns.

I would like to correct one statement that the professor made about a bill that was in the process. He stated that the deer season would be from sunrise until sunset. May I correct you, sir? A half hour before sunrise until sunset. We are taking out the half hour after sunset only.

Those of you who were here in the 104th probably will remember that I tried to cut the deer season down statewide for the month of November. I remember it very distinctly because I got clobbered. And who clobbered me? The gentleman from Eagle Lake, Mr. Mar-

tin, made the motion to indefinitely postpone my proposal.

In that conversation that we had in the last legislature on the deer season, biologists were quoted as saying their deer herd was in wonderful shape and could maintain its numbers. That came from our biologist. I ask you, did our deer herd maintain its numbers? Is our deer herd in good shape? I disagree.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly don't want to prolong this, but I just can't let this go by without making one comment about the remarks of the gentleman from Lincoln. I had always assumed that the reason why deer had twins or triplets was not caused by the weather conditions, but more caused by the chromosomes of the mating partner.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I think that in all fairness, I think that both the gentleman from Eagle Lake, Mr. Martin, and the gentleman from Lincoln, Mr. Porter should make it clear that if they are not speaking in their leadership position, that they should make it clear to the House that that is not the case.

Mr. Manchester of Mechanic Falls requested a roll call.

The SPEAKER: The Chair recognizes the gentleman from Harmony, Mr. Herrick.

Mr. HERRICK: Mr. Speaker and Members of the House: I will be brief. For four and a half years at the University of Maine I studied wildlife management and forestry. At the present time I am a consultant forester and I cover approximately one-eighth of this state in area in my travels. In deference to Mr. Porter, in the area that I travel the deer herd is not in bad condition.

The sportsman is not the dominant factor on the deer herd size. There are three major factors—destruction of deer yards, illegal kill by night hunters, and dogs.

Until these three factors are ratified, the deer population will not increase by leaps and bounds.

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 member 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 Lincoln, Mr. Porter, that House Amendment "B" be indefinitely postponed. If you are in favor of indefinite postponement of House Amendment "B" you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS — Bailey, Baker, Barnes, Bartlett, Binnette, Brawn, Brown, Bustin, Call, Carter, Cooney, Cottrell, Crosby, Curran, Curtis, A. P.; Dow, Dudley, Dyar, Emery, D. F.; Fraser, Genest; Hancock, Hardy, Hawkens, Hayes, Henley, Hodgdon, Immonen, Jutras, Kelley, K. F.; Keyte, Lawry, Lee, Lewin, Lincoln, Littlefield, Lynch, Maddox, Marsteller, McCormick, McNally, Millett, Mosher, Murray, Porter, Pratt, Rand, Rocheleau, Ross, Scott, Silverman, Smith, E. H.; Starbird, Susi, Trask, Tyndale, Webber, White, Wood, M. W.; Wood, M. E.; Woodbury.

NAYS — Albert, Ault, Bedard, Bernier, Berry, G. W.; Berube, Birt, Bither, Boudreau, Bourgoin, Bragdon, Bunker, Carey, Carrier, Churchill, Clark, Clemente, Collins, Conley, Cote, Curtis, T. S., Jr.; Cyr, Doyle, Drigotas, Emery, E. M.; Evans, Farrington, Faucher, Fecteau, Finemore, Gagnon, Gill, Good, Goodwin, Hall, Haskell, Herrick, Hewes, Kelleher, Kelley, P. S.; Kelley, R. P.; Kilroy, Lebel, Lessard, Lewis, Lizotte, Lucas, Lund, MacLeod, Mahany, Manchester, Marsh, Martin, McKimmon, McTeague, Mills, Morrell, Norris, O'Brien, Page, Payson, Pontbriand, Rollins, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Slane, Still-

ings, Tanguay, Theriault, Vincent, Wheeler, Williams.

ABSENT — Berry, P. P.; Cummings, Dam, Donaghy, Gauthier, Hanson, Jalbert, McCloskey, Orestis, Parks, Santoro, Sheltra, Smith, D. M.; Whitson, Wight.

Yes, 61; No, 74; Absent, 15.

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

Thereupon, House Amendment "B" was adopted.

Mr. Finemore of Bridgewater offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-185) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. FINEMORE: Mr. Speaker and Members of the House: About the few remarks I am going to say, it was requested of me to be mentioned, and I feel strongly that they have an argument. First, it is to keep the season in the northern zone as it is. If a compromise is necessary I will go along with the October 21 opening, or in effect, lose the first week of the deer season, to get in the Saturday after Thanksgiving. This is not meant to affect the present archery season which opens the first of October.

If the season cannot remain as it is, we do feel up in my county that if we have to give up any deer hunting time, we want the starting date to change and go into effect in 1972. We feel that just putting it in this year new is too much for even one year.

I am very strong in my feelings on this deer hunting issue. In the past several years the people in the northern zone have not asked for any increase in season or bag limit. It seems that every year we are fighting proposed legislation from the southern zone to cut our season or bag limit. I am asking for no more, just to keep what we have.

People in the southern part of Maine must realize the difference in the terrain, in the feed, in the population, the weather conditions, which have effects good and bad on our game. These would not

necessarily be the same, and therefore the same law cannot effectively apply to all areas.

May I also remind you that the sporting camp business, as many other businesses, must program ahead. They have spent considerable monies, time, and accepted many deposit checks in good faith from people who wish to hunt this fall. This season change this year would create an acute economical situation. For this reason, I have asked that any cut in the deer season be effective in 1972. I hope you will go along with my amendment.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: I move that this amendment be indefinitely postponed. I want to speak on this quite briefly. I have been listening to the debate with interest. I voted with Mr. Porter in attempting to indefinitely postpone the previous amendment to this bill. I think what he has told you is true. There have been many of us over the past few years that have been trying to make the Department of Inland Fisheries and Game understand something which apparently they did not, taking as they did the view of the biologists. We have been trying to make them understand that the deer herd is going down.

I think if you will examine the little chart, or large chart that Mr. Kelley distributed to you this morning, you may note from 1961 on, that the only real high kill, if you may call it that, is in 1965 and 1968. And I well remember that those of us who saw the thirty-two and thirty-four thousand deer kills in '66 and '67, again said that our deer herd was going down. We weren't biologists, but we can see. We weren't biologists, but we know that the deer herd in our area, exactly what it is doing. We know when we talk to people who come from other areas what they tell us. We are not biologists, but we are not foolish either.

Then comes '68. Then comes the marvelous big 41,000 deer kill — wonderful! The deer herd is in wonderful condition — sure! But

what happened the next year and the next year?

If you put off the effective date of this bill as it is amended now, at least we will get a two week reduction. But if you put off the effective date until 1972 it will just further deplete the deer herd. Will we have another bad winter next year? We don't know. But we do know one thing; we can cut down the deer season. We can cut it down a little. We can leave a little. And if we don't cut it down now, if we don't take some effective action now, there may be a time coming when the sportsmen won't be with us at all because there won't be any deer to shoot.

The hunting camps will be entirely vacant, the sportsmen, the people who make their business in the fall from catering to the sportsman will not be with us. They will have gone somewhere else where there may be a few deer left; and either that, or gone into some other business, because their business will be gone. We don't want our deer to go the way our caribou did.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: I quite reluctantly voted against the good gentleman from Lincoln, Mr. Porter, but I did so mostly because I felt it was a compromise, and something that would be palatable and could be passed here.

I look at this particular amendment as just a way to circumvent this to the point that we keep the present law as it is on the books.

Now I happen to be in the business of catering to hunters and fishermen, and I have camps, and all my business is based on reservation business. And I can assure you that reservation business for hunters does not start at least until June or July or later, and I have never had a case yet in my particular business for fishermen or hunters whereby any type of a situation came about such as this, that these gentlemen couldn't change their particular dates and

come if they want to come that bad.

I would urge that you defeat this amendment.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: I would like to bring to the attention of the House that the commissioner in this bill, the commissioner will be authorized to either increase or decrease the deer kill — the length of season with this bill. We give him this authority.

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

Mr. KELLEY: Mr. Speaker and Members of the House: I reluctantly oppose this amendment. The reason that I oppose it is that it would leave open the last two or three hunting days in November in Lincoln County, which is when we normally have our snow down there. And although our hunters in the county that want to kill deer would rather have a season the last week in November and the first two weeks in December, I think that we should stay away from as much snow hunting as possible.

The SPEAKER: The pending question is on the motion of the gentleman from Kingman Township, Mr. Starbird, that House Amendment "D" be indefinitely postponed. All in favor of the indefinite postponement of House Amendment "D" will vote yes; those opposed will vote no.

A vote of the House was taken.

102 having voted in the affirmative and 11 having voted in the negative; the motion did prevail.

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

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

Bill "An Act Establishing an Open Season on Moose" (H. P. 1287) (L. D. 1686) — In House,

House Amendment "A" (H-172) adopted.

Tabled — April 23, by Mr. Norris of Brewer.

Pending — Passage to be engrossed.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: We have just heard some strong arguments about the deer and the deer season, killing deer. We have heard arguments and statements that the last of the caribou are gone. We have one wild animal in the state that people come from all over the country to see because it is protected, it is allowed to roam free, it is protected by law from being killed.

It is an advantage to have this, and I being a person and many of my constituents that have contacted me being people that feel that you should have some things that are here other than for the purpose of killing. I would now move indefinite postponement of this bill and all its accompanying papers.

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

Mr. PARKS: Mr. Speaker and Ladies and Gentlemen of the House: I am going to be very brief here. I know we have had quite a bit of debate here this morning on our wild animals. And I will not belabor this issue, as you have already heard a great deal of pros and cons in regard to an open moose season.

Now the purpose of this first season here in Maine since 1935 is to obtain biological data on population to determine the exact condition and vigor of the herd; number two, to examine the parasitic and disease load of the animal; to maintain the moose population within the carrying capacity of the range; and to provide a potentially sustained yield of a renewable resource in terms of recreational and economic benefits.

Now I was very fortunate last Friday to talk with the Chief Game

Warden from our neighboring New Brunswick, Mr. Russell McKinley. Now here is some very interesting information that he gave me, and it will bear out the fact that we here in Maine are not too far wrong in asking for a moose season.

Now the statement that was made to me by Mr. McKinley was, and I quote from him, "Our moose are a lot more plentiful in some areas than our deer are." Now he also reiterated the statement of Mr. Brian Carter of Fredericton, New Brunswick, who is the Minister of Wildlife, that the increase in the moose population was a direct result of the controlled open season on moose.

Now this past year New Brunswick issued 2,000 moose permits, and they harvested 750 moose. New Brunswick is thinking very seriously of issuing more permits for the 1971 season. Now if a controlled moose season will work that well for New Brunswick, then I am sure it will work equally as well for the State of Maine.

Now you have heard the passionate pleas from several of my good friends here in this Legislature that by having an open season on moose that we are going to exterminate this grand and magnificent animal in this experimental two year period for all time. If you will read L. D. 1686 you will see that only 500 moose permits can be issued for each of the two years. Now if we had 100% kill on these 500 permits, this, according to my way of figuring, amounts to only 1,000 moose for the two year period. Now you deduct 1,000 moose from the 12,000 to 15,000 moose population that we have, it certainly would not indicate to me that we would deplete our herd to a point where it will become extinct as some would like to have you believe.

Now, ladies and gentlemen, I have a report here from the Department of Inland Fish and Game which I will read. It has been placed on your desks, and it says the recent moose census shows that the moose herd has increased to between 12,000 and 15,000 animals, with 500 permits issued, it is likely that between three and

four hundred animals might be taken.

Finally, the Fish and Game Department, they are not urging this moose season, but is stating its finding after having been directed by the Legislature four years ago to make a study of the game species. Now this study has cost the Fish and Game Department \$20,000 of the department's funds. And the findings indicate that the limited season would keep the moose herd in a more healthy condition and would help provide guidelines for the future management of moose here in Maine.

Now if we are going to go by what our biologists tell us, you will support this bill. Now the time is at hand, and I ask you, are we going to adhere to the recommendations of our biologists who know what they are talking about? Or are we going to listen to a few who will try to tell you with tears in their eyes that this will be the end of this grand animal here in the State of Maine?

Now it is up to you to indicate whether or not you will take the advice of the game biologists, or the advice of others. The decision is yours to make, and I urge you to vote no on this proposal to indefinitely postpone this bill.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of Representative Norris' motion to indefinitely postpone this bill. And in connection with this I will read a very short statement from Mrs. Ida S. Mallory addressed to me: "April 24. In connection with L. D. 249" which in 1686 redraft "to establish an open season on moose. Moose are a vital part of Maine's charm, and we have too few of them even now. We cannot afford to waste such a natural resource for a few sports. Please reconsider and vote no on this bill. Sincerely, Ida S. Mallory"

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

Mr. BITHER: Mr. Speaker and Members of the House: I would just like to make one remark

about these moose. I would like to, for the benefit of Mr. Norris, who may be afraid that we are going to lose our moose, if he wants to go with me any June, we can go into Katahdin country—I would like to remind you that we have a vast area and I mean a vast area, the park there around Katahdin where there is absolutely no hunting. We are never going to lose our moose. That place is lousy with moose. I can take Mr. Norris eight and a half miles north of Katahdin, if he can walk that far. We can go into Russell Pond and I will guarantee any evening that we will see at least six moose in a pond that isn't bigger than the big parking lot.

I think you people are just worrying unnecessarily. As long as we have got Baxter Park you are not going to lose your moose ever. And that goes for the deer too.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I thank the professor very much this morning for his information, and will be happy to accompany him. But my whole theory is that even though we perhaps have reached a small abundance of this animal and they are freely available to be seen and enjoy seeing them at Baxter State Park, or Acadia National Park, or wherever it may be, why is it that we immediately, when we have something as nice as this, do we have to go to killing it? There are plenty of things to kill; bobcat, bear, deer — any number of things. Let's keep this one thing. Let's show that we do have the true spirit of sportsmanship in Maine and keep one animal exempt from the slaughter for the money that is gained for it.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Where I come from we really don't need a moose season. They shoot plenty of them as it is. And they are never going to get too plentiful where I come from because the natives will see to that.

But what does concern me about this bill is this, if we are only going to sell a couple of hundred licenses or a small amount of licenses, this is only going to irritate these people so they are really going to shoot moose regardless of license. We are killing too many in my area as it is, and I am sure they will kill a lot more, and there won't be many of them licenses either.

This is the kind of thing that bothers me. I hate to see them kill more than they are now, and I doubt if there would be many of the licenses in the area, but they are going to have the attitude that if some guy can have a license, what the hell, I don't need a license, so there are plenty of them here, and I am going to have one.

And I am concerned, and I think it might spread to more than my area. There may be some other areas that feel the same as the people where I come from do.

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 seven or eight generation of moose that could have been harvested died of old age. And of course, not all of them died of old age, some by poachers. They had one right in the Town of Caribou that was killed by a poacher during closed time for any hunting. And we have a very good herd of moose in the north country.

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

Mr. CALL: Mr. Speaker and Members of the House: The other day when I spoke against the killing of moose, there was one thing that I omitted and it was this. When these moose bills were heard in the Fisheries and Wildlife Committee, I was not present, but I do know from inquiring and from reading the newspapers the next day that there was an awful lot of opposition to the killing of moose. And I might say that the reason that I was not present in my committee seat that afternoon was that I was up in Judiciary opposing bills that would have

open season the year round on landlords.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: We debated this bill at some length at a previous date. At that time you had distributed to you a map showing that it was the northern part of Aroostook County which would have this open season on the moose. I have always maintained that we should never have an open season on moose. But as to this thing here, where it goes into northern Aroostook, where they do have an over supply of moose at the present time, I will go along against the indefinite postponement at this time and allow Aroostook to have something to aid their economy.

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

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I presume that perhaps a lady or woman shouldn't be speaking on this. I had to chain myself down on the deer bill. I do hunt some. I was quite intrigued by the report that the department sent out when it said "a new hunting experience." I got as far as that and I agreed that it would be a new hunting experience. But when I came to "for some of our sportsmen," I changed my mind because I don't think it would be very sportsmanlike at all.

We were told that we would be killing the unhealthy moose. And who in the world is going to pay fifty dollars to kill a sick moose?

We have watched from our camp lot in Kingsbury which is perhaps an isolated place some parts of the year, but around hunting season it isn't. And many times I have sat in the car, and within fifty feet there has been moose. You get out of your car and they look up very curiously, but after a few minutes they stop looking and start grazing again. And when they do go off they just amble. And I say amble, they don't run. It is different from a deer when you step on a stick or make a motion — they don't dart off; they just amble off. I think if there were five hundred licenses

issued, I see no reason why they wouldn't kill five hundred moose. They couldn't miss, I don't believe. Therefore, I think it is a very unsportsmanlike bill. And I think if the department wants to look over these moose to see whether they are healthy or not, they have tranquilizers that they can do this with, and I think that this would be a good way of doing it rather than killing them.

Mr. Farrington of Old Orchard Beach moved the previous question.

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

A vote of the House was taken.

The SPEAKER: A sufficient number having voted in the affirmative, the motion for the previous question is entertained. The question now before the House is, shall the main question be put now? This is debatable for five minutes by any one member. Is it the pleasure of the House that the main question be put now?

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

Mr. TYNDALE: Mr. Speaker, I was out of the House for a moment and I don't know — I would like a roll call, not on the main question but on the subject itself.

The SPEAKER: Shall the main question be put now? All in favor will say aye; those opposed will 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 Brewer, Mr. Norris, that Bill "An Act Establishing an Open Season on Moose," House Paper 1287, L. D. 1686, 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 Brewer, Mr. Norris, that this Bill be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Barnes, Berry, G. W.; Berube, Binnette, Boudreau, Bragdon, Brown, Bunker, Bustin, Call, Carey, Clemente, Collins, Cottrell, Cummings, Curtis, A. P.; Dyar, Fraser, Gill, Goodwin, Hawken, Hewes, Hodgdon, Jutras, Kelley, K. F.; Lawry, Lee, Lewis, Lincoln, Lizotte, MacLeod, McCormick, McNally, Morrell, Mosher, Murray, Norris, O'Brien, Payson, Rocheleau, Shute, Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Trask, Tyndale, Vincent, Wood, M. E.; Woodbury.

NAY—Albert, Ault, Bailey, Bartlett, Bernier, Birt, Bither, Bourgoin, Carrier, Carter, Churchill, Clark, Conley, Cooney, Cote, Curran, Curtis, T. S., Jr.; Cyr, Dow, Doyle, Drigotas, Dudley, Emery, D. F.; Evans, Farrington, Faucher, Fecteau, Finemore, Gagnon, Genest, Good, Hall, Hancock, Hardy, Haskell, Hayes, Herrick, Immonen, Kelleher, Kelley, R. P.; Kilroy, Lebel, Lessard, Lewin, Littlefield, Lucas, Lund, Lynch, Maddox, Mahany, Manchester, Marsh, Marstaller, Martin, McTeague, Millett, Mills, Page, Parks, Pontbriand, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Sheltra, Silverman, Simpson, L. E.; Simpson, T. R.; Susi, Tanguay, Theriault, Webber, Wheeler, White, Wood, M. W.

ABSENT—Bedard, Berry, P. P.; Crosby, Dam, Donaghy, Emery, E. M.; Gauthier, Hanson, Henley, Jalbert, Kelley, P. S.; Keyte, McCloskey, McKinnon, Orestis, Santoro, Whitson, Wight, Williams.

Yes, 53; No, 78; Absent, 19.

The SPEAKER: Fifty-three having voted in the affirmative and seventy-eight in the negative, with nineteen being absent, the motion does not prevail.

Thereupon, Mr. Finemore of Bridgewater offered House Amendment "B" and moved its adoption. House Amendment "B" (H-181) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. FINEMORE: Mr. Speaker and Members of the House: I am just going to read to you the Statement of Fact from this. "The purpose of this amendment is to redefine the boundaries for the district for moose hunting." And I would like to add that I believe the sponsor would speak for himself, and the other members of the Fish and Game Department and I believe they are all in accord with this amendment.

Thereupon, House Amendment "B" was adopted and the Bill passed to be engrossed as amended by House Amendments "A" and "B" and sent to the Senate.

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

An Act relating to the Administration of Welfare Programs (H. P. 1271) (L. D. 1672)

Tabled — April 23, by Mr. Shaw of Chelsea.

Pending — Passage to be enacted.

On motion of Mr. Shaw of Chelsea, under suspension of the rules, the House reconsidered its action of April 16 whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-183) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I notice that one of the sections is being repealed. I wonder if the gentleman from Chelsea, Mr. Shaw, could tell us what that particular amendment would do?

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to the gentleman from Chelsea, Mr. Shaw, who may answer if he

chooses, and the Chair recognizes that gentleman.

Mr. SHAW: Mr. Speaker and Members of the House: When I started checking this bill, it didn't look quite right to me. In the Appropriations Committee we have been picking up a number of Health and Welfare matters. And one thing that we have been told by some of the higher state officials is that when this House votes certain legislation in here, permissive legislation, it is up to the Appropriations Committee to fund these matters, and we are committed to doing it. Well, I don't particularly agree with this point of view. So when this bill arrived, I sent it down to Legislative Finance and requested that they let us know how much this is going to cost us. And they came back and said they couldn't tell. It allowed the Health and Welfare Department in a number of areas to do just about what they wanted to do.

A short time ago, they changed their position on the step-father clause in welfare, and this is costing us a million dollars a year. So the members of the Appropriations Committee are trying to tighten up some of these areas and give the Welfare Department some direction on how much money we would like to have them spend.

One of the bases that were in the present bill repealed Title 22. Title 22 was 266 pages of laws on the Health and Welfare Department. I don't think it was intentional; I think it was poor drafting. But it also repealed a number of other sections that involved responsibility of members of the family for people under welfare. 3401 took out the fact that statements for aid shall include full information regarding incomes, individual income, assets, liabilities and so forth. It took that out so the department could have them file statements or not as they saw fit.

There was another part taken out that if a person once says that in the case of a change of circumstance, a person receiving aid has to notify the department, and I was told of an instance when a

worker stopped in and took a check into a relief case and the fellow just got a \$15,000 insurance check and the worker says, "Well, this is a bonus on top of your \$15,000". I don't think that is really necessary. So I asked Finance to come up with the numbers of the paragraphs that would affect these various sections, and this is the amendment.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the adoption of House Amendment "A" and tomorrow assigned.

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

SENATE REPORT — "Ought to pass" with Committee Amendment "A" (S-91) — Committee on County Government on Bill "An Act Creating Oxford County Commissioner Districts" (S. P. 270) (L. D. 798) — In Senate, Report accepted and Bill passed to be engrossed as amended by Committee Amendment "A".

Tabled — April 23, by Mr. Fraser of Mexico.

Pending — Acceptance in concurrence.

On motion of Mr. Immonen of West Paris, retabled pending acceptance of Report in concurrence and tomorrow assigned.

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

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

Tabled—April 23, by Mr. Bragdon of Perham.

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

Mr. Smith of Dover - Foxcroft withdrew House Amendment "A" to Committee Amendment "A".

The SPEAKER: Is it the pleasure of the House to adopt Committee Amendment "A"?

The Chair recognizes the gentleman from Winslow, Mr. Carter.

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

House: I have had an amendment prepared by the Attorney General's office which has corrected some of the opposition and some of the questions that they raised, and I would like to offer this amendment which has filing H-171. One other item in the amendment also is the fact that any item of a gross sale price of less than \$25.00 would be exempt under the proposed law. And I believe, Mr. Speaker, the motion I should make now would be indefinite postponement of Committee Amendment "A", in order to offer House Amendment "A". I so move, Mr. Speaker.

Thereupon, Committee Amendment "A" was indefinitely postponed.

Mr. Carter of Winslow then offered House Amendment "A" and moved its adoption..

House Amendment "A" (H-171) was read by the Clerk and adopted.

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

Mr. SCOTT: Mr. Speaker and Members of the House: The intentions of Mr. Carter sponsoring this measure, which would require dealers of used property to keep the record of each item are very noble indeed. I am glad that he has recognized some of the problems and is trying to correct them with his amendment. However, as a practical matter it would be almost impossible for dealers to comply.

You will notice that the bill has already been amended to exclude coin collections, stamp collections, scrap materials, bulk purchases from estates, and so forth. Just what the bulk purchases from estates would be I am not sure; whether it would be a bottle collection or preserving jar collection or button collection, and how you would keep a record of these.

I feel that this is unnecessary legislation and I would move that the bill and accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Wilton, Mr. Scott, now moves the indefinite postponement of L. D. 631.

The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker and Ladies and Gentlemen of the House: I don't want to prolong the debate on this bill. I believe that the salient points of this bill were well brought out previously, and I can understand where Mr. Scott would have some concern about some of the additional work that would be required for dealers of used property. However, I would merely like to say that no matter what type of legislation you pass there is always somebody that is inconvenienced. I believe in this case that the benefit derived from the minor inconvenience will more than offset the inconvenience.

I would hope that you would go along with me against the indefinite postponement of this bill, and I would ask for a division.

The SPEAKER: The pending question is on the motion of the gentleman from Wilton, Mr. Scott, that the Bill and accompanying papers be indefinitely postponed. A vote has been requested. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

55 voted in the affirmative and 58 voted in the negative.

Whereupon, Mr. Pratt of Parsonsfield requested a roll call.

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

Mr. FINEMORE: Mr. Speaker, I would like to speak briefly on this, if I may. These coin collections, it is almost impossible to keep a record of coin collections. I know there are coin collectors here. And I would say the amendment on the bill fixes it a lot, because all those coin collectors—and I consider myself a coin collector, it doesn't take much for a key coin to come to \$25 or more; and if you had to stop to write down in your book when you have an organization meeting the same as clubs and so on and so forth, when you sell probably a dozen or fifteen in one evening—and some wouldn't come under this category but a lot of them do, the same as rolls, uncirculated rolls and so on and so forth, it would be al-

most impossible to keep run of this. You would have to have a bookkeeper with you, so I hope you will go along with the indefinite postponement of this measure.

The SPEAKER: 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 Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Merely to correct a misstatement, I would like to point out that coins are exempt under the proposed amendment along with stamps and motor vehicles and scrap materials and so on. I would hope that you would go against the indefinite postponement of this amendment.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I would speak today in support of the indefinite postponement. I too concur completely with the motives which have prompted this bill and I don't have any alternative to offer. I wish I did. I think that this problem of thievery around the country and Maine is one that we would all like to deal with effectively.

I have a personal interest. I have a camp that has been broken into five times and I now can get insurance only with a \$500 deductible. If this had been in effect, the most recent break there was \$1,600 worth, and it wouldn't have done a bit of good. \$400 worth of material was sold for \$18. They sell only to people who deal in stolen stuff, at least in rural areas. These guys who buy this stuff know the fellows that are selling it and know that they are thieves, and there is nothing that is going to make honest people out of them.

I wish the bill did what it is supposed to do. I just don't believe that it will. I think it is just going to make a lot of honest people very miserable and do nothing with the dishonest people.

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

Mr. EMERY: May I pose a question through the Chair to the gentleman from Pittsfield?

The SPEAKER: The gentleman may pose his question.

Mr. EMERY: Mr. Susi, are you speaking as an individual or as the majority leader?

The SPEAKER: The gentleman from Rockland, Mr. Emery, poses a question through the Chair to the gentleman from Pittsfield, Mr. Susi, who may answer if he chooses.

Mr. SUSI: Well, ladies and gentlemen of the House, I think that thievery crosses party lines. (laughter)

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen: After studying this amendment here and this bill and what it will do, I think this is very good legislation. It will go a long way to curb something that is going on in this state which hasn't been recognized thoroughly. I am referring to the stealing and larceny of antiques from personal buildings and so forth. This is about the only way that you are going to be able to keep some track or record of where these antiques are being disposed of. There are hundreds of thousands of dollars been stolen in the State of Maine in the last four years of antiques alone.

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

Mr. LUND: Mr. Speaker and Members of the House: I rise reluctantly to debate this again. The House members will recall that we had at least one full debate previously, in which it was pointed out that the basic problem is that when somebody breaks into your summer place or your residence when you are away and you report it to the police, if the thieves dis-

pose of the merchandise as they sometimes do, through antique or secondhand stores, at the present time there is no way of insuring that the person who buys it in the store is going to keep track of who he bought it from. While I would agree with Mr. Susi that this bill may not solve the problem, it does represent an intent and one that I hope the House might be consistent in and stick with its previous action.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I am going to say something which perhaps is unprecedented, I don't know. I voted this "ought not to pass" out of committee. I believe it is too broad. Well now that it has been narrowed down and I can see the need for such legislation, and as Mr. Lund has stated, I shall vote for the bill now. I have opposed it previously, before all these other items were voted out of it, in fact the \$25 minimum and coins and collections of used furniture bought in homes and so on. But we have got to do something, and I suppose if we are going to stop thievery, if we are going to control it to some extent, we have got to pay some sort of a price; and that price is involved in this bill, is keeping these records of sales.

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

Mr. BRAWN: Mr. Speaker and Members of the House: The Chief of Police in my town, he has much property which has been stolen. They don't even know, the men who stole it, where they got it. These men have been sentenced to prison, and if you come to me I will even tell you who they are. So this does not make any difference whether you register or don't. I shall have to go along with Mr. Susi, because if they don't know where they got the stuff I don't know how we are ever going to find out where it goes back to.

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

gentleman from Wilton, Mr. Scott that Bill "An Act Providing for Records of Sales of Used Merchandise," House Paper 490, L. D. 631, be indefinitely postponed. The yeas and nays have been ordered. All in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bailey, Bartlett, Bither, Brawn, Brown, Collins, Crosby, Cummings, Curtis, A. P.; Curtis, T. S. Jr.; Evans, Finemore, Good, Hall, Hancock, Hardy, Hawkens, Hayes, Hewes, Immonen, Lewin, Lincoln, Littlefield, Maddox, Manchester, Marsh, Marsteller, McCormick, Millett, Norris, O'Brien, Porter, Pratt, Rollins, Scott, Silverman, Simpson, L. E.; Susi, Theriault, Trask, Webber, Wheeler, Williams, Wood, M. E.

NAY — Albert, Baker, Barnes, Bernier, Berry, G. W.; Berube, Binnette, Boudreau, Bourgoin, Bragdon, Bunker, Bustin, Call, Carey, Carrier, Carter, Churchill, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Cyr, Donaghy, Dow, Doyle, Drigotas, Dudley, Dyar, Emery, D. F.; Farrington, Faucher, Fecteau, Fraser, Gagnon, Gauthier, Genest, Gill, Goodwin, Haskell, Henley, Herrick, Hodgdon, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Lessard, Lewis, Lizotte, Lucas, Lund, Lynch, MacLeod, Mahany, Martin, McTeague, Mills, Morrell, Mosher, Murray, Page, Parks, Pontbriand, Rand, Rocheleau, Shaw, Sheltra, Shute, Simpson, T. R.; Slane, Smith, D. M.; Starbird, Stillings, Tanguay, Tyndale, Vincent, White, Wood, M. W.; Woodbury.

ABSENT — Bedard, Berry, P. P.; Birt, Clark, Dam, Emery, E. M.; Hanson, Jalbert, Kelley, P. S.; McCloskey, McKinnon, McNally, Orestis, Payson, Ross, Santoro, Smith, E. H.; Whitson, Wight.
Yes, 45; No, 86; Absent, 19.

The SPEAKER: Forty-five having voted in the affirmative, eighty-six in the negative, with nineteen being absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by

House Amendment "A" and sent to the Senate.

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

Bill "An Act relating to Search by Coastal Wardens" (H. P. 1291) (L. D. 1690)

Tabled — April 27, by Mr. Tynedale of Kennebunkport.

Pending — Passage to be engrossed.

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

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

An Act Creating the Cumberland County Recreation Center (S. P. 404) (L. D. 1221)

Tabled — April 27, by Mr. Marsteller of Freeport.

Pending — Passage to be enacted.

On motion of Mr. Simpson of Standish, under suspension of the rules, the House reconsidered its action of April 21, whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-186) was read by the Clerk and adopted.

Thereupon, on motion of Mr. Marsteller of Freeport, retabled pending passage to be engrossed and specially assigned for Friday, April 30.

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

SENATE JOINT ORDER — Re Secretary of Senate to hire a temporary typist or stenographer (S. P. 551)

Tabled — April 27, by Mr. Trask of Milo.

Pending — Passage in concurrence.

Thereupon, the Joint Order received passage in concurrence.

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

SENATE DIVIDED REPORT — Majority (9) "Ought not to pass" — Minority (4) "Ought to pass" — Committee on Judiciary on Bill "An Act relating to Probable Cause Arrests in Misdemeanor Violations" (S. P. 333) (L. D. 979) — In Senate, Majority Report accepted. In House, Majority Report accepted in concurrence.

Tabled — April 27, by Mr. Hewes of Cape Elizabeth.

Pending — Motion of Mr. Page of Fryeburg to reconsider.

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

Mr. PAGE: Mr. Speaker and Members of the House: I asked for this reconsideration because I believe that this is an enforcement bill, not a judicial or legal bill. And I think that it is a tool that officers enforcing our laws need. It is an act relating to probable cause in misdemeanor violations. A probable cause is defined as a reasonable ground for belief of guilt. And this was sponsored because in previous action we have changed larceny from \$100 to \$500. In other words, an officer could arrest for anything of a \$100 value in a larceny case on probable cause, but with this new law going into effect 90 days after we close, whenever that may be, they will not be able to arrest unless it is over \$500. And this is my main reason for asking for reconsideration.

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

Mr. HEWES: Mr. Speaker and Members of the House: I hope you will sustain what we did yesterday, and that is sustain the 9 to 4 majority of the Judiciary Committee.

As you all probably know, a felony is a crime for which a person may be sentenced to State's prison for a year or more, whereas a misdemeanor is a crime for which a penalty of less than that only may be provided. And historically police officers have not been allowed to arrest a person for a misdemeanor on probable cause unless there was a warrant issued. This would change that decidedly, this bill.

I don't think there is a need for it. I don't think we are getting into the police state where we need such a law as this that would permit arrest on probable cause for a misdemeanor, and I just submit there is no need for it. We should let the law the way it has been since, I believe, Maine became a state, and I hope that you will vote against the motion to reconsider.

The SPEAKER: The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken. 28 having voted in the affirmative and 78 having voted in the negative, the motion did not prevail.

The Chair laid before the House the eleventh 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 27, by Mr. Susi of Pittsfield.

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

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: First of all, I want to apologize for having this on the calendar for so many weeks, and second of all, I would like to thank the membership of the House for allowing it to be tabled as many times as was necessary to prepare the proper amendments.

Now first of all, before I get into the text of the debate this morning, I would draw your attention to a letter which is on your desk from the Attorney General's office, from John W. Benoit, Jr. I would also draw your attention to a proposed amendment from the Attorney General's office, House Amendment "B," under filing

number H-187, which I would hope to present at the appropriate time, should the bill reach the engrossment stage.

Now as you may remember in debate a few weeks ago when this was first brought to the floor, there were several objections raised. First of all, the bill was too comprehensive. It provided indemnification for employees of the State of Maine as well as public officials. The question was raised, "How expensive will this be?" As I recall, the gentleman from Perham, Mr. Bragdon, suggested that it should have an appropriations measure on it, and this is very true. After having done some research, it was discovered that this would be very expensive to include all state employees.

The proposed amendment that I have mentioned eliminates all state employees. It also eliminates the officials of the State of Maine. It only covers municipal officials, elected and appointed, and this also includes members of school boards and school districts. In other words, the bill is now in approximately the same shape as it was when I originally presented L. D. 6. The difference is that it is an indemnification and not an immunity.

Another point that was brought up was that it was unclear whether or not passage of this bill would in any way jeopardize the state's position with respect to sovereign immunity.

Now if you will read the letter that I distributed this morning, you will see that in the very last sentence, and I quote, "Since the proposed legislation does not mention officials of the State of Maine, the measure in no way intends to waive the sovereign immunity of the state."

Now the question has also been raised, how about the sovereign immunity of municipalities? And the answer is this. Municipalities are liable only to the extent that if the money is available to indemnify their public officials, they must do so. However, this does not require any municipality to raise any additional funds, raise any extra taxes, for the purpose of implementing this legislation.

Now if I may digress for a few minutes, as you may recall in the original debate, the reason that I originally introduced L. D. 6 was to protect members of school boards from suits stemming from any actions that they may have taken in an official capacity in good faith. This stemmed from problems that we had in Rockland and in other areas of the state with respect to bomb threats, and the school board members were afraid to take action for fear of having judgment against them.

The bill now, as I mentioned, not only covers members of school boards but also municipal officials. This would include city councillors or aldermen or people of this nature as well. I think that the intent of the bill and the intent of the amendment is pretty well spelled out in the letter from the Attorney General's office.

Now the motion this morning is reconsideration. The bill was indefinitely postponed, pending reconsideration this morning. And I would appreciate it very much if you would go along with reconsideration, read the amendment, and if you have any further questions or objections, you move to kill it at another time. But I would hope to move this along to third reader so I can offer House Amendment "B" under H-187.

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

Mr. BUSTIN: Mr. Speaker and Ladies and Gentlemen of the House: A few days ago we killed this bill 115 to 19, and at that time I think many of us were concerned that state employees as well as municipal officials should not feel secure if they were contemplating some kind of act which could be labelled capricious or arbitrary or indiscriminate. I believe, and I think a lot of the people in this House agree with me, that school board directors, city councillors and everyone else should be responsible for their own actions. When they run for these offices as we run for ours, we expect to be responsible.

Now the school board directors, and I guess city councillors and other municipal officials have

some kind of immunity under the state law. What they are after here, it seems to me, is some kind of financial protection if they should be found in violation of the federal statute.

Now I want these people — they expect me and they expect you to consider these things when we make our decisions, and I want them to consider their pocketbooks and their communities when they make their decisions, particularly if the decisions they make concern such things as whether or not my child is in a school where a bomb very well might be. So I would oppose the reconsideration.

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

Mr. MARSTALLER: Mr. Speaker and Members of the House: We gave this bill a very decent burial the other day, and I think we all read the proposed amendment and we read the opinion from the Attorney General's office. I don't see this really changes what the bill might do, and I think the thing that we would find ourselves doing if we resurrected this bill and adopted the amendment, we would be maybe jumping out of the frying pan into the fire. And I think we should leave this bill buried where it is.

The SPEAKER: The pending question is reconsideration. The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

28 having voted in the affirmative and 84 having voted in the negative, the motion did not prevail.

Mr. Lund of Augusta moved that the House reconsider its action of earlier in the day whereby it accepted the Minority "Ought not to pass" Report on Bill "An Act to Amend the Laws Relating to Forcible Entry and Detainer" (S. P. 229) (L. D. 675) in non-concurrence.

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

Mr. HEWES: Mr. Speaker and Members of the House: I would ask for a division on the motion.

As you will note, this is the bill that would lengthen the time for forcible entry, or the time in which a tenant would have in which to vacate premises.

The present law, as I understand it, is that when — supposing it is a tenant at will in premises, that is a tenant without a lease. You have a tenant living what we call at will, without any termination date. It is more or less a weekly or monthly — month to month affair, or week to week tenancy. If that property is sold to some third party, perhaps you might buy somebody else's apartment house, under the present law you have — after getting a court order — seven days before the tenant would have to vacate the premises. This bill, L. D. 675, would extend that period of time to 30 days, so that you could not get into your apartment house you just bought for 30 days, rather than in seven days.

It also applies to a lease situation. If a new lease is issued to somebody else, a new tenant, that new tenant couldn't get in for 30 days rather than seven days under existing law.

Now I think we ought to be fair. I know we all want to be fair as possible on these landlord-tenant matters. But you realize the tenant is using the property of some landlord. If that apartment is worth, say, \$5,000, the tenant is using something that is worth \$5,000 of the landlord. And it seems to me it is almost as though you had a \$5,000 car that you let someone else use for an indefinite period, and then in due course you sold that \$5,000 car to some purchaser. But before you had done that you had loaned that car to me perhaps, and I like the idea of using your \$5,000 car. And when you told me that you had sold the car to somebody else and you wanted me to give it up in seven days, I say, "No I like your car; I want to use it for 30 days." And you wouldn't be allowed to — and although we are talking about real estate, not cars, I think the principle is the same. So I respectfully ask that you vote against the motion to reconsider.

The SPEAKER: The Chair rec-

ognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I had not planned to debate this at this time, but I was not in my seat this morning when the gentleman from Cape Elizabeth, Mr. Hewes, made the motion to accept the Minority "Ought not to pass" Report.

It is late in the morning, and I am sorry to have to debate it at this time, but I would like to mention a couple of things in regard to the bill that would be of interest to the House, I think.

You all will recall that within the past two years the Attorney General's office was very much involved in a series of hearings held in various parts of the state in regard to alleged abuses in the relationship of landlord and tenant. The law under which the Attorney General was supposed to operate is not a very effective one. It only provides for rent profiteering. That is a pretty difficult thing to show.

So what was done, and I was not a participant in this, of course, but what was done was that a committee was established with representation both from landlord and tenant and other interests who sought to prepare various items of legislation to present to this legislative session. And this is one of those bills. It was heard by the Judiciary Committee, and the committee learned that under our general common law in Maine it takes 30 days notice to evict a tenant.

However, our Maine decisions have allowed a shorter period to be used for eviction where the landlord has subleased the premises or sold the premises. And the cases have also upheld evictions on shorter notice where a lease, for instance, or a sale between the landlord and his secretary — in other words, a phony lease — has been allowed to be used to shorten this 30 day period.

It is a legal fiction, but it has been upheld by our courts, and it appeared to the committee that this was basically an unfair way for the relationship to be carried on. And this bill provides a 30 day notice except for certain situations in which a seven day notice is provided.

If the tenant is damaging the landlord's property, the bill provides that he can evict in seven days. But if he is not breaking the law or doing any of these things, the 30 day notice applies. So it appeared to the majority of the Judiciary Committee that this was a reasonable bill, and I would therefore hope that you would vote for reconsideration in order to give the bill a chance to be debated further, as I am sure it will be.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: I will be very brief here, try to put the point across to you in a very short period. I submit again to you that a person should be able to use his property as he wants, and have possession of it when he wants.

I submit to you — and this hasn't been mentioned here— that when you buy a property or it is sold to a third party, that the tenant at will is not a tenant at will any more, he is a tenant at sufferance. And according to law a tenant at sufferance, you have — the landlord and a tenant at sufferance has the right to immediate possession of the property. And I submit to you that this is used not too often as far as to get possession of the property.

I think mostly whether you are a landlord or whether you are a property owner, whatever you are, that you are able and will give anybody a half a chance to find some other property to live in, but I do believe in the principle that on the property rights — that if you buy a property you buy it for your own use, and you should have a chance to have use of that property and not be delayed six months or a year because somebody just doesn't want to move out of there. I submit to you that it has been mentioned that there have been Attorney General hearings, and that is true. But I haven't seen any record whatsoever, and I would be glad to, if anybody would show me, that the Attorney General's office has come out with any report as to abuses on the hearings.

I submit to you I am not going to debate the bill now, but there is plenty to be said about this bill, and I submit to you that I hope that we may — you vote against the motion to reconsider.

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

Mr. CALL: Mr. Speaker and Members of the House: I shall just say briefly that I too hope that this House votes against the motion to reconsider. This bill is one of many vicious, hatchet-swinging attempts at legislation against the landlord. It is definitely discriminatory toward the landlord.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: I rise this morning to support my colleague and friend from Augusta, Mr. Lund. And I would ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: I too feel that this is legislation which we need, and I urge your support of this present motion.

The SPEAKER: 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 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 Augusta, Mr. Lund, that the House reconsider its action of earlier in the day whereby it accepted the Minority "Ought not to pass" Report on Bill "An Act to Amend the Laws Relating to Forcible Entry and Detainer," Senate Paper 229, L. D. 675. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA—Ault, Bailey, Baker, Bragdon, Brown, Bustin, Carter, Cle-

mente, Cooney, Cottrell, Cummings, Curtis, T. S., Jr.; Cyr, Dow, Doyle, Drigotas, Gagnon, Gill, Goodwin, Hancock, Haskell, Hawkens, Hayes, Herrick, Immonen, Kelleher, Kilroy, Lawry, Lewin, Littlefield, Lucas, Lund, Lynch, Marstaller, Martin, McTeague, Millett, Morrell, Mosher, Murray, Page, Parks, Pontbriand, Porter, Scott, Shaw, Silverman, Slane, Smith, D. M.; Stillings, Susi, Vincent, Webber, Wheeler, White, Wood, M. E.; Woodbury.

NAY—Albert, Barnes, Bartlett, Bernier, Berry, G. W.; Berube, Binnette, Bither, Brawn, Bunker, Call, Carey, Carrier, Collins, Conley, Cote, Crosby, Curran, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Farrington, Fecteau, Finemore, Fraser, Gauthier, Genest, Hall, Henley, Hewes, Kelley, K. F.; Kelley, R. P.; Keyte, Lebel, Lee, Lessard, Lewis, Lizotte, MacLeod, Maddox, Mahaney, Manchester, Marsh, McCormick, Nor-

ris, Payson, Pratt, Rand, Rocheleau, Rollins, Sheltra, Shute, Simpson, L. E.; Theriault, Trask, Wight, Williams, Wood, M. W.

ABSENT — Bedard, Berry, P. P.; Birt, Boudreau, Bourgoin, Churchill, Clark, Curtis, A. P.; Dam, Donaghy, Evans, Faucher, Good, Hanson, Hardy, Hodgdon, Jalbert, Jutras, Kelley, P. S.; Lincoln, McCloskey, McKinnon, McNally, Mills, O'Brien, Orestis, Ross, Santoro, Simpson, T. R.; Smith, E. H.; Starbird, Tanguay, Tyndale, Whitson.

Yes, 57; No, 59; Absent, 34.

The SPEAKER: Fifty-seven having voted in the affirmative, fifty-nine in the negative, with thirty-four being absent, the motion to reconsider does not prevail.

On motion of Mr. Cote of Lewiston.

Adjourned until nine o'clock tomorrow morning.