

# 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 13, 1971

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

Prayer by the Rev. Mr. Victor P. Musk of Augusta.

The journal of yesterday was read and approved.

**Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Reclassifying the Waters of Lake Auburn and Little Wilson Pond, Androscoggin County" (H. P. 606) (L. D. 808) reporting that the Senate recede and concur with the House in passing the Bill to be engrossed without Amendment.

(Signed)

PONTBRIAND of Auburn

BROWN of York

AULT of Wayne

Committee on part of House.

SCHULTEN of Sagadahoc

GRAHAM of Cumberland

BERNARD

of Androscoggin

Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

**Papers from the Senate**

From the Senate: The following Order: (S. P. 577)

ORDERED, the House concurring, that the following be recalled from the Governor's Office to the Senate: Bill, "An Act Appropriating Moneys to Supplement Loans by Maine School Building Authority" (H. P. 1008) (L. D. 1387)

Came from the Senate read and passed.

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

**Reports of Committees****Ought Not to Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act relating to Working Capital of State Liquor Commission" (S. P. 151) (L. D. 420)

Report of the Committee on Natural Resources reporting same on Resolution Proposing an Amendment to the Constitution to Pro-

vide State-wide Referendum on Legislative Action Lowering Water Quality Classification (S. P. 418) (L. D. 1233)

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

**Ought to Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Resolve Providing Moneys for Cerebral Palsy Centers (S. P. 188) (L. D. 549)

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

In the House, the Report was read and accepted in concurrence, the Resolve read once and tomorrow assigned.

**Final Report**

Final Report of the following Joint Standing Committee:

**Public Utilities**

Came from the Senate read and accepted.

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

**Non-Concurrent Matter**

An Act relating to Fees and Compensation of the State Board of Administrators of Medical Care Facilities (S. P. 238) (L. D. 754) which was passed to be enacted in the House on May 7 and passed to be engrossed as amended by House Amendment "A" on May 4.

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

In the House: On motion of Mrs. Payson of Falmouth, the House voted to recede and concur.

**Non-Concurrent Matter**

An Act Repealing Certain Procedure for Registration of Voters (H. P. 187) (L. D. 244) which was passed to be enacted in the House on May 4 and passed to engrossed on April 28.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: It is sad to see the demise of one of my favorite bills. This is the one which would have prohibited notaries and justices from registering and enrolling voters. We debated it in this body at length and we enacted it along party lines.

In the other body the Republicans didn't know exactly how to handle this. But the opposition was loaded for bear. They were all prepared to say that nasty Republicans wanted to discriminate against the elderly and infirm who couldn't get down to register with the registrar, and that also we wanted to make it more difficult for 18-year olds to vote because we were afraid they would all register Democratic.

When it came up, a Republican stood up and moved indefinite postponement. It went under the hammer, the opposition was flabbergasted, they were caught with their speeches down; and after yesterday here I wouldn't want to inconvenience my young friend from Eagle Lake, Mr. Martin. So I now with reluctance move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House recede and concur.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I must be the first to admit that I don't know what to say. After the debate last week on this particular item I thought it was all over, and today I find myself not sad, but happy. This is the happiest moment I have had, at least in two days, and I am more than happy to concur with the motion by the gentleman from Bath, Mr. Ross, that we do recede and concur and bury this finally once and for all.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen: I would like to cry this morning with Brother Ross, because when this

is passed here and the bill has been killed it is going to make it very difficult for me in the next time around because I will lose the competition of all the new Republican J.P.'s in my country.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: I am glad to hear this morning that Mr. Ross has seen the light. He has always been in the dark for quite some time.

Thereupon, the House voted to recede and concur with the Senate.

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#### Non-Concurrent Matter

Majority Report of the Committee on Education reporting "Ought to pass" on Bill "An Act relating to School Construction Aid for All Administrative Units" (H. P. 737) (L. D. 999) and Minority Report reporting "Ought not to pass" which Reports and Bills were recommended to the Committee on Education in the House on April 21.

Came from the Senate with the Reports and Bill indefinitely postponed in non-concurrence.

In the House:

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

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: Since this bill has been with us quite awhile and it is a favorite of many of us, I feel I should say that I reluctantly get up here and move that we recede and concur with the Senate. But I only move this because the features of this bill have been incorporated with L. D. 421, which now lies on the Appropriations table.

Thereupon, the House voted to recede and concur with the Senate.

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#### Non-Concurrent Matter

Bill "An Act to Improve the Efficiency and Fairness of the Local Welfare System" (H. P. 741) (L. D. 1003) which was passed to be engrossed as amended by Committee Amendment "A" in the House on May 6.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" and 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 12, 1971

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

I regret that I must return to the Legislature House Paper 553, Legislative Document 729, AN ACT Creating York County Commissioner Districts, without my signature.

I have evaluated this bill as I have evaluated other County Commissioner districting bills — in terms of the response of elected county officials and the county's legislative delegation. That response is divided. The County Commissioners are unanimously opposed to it. The legislative delegation is split. Under these circumstances, similar to those I found when evaluating the Aroostook County proposal, I do not feel there is sufficient local agreement on the value of this legislation to warrant its imposition by the State.

Perhaps the time will come when county leaders at the state and local level will achieve consensus on this districting issue. If so, I would readily approve a districting bill. However, with that consensus now lacking, I cannot, consistent with my concern for local agreement on an issue primarily of local governmental significance, approve this bill. I therefore respectfully urge that my action disapproving L. D. 729 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 Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: As you recall, two weeks ago we had another one of these county bills before us, in the same form as we have it today, and that of course was Aroostook County. At that time I tried to explain the procedure the Governor used to arrive at whether or not he was going to sign the bill into law.

Basically it revolves around one concept, and that is local decisions. Basically it means that he polls the legislative delegation, and secondly polls the county commissioners. Fortunately or unfortunately, all of the county commissioners do come from Biddeford; for that reason perhaps they are all opposed. But they are all opposed to this legislation becoming law as, of course, it would do away with their jobs.

Secondly, the legislative delegation in Augusta is split and as pointed out in the Veto Message this morning, that unless there is unanimity among the legislators then the Governor has no real basis for signing it into law, based on the premise that he is going to let the local people decide.

And so this morning I ask you to sustain the Governor's veto and to vote no.

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

Mr. CROSBY: Mr. Speaker and Members of the House: Much to my surprise this morning I see that I have joined the elite in having one of my bills vetoed. I really can't understand it.

My good friend from Eagle Lake, Mr. Martin, says the Governor has used for his argument the fact that the delegation and the county commissioners are against this bill. We have talked about one man-one vote; I think that this is cutting it a little thin. I am sure if this could go back to the people in York County there would be an overwhelming vote in favor of this bill.

If we are going to take the vote of the three present county commissioners, who, as was stated, all come from the same area and all being of the same political party, and take a vote of the county delegation which is, as was stated, split, and use this as a criteria for establishing a basis for a veto, I think this is a very weak argument.

York County is never going to be able to have equal representation throughout its area. All the county commissioners are going to continue to come from this one area and as long as there are 8,000 solid Democrat votes out of Biddeford the rest of the county is at their mercy.

I know that this is an exercise in futility, but I just thought that I would like to go on the record as being in favor of this bill, and I hope that you will go along and vote against the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Bedard.

Mr. BEDARD: Mr. Speaker and Ladies and Gentlemen of the House: You just heard Mr. Crosby say that if this bill is vetoed that there would not be any chance for a Republican to have a representative in the county. Well I can remember for twenty years that the Democrats never had a word to say. The Republicans controlled it and we didn't have anything to say about it.

Now in the last few years the Democrats have come into power, and they don't go out and get their vote, they sit on their fannies and don't get anything. So if they want representation let them do what we do—go out and get the people to vote for the candidate. I shall sustain this veto.

The SPEAKER: The Chair would advise the members to be very careful of their language, because it goes into the permanent record.

The Chair recognizes the gentleman from North Berwick, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, could I pose a question through the Chair?

The SPEAKER: The gentleman may pose his question.

Mr. LITTLEFIELD: I would like to ask Mr. Martin of Eagle Lake, who polled the delegation, what the final count was, if I might.

The SPEAKER: The gentleman from North Berwick, Mr. Littlefield, poses a question through the Chair to the gentleman from Eagle Lake, who may answer if he chooses; and the Chair recognizes that gentleman.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen: In polling the delegation, it was quite obvious to me that for the most part it was Democrats against the bill, Republicans for the bill.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the provisions 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

YEA — Bailey, Baker, Barnes, Bartlett, Bedard, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown Bunker, Churchhill, Collins, Crosby, Cummings, Curtis, T. S.; Jr.; Donaghy, Dyar, Emery, D. F.; Evans, Finemore, Gagnon, Gauthier, Gill, Good, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, MacLeod, Maddox, Marstaller, McCormick, McNally, Millett, Morrell, Mosher, Norris, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Trask, Tyndale, White, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Albert, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Call, Carrier, Carter, Clemente, Conley, Curran, Cyr, Dam, Dow, Doyle, Drigotas, Dudley, Fecteau, Fraser, Genest, Hancock, Jutras, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Littlefield, Lynch, M a h a n y, Manchester,

Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Murray, Pontbriand, Slane, Smith, D. M.; Starbird, Theriault, Vincent, Weber, Wheeler, Whitson.

ABSENT — Ault, Bustin, Carey, Clark, Cooney, Cote, Cottrell, Curtis, A. P.; Emery, E. M.; Farrington, Faucher, Goodwin, Hanson, Jalbert, Kelleher, Lessard, Lizotte, Lucas, O'Brien, Orestis, Rocheleau, Santoro, Sheltra, Smith, E. H.; Tanguay, Wight.

Yes, 75; No, 49; Absent, 26.

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

The following Communication:

THE SENATE OF MAINE  
AUGUSTA, MAINE

May 12, 1971

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

Dear Madam Clerk:

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act Revising the Harbor Master Law" (H. P. 1058) (L. D. 1449).

Respectfully,

(Signed)

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

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

Mr. Berry from the Committee on Agriculture reported "Ought not to pass" on Bill "An Act relating to Deposit of Animal Waste on Land or in Waters" (H. P. 893) (L. D. 1213)

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported same on Resolve Appropriating Funds to the University of Maine for Maine Public Broadcasting Network (H. P. 255) (L. D. 337)

Same gentleman from same Committee reported same on Bill "An Act Appropriating Funds for Planning a State-wide Integrated Corrections System" (H. P. 1085) (L. D. 1474)

Mr. Carter from same Committee reported same on Resolve to Provide Funds for Purchase of Aerial Ladder Fire Truck for State Buildings (H. P. 127) (L. D. 182)

Mrs. Wheeler from the Committee on Judiciary reported same on Bill "An Act relating to Presumption of Operation of Motor Vehicles by the Registered Owner" (H. P. 1071) (L. D. 1463)

Mr. Ross from the Committee on Taxation reported same on Bill "An Act relating to Municipal Excise Taxes on Boats and Motors" (H. P. 1004) (L. D. 1366)

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

#### Leave to Withdraw

Mrs. White from the Committee on Judiciary on Bill "An Act Replacing Limitation on Number of Examinations for Admission to Practice Law" (H. P. 880) (L. D. 1201) reported Leave to Withdraw.

Mrs. Kilroy from the Committee on Natural Resources reported same on Bill "An Act to Provide for Landscaping of Parking Areas" (H. P. 916) (L. D. 1262)

Mrs. Brown from the Committee on Natural Resources on Bill "An Act relating to the Management of Solid Waste" (H. P. 466) (L. D. 594) reported Leave to Withdraw, as covered by other legislation.

Mr. Curran from same Committee reported same on Bill "An Act Revising the Waste Discharge Licensing Procedures of the Environmental Improvement Commission" (H. P. 1174) (L. D. 1625)

Reports were read and accepted and sent up for concurrence.

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

Mr. Berry from the Committee on Agriculture on Bill "An Act to Increase Penalties and Fees under Laws Relating to Dogs" (H. P. 662) (L. D. 892) reported same in a new draft (H. P. 1321) (L. D. 1733) under title of "An Act relating to Licenses and Fees under the Dog Laws" and that it "Ought to pass"

Report was read.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: This bill is something that I have quite a bit of interest in. I haven't had time to study this new draft even though I did manage to get to my seat at five minutes of eight this morning. I would hope that someone might table it for a couple of days so that I could go over it with some members of the committee.

Whereupon, on motion of Mr. Lawry of Fairfield, tabled pending acceptance of the Report and specially assigned for Monday, May 17.

Mr. Lund from the Committee on Judiciary on Bill "An Act relating to Mass Gatherings" (H. P. 1090) (L. D. 1479) reported same in a new draft (H. P. 1319) (L. D. 1724) under same title and that "Ought to pass"

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

#### Ought to Pass Printed Bills

Mr. Carter from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act to Reimburse Town of Jonesboro for Expenses Incurred in Defending Shellfish Conservation Ordinances" (H. P. 145) (L. D. 200)

Mr. Shaw from same Committee reported same on Resolve Relating to an Environmental Study in Construction of High - level Bridge between Westport and Wiscasset (H. P. 903) (L. D. 1241)

Mrs. Cummings from the Committee on Natural Resources reported same on Bill "An Act Revising the Law Relating to Grants and Loans for Preliminary Planning of Pollution Abatement Facilities" (H. P. 1095) (L. D. 1483)

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

#### Ought to Pass with Committee Amendment

Mr. Birt from the Committee on Appropriations and Financial Af-

fairs on Resolve Appropriating Funds to the University of Maine for Use by The Research Institute of the Gulf of Maine (H. P. 379) (L. D. 494) reported "Ought to pass" as amended by Committee Amendment "A" (H-256) submitted therewith.

Mr. Page from the Committee on Judiciary on Bill "An Act to Improve Procedures in Post-conviction Cases" (H. P. 1155) (L. D. 1604) reported "Ought to pass" as amended by Committee Amendment "A" (H-257) submitted therewith.

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

#### Divided Report

Majority Report of the Committee on County Government on Bill "An Act relating to Office Hours of County Commissioners" (H. P. 554) (L. D. 730) reporting Leave to Withdraw.

Report was signed by the following members:

Messrs. MARTIN of Piscataquis  
DANTON of York  
PEABODY of Aroostook  
— of the Senate.

Messrs. BERNIER of Westbrook  
KELLEY of Southport  
CHURCHILL of Orland  
IMMONEN of West Paris  
DYAR of Strong  
WIGHT of Presque Isle  
HAWKENS of Farmington  
PONTBRIAND of Auburn  
KELLEHER of Bangor  
— of the House.

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

Report was signed by the following member:

Mr. MILLS of Eastport  
— of the House.

Reports were read.  
The Majority Report reporting Leave to Withdraw was accepted and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought

not to pass" on Bill "An Act Regulating Handguns" (H. P. 150) (L. D. 205)

Report was signed by the following members:

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

Messrs. HENLEY of Norway

PAGE of Fryeburg

Mrs. WHITE of Guilford

Mrs. BAKER of Orrington

Mr. CARRIER of Westbrook

— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1320) (L. D. 1725) under same title and that it "Ought to pass"

Report was signed by the following members.

Mr. LUND of Augusta

Mrs. WHEELER of Portland

Messrs. HEWES

of Cape Elizabeth

ORESTIS of Lewiston

KELLEY of Caribou

— of the House.

Reports were read.

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

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

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes moves that the House accept the Minority "Ought to pass" Report.

The Chair recognizes the gentleman from Portland, Mrs. Wheeler.

Mrs. WHEELER: Mr. Speaker and Members of the House: As a signer of the Minority "Ought to pass" Report I feel that this is one of the most responsible pieces of legislation that could be drawn to face the issue before us, the illegal use of handguns. It only restricts the sale of the handgun to any person charged with a felony or who has been adjudicated a felon. This does not apply to a transaction between licensed gun dealers.

This is not a unique bill peculiar to us in Maine. Several Maine communities, including my district in Portland, have such a law on the books. In essence, it is not a gun control measure, nor is it a gun

registration bill. All it is in fact is a so-called law and order bill. It is designed to prevent persons who are forbidden by existing laws to purchase a handgun. And I hope you people will vote for the motion of the gentleman from Cape Elizabeth, Mr. Hewes.

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

Mr. VINCENT: Mr. Speaker and Members of the House: This promises to be quite a lengthy debate from talking with many of the members in the House chamber here, and I would respectfully request that it be tabled until later in today's session.

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

Mr. ROSS: Mr. Speaker, I move this be tabled until later in today's session.

Whereupon, Mr. Ault of Wayne requested a division on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of this matter being tabled until later in today's session will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: As I have listened here this morning to this, we are asking for a piece of legislation which will just clutter up our books. Let me read to you what every gun dealer has to do right now. The law covers everything they are asking for.

This is a United States Interstate Transaction Firearms Record. First, you must say if you are a mister or misses or a miss, and you must be twenty years of age or over. You must give your height, your weight, your race, your address, your date of birth and your place of birth.

Now you have these questions that you must answer. Are you under indictment in the court for crime punishable by imprisonment for term not exceeding a year? You are to answer this yes or no. Have you been convicted in any court of a crime punishable by imprisonment for a term exceeding one year? You must say if this is actual sentence. You also shall say if you are under indictment now that would carry this amount and you must answer yes or no.

It also asks if you are a fugitive from justice. You must answer yes or no. Are you an unlawful user of addicts, marijuana, or any depressants, stimulants or narcotics? You must answer yes or no. Have you been adjudicated mentally defective, or have you committed any mental crimes? Have you a dishonorable discharge from the United State Army? Are you an alien of the United States? Have you renounced your citizenship of the United States of America?

Now, if you answer yes to any one of these questions, you cannot, under the law now, purchase a gun whatsoever. This is not doing a thing. All this law is doing now, if you have to wait three days, and we will say that I sell guns up here, a man goes to Bangor and he wants to purchase a gun off Mr. Frati he must send down here to my town and wait three days to check on me.

Suppose I am the man who has to make the report back to him. I am going to say, "What is this man up there buying a gun for when I am selling them here?" I will turn this man down. And this is all it takes to turn an honest man down to get a gun. And I am going to ask at this time for this to be indefinitely postponed with all its papers.

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

Mr. HENLEY: Mr. Speaker: Ladies and Gentlemen of the House: I am not going to talk very long on this. As you will note in the report, I think this is the first time this winter when our committee has been split with all

of the legal brains on one side and I voted to oppose any gun law such as was produced.

I feel as I have felt right along, that we are approaching it in the wrong direction. The hysteria about gun control, I think, is the wrong approach to the control of crime and the use of guns. I have stated my views on it many times; I think that we have got to somehow get it through to the courts to really bear down on crimes committed with guns. And that is about the only way we will control it, because as has been demonstrated many time in this country, and has been stated and is a fact, anyone can make a gun. So whether you prohibit the selling of them or not, if you prohibit the selling of them, they will steal them. And that is what they usually do anyway.

So these things mostly are just a matter of a political sop. They just are trying to lull the public into saying, "Well, they are doing something about it." But it really is doing nothing about it. Consequently, we felt that any attempt to control this sort of thing in this way is useless, that is why we opposed this gun law. And I hope that when the vote is taken it will be a division.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. As I read the report I see members of the legal profession on both sides of the question, in answer to Mr. Henley. And I do believe that this is another little gem that probably erodes away at our home rule concept. I think that the City of Portland has a good handgun control law, fine. If the City of Bangor wants one, let them adopt it themselves.

So I would hope that you would go along this morning with my good friend from Oakland.

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

Mrs. WHITE: Mr. Speaker and Members of the House: I agree with the last two speakers. I do

not feel that this is a bill that we need. I don't think it will do anything for us. And I know that my constituents very strongly oppose this and I shall certainly vote against it.

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

Mr. VINCENT: Mr. Speaker, Ladies and Gentlemen of the House: The bill reported out is not the original bill I had submitted. The present bill before us is L. D. 1725 in redraft.

Now there are a lot of laws on the books here in the State of Maine and a lot of laws that we have that are state-wide that are unworkable unless they are state-wide laws. And this is the reason that I feel it is necessary to have this on a state-wide basis.

Mr. Henley has pointed up the problem that is confronted here in the State of Maine by a good number of people. He said he is opposed to any gun laws. This bill is not a control bill, it is not intended as a control bill, but the mass hysteria or reaction to the type of bills to have any type of gun bill is as irresponsible as the approach—what he is trying to do there on just having an absolute firm no on all types of gun laws.

This is a sane, sensible gun law, and it was pointed out, it is in effect in many states in the Union. Some states run up to seven days on the waiting period. The reason for having this waiting period is to check up on the person that has filled out the application for a gun to find out if he is under indictment or if he has been indicted for a felony.

Now I see no reason why we can't wait three days to purchase a handgun. This pertains only to handguns; it doesn't affect rifles. Anyone that wants a rifle can walk in off the street and purchase a rifle.

Now most of what Mr. Brawn was covering covers the federal law, which would cover interstate transportation of the sale of guns. This would pertain to the State of Maine.

Now 72 hours is not too long to wait for a gun. Several people

appeared before the committee and testified against these gun bills, and some of the reasons for voting against it were rather sickening. One gentleman who was representing a law enforcement organization simply said in so many words, and at least he was truthful about it, it was an inconvenience. He didn't want to be bothered going through the paper work. Well, I am sorry if this bill was designed to inconvenience the gentleman; it was designed for a particular purpose of trying to save some harmful acts being committed by a handgun in an irrational moment.

As was mentioned, the law is working well in Portland. We have had excellent results with it. But once again, this type of a law is ineffective if it isn't covered by surrounding communities, due to the fact that a person could drive outside of the Portland area and purchase a handgun.

Many people who have filled out the forms in Portland have never returned to pick up the gun, due to the fact that he did have something to hide or reasons that he shouldn't be purchasing a handgun.

Now this is a plain and simple law and order issue. It is designed to keep guns from getting into the hands of criminals. I know it is not a cureall, but it is a step in the right direction, and this is what it is earmarked and designed to do — that of preventing criminals from getting hold of guns.

I think you are all familiar back a couple of years ago with one of the aides of the present Governor whose daughter was shot to death by a gentleman that was out on bail. He purchased a handgun a few hours after being out on bail, went out and kidnapped the aide's daughter and in a high speed auto chase with the police and what have you, he ended up shooting her to death. It is this type of a thing whereby if this person had to be checked, had to be refrained from getting a gun, would not have come back to purchase the gun or pick it up, due to the fact that he was out on bail.

Second of all, it has been argued that he could get a gun. Well he would have to go through great inconvenience to find a gun and maybe, just maybe, with the time taken to finding another gun and under other circumstances, he would have been able to calm down and think out his situation, instead of acting in an irrational manner.

This is a very rational bill. A lot of work has gone into it, a lot of time and effort has gone into it, and a lot of sincerity has gone into it.

I have been a little appalled to the statements about the people back home getting a little bent out of shape over this bill. Now there have been national, reputable firms taking polls in this state that indicate that the people in the State of Maine, on a two to one basis, want some sort of gun measures passed. The poll indicated they want a lot stronger measure than the one I am suggesting here. I can only reiterate it, that this is probably one of the best bills in the area of guns that you are going to get presented before any body.

We remember last session, the results of the gun registration bill which was strongly opposed by all members of the committee. The old arguments keep coming up that this is an infringement, encroaching upon our rights. Well I would remind you that all bills pertaining to guns must go through the legislature, must meet with your approval. I am not trying to take away anyone's guns; I am only trying to slow up the process of a person that has committed an irrational act of purchasing a gun and going out and committing a crime under the heat of passion.

I would hope that you would consider going along with this and have an open and full discussion on this bill at this time. This bill is presently not only in effect in Portland, but in Lewiston and several other communities in the State of Maine. It covers better than 15 to 20 percent of the population of the state, and it hasn't caused any great harm. I would

hope that you would go along with this bill at this time.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: This is the first bill relating to regulation of firearms that I have voted in favor of. And while I recognize that the likelihood of passage in this legislature probably is slim, at least I think the House ought to have a pretty clear idea of what it is voting on in dealing with this bill.

In the first place, as has been pointed out already, this deals strictly with handguns, has nothing to do with rifles or shotguns. It provides for — and I am referring to L. D. 1725, which is one of the bills recently put on your desk — 1725 provides for a certificate to be signed by the person who is to buy a handgun and provides for a three-day delay in order to give an opportunity for the retailer to advise the law enforcement people in the community what the applicant lists as his residence to find out whether his statements are truthful.

The other bill which was presented to the committee had a hearing and we discussed the matter of delay with the people who came there to oppose it. And the only really substantial objection, which it seemed to me, which was raised by the dealers who were there was that in the case of some dealers they were dealing particularly to transient people. There were some specialized dealers that dealt in target pistols, for instance, and they felt that they would lose some sales if the person who was going through their community couldn't come down, pay his cash and take his gun and go. And on balance, it seems to me at least, that to inconvenience these people by a small amount was not an unreasonable price to pay for providing some control over the information being furnished by persons who purchased a gun.

The committee did have before it the testimony that has been des-

cribed here already, which would indicate really that there are sometimes occasions when a person will get very hot under the collar, will dash out to buy a pistol and if he is not given a few days to cool off he may very well commit a homicide. Now this person is probably not likely to carry off a shotgun or a rifle to carry out his homicide, so on balance it seemed to me that this was not an unreasonable bill. At least I wanted the House to be sure it had in mind the provisions of the bill before voting on it.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: Let's face this issue squarely. This is a gun control measure. The gentleman from Portland, Mr. Vincent, the other day in debate, mentioned that he had not received any or very few letters of correspondence from his people in his district, I am somewhat closer to the people in mine and I know that they are opposed to this legislation.

I certainly hope that the gentleman's motion to indefinitely postpone does prevail.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House. This control of handguns has been enforced in New York State for quite a while. The criminals are well armed and the general public is disarmed. That is all it has accomplished.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to call your attention to what was enacted in New York State called the Sullivan Act around 1922, which was a mandatory life sentence if you were caught in the possession of a gun for the third time, a handgun unregistered. That was in effect all these years, and today they don't even try to enforce it.

Several years ago inside of an area in Brooklyn, New York, the federal authorities raided a factory that was built behind the buildings. They have been looking for this building for a long time. In that building it was completely equipped with machinery for the purpose of turning out handguns, unregistered or anything else.

When we pass this, if we do pass it, and I am in favor of indefinite postponement, what you are going to do is regulate the people that are decent and desirable in the State of Maine and not the criminal element.

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

Mr. PORTER: Mr. Speaker, Ladies and Gentlemen of the House: I am reminded of that hearing that we held up at the Armory at which 1,200 people attended. You remember they tried to control guns completely at that time; it was turned down. And people were warned at that time that gun haters will be back, only they will come back and try to get the same thing by piecemeal. I consider this the first step in trying to get in to have gun control completely in the State of Maine. I see nothing wrong with the bill itself. I think it is probably a good intention, but I fear that it is the first step to get in and control guns in our state, which we do not need.

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

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen of the House: I, myself, wouldn't have supported the bill that was presented last session for a variety of reasons, and I am not a gun hater. I want to go clearly on record on that point.

It seems strange to me that we have a society that would be very inclined to regulate things such as firecrackers for our children and yet have a wide-open market for handguns for the adults. It seems strange to me that we can say that this is a harmless enough piece of legislation but come up with the old old old argument of a foothold in the

door. We have heard many arguments on many different types of laws we take for granted today with the same cries we used on Medicare, unions, or any one of thousands of pieces of legislation. The cry always comes up that this is the first step in a long line of a lot of problems in the area of guns or whatever the issue may be.

This is a good bill and I would hope that you people would take into consideration the merits of the bill and not be scared into some scare tactics by what might happen or might occur during the future. I am not, as it was indicated, asking for any type of control. I am merely asking for some information to find out if this person is fit and qualified to handle guns.

If we can put laws on the books regulating cars, regulating firecrackers, regulating any one of a number of items there, I don't see why we can't have a bill of this type for the people of the State of Maine.

It was mentioned by the gentleman from Casco, Mr. Hancock, that his people back home don't want this piece of legislation. I would suggest that most of the people haven't read this bill or don't understand it. A lot of people in Portland asked me about this bill when I first submitted it, on the streets when I ran into them. They weren't even aware of the fact that we had the law on the books in Portland. And when I explained to them, most of the objection melted.

My father is a member of the Rod and Gun Club in Cumberland, in good standing, and he has many guns, both rifles and handguns, and he has no objections to this. None of the sports members who I have explained this to or talked to have any objections to it due to the fact that it is a sane, sensible bill. The National Rifle Association isn't even opposed to this type of bill because it is not earmarked for control over guns. This is strictly a law and order issue. It is a means and a hopes of preventing guns from getting into those hands which are not desirable for. It is not in any

way regulating any type of long rifles or anything.

And one other item that was brought up about the pistol shooters, most pistol shooters own several other weapons and there is no great cry for them to need one shooting pistol at the last minute. It wouldn't do him any good anyways, due to the fact he would have to sight it and use some target practice with it before it could be used in actual competition.

I would hope that you would go along with this measure at this time.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: Probably the young person from Portland isn't as old as I am. He doesn't remember World War II or the circumstances that led up to the conquest of the European countries. I would call the membership's attention to what happened in Norway. The same type of legislation started over there several years before the war. The person who instituted it over there, his name was Quisling, and in the course of events in that country they moved from one step to another and finally confiscated all guns, even fowling pieces so that when the war came along the German army could move in there unopposed. Nobody had a gun to fight with. And the person who became the Premier of the country was Mr. Quisling. Think about it, folks.

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

Mr. KELLEY: Mr. Speaker and Members of the House: If the purpose of this bill is to control crimes of passion, I would like to remind you people of Lizzie Borden of Providence, Rhode Island, in which she delivered, I believe, 81 whacks with an axe.

The SPEAKER: A vote has been requested. The pending question is on the gentleman from Oakland, Mr. Brawn, that both Reports and Bill "An Act Regulating Handguns," House Paper 150, L. D. 205, be indefinitely postponed. If

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

A vote of the House was taken. 81 having voted in the affirmative and 47 having voted in the negative, the motion did prevail. Sent up for concurrence.

### Divided Report

Majority Report of the Committee on Judiciary reprinting "Ought not to pass" on Bill "An Act relating to Immunity of Government Employees under Civil Defense Law" (H. P. 1117) (L. D. 1537)

Report was signed by the following members:

Messrs. TANOUS of Penobscot  
 QUINN of Penobscot  
 HARDING of Aroostook  
 — of the Senate.  
 Mrs. WHITE of Guilford  
 Mr. HEWES of Cape Elizabeth  
 Mrs. BAKER of Orrington  
 Mr. KELLEY of Caribou  
 Mrs. WHEELER of Portland  
 Messrs. CARRIER of Westbrook  
 ORESTIS of Lewiston  
 — of the House.

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

Report was signed by the following members:

Messrs. HENLEY of Norway  
 PAGE of Fryeburg  
 LUND of Augusta  
 — of the House.

Reports were read.

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

Mr. HEWES: Mr. Speaker, I move we accept the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves that the House accept the Majority "Ought not to pass" Report.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the Minority Report, I would like to discuss this a little bit. There is a committee amendment on your desks. It looks like a simple amendment,

but anybody that will delve into it will find that striking out that word, that little two-letter word "or" means that this type of legislation, this extreme measure of immunity to Civil Defense personnel is a standby legislation to be used in time of a declared emergency.

There are two parts to that law. One of them is for various Civil Defense personnel in time of a declared emergency, either nationwide or statewide, thus allowing the Civil Defense personnel who are trained to some extent—they are trained the best they can do it under the circumstances but they are volunteers, standby people—there would need to be so many traffic control and various other types of personnel in a time of declared emergency, especially a nationwide one, that we cannot use fully trained, full-time personnel. There just would not be 25 per cent enough. That is one of the things that Civil Defense is all about.

Consequently, it was felt that when this law, the Civil Defense law was first enacted in 1949, this immunity was built into it. A few years ago, apparently someone was afraid that it would be abused and it was taken out, so that now they are trying merely to put it back where it was.

A person has got to envision the tremendous, catastrophic problems which would face this country in time of a national emergency. Any of you who are old enough to have witnessed the chaos or even a part of it in some of the countries in World War II when the people were being driven, the streets were full of civilians. The military couldn't even get through. We could have such a situation in this country in a future situation. We do not know what is around the corner.

That is why Civil Defense. We could be attacked. The country could be brought to its knees. Under those circumstances there must be some way to administer emergency alleviation of the problems that would arise, and of course Civil Defense does not guarantee everything. All they can do is to make partial order out

of some of the chaos. They certainly cannot do it without the personnel.

Now if the personnel cannot have authority to take positive action without the overhanging fear all the time that if and when they ever get out of the emergency they are going to be hauled before a court for murder, for this and that and the other, they can't even handle traffic because of an error that they feel they might make in the course of what they consider their duty.

I think one of the classic examples would be perhaps property damage claims. There would be times when traffic on highways, highways would have to be kept clear in some way or other, even to the extent of the traffic control police, sometimes they might not be as well trained as we would like, but they would have very definite orders to keep the roads clear to the extent of taking extreme measures. Now that is the language which we have used through the years in training our standby traffic police in Civil Defense, extreme measures.

They asked me a good many times what extreme measures might mean in interpretation. I said they would mean that if you get an argumentative person who wouldn't stand on his rights and decided that he wanted to block a crossroad, that he wouldn't budge his car because he felt argumentative, and there were ambulances, wounded, other personnel who had to make use of that highway, the policeman would be authorized to request or order some truck driver to push his vehicle off the road, possibly destroying it.

Now how can we do such things as that if we cannot promise that Civil Defense worker some measure of protection? Those are the things that we are facing in Civil Defense, ladies and gentlemen. And again this amendment, which is a committee amendment to the law, takes out the 'or'. The law I think reads "in Civil Defense activities or time of emergency." This 'or' would take the sting out of it and make it "for times of emergency only."

The second part of this particular bill has to do with reciprocal official capacity across state and international lines. I don't know again how many of you are at all familiar with the work that—well for instance Mr. Conant, an ex-deputy sheriff, an ex-sergeant of state police, who is the chief of the Protective Division for the state for Civil Defense.

He has for years been working with bordering states and with our bordering Canadian provinces. He has, and the Civil Defense Director has, signed an agreement, signed by both sides, to the effect that if an emergency overlaps the state or the international boundaries and the emergency occurred on that boundary, that properly authorized officials on both sides can operate across the line in their capacities.

We already have the assurance of the Canadian authorities that our officials can operate across the Canadian line in their official capacity, whatever it happens to be. This bill, in the paragraph Section 2, merely asks that we authorize the same reciprocal courtesy to their official people in time of a declared emergency on our side of the line. I don't feel that that is asking too much.

There was no real opposition to this bill in committee. It was presented by Civil Defense officials, and all of the opposition was in the committee. Consequently we are going to have to leave it up to this House as to whether we have the Civil Defense people, who have worked long and hard a good many of them without any pay at all, and a lot of them with very small pay, while a lot of us have been sleeping, to build us the best organization they can with the funds available to assist us at the time of an emergency. And, by the way, they have been of great assistance short of a declared emergency.

But again, I reiterate this emergency measure here, this clause on immunity would not affect them in their normal everyday procedures—only in time of emergency.

So I would hope that you would vote against the Majority "Ought not to pass" Report and then ac-

cept the "Ought to pass" Report and pass this on, and then possibly if there were some little parts of it objectionable we could talk about amending them at some later time.

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

Mr. HEWES: Mr. Speaker and Members of the House: This bill, as I understand it, would give immunity for out-of-state Civil Defense people that came into this state. They could use what the gentleman from Norway calls 'extreme measures.' That might be that over in the Province of Quebec they would be authorized to club people, and under this bill they could have the same duties and privileges which they normally employed in their own home area. And I submit that they should be accountable for their acts and I hope that you will vote for the Majority "Ought not to pass" Report.

The SPEAKER: The Chair will order a vote. All in favor of the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that the House accept the Majority "Ought not to pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

103 having voted in the affirmative and 18 in the negative, the motion did prevail.

Sent up for concurrence.

### Divided Report

Majority Report of the Committee on Veterans and Retirement on Bill "An Act relating to Legislative Service under the State Retirement System" (H. P. 633) (L. D. 863) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. BERNARD of  
Androscoggin  
— of the Senate.  
Messrs. PRATT of Parsonsfield  
LEWIN of Augusta  
Mrs. LINCOLN of Bethel  
Messrs. CURTIS of Bowdoinham  
HAYES of Windsor  
THERIAULT of Rumford  
— of the House.

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

Report was signed by the following members:

Mr. ANDERSON of Hancock  
Mrs. CARSWELL of Cumberland  
— of the Senate.  
Messrs. DOW of West Gardiner  
JUTRAS of Sanford  
SIMPSON of Millinocket  
VINCENT of Portland  
— of the House.

Reports were read.

On motion of Mrs. Lincoln of Bethel, the Majority "Ought to pass" Report was accepted.

The Bill was given its two several readings.

Committee Amendment "A" (H-259) was read by the Clerk and adopted and the Bill assigned for third reading tomorrow.

### Passed to Be Engrossed

Bill "An Act relating to Maine Department, The American Legion" (S. P. 536) (L. D. 1616)

Bill "An Act relating to Relocation Assistance and Land Acquisition in State Highway Projects" (S. P. 573) (L. D. 1717)

Bill "An Act to Abolish Claim by State Against Estates of Deceased Recipients of Aid to the Aged, Blind or Disabled" (H. P. 455) (L. D. 610)

Bill "An Act Appropriating Funds for the Completion of Renovating Kupelian Hall, Pineland Hospital and Training Center" (H. P. 409) (L. D. 536)

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

### Third Reader

#### Tabled and Assigned

Bill "An Act relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees" (H. P. 601) (L. D. 803)

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

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: I could hardly believe it yesterday

when we voted to saddle small employees with this particular bill. Now I am not against employees, but that doesn't say that I can't be for employers. We have many thousands of small employers in the State of Maine, storekeepers, filling station owners, boat owners, farmers — somebody said this didn't include farmers, but it will, just about now.

The question was raised the other day—I think it was my good friend from Westfield, Mr. Good, asked a question, if he had one employee come and help fix his fence for a couple of hours would he come under this; and I said, yes, maybe he does. Things like that. Of course he could come to me and hire me as a contractor to come do it for him, this is true, and perhaps I would be happy as a lark doing it, because I pay them anyway.

This is I believe poor legislation and hurts the economy of the State of Maine.

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

House Amendment "A" (H-261) was read by the Clerk.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: This amendment seeks to exclude workers who are working in the woods. Now these workers are working under conditions dictated by the employer. It is a dangerous occupation and it seems to exclude these men.

Now we will say that this is a one-man operation; he is working alone for an employer. Now further, it could be 15 or 20 yards away, there is another group of men working for another employer who are doing exactly the same work, who are covered by Workmen's Compensation. Now why should this fellow who is working alone not be covered, be protected by the Workmen's Compensation Act?

It seems to me that that is direct discrimination and I do not think that we should adopt this.

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

Mr. LITTLEFIELD: Mr. Speaker and Ladies and Gentlemen of the House: During the short time that I have been a member of this body I have heard many references to the word discrimination. If I have ever seen discrimination in any form, this is the epitome of it. Now, if we are going to exclude woods workers from this bill, let's exclude all of them from it and leave the bill as it is now.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I can plainly see that the two gentlemen speaking before me aren't familiar with the woods and aren't familiar with this special treatment. I would like to inform the gentlemen, Mr. Simpson especially, that now they all carry insurance. This doesn't include me, but it does include some of the jobbers I have working for me. They all carry insurance under Omaha Mutual, most of them, which is a \$10,000 life policy plus accident and hospital expenses. That costs them \$495. Under the Workmen's Compensation Act, with the average salary, it would cost them \$2,040.

Well most of these fellows own a skidder and have two men working for them. And on this skidder they pay \$150 a week on the skidder — that is the average payment on the skidder. So it is impossible to carry on if this insurance burden is put on them. And I wonder with our unemployment as big as it is today if we want to make more unemployment.

And I might add here, too, that on January 1, 1972, all these employers with one or more would come under the Unemployment Act. So they will be covered there. But if this bill passes in the stage it is now, without this amendment on, it just simply puts Aroostook County, Piscataquis County, and Washington County, it puts hundreds and hundreds out of work; and it will cause them to lose skidders because they cannot carry workmen's Compensation.

But yesterday I was talking in the hall with one of the labor gentlemen who are here and we were speaking of assigned risks. Well

he said I was wrong, that there was no such a thing as assigned risks under this item. But that is not so. You have to go into a pool. In fact I know one jobber who was held up for about six weeks, he had to close his operation down trying to get Workmen's Compensation. It is easy to get Workmen's Compensation on construction and everything else, but in the woods it is almost impossible for them to get it. And with three I doubt if you could get it, because your premium is at the minimum and it would be almost impossible to get it.

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

Mr. HENLEY: Mr. Speaker and Members of the House: Just briefly I would like to remind Mr. Simpson that we do not have slave labor. We have freedom of choice. All through the annals of work in this country we have had certain dangerous jobs. A good many times they paid high because they were dangerous jobs. But people didn't have to take them. If they wanted a good safe job with less money they could take it. We don't make these people work on these jobs if they don't want to.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I shall try not to bore the members of the House with my views on the desirability or undesirability of this bill and the amendment before us, but I would like to raise two questions that are raised in good faith. They are legal type questions and perhaps only the Attorney General could answer them.

My good friend, the gentleman from Albion, Mr. Lee, has suggested that this applies to agriculture. I suggest that it does not, but I recognize that I can be in error as well as perhaps he can be and I suggest that we resolve that question by getting an opinion from the Attorney General.

Secondly and more importantly, regarding the amendment proposed by Mr. Finemore. As I read

the amendment — I have only just read it this morning, I think that it is possible that the amendment does significantly more than Mr. Finemore intends it to do. As I understand the gentleman from Bridgewater, his intention regarding the amendment is to continue the three - man requirement for woods operation, and not to require the employer of one or two people in the woods to be covered by Workmen's Compensation coverage.

However, as I read the amendment, it appears to me — at least on initial reading, that it would exclude all woods employees no matter how large a corporation they work for, even one with a thousand or ten thousand employees, from coverage under the Workmen's Compensation Act. I suggest that on this point, which I feel is really of great importance because we are dealing with thousands of employees in the State of Maine of large corporate employers, that someone consider tabling this matter for one day so that we can get a ruling from the Attorney General and see what the effect of Mr. Finemore's amendment is.

Whereupon, on motion of Mr. Ross of Bath, tabled pending the adoption of House Amendment "A" and tomorrow assigned.

### Third Reader Amended

Bill "An Act relating to Forestry Cutting Practices for the Protection of Rivers, Streams and Lakes" (H. P. 682) (L. D. 919)

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

Mr. Dyar of Strong offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-262) was read by the Clerk and adopted.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen: As was pointed out yesterday in debate, there is a large price tag and personnel increase involved in this

legislative document. The amendment which we have just adopted changes this very little, and I therefore under Joint Rule 12 move that this L. D. 919 lie on the table until Joint Rule 12 is complied with.

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

Mr. DYAR: Mr. Speaker and Members of the House: This amendment would change the word 'forester' to the 'Forestry' Department personnel' I spoke to the Commissioner Austin Wilkins yesterday afternoon and he said with this amendment he could see where there would be no funds necessary to carry out the workings of this piece of legislation. When the word 'forester' was in there he felt that he did need ten new people to carry out the provisions, but with the people he had on the payroll at the present time, the foresters, the tower men, the rangers and so forth, he feels that there are no funds necessary to carry this out either in this biennium or the coming bienniums.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: This bill is now under attack and I would like to draw your attention to the bill because the bill affects these people who run Maine. I think it would be an interesting little project in state government to keep an eye on what happens — and I am asking that you do, because you are watching the experts at work here.

The people who represent these companies are friends to every one of us. Now this is the first requisite for their holding these top paying jobs on the scene here. There isn't one of them but what is a thoroughly charming guy; we all know them and like them. The income of one of these fellows exceeds the income for a whole row of these legislators, you see, and the people who hire these wonderful gents — and I say it honestly, they are great guys. They are the best in the state or they don't work for these top com-

panies, you see. And when they hire them and pay these salaries, they are making no mistake, they are getting the best there is.

Now it is presumptuous of any one of us or any group of us to take them on in the field of debate on any one of these issues or tactics because it would be about the same as one of us tired old gents taking on Cassius Clay or some of these guys who have a reputation in their field; and these are the best, they are absolutely the best. I heard someone say about one of them that he could make you feel like it was an honor to wear a wooden leg, and that is their general capabilities.

Under the custody of these gentlemen, these few interests here in the State of Maine have remained in a situation where — just one little thing, they own half of the State of Maine and they pay less than one percent of the cost of running the State of Maine; and they are the most profitable operation here in the state.

Now we have looked cheap all session down here and probably will continue to be, but you know just possibly we have the opportunity in this session to distinguish this session as the session during which the people of the State of Maine took over the control of their state from these people, and I just hope we can do it. I hope it fervently.

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

Mr. CYR: Mr. Speaker and Members of the House: I second all the remarks that the Majority Leader has just mentioned. I only wish that he had made those remarks last week when we were discussing the Power Authority and he had included the utilities at that time. I am just wondering whether he is trying to redeem his party from the action of last week. If he really wants to redeem his party, I think he should recall the Power Authority bill.

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

Mr. ROSS: Mr. Speaker, I move this lie on the table for two legislative days.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves this be tabled and specially assigned for Monday, May 17, pending passage to be engrossed.

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

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

A vote of the House was taken.

25 having voted in the affirmative and 98 having voted in the negative, the motion did not prevail.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the remarks of the gentleman from Pittsfield, Mr. Susi. It is indeed a pleasure to be on the same side of an issue with the Majority Floor Leader. I think he and I on this one agree and have agreed for a number of sessions.

Before this bill either passes or is finally rejected, I hope that you will note our friends in the Third House and watch them and listen to them, listen to what they are going to try to tell you what we ought to do. They will tell you that we are wrong, we're all wet, we don't know what is going on, and they are right. They have such nice ways of doing it. Sometimes you feel that you are wrong just being in this House. I would hope that we would not let them influence our decision, because it is ours to make, and it is the decision that we make that will affect the people of the entire State of Maine.

I would simply point out that since this item will not mean any added appropriation, Joint Rule 12 does not apply.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: I picked this sheet up down in the Legislative Finance Office yesterday as submitted by Mr. Wilkins, and this legislative document calls for ten new positions. It still calls

for ten new positions. And if anybody can stand here in this House and stop picking on the lobby for a minute and look at the bill, ten positions cost money.

The ten positions start with \$6,870. Now if you can hire an experienced forester, a licensed forester for \$6,870, I would like to meet him. This \$6,870 is the same person, the same price that is pointed out in this amendment. I still contend that there is a price on this bill. There certainly is when you look at the travel expense, the price of the uniforms, the new vehicles, the vehicle operations, ten new station wagons, and you can stand on the floor of this House and pan the lobby and tell me there is no money on this bill? I still ask, Mr. Speaker, that Joint Rule 12 be observed.

The SPEAKER: Joint Rule 12 is a Fiscal Note. "Every bill or resolve effecting loss of revenue or requiring an appropriation shall be accompanied by a written statement as to the amount involved."

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: We have had an explanation from the sponsor on this bill that no funds were needed for it. I am willing to settle for his statement. But should funds be necessary, I would vote for a tax on baby bottles to be able to finance this so as to make these people responsible to the State of Maine.

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

Mr. HERRICK: Mr. Speaker, Ladies and Gentlemen of the House: I was pleased to hear the comments by the gentleman from Pittsfield, Mr. Susi. It took a bit of the sting out of my defeat yesterday when my motion was defeated, some of the sting on the basis that the bill was voted on.

I spoke yesterday to the bill itself, its contents, its resounding effects upon the economy of the State of Maine and I did not speak in terms of any lobbying group. I felt a bit like a softball on the softball field yesterday. I think we should talk specifically to the issue, and the issue where no money is

going to be needed I do not agree with, because this amendment changed it to Forestry personnel and I would submit that not every Forestry employee is qualified to act upon this legislation. It takes a trained forester to observe forestry cutting practices as to whether they are good or whether they are bad. A fire control warden cannot make such a judgment. So I would suggest that there still is a price tag on this legislation.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: We have heard a lot of comment here this morning and I am not going to call our Forestry Commissioner a liar. He told me yesterday afternoon that with this amendment he could not see where additional funds were needed for his department.

I am not a graduate forester; I have not had forestry training. But in my mind it doesn't take too much intelligence to determine what destructive forestry cutting practices are.

Mr. Wilkins stated that some of his new tower men might be needed and might need indoctrination as to what to look for and how to handle it. These men have supervisors who are the deputy wardens and so forth. The Department does, at the present time, have foresters on their payroll, and if a man on a forestry tower or a man who is out cleaning up the campgrounds, for example, that the Department maintains, if he does see anything that he doesn't feel is quite right, I feel he is quite capable of reporting to a higher up in the Department to take action.

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

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House: I see no reason why Forestry personnel cannot have dual responsibilities. When we in this House pass new criminal statutes we don't necessarily ask for or need more policemen. We deem the current police force as sufficient. We only ask that they be alert to violations of the new criminal statute.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: I would like to bring attention to the House that there are some of those foresters that have been in the service for 25 or 30 years; even if they have not gone to college they could administer those laws.

The SPEAKER: The Chair will order a vote. All in favor of passage to be engrossed as amended by House Amendment "A" of Bill "An Act relating to Forestry Cutting Practices for the Protection of Rivers, Streams and Lakes," House Paper 682, L. D. 919, will vote yes; those opposed will vote no.

A vote of the House was taken. 93 having voted in the affirmative and 31 having voted in the negative, the motion did prevail.

Sent to the Senate.

### Third Reader Amended

Bill "An Act relating to Public Utilities Providing Gas Service and Valves on Their Distribution and Service Lines" (H. P. 946) (L. D. 1305)

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

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Mosher.

Mr. MOSHER: Mr. Speaker and Members of the House: This bill came out of committee, I think there were only three in favor of it, and I voted with the majority. There really should be something done there, but these valves are really expensive and it is up to one man to decide, for the Chief of the Fire Department, he can say how many valves should be put in. The majority of the committee felt that it should go through the Public Utilities to decide how many valves and where they should be put in, and not be left up to one man entirely.

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

Mr. EMERY: Mr. Speaker and Members of the House: I spoke on this bill yesterday. I believe

that everybody who was present is aware of the terrible possibilities of gas explosions in Maine. The major cost item for the utilities is being cut by the amendment that I now shall offer. I now offer House Amendment "A" to L. D. 1305.

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

House Amendment "A" (H-255) was read by the Clerk.

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

Mr. BARTLETT: Mr. Speaker and Members of the House: I was a signer of the Majority "Ought not to pass" as we didn't feel that this was going to help the situation up there. Actually the pipelines in Auburn and Lewiston are depreciated so much that they should be eventually replaced.

When this bill was presented by our good friend Mr. Emery they said they wanted valves so that they could shut off the lines to try to prevent explosion where there were leaks. These valves will have no effect on the leak. And at the hearing at first it was declared that there wasn't sufficient, probably four valves. Well they found out after the City of Auburn had 209 valves and the City of Lewiston had 438, which we considered sufficient.

Now I hope you will go along. I don't think the Public Utilities—Mr. Libby was there and he was of the same opinion, that any time there was any danger or needed valves—this just gives the Chief of Police, the Chief of Fire, the privilege of installing a valve any time he so chooses in a private system.

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

Mr. EMERY: Mr. Speaker and Members of the House: You just heard my very good friend Mr. Bartlett and my very good friend Mr. Mosher; they are not aware of the situation in my area. I still would remind them that last year we had an explosion in Lewiston alone that took the lives of two people. And one of the parties was a lady, it took three days to

identify enough of her remains to know that she was even still in the country.

This bill was debated at length. The cost item is being amended out. What is remaining is very small. I think that this bill should have its passage. I have seen and heard the reports of the PUC on the situation last year and in my mind the PUC has been negligent. They allowed natural gas to come into the State of Maine without even investigating the condition of the mains. In Lewiston and Auburn and in other cities, the City of Bangor has another situation today that is existing.

If you had been with me this morning you would have seen a street yesterday that was dug up 400 feet in length, where gas was leaking. And these people sit here today and tell you that we don't need valves; we need valves. We could have 4,000 and we still wouldn't have enough. And I think that the PUC, with all their expensive people down there, the gas engineers have been negligent. I feel that dirty money is involved. You look at the activity of the Third House around here. What are they doing? They are trying to kill this bill, because this bill would protect people and human life. And I will tell you right now that there is no price on human life. When these people sit here in this House and tell you that they don't need these valves, they don't even know what they are talking about.

I would ask them if one of them would even come down in my area and look at this situation. They have been listening to lobbyists, they have been listening to PUC and the PUC has sat on their duff. I say that it is about time that the people in this House woke up to what is going on and vote for the passage of this bill.

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

A vote of the House was taken.

97 having voted in the affirmative and 12 having voted in the

negative, House Amendment "A" was adopted.

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

Bill "An Act Revising the Laws Relating to Logs and Lumber" (H. P. 1314) (L. D. 1722)

Resolve Providing Funds for Development of Fort Point State Park, Stockton Springs (H. P. 799) (L. D. 1072)

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

#### Amended Bill

Bill "An Act relating to Retirement of Penal and Correctional Institution Personnel" (S. P. 352) (L. D. 1018)

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

#### Passed to Be Enacted Emergency Measure

An Act to Make Allocations from the Department of Inland Fisheries and Game Receipts for the Fiscal Years Ending June 30, 1972 and June 30, 1973 (S. P. 569) (L. D. 1710)

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. 117 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.

#### Passed to Be Enacted

An Act Providing for Clinical Treatment and Rehabilitation of Alcoholics (S. P. 3) (L. D. 17)

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

#### Enactor Tabled and Assigned

An Act relating to the Regulation of Private Detectives (S. P. 344) (L. D. 984)

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Apparently there is some confusion that has resulted along with this bill. Part of it, perhaps, I might be responsible for, but I was under the impression that the other body was going to add some amendments and then they were going to come back to us. For that reason I would ask, at this point, in order to find out what has happened or if anything is going to happen, that someone table this for one legislative day.

Thereupon, on motion of Mr. Mills of Eastport, tabled pending passage to be enacted and specially assigned for Monday, May 17.

An Act relating to Board of Visitors for Each State Institution Under the Department of Mental Health and Corrections (S. P. 431) (L. D. 1245)

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

#### Enactor Tabled and Assigned

An Act to Incorporate the Town of Carrabassett Valley (S. P. 448) (L. D. 1294)

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

(On motion of Mr. Norris of Brewer, tabled pending passage to be enacted and specially assigned for Monday, May 17.

#### Enactor Tabled and Assigned

An Act relating to the Laws of the Maine Industrial Building Authority (S. P. 496) (L. D. 1372)

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

(On motion of Mr. Lund of Augusta, tabled pending passage to be enacted and tomorrow assigned.)

An Act relating to Fees for Recording Divorce Decrees (H. P. 639) (L. D. 869)

An Act relating to Requirement of Schools of Barbering and Training for Registration as a Barber (H. P. 740) (L. D. 1002)

An Act to Authorize a Food Stamp Program in Somerset County (H. P. 1087) (L. D. 1476)

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

#### Enactor Tabled and Assigned

An Act to Authorize a Food Stamp Program for Piscataquis County (H. P. 1143) (L. D. 1584)

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

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I certainly have nothing against Piscataquis County or my good friend Charlotte White; as a matter of fact, many of the members remember that that was the county where the other Rodney Ross came from. But last session I had a food stamp program in for Sagadahoc County and this was defeated, so I did not put it in this year. But I have noticed that we have these bills going through now for lots of counties, and I would like my county in it. But I understood that we were going to have a state-wide food stamp program. So I would pose a question to some member of the Appropriations Committee, what is going to happen with these individual bills and also the statewide bill?

The SPEAKER: The gentleman from Bath, Mr. Ross, poses a question through the Chair to any member of the Appropriations

Committee who may answer if they choose.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would think that probably at the present time this is true. We are considering putting through a state-wide program. These bills were referred to other committees in the Appropriations Committee. I would think that at the present time these bills do have appropriations on them where they can be held on the table in the Senate until the bill comes out of Appropriations. At that time appropriate action could be taken to dispose of these bills, probably by indefinitely postponing them and letting this be handled under the state-wide program.

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

Mr. ROSS: Mr. Speaker, I would pose one more question then to the gentleman from East Millinocket, Mr. Birt. If this state-wide program is not approved by your committee, will I have an opportunity to put an amendment on some other program to include Sagadahoc County?

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

Mr. BRAGDON: Mr. Speaker and Members of the House: If I am not in error in this matter, but I don't feel that the gentleman from Millinocket answered the question quite in its entirety. It is my understanding that there is no money available in the state-wide program and that these county programs are going along possibly on the assumption that they can be financed on the county basis. There is also presently no assurance to the Appropriations Committee that there will be any federal money available. So these are pretty much in the hazy area I think, and it was the feeling when we discussed them that they might be able — a city might be able to finance individually. If a city like Portland wanted a program they might make arrangements to finance it individually, or

the county might do it. But it didn't appear that there was going to be any money for the state-wide program.

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

Mrs. WHITE: Mr. Speaker and Members of the House: As long as I am the one that might be amended, I think I should get into this. I feel that it is a safety measure to have this in, in the event the state-wide bill does not become law. And I would suggest that Mr. Ross does amend this bill as a safety measure for Sagadahoc County.

Thereupon, on motion of Mr. Ross of Bath, tabled pending passage to be enacted and specially assigned for Monday, May 17.

An Act to Prohibit Pyramid Clubs and Other Similar Devices (H. P. 1306) (L. D. 1712)

#### Finally Passed

Resolve Appropriating Moneys for the Acquisition of Property at Meddybemps by the Atlantic Sea Run Salmon Commission (S. P. 198) (L. D. 583)

Resolve Appropriating Funds for Swimming Pool at Pineland Hospital and Training Center (H. P. 411) (L. D. 538)

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

#### Orders of the Day

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

HOUSE DIVIDED REPORT — Majority (10) "Ought not to pass" — Minority (3) "Ought to pass" — Committee on Transportation on Bill "An Act relating to Operating a Motor Vehicle Without a Current Certificate of Inspection" (H. P. 790) (L. D. 1066)

Tabled — May 10, by Mr. Lewin of Augusta.

Pending — Acceptance of either Report.

On motion of Mr. Lewin of Augusta, the Minority "Ought to pass" Report was accepted.

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

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

Bill "An Act relating to Committees on Status of Women, Children and Youth, and the Aged" (H. P. 477) (L. D. 618)

Tabled — May 10, by Mrs. Kilroy of Portland.

Pending — Adoption of House Amendment "A" (H-242).

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Kilroy.

Mrs. KILROY: Mr. Speaker, Ladies and Gentlemen of the House: On this Committee Amendment "A", the reason I tabled it last week was because it was placed on our desks just before the third reading. However, I have looked at this myself and I have had other people look at it, and I feel that perhaps Mr. Birt ought to go into it and explain it to us so that we will have a better understanding of it and I would appreciate it if he would.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: In going through this bill, and I did this the other day, at the time it was on the calendar I reviewed it. I found that the bill called for the appointment of members to three committees; women, children and youth, and included among these was a member from the House and a member from the Senate to each one of these committees, to be appointed by the Governor.

I have no quarrel with the Governor's appointments, but I do feel that the appointment of members from the legislative bodies should be made by the presiding officers of these bodies and this amendment just allows that the member on each one of these committees from the Senate and from the House be appointed by the presiding officer of these two bodies. It seems that these are their prerogatives, and outside of that I see nothing wrong with the other appointments.

I talked with several people on this and they feel that the amendment is perfectly proper and would create no problems.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Kilroy.

Mrs. KILROY: Mr. Speaker and Members of the House: On the strength of the statements that my friend Mr. Birt has just made, perhaps he feels that way, but I have been sponsoring this legislation for the last 12 years. We have had no problems with it. We have had people from both parties on it and we have all worked together, and I see no reason for a change at this time.

I move for the indefinite postponement of the amendment.

The SPEAKER: The gentleman from Portland, Mrs. Kilroy, moves the indefinite postponement of House Amendment "A".

Thereupon, Mr. Birt of East Milinocket requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mrs. Kilroy, that House Amendment "A" be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

65 having voted in the affirmative and 42 having voted in the negative, the motion did prevail.

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

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

An Act to Clarify the Law Regulating the Alteration of Coastal Wetlands (H. P. 944) (L. D. 1303)

Tabled — May 10, by Mr. Donaghy of Lubec.

Pending — Passage to be enacted.

On motion of Mr. Donaghy of Lubec, under suspension of the rules, the House reconsidered its action of May 4 whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-263) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. DONAGHY: Mr. Speaker and Members of the House: At the request of someone else, I am going to ask that this be tabled for two legislative days.

Whereupon, on motion of Mr. Mills of Eastport, retabled pending the adoption of House Amendment "A" and specially assigned for Monday, May 17.

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

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

Tabled—May 10 by Mr. Lebel of Van Buren.

Pending — Passage to be enacted.

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

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: I am very confused with this bill, and by the time I am done with it I think everybody will be confused.

In this first paragraph it says if you are convicted for a violation, speeding, for the first offense you will have 30 days suspension. In this book here, this Title 29, it says in another paragraph if he is convicted for a second offense he shall be suspended for 60 days in this Title. And in paragraph number two it says that on the third offense you will lose your license for 60 days.

In this book here it says on the third offense you will lose your license for 90 days. In the third paragraph, if a person is convicted for subsequent speeding offense he shall not be licensed again or permitted to operate a motor vehicle. When is that subsequent offense? It doesn't say it is inside a year. It might be 18 months after it; it might be three years after the third offense. So I feel that this bill is wrong. It is not written right, and I move that we indefinitely postpone this bill and all its accompanying papers.

The SPEAKER: The gentleman from Van Buren, Mr. Lebel, moves that L. D. 1602, be indefinitely postponed.

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

Mr. GAGNON: Mr. Speaker, Ladies and Gentlemen: The whole premise of this bill is for violations within a period of one year, any subsequent violations would be within the year period. As far as fourth and fifth violations go, under the present point system he wouldn't have his license after the fourth anyway.

You all know my feelings on this bill, my reasons, and I don't see going over them all again. The only thing I can offer you is the experience I have in the field. I am thoroughly convinced this measure will help and I hope you would continue to support it.

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

Mr. EMERY: Mr. Speaker and Members of the House: My seatmate, Mr. Orestis, has an amendment that he would like to present, but he is absent today. I would appreciate it very much if someone would table this bill for a day so that he might have the opportunity to explain it.

Whereupon, on motion of Mr. Brawn of Oakland, retabled pending the motion of Mr. Lebel of Van Buren to indefinitely postpone and tomorrow assigned.

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

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

Tabled—May 10, by Mrs. Brown of York.

Pending — Passage to be engrossed.

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

Mr. DONAGHY: Mr. Speaker, I would very much appreciate it if you would back me up on this one too, and I have an amendment to offer here. I offer House Amendment under the filing H-243.

House Amendment "B" (H-243) was read by the Clerk.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I would like to call the attention of the House to something that has been going on here starting last session. A great deal has been said about lobbyists, not recently in connection with this bill, but it all ties in with the same thing. We have lobbyists on both sides on this sort of thing. We have an image carried over from last year that seems to have done quite a bit towards making this a so-called lacklustre session because we have a great deal of dizzy thinking. The wool seems to be gathering in both corners on this sort of thing.

I would just like to read to you what the definitions are of wetlands and would call your attention to if you have a dooryard that may get flooded once in awhile, you probably have a wetland. "For the purposes of this chapter, coastal wetlands are defined as any swamp, marsh, or each, flat or other continuous low land above streams, low water which is subject to tidal action, or storm flowage at any time excepting periods of maximum storm activity."

Now this goes quite a ways if you read the whole definition. And on top of this, if you will read the bill that we have before us, we are giving the Wetlands Board the right to condemn and take for public use, or perhaps it might be more to the point to say for environmentalists, whoever they may be, whether they are State of Mainers or summer people from New York or New Jersey, 17,000 acres of our coastal lands.

Now we won't even give our school districts the right to condemn any more than 25 acres. We have refused our Parks Department the right to make certain condemnations. We are very jealous when we give this right to Public Utilities. We are here because of something that is being crammed down our throats and told this is wonderful and you vote for it and we are going to save

the State of Maine. I don't know who it is going to be saved for but we are going to save it. And I just think that we better take a real good look at this thing before it goes any further, not only this bill but all these environmental bills.

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

Mrs. BROWN: Mr. Speaker and Members of this House: The 103rd Legislature in 1967 recognized that our coastal wetlands must be saved, not only as a feeding and nesting ground for migrating waterfowl on the Atlantic Flyway but most important of all they enacted a wetlands law to preserve these wetlands and marshlands because they recognized them as an important economic factor in this state. These areas are the food factories for our inshore fish, lobsters, shrimp and clams, the breeding place and cradle for most of our marine species. If this salt marsh habitat is lost to commercial or private development through pollution or physical alteration, it never can be reclaimed or recreated.

Now I would like to talk to you about the bill that Mr. Donaghy says is such a frightful thing. I can only leave it to the legislative judgement whether this hasn't been a responsible bill that we have here before us. Your Natural Resources Committee is a responsible, hard-working group. They reported out L. D. 1304 in a new draft, incorporating changes suggested at a well attended hearing. There was a unanimous "Ought to pass" Report.

This is a further effort to protect our valuable wetlands. It is impossible to underestimate the critical importance of this bill. It is essential if we are to effectively implement a policy which the Legislature adopted four years ago which recognized that coastal wetlands are an irreplaceable natural resource of the State.

Under the proposed bill there are ample procedural safeguards to insure owners of coastal property that they are protected. This bill is introduced to accomplish

exactly what the Supreme Judicial Court told us, the Legislature, to do. If we want to protect our invaluable coastal wetlands, we cannot do so at the property owner's expense.

It is not the purpose of this bill to take private lands for public use. It is the purpose of this bill to protect an invaluable natural asset, leaving the asset in private ownership. If the terms that the state imposes to achieve this protection are too onerous, the individual will be compensated. The Legislature has already determined to save our valuable salt water marshes. Now we are insuring that we do not do so at the expense of the individual landowner.

This bill does not intend to allow the Wetlands Board to acquire land for park-type uses. In fact, they prefer to own no land. In fact, these wetlands are not appropriate for recreational uses, nor are they a proper area for real estate development.

Experience has shown, however, that there are some who either through ignorance or how essential these marshlands are to botanical or marine relationships or for want of a fast buck would continue to jeopardize Maine's coastal wetlands.

There also seems to be those who are unwilling to make any connection between saving our wetlands as absolutely necessary to protect our fishing and lobster industry. These valuable jobs that provide a way of life for so many of our people must be a consideration.

New Jersey, Connecticut, New Hampshire, and Massachusetts have already adopted such a law. In Massachusetts some 25,000 acres of marshland have been restricted. It has not been owned by the state, it has simply been restricted. There has not been an appeal or a taking of any land under the regulations.

The Supreme Court has told us that our past acts were not enough, the Board must have the necessary constitutional tools to do the job required should the need arise.

I shall not at this time go into the step by step procedures that are written into this law, but it is inconceivable that a law could have more built-in safeguards for the landowner.

Now you as legislators are going to have to decide which is a greater threat, a continuing despoilage of a valuable economic asset by dredging, filling, dumping and polluting of our wetlands or that the commission can have the tools to negotiate a settlement or compensate landowners if this becomes necessary. The Legislature has acted with foresight before; it must do so now. I urge you to vote for the enactment.

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

A vote of the House was taken. 99 having voted in the affirmative and 11 having voted in the negative, the motion did prevail.

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

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

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 10, by Mr. Hancock of Casco.

Pending — Further consideration.

On motion of Mr. Marsteller of Freeport, the House voted to recede from passage to be engrossed.

Senate Amendment "B" (S-122) was read by the Clerk.

On further motion of the same gentleman, Senate Amendment "B" was indefinitely postponed in non-concurrence.

On further motion of the same gentleman, the House voted to recede from the adoption of Committee Amendment "A", and indefinitely postponed same in non-concurrence.

On further motion of the same gentleman, the House voted to recede from the adoption of Senate Amendment "A" as amended by House Amendment "A" thereto, and indefinitely postponed same in non-concurrence.

On further motion of the same gentleman, the House voted to recede from the adoption of House Amendment "A" to Senate Amendment "A", and indefinitely postponed same in non-concurrence.

Mr. Marsteller of Freeport then offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-246) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I think it is only fair that someone say something before everyone feels that they are out on some sort of a golf course getting batted around. Let me just very quickly give you some ideas as I see them and perhaps at that point the committee or someone else might make some comments.

There are serious objections to the existing bill, and as you well recall this came back from the Governor's office, and in an attempt to reach a compromise everyone tried to get down together and try to work something out. Under the original bill only those parts that charged money to the public would have received any benefits. Under this amendment, whatever monies are collected under this bill will be divided among 59 parks or I should say 59 communities, where 59 parks are located in whole or in part.

This would mean that some of the parks in question would lose

some of the money that they had been receiving originally, but that some of the towns that did not charge a fee would receive some money. For example, one of those that would have received no money was Holbrook Park. Under this new system that we have devised, the town would receive \$2,478. Now I don't necessarily believe in the concept of taking money away from parks and giving it to municipalities. But at least this bill, if we decide that is what we want, will give money to every municipality where there is a state park, and so this would be indeed much fairer than the original bill.

Thereupon, House Amendment "A" was adopted.

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

Mr. CURTIS: Mr. Speaker and Members of the House: As a signer of the original "Ought not to pass" Report which was the Majority Report, I thought it might be worthwhile for the members of the House to have a bit of explanation. And frankly at this point I am not sure that I understand the bill completely.

The bill is quite different, as the Minority Leader has explained, from what we passed out at Committee, and like I said it was a Majority "Ought not to pass" Report.

For example, the original bill would have provided that the Sebago Park area would have provided \$15,100 to two communities as I understand it, those being Casco and Naples. The bill as amended now would provide only \$4,000 to those same communities and other towns that have parks that do not charge fees would be compensated.

Now I am not insensitive to the problems of communities that have state-owned property, not by a great deal of sense. My own community is one of those similar perhaps to Augusta or Thomaston or other places that has a great deal of state-owned property that is not taxable. Orono would not benefit from this particular bill because we do not happen to have a state park.

I wonder if at this time it is indeed the feeling of the Legislature

that we desire to enact this piece of legislation which would benefit some of the communities that are hit by tax - exempt property but not others. As you can understand from the difficulties that this bill has gone through, and the proceedings that have just transpired, it is difficult indeed to draft a good bill in the area of solving some of the problems of tax-exemption regarding state properties.

Now like I say I am on a little dangerous ground here because I am not sure that I understand exactly what the bill does do. But we also have, or passed some time ago, a resolution that I introduced which would provide for a Legislative Research Committee study of the entire problem of tax exemption for state-owned properties.

That resolution is now on the Legislative Research table. I would hope that it would be passed and that at some point in the next two years somebody with a great deal more expertise than I have could study this entire problem and come up with something that is fair and just for all communities involved and we could pass some legislation that would really help solve the problem.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I do believe in this concept. Our state parks are excellent but they do cause problems in the areas in which they are located. I got into this briefly last week only because I became intrigued in the parliamentary procedure, because there was Committee Amendment "A", Senate Amendment "A", House Amendment "A", and Senate Amendment "B", and I explained what all of those amendments did but they were confusing.

Now this amendment, we have indefinitely postponed all of those other, and this one puts it back where it should be.

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

Mr. SUSI: Mr. Speaker and Members of the House: Contrary to the previous speaker I don't agree with the concept here. This

is my fifth session down here and every session we have had bills in from municipalities where state-owned property existed. And invariably to greater or lesser degrees the existence of this state-owned property within the bounds of a community causes certain expenses to the community and on this basis bills have always flooded in here asking that the State somehow reimburse these communities for their out-of-the-pocket expenses. The other side of the coin is that should a new state operation be planned here communities from all over the state would be flooding us wanting to get these operations into their areas.

I am not attempting to make light of this. I think that there are serious problems, but the root of this whole situation in my opinion is the unreasonable dependence of our municipalities on the property tax. Until we face up to this we aren't going to really solve these problems in a lasting manner. If we should open the door to this attempt at a solution by taking care of the few communities which now have state parks within their bounds, we can almost certainly expect to have bills in in relation to the universities, to other state institutions, or communities having state institutions. And really, what basis would we have to deny them?

I think that this one is different to this extent, that sometimes we have been able to go along with something knowing that it was going to go on the Appropriations table and would be killed for lack of funds. But this has been handled rather neatly, inasmuch as they provided in the bill for the state parks to increase their fees and that this increase will go to the communities, so apparently this relieves this bill of the need to land on the Appropriations table, and if it becomes enacted then it becomes a fact. I think it is a real danger. I think we have to face up to the problem of the property tax and not go about it this way.

I would move for the indefinite postponement of the bill and all of its papers.

The SPEAKER: The Chair would advise the gentleman that this is a non-concurrent matter.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I, like Mr. Curtis of Orono, was a signer of the "Ought not to pass" of the original bill. We have here a very much changed bill and both of the last two speakers, three speakers actually, seem to have missed the entire point of the difference between this and property in Orono or Thomaston or some other place where the State has tax-exempt property.

These parks are income types of property. In other words, the State is charging fees for the use of this property and yet they are not paying any taxes in the municipality while they are using property that is being or could be taxed if it was used for another purpose, and especially these state parks are usually on either a salt water shorefront or lakefront.

This, as you all know, is very valuable property and all that is being asked for in this bill is for these communities to share in a minor matter in the fees that are collected by the State as opposed to some place where, we will say the University of Maine, which is costing us a great deal of money. The State of Maine is actually making money on these parks and so these towns are asking that they get a share of this income.

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

Mr. BAILEY: Mr. Speaker and Ladies and Gentlemen of the House: I have in my district one town which has two State Parks in its boundaries and I have a letter here from the tax collector of that town and I would like to convey a few of the facts that she has stated in her letter to me.

"This bill would compensate cities and towns for the loss of taxable property and for the extra costs for such things as fire and police protection and highway problems created by a state park.

It may be argued that in the long run a state park makes the

land in a community more valuable and I am sure that sometimes this is true.

But a town must be concerned with its immediate needs as well as with its future. And the creation of a state park means an immediate loss of taxable property and more important to many citizens the loss of potential development property — while at the same time increasing immediate costs.

Simple justice demands this bill be passed.

But a more important reason argues for passage of the park revenue sharing proposal.

Maine already is faced with a critical shortage of state park and recreation lands and as more and more people build second homes or spend their vacations here to escape the problems and congestion of the big cities, the shortage of parks will become a crisis.

It is unfortunate but true that local opposition to creation of state parks is costing the State the opportunity to buy many desirable areas. Part of the reason is the reluctance of local taxpayers to support creation of parks because of the effect on their tax bills."

This is signed by the Tax Collector of the Town of Phippsburg.

I think that the reason that has been expressed to me many times is the concern of these small towns is not so much maybe the loss of their properties through taxation as it is the out-of-the-pocket costs for fire, police, and highway costs that are involved by the extra traffic coming into these towns, and I would hope that we would pass this bill.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I am just going to take this opportunity to emphasize the gravity of our property tax structures. I meant to emphasize the gravity of our property tax structure, that it should be one of our priorities to re-examine it and just want to say that statewide we have \$40 million of tax-exempt property which of course makes all communities

suffer. I think perhaps I will vote for this little bill.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: Apparently this is not the right parliamentary moment to try to put this bill to a quick end. But I think that the gentleman from Lubec, Mr. Donaghy, made a statement which I am sure is not correct and which I think ought to be corrected, so that when the appropriate time comes we can decide the merits of this bill on the basis of facts.

The statement was made that fees are collected by the state parks, and is correct. I believe, however, that the gentleman is in error if he suggests that money is being made on these parks — that is to say that they are a money-making operation.

Last session when I was on the Appropriations Committee my distinct recollection is that we made appropriations for the Park and Recreation Department and it was not on the revenue side of the ledger. My recollection is that the fees that are collected offset in part the costs of operating one of the parks, but by no stretch of the imagination are these a money-making operation.

I would go one step further and point out that while I am sure there are some problems that are created by parks in some of our localities, there are other areas of our state that do not have parks and are very anxious to have them because there are some benefits that flow from the parks. Not the least of which are the fact that the inhabitants of the community at least have a recreational place where they can go. And one of the incidental by-products also of course is that people from other areas of the state or outside the state may come to the area and in the process of coming and going from the park may spend money which benefits local business.

It seems to me that the basic purpose of the fees, if we are going to collect them, ought to be to offset the cost of the parks, and that is what I understand they partially

do now. And if we are going to charge fees for the use, I think they should be limited to this purpose.

I just wanted to comment — I am not sure what the parliamentary state of it is right now, but I hope at some point we can put this idea to rest.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I seem to be in practically the same area as the gentleman from Augusta, Mr. Lund. I am sure that we do appropriate money for the State Park Commission, and I cannot agree with the contention that this bill does not involve a loss of money to the State, a loss of revenue. If the State Park Commission turned over 15 percent of their intake to the state, and received state appropriations, certainly this does involve loss of revenue, and should have a revenue measure attached to it, in my opinion.

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

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: Maybe I could answer some of the questions that have been raised, especially by the last two speakers. The complete bill is now written in House amendment under filing number H-246, and this provides that the fees charged to state parks would be increased by 15 percent. In other words, the increased amount would pay the fee to the municipalities.

Now I would like to point out some other things regarding this measure. There is before the Appropriations Committee a bill for a bond issue that would establish some additional state parks. And I believe these additions number ten. So we say that there are only a few towns involved at this time in the State Parks Department.

Now here we have a proposition to add ten more state parks, which would be parks that would have fees attached to them. And as we are working in this Legislature and previous legislatures to preserve

our environment, and to have natural areas open for all people, the State Parks Department will be one of the faster expanding departments in our state. And in a few years practically every town will be involved in having a state park at the rate we are going.

Now if we do not do something in this area, the whole camping business will be in the hands of the state. Well if it is in the hands of the state, the state, as has been pointed out, has appropriated money for these state parks, and will continue to appropriate money for the state parks. Now we are within one day's driving distance of 50 million people, and we have one million population here in the State of Maine. So let us figure out that most of the use of these parks will be by out-of-state people. And all we are asking in this bill is that we put an additional fee on the users of the parks to help reimburse the municipalities here, really in lieu of taxation.

Now let us consider another aspect of this thing. I know a number of people that have private parks, or camping areas, and they are in direct competition with the state for these people using campers. And this is the fastest expanding recreation business right now, the use of campers and tents and so forth. And are we setting up a procedure whereby the state is going to take over this business? Or are we going to allow private people to take over this business, or at least part of it? And I think there ought to be some fair competition here.

Now if a private person wants to run a campground he has to meet all the state requirements which incidentally are higher for a private campground than they are for a state campground. He has to pay taxes on his property; he has to buy liability insurance on his operation. So he has additional costs. Yet he is competing with the fees charged by the state campgrounds.

So that we have quite a complicated picture here. And putting it off in a study is just going to put off the time that we are going to help the property taxpayer in these various towns and in new

towns. I hope you will go along with this amended bill, and help pay the property taxpayers in these towns. It isn't going to cost the state any money, and I think this is a right procedure at this time.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Trying to recall some of the comments that were made when the Parks Department was before the Appropriations Committee, and concurring generally speaking with the comments that were made by two of the previous speakers relative to this. At the time that the Parks Commissioner was before us he pointed out some things relative to how fees are determined. He said the fees in Maine are determined in a meeting with the Parks Departments of Vermont and New Hampshire. And the fees generally speaking are kept at the same level so that there is no one state having a higher fee than the other.

Now New Hampshire did at one time adjust their fees upward and they found that their experience was that the camp usage was dropping off a very rapid rate; and the Governor of New Hampshire, if I recall his statements right, had to take it on his own shoulders to adjust the fees so that they were at the same level as Maine and Vermont. They found that they were running into a real problem there that particular summer.

Now if we pass this as it is, and put a 15 percent fee on, it is going to put us ahead of both Vermont and New Hampshire. I think these points should be brought out. And also, if I remember the figures, there is some cost to the state, as I remember it, of about \$50,000 per year for the cost of operating these parks. As I recall the figures it is somewhere around \$360,000 a year, that is coming in and it costs somewhere around \$415,000 to maintain this operation. So there actually is some appropriation from the State to maintain this entire system. And then if we do raise these fees and

put them to a higher level than what both New Hampshire and Vermont have, I am wondering if we might run into the same situation as happened to New Hampshire several years ago.

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

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen of the House: I, too, would like to answer a few of the points that have been raised here this morning. First in answer or reply to the gentleman from Eagle Lake, Mr. Martin, he made the statement that this is taking something away from the state parks. This is not true. We have designed this bill so that their income, their revenue will remain the same as it is at the present time.

The gentleman from Orono, Mr. Curtis, mentioned his situation up there and all of the state-owned property in the Town of Orono. In studying the Part I budget, we have allocated nearly \$60 million to the State University for the next biennium, and I would suggest that some part of this \$60 million will rub off on many of the citizens of Orono. So I don't think there is too much complaint there.

The gentleman from the Appropriations Committee—and boy do I ever hate to tangle with anyone from the Appropriations Committee, because I consider that one of the finest committees that we have here, and one of the most informed. I think, however, in answer to them, and also in answer to the gentleman from Augusta, Mr. Lund, that most of those parks that are now charging fees are making a small profit. The reason that appropriations have to be made in this department is because many of the park areas do not charge any fees at all. And therefore, of course, there has to be some money come in there for the operation of maintaining them, cleaning them up, fixing them, making them suitable for the people.

Mr. Birt mentioned the competition that we have from New Hampshire and Vermont, and of course the competition does exist. But I known in my own area, in

the Sebago State Park, we have people there during the rush season, July and August, that are waiting to get in all of the time. Some of them even sleep in their cars overnight so that they can get in the next day.

One other point that I would like to make on this. The formula that we have devised for this does not include any buildings that exist on any of these park lands, or any buildings that might exist in the future. So this is just strictly based on the valuation of the land.

It has been mentioned here that this high value land has been removed from the tax base of our towns. We know what problems our towns are having with property taxes and struggling to maintain the school systems, and the other needed things among the towns. In repetition I would like to say this. Please remember this will result in no loss to the State of Maine, no loss to the State of Maine; and it does not resolve in any cost to the State of Maine.

Further, in no way is this an attack on the State Park system. I am very much in favor of the State Park system. I know that we need the parks that we have to service our own people and those of our visitors. The State is in the process of trying to acquire more land for parks. And if the towns realize that there were going to be some small return to them as the State acquires this land for park purposes, I think the State is going to find it easier to acquire the parks that they are going to need, not only now, but very very heavily in the future.

I certainly hope that you will see fit to pass this bill. I feel it is a very good step in the right direction.

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

Mr. LEWIS: Mr. Speaker and Members of the House: I am naturally interested in this bill because the small town in which I live has two small state parks within its boundaries.

It was about a year ago that the largest tract of land was acquired by the State, and it removed from our taxable property

about \$300,000. Now in the small towns we are certainly fighting for our very existence as far as taxes are concerned, and I would hope that this measure could be adopted.

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

Mr. GILL: Mr. Speaker and Members of the House: I rise this morning to support this. I will say it does not affect my own community whatsoever, so therefore perhaps I should be opposed to it. But in a neighboring community of mine, out on the Cape, the State has taken some of the finest land that there is in that area.

I support this because I feel that they should receive a certain amount of reimbursement for the use of this land. This particular park is not intended just for the people of Cape Elizabeth. It is used by the people from the Portland area, and the Greater Portland area. This is not an overnight type facility. This is a facility where they can go to the seashore by the day. And if this park was not available there would be a great number of youngsters that would not be able to go to the seashore. But I do support it.

The only connection I have ever had with Cape Elizabeth is, I ran in a primary that included Cape Elizabeth at one time. I got about 141 votes. So you can see I am not supporting it because of the help that the voters of Cape Elizabeth have ever done for me.

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

Mr. ROSS: Mr. Speaker, I move that this Bill be passed to be engrossed as amended.

The SPEAKER: The gentleman from Bath, Mr. Ross moves that this Bill be passed to be engrossed as amended and the Chair will order a vote.

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

Mr. SUSI: Mr. Speaker, a parliamentary inquiry.

The SPEAKER: The gentleman may pose his inquiry.

Mr. SUSI: Do I understand that if we fail to pass it, if we vote

against passage, that we will have taken a negative action on it?

The SPEAKER: The gentleman is correct.

The gentleman may continue the debate.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I certainly can appreciate the interest of many members here who represent towns that will benefit under this and I as one am certainly understanding of the tax problems we have in our communities. But further, I believe that we would be making a serious mistake to attempt to take care of the problems in these few communities when we can be certain that other communities that have inequities existing in their communities will be coming to us and using the existence of this law as an argument for the relief that they need just as badly in their communities.

And the gentleman from Orono, Mr. Curtis, certainly could document a case that would bring tears to all our eyes as to what the University does to their community and others around.

I don't at all subscribe to the idea that this isn't going to cost the State any money. Now let's, you know, just plain horse sense, if the traffic will bear two bucks and a half instead of two bucks a night, it is a half a buck that the State could have that is going to the community. So the State is — now let's have no misunderstanding about this — the State is subsidizing these communities as a form of tax relief. And I think we would be making a serious mistake to adopt this because the real problem is the high level of the property tax. We are going to have to face it sooner or later and let's not do it by attempting to patch along a mess that is just going to get worse the deeper we get in.

Mr. Marstaller of Freeport was granted permission to speak a third time.

Mr. MARSTALLER: Mr. Speaker and Members of the House: I just want to say one additional word here. I think at the present time the communities are subsidizing the state park system

in terms of their effort in these state parks.

The SPEAKER: The Chair will order a vote. All in favor of this Bill be passed to be engrossed as amended will vote yes; those opposed will vote no.

A vote of the House was taken.

59 voted in the affirmative and 71 voted in the negative.

Whereupon, Mr. Marstaller of Freeport requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call 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 Bill "An Act relating to Disposition of Portion of Fees Collected by Maine State Park and Recreation Commission," Senate Paper 20, L. D. 48, be passed to be engrossed as amended by House Amendment "A". If you are in favor of passage to be engrossed as amended you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEAS: Ault, Bailey, Bedard, Bunker, Churchill, Conley, Cooney, Cottrell, Crosby, Curran, Cyr, Dam, Donaghy, Dudley, Dyar, Emery, D. F.; Evans, Finemore, Fraser, Gagnon, Gill, Hall, Hancock, Hardy, Hawkins, Hayes, Henley, Hewes, Hodgdon, Immonen, Lee, Lewis, Lincoln, Littlefield, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Marstaller, McCormick, Norris, O'Brien, Page, Parks, Pontbriand, Rand, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Starbird, Theriault, White, Wight, Wood, M. W.

NAYS: Albert, Baker, Barnes, Bartlett, Bernier, Berry, G. W., Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Bragdon, Brawn, Brown, Bustin, Call, Carter, Clemente, Collins, Cote, Cummings, Curtis, T. S., Jr.; Dow,

Doyle, Drigotas, Emery, E. M.; Farrington, F a u c h e r, Fecteau, Gauthier, Genest, Good, Haskell, Herrick, Jutras, Kelleher, Kelley, K. F.; Kelley, P. S.; Keyte, Kilroy, Lawry, Label, Lessard, Lewin, Lizotte, Lucas, Lund, Martin, McCloskey, McNally, Millett, Mills, Morrell, Mosher, Murray, Orestis, Payson, Porter, Pratt, Scott, Simpson, T. R.; Slane, Smith, E. H.; Stillings, Susi, Tanguay, Trask, Tyndale, Vincent, Webber, Wheeler, Whitson, Williams, Wood, M. E.; Woodbury.

ABSENT: Berry, P. P.; Carey, Carrier, Clark, Curtis, A. P.; Goodwin, H a n s o n, Jalbert, Kelley, R. P.; McKinnon, McTeague, Rocheleau, Santoro, Sheltra.

Yes, 60; No, 76; Absent, 14.

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

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

Mr. ROSS: Mr. Speaker, I move that we insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Bath, Mr. Ross moves that the House insist on its former action and ask for a Committee of Conference.

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

Mr. DONAGHY: Mr. Speaker, would it be in order for us to reconsider our last vote and stop this foolishness?

The SPEAKER: The gentleman is in order, that we can reconsider whereby we adopted this House Amendment "A".

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

Mr. MARTIN: Mr. Speaker, I think that is the right motion to make, because at that point if we fail reconsideration we will have failed to engross it. It will go to the other body in non-concurrence. So I would hope that we would fail to reconsider.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy moves that we reconsider whereby we adopted House Amendment "A". All in favor say aye; those opposed say no.

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

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

Mr. ROSS: Mr. Speaker, I once again move that we insist and ask for a Committee of Conference.

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

A vote of the House was taken.

7 having voted in the affirmative and 120 having voted in the negative, the motion to concur did not prevail.

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

Mr. ROSS: Mr. Speaker, for the third time I move that we insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Bath, Mr. Ross now moves that the House insist and ask for a Committee of Conference.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I guess if we vote against the motion of the gentleman from Bath, then we would at that point be in a position to make a motion to adhere and that would take care of it.

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

Mr. GILL: Mr. Speaker and Members of the House: First of all I am for this bill and if I am speaking on the wrong side I hope someone tells me. I believe that it is proper that we vote to insist and ask for a Committee of Conference because I think that a document such as this, that can cause as much confusion as this has, could be more reasonably discussed at the Committee of Conference. It may turn out that they won't even want to meet, but I do believe that this is deserving enough to extend to it the courtesy of a Committee of Conference.

So therefore I would ask you to vote yes to insist and ask for a Committee of Conference. I didn't intend to speak on this but I have clarified it in my own mind.

The SPEAKER: The pending question is to insist and ask for

a Committee of Conference. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

92 having voted in the affirmative and 43 having voted in the negative, the motion to insist and ask for a Committee of Conference did prevail.

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

**HOUSE DIVIDED REPORT — Report "A" (6) Ought to pass" in new draft — Report "B" (6) "Ought to pass" in new draft — Committee on State Government on Resolution Proposing an Amendment to the Constitution to Provide for an Environmental Bill of Rights (H. P. 751) (L. D. 1020) — Report "A" new draft — (H. P. 1300) (L. D. 1705) under same title — Report "B" new draft (H. P. 1301) (L. D. 1706) under new title — "An Act Providing for a Declaration of Policy Concerning the State's Environment."**

Tabled — May 10, by Mr. Martin of Eagle Lake.

Pending — Further Consideration.

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

Mrs. BROWN: Mr. Speaker, may I have this tabled for two legislative days?

The SPEAKER: The gentlewoman from York, Mrs. Brown, moves that this item be tabled and specially assigned for Monday, May 17, pending further consideration.

Whereupon, Mr. Donaghy of Lubec requested a division on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of this matter being tabled for two legislative days will vote yes; those opposed will vote no.

A vote of the House was taken.

81 having voted in the affirmative and 39 having voted in the negative, the motion did prevail.

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

**HOUSE DIVIDED REPORT — Majority (10) "Ought to pass" Minority (3) "Ought not to pass" — Committee on Transportation on Bill "An Act to Eliminate the Use of Motor Vehicle Dealer Registration Plates for Wrecker Service" (H. P. 899) (L. D. 1219)**

Tabled — May 10, by Mr. Crosby of Kennebunk.

Pending — Acceptance of either Report.

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

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

The SPEAKER: The gentleman from Kennebunk, Mr. Crosby, moves the acceptance of the Minority "Ought not to pass" Report.

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

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: This bill here will take the dealer plates off your wreckers. First of all, a dealer's plate is not for hire, and when they are on wreckers they are for hire.

I wonder if Mr. Crosby would like to see if we leave it — I don't mind if we kill the bill, but if we do, why don't we give the heavy equipment the chance to put their dealer's plate on wreckers. Right now they can't do it, so are the transporter plates. The people that want to haul one of their cars that broke down somewhere, they can't have it. They pay the same price for the certificate and the same price for their plates as the new car dealers and the used car dealers. So if you want to kill my bill, I would like to present an amendment that will give all the dealers a chance to go with transporter plates on their wreckers.

I hope we accept the Majority Report, and the Majority Report was 10 to 3 in favor of the bill.

The sign on me here says "Stay with Me." I hope you will vote with me.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I have no

serious feeling on this bill, although it was heard before Transportation, but I will tell you what it tries to do. In many towns we have garages that have wreckers and these wreckers pay an excise tax and license the wrecker and they are in the business of wrecking. And so, the town gets an excise tax and they get licensed like other vehicles.

But in that same town they have dealers that sell cars and they have a dealer plate and they have it on their wrecker. Now it doesn't seem to Mr. Lebel, and I tend to agree with him, that this is really all fair because if this dealer only used this to tow his own cars with, this probably would be fair. But in most cases that we know of, this dealer goes out on the road and tows anybody's car that calls. In other words, he is in competition with the guy that pays an excise tax and licenses his wrecker.

So I concur with Mr. Lebel that there is a little bit of injustice here. I don't feel strongly about it; it is a minor thing. But that is the situation as it exists.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: If L. D. 1219 is passed in its present form, we will be penalizing the new car dealers in the state for abuses that may be committed by other dealers. When this law was enacted several years ago, the Legislature recognized that car dealers required the use of a wrecker in their business and therefore have permitted them to use dealer plates on their wreckers.

As you know new car dealerships are open five days a week and some are open Saturday mornings as well. During this time their wreckers are used for the convenience of their customers. The new car dealers do not solicit business from people other than their customers. They don't do it in my area.

There are 300 new car dealers in the state and only 40 of them own wreckers. There was no evidence of abuse by the new car dealers and if we pass this bill

we will be unduly penalizing the new car dealers who in good faith have made a substantial investment and who are providing a necessary service to our motoring public.

It is regretful that Mr. Lebel's continuing campaign against new car dealerships has reached this point. At a time when Maine and the rest of the country are confronted with high unemployment, we are attempting to curtail the business activities of one of the industries that contributes substantial real, personal and income taxes to the state and municipalities.

I strongly urge the members of the body to support the motion to accept this "Ought not to pass" Report.

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

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Kelleher is right when he says there are 300 new car dealers, but he never mentioned there are 580 used car dealers and those two categories can use their plates. We also have heavy equipment dealers that bring in a lot of money, and these people, they need a wrecker too. Why shouldn't they have it? He is only speaking for the new car dealers. I don't have anything against the new or used car dealers, but as the gentleman from Enfield said, I want to be fair with everybody.

So if you want to kill this bill, I sure am going to put an amendment on the other bill to give the chance to the heavy equipment dealers and the transporter. They should pay the same price for their license and their certificate to do the same thing.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would go along with this Minority Report and I would hope that if Representative Lebel from Van Buren intended to put in a different bill than this that perhaps he should have at the time he put it in. I don't see that his debate this morning is germane to the piece of

legislation before us because the plates are incident to the business of both the new and used car dealers to conduct their business during the business hours of the week. And this is the only time they want to use these wreckers and that is the only reason they want to use them for, to serve their customers. So I would hope that you would go along with the Minority "Ought not to pass" Report.

Mr. Lebel of Van Buren was granted permission to speak a third time.

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: I didn't put the other bill in at the time, and I would hate to put the amendment on another bill. The reason why is, if I do, if I do put an amendment on another bill, I would have lost more revenue. Just imagine, if the heavy equipment dealers would put their wreckers straight on their truck to haul their equipment, we would lose about \$150 on each piece of equipment. So that counts a lot. But now we are not in favor of losing taxes — I am not. Maybe the gentlemen around Bangor don't care, but the revenue that we have right now, we need it. If we don't want to add any more taxes on our people let's keep what we have got and let's try to be fair with the people so everybody will pay their fair share.

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

Mr. LEE: Mr. Speaker, Ladies and Gentlemen of the House: I will have to concur with Mr. Lebel. Perhaps it is a little hard for him to explain what he is trying to say, but he is just exactly right. The new car dealer is privileged to use his wrecker. They can go out and charge me \$50 to pull my truck out of the ditch. I have got a wrecker. I pay an excise tax. I have to have it in my business just the same as a new car dealer has to have it in his. I don't go out for hire, I have a business of my own. But I have to pay my excise tax to put my wrecker plate on.

Now my wrecker plate costs just exactly the same as a dealer's plate, but they do have to pay an

excise tax and the town gets that money. Presumably they do pay a property tax on their wrecker. But what Mr. Lebel is telling you is just exactly right and I agree with him.

The SPEAKER: All in favor of accepting the Minority "Ought not to pass" Report on Bill "An Act to Eliminate the Use of Motor Vehicle Dealer Registration Plates for Wrecker Service," House Paper 899, L. D. 1219, will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

Bill "An Act to Increase Compensation for Members of the Legislature" (H. P. 1302) (L. D. 1709)

Tabled — May 10, by Mr. Ross of Bath.

Pending — Passage to be engrossed.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I would be the very first person to admit that legislators are underpaid. As I stated before, the conscientious legislators in this House, of which we have many, don't even make the minimum wage. But people throughout the state don't realize this. They think of us as a bunch of bureaucrats. The amount of money that is going to be asked under this bill may be insignificant compared to the entire budget. But in my mind, this is not even a talking point.

It was said last week over and over again that no time was a good time to ask for a raise. Last session we did ask and granted a raise for these members of this session of \$500 a year. But certainly the timing now could not be worse. It is much more inappropriate than

any of the other times people have been talking about.

We are going to ask the people of this state not to repeal the income tax. This is the most serious consideration of all. We should not take it lightly, under the supposition that the voters won't notice our action.

I have never read on the floor of the House an editorial because in my mind this is the opinion of only one person. And just here in the House we have 151 persons of minds of our own. But the Press Herald did have yesterday one that I found of great interest and I will quote just briefly from it. They said that this Legislature was thinking of raising our own salaries from \$2,500 to \$3,500. They said that they were all for it. They would even go up as far as \$6,000 if we would substantially cut the size of the House; and if we don't reduce our members, any request for a salary increase is highly presumptuous. To grant even a thousand dollar increase, we will find it much more difficult to persuade the Maine voters to preserve this much needed income tax.

This is my opinion precisely, and I move the indefinite postponement of this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that L. D. 1709 be indefinitely postponed.

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

Mr. VINCENT: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion made by Mr. Ross from Bath. Mr. Ross is well aware of the realities of this House, that there is no way this House is going to reduce its size voluntarily to a hundred or fifty members. I read the article that was in the paper and the paper said we deserve a pay hike, although they would like to see the reduction of the size of the House.

Mr. Ross and myself both voted for the reduction of the size of the House. We were in agreement with that, but we are also aware of the realities that this will never come to pass.

I would hope that you would vote against this motion for the same reasons that were brought up in debate the other day, the fact that we do need these pay hikes, that we can open it up to more people to serve, and that people can better cope with the expenses up here as can the more wealthy members that are present in this body, or the people that are on social security or retirement benefits.

I would hope that you would vote against this motion and then we can go ahead and enact and pass this bill and send it to the other body.

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

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: I voted in the Committee Report on the "ought to pass" side of this bill. But since that time I have talked with a number of people. And since the passing of the resolution that we passed yesterday I think that we should go along with the motion to indefinitely postpone this bill.

Now we do have problems with some members in this Legislature spending a lot of time and needing a little extra income. And I think we ought to attack the problem in another way, and that is to do something to reduce the time that we spend here. And I did a little checking the other day on number of bills that have been reported out Leave to Withdraw. In the 104th Legislature there were 200 bills reported out Leave to Withdraw. So far this time — well, two days ago — there have been 198 bills reported out Leave to Withdraw.

About half of these were covered by other legislation. I would like to think that we ought to maybe have a joint caucus some day and talk about some changes in the rules that might allow joint sponsorship, might allow a listing of bills that are in the drafting stage so that some of us could look at this list and if we were interested in the same proposition we wouldn't put in a bill of our own, but we might go along with some other bill.

I think we could do some things to shorten up our time here, and I hope we will go along with indefinite postponement, and then work on this other matter later.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: It gives me great pleasure this morning to concur with the gentleman from Bath. I think he is right, and I only want to just tell you this much about this House, and the many years I have been here. We increased the price, and we only increased the stay here.

When we had a small price for being here we got the business done in a short length of time. The smaller amount was two months way back. And as we increased the pay we increased the stay here. And I concur with everything the gentleman on the other side of the House has said, that the resolution we passed the other day — I was against this in the beginning, I am still against it. This makes me just feel stronger.

Now if you vote for an increase, for the incoming legislature, you are merely doing this, in my opinion. You are just making their stay here longer. So regardless of the price, as you raise the price, and if you raise it high enough you will have them here the year round. They will be here from January until December.

The only way I see to get them out of here, to get this House adjourned, is not to have too much pay, so we will get the bills out of here. And we have a lot of bills like you have already been told, of here. And we have a lot of bills, that are Leave to Withdraw and many duplications, many bills that have been heard year after year. There ought to be something in the rules that if a bill had been so soundly defeated, and sent to Legislative Research or something that it wouldn't be before us year after year. Now a good many of these bills have been here in all the sessions I have seen here: have been here before us each year, and each year are soundly defeated.

Now it seems ironic that we have to hear these bills year after year. And year after year they get defeated. So we should do something in this line. We should get this legislature with less bills, and get out of here much sooner, then the pay would be sufficient.

And I say just once more in closing, when you vote to increase the pay, you are not really increasing the pay, you are just increasing the stay here in town.

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

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: Mr. Vincent of Portland made the statement that Mr. Ross of Bath voted to reduce the size of the House. The roll call number 24 shows that he did not.

I would like to say that I don't like the idea of people who, to my knowledge, can afford to come down here for no money at all saying to those citizens of the state who need an income from the legislature to live, cannot have a reasonable raise.

I think this raise is reasonable. I supported it in committee and I support it now. I might remind these people that the raise is optional according to the bill, and if they don't need it, or think it is extravagant, they may refuse it.

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

Mrs. GOODWIN: Mr. Speaker and Members of the House: With inflation growing the way it is, if we wait until we reduce the size of the House to give ourselves a raise, we are going to have to vote ourselves a \$10,000 raise just to get above the poverty level.

Now most people think we make a lot more than we do. And I have enough faith in the people to know that they are not going to get uptight if they find out that we have given ourselves a raise up to \$3,500 a year. This is still \$300 below the poverty level.

Perhaps Mr. Ross didn't vote to reduce the size of the House because he knows that Bath would have only one representative, and he might have to appear in the

Bath Iron Works at 6:00 a.m. in the morning in a mini-shirt, and he wouldn't look very good that way.

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

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: I have done a little bit of mathematics and I hope it comes out better this time than it came out on May 7th when we discussed this previously.

I would like to point out that we now get \$2,500 for the regular session. Raise it to \$3,500 is a substantial increase. If you go back two years from the present time, to 1969, when we received \$2,000, we end up with a 75 percent increase in our pay in four years; which to me is unconscionable in comparison with what other state employees are receiving. We are state employees in that we are being paid by the state government.

They received \$9 across the board two years ago. This year if they get a cost of living increase they will be fortunate. I therefore feel that it is ridiculous for us to ask for a 75 percent increase and vote for a 75 percent increase in pay for ourselves. I would like to also point out that at this time we are receiving the \$2,500. If you extend that over a period of a year, you will find that we are well up into the \$10,000 range, because we are getting room and board on top of our salary. And that includes a two week vacation.

Mr. Speaker, I request a roll call when we take the vote.

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

Mr. WHITSON: Mr. Speaker and Ladies and Gentlemen of the House: I don't know whether the gentleman from Bath, Mr. Ross, has holes in his socks or not; but I do know this, I have. And I know Mr. Vincent of Portland has holes in his socks.

Now what the defeat of this bill will do is further discourage people with holes in their socks from seeking office, because they would be financially unable to meet their obligations to themselves and their

families if the salary in this House is not raised.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: For two days now I have been hearing about the length of this session. My opinion why the session is so long, because somewhere along the line the leadership hasn't acted in a way to shorten this session. And I am talking about the leadership of the Majority party, because they have got the power to do it.

Now we are talking about raises. This bill is only at the engrossment stage, and already we have been debating two days on this bill. It seems to me a short time ago there was an understanding in some of our past legislatures whereby we only debated bills at a certain stage. And if we come back to this, and we say we debate the bill, whether it be at the engrossment stage or when they get to be enacted, and then either we kill them or pass them instead of debating the same bill two, three, four and five times during the progress between the two houses, we would save a heck of a lot of time, and we could get out of here earlier.

Mr. Morrell of Brunswick moved the previous question.

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

A vote of the House was taken.

The SPEAKER: Obviously more than one third of the members present having voted in the affirmative, the motion for the previous question is entertained. The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Is it the pleasure of the House that the main question be put now. All in favor say aye; those opposed say no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that this bill be indefinitely postponed. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that Bill "An Act to Increase Compensation for Members of the Legislature," House Paper 1302, L. D. 1709 be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Ault, Bailey, Barnes, Bartlett, Berry, G. W.; Berube, Binnette, Boudreau, Bragdon, Brown, Carrier, Carter, Churchill, Conley, Cottrell, Crosby, Cummings, Curran, Dam, Donaghy, Dudley, Emery, E. M.; Evans, Finemore, Fraser, Gill, Hardy, Hawkens, Hayes, Herrick, Hewes, Hodgdon, Immonen, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Lawry, Lee, Lewis, Lincoln, Littlefield, Lynch, MacLeod, Marstaller, McNally, McTeague, Mosher, Page, Parks, Payson, Pontbriand, Porter, Rand, Rocheleau, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, T. R.; Stillings, Susi, Theriault, Trask, Tyndale, Webber, Wheeler, Wood, M. W.; Woodbury.

NAY — Albert, Baker, Bedard, Bernier, Berry, P. P.; Birt, Bither, Bourgoin, Brawn, Bustin, Call, Carey, Clemente, Collins, Cooney, Cote, Curtis, T. S., Jr.; Cyr, Dow, Doyle, Drigotas, Dyar, Emery, D.; F.; Farrington, Faucher, Fecteau, Gagnon, Gauthier, Genest, Good, Goodwin, Hancock, Haskell, Henley, Jutras, Kelley, P. S.; Kilroy, Lebel, Lewin, Lizotte, Lucas, Lund, Maddox, Mahany, Manchester, Marsh, Martin, McCloskey, McCor-

mick, Millett, Mills, Morrell, Murray, Norris, O'Brien, Orestis, Pratt, Simpson, L. E.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Tanguay, Vincent, White, Whitson, Wight, Wood, M.E.

ABSENT — Bunker, Clark, Curtis, A. P.; Hall, Hanson, Jalbert, Lessard, McKinnon, Santoro, Shetra, Williams.

Yes, 71; No, 68; Absent, 11.

The SPEAKER: Seventy-one having voted in the affirmative, sixty-eight in the negative, with eleven being absent, the motion does prevail. It will be sent up for concurrence.

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

Bill "An Act Creating the Maine Litter Control Act" (S. P. 262) (L. D. 768) — In Senate, passed to be engrossed as amended by Senate Amendment "B" (S-140) — In House, Senate Amendment "B" adopted.

Tabled — May 10, by Mr. Curtis of Bowdoinham.

Pending — Passage to be engrossed.

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

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

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

Tabled — May 10, 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 17.

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

Bill "An Act relating to Public Utility Transmission Lines" (H. P. 918) (L. D. 1264)

Tabled — May 10, by Mr. Williams of Hodgdon.

Pending — Passage to be engrossed.

On motion of Mr. Martin of Eagle Lake, retabled pending passage to be engrossed and specially assigned for Monday, May 17.

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

Bill "An Act relating to Transportation of Seriously Injured People Directly to a Hospital" (H. P. 1051) (L. D. 1443)

Tabled — May 11, by Mr. Dam of Skowhegan.

Pending — Passage to be engrossed.

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

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

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

Tabled — May 11, by Mr. Mills of Eastport.

Pending — Passage to be enacted.

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

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

Bill "An Act to Amend the Municipal Public Employees Labor Relations Law" (H. P. 420) (L. D. 547) — In House, passed to be engrossed as amended by House Amendment "A" (H-146) in non-concurrence. — In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-120) and Senate Amendment "A" (S-132) in non-concurrence.

Tabled — May 11, by Mr. Good of Westfield.

Pending — Motion of Mrs. Lincoln of Bethel to recede and concur.

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

Mr. McTEAGUE: Mr. Speaker, I move that we recede and would speak briefly to the motion.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, moves that the House recede. The gentleman may proceed.

Mr. McTEAGUE: Mr. Speaker and Members of the House: The bill before us has been passed in the last week in the House. The Senate put an amendment on it which actually made the bill rather meaningless, it took the guts out of the bill.

We have, we think and we hope, something that will be acceptable to both the House and Senate as a means of working this out, and in the event that the motion to recede is accepted I would offer House Amendment "B".

I would like to discuss with you for a moment the contents of House Amendment "B" and why we think it is a compromise that would be acceptable on a broad basis.

There are two essential features in the bill that seem to lead to controversy. Number one is the provisions of the bill regarding grievance arbitration. In the interests of avoiding controversy on that subject House Amendment "B" entirely removes the provision of the bill on grievance arbitration and would return us to the present law. We hope thereby any controversy relating to grievance arbitration, any feelings of the members of the House and the Senate on that subject is removed.

The other matter which has been the subject of some controversy is the matter of the agency shop under union security. The bill as it was originally drafted and as the House passed it before, had in it a provision that the members of the bargaining unit could prohibit the union security agreement by secret election upon petition of 30 percent of those members.

In the interest of compromise and with the hope of enacting legislation we have changed that figure of 30 percent down to 10 percent. The thought behind doing that was this; perhaps attitudes do differ in different communities. Perhaps what is acceptable in Portland is difficult in Eagle Lake or vice versa.

On the other hand, it was the thought of the people that talked about this amendment that if you had a situation where you could not get even 10 percent, one in ten in the bargaining unit to voice

any objection, you really didn't have a significant problem. In other words, ladies and gentlemen, in going from 30 percent to 10 percent is a very significant watering down which we hope will take care of the objections that apparently some members of the other body had to the agency shop situation.

I am unaware of any other state in the union that has a figure as low as 10 percent on these. Therefore with the grievance provision entirely removed, which it is under House Amendment "B", and with the 10 percent figure substituted for the 30 percent figure, we have what is indeed a very mild bill.

I hope therefore that you will go along with receding so that this House Amendment "B" may be offered and we may send the matter back to the other body for their consideration and hopefully for enactment of legislation on this subject.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: We debated this issue at some length. In my view the Senate Amendment that was put on answered the principal objections that I raised on the bill. The objections that I had, to reiterate them briefly, the agency shop provision that Mr. McTeague feels is desirable to be incorporated into the language of the bill is not, and I repeat, is not prohibited under the existing statutes. I think the practical effect of including this amendment in the bill is to indicate at least tacit legislative approval of the principle of an agency shop which in my view does complicate the negotiating process.

When the act was originally written, a sincere effort was made to have the language as neutral as possible in order to leave a wide area for negotiations. The thought being that as negotiation activities occur at the local level, and that as both sides gain experience in negotiating, that perhaps some of the frustrations and the antagonisms would disappear as the dialogue at the local level was improved.

I still feel that a neutral stance as far as the language of the law is preferable. I feel that the negotiations are not inhibited at the local level by the absence of the language. And I feel that the amendment that was adopted in the Senate was a wise amendment and that the whole body of the law is improved by the Senate amendment.

Now as I understand Mr. McTeague, the amendment which he will offer will remove the binding arbitration provision. I think that this is wise. I have talked with people who have worked closely with this act. One gentleman in particular, for whom I have great respect, told me that he thought that this was premature and raised the very interesting question, "How do you have binding arbitration when in the last analysis the taxpayer has a veto, especially if funds are concerned?" We certainly can't have binding arbitration if the taxpayer refuses to fund a pay increase, as an example.

So in my view it would be an error to go along with the motion of Mr. McTeague to recede. I hope that the motion is defeated. I hope that we then do recede and concur with the Senate because I then think that we would have a better negotiating climate for the whole state, a climate that would not be clouded by language that would tend to give tacit approval to an agency shop which I do not feel really is the legislative intent.

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

Mr. COLLINS: Mr. Speaker and Ladies and Gentlemen of the House: I have some empathy for the various viewpoints in this legislation since I have a daughter that is a teacher, a wife that is a member of the school board, and I am a member of the city council. So I see perhaps all of the various viewpoints involved in the legislation. And I would agree with the gentleman from Houlton that the amendment put in by the Senate is a preferable one. And I would hope that we would defeat the motion to recede and then recede and concur with the Senate in its action.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I have been concerned with document 547 ever since it appeared in print. I did vote against indefinite postponement because I wanted to see it go along a little farther. I was looking for more information.

Now I have over 30 or 35 years fought hard in a local area for improvement in teachers' salaries, beginning in an era when teachers were receiving little more than the janitor. But I am concerned with 547 and I would like to have questions answered if it is possible, by the Committee or any other informed person.

In Section 1, paragraph B, in Section 2, paragraph D and E, in Section 3, paragraph C, is there anything in this document that permits something that is not permitted under existing legislation? Is there anything in this document that prevents anything that is permissible under existing legislation?

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: In response to the questions of the gentleman from Livermore Falls, Mr. Lynch, I think it would be more helpful to speak of the document not as originally drafted but rather of the document passed by the Senate, or as acted upon at this stage by the upper body, and the document before us as amended, I hope, by House Amendment "B"; because I think, Mr. Lynch, those are the two alternatives that we really have presented. The original bill is no longer before us in the exact same form although much of the language in the sections that you refer to would be unchanged by the House action but would be changed by the action of the other body.

I think it comes down to this one difference between existing law and the proposed law which you

have before you. And that difference is in the area of union security.

The difference, I think, is this: Under the present law there is a divergence of views between people concerned with the subject as to whether or not any form of union security is permissible. As I understand it, the matter has caused not only disputes but litigation, which has not been finally resolved.

With the law as proposed with House Amendment "B" it would say two things.

1. It would make it clear that there is authority if three groups all desired and all agree to have a very limited form of union security. Those three groups would be:

1. The municipality or the SAD or whatever the public employer is called.

2. The labor organization.

And I would like to mention here that although all the talk has been about teachers, although I don't share either a wife on the school board or a child that is a teacher, like Mr. Collins of Caribou, I would like to remind the members of the House that we deal not only with teachers but with policemen, firemen, public works employees, and all of our hard-working, blue collar public employees. They could prevent it. The labor organization involved could prevent it. Admittedly they would not be likely to want to prevent it.

And the third group that would have a veto among the three, and frankly I think the most important group and the group that we should give this choice to, are the people in the unit, the policemen and firemen or public works employees or whatever type of public employees we have.

They would have the right to ask for this; they don't have the right to require the public employer to agree with them. If you read the bill, the whole municipal employees labor law, you will see that there is a requirement for negotiation, but explicitly, and I think the language goes like this.

There is no requirement to make a concession. The SAD or the municipality can refuse to grant this if it chooses. Again the

example that something might be acceptable in one community and not another. We do provide something that doesn't exist in the present law, and it is this.

We provide that the employees involved can petition and the amendment would bring it from 30 percent down to 10 percent, and they can petition to hold a secret ballot election. These elections are secret. They are on paper ballot and they are supervised by our Department of Labor and Industry.

It seems to me that really the key to the question is this. If you have a concept that you can't get even 10 percent of the people involved to petition for an election on, it doesn't seem to me that really there is very much controversy in the community on it.

I think if all of us will look back to the communities we represent, whether it is one of 16,000 with voters of perhaps 6,000 in the case of my town, and perhaps smaller numbers for some of you, if I had a proposition that I was interested in in the town of Brunswick and could not get 600 signatures on a petition to hold an election, I wouldn't feel very good and I wouldn't feel like I had very much support.

So, Mr. Lynch, the principal difference between existing law and this bill is a matter that is twofold. Number one, we would clear up the question which is now unclear as to whether it is lawful for a municipality that wants to, or a SAD that wants to enter into an agreement, and number two, we would protect the members involved by saying if this is unacceptable to you, 10 percent of you may petition to hold an election.

I wish to restate again because of my conversations with members I think perhaps there is some confusion on this issue—that the amendment which will be presented to you entirely does away, and Mr. Haskell recognized this I think in his comments, it entirely does away with any changes whatsoever in the grievance section of our law. I hope that answers the question, Mr. Speaker, of the gentleman from Livermore Falls.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: I was interested in Mr. McTeague's comment that currently there is litigation in this field before the courts to determine the legislative intent, and he proceeds from this point to say that this language is necessary in the bill to clear up the confusion. Now it seems to me that with pending litigation that the court is going to by a decision, and a decision which I would assume would become precedent, very nicely clear up any confusion on this particular point.

The point that I have repeatedly tried to make is that the activity that is trying to be written into this law is not prohibited now under it. The only thing in my view that we accomplish by the addition of the language is to create an atmosphere of tests and legislative approval of the principle of an agency shop. In my view it is a mistake to cloud the negotiating atmosphere with such an implication.

I have talked with people who are experts in this law, who have worked with it and their view is that the law would be improved and is improved by the addition of the Senate Amendment. I hope that we defeat the motion to recede.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: To attempt to answer, perhaps even if it is possible to refute the comment of the gentleman from Houlton, Mr. Haskell, regarding letting the court decide this thing. You have the traditional argument that taking this case all the way to the Supreme Judicial Court as opposed to just going on Superior Court decisions which are unreported, is costly both to the town and to the employer organization involved. But more than that, I would suggest this is a reason for resolving the matter legislatively.

If the Supreme Judicial Court would determine ultimately in a

case brought before them that union security is negotiable, it would mean that a union security agreement could be negotiated even if a 10 percent or a 51 percent of the employees in the organization objected to it. I think this is a safeguard for minority rights, if you will, and the rights of people who do not wish to participate in the organization in this bill, and that a court decision could not grant them an election on that question. Under the terms of this bill if 10 percent object an election can't be had. This is the type of thing that we can only shape here in the legislature that the courts cannot deal with.

So when you consider the question, I ask you to consider that if the courts would rule, the Supreme Judicial Court of Maine would rule that existing law allows union security, it would mean that the employees involved, even if 10 percent, or again 51 percent did not desire it, that they were helpless to prevent it, because there was no provision for an election to determine their sentiment on it. I would suggest, therefore, that we benefit not only from the clarification of the law but also that some of the employees at least who may have objections to this will benefit by having the opportunity in their individual towns to stop this and opt out. And only we here in the legislature can do this. The law court cannot do it.

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

Mr. MARSTALLER: Mr. Speaker, a parliamentary inquiry. Is a motion to recede and concur in order at this time?

The SPEAKER: The Chair advises the gentleman that recede has priority over concur.

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

A vote of the House was taken.

53 voted in the affirmative and 62 voted in the negative.

Whereupon, Mr. Martin of Eagle Lake requested the yeas and nays.

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

fifth of the members present and voting. All members desiring a roll call 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 to recede. If you are in favor of receding you will vote yes; if you are opposed you will vote no.

### ROLL CALL

YEA — Albert, Bailey, Bedard, Bernier, Berry, P. P.; Berube, Birt, Boudreau, Bustin, Call, Churchill, Clemente, Conley, Cooney, Cote, Cottrell, Cummings, Curran, Curtis, T. S., Jr.; Dam, Dow, Doyle, Farrington, Fraser, Genest, Gill, Good, Goodwin, Hancock, Herrick, Hewes, Kelley, P. S.; Kilroy, Lebel, Lucas, Lund, Mahany, Marsh, Martin, McCloskey, McTeague, Millett, Mills, Murray, O'Brien, Parks, Pontbriand, Porter, Rocheleau, Shute, Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Susi, Tanguay, Theriault, Vincent, Wheeler, Whitson, Wood, M. W.; Wood, M.E.

NAY — Ault, Baker, Barnes, Berry, G. W.; Binnette, Bither, Bragdon, Brawn, Brown, Bunker, Carey, Carter, Collins, Donaghy, Dudley, Dyar, Emery, D. F.; Faucher, Finemore, Gagnon, Hall, Hardy, Haskell, Hawkins, Hayes, Henley, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Keyte, Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lynch, MacLeod, Maddox, Manchester, Marsteller, McCormick, McNally, Morrell, Mosher, Norris, Page, Payson, Pratt, Rand, Rollins, Ross, Scott, Shaw, Silverman, Simpson, L. E.; Trask, Webber, White, Wight, Williams, Woodbury.

ABSENT — Bartlett, Bourgoin, Carrier, Clark, Crosby, Curtis, A. P.; Cyr, Drigotas, Emery, E. M.; Evans, Fecteau, Gauthier, Hanson, Jalbert, Jutras, Kelleher, Lessard, McKinnon, Orestis, Santoro, Sheltra, Tyndale.

Yes, 64; No, 64; Absent, 22.

The SPEAKER: Sixty-four having voted in the affirmative and

sixty-four having voted in the negative, the motion to recede does not prevail.

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

Mr. FINEMORE; Mr. Speaker, I now move that we insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore moves that the House insists on its former action and ask for a Committee of Conference.

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

Mr. McTEAGUE: Mr. Speaker, is it in order to reconsider the vote on receding?

The SPEAKER: The Chair will advise the gentleman that it is not in order. This is a non-concurrent matter.

The pending question now is on the motion of the gentleman from Bridgewater, Mr. Finemore, that we insist on our former action and ask for a Committee of Conference. The Chair will order a vote. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

HOUSE DIVIDED REPORT — Majority (10) "Ought not to pass" — Minority (3) "Ought to pass" — Committee on County Government on Bill "An Act to Place Full-time Deputy Sheriffs under Personnel Law" (H. P. 431) (L. D. 566)

Tabled — May 11, by Mr. Smith of Waterville.

Pending — Motion of Mr. Wight of Presque Isle to accept Minority Report.

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

Mr. WIGHT: Mr. Speaker and Ladies and Gentlemen of the House: I feel that this bill has much merit and could improve county government. This could mean better law enforcement by

county officers by requiring training to operate our sheriffs' department and to adjust salaries for our full-time deputy sheriffs accordingly. This bill would not apply to our chief deputy or part-time deputies as amended.

The salaries of full time deputies shall be as provided by classification of the Personnel Law. This, I feel, would classify the trained and experienced personnel with salaries commensurate to their worth and value as law enforcement officers for our several counties.

Under Legislative Document No. 437 passed recently in this House, the compensation for full-time deputies in all counties shall not be more than \$126.00, this being the only figure allowed in the statute. Under L.D. 566, this figure could be adjusted so that with training and experience the salary would be paid accordingly.

It is not satisfactory or good economy for the counties to train and educate a sheriff in law and order enforcement, only to have an election or salary restriction and have him leave and take a better-salaried job elsewhere.

Therefore, I hope you will give this bill serious consideration and accept the Majority Report.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I thank the gentleman for recommending that the Majority Report be accepted, which reads "ought not to pass." In committee we found that this thing was originated out of just one county, and it is written to apply to all the counties of the state.

It is found to be very poor legislation, and we discussed this a great deal at length in the committee, and then came out with the "Ought not to pass" Report which reads a majority of ten to a minority of three.

I suggest the House save a little time and money. This thing is going to go into the personnel laws, and it will take any authority away from the county government. It has a lot of far-reaching effects

which we could go on and discuss here for a long period of time. But I oppose the motion of the "Ought to pass" Report.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: This bill was discussed at great length in the County Government Committee. And of all the bills that we heard this session, the bills that received probably one of the greatest attention from the committee was the sheriff's department. And this bill includes all county sheriffs, full-time deputies, because the sheriffs of each county kept stressing the point that to have good men we should give them comparable pay and training. And under this document here that the gentleman from Norway has introduced, we will be able to retain the men that the individual counties pay out to train these particular deputies.

And it is another good way, more or less, to eliminate politics to a certain degree at the county level from this particular agency. I wholeheartedly support the motion of the gentleman from Presque Isle to accept the Minority "Ought to pass" Report.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I appreciate the support of my friend Mr. Wight, and Mr. Kelleher from Bangor. They are members of two different parties, friends of mine. And I also feel that I should resent the statement of the gentleman from Eastport, Mr. Mills, when he tries to depreciate the bill by saying that it is originated in one county. All of our bills originate in one county, no matter what they are; somebody proposes a bill.

It so happened that I come out of Oxford County. It also so happens that I proposed this bill two years ago. I can tell you that a tremendous lot of deputy sheriffs favor the bill. I will tell you also that the only reason that it was opposed two years ago in committee was that mostly one sheriff,

Sheriff Sharpe, insisted that he wanted the same thing, but he wanted a Civil Service Commission within the counties for his deputy sheriffs. He agreed in all of the concepts of Civil Service for deputy sheriffs.

He and the other sheriffs agreed that the time had come when the importance of law enforcement, and the importance of continuity of the work of law enforcement was such that it should not be placed in the hands of possibly untrained people. And there are many ways to look at it besides that.

There is the economic impact. What about the hundreds of thousands of dollars that have been spent, state and federal money, to train these people? Shall we train them biennium after biennium, and then have them subject to being voted out of office at the whims of party politicians, at the whims of a new sheriff coming in and sweeping his place dry, and putting in new members to be trained all over again with taxpayers dollars?

We must remember also, regardless of what we might deem county control, we must never forget that county is state—county is not a separate government entity. The government of counties only lives because the state says what they can do, and how far they can go, and what they will spend.

The Sheriffs Association produced a bill, they said they wanted to in the last Legislature, whereby they would have their own Civil Service Commission within the county. It was presented before this same committee. Apparently this same committee decided that it was entirely impractical of application, because it apparently was voted "ought not to pass".

Now I appeared before the committee on both mine and the other bill. Sheriff Sharpe and several other officials that were there would testify that I said that I would approve and work for either one of the bills that came out of committee; if the county Civil Service bill came out, I said I would work for it, and I would have. All I want to do is to place our primary law enforcement group within the counties in a position where they can hold their jobs,

be trained, and continue to keep up with the various problems of technicalities involved in law enforcement today.

Believe me, as we have mentioned before, crime uses every technicality involved; everything they can learn. And if our police do not keep up with these methods, they are going to be left beside the road.

Now the bill as it was originally written had written in chief deputies would be also under Civil Service. This amendment completely takes them out of it so that a new sheriff would be allowed to appoint whoever he chooses as a chief deputy. The State Personnel Division would not control them in any way. It is stated that this would be a complicated procedure. I have talked to the State Personnel people; they tell me that it would not be very complicated.

This has a year and a half to be prepared for implementation. It would be partly effective as of next January to start getting ready to make it fully effective as of January 1, 1973. All deputies full time that were in office as of next January 1 would have the whole year to prepare themselves. It only seems reasonable that if by the end of that time they could not pass the examination that the Personnel department would set up, guided by the sheriffs themselves, as to what they should have for full-time deputies, then I feel that those people should bow out.

Now I know this bill has been debated much. Today the hour is late. It was supposed to have come up yesterday, and we lost out on it, and it came up again today. I know there are people who have mixed feelings on it. Some of you feel that the deputy sheriffs should be left entirely up to the local people, and the local county officials to control. I assure you that several of the county commissioners are in agreement that there should be some way to put the deputy sheriffs under Civil Service. There were none as I recall, at the committee hearing to oppose this. There may have been one from Androscoggin County, I am not sure. I was only there a short time.

County government all over the state is getting to be an expensive procedure; but I think you all realize that the most expensive department in all counties is the sheriff's department.

I have heard comment lately relative to the worth of jobs. How many of us would take the job as a deputy sheriff with possibly working 70 to 80 hours a week for \$118 a week, or \$110 a week, or \$120 a week? Those jobs should be worth \$150 a week, but how many of us want to pay \$150 a week?

As I have said before, to the very best intended person possibly, as I said before, a shoe store clerk who I know was appointed a deputy sheriff, to enforce our laws throughout our county. We get all kinds of worthy people as deputy sheriffs. But how many of them, when they are first appointed, are qualified? This would give them continuing qualifications. This would only allow people in the sheriff's department who would be qualified.

Now I ask you if it wouldn't be reasonable, in spite of the report that came out of that committee, to accept the Minority Report? There is still plenty of time to kill this bill later on, all the way to enactment. There are several that have been killed at enactment. To accept this, and check it over — check with your county back home and see if you don't think it would be a good idea to have your deputy sheriffs under Civil Service.

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

Mr. DYAR: Mr. Speaker and Members of the House. As a signer of the Majority "Ought not to pass" Report on both the placing the sheriffs under the personnel law or under the County Civil Service, I would like to point out one or two problems that could arise. This would take the deputies out from under the jurisdiction of the sheriff. If a Democratic sheriff should be elected in a Republican county, or a Republican sheriff elected in a Democratic county, it is a very good possibility that he might have four or five deputies who would have tenure under this

law, who might have ten, twelve years of experience. And these men could run the department contrary to the wishes of the sheriff.

Now in the County Civil Service bill, this would set up a three man Commission. It would have the power to appoint a director. The only way this director could be removed would be through the Commission. There was no salary attached to this in any way, shape or manner. And there again, the sheriff would have no control whatsoever over his deputies if the deputies wanted to revolt against him.

I am amazed this morning that people are bringing in deputy sheriffs' pay on this. I sponsored the deputy sheriffs' pay bill this session, and to me that pay was very low. I think a majority of our deputies in the State of Maine now at the present time are taking courses in law enforcement, courses in drug abuse, and so forth, to make them better deputies.

I would agree that our men who are in the deputy sheriff's department at the present time are underpaid, and I am very sorry that this Legislature and the committee did not see fit to raise money for higher salaries. But it is very strange to me that people who are pushing bills to place deputies under a personnel board would be the ones who would naturally and normally vote not to increase deputies' pay.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Hawkens.

Mr. HAWKENS: Mr. Speaker and Members of the House: Being connected with the Sheriff's department for quite a number of years, I don't think that the majority of people realize that whoever you have in as a deputy sheriff, he is responsible to the sheriff. The Sheriff's department is the only one that I know of that the men are responsible to him. If they get in any trouble whatsoever, it is the sheriff that is sued, it isn't the person that has got in the trouble.

Therefore, I think that when a new sheriff goes in that he at least

should have the responsibility of passing and appointing whichever people he would like to have serve under him that he figures that he could get along with. If this personnel law went through, whoever the new sheriff would be would have to keep the same men.

Maybe there are some in there that he doesn't care for, but he still would have to keep them. They could make it very uncomfortable for him. And what could he do? He could do nothing, only sit back and let them tell him what they wanted to in their line of duty, and do what they wanted to.

And as for the counties, I will amend Mr. Mills' statement, because my sheriff told me that there were only two counties that were for this bill, and the rest of them were against it in the Sheriffs Association. Therefore, ladies and gentlemen, I hope when you vote that you will vote to not pass the "ought to pass", and we take the "Ought not to pass" Report.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: Pure and simple what this bill will do if it is passed is to make the sheriff of each and every county just a figurehead and nothing else.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I have sat through a pretty long forenoon, so I guess I have got to make one comment. You can talk about taking this thing out of politics, and all of that if you want to. But I think I still subscribe to the old philosophy of "to the victor belong the spoils," and I am willing to take the results of that action.

I would go along with the motion of the Majority Report of the committee.

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

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: The Sheriff's Department is made up of a number of people. You have turnkeys, you have criminal

investigators, you have civil process servers, you have court officers, you have people who specialize in lost persons search, some are put on for the specific purpose of being used in aerial search. And I think we are getting into quite a conglomeration if we are going to put all these people under testing for the same abilities and the same duties.

So I will move the indefinite postponement of this bill.

The SPEAKER: The gentleman from Chelsea, Mr. Shaw, now moves the indefinite postponement of both Reports and Bill "An Act to Place Full-time Deputy Sheriffs under Personnel Law," House Paper 431, L. D. 566. If you are in favor of indefinite postponement of both Reports and Bill you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 26 having voted in the negative, the motion did prevail.

Sent up for concurrence.

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

Bill "An Act Permitting Trials for Petty Offenses Without a Jury" (H. P. 1305) (L. D. 1711)

Tabled — May 11, by Mr. Ross of Bath.

Pending — Passage to be engrossed.

On motion of Mr. Lund of Augusta, retabled pending passage to be engrossed and specially assigned for Monday, May 17.

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

Bill "An Act Permitting the Liquor Commission to Issue Liquor Licenses to Public Golf Courses" (S. P. 450) (L. D. 1296) — In Senate, Majority "Ought not to pass" Report accepted.

Tabled — May 11, by Mr. Stillings of Berwick.

Pending — Passage to be engrossed.

Mr. Cote of Lewiston offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-235) was read by the Clerk and adopted.

Mr. Vincent of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-227) was read by the Clerk.

On motion of Mr. Stillings of Berwick, tabled pending the adoption of House Amendment "A" and tomorrow assigned.

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

An Act relating to Voters Resigning or Removed from the Voting List (S. P. 561) (L. D. 1701)

Tabled — May 11, by Mr. Scott of Wilton.

Pending — Passage to be enacted.

On motion of Mr. Ross of Bath under suspension of the rules, the House reconsidered its action of May 5 whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-254) was read by the Clerk and adopted, and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

An Act to Create the Bangor Parking Authority (H. P. 890) (L. D. 1229)

Tabled — May 11, by Mr. Norris of Brewer.

Pending — Passage to be enacted. (Emergency)

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank the House for the kind indulgence it has given to me on this particular L. D. and I am sorry that I had to table it so many times and I now move that it be enacted.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, now moves that item four be enacted.

This being an emergency measure, under the provisions of the Constitution it requires an affirmative two-thirds vote of the entire elected membership of the House.

All in favor of its enactment as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

109 having voted in the affirmative and 3 having voted in the negative, the Bill was passed to be enacted as an emergency measure, signed by the Speaker and sent to the Senate.

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(Off Record Remarks)

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

Mr. BITHER: Mr. Speaker, Ladies and Gentlemen of the House: I have waited for two weeks for the Democrats to take

care of one of their own members and they have not done so, so I would like to do so at this time.

I don't know if they are ashamed of this young man, but I am not, and I am speaking about Frank Murray. I have not seen or read anything about a very signal honor that has occurred to this young man, and that is very recently he has been elected to the State Presidency of the Young Democrat Party, and I do wish him lots of luck. (applause)

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On motion of Mr. Curtis of Orono,

Adjourned until twelve o'clock noon tomorrow.