

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth  
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, May 6, 1971

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

Prayer by the Rev. Mr. Jack Shankel of Augusta.

The journal of yesterday was read and approved.

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

Report of the Committee on Natural Resources on Bill "An Act Defining the Standards of Judicial Review in Appeals from Orders and Decisions of the Environmental Improvement Commission" (S. P. 310) (L. D. 903) reporting same in a new draft (S. P. 565) (L. D. 1703) under same title and that it "Ought to pass".

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

In the House, the Report was read and accepted in concurrence and the New Draft read twice. Senate Amendment "A" (S-136) was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the New Draft.

**Divided Report**

Majority Report of the Committee on Judiciary on Bill "An Act relating to Use of Electronic Recording Equipment in the District Court and before Administrative Agencies" (S. P. 298) (L. D. 855) 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. **HEWES** of Cape Elizabeth  
**PAGE** of Fryeburg  
**ORESTIS** of Lewiston  
**CARRIER** of Westbrook  
**HENLEY** of Norway  
**KELLEY** of Caribou  
**LUND** of Augusta  
Mrs. **BAKER** of Orrington  
Mrs. **WHITE** of Guilford  
— of the House.

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

Report was signed by the following members:

Messrs. **TANOUS** of Penobscot  
**QUINN** of Penobscot  
— of the Senate.  
Mrs. **WHEELER** of Portland  
— 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 Majority "Ought to pass" Report was accepted in concurrence.

The Bill was given its two several readings.

Committee Amendment "A" (S-130) was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

**Divided Report  
Tabled and Assigned**

Report "A" of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act Creating the Maine Litter Control Act" (S. P. 262) (L. D. 768)

Report was signed by the following members:

Messrs. **QUINN** of Penobscot  
**CLIFFORD**  
— of Androscoggin  
— of the Senate.  
Messrs. **CROSBY** of Kennebunk  
**PECTEAU** of Biddeford  
**NORRIS** of Brewer  
— of the House.

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

Report was signed by the following members:

Messrs. **KELLAM** of Cumberland  
— of the Senate.  
Messrs. **CURTIS** of Bowdoinham  
**BRAWN** of Oakland  
**EMERY** of Rockland  
**GAUTHIER** of Sanford  
— of the House.

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

In the House: Reports were read.

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

Mr. NORRIS: Mr. Speaker, I move that the House accept Report "A" in concurrence.

The SPEAKER: The gentleman from Brewer, Mr. Norris moves that the House accept Report "A" "Ought to pass" in concurrence.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: The bill before us is entitled "An Act Creating the Maine Litter Control Act." As I read the Act, subject to the amendment in the Senate, the primary purpose of the Act seems to be to deprive municipalities of the powers they now have to exercise their own concern for the litter problems within their municipalities.

I understand that there is an order being prepared which will come down from the other body which will study the whole area of litter control, and I question whether at this time, in the absence of a study, we, acting as the State Legislature, would want to deprive our own municipalities of the authority to take action in this area.

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

Mr. EMERY: Mr. Speaker and Members of the House: We have heard three different bills in Legal Affairs this session, two which would ban the use of nonreturnable bottles and the third one that we are now discussing. Mr. Cote, the gentleman from Lewiston, has suggested — and I think we saw the order on our desks yesterday, that this matter be referred to Legislative Research.

Initially, as you all know, I supported Mr. Ault's bottle bill, but on second thought I think that since that bill was unsuccessful that we should refer this whole matter of litter control and waste disposal to Legislative Research.

There are several other problems that some of us saw in the litter control act, especially the section that the gentleman from Brunswick just referred to, which would

municipality to make its own laws governing litter control.

Therefore I move that this bill be indefinitely postponed along with all its accompanying papers.

The SPEAKER: The gentleman from Rockland, Mr. Emery, moves that both Reports and Bill be indefinitely postponed in non-concurrence.

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

Mr. McTEAGUE: Mr. Speaker, I ask that this item be tabled for one legislative day.

Whereupon, Mr. Donaghy of Lubec requested a division.

The SPEAKER: A division has been requested on the tabling motion. All in favor of this item L. D. 768, both Reports and Bill, being tabled will vote yes; those opposed will vote no.

A vote of the House was taken. 60 having voted in the affirmative and 53 having voted in the negative, the motion did prevail.

#### Non-Concurrent Matter

Bill "An Act to Provide Transportation for Blind Adults Attending Educational Facilities" (S. P. 472) (L. D. 1493) on which the House accepted the Majority "Ought not to pass" Report of the Committee on Education in non-concurrence on May 4.

Came from the Senate with that body voting to insist on its former action whereby the Minority "Ought to pass" Report was accepted and the Bill passed to be engrossed, and asking for a Committee of Conference with the following Conferees appointed on its part:

Mr. TANOUS of Penobscot

Mrs. CARSWELL

of Cumberland

Mr. MINKOWSKY

of Androscoggin  
In the House: On motion of Mr. Millett of Dixmont, the House voted to insist and join the Committee of Conference.

#### Non-Concurrent Matter

An Act relating to Payment of Expenses of Supreme Judicial Court and the Superior Court by the State (S. P. 524) (L. D. 1519) which was passed to be enacted

in the House on April 8 and passed to be engrossed on April 6.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Hewes of Cape Elizabeth, the House voted to insist and ask for a Committee of Conference.

#### **Non-Concurrent Matter Tabled Later in the Day**

An Act relating to Size Limit of Trout (S. P. 548) (L. D. 1687) which failed passage to be enacted in the House on May 4 and which was passed to be engrossed on April 28.

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

In the House:

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

Mr. BITHER: Mr. Speaker, could this be tabled until later today. We have an amendment in preparation.

Whereupon, on motion of Mr. Curtis of Bowdoinham, tabled pending further consideration and later today assigned.

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

Bill "An Act to Grant Adult Rights to Persons Eighteen Years of Age" (H. P. 435) (L. D. 600) on which the House accepted the Minority "Ought to pass" Report of the Committee on State Government and passed the Bill to be engrossed on May 4.

Came from the Senate with the Majority "Ought not to pass" Report accepted in non-concurrence.

In the House:

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

Mr. MURRAY: Mr. Speaker, I move that we insist on our former action.

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

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

Mr. ROSS: Mr. Speaker, I move that we recede from our former action and concur with the Senate.

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

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

Mr. EMERY: Mr. Speaker and Members of the House: I would hope that we would defeat the motion to recede and concur and when the vote is taken I ask for a roll call.

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

Mr. MURRAY: Mr. Speaker and Ladies and Gentlemen of the House: I rise this morning to oppose the motion of the gentleman from Bath. This is the third time this week that this bill has been before us. We have acted consistently twice with our actions that we consider the 18 and 19-year old citizens of this state capable of adult rights and also willing to accept the responsibilities with it. I don't think that we should let our friends down at the other end determine or change our minds.

I just can't follow the logic that people are intelligent and have the maturity to make wise decisions and are required by certain state and federal laws to act like adults, while at the same time we continue to say they don't quite have enough to make all their decisions.

So I ask you this morning to continue to support this bill and to defeat the motion.

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

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: I think you might be interested to know that at the hearing on this bill there were only a very few young people there at the hearing. As I recall, only one or two spoke for this bill. In other words, they were not asking for this; someone else was asking for it.

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

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

House: I really hate to confront the good Democratic representative from Bangor again, but conscience dictates otherwise. A few new points have come to light that might further assist us in intelligently evaluating this proposed piece of legislation.

Point 1: A most distinguished member of this House, who voted initially for full adult rights, told me he wanted to see these disrespectful and know-it-all teenagers get a taste of what their parents were presently facing in this materialistic society at a time when they criticized their parents for immature decisions involving some of these same adult rights. I maintain that this is no place to pass legislation just to reap vengeance on our sons and daughters. Vested interests in this branch I am sure will disagree with me.

Point 2: Not a single 18 or 19 year old appeared at the public hearing as a proponent to support this legislation. I ask you: Is it proper for us to force these responsibilities on individuals who have not requested them?

Point 3: I fail to see how the press and others can really call this bill a companion to the franchise bill and thus necessary to consummate the full maturity contract between the right to vote and the 23 adult rights and responsibilities. Some say if they are responsible enough to have the vote they should likewise enjoy the privileges. I will agree with this logic when they live up to the first mentioned responsibility — turning out at the polls. In the meantime all 18 and 19 year olds will be given the right to purchase and consume liquor and sign contracts, while statistics show that this group is not interested in voting. My thinking is that if Maine youth demonstrate a less lethargic and apathetic attitude than presently demonstrated in other states, they should have full adult rights.

Point 4: One fine, old Republican gentleman — and I'm not referring to my seatmate Professor Emeritus Roy Bither, of this body insisted, and I think rightly, that the 18-year old vote was advanced for strictly political reasons and

he went further to say that when Maine people and not the Supreme Court or Congress voted the franchise for 18-year olds, he would concur with Mr. Murray's bill.

I thank you for your time and hope none of this, has been repetitious.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: Now that Mr. Farrington has made his declaration of conscience I would only ask, why do we trust an 18-year old with an M-16 rifle but not with a glass of beer or a wife? Maybe we think that women are more dangerous than loaded guns. (laughter)

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I have a little score card here on our action on the 18-year old situation. Last October the Supreme Court did give the right to the 18-year olds in national elections, but in January we passed an amendment to our Constitution on the 18-year old situation to give them the right to vote in state elections; and that has not yet, of course, been referred to the people. A little later, I think it was in February, Congress passed an amendment to the Constitution to give 18-year olds the right to vote in all elections. Now that will have to go before all the legislatures, or until 38 of our legislatures pass it.

In the meantime, we have passed that amendment in our own legislature. So now we have this other situation to give all adult rights to the 18-year olds before we have even decided whether they can vote in state elections. And that is just the score card.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: We endorsed this twice in the House. The question has been raised here on why the teenagers didn't show up at the hearings. When you stop and realize it will cost you \$25 to come here and feed

yourself and bed yourself overnight, I think they had an awful good reason for not coming here. If you don't have the adult rights to earn the money to set up a business or go into any other form of activity to produce, and you want to keep it away from them now, it is ridiculous.

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

Mr. DYAR: Mr. Speaker and Members of the House: I think if you will go back — I remember in the 104th we passed a bill which would allow minors to obtain the services of doctors for the problem of venereal disease without parental consent. This session we have passed legislation which would allow minors to receive treatment for drug abuse without parental consent. We will be faced with another bill which would allow minors to be prescribed contraceptives without parental consent, and in testimony you have heard that this applies to nine, ten and eleven year olds. If we can pass legislation in this House to lower the morality of the young people of the State of Maine and add to the promiscuous thoughts of these people, it seems to me that the 18-year olds should be immoral enough to have the right to vote.

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

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen of the House: There were references made the other day to the fact that the Supreme Court decision was a five-four vote on granting of the 18-year old vote. I would remind the House that most of the landmark court decisions have always been a five-four decision. And the references to the hearings and the attendance, I would remind any committee member that served on a committee that every committee has had major bills before it of great interest but spotty attendance. Attendance at a hearing has never been a prerequisite on a bill.

I would also remind the people that it has been mentioned that first we must find out how many young people will turn out to the

polls. Well I don't consider this a prerequisite either, due to the fact that between sixty and forty per cent of the adult population fail to show up at any given presidential or non-presidential election. The general attendance at the polls during a presidential year is about sixty percent, but a non-presidential year anywhere between forty and forty-five percent.

So to judge these people on their attendance at the polls would not be a prerequisite. I would suggest that the people we want to vote are the ones who will take the time and the effort to vote. Those who do not show up, so much the better. Those are the people that probably wouldn't be casting a halfway decent ballot anyway. I would hope that you would support this at this time.

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

Mr. SANTORO: Mr. Speaker, Ladies and Gentlemen of the House: 18-year olds in my estimation are physically and mentally mature. People now grow on better diet, better care, and fully enjoy the progress that we make in the sciences. Some of course are under par, but the same thing is in the picture of people who are fifty up, that are prematurely arteriosclerotic or senile. So the balance sets off.

I endorse this bill heartily and I wish you would give the young crowd a chance to make good of themselves.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: After looking over Section 34 on page seven of this document, I am wondering, where we have a lot of our youth that go to school or high school at the age of 18 and they have to continue beyond that for a post graduate course. I am wondering if they will have to pay tuition from there on. Also many of our state wards, who are over 18, that we are sending to school, whether we would have to pay tuition or not for them.

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

Mr. WHITSON: Mr. Speaker and Ladies and Gentlemen of the House: It is my opinion that the more comprehensive and the most important adult responsibility is the right to vote, the right to have a hand in directing the affairs of government; and if the 18-year olds are judged to be competent to vote on matters affecting the rights of all citizens, they should have all the rights of all citizens. If they are adjudged to be qualified in helping direct the affairs of government, they likewise it seems should be qualified to direct their own affairs.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: One of the arguments that I believe was used in the other body against granting adult rights to 18-year olds was that we should wait and see what the people of Maine are going to do next November when they vote in referendum.

Well there are two ways in which the 18-year olds can be granted the state vote. Obviously they already can vote for President, U.S. Senator and Congress. One of these ways is if the people of Maine vote for it in referendum. The second way is if the necessary amount of states ratify the U.S. Constitutional Amendment.

I would pose a question to anyone who may answer at this point, does anyone know how many states have already ratified this action?

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: In response to the gentleman from Augusta, I would like to indicate that 27 states have ratified that so far and there is every prospect that we will get the other eight, I think, that are necessary to bring us to fruition.

I would also like to point out, as has been pointed out here before, that the turnout at the polls is not really a very good indication of responsibility; as Mr. Vincent has said, you know we get a very small turnout generally anyway for

most elections, even presidential elections, relative to the total voting population of this country. I don't know why we should set up a different standard for our people who are 18, 19 or 20 years of age.

We have also said, you know, earlier this year, that the young people of Maine are intelligent, they are well educated, and they are very responsible. To prove this we gave them the voting rights. Now it seems that there are some people who are willing to say well, maybe they are not quite so intelligent, maybe they are not quite so educated, maybe they are not quite so responsible as we originally thought. I think we ought to be consistent and we ought to show ourselves to be of strong character on this point, and to give them the adult rights.

There is one other thing that bothers me just a little bit about some of the debate that has pervaded these chambers recently and that is that there seems to be suspicions, sometimes almost a vindictiveness about young people. I don't think that we want a society that is vindictive and suspicious; I think we need a society that is based on trust, good will and faith in our young people. Only then are we going to have a really decent society now or in the future. People of all ages certainly need guidance. We can give young people guidance as we have given older people guidance.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: So far as I have heard no one has attempted to answer Mr. Binnette's question. It is my opinion that after reaching the age of 18, legal adulthood, if this bill passes, the people themselves going to school or their parents, who will probably bear the brunt of this — the cost of this bill anyway, will have to pay their tuition if they continue in school.

I have a son sixteen. I have a son who is very interested in cars. I have a son who is a good mechanic. All the same person. I have no question but what this son,



as soon as he is legally and financially capable of getting a car, will do so. But supposing he becomes legally capable of making that contract — I am only taking that as an example, completely capable of making that contract when he is 18, still in high school, still living under my roof, and I still supporting him.

Supposing he gets together enough money for the down payment. Perhaps it will be a good lesson in maturity when he can't pay the bill, but I have a sneaking suspicion, since he is a pretty good boy, that probably the old man will foot the bill. But I also have a good suspicion that if adult rights are still retained at 20 years old, that unless he has the money, cash in hand when he becomes 18 or 19, the old man isn't going to sign with him to get the car — not unless he can pay for it.

I think these are things that you must remember. I think these are things, that sometimes a teenager earnestly wants something, his emotions, since he is not perhaps entirely mature, his emotions will overrule what normally would be his good judgment. It is true that we have many people of 14 or 15 who are perfectly capable of running their own affairs. They are as mature or more mature than people 40 or 50 or 60 years their senior. It is entirely true that we have had people who have become capable rulers of great nations at early ages, even as early as 15.

But in general, ladies and gentlemen, I believe we would be wise at the present moment, until we see a great demand at least for adult rights — and I have yet to see any great demand for it, I think we would be better off if we left it as it is.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I seem somewhat out of company this morning, I can see where I will have to join some of my liberal friends in the House in supporting this document. I wasn't quite so liberal when it came to the 18-year old vote.

But the way I look at it, one goes hand in hand with the other. In the 104th when we had the 20-year old vote and the adult rights we kept one bill closely connected with the other. And as I stated before the other day, I feel if we can give these people the right to vote, more or less handle our affairs, I am quite confident that after listening to some of he people in the House on that a few weeks ago, including my good friend from Old Orchard, that we can also give them the same courtesy now. I hope that we sustain Mr. Murray's bill when it comes to a vote.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I wholeheartedly concur with the gentleman from Bangor, Mr. Kelleher. I am one of those that voted and spoke quite fluently against 18-year olds voting. I think just this way. If we are going to let them have a vote — which I didn't vote for but the House did, and the federal government seems willing to, and they are going to be able to spend public funds and vote in these small towns to raise money — then I want them to have the adult rights so they will have some value of a dollar. I think they will gain more knowledge of value of dollars and cents by spending their own money than they will by spending, say, the public's money or basically where I consider myself part of the public, my money.

So for this reason I would like very much to see this bill pass and have them have adult rights, and I think that after they have been burned a few times that they will be better qualified when they go to town meetings to raise public funds, so I certainly concur that this bill should pass.

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

Mr. McNALLY: Mr. Speaker and Members of the House: Since we seem to be feed ed perhaps another editorial by Don Hansen by stating that you must go to vote before you decide any question, I would like to make another

answer to Mr. Binnette's question. Back in 1925, give or take a year, before or a year after, Bath bridge was being heard here one night, the hearing on the Bath bridge as to whether it would be built or not, and that rare old gentleman from Bath with a shock of white hair got up from the back row and he said, "Gentlemen, just give us the money to build the bridge and we will build it."

So I say, let us give those 18-year olds a chance to see about these things. I don't worry about their going out and buying a car. These salesmen that sell the car won't get burned too many times before they won't be so anxious to go out and get them to buy. I think it may be a good thing for the credit situation. I say if they can vote let us give them a chance to do the whole of it.

Whereupon, Mr. Carey of Waterville moved the previous question.

The SPEAKER: For the Chair to entertain the motion for the previous question it must have the consent of one third of the members present and voting. All members desiring the Chair to entertain 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 previous question is entertained. Now the question before the House is, shall the main question be put now? This is debatable for five minutes by any member. Shall 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 on the motion of the gentleman from Bath, Mr. Ross, that the House recede from its former action and concur with the Senate on Bill "An Act to Grant Adult Rights to Persons Eighteen Years of Age," House Paper 435, L. D. 600.

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 Bath, Mr. Ross, that the House recede and concur with the Senate. If you are in favor of this motion you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YES—Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Berry, P. P.; Binnette, Birt, Brawn, Call, Carey, Carrier, Carter, Churchill, Clark, Cottrell, Crosby, Curtis, A. P.; Dow, Emery, E. M.; Evans, Farrington, Fraser, Gagnon, Genest, Hardy, Hawkins, Hayes, Henley, Hodgdon, Immonen, Kelley, K. F.; Keyte, Lawry, Lee, Lewis, Lincoln, Littlefield, Lizotte, Lynch, Marsteller, O'Brien, Page, Parks, Porter, Pratt, Rocheleau, Ross, Simpson, L. E.; Simpson, T. R.; Starbird, Stillings, Trask, White, Wight, Williams, Wood, M. W.; Woodbury.

NO — Albert, Bedard, Bernier, Berube, Bither, Boudreau, Bourgoin, Bragdon, Brown, Bunker, Bustin, Clemente, Collins, Conley, Cooney, Cote, Cummings, Curran, Curtis, T. S., Jr.; Dam, Doyle, Drigotas, Dudley, Dyar, Emery, D. F.; Faucher, Fecteau, Finemore, Gauthier, Gill, Goodwin, Hall, Hancock, Haskell, Herrick, Hewes, Jutras, Kelleher, Kelley, P. S.; Kilroy, Lebel, Lessard, Lewin, Lund, MacLeod, Maddox, Mahany, Manchester, Marsh, Martin, McCloskey, McCormick, McKinnon, McNally, McTeague, Millett, Mills, Morrell, Mosher, Murray, Norris, Payson, Rand, Rollins, Santoro, Shaw, Shute, Silverman, Slane, Smith, D. M.; Smith, E. H.; Susi, Tanguay, Theriault, Tyndale, Vincent, Webber, Wheeler, Whitson, Wood, M. E.

ABSENT — Cyr, Donaghy, Good, Hanson, Jalbert, Kelley, R. P.; Lucas, Orestis, Pontbriand, Scott, Sheltra.

Yes, 59; No, 80; Absent, 11.

The SPEAKER: Fifty-nine having voted in the affirmative, eighty in the negative, with eleven

being absent, the motion does not prevail.

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

#### Non-Concurrent Matter

Bill "An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education" (H. P. 475) (L. D. 836) which was passed to be engrossed in the House on April 29.

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

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

#### Non-Concurrent Matter

Bill "An Act relating to Eligibility for Benefits under Employment Security Law Due to Temporary Disability" (H. P. 774) (L. D. 1040) on which the House accepted the Minority "Ought not to pass" Report of the Committee on Labor on May 3.

Came from the Senate with the Majority "Ought to pass" Report accepted and the Bill passed to be engrossed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker, I move that we adhere.

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

Mr. GOOD: Mr. Speaker, I move we insist.

The SPEAKER: The gentleman from Westfield, Mr. Good, moves that the House insist. The Chair will order a vote. All in favor of insisting will vote yes; those opposed will vote no.

A vote of the House was taken.

94 having voted in the affirmative and 13 having voted in the negative, the motion to insist did prevail. (Later Reconsidered)

#### Non-Concurrent Matter

Bill "An Act relating to Search by Coastal Wardens" (H. P. 1291) (L. D. 1690) which was passed to be engrossed in the House on April 28.

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

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

#### Messages and Documents

The following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

May 5, 1971

Members of the Senate  
and House of Representatives  
of the 105th Legislature

I have, after careful consideration, decided to return Legislative Document 135, House Paper 91, AN ACT Creating Aroostook County Commissioner Districts, to the Legislature without my signature.

Two years ago, in vetoing a similar bill, I emphasized that I would evaluate all county commissioner district bills with close attention to the judgment of the county's elected officials and representatives. I hoped, through such a procedure, to determine if there was any consensus among these officials either for or against the particular county commissioner district proposal, or if feelings were divided.

This procedure was chosen because of my conviction that these districting bills involve questions of essentially local significance. Their importance and desirability for the particular county involved can best be assessed by those officials who were elected to serve the people of the county, either at the state or county level. Concern for strengthened local government cannot be confined to our municipalities. County government must also be strengthened, and the decisions of county officials should be treated with respect and confidence.

I have polled the County Commissioners of Aroostook County, who are unanimously opposed to L. D. 135, and the members of the legislative delegation, whose feelings are sharply divided. Under these circumstances, so similar to those existing two years ago, I must again conclude that there is insufficient local agreement on the value of this legisla-

tion to Aroostook County government to warrant its imposition by the State.

I had hoped, as I indicated in my veto message of two years ago, that an acceptable solution might be found through the selection of county commissioner candidates on a district basis with the elections held county wide. That approach was not given consideration at that time. L. D. 135 now embodies such an approach, but it has proven no more acceptable to county officials than the previous legislation. I must therefore, consistent with my concern for local consensus on an issue primarily of local governmental significance, respectfully urge that my action disapproving L. D. 135 be sustained.

Sincerely,

(Signed)

KENNETH M. CURTIS  
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The question before the House is, shall this bill become law notwithstanding the objections of the Governor?

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

Mr. FINEMORE: Mr. Speaker and Members of the House: This L. D. 135, two years ago in the 104th this bill was vetoed by the Governor as you have already read, for the reason that the county commissioners were not elected at large. We had this recalled from the Governor's office so that we could put that amendment on, and at that time it was tabled in the Senate by one member of the other body and held until the bill was killed. That is a slow way of killing a bill.

This session the bill was presented; as requested by the members of the other party elected at large, and the districts were gone over with the House Minority Leader and we found them to be all okay in agreement.

Now we have in the message from the Governor, he says, "I have polled the County Commissioners . . . who are unanimously opposed to L. D. 135." Naturally

they would oppose it, because now they are within twelve miles of each other, in a county that is 200 miles long and 105 miles wide. It doesn't seem hardly fair to have them in a twelve mile radius. But that's for that.

And we went along among ourselves in the House, the Republicans were in a hundred percent agreement and the majority of the opposing party was in agreement. It seems to simmer down that there is one member of the other body and he alone is really against this bill.

Then along in the veto he goes to say, "I had hoped, as I indicated in my veto message of two years ago, that an acceptable solution might be found through the selection of county commissioners on a district basis with the elections held countywide." Which is true, this would be held at countywide, these commissioners, they could be all Democrats, they could be all Republicans, but at least we would have one in each district.

So with this in mind I now move that the bill become law notwithstanding the veto of the Governor.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I speak in support of the Governor's veto. As co-chairman of the Aroostook County legislative delegation I can tell you that at least one half of our twenty legislative members from Aroostook oppose this bill. I can also tell you that all three of our county commissioners strongly oppose this bill. We have two Democratic county commissioners and one Republican county commissioner.

For decades Republicans have controlled all three commissioner seats, and for decades no attempts were made by them to set up a commissioner district. Now, with the increasing strength in Aroostook of the Democratic party there is a justified fear that Democrats will continue to have power amongst the commissioners.

As all of you are aware, the Aroostook County people have a strong and special pride in our people and in our county. Perhaps this is because we are such a large county. The distance from Molunkus in the south to Allagash Plantation in the north is 200 miles.

This bill would have the effect of dividing our county, of having commissioners represent large expanses of land and people who the commissioners would not be responsible to at the ballot box. We want our county commissioners to be responsible to all of the people of Aroostook, not just a few.

Now as I pointed out, one of our county commissioners is a Republican. This individual is a good man; he is a dedicated honorable man. He is a man who has served his county and his town for decades. I don't always agree with him, but I respect his ability, his judgment, and his integrity. The obvious effect of this bill would be to eliminate this man, and I defend him here today even though he and I are of different political faiths. I submit that if he is to be defeated, let it be at the ballot box; not by redistricting him out of office.

As I pointed out to you, Aroostook County has an expanse of two hundred miles, but under this bill, should it pass, should the Governor's veto be overruled, the commissioners could be elected from the Town of Limestone, the Town of Mapleton, and the City of Presque Isle, I would point out to you that these three towns are within twenty miles of each other, and I would think that this would defeat the purpose of having a redistricting bill.

For these reasons, I would urge the members of both political parties to vote today to sustain the Governor's veto.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I know this is defeated, but I would like to straighten out some things that the young gentleman from Caribou

has just said that are untrue in all ways, shape and form, because the way that it is now we aren't getting representation lengthwise of the county, by any means. I think if he would stop and consider it, he would know better than that himself because we have three members of the county commissioners in Aroostook who are within twelve miles of each other rather than twenty miles of each other. And this is taxation without representation. The people in the north have only had one county commissioner in the last forty or fifty years. This is very unfair.

I am very familiar with the county and am very familiar with the county commissioners. I understand the transactions of every county commissioner, having had twenty or twenty-five years of municipal experience, and I believe this bill is a very very fine bill, not because I put it in, and I believe the whole state should be redistricted and each county should be redistricted and not politically. I don't think politics should enter into it at all. So I hope you will go along with my motion.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: First of all let me say to the gentleman from Bridgewater, Mr. Finemore, that the earlier part of the session it seemed that possibly something could be worked out; obviously this is not the case.

Let me relate to the members of the House the procedure the Governor is using to act on county commissioner districts. Four years ago when the county commissioner district bills started coming before us, it obviously became a matter of politics and of local importance rather than of state-wide significance. He therefore uses a very simple procedure of local determinance as to whether or not he will sign or return the bill without his signature. He will poll the delegation, the legislative delegation, to see what they would want to do. If they are in favor, then he will sign the bill, assuming that the county commissioners are also in favor of the

bill. If either group is opposed to the bill, then he will veto the bill and return it to us.

In this particular case you will find that the county commissioners, perhaps for obvious reasons, are opposed to this becoming a law. And secondly, the members of the delegation are split; I assume that we could honestly say along political lines.

I think that it is important to note that the Governor is giving us the right to determine whether or not we want this to become law, but that if it does he wants everyone in the county to be in favor of such a law. And so in view of the facts as we have them before us today, as given to us by the Governor in the veto message, I would ask you to sustain his veto and to vote no.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: I am from the valley too, and my people at home are very satisfied with the way it is, so I hope we leave it the way it is and we kill the bill and go along with the Governor's veto.

The SPEAKER: The pending question before the House is, shall An Act Creating Aroostook County Commissioner Districts, House Paper 91, L. D. 135, become law notwithstanding the objections of the Governor? Pursuant to the provisions of Article IV of the Constitution, the yeas and nays are ordered. If you are in favor of this Bill becoming law notwithstanding the objections of the Governor you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEAS — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Churchill, Collins, Crosby, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dyar, Emery, D. F.; Evans, Finemore, Gagnon, Gill, Good, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelley, K. F.; Lee, Lewin, Lewis, Lincoln, Littlefield, Lund, MacLeod, Maddox, Marstaller, McNally, Millett, Morrell, Mosher, Norris, Page,

Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAYS — Albert, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bustin, Call, Carey, Carrier, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Cummings, Curran, Dam, Dow, Doyle, Drigotas, Dudley, Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Genest, Goodwin, Hancock, Jutras, Kelley, P. S.; Keyte, Kilroy, Lawry, Label, Lessard, Lizotte, Lynch, Mahany, Manchester, Marsh, Martin, McCormick, McKinnon, McTeague, Mills, Murray, O'Brien, Rocheleau, Santoro, Sheltra, Slane, Smith, D. M.; Smith, E. H.; Starbird, Tanguay, Theriault, Vincent, Webber, Wheeler, Whitson.

ABSENT — Clark, Donaghy, Gauthier, Hanson, Jalbert, Keller, Kelley, R. P.; Lucas, McCloskey, Orestis, Pontbriand, Scott.

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

The SPEAKER: Seventy-three having voted in the affirmative and sixty-five having voted in the negative, with twelve being absent, seventy-three not being two thirds, the Governor's veto is sustained.

#### Orders

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

Mr. GOOD: Mr. Speaker, I would inquire if L. D. 1296 is in possession of the House.

The SPEAKER: The answer is in the affirmative, Bill "An Act Permitting the Liquor Commission to Issue Liquor Licenses to Public Golf Courses," Senate Paper 450, L. D. 1296, is in the possession of the House.

Mr. GOOD: I would respectfully ask that the rules be suspended for the purpose of reconsideration.

The SPEAKER: The gentleman from Westfield, Mr. Good, moves the House reconsider its action of yesterday whereby it accepted the Majority "Ought not to pass" Report. Is it the pleasure of the House to reconsider?

(Cries of "Yes" and "No")

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.

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

The SPEAKER: The pending question is acceptance of the Majority "Ought not to pass" Report.

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

Mr. GOOD: Mr. Speaker and Members of the House: All during my short and lackluster political career in the House, I have voted with the so-called Drys because I felt that the majority of the people within my constituency wanted me to do just that. I voted this way except when I ran across a stupid law that was put on the books not as a liquor control measure but more like an attempt to harass the owners of various establishments so they would close their doors voluntarily.

For instance, we used to have on the books a law that made it illegal for people to get up from their table in a cocktail lounge with a drink in their hand. A person had to remain seated until they had finished their drink to comply with the law. Whereas at the same time, in another type of liquor dispensary, you may not sit down under any condition with a drink in your hand. What could be more stupid than this?

There are many other laws similar to these on the books at this time. I call this type of liquor control old-fashioned, impractical and inefficient. And I call the law in question that denies the right for a man on the street such as you and I to buy a drink at a public golf club and at the same time allows a golf club member to purchase a drink in his club a very bad law.

This is a very discriminatory measure, and if this law passes it will correct this inconsistency. I hope that the liquor control minded people will vote intelligently on this antiquated practice of denying a man a right to buy a drink except where the Drys want him

to. I hope you will vote the way we feel and act, and not for the record.

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

Mr. GILL: Mr. Speaker and Members of the House: I rise to oppose the pending motion. I concur with the remarks of the gentleman, Mr. Good. I would like to point out to you, as he did, that what makes it right for a private golf course, such as the Portland Country Club, which the membership are a little more able to pay the dues in that type of place, compared to, frankly, a small golf course that is located in my community. This is actually a service, the fact that this golf course is in our community. It is of great value and I know it is not the only one in the State of Maine.

So therefore I feel that in this day and age, when we want to treat all people in the same way, that we should pass this legislative document. Therefore, I do hope that you will vote not to accept the "Ought not to pass" Report.

The SPEAKER: The pending question is the acceptance of the Majority "Ought not to pass" Report. If you are in favor of accepting the Majority Report you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

35 having voted in the affirmative and 93 having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted in non-concurrence. The Bill was given its two several readings and tomorrow assigned.

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

Mr. GENEST: Mr. Speaker and Members of the House: I would now move that we reconsider our action whereby we voted to insist on our former action on item 9, page 3.

The SPEAKER: The gentleman from Waterville, Mr. Genest, now moves that we reconsider our action of earlier in the day whereby

we voted to insist on Bill, "An Act relating to Eligibility for Benefits under Employment Security Law Due to Temporary Disability," House Paper 774, L. D. 1040.

The gentleman may proceed.

Mr. GENEST: Mr. Speaker and Members of the House: This bill did receive a Majority "Ought to pass" Report from the Committee on Labor, and it provides merely that a claimant under unemployment will be paid while he is unemployed if he becomes temporarily disabled due to sickness, and it is limited to four weeks. I think we should pass this.

Mrs. Lincoln of Bethel requested a division on the reconsideration motion.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I think that this is a very basic question. Unemployment compensation is supposed to be paid to people who are able and available for work. This is one of the basic tenets of the Unemployment Law, and if we are going to pay disability benefits this is going into a completely area.

This is handled by the benefits such as you have just voted for the state employees where we are supposed to pay 100 per cent of the Blue Cross-Blue Shield, and there is quite a different area involved here. I wish you people would think of this when you vote and vote against the reconsideration.

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

A vote of the House was taken.

47 having voted in the affirmative and 73 having voted in the negative, the motion did not prevail.

#### House Reports of Committees Ought Not to Pass

Mr. Mosher from the Committee on Agriculture reported "Ought not to pass" on Bill "An Act Amending the Maine Potato Marketing Act" (H. P. 634) (L. D. 864)

Mr. Birt from the Committee on Appropriations and Financial Affairs reported same on Bill "An

Act to Appropriate Money for Repairs to Existing School Buildings" (H. P. 1009) (L. D. 1388)

Mr. Carey from same Committee reported same on Bill "An Act Appropriating Funds to Survey the Boundaries of Passamaquoddy Tribal Lands" (H. P. 324) (L. D. 433)

Mr. Jalbert from same Committee reported same on Resolve Providing Funds to the Department of Health and Welfare for Mosquito Control Project (H. P. 798) (L. D. 1071)

Mr. Pontbriand from the Committee on County Government reported same on Bill "An Act Establishing Clerks of Courts and Registers of Probate as Full Time" (H. P. 666) (L. D. 895)

Mr. Henley from the Committee on Judiciary reported same on Bill "An Act relating to Railroad Police Officers" (H. P. 1025) (L. D. 1413)

Mr. Page from same Committee reported same on Bill "An Act relating to Real Estate Transfers" (H. P. 938) (L. D. 1292)

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

#### Leave to Withdraw

Mr. Curtis from the Committee on State Government on Bill "An Act Amending the Municipal Industrial and Recreational Obligations Act" (H. P. 723) (L. D. 982) reported Leave to Withdraw.

Mr. Donaghy from same Committee reported same on Bill "An Act to Authorize Direct Funding of the Indian Tribes" (H. P. 1129) (L. D. 1549)

Mr. Marstaller from same Committee reported same on Bill "An Act Authorizing the Transfer of Lands in Indian Township and Pleasant Point Reservations to the Passamaquoddy Tribe" (H. P. 896) (L. D. 1216)

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass in New Draft New Draft Printed Tabled and Assigned

Mr. Hewes from the Committee on Judiciary on Bill "An Act Permitting Trials for Petty Offenses without a Jury" (H. P. 227) (L. D. 309) reported same in a new



draft (H. P. 1305) (L. D. 1711) under same title and that it "Ought to pass"

Report was read.

(On motion of Mr. Susi of Pittsfield, tabled pending acceptance of the Report and specially assigned for Monday, May 10)

Mr. Lund from the Committee on Judiciary on Bill "An Act to Prohibit Chain Letters, Pyramid Clubs and Other Similar Devices" (H. P. 631) (L. D. 861) reported same in a new draft (H. P. 1306) (L. D. 1712) under title of "An Act to Prohibit Pyramid Clubs and Other Similar Devices" and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned

#### Ought to Pass Printed Bills

Mr. Hawkens from the Committee on County Government reported "Ought to pass" on Bill "An Act relating to Fees for Recording Divorce Decrees" (H. P. 639) (L. D. 869)

Mrs. Berry from the Committee on Health and Institutional Services reported same on Bill "An Act to Authorize a Food Stamp Program in Somerset County" (H. P. 1087) (L. D. 1476)

Mrs. McCormick from same Committee reported same on Bill "An Act to Authorize a Food Stamp Program for Piscataquis County" (H. P. 1143) (L. D. 1584)

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

#### Ought to Pass with Committee Amendment

Mr. Gill from the Committee on Appropriations and Financial Affairs on Resolve Appropriating Funds for Swimming Pool at Pine-land Hospital and Training Center" (H. P. 411) (L. D. 538) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once, Committee Amendment "A" (H-229) was read by the Clerk and adopted and tomorrow assigned for second reading of the Resolve.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Appointments to Housing Authorities" (H. P. 782) (L. D. 1048)

Report was signed by the following members:

Messrs. QUINN of Penobscot

CLIFFORD

of Androscoggin

— of the Senate.

Messrs. CURTIS of Bowdoinham

COTE of Lewiston

BRAWN of Oakland

CROSBY of Kennebunk

NORRIS of Brewer

SMITH of Doxer-Foxcroft

SILVERMAN of Calais

EMERY of Rockland

FECTEAU of Biddeford

GAUTHIER of Sanford

— of the House.

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

Report was signed by the following member:

Mr. KELLAM of Cumberland

— of the Senate.

Reports were read.

(On motion of Mr. Lucas of Portland, tabled pending acceptance of either Report and specially assigned for Monday, May 10.)

#### Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought to pass" on Bill "An Act relating to Public Utility Transmission Lines" (H. P. 918) (L. D. 1264)

Report was signed by the following members:

Messrs. MOORE of Cumberland

MARCOTTE of York

— of the Senate.

Messrs. WILLIAMS of Hodgdon

MOSHER of Gorham

TYNDALE

of Kennebunkport

SHUTE

of Stockton Springs

BARTLETT

of South Berwick

MARSH of Hampden

RAND of Yarmouth

CONLEY

of South Portland

Mrs. BERUBE of Lewiston

Mr. EMERY of Auburn  
— of the House.

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

Report was signed by the following member:

Mr. VIOLETTE of Aroostook  
— of the Senate.

Reports were read.

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

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

The SPEAKER: The gentleman from Hodgdon, Mr. Williams, moves we accept the Majority "Ought to pass" Report.

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

Mr. MARTIN: Mr. Speaker, I would pose a question to any member of the committee or anyone in the House that would care to answer. Apparently the bill gives the power to the Public Utilities Commission to determine whether or not environmental problems will be created from the laying of transmission lines and acquiring land for them. And the question I would pose would be a very simple one. Are we duplicating the efforts that would have to be done by the Environmental Improvement Commission and, if so, why should it be done by the Commission, rather than by the PUC?

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to any member of the committee who may answer if they choose.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: In answer to Mr. Martin, I believe the principal thing that this does is suppose he was going to cut a transmission line through the woods. There are lots of cases, there is a way of going around the area. You have only got to look up in the Ganneston woods to see what I am talking about. The line goes right straight up over the mountain, where it could go around the hill. That was the

question that was brought out in our committee. It allows them to survey and authorize, perhaps it would cost a little more, but it would help out the scenery in many cases.

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

Mr. MARSTALLER: Mr. Speaker and Members of the House: To further answer the question of the gentleman from Eagle Lake, the EIC does not now have authority over the location of transmission lines, so there is no review over the location. This bill would make a review, in the terms of the environment, come under the PUC which has to review them for other purposes.

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill was given its two several readings and assigned for third reading tomorrow.

#### Passed to Be Engrossed

Bill "An Act Providing Moneys for Eastern Regional Conference of the Council of State Governments to be Held in Maine in 1971" (S. P. 161) (L. D. 483)

Bill "An Act relating to Benefits for Widows of Coastal Wardens and Fish and Game Wardens" (H. P. 217) (L. D. 284)

Bill "An Act Eliminating Restriction on Unemployment Benefits for Military Retirees" (H. P. 623) (L. D. 833)

Bill "An Act to Correct an Ambiguity in Procedure for Recording Municipal Charters and Amendments" (H. P. 815) (L. D. 1088)

Bill "An Act to Set Reasonable Fees for Recording and Issuing Certain Documents" (H. P. 1031) (L. D. 1418)

Resolve Appropriating Funds for the Perambulation of the Maine-New Hampshire Boundary Line (S. P. 71) (L. D. 150)

Resolve relating to Retirement and Pension of Norman F. Hanson of Eliot (H. P. 794) (L. D. 1070)

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

**Amended Bills  
Third Reader  
Indefinitely Postponed**

Bill "An Act to Amend the Laws Relating to Forcible Entry and Detainer" (S. P. 229) (L. D. 675)

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

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

Mr. HEWES: Mr. Speaker, I would move indefinite postponement of this Bill and speak to my motion.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves that L. D. 675, An Act to Amend the Laws relating to Forcible Entry and Detainer" be indefinitely postponed.

The gentleman may continue.

Mr. HEWES: Mr. Speaker and Members of the House: This bill does not involve a written lease or the typical lease. It is a very unusual situation, perhaps one in a thousand. Now as you probably know, a landlord of course has a substantial investment in a tenement, whereas the tenant can leave the tenement under a situation here involved at any time. They can take off and move to Connecticut or California, or what not. Whereas the landlord, who may want to use his property for some other purpose, or there has been a lease, or an actual sale, is prohibited from doing that.

I don't think it is fair to even give the tenant a longer period of time now in which to remain on the premises. I would like to point out, I would be in favor and am in favor of any bill that would upgrade or improve living quarters. But this bill doesn't do that. In fact it keeps an unpleasant situation alive because obviously the landlord doesn't go to the extreme of bringing a forcible entry and detainer action until there has been friction between him and the tenant, or there is some reason why he wants the tenant out.

It is his property, and he should be allowed to evict the tenant, I should think, when there is no written lease, no legal reason why he can't do that.

I would like to point out that down in the second paragraph of the bill it indicates that there is a presumption of a retaliatory eviction if the tenant has complained to the landlord at any time during the six months preceding the eviction. In other words, if the tenant complains that there is a broken step, or something is wrong with the apartment at any time during the six months preceding the eviction, there is a presumption against the landlord that the eviction is retaliatory and he must go to court to establish that it is not a retaliatory eviction.

And as I read the bill, if the tenant belongs to any organization concerned with landlord-tenant relationships, no writ of possession will issue unless the landlord shows that he is not evicting the tenant for that reason.

At the hearing there were only three witnesses, including the sponsor, who spoke for the bill. There were nine who spoke against it. I hope you vote to indefinitely postpone this bill.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: We have heard quite a lot about these buildings and real estate and tenants and landlords, and so forth. I would like to give you what happened to me two weeks ago.

I came back home, and last fall I rented one of these nice apartments, five or six rooms, and the people that wanted the apartment didn't want it decorated; they said it is in good condition. Well, there are some of the rooms that I felt should be redecorated and I have had two painters come in there, redecorate the whole apartment. Now they moved out last week. You ought to see the mess that I had in there. The walls were all black, and just like there hadn't been anything done to this apartment for two or three years. And I spent several hundreds of dollars in order to clean it, put it in A-1 shape, and they left me in that condition. But there is nothing I can do about it.

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

Mrs. WHITE: Mr. Speaker, Members of the House: I feel that L. D. 675 is not a landlord's bill or a tenant's bill. It is fair to both landlords and tenants. It says that landlords must give a 30-day notice to good tenants so they will not be immediately forced into court. The 30-day grace period also reduces the burden on the courts, which we are told frequently is great.

But the tenant who damages the landlord's property, who violates the law, is given only seven days notice. I feel this is a fair bill, and I hope you will not vote to indefinitely postpone it. I would call to your attention that it did have a good hearing, that it came out of committee nine to four "ought to pass", and that yesterday you voted to pass the bill 74 to 55. I hope you will do that again today.

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

Mr. CALL: Mr. Speaker and Members of the House: We all should be well aware by this time that none of these so-called landlord-tenant bills are fair to the landlord. Any inference that they are is a sham.

It has just been pointed out to you what experiences we landlords run into at times. I know that there are many property owners here who could tell many stories of bad experiences in the renting of property. Now I have had experiences with people papering a wall in a property where the walls weren't supposed to be painted. The people and their friends and relatives wonder why the landlord doesn't want people to paint a color scheme of their own choosing.

Here is the big argument to that. And I know there are those here who will bear me out. A person who comes into living quarters and he wants changes, he isn't happy, he isn't happy anyway. He isn't happy with himself, it is obvious. And he goes and he gets paint and he gets ridiculous wall-paper, and he makes a mess out of the place and it looks terrible.

In two weeks he is gone. Why? Because, as I have said, he is not a happy person anyway. Then you go and you try to show the premises to somebody else, and the person will say, "I do not like Hawaiian blue as a decor, I would have horrible nightmares." "Well, you wait a while, and I will have it changed, I will have the wall-paper scraped, and I will have it brought back the way it was." "Oh no, meanwhile I will have another place."

Now as I have said, there is many a landlord in this chamber who, like myself, could tell many many stories. We could be here continuously for a week. Why can't the people in this House understand what landlords go through? There are all kinds of laws in this country about discriminatory practices toward various groups. How about the discriminatory practices against landlords? How about the cliques, or as they are sometimes called claques, which get together and they will get somebody to go move in a certain place and then they will coach that person to torment the landlord.

The reason you haven't heard more stories is because we haven't wanted to tell them. Believe me, there are all kinds of stories, and I would be happy informally to tell any of you any time all kinds of stories. It is true what I said about the way they will go and paint places.

Last night when I was taking the trash out of my lodging house I found an old paint bucket, goodness knows what I am going to find when I go in that room. But there is an awful lot of things that we have to absorb. The tenant doesn't have to absorb anything. Everything is in his favor.

Believe me, please, and go along with the motion of the fine gentleman from Cape Elizabeth, to postpone this bill indefinitely.

And I repeat, any time any of you want to give me any of your time, I can tell you plenty of true stories, and so can many other landlords in this building, including Mr. Gauthier, tell you these stories.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Wheeler.

Mrs. WHEELER: Mr. Speaker and Members of the House: I rise in opposition to the motion of the gentleman from Cape Elizabeth, Mr. Hewes. This bill, as Mrs. White stated, came out of committee with a nine to four "Ought to pass" Report. This actually is a good bill.

It protects the good tenant from the landlord that is trying to get rid of him by a straw lease. And if the tenant is in arrears in his rent, and is a destructive tenant, then the landlord has the right to give him a seven day notice to evict him.

I hope you all vote against the motion to indefinitely postpone.

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

Mr. FARRINGTON: Mr. Speaker, would the Clerk read the Committee Report, please?

The SPEAKER: The Clerk will read the Committee Report on L.D. 675.

The Clerk read the Committee Report.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I will not attempt to compete with the ringing rhetoric of the gentleman in front of me. If my memory serves me right this is the fourth time to date that we have debated fully the merits of this bill, and it will be the fourth time that we will vote on it.

As you all recall, yesterday we voted by a decisive margin in favor of the bill. Something that hasn't been pointed out to you today, and I hope you would all take a quick look at it. There is an amendment out today from Mr. Orestis of Lewiston. And to this date, in all my talk on this matter, I have said it is not a pro landlord or pro tenant matter. But you will note the amendment, which I would say is pro landlord.

The amendment says that up until the point of the eviction of

the tenant all money must be paid by him to the landlord. And this is a pro landlord provision. I don't disagree with this amendment, but I think you should know that if you act favorably on the bill today you will be acting on this amendment.

Now I agree with the amendment, and I would hope you would not think that this solely is slanted one way or the other, because it is not. Certainly there are bad stories on both sides; bad tenants and bad landlords.

Again I will not debate this thing any more. We debated it four times, and I would hope that the House will act as it did yesterday, favorably for this measure.

When the vote is taken, again I respectfully ask that it be taken by roll call.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I am glad that the subject about the hearing, that the committee report has been brought up. So this opens up the field for questioning on that particular angle. Now it was suggested there that the committee came out 9 to 4 in favor of this bill. This I don't disagree to. And everybody is entitled to vote the way they want to. But what I wish to point out to you is the fact that the hearing, as Mr. Hewes stated, there were a few that spoke for the tenants and there were nine for the landlords.

Now I only want to point out a fact to you, which was overlooked by some members of the committee, that these people that spoke against the bill represented a total of 4,000 rentable units in the City of Portland. Now it would seem to me that these people have a right to be heard, they deserve some consideration; and where they have such big amounts of money invested in rents and in equity, that apparently their desires have been overlooked.

But I can tell you that they are not overlooked, because they are and will be and will always be informed as to how the vote goes.

on these bills, and this might have some effect later on. Now I play no political grounds and I cater to no group, legal or otherwise. I am here like a lot of others trying to pass good legislation. I don't believe that this is good legislation.

It was pointed out in the amendment, that the amendment is not the issue in this case because it hasn't been presented, and that in itself if you look at it is faulty. Now this is one of the many bills that will face us and that has faced us which creates inequities instead of doing away with them. Someone said yesterday that we had the right to evict the tenant if he is 30 days in arrears after giving him a seven day notice. Well, putting it very bluntly and simply, how many of you can afford — this means that the tenant could be as much as five weeks in arrears. How many of you can afford, roughly, at fifteen or twenty dollars a week today, to give to somebody \$100?

But this is what it adds up to and this is what this bill proposes. In other words, it proposes indirectly or directly that you are giving free rent to these people. It is a nice thing to consider too is the fact that many of those who believe in this actually do not own rental property; they can sit back in the comfort of their own homes and actually this won't bother them.

Well I can do this too, but if I choose to actually substantiate my income for later years so I won't end up on the welfare rolls, well, I think I should not be penalized for it. One of the vicious parts of it, as I stated before, of this bill, is that anyone can complain on this bill, put a complaint against the landlord, it doesn't have to be a person that is hurt. Anyone can do this.

But I submit to you that the passage of this bill takes away the needed tool for the landlord to get rid of the undesirable tenants — and I say undesirable because this is exactly what I mean, which are few, but they are unpleasant to be around. I don't think any of us want to be imposed with somebody upon you, with somebody

that actually you don't care to be with. I cannot understand why one who works so hard to acquire property, that he should be penalized with these kinds of bills. I think that the Housing Codes, the local Housing Code will take care of this and I support the motion for indefinite postponement.

Mr. Gill of South Portland moved the previous question.

The SPEAKER: In order for the Chair to entertain the motion for the previous question it must have the consent of one third of the members present and voting. All those desiring the Chair to entertain 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 previous question is entertained. The question now before the House is, shall the main question be put now? Which is debatable for five minutes by any one member. All in favor of the main question being put now say aye; those opposed, 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 Cape Elizabeth, Mr. Hewes, that Bill "An Act to Amend the Laws Relating to Forcible Entry and Detainer," Senate Paper 229, L. D. 675, be indefinitely postponed in non-concurrence.

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 is ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes that L. D. 675 be indefinitely postponed in non-concurrence. If you are in favor of indefinite postponement you will

vote yes; if you are opposed you will vote no.

### ROLL CALL

**YEAS** — Albert, Bailey, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Bither, Bragdon, Brawn, Call, Carey, Carrier, Churchill, Clark, Cote, Cottrell, Crosby, Cummings, Curran, Curtis, A. P.; Donaghy, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans, Faucher, Fecteau, Fraser, Gauthier, Henley, Hewes, Jutras, Kelleher, Kelley, K. F.; Kilroy, Lebel, Lee, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lynch, MacLeod, Manchester, McCormick, McKinnon, McNally, Millett, Mills, Norris, Page, Parks, Payson, Pratt, Rand, Rocheleau, Rollins, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Susi, Theriault, Webber, Williams, Wood, M. W.

**NAYS** — Ault, Baker, Birt, Boudreau, Bourgoin, Brown, Bunker, Bustin, Carter, Clemente, Collins, Cooney, Curtis, T. S., Jr.; Dam, Dow, Doyle, Drigotas, Farrington, Finemore, Gagnon, Genest, Gill, Good, Goodwin, Hall, Hancock, Hawkens, Hayes, Herrick, Hodgdon, Kelley, P. S.; Keyte, Lawry, Lessard, Lucas, Lund, Maddox, Mahany, Marsh, Marstaller, Martin, McCloskey, McTeague, Morrell, Mosher, Murray, O'Brien, Porter, Ross, Santoro, Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Trask, Tyndale, Vincent, Wheeler, White, Whitson, Wood, M. E.; Woodbury.

**ABSENT** — Conley, Cyr, Hanson, Hardy, Haskell, Immonen, Jalbert, Kelley, R. P.; Orestis, Pontbriand, Scott, Starbird, Tanguay, Wight.

Yes, 73; No, 63; Absent, 14.

The **SPEAKER**: Seventy-three having voted in the affirmative, sixty-three in the negative, with fourteen being absent, the motion to indefinitely postpone does prevail.

It will be sent up for concurrence.

The **SPEAKER**: The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. **LEBEL**: Mr. Speaker, I move that we reconsider our action whereby we just indefinitely

postponed this bill and I hope you vote against me.

The **SPEAKER**: The gentleman from Van Buren, Mr. Lebel, moves that the House reconsider its action whereby this Bill was indefinitely postponed. The Chair will order a vote. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 39 having voted in the affirmative and 88 having voted in the negative, the motion to reconsider did not prevail.

### Amended Bills (Cont'd.)

Bill "An Act to Improve the Efficiency and Fairness of the Local Welfare System" (H. P. 74L) (L. D. 1003)

Bill "An Act Providing for Prescription of Generic Drugs Rather Than Brand Names" (H. P. 879) (L. D. 1200)

Bill "An Act relating to Planning Board Vacancies" (H. P. 966) (L. D. 1326)

Bill "An Act Revising the Harbor Master Law" (H. P. 1058) (L. D. 1449)

Bill "An Act to Clarify the Law Relating to Nonvoters Speaking at Town Meetings" (H. P. 1075) (L. D. 1467)

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

### Passed to Be Enacted

#### Emergency Measure

An Act to Amend the Marine Worm Tax (H. P. 559) (L. D. 735)

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. 126 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 to Amend the Charter of the Presque Isle Water District (H. P. 1212) (L. D. 1659)

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 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Enactor

##### Tabled and Assigned

An Act relating to Suspension of Motor Vehicle Operator's License and Registration (S. P. 192) (L. D. 553)

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

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

Mr. McTEAGUE: Mr. Speaker, I wonder before we consider this bill for final enactment if some member of the committee or other member who is familiar with the bill could explain both the bill, and I believe there are three amendments involved, the Committee Amendment "A", Senate Amendment "A", and House Amendment "A". I assume that all those amendments are not on the bill and I would hope that some member could give an explanation of what provisions are in the bill as it is now before us for final enactment.

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

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

Mr. HENLEY: Mr. Speaker, for the gentleman's information, Mr. McTeague, Committee Amendment "A" was left on by error. It should not be a part of the bill, Senate Amendment "A" is a part of the bill. So far as I know that is the only amendment on. I see my legal friend over here looking it up and if there is some more information needed why they can supply it, I am sure.

Whereupon, on motion of Mr. Ross of Bath, tabled pending pas-

sage to be enacted and tomorrow assigned.

#### Passed to Be Enacted

An Act to Amend the Law on Sale or Packing of Herring (S. P. 531) (L. D. 1581)

An Act relating to the Size Limit on Herring (S. P. 540) (L. D. 1645)

An Act relating to Reimbursement to Municipalities by Maine Forestry District (H. P. 141) (L. D. 196)

An Act relating to Fixing Boundaries or Locations for Highway Purposes (H. P. 951) (L. D. 1314)

An Act relating to Sinking Fund for Bath Water District (H. P. 1282) (L. D. 1682)

An Act Providing for a Feasibility Study for Future Highway Improvements in the U.S. Route 1 Corridor from Warren to Belfast (H. P. 1295) (L. D. 1696)

#### Finally Passed

Resolve Designating a Certain Road in Northeastern Maine as John F. McDevitt Road (H. P. 978) (L. D. 1340)

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

#### Orders of the Day

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

Bill "An Act Providing for the Protection of Coastal Wetlands" (H. P. 1299) (L. D. 1704)

Tabled — May 4, by Mr. Donaghy of Lubec.

Pending — Passage to be engrossed.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentleman: There is being an amendment brought up on this bill and I would ask that someone would table it for two legislative days.

Whereupon, on motion of Mrs. Brown of York, retabled pending passage to be engrossed and specially assigned for Monday, May 10.



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

Bill "An Act relating to Disposition of Portion of Fees Collected by Maine State Park and Recreation Commission" (S. P. 20) (L. D. 48) — In House, passed to be engrossed as amended by Committee Amendment "A" (S-26) and Senate Amendment "A" (S-55) as amended by House Amendment "A" (H-125) thereto. — In Senate, passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" as amended by House Amendment "A" thereto and Senate Amendment "B" (S-122) in non-concurrence.

Tabled — May 4, by Mr. Martin of Eagle Lake.

Pending — Further consideration.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I speak on this only because I was completely intrigued by the complicated report and I spent some time studying these amendments and I will try to explain what they do.

L. D. 48 said that 15% of the fees collected at state parks would be paid to the municipality in which the park was located. The last sentence of that bill said that the Commission would increase the fees provided by the subsection to reflect the loss of the revenue to the State.

Now Committee Amendment "A," which has been adopted, just rewords this last sentence to make it proper. Senate Amendment "A" makes the effective date January 1, 1972. House Amendment "A" strikes out the last sentence in the original bill, so that it will conform with Committee Amendment "A." Senate Amendment "B" says that it will be both for day use and camping fees.

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

Mr. MARTIN: Mr. Speaker and Members of the House: The gentleman from Bath, Mr. Ross, is not the only one that is confused

with this particular item. This item went to the Governor's desk and has been recalled, it is now back before us and awaiting our action, on behalf of whatever the other body has done. There is presently an attempt being made to work out a compromise and this is the reason why this has been tabled for so long.

At the present time the bill is totally unacceptable to the Governor's office and also to the people who are in general opposition to it. It is hoped that within a couple of days we are going to be able to work out something that might be acceptable to everyone. And so what I was going to do was to table it for two days; obviously I have debated my own tabling motion, so I would ask someone to table this item now for two legislative days.

Whereupon, on motion of Mr. Hewes of Cape Elizabeth, retabled pending further consideration and specially assigned for Monday, May 10.

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

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

Tabled — May 4, by Mr. Trask of Milo.

Pending — Passage to be enacted.

On motion of Mr. Trask of Milo, retabled pending passage to be enacted and specially assigned for Monday, May 10.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought to pass"—Minority (6) "Ought not to pass"—Committee on Legal Affairs on Bill "An Act relating to Referendum for Local Housing Projects" (H. P. 261) (L. D. 350)

Tabled — May 5, by Mr. Cote of Lewiston.

Pending — Motion of Mr. Norris of Brewer to accept Minority Report.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I believe that each member of this body is now aware of the recent Supreme Court decision, a few weeks ago, allowing voters of the individual states to vote on housing projects in referendum. Under existing Maine law, our voters did not have this right.

I feel that if a particular project or proposal has merit it should have no problem in gaining voter approval. However, if in some areas, the location of a proposed project would be detrimental to parts of a community, I feel that the voter should be at least allowed to vote his conscience and feelings.

We allow referendums on sewer and water districts and other quasi-municipal types of projects. Why not housing projects? I believe this was the reason for the recent Supreme Court decision and I therefore urge you to vote for the acceptance of the Majority Report.

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

Mr. McCLOSKEY: Mr. Speaker and Ladies and Gentlemen of the House: I oppose this bill and all its accompanying papers. I asked that this matter be tabled yesterday so I could take a closer look at this bill.

I realize now after scrutinizing this bill, An Act relating to Referendum for Local Housing Projects, that while the bill is short in length, it is long in ramifications, and these ramifications are quite detrimental to the building of public housing projects in Maine.

What this bill does is that it requires housing authorities to conduct popular referendums in the towns and municipalities before any public housing projects are built. This seems unnecessary and undesirable.

This legislation is unnecessary because there is already checks and balances on housing projects. Before any public housing project can be built it must get the approval of the city or town council and in some cases it must also get the approval of regional planning commissions.

Moreover, since most all local charters now allow referendums when an appropriate number of signatures have been acquired, there is no need for making mandatory referendums on housing projects. If any such projects raises enough controversy, it should be easy to gain the number of signatures necessary to bring this matter to referendum.

This legislation is undesirable because the overall result is to prevent the building of public housing projects. For instance, this legislation would not only require the approval by the voters for new houses built, but it would also prevent the local housing authorities from leasing any houses already built unless it gained the approval of the voters in referendum. I can't really see the need for this.

Presently in the State of Maine 2400 houses have been built by public housing authorities totaling \$30 million. There are many more anticipated in the future, even this year; perhaps as much as \$20 million this year. I think that this legislation would be extremely detrimental to this.

Another way this legislation is discriminatory in that it applies to only public housing and doesn't apply to private housing development going to referendum approval. If we are going to require housing projects to go to referendum, then all housing projects, whether public or private, should be required to do so, not just public housing.

Finally I would like to point out that this legislation not only requires public housing projects to get referendum approval but also code enforcement procedures. That is to say that before any code enforcement shall take place in a town or city it would have to go to referendum if this bill is passed. Thus this bill in effect tries to circumscribe protective legislation that this House has overwhelmingly passed in the last few days.

Finally I would like to speak a little bit to the recent Supreme Court decision that has been mentioned. The Supreme Court made a decision on Friday concerning housing projects. This was a very

narrow decision. It was based upon a California law that Justice Black in his opinion stated it would be unwise for any state to enact in the future any more laws such as this one. Also many people who are students of the Supreme Court feel that the Supreme Court will overturn this decision and future decisions because the argument that was made before the Supreme Court was not made on a basis of racial discrimination, which the blockage of these public housing projects in large urban areas has resulted in racial discrimination. Because if you have a project that is to be built in the suburbs the people of that area deciding that they do not want that type of people in that area could block the housing project. So you only get these buildings built in the inner cities.

The Supreme Court has not decided on the racial issue of this contest yet and I believe, and other students of the Supreme Court believe, and the report in the New York Times on Friday, that this decision will be overturned. It was a 6 to 3 decision with Justice Douglas abstaining because one of the lawyers in the case was a former law clerk of his, so actually the decision was a 5 to 4 decision.

So I would urge you this morning to defeat this legislation. I would like to go on record as being strongly opposed to the principles and concepts of this legislation and I move for its indefinite postponement, and when the vote is taken I wish it to be taken by the ayes and nays.

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 so much to say for the last few days. It seems like all the bills that I have an interest in have been coming up.

I would also like to compliment the gentleman from Bangor, Mr. McCloskey, on his excellent research. But I must oppose his motion for an indefinite postponement and I would like to comment on two or three of the points that he made relative to this matter. First of

all, he stated that many of these projects, if not all of these projects, have to gain the approval of local housing authorities and city councils. Well this is essentially what was the matter that we are taking issue with in presenting this bill. Very often these bodies act and can act without the express consent and desire of the people whom they are supposed to represent.

Passage of this bill would require that these projects go to referendum. Not because the people of the municipality in question oppose this concept of public housing, but there are often many points which need to be made that often are not made when public housing or even private housing are considered. Such as the structure and type of building that is involved, the number of people that are going to live in the same building, structural materials and things of this nature.

For example, public housing in some places can have 60 or 70 individual dwellings. It could be apartment buildings or condominium types. But at the same time the quality of the construction might be such that it would deteriorate in a very short period of time — fifteen or twenty years. This has happened in many parts of the country, especially in New York State, and it has caused many problems.

The second point I would like to make is he quotes a very close decision, a 5 to 4 decision, as he calls it, of the Supreme Court. Possibly the decision could be turned around but I doubt if it will. Not only that, but as was pointed out in our earlier debate this morning, a close decision does not necessarily mean that the decision will be overturned but often this is a landmark decision, a decision that a lot of thought and a lot of effort and a lot of research has gone into with strong arguments on both sides, and when usually this is the case the decision is well made.

Third, the point is that the point that he raised about public housing versus private housing. We must remember that public housing is financed by public money and that

private housing is financed by private money and very often the quality of construction, the location of construction is very different.

Another point that I would like to make is the location of housing. Mr. McCloskey mentioned that very often some of these housing developments would be voted down in the suburbs. I don't recall seeing in the bill the indication that the voters would choose the area in the city where the housing development would be built. It is only an indication whether the municipality as a whole desires it or not. There is no attempt to zone it out of any particular area.

Now in reference also to the point made about locating the building in the interior of a city, very often it would replace an area in the city which is old, dilapidated and needs to be torn down and renovated anyway. And I would say that a well constructed building, erected in the middle of the city that replaces a slum area, in which case can be surrounded by grass and trees, is much more desirable than the existing slums in the core of a city.

So I hope that the House will vote against the indefinite postponement. The report was a 7 to 6 "Ought to pass" Report. Legal Affairs also turned down another bill this year, my own bill as a matter of fact, with a 10 to 3 "Ought not to pass" Report, which I haven't forgotten by the way, that also relates to referendum projects. So you can see the committee is not biased one way or another. It gives referendum elections on various projects.

But I think we ought to consider very carefully the individual citizen's right to choose the projects and the way his funds are going to be used within the city.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: I would like to address myself to an aspect of the problem I think has not been adequately covered here this morning in the debate on this issue. In the 104th Legisla-

ture there was instituted something called home rule, and this year the 105th Legislature has seen umpteen dozens of bills come before the Legal Affairs Committee that were, in fact, home rule issues. I must admit that some of them I had a natural inclination to vote for, and some of them I had a natural inclination to vote against. But in each instance it was my feeling that we ought not, at this early stage, to erode the integrity of the home rule concept. I don't know if I would have voted for it had I been here.

It seems to me that the legislature, the last time around, made kind of a public commitment that they ought to at least try out home rule — ought to see if it is going to work. I think that at this early stage in the game, we ought not to declare home rule a failure before we have any hard evidence that it is.

So I hope that this motion to indefinitely postpone does prevail, because I think we ought to give home rule an opportunity to succeed. I believe in home rule and I hope you go along with the indefinite postponement motion.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I have listened to the debate on both sides of the subject as we all have, and it strikes me first of all that public housing projects are not necessarily bad or necessarily good, it depends on the individual project. I also think, regardless of how strong one feels in favor of public housing, it is a rather difficult position to be in to say that you are opposed to having the people of the community decide by the democratic process, even if they make the wrong decision in your view and mine. They still should, I think, have the right to make that decision.

I had a couple of questions. I wondered if anyone in the House, particularly anyone experienced in the field of municipal law, could answer them. Number one, regarding the vast majority of our com-

munities that operate by the selectman form of government and do not have a charter, does the present law, either our state law on municipalities or the federal law which provides for the funding of these projects, require approval of a project by a town meeting? I don't know the answer to that question, but it does seem to me there is a requirement for town meeting approval and that should be sufficient.

There are some costs involved in conducting elections, and I don't think we ought to run — we ought to try to keep our referendum elections in any town in one year under fifty or a hundred, it seems to me, as long as we are running a town meeting form of government in most of our towns.

Secondly, in the area of those towns which do not have the town meeting form of government which operate with a legislative body, a city or town council, the charters that I have looked at and I have not seen them all, but most of these charters seem to have a provision in that allows the people of the community to initiate a referendum if there are roughly five or ten percent, I think the common figures are, of the people that sign a petition asking for a referendum.

It seems to me that if there is any significant degree of opposition in a community governed under a charter, and there is a requirement of five or ten percent in that town or city's charter to initiate a referendum, if you can't get five or ten percent of the people to sign to have a vote, it really isn't worth having a vote because you are probably going to lose the vote anyway and all you have done is spun your wheels and cost your town some money.

But I do hope that some member of the House can enlighten us as to whether or not a vote is required by town meeting in the towns that have this form of government because, as you know, the vast majority of our communities are governed by town meeting.

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

Mr. MORRELL: Mr. Speaker, Ladies and Gentlemen of the House: In response to Mr. McTeague's question, having been a selectman in Brunswick during a period when we were considering some public housing, I think the answer there is that the enabling legislation on the federal level sets the requirements for referendums in that particular case.

I rise for a second reason, to support Mr. McCloskey. I was involved in the special session of the 103rd in which the present legislation was arrived at by a compromise. I think that the present situation where a referendum can be initiated is good and sound. I think further, recognizing that placement of public housing and the existence of it in the community often can be somewhat confusing and argumentative, my personal feeling is that if you make it mandatory to have a referendum each time, that all too many of these projects will be turned down because the particular group doesn't want it in their own backyard.

My second objection to this particular bill is that it seems to me that if you read it strictly, it would require a referendum for each code enforcement, and that looks to me to be very unwieldy. So I hope that for these reasons you will vote with Mr. McCloskey.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: This bill requires a referendum on housing projects before the applications for funds are made. This seems to be a measure which will retard the progress that is being made already in this very important social area.

The Supreme Court decision does not say that there must be a referendum. It simply says that you may go to referendum. And I have been advised that there are no changes contemplated by the federal office of the Housing and Urban Development Office as the result of this Supreme Court decision.

There is no reason for us to force a referendum on these matters.

Mr. Speaker, I am sure that many people in this House, being active in community affairs, have been involved in trying to alleviate the housing problem. I have the distinct pleasure in being the President of the Board of the Augusta Regional Church Housing Corporation. I can report to you that in the City of Augusta there are twenty units presently under construction by the Maine Housing Authority, there are sixty units in process. The ARCH Corporation is contemplating and negotiating thirty more units with the Maine Housing Authority and has applications with the Federal Housing Authority for a high-rise senior citizen's project.

Now I am sure that a bill of this kind would severely retard, if not stop altogether, the progress in this area. The housing problem in Maine is severe indeed, and the key question today, it seems to me, is this: Do we want to alleviate the housing problem and take advantage of the programs that are being offered to give our people a decent place to live? If so, we should vote yes for indefinite postponement.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I would like to inform the gentleman who has just spoken that I don't think there is anyone that is against having good housing. But I think that when it comes to expenditures in a town or city of half a million or more money, I think the majority of the people in that town should have something to say about it. In fact, in Sanford, several months ago, we had a project up there of that amount of money, and we had a hard time to bring it to referendum because we have a limited form of town meeting, and it was brought out finally to referendum.

More people voted against the project — it wasn't housing, it was something else — and even the majority had to lose because you had to have so much percentage in order to be able not to pass it

if you didn't want it. But I feel that the people in the town or city with expenditures of this amount should have a chance to say if they do want it or not. It is their pocket money, and I think it is their prerogative to do so.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I have listened to the arguments pro and con on this matter and I have heard them mention home rule. Up to late today home rule has only been used once in this state since it was voted by the past legislature. It was the City of Lewiston, and I think people in the City of Lewiston can inform you that there still haven't been any results of the home rule bill there yet.

I think there have been attempts to draw a red herring over the fact that the Supreme Court has ruled, their decision was made. Whether by a small vote or a large vote is immaterial, they did vote on it.

Under these code enforcement projects, the local area has to contribute 25% of the cost. It is not all from federal and state funds. When it comes to private units versus local units, in my area we have a project that has been proposed and will be built shortly, \$18,000 per unit, and a private contractor told me that he could build the same unit with better quality work for \$10,000 a unit. I believe that there is a question here of the government versus the private sector. I believe that the private sector should have the right to compete and build these projects, and under the present law they don't get much of a chance.

When certain people on certain boards in certain areas are in there for a long time, they seem to get their way, and the wishes of the public who vote them in office are sometimes dented.

I have been in city government for five years, and I have seen the tax base deteriorate because of code enforcement. I am not against public projects or housing projects of any kind. But in one area where we are going to

have one built, it is going to be a great impact upon the local schools in that area. We are going to have to bus children all over town.

I still believe that we should send it out to the voters in referendum and if the sponsors of such projects still present a favorable view, the voters will approve them. So therefore I move the passage of the bill.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentleman of the House: I think one of the prime problems of the State of Maine today is the housing shortage; it is a grave problem and this is one of the answers to this housing shortage.

Now the initiative to referendum, I think, gives the voters of any community the right to circulate a petition and carry any question to referendum to take the question before the voters. We even liberalized this initiative to referendum with the home rule in hopes that every time there is an argument within a community across this state that it doesn't come back to the state, and they want to change the state law to affect every other community in that state so that they may have their will. It is usually the lost side that wants to do this. Now the cities and towns can do this under their own prerogative. It is not necessary.

And the other part of this thing of course is no housing project or code enforcement shall be done unless you go to referendum in any city or town in the State of Maine under this law. And I say that these cities, towns, and municipalities have the right to go to referendum, if they so desire, to settle their own problems.

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 ex-

pressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. McCloskey, that both Reports and Bill "An Act relating to Referendum for Local Housing Projects," House Paper 261, L. D. 350, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEAS — Ault, Baker, Bartlett, Bedard, Bernier, Birt, Boudreau, Brown, Bunker, Bustin, Carey, Clark, Clemente, Collins, Conley, Cooney, Cottrell, Cummings, Curran, Curtis, T. S., Jr.; Dam, Doyle, Drigotas, Dudley, Farrington, Fecteau, Finemore, Fraser, Gagnon, Genest, Goodwin, Hall, Hancock, Hardy, Haskell, Hayes, Herrick, Hodgdon, Immonen, Kelley, P. S.; Keyte, Kilroy, Lawry, Lee, Lessard, Lewin, Lizotte, Lucas, Lund, Lynch, MacLeod, Mahany, Manchester, March, Martin, McCloskey, McNally, McTeague, Millett, Mills, Morrell, Murray, Norris, O'Brien, Parks, Payson, Rand, Ross, Sheltra, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Susi, Tanguay, Tyndale, Vincent, Webber, Wheeler, Whitson, Williams Wood, M. E.

NAYS — Albert, Bailey, Barnes, Berry, G. W.; Berry, P. P.; Berube, Binnette, Bither, Bourgoin, Bragdon, Brawn, Call, Carrier, Carter, Churchill, Cote, Crosby, Curtis, A. P.; Cyr, Donaghy, Dow, Dyar, Emery, D. F.; Emery, E. M.; Evans, Faucher, Gauthier, Hawkens, Henley, Hewes, Jutras, Kelley, K. F.; Lebel, Lincoln, Maddox, Marsteller, McCormick, Mosher, Page, Pontbriand, Porter, Pratt, Rocheleau, Rollins, Shaw, Shute, Silverman, Theriault, Trask, White, Wight, Wood, M. W.; Woodbury.

ABSENT — Gill, Good, Hanson, Jalbert, Kelleher, Kelley, R. P.; Lewis, Littlefield, McKinnon, Orestis, Santoro, Scott.

Yes, 85; No, 53; Absent, 12.

The SPEAKER: Eighty-five having voted in the affirmative, fifty-three in the negative, with twelve being absent, the motion does pre-

vail. It will be sent up for concurrence.

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

Mr. NORRIS: Mr. Speaker, I now move that we reconsider our action, and I hope you all vote against me.

The SPEAKER: The gentleman from Brewer, Mr. Norris, now moves the House reconsider its action whereby this Bill was indefinitely postponed. Those in favor of reconsideration will say aye; those opposed no.

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

Mr. Fraser of Mexico presented the following Order and moved its passage:

ORDERED, that Melissa and Raymond Curran of Bangor be appointed to serve as Honorary Pages for today.

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

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

HOUSE DIVIDED REPORT — Majority (7) "Ought not to pass" — Minority (6) "Ought to pass" — Committee on Public Utilities on Bill "An Act Creating the Power Authority of Maine" (H. P. 721) (L. D. 966)

Tabled — May 5, by Mr. Porter of Lincoln.

Pending — Acceptance of either Report.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: Before we get too far along in this thing I would like to give you a little bit of history of public power in Maine. This is the fourth time that I have been a member of the committee hearing a public power bill.

In the 101st session it was a hydro plant at Cross Rock on the St. John River. The estimated cost was \$185 million. This was defeated. The 102nd Legislature appropriated \$50,000 to research the state's power needs. R. Beck Associates were hired to do the

job. They reported to the 103rd session that the state should build an atomic plant in the neighborhood of Owl's Head, estimated to cost \$217 million.

I am sure that Mrs. Lincoln, Mr. Lund and myself will never forget the five hours we spent listening to their high paid, high power salesmanship. But again, the thing was defeated.

In the 104th a similar bill was introduced that had a price tag of \$10,000. This also lost.

The present bill takes after its parents. It has one major change. The other bills proposed to set up a Maine Power Authority. This one creates the Power Authority of Maine. There are a few other minor changes.

I am very sure the people in the upper St. John Valley are 100% in favor of this Authority which they hope would build Dickey Lincoln dams. It would no doubt give a boost to their economy while the dam was being built, but this would be peaking power, and a big atomic plant would have to be built somewhere else to carry the load.

We were told by the Beck Associates that by 1972 the State of Maine would be in a blackout for lack of power. But as a matter of fact, last summer the Maine companies exported power to New York during their brownout and will probably do the same again this summer.

The present utilities are very sure they can supply adequate electricity at a reasonable rate up to 1980. By that time who can say what new techniques may be developed? If, at some future time, the people of Maine wish to get into the electric power business, either directly or through a Power Authority, there will be plenty of time to draw up and pass an up-to-date power bill.

The present bill carries no money, and without money I fail to see how this Authority could possibly get off the ground any more than a Boeing 707 airplane could get off the ground without gasoline.

I now move we accept the Majority "Ought not to pass" Report of the Public Utilities Com-



mittee, and when the vote is taken I ask for a yea and nay vote.

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

Mr. CYR: Mr. Speaker and Ladies and Gentlemen of the House: In 1959 I was appointed by the late Governor Clauson to serve on this Quoddy Power Committee. This was in November of 1959. December 15 of the same year we had an international meeting at Calais, Maine. This was the last time that I had the pleasure of meeting Governor Clauson.

I would also state that at that time I was of different party to the Governor. Therefore, my appointment was not a political pay-off. December 29, 1959, Governor Clauson died, and Senator John Reed became our new Governor, and I was elected to the seat to replace John Reed.

On this Quoddy Committee the report of the Army Corps of Engineers selected Rankin Rapids on the St. John River as the auxiliary power to Quoddy because Quoddy, being a tidal power, it needed an auxiliary to take care of the load in between tides. In their report they also mention that Rankin Rapids on the St. John would be very desirable.

As a State Senator from that area this became my mandate. This was my constituency, and these were my constituents. I have spent the last 12 years studying and researching this power business. I don't profess to know all about it; in fact, the more you learn about it, the less you seem to know.

I am saying this, not to impress you, but to establish my credentials on the subject matter now before us: the creation of a Power Authority for Maine. I shall proceed by explaining to you the bill itself, then I will try to prove to you the necessity of this Authority.

The creation of this Authority is only permissive legislation. In other words, after it is created it permits you to create a Commission and authorize you to serve as a quasi-governmental function. Now this governmental function is the fundamental reason for the

creation of this Authority. This permits you to sell tax exempt bonds. By doing so you can save at least two per cent, if not more, on the financing of these services.

This is a federal regulation which has been taken advantage of throughout the country to finance public services, such as water districts, turnpike authorities, parking authorities. We had one for a parking authority for Bangor yesterday in the enactment stage. And all this does is to permit you to sell tax exempt bonds, and thereby take advantage of cheaper financing.

The opposition will probably counter with the argument, "if you granted us the same privilege of selling tax exempt bonds we could also meet that kind of competition." First of all, let me say that this is a federal regulation, and not a state regulation. And it is aimed only at favoring nonprofit governmental or quasi-governmental functions because of their public services aspect.

Billions of dollars have been invested across the country for public services that otherwise might have been too costly or too risky. A good example of this type of financing, for instance, was the rural electrification. Private utilities did not wish to invest in rural areas because of the slow returns and the high risk of their investments. This type of financing would be available to us through this Authority. So why deny the people of Maine?

The State of Maine, as it was previously mentioned, is not being asked to participate in the financing of this project. Not even the credit of the State of Maine is at stake. Under Title 345, page six of the legislation, it states, and I quote, "Revenue bonds issued under this chapter shall not be deemed to constitute a debt of the State or of any political subdivision . . . but shall be obligations of the Power Authority of Maine only and payable solely from the funds provided for the payment thereof from the revenues and other available moneys of the PAM."

In short, the project has to go on its merits, or it will not go at

all. And the financing will be done through the sale of private bonds by private bonding companies. There is no cost to this bill for the simple reason that we knew very well where it would land if there would be an appropriation to it.

And if you look on page five of this legislation it says that the Authority may "accept grants or loans and the cooperation of the United States of America, or any agency thereof." In other words, it can accept grants from foundations; it can accept, for instance, all of the engineering work from the government. Also it can accept advances by the bonding company for the finishing of the planning and engineering.

This has been done in the past. There is no precedent to this. In many instances bonding companies have pre-advanced monies to finish the planning and engineering to it.

What about taxes? The opposition, I am sure, will bring that about. Under Chapter 3354, page ten, and I quote: "The Power Authority of Maine shall pay to the General Fund of the State in lieu of taxes . . . an amount equal to ½ mill per kilowatt-hour . . . during the preceding fiscal year but not to exceed 10% of the gross revenues. . ."

In other words, half a mill will be charged to the rate of the project, which will be returned to the General Fund of the State of Maine and be turned back to the communities. Seventy-five percent would be returned back to the communities through education subsidies. Now this certainly should be interesting to the members of the Education Committee, because they are scratching their head as to where they are going to find some of this money. Well, this money which would be in lieu of taxes, in lieu of property taxes, would be returned back to the communities throughout the State of Maine.

A good example of that, for instance, is the Yankee Wiscasset. The figures that were produced at the hearing is that approximately \$800,000 in property tax would be

paid by Yankee Wiscasset when it is finished. Well now this \$800,000 is being collected from the consuming public by the utility, and then is given to Wiscasset in one lump sum, \$800,000; only one community will have benefit of it.

Under our project half a mill which would create as much if not more, would be returned to the General Fund, and then sent back to the communities in the form of school subsidies.

The Commission that would be appointed by the Governor would consist of seven members. One from the private utilities, one from the public utilities — and these are the municipal utilities, and there are 19 in the State of Maine — and one from the co-operative utilities. And four members would be appointed at large by the Governor.

It is also bipartisan in its nature in the fact that not more than four members of this seven-member Commission can be of the same party. Bipartisanship is written right into the law.

Now we come to the last question. Why is the Authority needed? The Maine Legislature, the 102nd Legislature, created the Maine Legislative Power Study Committee. And they authorized a report by the R. W. Beck and Associates, which is this report right here, to come out with a report as to where we are, and where we are going, and what we need to get there, and how much it is going to cost. They were charged with the responsibility of studying the general power requirements of the State of Maine as to generation and transmission, and the possible methods of meeting these requirements.

The committee hired, as I said, R. W. Beck and Associates of Seattle, Washington, a nationally recognized firm in the field of power studies, to study all phases of the state's present and future power needs, and the present power supply, and to make recommendations by which these could be met most efficiently.

The report made eight findings and conclusions, and I base my whole thesis on these findings and

conclusions, which are in 1966. And if you look through this book here you will find that their prediction for 1970, for instance, they hit it right almost on the head. And many of the suggestions and conclusions that they made in this report are now being implemented by the utilities.

1. "In the usage of electric power and growth in power requirements, the State of Maine has lagged materially behind virtually all other areas of the nation." This is attributable in large part to the high cost paid for electricity in Maine when measured against the cost paid in other areas. Power costs paid by Maine residents rank among the highest paid in any state.

Records show that Maine is the second highest residential rate in the nation. We are next to Alaska. And if they can settle their differences on the oil pipe, chances are we will have the privilege of being the first.

2. "The State's vast natural resources offer enormous potential for economic and industrial growth. The extent to which this potential will be realized, and in the time when development may occur, will be materially influenced by the availability, or lack, of an abundant supply of electric power at reasonable costs. There is ample evidence in other areas of the nation that low cost power is a major factor in stimulating economic and industrial growth."

3. "Industry owns and operates for its own use approximately one-third of the State's total generating capacity . . ." and I will come back on this later on. The report continues by saying "a very unusual condition which has undoubtedly been motivated in part by the high cost of power supply from the utilities — a major portion of the generating capacity of both the utilities and the industry is made up of relatively small generating units . . ." There are 69 generating units in the State of Maine. "A large number of which are old and inefficient."

It has been proven, it has been documented, that a giant plant can create power a lot cheaper than

a small plant. And what they term a giant plant is in the neighborhood of a million kilowatts. Here in the State of Maine we are generating — our generating capacity today is approximately 1,400,000 to 1,500,000 kilowatts, which means that one and a half of those plants would take care of the whole State of Maine; instead of that we have 69.

4. "The present transmission system, which consists of 115KV and lower-voltage facilities, is not adequate to allow operation of the existing generating plants in the state on a fully coordinated and integrated basis, nor will it adequately serve the near future loads which may be expected. The facilities now under construction or planned for early development represent . . ." and I am talking, I am quoting now "represent what we consider to be a minimum system of questionable adequacy."

6. "Major new sources of power supply must be developed at an early date. A large nuclear plant is most efficient and economical if operated in coordination with other sources which provide the necessary peaking capacity, particularly hydro-electric peaking sources which makes an ideal combination with thermal plants."

7. "An extra-high-voltage transmission system of the State of Maine will be essential to realizing low-cost power throughout the State. Maine is favorably situated for interconnection with the systems of the entire northeastern United States for the exchange, sale and transfer of large blocks of power between regions to the mutual benefit of all concerned.

"The use of voltages in the 500 KV class appears to offer major advantages, particularly if the interregional interconnections can be realized, and the State of Maine should take a leading role in investigating this potential."

Now we come to the most important findings and conclusion of the whole report.

8. "On the basis of the criteria and assumptions used in our studies, we conclude that the lowest-cost power supply to serve the needs of Maine can be obtained through a combination of a large

nuclear plant located in the south-central coastal area and a large block of power from the proposed Dickey-Lincoln School Project, together with an EHV transmission system to interconnect those sources with the load centers of the state and with the transmission systems in the neighboring states and provinces."

"We further conclude that substantial savings, aggregating to the order of \$225,000,000 during the period through 1985, can be realized if the facilities are financed and constructed by an agency of the State of Maine." That is the Power Authority I am presenting.

"Stated in another way, the cost of power and energy from a large nuclear plant and a high transmission system, if financed, constructed and operated by an agency of the State, would be approximately 26% less than the cost if the same facilities were developed by a private utility organization."

And this is very simple. You take the Yankee Wiscasset, the Yankee plant will cost approximately \$200 million. Now if this had been built through a Power Authority, it would have benefited through the savings of a tax exempt system of financing, and would have saved themselves two percent on the financing. That would have meant a saving to the State of Maine of \$4 million a year during the life of the bond.

I believe that we are all in agreement that the economic development in Maine has lagged behind the remainder of New England. This is due partly to our geographic isolation, but one of the major factors has been the high cost of electricity.

Now we had an example just here yesterday of this chemical plant in Orrington that had to come to us for relief through sales tax so that they could stay competitive. I say that we are approaching the problem from the wrong end. When these people first built this plant they built it on the assumption, or on the plan that they would pay seven mills for their power, for their electricity. They are now to nine and a

half mills, and the first of April, I got a letter from the manager stating that the fuel clause will cost them approximately \$90,000 a year.

Now how long can they stay competitive? This is the problem that we are facing, gentlemen.

Electricity has become too important to our state economy to leave it entirely in the hands of our three major private utilities. Their track record leaves much to be desired and according to the Beck report the utilities have been too preoccupied with immediate returns on their investments—and I quote their own paragraph on it. "This reluctance of the utility companies to make investments for long term future return has contributed to the somewhat piecemeal and segmented development of generating facilities which, in turn, has contributed to the limited transmission capacity which now exists."

Something new has happened also in the power field. This wasn't brought up by my good friend Mr. Williams. He referred to the number of times that a Power Authority has been presented. But there is something new in the State of Maine which makes it imperative that we pass this legislation — and this legislation this year.

Since two years Maine and New Brunswick have joined the New England Power Pool. Now they have joined this New England Power Pool so that they could take advantage of the efficiency and the economy as well as to tie in with the other sections.

But now the decision as to where to build and what to build and what capacity to build is no longer in the hands of our utilities. It is now in the hands of the Planning Committee of the Pool. And the Planning Committee of the Pool will only accept construction of plants that will be beneficial to the whole system.

Now Maine has some natural advantages that we should capitalize on. Coupled with our natural resources, if we were to introduce the tax exempt concept of financing we would have a very desirable situation. Now this is nothing new. I have here a news digest

dated March 23, 1971 from the Federal Power Commission. New York is doing just what we are proposing to do. It says, "The New York Power Authority is planning a big pump storage hydro-plant to supply the City of New York. A one million kilowatt pump storage plant to provide electricity for New York City and the southeastern part of the state in times of peak demand has been proposed by the State Authority." It would be built by the agency and financed through a tax exempt bond issue by the Authority.

It goes on to say that "Mr. Fitzpatrick said 'The Authority had put its proposal with preliminary studies to the New York Power Pool made up of the state's seven major private utilities.'" So there again there is New York Authority, which is working hand in hand in partnership with the seven utilities of New York to build a pumping storage and build it under this concept of tax exempt financing, which we are proposing to you here this morning.

Maine is favorably situated for interconnections between the Province of Quebec and New Brunswick and the major systems for the entire northeast. Just last July a 345 KV line was opened between New Brunswick and this New England Pool, to bring the advantage of the New Brunswick Power to the Pool. Since that time it shows the contribution that New Brunswick is giving to the State of Maine.

We are told that our utilities can very well handle our power situation, and yet according to statistics that I have here, in the year of 1970, 18.9% of our power was purchased from outside. The Province of New Brunswick, in their Mactaquac plant, last year, since July, have produced — have supplied to the New England Pool 346 million kilowatt hours.

We also have hydro electric potential on the St. John River that should be developed for peaking power. This would be a great addition to the system. According to the Beck Associates, just to meet our own needs until 1985 we would have to make an expenditure of approximately \$600 million. Now by financing this expenditure

through a tax exempt form of financing, we would save the consumer of the State of Maine approximately \$12 million a year just during the length of that bond. Just from the financing! So why should we deny the people of Maine these savings?

In conclusion, Mr. Speaker, let me say that the passage of L. D. 966 will provide a vehicle to make these long term investments on a minimum interest rate because of its tax exempt feature.

This is no longer a choice between private power and public power but a choice between common sense and personal ambition. Why should we deprive our people of cheaper electricity just to fight a philosophy which is no longer relevant? This is a partnership, as I mentioned before. What we are asking is a partnership so that we can take advantage of this type of financing. The statute of tax exemption to finance public services is on the books, so its now our responsibility as legislators to make it available to the people of Maine. This can be done through the passage of this Power Authority.

I hope when the vote is taken that you will defeat the motion that is before the House now to accept the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Ladies and Gentlemen of the House: As a signer of the Minority Report, and signing it strictly on the merit of the bill, I think that this deserves more than just an "ought to pass" vote on my part. I wish that I could muster all the eloquence heard here so many times so that I could convincingly state my reasons for supporting this measure.

We have seen the progress generated in other areas brought about by hydro-electric plants. I have seen this progress in our country and especially with our neighbors to the North. Here is an idea that can bring concrete economic improvement by offering cheaper industrial electric rates. Our people

deserve a break when it comes to better paying jobs.

If this shows only half the progress seen elsewhere it will have been worthwhile. The State of Maine deserves also a chance finally to be brought into the 70's. We certainly need help on this score for we only have to look at the take-home pay in the past and present. I discount the argument that a hydro-electric plant such as this envisions would create pollution problems, for I have seen some mighty clean rivers in the shadow of these generating plants and accompanying industry on the north shore of the St. Lawrence.

And how can we forget the consumer? The average cost per kilowatt hour for residential use in Maine has been 2.75 as compared to 1.9 in Quebec. Commercial and industrial sales, 1.3 per kilowatt-hour here as compared to 0.7. This disparity has continued since the advent of hydro-electric complexes in that Province. The same has held true in other areas in our country. Now isn't it about time that the consumer be given a break? The average home use is a whopping \$15.00 or more per month! And in a state which has swift rivers at its doorsteps!

We have, through various pieces of legislation, looked after the welfare of the moose and the fish, we have apple-polished the tourist for three months of the year, and yet we take for granted, but forget, the needs and the hopes of our people who must live and work here for 52 weeks a year. Here is an opportunity to show our constituents that our state will finally take a giant step forward. We, the people of Maine, will benefit directly and indirectly from the profits derived from a public power authority.

When I ran for this Legislature I said my reasons for doing so were that I wanted to represent the city whose citizens and I share the same goals and the same ideals. They want some new hope, and I want some purpose in life. All of us are here to represent the people back home. And I stress represent. How can we turn our backs on them once we're here?

I've heard say many times that we believe in competitive business, for this helps the consumer who is always the one to pay the bill. Let's give Maine a boost. Let's create our own Power Authority of Maine. This is the type of legislation which transcends all party affiliation for the voter is our true employer; not party, not private interest groups.

Let us vote favorably on this bill.

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

Mr. TYNDALE: Mr. Speaker and Ladies and Gentlemen of the House: It is with a great deal of reluctance that I follow the charming lady from Lewiston, and also my eloquent friend Ed Cyr, whom I have had long association with and admire greatly for his dedication to the best interests of the people he represents.

I was a member of the 101st, House chairman of the Committee on Public Utilities at that time. When we heard this bill and similar remarks, the same stories were told about what the Public Authority Power would do for the State of Maine. Therefore I am just going to confine my few remarks to the bill itself, which I would suggest you examine very carefully. If this is permissive legislation, then I do not understand the full context of that sentence.

Number 1, there is created a public body, corporate and politic, an agency of the state to be known as the Public Authority of Maine.

Two, this will be formed of seven members, not of the same political parties, but however this does not affect their powers. This I will go over very briefly with you.

1. They have the full power of contract, and I am not going through fully in this paragraph because they do have the full power of contract pertaining to electrical power. They also have the full power of electric generating and transmission systems and facilities, to purchase, construct, or otherwise acquire, maintain, repair and operate, or cause to be repaired and etcetera, etcetera of these transmission lines. They have the full power of licenses for the Federal government.

Number 6 is a paragraph that you should be very carefully examining and also be very much interested in, because this gives them the full power of eminent domain, and I use that sentence to the fullest meaning that can be conceived of that sentence. The fullest power of eminent domain. Where would this location be? This would be the location in the Allagash. This was one of the big points brought out in the 101st Legislature. Ten years ago I had some reservations as to whether private power could take care of the needs of the people of the State of Maine, and other states as far as that was concerned, through its own concept.

Therefore, you have had two concepts, private power versus public power. This subject you could debate for weeks and months and probably come to the same solution because there are good points on both sides. But we are faced with public power versus private power and what are the needs of the State of Maine.

Over the past year I will commend the public utility companies in this respect, that they have kept abreast of the needs of the peaking power of the State of Maine. We have only advanced four points in this direction.

I do not want to argue the specific point about tax exempt bonds because the average layman knows the advantage of tax exempt bonds. What I am bringing to your attention, what this bill would do, and it will do the very points that I have covered with you.

There is one particular point that he said our public or private power companies did join the concept in New England. This bill came before us this year. But, it is the type of thing that the utilities are trying to do throughout the country, and I am not speaking in favor of utilities. You must understand, I am speaking for the needs of the people and how they could be best fulfilled.

One concept versus the other and the power of eminent domain, the taking of the Allagash, the construction of bigger power plants, and all these things taken

in view, whether this would be the best solution for our state. This is the point that you must consider, not public power versus private power, because there are too many good arguments on both sides, although I have some reservations about the total concept of government ownership in any utility, because of the Tennessee Valley project, and I am not going to go into that long debate at this time.

Therefore, when you make up your mind on this bill, confine yourself to the bill, what the needs of the State of Maine are, and whether you want to go into a project of this size and depth, or whether you wish to stick to our progress in a slow methodical way that produces the same results.

Therefore I hope you will support the Majority "Ought to pass" Report.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: It appears that every two years we are talking about the question of public and private power. Probably in the years to come, if not this year, a majority of the members of the Legislature will realize the need and the demand for public power and the reason why it ought to be in Maine. I sort of enjoyed listening to the opening remarks of the gentlemen from Hodgdon, commenting about the high paid, high powered lobbying of those people who were interested in public power.

All of us here, members of both parties, fully realize the high paid, the high powered lobby of the private power industry. Because at one point or another we have all been bitten by it for some reason or another, and probably today it is for another reason rather than the other.

Some day if you have a few moments with nothing else to do, it might be worth taking a look at a book that was written a few years ago by Senator Lee Metcalf, who happens to head up a subcommittee on public power. It is called Overcharge. We have it here in the Maine library. I bring

it to your attention for those of you who argue that we do not subsidize the private power utility companies.

In a period of ten years, from 1954 to 1964, the amounts collected by two utilities in Maine from consumers for taxes, but not paid as taxes by these two utilities, amounted to \$10,152,343 by the Central Maine Power Company, and by the Maine Public Service Company \$293,984.

The total amount of money paid by these same two utilities in the form of tax-free dividends to their stockholders, paid in the same 10-year period, by the Central Maine Power Company, amounted to \$8,155,798 and by the Maine Public Service Company \$647,827. I bring these figures to light just to comment on the original remark made that we did not help at all to pay the taxes for the privately owned utilities. It is not true and it never has been true because of the existing income tax provision laws of the Federal government.

In 1965 I was in Washington on the original Dickey-Lincoln Hydro-Electric Power project hearings. I heard the president of the Central Maine Power Company, William Dunham, tell the committee that we have never been too little or too late with any of our power. And interestingly enough these figures today seem kind of funny and ridiculous, because as you know, it has already been pointed out, we now have a 345 KW line from Fredericton, New Brunswick bringing Canadian power to Maine in the amount of 300,000 kilowatts.

Interesting that it ought to come from New Brunswick, because New Brunswick happens to have public power.

It seems rather ironic that a company who argues that they are opposed to public power, ought to be buying public power from another province or state and then selling it to us at their rates.

I am familiar with only two municipally owned districts, the one in Houlton and the one in Van Buren. They buy their power from Maine Public Service, and interestingly enough, their rates

are substantially below those of Maine Public Service.

The Federal Power Commission tells us that New England rates are 66% higher than those across the country, and indeed those of Maine are even higher. There is a company in Aroostook County now, which happens to be the Maine Potato Service of Presque Isle, whose electricity bill runs to something like \$300,000 a year and, yet, if they were located in Idaho or somewhere in the Northwest, their power bill for the year would be somewhere in the vicinity of \$110,000 to \$150,000 rather than \$300,000.

This particular company happens to use practically a third of the entire power sold by Maine Public Service in Aroostook County. Rather interesting, isn't it?

If we do not have any need for public power, then let us ask ourselves what has it done for the rest of the country. We are the last section of the United States that does not have public power. For that matter we might as well include Canada in the process, because they have it too. For some very strange and odd reason our rates just seem to be higher than anyone else in the country. I am not going to stand here and tell you that this is the only reason and I would hope that no one is going to tell me that it is not the reason.

We can take a look at the question of public power versus private power as Mr. Tyndale did, and we can ask ourselves some very pointed questions and if we want to listen to our answers then we ought to know which side we are going to be on. The private power utilities have not kept up with the demand even though they will argue that they have done a job. They argue that they have done the State of Maine a great deal of service. I don't think that is true.

Secondly, the cost to the consumer ought to be kept in mind. If we are interested in helping our own people in comparing the cost in other states there is no reason why we ought not to be for public power.

When you compare the rates of Maine and Washington, the



State of Washington, or the State of Idaho, or let us take the TVA where the rates are almost half of what they are here, then we ought to know where we ought to go.

And one last question, the question of pollution comes to mind because it is a rather popular subject nowadays. Two years ago I argued that we ought to do something about the atomic power plant in Wiscasset. Well, we didn't and it is going to go into effect sometime in the future — a little later than the power companies told us — but that is all right, I am willing to concede that point. They argue that there would not be any pollution, but let us not forget what has happened elsewhere as far as water pollution from those plants is concerned.

Then let us go to New Brunswick and look at the power plants that are constructed on the St. John, and you realize which of these two, nuclear power or water power, is the one that we ought to be supporting. The answer to me is very obvious. And, so I would hope today that we would vote against the motion to accept the Majority "Ought not to pass" and support the "Ought to pass" Report.

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 correct an impression that was given of the Allagash. The Lincoln School Dam would only raise the water in the lower three miles of the Allagash, which is north. It is at the confluence of the St. John River. It is north of the Allagash Wilderness Waterway. It would not affect the Wilderness Waterway one bit.

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

Mr. CYR: Mr. Speaker, Ladies and Gentlemen of the House: I would like, if I may, ask a question of the Majority Leader. An ugly rumor has come to my attention that the Republican Leadership has made this a party issue. I would like to know from the Majority Leader if this is so; and

if it is, what are his reasons for it?

The SPEAKER: The gentleman from Madawaska, Mr. Cyr, poses a question through the Chair to the Majority Leader of the House who may answer if he chooses.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I am new at my job this year, and I am not certain whether I should be concerning myself with this question or not. But there was discussion between the members of the Republican party in an open caucus which was attended by people outside of the Republican membership here in the House, so obviously this is no secret. But the party definitely did not take position on this as a party position.

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

Mr. CYR: Mr. Speaker, may I ask the same question of the Minority Leader? Has this been discussed in any Democratic caucus? And has the Democratic Party made this a party issue?

The SPEAKER: The gentleman from Madawaska, Mr. Cyr, poses a question through the Chair to the Minority Leader who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. MARTIN: Mr. Speaker and Members of the House: We have not discussed this in caucus, nor has it been discussed by members of the party within a caucus.

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

Mr. TYNDALE: Mr. Speaker and Members of the House: I will have to correct one slip of the tongue. The report is to the acceptance of the Majority "Ought not to pass" and I think I left out the word not.

The SPEAKER: The pending question is on the motion of the gentleman from Hodgdon, Mr. Williams, that the House accept the Majority "Ought not to pass" Report. The yeas and nays have been requested. For the Chair to order a roll call it must have the

expressed desire of one fifth of the members present and voting. All members desiring a roll call 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 Madawaska, Mr. Cyr.

Mr. CYR: Mr. Speaker and Members of the House: Just one quick thought. A lot of arguments haven't come out in this debate as yet, so there are a lot of things that probably we haven't explained properly. And I would certainly hope that those of you who think there are any merits to this bill at all, that you would keep it alive so that we can at least answer the questions that you have on your mind.

The SPEAKER: The pending question is on the motion of the gentleman from Hodgdon, Mr. Williams, that the House accept the Majority "Ought not to pass" Report on Bill "An Act Creating the Power Authority of Maine," House Paper 721, L. D. 966. If you are in favor of accepting the Majority Report you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Ault, Bailey, Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Carey, Churchill, Clark, Collins, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, Emery, D. F.; Finemore, Gill, Good, Hall, Hancock, Haskell, H a w k e n s, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelleher, Kelley, K. F.; Lawry, Lee, Lewin, Lincoln, Lund, MacLeod, Maddox, Marstaller, McNally, Millett, Morrell, Mosher, Norris, Page, Parks Payson, Porter, Pratt, Rand, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Albert, Barnes, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bustin, Call,

Carrier, Carter, Clemente, Conley, Cote, Cottrell, Cyr, Dam, Dow, Doyle, Drigotas, Dyar, Farrington, Faucher, Fecteau, Fraser, Gauthier, Goodwin, Jutras, Kelley, P. S.; Keyte, Lebel, Lessard, Lizotte, Lucas, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McCormick, McTeague, Mills, Murray, O'Brien, Pontbriand, Sheltra, Slane, Smith, D. M.; Smith, E. H.; Starbird, Tanguay, Theriault, Webber, Wheeler.

ABSENT — Bartlett, Bedard, Cooney, Curran, Dudley, Emery, E. M.; Evans, Gagnon, Genest, Hanson, Hardy, Jalbert, Kelley, R. P.; Kilroy, Lewis, Littlefield, McKinnon, Orestis, Rocheleau, Santoro, Scott, Vincent, Whitson.

Yes, 71; No, 56; Absent 23.

The SPEAKER: Seventy-one having voted in the affirmative and fifty-six having voted in the negative, with twenty-three being absent, the motion does prevail.

Sent up for concurrence. (Later Reconsidered)

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

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

Tabled — May 5, by Mr. Marstaller of Freeport.

Pending — Passage to be enacted.

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

Mr. MILLETT: Mr. Speaker and Ladies and Gentlemen of the House: I would like to at this time, with deference to the hour of the day, explain to you very briefly why this bill has been tabled here consecutively for about a week now and delay any real extensive explanation of the bill in hopes that somebody might table it for one or two more days.

The bill is a compromise of the two bills that were here in this body about two weeks ago now, L. D. 421 and 999. It was recommended. It still contains many of the original provisions of the two bills. And again, out of deference to the time, I would suggest that maybe somebody table this so

that we might give it a little bit more consideration at a later time.

Whereupon, on motion of Mr. Farrington of Old Orchard Beach, retabled pending passage to be enacted and specially assigned for Monday, May 10, 1971.

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

Mr. WILLIAMS: Mr. Speaker, I would like to move for reconsideration of L. D. 966 and hope you people would vote against my motion.

The SPEAKER: The gentleman from Hodgdon, Mr. Williams, moves that the House reconsider its action whereby it accepted the Majority "Ought not to pass" Report on Bill "An Act Creating the Power Authority of Maine, House Paper 721, L. D. 966.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Certainly not wishing to delay you, I would make one very brief comment. I am glad it wasn't a partisan issue. Perhaps after looking at the roll call you might be interested in making up your own minds.

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

A vote of the House was taken. 52 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

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

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

Tabled — May 5, by Mr. Porter of Lincoln.

Pending — Passage to be enacted.

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

Mr. HERRICK: Mr. Speaker and Members of the House: The hour is late, but it is not too late to take care of a bad piece of legislation. L. D. 1680, An Act Pro-

hibiting the Driving of Deer While Hunting, has been repeatedly tabled for the purpose of trying to achieve a reasonable solution to a complicated problem. A solution has not been reached.

This bill is attempting to eliminate the driving of deer by 15 or 20 hunters in a group. It is attempting to eliminate a problem that is already against the law. The present law states: "It shall be unlawful for more than 6 persons to participate in a joint hunt for deer wherein an effort is made to drive deer." L. D. 1680 will not solve the problem of gang hunting.

This proposed legislation would be unenforceable. It would create an extreme guiding hardship. It would probably help to increase the illegal kill. It would not save our deer herd, and it might very well increase hunting accidents. But most of all, it would only impose a hardship upon the honest sportsman.

I understand and recognize that southern Maine does have a problem with gang hunting of deer, but L. D. 1680 is not the solution. The problem will only be solved through increased law enforcement and public education.

I would now move that this bill and all of its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Harmony, Mr. Herrick, now moves the indefinite postponement of L. D. 1680.

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

Mr. PORTER: Mr. Speaker and Members of the House: It is true that we have been tabling this bill for some time trying to find a compromise. We have been unable to do so.

I notice that the young gentleman is playing a little bit rough this morning, and I expected it because we have been talking about this for some time. By the way, my associations with the young gentleman have been most cordial. He is very intelligent, and I respect him highly. I have never had a conversation with him without leaving that conversation feeling that I had gained some information. However, we have a

bill before us that I put in and I would like to explain why I sponsored that bill.

Last fall during the hunting season I was hunting in the south central part of the State of Maine when six hunters from New Jersey overtook me. They were well armed. Three of them had semi-automatic 35 Remington's; two had built over army rifles, and the oldest gentleman had a 94 Model 30-30. They assured me that they were not going to disturb my hunt because they were going to drive going back.

I was curious to see how they would create their drive. I will try to describe it. The gentleman with the 30-30 stayed in the woods road, the others separated in a straight column, each distance probably from here to the wall. And when the last one got into position, he whistled and the drive began. The gentleman on the road shouted and then that next fellow shouted and the line continued clear down to the other end of the drive. They would walk about the distance from here to the Speaker and shout again. Not ten minutes later they had shot a deer.

I went back to see what all the shooting was about because there were twenty-three shots fired. They brought the deer out onto the woods road and I had an opportunity to look the deer over very carefully. That deer had been hit eight times. Two slugs were still in the carcass and there were fourteen holes in the deer. I became quite nauseated, sat down on a log, took out my pipe, even my old friend tasted vile.

As I sat there they organized a drive again, and again they went shouting up through the woods. And in about fifteen or twenty minutes they had shot a buck. I didn't have the stomach to examine the buck too closely, but I could see it was badly shot up — a total waste of good venison.

So on my way home I resolved that if I got down here this year I would put in a bill prohibiting such inhumane treatment to a very valuable game animal. In the hearing at which there were about 60 or 70 people present, not one person opposed the bill. It came out

of committee unanimously "ought to pass." I think it is needed legislation. I think we should try to stop this horrible example of the way to kill a deer. I oppose the motion.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: For once this is a bill that Aroostook County isn't going to get into. They always say we want our way up in Aroostook, but we are better sports than to drive deer. We think it is very unsportsmanlike and we do not do it up in Aroostook, and we want you to know that we are interested in this bill.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I happen to have come from an area where deer driving is something out of this world. There are guides there; they work for another man. They come there with trucks and they will have forty or fifty men in the party. Now what do they do? One man takes six men and he goes off in the distance.

I can name you down in Hostile Valley, and you are probably all familiar with this area. They put out twenty-four men in that area. They went up to the Sidney line; they put out a dozen more. They went down by the Peavey Bridge and they circled it. They commenced to holler, fire guns, pound pans, and in less than two hours and a half, this area of just one mile and a half, they took fourteen deer out of this area and crippled three more. There hasn't been a deer left in this area from this time on. And I am sure if you go up here in Sidney any fall, I will guarantee you can't tell whether it is a dog running rabbit or what he is running the way these fellows bark, holler, hit on pans.

The same thing has happened right here and all over the state. And the game wardens say that we want this law. We go to these people, they all meet here for dinner, in they come. But when they want to arrest these fellows, 30, 40, 50 in a group, they say, "Look, we're not

together. We came here with six men and we just happened to come here for dinner." So they cannot enforce this law.

This is the greatest piece of legislation ever put in, and I go along with Mr. Porter. We should save this deer herd.

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

Mr. HERRICK: Mr. Speaker and Ladies and Gentlemen of the House: When Mr. Brawn stated that all wardens wanted this piece of legislation he is mistaken. I have polled quite a few wardens in the past week, and they are not in favor of this legislation on the premise that they cannot enforce it. They cannot adequately enforce the present law.

The only way that you will alleviate the problem of gang driving is to increase the warden force. Now I would like to make comment on Mr. Porter's remarks. I appreciate his remarks. He has a certain tone of eloquence about him. There is an old Arabian proverb that states, "If the ear were an eye, eloquence would not be necessary." But there is only one thing with that little proverb; they left out the term fact. You need factual statements. And his appeal to the sympathy or sympathetic appeal, was what I consider a good tactic, but not valid.

I am a forester. I am a sportsman. I hold a degree in forestry, but I think my expertise is in hunting. I have done it all my life. And I know that a warden cannot enforce the law as it is written.

One other point, since Mr. Porter, I think, took a slanted attack on me in the beginning to gain your appeal, he is not in complete favor of the definition as written in L. D. 1680. And I feel that the approach of enforcement should be taken on the present law instead of creating another law that is even more unenforceable.

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

Mr. CALL: Mr. Speaker and Members of the House: I feel as Mr. Brawn from Oakland does, that this is a very good bill, and it is

one that has been needed. I am surprised that over the years such an inhumane practice as deer driving has been permitted. And I feel that this bill should pass, and I am going to vote for it.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I would simply ask the good gentleman from Lincoln, Mr. Porter, if it would be more humane hunting as a still hunter to paunch shoot a deer along toward twilight and have it crawl into a swamp and lay there and spend seven or eight or ten hours dying.

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

Mr. LEWIN: Mr. Speaker and Ladies and Gentlemen of the House: The present law on the books at the present time states that not more than six persons can participate in a joint hunt for deer.

Now the new L. D. that we are talking about today makes for a stiffer law, and certainly will help in our conservation of the deer.

The SPEAKER: The pending question is on the motion of the gentleman from Harmony, Mr. Herrick, that An Act Prohibiting the Driving of Deer While Hunting, House Paper 1280, L. D. 1680 be indefinitely postponed. The Chair will order a vote. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

33 having voted in the affirmative and 76 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.

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

An Act relating to Size Limit of Trout (S. P. 548) (L. D. 1687) which failed passage to be enacted in the House on May 4 and which was passed to be engrossed on April 28.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-138) in non-concurrence.

Mr. Bourgoin of Fort Kent moved that the House recede from its action of May 4 whereby the Bill failed of passage to be enacted.

The SPEAKER: The gentleman from Fort Kent, Mr. Bourgoin, moves the House recede from its action whereby the Bill failed of passage to be enacted. Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: The Chair will order a vote. If you are in favor of receding whereby this Bill failed passage to be enacted you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 72 having voted in the affirmative and 26 having voted in the negative, the motion did prevail.

On further motion of the same gentleman, the House voted to recede from its action whereby the Bill was passed to be engrossed.

Senate Amendment "A" (S-138) was read by the Clerk and adopted in concurrence.

Mr. Bourgoin of Fort Kent offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-231) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BOURGOIN: Mr. Speaker and Members of the House: I would like to bring to the attention of the House that this is a law that was passed in the special session which had not taken effect yet. It is advocated by the Fisheries and Wildlife Department, and we would like to have a test for the conservation of trout, which the department claims it will help.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: Somebody is in error. The day before yesterday my wife and I were having dinner down here, and the Commissioner came along and sat at my table with me. And he told me that they did not take any stand on this, and that they

and the biologists made no statements. And he said that a one, two or three inch trout, he agreed with me 100%, he was not big enough to eat, and that he would like to see it go back, because he realized what had happened in these zones.

And I say this, that we should have one law over the state to cover everything. Right now you buy your hunting license, you get a book for hunting; one for fishing, you get one for fishing. And no one understands them, even the warden himself. So I don't think we should have so many of these laws. I think we should have a six inch trout right over the state, and let us let these little one's grow so that we can stock our lakes and ponds. This is where these mature.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: Very quickly, there is a distinct division of opinion among conservationists and among sportsmen as to whether or not the elimination of six inch minimum is good conservation.

Now in Aroostook County, as my friend Mr. Bourgoin has indicated, there is very strong support among the sportsmen, among the wardens who serve the area that in fact the elimination of the minimum is good conservation. It seems to me that it would provide an opportunity to test the two theories. If you leave the northern zone without this you will have a test area. And over a period of time we can prove the validity of the opinion, which is strongly held in northern Maine, that this is in fact good conservation.

I would urge you to support the amendment.

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

Mr. SIMPSON: Mr. Speaker, I would move the indefinite postponement of House Amendment "A" and I would like to speak to my motion, please.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the indefinite postponement

of House Amendment "A", and the gentleman may proceed.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: It is my understanding from talking to the fishery biologists in this state, especially from my area, that there are test brooks throughout the entire state, and to me I think if we are going to do anything, and if we are going to keep the law, pass the bill as has been suggested, then maybe it should be amended to the point that we allow all the particular test brooks that are under study right at the present time to remain in effect. And if we don't, then let's stop dividing the state as we are in our deer bill, and let's keep the trout size and limit state-wide, or none at all.

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

Mr. BITHER: Mr. Speaker and Members of the House: It seems as though we have talked about nothing but death here recently, and I must speak about it some more, because I tried to point out to you people the other day that when you catch these small trout—and no one is talking about one or two inch trout—you wouldn't get one to bite more than once out of a hundred times. And I want it definitely understood, Mr. Speaker, that I am not quoting game wardens or the Commissioner or anyone else. I got in trouble about that the other day, something I did not do, too. But I am going to quote a gentleman, I met a gentleman last night, and I checked and rechecked this man, because sometimes I don't always trust some of the people on the opposite party. This man gave me permission to use his name, and his name is Austin Wylie. The gentleman from Bridgewater will verify that he is a gentleman, and a gentleman of great veracity — truth that is. And I quote him. Well, is he Republican? Well, that is all the better.

He said to me last night, and I am quoting — he says, "I fish more hours during the summertime than I work. I keep throwing fish back, and so many of these fish die" and I am still quoting,

"that the sea gulls have moved north from the coast and are thicker than they ever were up around Frenchville." And he comes from Frenchville.

Now I don't know, but Mr. Fine-more, I think, says that that man is true. Well, I wasn't sure then. I called Bill Church in Jonesport this morning, and he said that he thought it was true, there were much fewer sea gulls down there last summer than there ever have been before.

Now all I am trying to point out is that when you catch these small trout a lot of them are going to die. I think that this amendment — we offer this amendment, this amendment has been offered as a conservation measure and a test. Now let us give it a test. We have never had a test on this no limit trout bill, really not a good test at all; and this is a means of giving it a test.

We think in northern Maine that this is a good conservation measure and I hope you will vote against the motion to indefinitely postpone this amendment.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have reached the conclusion this morning that we ought to change the system under which we amend laws dealing with both fish and game. Perhaps what we ought to do is to allow the legislative delegations to set up their own laws like we do the county budget, because that is basically what we at times seem to be doing. But I would point out that at times there are differences between northern Maine and southern Maine, and that is probably most of the time — in more ways than one.

I am happy to see that the gentleman from Houlton corrected the statement because the man in question is indeed a member of his party, not of mine. I do respect him and I do admire what he says because I know that it is probably true.

I only wish that the gentleman from Standish would give northern Maine a chance so that we could

do what we think is right and he could do what he thinks is right. And so I would hope that you would vote against his motion to indefinitely postpone.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman said the man was very honest; probably he was. But this only deals with brooks and streams and I have never seen sea gulls picking up any fish off brooks and streams where I have been fishing, and I would like to ask any man here if he has ever seen that happen.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I wasn't going to get up for this, but I will now. I want to verify Mr. Bither's statement. There is no doubt but Austin Wylie, who was a former representative in this House, he fishes more than he works because he works for the Health and Welfare Department. (laughter)

I would also like to add, especially to the gentleman from Standish and the gentleman from Oakland, we from Aroostook usually go along; we go to someone like Representative Bunker, we check up on the fish bills on the coast and we usually go along with what they tell us, because we believe they know their own circumstances much better than we do.

We also do that through the central part of the state. I know we have worked on schools in the central part of the state and we have always gone to that representative and done the same. And I wish that these people who aren't familiar with Aroostook County, and especially familiar with our brooks and streams, would leave our bills alone and go along with us, because I believe we are well educated on our streams and we

know. We have some streams back of our place, little streams that were formerly streams that logs were driven on and now they are growing up very fast. And these streams are loaded, actually loaded with little fish, and there are never any nine inch trout in there, there are always five or six inch trout, and I think it is a shame to leave them there.

I believe that we should have this amendment passed and I hope you will go along and vote against the indefinite postponement.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen: I am in favor of Representative Bourgoins' amendment here for the simple reason that down in my own territory in checking over fish I have been notified of lakes that were stocked and ponds that were stocked four and five years ago to pass the word to the fishermen around to come down there and fish for the salmon — they are getting crowded, they are getting stunted.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that House Amendment "A" to Bill "An Act relating to Size Limit of Trout," Senate Paper 548, L. D. 1687, be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, House Amendment "A" was adopted and 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.

On motion of Mr. Curran of Bangor,

Adjourned until twelve o'clock noon tomorrow.