

# 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**

Friday, May 14, 1971

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

Prayer by the Rev. Mr. Harold Nutter of Windsor.

The journal of yesterday was read and approved.

**Papers from the Senate  
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 Appropriating Funds for Capital Expenditures and Equipment at the University of Maine at Farmington (S. P. 130) (L. D. 377)

Report of same Committee reporting same on Bill "An Act Providing Funds for Environmental Growth Chambers for University of Maine at Orono" (S. P. 255) (L. D. 762)

Report of same Committee reporting same on Bill "An Act Appropriating Funds to Reimburse Municipalities for School Tax Effort" (S. P. 268) (L. D. 796)

Report of the Committee on Judiciary reporting same on Bill "An Act relating to the Powers of Eminent Domain" (S. P. 476) (L. D. 1530)

Report of the Committee on Liquor Control reporting same on Bill "An Act relating to Definition of Restaurant under the Liquor Law" (S. P. 449) (L. D. 1295)

Report of the Committee on Taxation reporting same on Bill "An Act Increasing Amount of Real Estate Tax Exemption for Disabled Veterans" (S. P. 367) (L. D. 1106)

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

**Leave to Withdraw  
Tabled and Assigned**

Report of the Committee on Judiciary on Bill "An Act Repealing the Law Relating to State Licenses for Those Discriminating on Account of Race or Religion" (S. P. 253) (L. D. 760) reporting Leave to Withdraw.

Came from the Senate read and accepted.

In the House, the Report was read.

(On motion of Mr. Ross of Bath, tabled pending acceptance in concurrence and specially assigned for Monday, May 17.)

**Ought to Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Resolution Proposing an Amendment to the Constitution Pledging Credit of the State and Providing for the Issuance of Bonds not Exceeding Four Million Dollars for Loans for Maine Students in Higher Education (S. P. 285) (L. D. 845)

Report of the Committee on Veterans and Retirement reporting same on Bill "An Act relating to Service Retirement of Law Enforcement Officers in the Departments of Sea and Shore Fisheries and Inland Fisheries and Game" (S. P. 415) (L. D. 1231)

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

In the House, the Reports were read and accepted in concurrence, the Bill read twice, Resolution read once, and assigned the next legislative day.

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Contracts of Teachers with Municipalities (S. P. 183) (L. D. 535)

Report was signed by the following members:

Mr. QUINN of Penobscot  
— of the Senate.

Messrs. BRAUN of Oakland  
SILVERMAN of Calais  
GAUTHIER of Sanford  
FECTEAU of Biddeford  
EMERY of Rockland  
CURTIS of Bowdoinham  
COTE of Lewiston  
CROSBY of Kennebunk

— of the House.

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

Report was signed by the following members:

Messrs. KELLAM of Cumberland  
CLIFFORD

of Androscoggin  
— of the Senate.

Messrs. SMITH of Dover-Foxcroft  
NORRIS of Brewer  
— of the House.

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

In the House: Reports were read.

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

Mr. NORRIS: Mr. Speaker, I move that the House accept the Minority "Ought to pass" Report in concurrence.

Whereupon, on motion of Mr. Curtis of Bowdoinham, tabled pending the motion of Mr. Norris of Brewer that the House accept the Minority "Ought to pass" Report in concurrence and specially assigned for Monday, May 17.

#### Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act Establishing a Maine State Liquor Control Board" (S. P. 300) (L. D. 857)

Report was signed by the following members:

Messrs. CLIFFORD  
of Androscoggin  
JOHNSON of Somerset  
WYMAN of Washington  
— of the Senate.

Messrs. STILLINGS of Berwick  
CURTIS of Orono  
FARRINGTON

of Old Orchard Beach  
HODGDON of Kittery  
COONEY of Webster  
Mrs. GOODWIN of Bath  
— of the House.

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

Report was signed by the following members:

Messrs. DONAGHY of Lubec  
MARSTALLER  
of Freeport  
STARBIRD

of Kingman Township  
— of the House.

Came from the Senate with the Reports and Bill indefinitely postponed.

In the House: Reports were read.  
On motion of Mr. Cooney of Webster, the Reports and Bill were indefinitely postponed in concurrence.

#### Non-Concurrent Matter

Bill "An Act to Eliminate the Waiting Period for Eligibility under Unemployment Compensation" (H. P. 268) (L. D. 357) on which the House accepted Report "A" reporting "Ought to pass" of the Committee on Labor and passed the Bill to be engrossed on May 12.

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

In the House:

The SPEAKER: 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.

Whereupon, Mr. Lee of Albion moved that the House recede and concur.

Mr. Emery of Auburn requested a roll call on the motion to recede and concur.

The SPEAKER: For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call 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 Albion, Mr. Lee, that the House recede from its former action and concur with the Senate. All in favor of receding and concurring will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Bither, Bragdon, Brawn, Brown, Bunker, Carey, Churchill, Clark, Collins, Crosby, Cummings, Curtis, A. P.; Donaghy, Dow, Dyar, Evans, Finemore, Fraser, Gagnon, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Keyte, Lawry, Lee, Lewin, Lewis, Lincoln,

Littlefield, Lund, MacLeod, Maddox, Marsteller, McCormick, McNally, Millett, Morrell, Mosher, Norris, O'Brien, Page, Parks, Payson, Porter, Pratt, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Smith, E. H. Stillings, Susi, Trask, White, Wight, Williams, Wood, M. W.; Woodbury.

NAY — Bernier, Berry, P. P.; Berube, Binnette, Birt, Boudreau, Bourgoin, Bustin, Call, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Curtis, T. S., Jr.; Cyr, Dam, Doyle, Drigotas, Emery, E. M.; Farrington, Good, Goodwin, Hancock, Herrick, Hewes, Jutras, Kelleher, Kelley P. S.; Kilroy, Lebel, Lucas, Lynch, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Murray, Pontbriand, Rocheleau, Rollins, Ross, Simpson, T. R.; Slane, Smith, D. M.; Starbird, Theriault, Tyndale, Vincent, Webber, Wheeler, Whitson.

ABSENT — Bedard, Carrier, Dudley, Emery, D. F.; Faucher, Fecteau, Gauthier, Genest, Gill, Hanson, Jalbert, Lessard, Lizotte, Mahany, Orestis, Rand, Santoro, Sheltra, Tanguay, Wood, M. E.

Yes, 73; No, 57; Absent, 20.

The SPEAKER: Seventy-three having voted in the affirmative, fifty-seven in the negative, with twenty being absent, the motion to recede and concur does prevail.

#### Messages and Documents

The following Communication:

#### THE SENATE OF MAINE

Augusta, Maine

May 13, 1971

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

Dear Madam Clerk:

The Governor having returned to the Senate: Bill, An Act Creating Oxford County Commissioner Districts. (S. P. 270) (L. D. 798) together with his objections to the same. The Senate proceeded to vote on the question: Shall the Bill become a law notwithstanding the objections of the Governor?

According to the provisions of the Constitution, a yea and nay vote was taken. 16 Senators having voted in the affirmative and 15 Senators having voted in the negative, the Bill accordingly failed to be-

come law, and the veto was sustained.

Respectfully,

(Signed)

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

#### Orders

Mr. Ross of Bath presented the following Joint Order and moved its passage:

ORDERED, the Senate Concurring, that the Legislative Research Committee be authorized and directed to study the subject matter of Bill: "An Act Relating to Property Taxation, House Paper 1037, Legislative Document 1428 introduced at the regular session of the 105th Legislature, to determine whether the best interests of the State would be served by enactment of such legislation; and be it further

ORDERED, that the State Bureau of Taxation be directed to provide such technical advice and other assistance as the committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the committee report its findings and recommendations to the next regular session of the Legislature; and be it further

ORDERED, upon passage of this Order by both Houses of the Legislature, that a copy be transmitted forthwith to said Bureau of Taxation as notice of the intended study. (H. P. 1325)

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

Mr. Birt of East Millinocket presented the following Joint Resolution and moved its adoption:

WHEREAS, the building authorized by the 102nd Legislature and approved by the people of Maine to house the library, museum and archives of the State of Maine has been erected; and

WHEREAS, the Honorable Kenneth M. Curtis, Governor of the State of Maine, will lead a distinguished body of Maine citizens in the dedication of the new State building on June 2, 1971; now therefore, be it

RESOLVED, that the House of Representatives and the Senate of the State of Maine shall recess their proceedings from 12 noon to 2 p.m. on June 2, 1971 to permit the members of each body to attend the dedication ceremonies of the new building; and be it further

RESOLVED, that the members of the Maine State Cultural Building Authority are hereby commended for their dedicated services and significant contribution to the government and citizens of Maine in exercising the responsibility for its planning and construction; and be it further

RESOLVED, that an engrossed copy of this Resolution, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the chairman and to each member of the authority. (H. P. 1326)

The Joint Resolution was adopted and sent up for concurrence.

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

Mr. BUSTIN: Mr. Speaker, I would inquire if the House is in possession of L. D. 547?

The SPEAKER: The answer is in the affirmative. Bill "An Act to Amend the Municipal Public Employees Labor Relations Law," House Paper 420, L. D. 547, on which the House voted to insist and ask for a Committee on Conference as of yesterday.

Mr. BUSTIN: Mr. Speaker, I move that we reconsider our action of yesterday whereby we insisted and asked for a Committee on Conference.

The SPEAKER: The gentleman from Augusta, Mr. Bustin moves that the House reconsider its action of yesterday whereby it voted to insist and ask for a Committee of Conference.

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

Mr. DONAGHY: Mr. Speaker, I object to that and ask for a division.

Whereupon, Mr. Finemore of Bridgewater requested a roll call.

Mr. Martin of Eagle Lake moved that the motion to reconsider be tabled until Monday, May 17.

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

The SPEAKER: A vote has been requested on the tabling motion. All in favor of this matter being tabled until Monday, May 17 will vote yes; those opposed will vote no.

A vote of the House was taken. 59 voted in the affirmative and 69 voted in the negative.

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

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.

(Off Record Remark by Speaker)

Mr. MARTIN of Eagle Lake: May I approach the rostrum?

The SPEAKER: The gentleman may approach the rostrum. Will the Majority Floorleader also.

(Conference at rostrum)

(Off Record Remark by Speaker)

Mr. Martin of Eagle Lake was granted unanimous consent to withdraw his request for a roll call vote on the tabling motion.

Whereupon, Mr. Finemore of Bridgewater was granted unanimous consent to withdraw his request for a roll call vote on the reconsideration motion.

The SPEAKER: The question before the House is on the motion of the gentleman from Augusta, Mr. Bustin, that the House reconsider its action whereby on yesterday it insisted and asked for a Committee of Conference. This is the question.

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

Mr. SIMPSON: Mr. Speaker, point of parliamentary inquiry.

The SPEAKER: The gentleman may pose it.

Mr. SIMPSON: If Mr. Finemore withdrew his request for a roll call, the division that we had would stand, sir?

The SPEAKER: We didn't have it, it was just on the tabling motion.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: First of all, let me say that the reason that I had requested a roll call on the tabling motion was because there are serious reasons as to why we think this ought to be tabled so that this material can be obtained. Obviously since my motion had failed for a tabling motion, that was why I asked the request. I simply, however, did not feel that I wanted to keep anyone here an extra half hour to go through a hand call or voice call roll call. But I somehow would still like consideration perhaps that this might be around with us until Monday or Tuesday; and so I would ask you perhaps to vote for reconsideration and then we could table that for one legislative day.

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

Mrs. LINCOLN: Mr. Speaker and Members of the House: I oppose reconsideration. This has been around quite awhile. It has been tabled and retabled and retabled, and they are just trying to get their forces; and I certainly oppose reconsideration.

The SPEAKER: All in favor of the motion of Mr. Bustin of Augusta to reconsider will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 71 having voted in the negative, the motion to reconsider did not prevail.

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

Mr. LEE: Mr. Speaker, I would inquire if the House is in possession

of House Paper 682, L. D. 919?

The SPEAKER: The answer is in the affirmative. Bill "An Act relating to Forestry Cutting Practices for the Protection of Rivers, Streams and Lakes," House Paper 682, L. D. 919, which was passed to be engrossed as amended by House Amendment "A" on yesterday.

Mr. LEE: Mr. Speaker, I move that we reconsider our action of yesterday whereby this was passed to be engrossed.

The SPEAKER: The gentleman from Albion, Mr. Lee, moves that the House reconsider its action of yesterday whereby this Bill was passed to be engrossed as amended by House Amendment "A."

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: There has been some problem with this bill and this morning I had distributed on your desks a letter from Mr. Wilkins and the breakdown of the appropriation that still goes on the bill.

I will touch on the bill very briefly and not read my multipaged speech which I spent several hours writing last night, being Friday and everyone wanting to get out of here. There are 77,312 small woodlot owners between Fort Kent and Kittery that this bill touches the whole of, and Mr. Wilkins is so right when he says that it will take the appropriation which you see before you. I indicated to him yesterday that the ten men might be a bare minimum to take care of this 77,000 plus the 70 odd large owners, and he somewhat agreed with me.

I realize that you all heard my reference to Rule 12 yesterday, which states simply that any bill changing the fact of General Fund must have the statement on the back of it.

And so I would urge reconsideration of this that I may offer House Amendment H-271 to legislative document 919.

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

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

House: Before I start I hope the cameramen are out in the hall because we have got a wild dash of lobbyists out here. They seem to be quite in preponderance this morning.

My speech is not written, I have talked to the Forest Commissioner within the last hour. This letter here was what he presented to the committee when the bill was heard; I will not disagree with that. I will not disagree with the fact that if he needs ten foresters he needs money. I will surprise Mr. Hardy this morning and say I will go along with his amendment providing the money comes out of the paper company and not the General Fund.

Last session we taxed the organized towns of this state \$289,000 for the control of spruce budworm on paper company lands. If we are going to be this considerate to the paper companies by killing their spruce budworms with taxpayers' money, I feel if we have got to control these same people that they should pay for the police protection.

If this bill costs a half a million dollars, I am still behind it. I made a phone call at random; I picked up the phone book, listing under the State of Maine, and I called a tower man. I don't know his name; I didn't ask him. He has been employed by the State Forest Service for one month. I told him who I was and what I had in mind and I said, "As an untrained man do you feel that you are qualified to look around and come up with a conclusion whether or not an area that is being raped and pillaged by skidders, possibly destroying the ecology" — I used the word ecology with trepidation, "do you feel that you would be able to make a report?"

This man with one month's service said that he felt he could make a report. He might not make it up in line grammatically, using the correct punctuation, right spelling; but he did feel that his district warden would assist him.

I have not checked to see how many men we have on the Forestry Department payroll who at the present time that are not on

forestry towers, who are taking care of the camping grounds maintained by the Forestry Department; district rangers, and their crews who are going through the woods checking chain saws for spark arresters, skidders for spark arresters, but I feel this morning that there are men in the forest today who can report on this destructive forest cutting practice.

If you read the bill, the bill states that any person can file a complaint; they don't have to be on the state payroll, the paper company payroll. You or I if we see what we consider a desecration of our forests we can file a complaint. The first complaint does not have to be heard, but within six months if you file a second complaint that complaint does have to be heard.

There is a section in the bill that gives the defendant the right to appeal. We are not making a kangaroo court of this situation in any manner whatsoever.

I feel that many of us have a sneaking suspicion that a lot has happened here in the last 48 hours. In closing, to the gentlemen who are being paid by the paper companies this afternoon, if they are still sitting and listening to this, I hope the wax is out of their ears.

The SPEAKER: The Chair would advise the House that under Rule 27-A the debatable matter is the urgency of reconsideration and not the merits of the bill.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: Now the plot thickens. I realize that I and those who support this bill are participating in an exercise in futility. If reconsideration prevailed here this bill might be killed here—

The SPEAKER: The gentleman may pose his point of order.

Mr. HARDY of Hope: I would inquire if our Floor Leader was speaking as a legislator or our Floor Leader?

The SPEAKER: The gentleman may clarify his position.

Mr. SUSI: I am speaking as an individual legislator.



The point that I was attempting to make was this is as far as I and any other proponent of this bill is concerned, an exercise in futility, there is no chance of this bill ever passing. If it should by some miracle ever become enacted, there is no chance whatsoever that it would ever be enforced. But it is a very interesting situation which I want to draw to your attention — that is the tremendous strength of these forces in the State of Maine.

Now what we have seen in the last day or so is a complete reversal of position by our department head. This is quite a remarkable thing. In his behalf I would like to say this — to be seduced by an unemployed sanitation worker is one thing, to be seduced by the Crown Prince would almost be a point of honor, you know. He has had it by the best.

I would like to further say that should it serve the purposes of these forces, we could soon have on our desks, attested to and vouched for, that there were no forests in the State of Maine. It is almost impossible to imagine the tremendous strength of the forces involved here.

The last time I actively became engaged with this force it concerned a bill which was offered by the Tax Division of the state, drafted by the Chief of the Tax Division, and it would have provided that these same interests would be subject to the sales tax, the same as the rest of the people in the state are.

Right now you are sitting there thinking well Susi has flipped his lid for fair now. What he said was that they are subject to the sales tax and I am repeating so that you can understand what I am saying. They pay the sales only when they wish to pay the sales tax. I couldn't believe it when the Chief of our Taxation Division brought this to our attention in the form of a bill.

This was explained on the floor of this House what this situation was, and this House voted, I think it was around 113 to 20 in favor of the bill. It came back and got the same vote again and it died without a murmur under

the hammer in another location. This is the strength of the people that we are dealing with in this bill here today.

Having mentioned this previous incidence, they may let this go sailing right through now just to discredit the observation that I have made, or they may give it the same treatment here they did the other bill and kill it under the hammer and thus convey the message to us upstairs that they are still the champ, which they are, no doubt.

But at any rate, I would hope that today you would go against the reconsideration, that we have a chance for a few more days to watch the display of power which we will probably see on this bill. Let's watch them flex their muscles a little longer and enjoy our session.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: I would like to pose a question to the gentleman from Pittsfield through the Chair.

The SPEAKER: The gentleman may pose his question.

Mr. AULT: Having sat in on the hearing on this bill, Mr. Susi, and heard the department head quote the need for ten new personnel as well as this approximate amount of money, would you tell me when he changed his position?

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

The Chair recognizes that gentleman.

Mr. SUSI: We heard the testimony of one of our fellow members here yesterday that he was assured by this same person that there was no cost involved. I take the word of the gentleman from Strong, Mr. Dyar, as it was presented to us.

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

Mr. HARDY: Mr. Speaker and Members of the House: I wish Mr. Susi would get the idea that it isn't all the paper company lobby. I called the attention to the mem-

bers of this House that there were 77,000 private woodlot owners in the State of Maine. These aren't just 77,000 votes in the State of Maine. You can call each one of these woodlots a family, and if you multiply that by four that is some 300,000 people that are involved in these 77,000 woodlots.

I have before me a list of legislative counsel, and if anybody can connect M. Stetson Smith, who represents the Maine Farm Bureau Association, with the Maine woodland owners, then I will take my hat off to him.

And further, Mr. Speaker, there has been no change in the amendment that I offer. This document that I have in my hand was offered to our committee February 25, 1971, in which Austin Wilkins indicated to the budget officer that it would take \$281,650 to fund this tremendous project.

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

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House: If by any chance you have noticed today, the hall entrance to these chambers were redecorated this morning. We have wall-to-wall paper lobbyists. Something must be right with this bill if the big paper lobbyists have moved in such a coordinated campaign. If this bill's provisions were unenforceable because of a lack of financing, I would hardly think that men whose time is so valuable would waste their time and professional smiles on it. It seems to me that they fear this bill will have some effectiveness.

I am not well acquainted with Mr. Dyar, but I would call him an honest man, and I believe him when he says that the Forestry Commissioner told him that he could enforce selected regulations with present forestry personnel, and the paper and forest lobbyists behave as if they think he could.

As I have previously stated, I concurred with my committee concerning our belief that an appropriation would be helpful in promulgating and enforcing comprehensively a set of cutting regulations. We who want this bill feel that it does have merits. We

feel that the bill does provide effective control of a few very abusive practices.

I oppose the reconsideration of this bill. This bill has already been debated twice very thoroughly and passed with an overwhelming majority both times. I see no reason to express once again my belief that dual responsibility of Forestry personnel is parallel with that of police personnel. When we pass new criminal laws the police departments throughout this state do not ask for new personnel. They find that their present personnel are sufficient to carry the added burden of responsibility of enforcement. I oppose the reconsideration of this bill.

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

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen of the House: There have been some remarks made here this morning that I feel I must take exception to. I bitterly resent the unwarranted and uncalled for attacks on a dedicated public servant. I think that we can discuss the merits of this bill without getting involved in this area.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I was disturbed yesterday at the thunder that came from down in the corner of the House and other areas through this body in regard to this bill. I assume that most of this is directed, we will say, at the so-called large landowners. I speak for the 77,000 — I wouldn't of known the number of private landowners, of which I am one, who are forest landowners, and I am one of them — I resent somewhat the accusations against the big owner because, generally speaking, I have felt that they were very honorable in the conduct of their businesses and I don't think the remarks were completely called for.

I do hope that after paying taxes on forest land for the last fifty years in an organized territory, that I do still have some property rights as to using my

own judgement somewhat in the way I would cut the timber on that land, when and if I get around to do it.

There are many things involved in this — the right of these small landowners, the rights of the big landowners. I regretted the tone of the discussion of this thing as it developed in the House yesterday.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Lewiston, Mr. Cote, informed us a couple of days ago that if we persisted in debating and redebating things such as this, we are going to be here longer than we thought. We have debated this thing twice now, we are on our third try. It obviously is going to go to the other body and come back to us.

As I recall, on a previous bill we voted against reconsideration because we thought it had been here long enough, even though I had asked otherwise. I am not going to question the motives of any member of this House, because I believe that their motives are honorable.

I have been, I must admit, interested by the few, or perhaps I ought to say many, lobbyists that greeted me in the hall this morning and noted with pleasure who they represented. I only wish that the people of this state could be so well represented with lobbyists as these companies seem to be. I only wish that the people of this state could have as much of a voice in the decisions as some of these lobbyists; that is all.

I hope that we do not reconsider.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: As a member of the Maine Tree Farm family. I feel that this is a good bill. We people in the system practice good forestry practices as recommended by our foresters. It is a shame that the paper companies do not feel any responsibility. I oppose the reconsideration.

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

Mr. KELLEY: Mr. Speaker and Members of the House: I am in favor of reconsideration and I would like to have you people read the bill. On page two, section five, "Jurisdiction." It says, "The Commissioner shall have jurisdiction over all forests in the state." As a small forest owner, or a small woodland owner, I resent very much having to go and visit the Forest Commissioner to get permission to cut a little firewood or a few logs for lumber. And with only each forester, if they do hire ten, having over 77,000 landowners to contact and with 250 working days in a year, then take out the stormy days and when there is too much snow and all the rest of it, I think it is a completely absurd idea.

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

Mr. CAREY: Mr. Speaker, for the information of the gentleman from Eagle Lake, Mr. Martin, this is a case where unfortunately whether you are for the bill or against it you must reconsider.

There is a cost to this thing of \$281,000. And Joint Rule 12, which was pointed out yesterday, says that every bill or resolve effecting loss of revenue or requiring an appropriation shall be accompanied by a written statement.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to clarify one point. 77,000, I believe the figure was, small landowners in the state, if you read the present statutes which are the law of the State of Maine, they are covered by legislation.

As I told you yesterday, the Forestry Commissioner can tell you where to pile your brush and where to put it. He can tell you that you can't put in stacks, you have got to put in windrows.

The small landowners in the State of Maine at the present time are covered and are under

the jurisdiction of the Forestry Commissioner. I can find nothing in the present statutes that gives him the prerogative to set up rules and regulations over the remainder of the state.

When the vote is taken this morning I request a roll call, and I hope you will vote against reconsideration.

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

Mr. KELLEY: Mr. Speaker and Members of the House: I would like to point out, I believe that if this law is passed it will supercede any existing laws on the books. And it does say the commissioner shall have jurisdiction over all forests in this state.

The SPEAKER: A roll call has been requested. All in favor of a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. ROSS: Mr. Speaker, I would like to request that the roll call be tabled until the next legislative day.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the motion to reconsider on L. D. 919 be tabled until the next legislative day.

Mr. Smith of Waterville requested a division on the tabling motion.

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

A vote of the House was taken. 77 having voted in the affirmative and 51 having voted in the negative, the motion did prevail.

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

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act Providing Funds to Municipally Owned

Hospitals and Nursing Care Facilities for Aid to the Medically Indigent" (H. P. 982) (L. D. 1344)

Mr. Carey from same Committee reported same on Bill "An Act relating to Payment of Life Insurance Premiums of State Employees" (H. P. 447) (L. D. 601)

Mr. Gill from same Committee reported same on Bill "An Act Appropriating Funds for the Payment of Life Insurance Premiums for All State Employees" (H. P. 635) (L. D. 865)

Mr. Shaw from same Committee reported same on Bill "An Act relating to Payment of Life Insurance Premiums of State Employees" (H. P. 695) (L. D. 938)

Mrs. Payson from the Committee on Health and Institutional Services reported same on Bill "An Act relating to Eradication of Lead Poisoning" (H. P. 1021) (L. D. 1400)

Same member from same Committee reported same on Bill "An Act Regulating the Sale and Use of Lead Base Paint and Building Materials" (H. P. 1022) (L. D. 1404)

Mr. Henley from the Committee on Judiciary reported same on Bill "An Act relating to Termination of Human Pregnancy by Therapeutic Abortion" (H. P. 1157) (L. D. 1373)

Mr. Kelley from same Committee reported same on Bill "An Act Repealing the Abortion Law" (H. P. 100) (L. D. 144)

Mr. Hardy from the Committee on Natural Resources reported same on Bill "An Act relating to Disposal of Septic Tank or Cesspool Waste" (H. P. 917) (L. D. 1263)

Mrs. Kilroy from same Committee reported same on Bill "An Act Regulating Underground Waste Disposal to Protect Public Water Supplies" (H. P. 1172) (L. D. 1631)

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

#### Referred to Next Legislature Tabled and Assigned

Mr. Ross from the Committee on Taxation on Bill "An Act relating to Property Taxation" (H. P. 1037) (L. D. 1428) reported that

it be referred to the 106th Legislature.

Report was read.

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

Mr. ROSS: Mr. Speaker and Members of the House: Earlier in the session under Orders I presented an order that we refer this matter to the Research Committee for study and that is the reason for this Committee Report.

Thereupon, the Report was accepted and the Bill referred to the 106th Legislature and sent up for concurrence.

#### **Ought to Pass in New Draft New Drafts Printed**

Mr. Brawn from the Committee on Legal Affairs on Bill "An Act relating to Membership on Board and Definitions under Engineer Law" (H. P. 653) (L. D. 884) reported same in a new draft (H. P. 1322) (L. D. 1734) under title of "An Act relating to Membership on Board of Registration for Professional Engineers" and that it "Ought to pass"

Mr. Ross from the Committee on Taxation on Bill "An Act relating to Distribution of Certain Taxes to Municipalities" (H. P. 1195) (L. D. 1646) reported same in a new draft (H. P. 1323) (L. D. 1735) under same title and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and assigned the next legislative day.

#### **Ought to Pass Printed Bills**

Mr. Birt from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act Providing Funds to Preserve the Machias Valley Airport" (H. P. 833) (L. D. 1129)

Mr. Gill from same Committee reported same on Bill "An Act Appropriating Moneys to Maine Port Authority for Liability Insurance Premiums" (H. P. 578) (L. D. 773)

Mrs. Cummings from the Committee on Natural Resources reported same on Bill "An Act Clarifying the Statute Relating to Realty Subdivisions" (H. P. 1034) (L. D. 1425)

Mr. Finemore from the Committee on Taxation reported same on Bill "An Act relating to Exemptions from Real and Personal Property Taxation for Industrial Disposal Systems" (H. P. 1131) (L. D. 1559)

Mr. Ross from same Committee reported same on Bill "An Act relating to Sales Tax Exemption of Pollution Control Facilities" (H. P. 165) (L. D. 221)

Reports were read and accepted, the Bills read twice and assigned the next legislative day.

#### **Ought to Pass with Committee Amendment**

Mr. Shaw from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Loans to Encourage the Practice of Family Medicine to Assist in Maintaining the Health of Maine Residents" (H. P. 577) (L. D. 772) reported "Ought to pass" as amended by Committee Amendment "A" (H-265) submitted therewith.

Mr. Cote from the Committee on Legal Affairs on Bill "An Act relating to the Annual Division of the Interest Arising from the Ministerial and School Fund of Turner, Maine" (H. P. 716) (L. D. 961) reported "Ought to pass" as amended by Committee Amendment "A" (H-266) submitted therewith.

Mr. Fecteau from same Committee on Bill "An Act relating to Parking on Paved or Improved Portions of Ways and Removal of Vehicles" (H. P. 572) (L. D. 748) reported "Ought to pass" as amended by Committee Amendment "A" (H-267) submitted therewith.

Mr. Smith from same Committee on Bill "An Act Restricting Use of Certain Campsites" (H. P. 996) (L. D. 1358) reported "Ought to pass" as amended by Committee Amendment "A" (H-268) submitted therewith.

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

### Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Termination of Human Pregnancy by Medical Decision" (H. P. 1024) (L. D. 1406)

Report was signed by the following members:

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

Minority Report of same Committee reporting same in a new draft (H. P. 1324) (L. D. 1736) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. LUND of Augusta  
 Mrs. BAKER of Orrington  
 Mr. PAGE of Fryeburg  
 — of the House.

Reports were read.

(On request of Mr. Ross of Bath, tabled pending acceptance of either Report and by unanimous consent made a special order of the day for Wednesday, May 19, at 10 a.m.)

### Passed to Be Engrossed

Bill "An Act to Reimburse Town of Jonesboro for Expenses Incurred in Defending Shellfish Conservation Ordinances" (H. P. 145) (L. D. 200)

Was 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 Indefinitely Postponed

Bill "An Act relating to Operating a Motor Vehicle without a Current Certificate of Inspection" (H. P. 790) (L. D. 1066)

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, Ladies and Gentlemen of the House: We have before us kind of a simple little bill. I would expect that amongst the whole of us we could find a considerable amount of sympathy for it. It simply states that if you are caught without a sticker, a valid sticker on your car, that you would have twelve hours to get one on.

But I want to present to you folks that this isn't just exactly the way it would work. We might just as well throw away our sticker law altogether, because nobody is going to get a sticker, an inspection sticker on their car until somebody catches them. This increases the load on the State Police. And then on top of that, the State Highway Commission is forced to coordinate the Highway money with the federal program, and one of the parts of this is a workable safety program; and we have a good workable safety program. Now this would be a giant step backwards.

I myself have gotten a summons for not having an inspection sticker on a truck and I have paid a fine for it, and I disliked that very much. It hurts my pocketbook. But on the other hand, if we do away with that little inspection sticker up on the corner of our windshields, we will be in hard shape.

Now I am going to move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Albion, Mr. Lee, moves that L. D. 1066 be indefinitely postponed.

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

Mr. LEWIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion of the gentleman. I had several reasons for sponsoring this bill and I don't want to bore you this morning, but let me give you one or two shining examples.

Late last fall I received word from a lady who was quite disturbed. I was told that all of her life she had been trying to lead

a good life, one that was right and had never been in any trouble. However, one day she was given a summons because her car inspection certificate had expired a few days before. She had to pay \$20 and now she has a court record, which upsets her.

Let me state another case. Another case was reported to me of a man in the southern part of the state who had been sick for about three months. Halfway through his sickness his car inspection certificate had run out. On his recovery the man started out with his car, not thinking about the sticker; he was picked up and given a summons.

Ladies and gentlemen, two days ago I put an amendment on your desks. This changes the wording of the original L. D., and I would hope that I could at this time speak on that amendment, and I would so move, Mr. Speaker.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I probably would be telling a wrong story if I said I didn't intend to say anything on this, because in a way it struck me a little bit funny because the gentleman who put the bill in is a very fine gentleman. This particular bill, to me, is the epitome of gallantry of a retired army officer, because he didn't want to see any other lady have anything like this happen to her again.

I know from actual experience with men in my crew, that the State Police has been very lenient about stickers running out. I had an employee about the seventh day of April that one of the State Police stopped him and said, "Hasn't your sticker run out?" He looked and he said, "My goodness yes, and I am on my way to Aurora and I had intended to get it fixed with my car." Well he said, "When you get back get the sticker fixed." That's all there was to that.

Of course I also realize, on the other hand, that some of these people are picked up by town constables or local police, and perhaps

they are not handled as leniently as the State Police handles them.

But I have sat here in this House and listened about how a human life is something that you can't put a price on, that we must have guardrails within two years, the whole length of the turnpike, to save human lives. Let me tell you that most stickers that run out, except in a very few cases, are people that are going to have a lot of trouble to get a sticker on their car and they are waiting until the last minute before they have that thing there put on.

And now if they could have this dear little bill they could wait until they were informed about it. If you should put the amendment on that he is talking about, they could go ten more days and they might be able, if they were lucky enough, to go the whole year. So I am going to vote for indefinite postponement of the bill.

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

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: I voted in the committee for the bill to pass. The reason I did it is because the other day when my wife took me down to Limestone for another ride to come down here, she noticed that my sticker was gone two days. So if the cop had stopped my wife on the way back, she would have been in trouble. She would have had to go to court and she would have points against her. She would have a record and it would have been my fault.

So I feel that if you have a car that is not inspected, and if your daughter or son is bound to get a record, then that is the reason for voting for the bill. And if you don't like the ten days then we can always amend it to five days, and I will agree with it.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I feel that the bill, with the amendment, will be perfectly acceptable; without the amendment,

no. I was very much against the bill when I first read it because it would allow anybody to drive indefinitely until they were picked up. But with the proviso that after they are picked up and it has been delinquent for eight or ten days, then prosecution. I don't see anything wrong with it.

The sticker really doesn't make the car any safer for three or four days. The sticker shows that it has been inspected at a certain time. And if it is only inspected twice a year, I don't believe the additional eight or nine days are going to make too much difference, and it certainly would be a courtesy and not just a courtesy of just one retired army officer to another one, which I am pleased to do.

But nevertheless, I do feel it would be kind of tough, it has been kind of tough on a few individuals if they forget and go over one or two days and they are picked up and have to pay a fine. I think that a good many of us, as we grow a little bit older, get forgetful about those things, and I have found myself within a day or two forgetting it. And I would like to see a few days' leeway on that thing myself.

So the bill with the amendment, I think, would be very acceptable.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I don't think this is a very good bill even with the amendment. We have a time when our registrations run out and we don't have ten days to get our cars re-registered.

I will tell you a little thing that happened up in the town just a little ways up where I live this past winter. There was a young man come home from Vietnam. I think he was around twenty years old. He had an old jalopy and he took it to three or four different places to get it inspected and they refused to inspect it. After a little while he found somebody that was putting out stickers that was willing to inspect it. After he got it in-

spected, one cold night he picked up his girl that he was going to marry this spring. They went behind the school house and parked — for what reason, I don't know, but the next morning they found them both dead.

The State Police followed the record of this back and found out how many times he had tried to get that car inspected, and he said that they could look right down through the floorboard and look right down through the exhaust system. The car never should have been on the road.

If we pass this bill for ten days they are going to be on the road for ten days, and if we pass it there are going to be hundreds of those kind of cars on the road. And that is the reason we passed this law in the first place and it has worked darn good.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: The arguments of the proponents of this bill sound to me as silly as it would be to say that we should repeal all of our good laws so that nobody is going to forget and get hauled into court. If there are any injustices here, I would say that it was an unwise decision perhaps of the court and not any fault of the law. I believe that this is a good law which we should retain. And before I sit down I am going to move the indefinite postponement of this bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I will try to be brief and confess, before I confuse you, I am opposed to this bill and I hope it is indefinitely postponed.

And let me tell you just a few reasons why I feel this way. Most of these people that are not inspected, it is for a reason. Because I run an inspection station and we turn away people every day that can't be inspected because their tires are unsafe, their front ends are unsafe, the automobile is unfit to be on the road. Now it seems a pity to let these



people on the road that have an unsafe vehicle, not only what they might do to themselves but what they might do to others, for the whole extension of ten days.

Now I also can tell you that if you really want this bill I could really fix it so that I wouldn't say anything. I don't know as I would vote for it. But if this bill said that if the State Police stopped this party that their sticker had run out and the car was okay — in other words, a perfect automobile — then he could give this extension. But he is going to find, if you check with the State Police, when they stop them, about nine out of ten couldn't get a sticker. Now this is the type that should have a ticket. But if you want to make it so when they stop the car and the car was perfect, in this case it was obviously all right to be on the highway, it might be all right to extend it ten days for that person.

But the majority of these people on the road that don't have a sticker, they don't have a sticker for a very good reason. And so I hope this bill is indefinitely postponed.

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

Mr. VINCENT: Mr. Speaker, Ladies and Gentlemen of the House: Last session I had an inspection sticker which was five days overdue during the session or being up here in Augusta, and the situation was I just wasn't aware of the fact that the sticker had expired. I was stopped by the State Police on it and was summoned into court and paid a fine, and also lost three points on my license. I didn't mind the fact that I was fined for the overdue-ness of the inspection sticker, and I didn't have any problems in having the car renewed for an inspection sticker. There wasn't anything wrong with it. But I was a little upset over the fact that it cost me three points on my driver's license for an inspection sticker being five days overdue.

The State Police aren't always that lenient for somebody that is a couple of days over. I wouldn't support this bill if it had an indefinite period after the sticker had

expired, but I will support the amendment which allows for ten days over the day of expiring of the inspection sticker.

An in relation to the unfortunate couple that died from fumes from the car or whatever, due to the floor boards, I would suggest that this is a problem on enforcement of inspection stickers and wouldn't have anything to do with the fact that it would take a couple extra days to have the car put back on the road. Stronger laws for enforcement is the area that information such as that should be directed. And I hope you will go along with the bill as amended.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker and Members of the House: The State Police brought to our attention another problem that would be created by the passage of this bill, and that is there is a certain element on our highways today who wait each time a sticker is necessary before they go and have the job done. And as has been said before, those who do this are those who have doubts as to whether or not their car would pass inspection.

I have all the sympathy in the world for the little old ladies and little old men — I guess I can consider myself one of those who are forgetful, and it is too bad for them, but why bring danger on the road just because of them?

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

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: I have another reason to be for that bill. Let's say I have an old car and I have used tires on it and I want to swap it and my inspection sticker was taken just two months ago. I take it to the garage, I swap my car, get a new car, I don't need any more inspection. But the dealer that has got my car can drive for four months without inspection with the same tires. So that is one reason. Why should he drive my car that I turned to him for four months without an inspection? And that is in the law; you look at it. I hope this bill goes.

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

Mr. LEWIN: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the remarks about the soldier. Old soldiers never die and right now they don't fade away either. I am hoping that when you vote this morning you will vote against the indefinite postponement of this bill so that I will have a chance to talk to you about the amendment.

The SPEAKER: The Chair would advise the gentleman that if he has amendments to offer they are in order.

Thereupon, Mr. Lewin of Augusta offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-253) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. LEWIN: Mr. Speaker, Ladies and Gentlemen of the House: When this bill was first introduced, it did have a figure of 12 on it. Under this new amendment, this figure 12 is changed to 24.

Now just what else does this amendment do? Let us assume that a person is picked up eight days after the inspection sticker has expired, and it being under the ten days so stated in the amendment, he would be given a warning to have the matter taken care of within 24 hours. The reason we picked up the 24 out of the 12, should a person be picked up again at five minutes of six at night, naturally he couldn't have it taken care of until the next morning.

If he does not comply within the ten days and is picked up, then he is given a summons. If a person is picked up with a car with an inspection certificate which has expired over the ten-day period stated here, he immediately gets a summons. I might mention to you that this summons amounts to a fine of a minimum of \$10 up to \$100 and he can be imprisoned not to exceed ninety days.

Let me read something else. I believe that these two items on the bill, any problem might be solved. I do realize that there is always

a problem with the State Police to enforce some of their laws.

However, what are we talking about this morning? We are trying to take care of the would-be well-doers rather than the criminals. And with this ten-day grace period in which to obtain an inspection sticker before a person can be judged in violation, I think it is good. It is simply a policy decision to be made, which is certainly within the scope of the functions of this legislature.

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

Mr. LEBEL: Mr. Speaker, I move that this bill and this amendment be passed to be engrossed.

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

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I will oppose the indefinite postponement of this bill, for the very simple reason that I travel 200 miles going to and from my home. Now if it so happens that I get stopped somewhere along that 200-mile trip and I get a ticket to go in and get the inspection sticker fixed or to go to court in that area, this means a lot of unnecessary travelling for me.

I am firmly convinced that there should be a grace period on this thing, because I interpret the state law — the State Police officer who stops a motor vehicle on the highway has no choice but issue a summons for a sticker that has expired. Therefore, he doesn't have a chance to show leniency and when he does so he leaves himself liable to the rules and regulation in his department.

I firmly believe that this isn't the thing to do, to move indefinite postponement on this bill.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I don't deny but what I am in the group that is getting old and forgetful. However, the amendments do not change my thinking or my

motion towards the bill and all accompanying papers.

The SPEAKER: The pending question 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. 85 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

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

Mr. LEE: Mr. Speaker, Ladies and Gentlemen of the House: The first thing I am going to do is move the indefinite postponement of both this bill and its amendment. This amendment doesn't really do anything as far as enforcement of the law is concerned.

I might remind the people of this House when Mr. Mills, the good gentleman from Eastport, said he should have a grace period of ten days, might I remind you that you have a grace period right now of 180 days. The day after you get your inspection sticker you can apply for and get another one; and the month of the year is cut out on your sticker, and that gets you thirty days right there the minute you get that.

Now he spoke of his one car and I am very much in sympathy with him if he goes over and has to pay. I might remind the people here that I probably register in the neighborhood of 75 vehicles, and as I said before, I have paid a fine on this. But this is not what we are after. If you want to protect some little old lady, that is wonderful. I am glad for you and I don't like to stir up a controversy here, but this isn't for safety reasons, it isn't to enforce the law and I am against the whole thing.

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

Mr. HENLEY: Mr. Speaker and Members of the House: As an old soldier, I want to make one more remark. We are discussing in Judiciary, and I don't know as there is any secret about it, the possibility of producing a law which will allow the police officer to take into custody or arrest the drunk-intoxi-

cated person, and lock him up overnight, and then at the request or the consent and the good wishes of the police officer to release him with no charges because, it seems, the so-called do-gooders do not want a drunk, alcoholic let it be called, to have a record.

Now it seems to me if we are as considerate of our stew bums we could be considerate enough of us people, every day, who may forget an administrative matter like a sticker on our windshield. So I ask you all to oppose indefinite postponement.

The SPEAKER: The Chair will order a vote. All in favor of indefinite postponement of Bill "An Act relating to Operating a Motor Vehicle without a Current Certificate of Inspection," House Paper 790, L. D. 1066, will vote yes; those opposed will vote no.

A vote of the House was taken. Whereupon, Mr. Lebel of Van Buren 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 will yes; those opposed will vote no.

A vote of the House was taken, and an insufficient number having voted for a roll call, a roll call was not ordered.

The SPEAKER: The Chair will announce the vote.

59 having voted in the affirmative and 58 having voted in the negative, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

### Third Reader Indefinitely Postponed

Bill "An Act to Eliminate the Use of Motor Vehicle Dealer Registration Plates for Wrecker Service" (H. P. 899) (L. D. 1219)

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

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to move the indefinite postponement of this bill and all of

its accompanying papers and I will speak briefly to my motion.

The SPEAKER: The gentleman from Portland, Mr. O'Brien, moves that item 3, L. D. 1219 be indefinitely postponed.

The gentleman may proceed.

Mr. O'BRIEN: Once again the dealer plate registration comes under attack. A few weeks ago this House made it very difficult for me to finance my automobiles, now it is making it very difficult for me to drive them. Let me explain first that a dealer does not just go down to the Secretary of State's office or the Registry of Motor Vehicles and buy dealer plates. He has to qualify for these plates. He has to qualify by having a garage that can service two cars at the same time, not including the lift area. He must employ a full-time mechanic, he must have office furniture, he must have a minimum of insurance, he must have been able to pay his taxes with a financial responsibility.

Now, he owns all his vehicles. Why must he register one individual vehicle? I want you to keep one thing in mind. When you see a wrecker on the highway with a dealer plate on it, you can be sure that that dealer plate and that wrecker have adequate insurance covering that wrecker. If you force a new car dealer or a used car dealer to register his vehicle, he can register that vehicle to his own personal name or to the driver of that vehicle. He will not be compelled to place insurance on it.

A new car dealer wants to use the dealer plate on a wrecker for one primary purpose. He wants to be sure that vehicle is covered. When a new car dealer goes on the road to pick up a vehicle, he also carries with him another dealer plate which he puts on the car he is picking up. This is to insure him that he, himself, is personally protected and his business is protected. He wants to protect the highways because he then knows the insurance on the car he is then hauling is then covered by insurance. He is not interested in selling his dealer plate. No dealer allows anybody to use his plate because he is jeopardizing his whole business on the sake of that one dealer plate.

Therefore, I move the indefinite postponement of this bill and all its accompanying papers.

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

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: I know I am in trouble. I am always in trouble with dealer plates. I notice the gentleman here, he is a dealer. He has got four plates. Maybe he does not abuse them. I am not always against the small dealer. We have another gentleman right next to me here who is a dealer. He has a few plates and he doesn't abuse them. But why is the gentleman so strong for not registering his wrecker like the boy next door at the filling station that is making a living. He is paying the same license fee, I know. But why not do the rest of it? The thing is, I am against the dealer plate on wreckers because in the law it says, not for hire. And that is my reason. So if we want to abide by the law, why don't we do it? I hope we vote against his motion.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. O'Brien, that this matter 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.

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

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

Mr. SMITH: Mr. Speaker, I move that we reconsider our action whereby we indefinitely postponed this item and I would ask that you oppose my motion.

The SPEAKER: The gentleman from Waterville, Mr. Smith, moves that the House reconsider its action whereby this matter was indefinitely postponed.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: It might be a good idea to reconsider this.

I didn't say anything on this bill, but I am for reconsidering it.

Let me tell you what you are doing. I don't think it is fair. Now I have nothing against dealer plates, I was a dealer once myself. But now in your town there is obviously a dealer and he is going to have on his wrecker a dealer plate if this bill stands as it is right this minute. He is going to be able to go out and do the same thing the fellow does next door who pays an excise tax in your town and registers his vehicle.

Now all Mr. Lebel is trying to do is he is trying to treat everybody alike. He is trying to say that every wrecker ought to be registered the same. Now if you don't want to do it this way, certainly you should sell the man next door a dealer plate. I don't think we should show partiality just because one garage is a dealer and the other garage isn't a dealer. He may be a dealer in tires or he may be a little more in the service line, but nevertheless when they go out with a wrecker and tow a car, they are in the same business. Therefore, they should have the same opportunity.

Now if you let this bill go as it is now and don't reconsider what you have just done, you are doing just that. You are being very unfair to the man that does have to pay your town an excise tax, does have to register his vehicle. If you don't want them to do it let's make it so these other fellows can have a dealer plate. Let's just be fair, that's all. That is what Mr. Lebel wants to do. So I hope you do reconsider this and vote like you did the other day, quite unanimously to pass this bill.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, as I understand it, anyone can apply for dealer plates, either new or used, that can provide the minimum qualifications that Mr. O'Brien has mentioned. So I would submit that if anybody that owns a wrecker would like to take this avenue in order to register their wrecker, that it would be perfectly all right

with the dealers. I don't think they would object at all if they wanted to bear the expense of paying the taxes and the business expenses that it costs the dealer to stay in business.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: In answer to the gentleman from Brewer, anybody can apply for a dealer plate, but anybody can't get it. The only one that can get it is an authorized dealer. The only other place you can get it is a used car dealer and we are talking in a different field then. Now we are talking about dealer plates, and the only one who can get them has got to be an authorized agent from a company that sells automobiles. And I know because I was one, and even then you have to come down and you have quite a little problem with them. It has been changed some now, but in those days when I got mine, I had to come and go before a Dealer Registration Board. This has been done away with. And even after I was authorized by a major company, I still had to come down and present my case at that time to the Dealer Registration Board.

So what Mr. Norris is telling is true. You can apply but you can't get one unless you are an authorized dealer.

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

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote I just want to tell you a little story that I told one guy the other day at home. He was talking about cars and how much power he had under the hood. This was one dealer saying that to one of his customers—how much power, they had a lot of power—300 horsepower and all kinds of power. But I told them, you should see the power that the dealers get under the hood at the State House.

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

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

Just briefly again, you can apply for a used car dealer's plate without having a new car franchise, I am sure.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Smith, that we reconsider our action whereby this Bill was indefinitely postponed. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no.

A vote of the House was taken, 46 having voted in the affirmative and 66 having voted in the negative, the motion did not prevail.

Mr. Dam of Skowhegan requested a roll call vote.

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 an insufficient number having voted for a roll call, a roll call was not ordered.

Sent up for concurrence.

Bill "An Act Revising the Law Relating to Grants and Loans for Preliminary Planning of Pollution Abatement Facilities" (H. P. 1095) (L. D. 1483)

Bill "An Act relating to Mass Gatherings" (H. P. 1319) (L. D. 1724)

Resolve Providing Moneys for Cerebral Palsy Centers (S. P. 188) (L. D. 549)

Resolve relating to an Environmental Study in Construction of High-level Bridge between Westport and Wiscasset" (H. P. 903) (L. D. 1241)

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

#### Amended Bills

Bill "An Act relating to Legislative Service under the State Retirement System" (H. P. 633) (L. D. 863)

Bill "An Act to Improve Procedures in Post-conviction Cases" (H. P. 1155) (L. D. 1604)

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)

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

#### Order out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that when the House adjourns it adjourns until Monday, May 17 at 1 o'clock in the afternoon, and when the Senate adjourns they adjourn until Monday, May 17, at 3 o'clock in the afternoon. (S. P. 583)

Came from the Senate read and passed.

In the House, the Order was received out of order by unanimous consent, read and passed in concurrence.

#### Passed to Be Enacted

An Act Increasing Salaries of Official Court Reporters (S. P. 171) (L. D. 523)

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.

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

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

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

Mr. CALL: Mr. Speaker, I move that this item be tabled one legislative day.

Whereupon, Mrs. Baker of Orrington requested a division.

The SPEAKER: The gentleman from Lewiston, Mr. Call moves that this item be tabled until Monday, May 17 pending passage to be enacted. A division has been

requested. All in favor of the motion to table will vote yes; those opposed will vote no.

A vote of the House was taken.

41 having voted in the affirmative and 66 having voted in the negative, the motion did not prevail.

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

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An Act relating to Payments for Sustenance during Rehabilitation under Workmen's Compensation Law (S. P. 319) (L. D. 933)

An Act Restricting the Sale or Use of Detergents Containing Phosphate (S. P. 564) (L. D. 1702)

An Act relating to Emergency Authority of Public Utilities Commission Relative to Motor Vehicles for Hire (S. P. 571) (L. D. 1715)

An Act Increasing Compensation of Full-time Deputies in all Counties (H. P. 328) (L. D. 437)

An Act relating to Injury or Incapacity of Wardens of the Departments of Inland Fisheries and Game and Sea and Shore Fisheries (H. P. 444) (L. D. 578)

An Act relating to Testimony and Proceedings before the Industrial Accident Commission (H. P. 464) (L. D. 592)

An Act relating to Total Incapacity Resulting from Second Injuries under Workmen's Compensation Law (H. P. 679) (L. D. 916)

An Act Amending Fees Charged by Registers of Deeds (H. P. 762) (L. D. 1028)

An Act relating to Raising Fees and Expenses of Jurors (H. P. 1307) (L. D. 1713)

An Act relating to Specific Periods of Total Incapacity for Certain Injuries under Workmen's Compensation Law (H. P. 1308) (L. D. 1714)

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.

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#### Orders of the Day

Mr. Stillings of Berwick was granted unanimous consent to address the House.

Mr. STILLINGS: Mr. Speaker and Ladies and Gentlemen of the House: In 1962 a joint session of the Congress of the United States authorized the President to proclaim May 15 of each year as Peace Officers Memorial Day, and the calendar week in which that day falls is National Police Week.

Tomorrow is May 15 and therefore this is the week set aside to recognize those who serve the public in law enforcement as well as to honor the memory of those who have given their lives in police service.

The Law Enforcement Association of Maine, a professional organization made up of persons engaged in law enforcement activities at all levels within the state wishes to call to the attention of this Legislature the fact that this is National Police Week and as a reminder of this each member will find on his desk a token of remembrance and appreciation from the Law Enforcement Association of Maine.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought to pass" in New Draft — Minority (6) "Ought not to pass" — Committee on Natural Resources on Bill "An Act to Provide for Protection of the Air, Water and Other Natural Resources" (H. P. 720) (L. D. 965) — New Draft (H. P. 1315) (L. D. 1723) under new title "An Act to Provide for Protection of the Environment."

Tabled — May 12, by Mr. Susi of Pittsfield.

Pending — Acceptance of either Report.

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

Mr. SUSI: Mr. Speaker, I move that we accept the Majority "Ought to pass" Report and I would like to speak to my motion.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi moves that the House accept the Majority "Ought to pass" Report. The gentleman may proceed.

Mr. SUSI: Mr. Speaker and Members of the House: This bill, reported out by a majority of the Committee on Natural Resources, is a redraft of a bill which I sponsored, L. D. 965. It's not only a redraft — it's a drastic revision. The original bill was far more sweeping and comprehensive than this. It was modeled on a law which was passed in Michigan about a year ago, to give people the right of entry into the court system to prevent a significant environmental harm being caused or being allowed by a person or corporation or state agency. The Michigan law has since been passed by Wisconsin, Texas, and is about to be passed by Massachusetts. It was included in the Governor's message to this Legislature in January.

Apparently the Committee has decided that we shouldn't have the Michigan law at this time, and I bow to that decision. I support instead the more limited version adopted by a majority of the Committee.

In simple terms, this bill provides an opportunity for the courts to take a look at an activity which constitutes a public nuisance or is a violation of an environmental law or regulation. Under our present system, the only way for the court to review a violation of these laws is where the Attorney General brings the action. If, for instance, someone sets up a tannery and starts dumping into a lake without a license, the Attorney General could, and probably would, bring an action to enjoin him.

But where the public is unprotected is where a state agency makes a mistake, or allows an activity which is really in violation of the law. Our statutes don't provide any protection in this kind of situation.

Take Sears Island. If the Environmental Improvement Commission tells David Scoll that he cannot build an oil refinery at Searsport, David Scoll can under existing laws appeal that decision to the courts. I don't know whether this is going to happen or not — but the point is that David Scoll is protected in his rights to appeal an unlawful decision.

But let's turn it around. Let's say that for some reason the EIC just ignores some of the provisions of the Site Location Law and grants the application. The public has no protection. The lobsterman from Islesboro can't appeal. The clam digger from Castine can't appeal either. Nobody can. Yet the public has a vital interest in making sure that this kind of decision is lawfully and properly made.

The same kind of situation is true with the Wetlands Control Board and any other State agency charged with protecting the environment. The Attorney General has a conflict of interest because his duty is to defend the decisions of the State agencies. There is nobody to defend the interest of the public at large. This is the purpose of this new bill: to provide the people with a limited means to protect the public interest against the environmental harm caused by a public nuisance or a violation of the law — where no other protection exists.

I hope that you can support the Majority "Ought to pass" Report.

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

Mrs. KILROY: Mr. Speaker and Members of the House: On L. D. 1723 I would like to make a correction for the records — my name appears on the report of "ought to pass" rather than "ought not to pass." I know that it will not make any difference as far as the records are concerned on the bill but I would like to make it for the public record.

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

Mr. HARDY: Mr. Speaker and Members of the House: I have been around here for several years and you have all heard the comment about a lawyer's bill. This time it is a little cute, it is introduced by a non-lawyer; but this is the biggest, the greatest approach for little people to sue little people that we have ever seen.

I have to oppose the motion made by the gentleman from Pittsfield, Mr. Susi, and then I would hope that we could adopt the in



question report at this point. It is pretty much of a tossup now whether it is 7-6 or 6-7.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: Very briefly in following the remarks of our floorleader here, he spoke of the EIC and if they didn't do or if they did do. Now I submit to this Legislature that we created the EIC I presume to handle these problems, but in this stage of environ-mania that we are in every other day or every other week in this session we get another bill out of the committee that tries to take the power away from them. It doesn't give them a chance to operate. It doesn't give us a chance to see whether or not they are going to be able to handle the problem because we are going to usurp their authority and give it to the people.

Now I would just like, having voted for the EIC, having supported it all along, I would just like it to have a chance to go ahead and at least on this one problem, let's come back to Sears Island. Let's just see what they can come up with in one instance and see if they are going to be able to handle this environmental problem for us.

So I would hope that you would go against the questionable Majority Report and accept the questionable Minority Report.

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

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: In response to Mr. Norris's comments, I have had some experience in this particular situation and the EIC really has no powers to prosecute whatsoever but must depend on the Attorney General's office to do the prosecuting. I think many of you are familiar with the situation in Sabattus Lake where the prosecution against an alleged polluter might very well have been in order, and the Attorney General did in writing say that he was going to maintain an action, but then failed to do so.

And when we inquired with legal counsel as to whether private citizens or the lake association might be able to maintain an action in court, we found that we would not be granted standing to sue. So with the Attorney General turning us down we were left with no standing and therefore have never been able to get an injunction.

So the EIC simply does not have this power; I want to let them work too. But that is not the question here. I think this is an important piece of environmental legislation and I think we ought to pass it.

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

Mrs. LINCOLN: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to L. D. 1723, the citizen's right to sue bill. There have been three bills before the Legislature dealing with the general subject matter, one before State Government Committee and one before Judiciary Committee, and this is the Natural Resources version, a redraft which incorporates some of the worst features of the others.

I wish you would read the first four or five lines of the bill; if you do, you will see that it gives any person, any municipality, any partnership, any corporation, any association, any organization, or any other legal entity the right to maintain a lawsuit for a permanent injunction to prevent or abate a public nuisance or any violation of laws, regulations passed pursuant thereto, or ordinances for the protection or enhancement of the environment, including but not limited to this title.

So what we are talking about here, then, is a bill which pits citizen against citizen, company against company, and municipality against municipality. The bill opens the door to lawsuits, frivolous though they might be, by any association, organization or other legal entity. It is the obvious intention by such language organizations, such as the Maine State Biologists Association, the Coastal Resources Action Committee, could bring a lawsuit, as well as the League of Women Voters, or the

Poor People's Lawyers, Pine Tree Legal Assistance. If you read the bill and the few lines which I mentioned above and think about it for a minute, you will realize as it says, that it is not limited to enforcing the water and air laws, but this action could be brought for protection or enhancement of the environment expressly not limited to the water and air title.

Therefore, this means that anybody could sue anybody for a violation of the septic tank laws or of the forestry laws of any name or kind, any laws relating to agriculture and the application of pesticides, the billboard law as it relates to the environment, the building of highways insofar as they relate to the environment, or in fact, ladies and gentlemen, just about anything that the mind of man could conceive. Under such a bill as this, Maine will never have any economic growth because industry would be harassed to the point where it could not proceed.

These are some of the reasons why I cannot support the bill; and I hope that you vote against the "Ought to pass" Report.

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

Mr. COONEY: Mr. Speaker, I would like to pose a question to Mrs. Lincoln — two questions. What is wrong with allowing the people of the state to use their own courts to maintain actions against nuisances which are already on the books, and won't the court throw out any frivolous suits that are maintained in court?

The SPEAKER: The gentleman from Webster, Mr. Cooney, poses a question through the Chair to the gentlewoman from Bethel, Mrs. Lincoln, who may answer if she chooses.

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

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for borrowing so much of your time this afternoon; however, I feel that it is important that I do speak on this bill. All that this bill does is to provide for the enforcement of laws already on the books. If for one reason or another satisfac-

tory action is not taken by agencies charged with the enforcement, if due to manpower shortages—and this is often the occasion laws are not being enforced, then a citizen of Maine may under this bill after having requested — and he must request action by the agency charged with enforcement, after having requested, enforcement is not complied with by the agency, then the citizen under this bill may request the court to stop the violation of state law.

It is my opinion that if a law is on the books then it should be enforced. And citizens of this state, I believe, have the right to expect the enforcement of state laws. If they aren't enforced, then what good are they? And if for any reason the agencies of this state are neglectful in fulfilling their responsibilities for enforcement, then after requesting action — I repeat, after requesting action, as you will notice in the bill, the citizen may take action to enforce the law through the courts.

Someone in the House today will argue that some law should not be enforced. If this is so, then those laws should be removed from the books. Certainly enforcement of state laws should not be discouraged. There are adequate provisions in this bill to discourage frivolous suits. Court costs will be awarded to the prevailing parties, and other court awards to the prevailing parties.

I urge you to accept the Majority Report.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I look upon this bill as very impractical and very dangerous legislation. It makes every man in the State of Maine, his neighbor or his brother's accuser. I think that we can look for all sorts of law suits, people who feel that there are being violations of pollution laws, frivolous or not frivolous but I think they will become a nuisance thing. With farmers, with manufacturing plants.

Now with regard to many of our manufacturing industries we

have set up time limits for them to get their house in order. We have given them time, maybe two or three years, in order to do these things.

But presumably if they get their house in order, if a request goes to the constituted authorities to handle these, they will recognize the laws that the Legislature has set up — to give industry time to do the things that we think they should do.

This would apply to our potato processing plants in Aroostook County, it applies to our paper mills, and all of these industries in my opinion are making good progress and making good effort in order to meet the requirements in the time allotted.

Now I assume if they went to the Environmental Commission or the constituted authority to make the decisions whether or not they were in violation, that these constituted enforcement agencies would recognize that by this Legislature they had been given a time limit.

Now an overzealous conservationist in the neighborhood, these things notwithstanding, has the right to bring the charge against these industries regardless of what this Legislature has done to bring action against them. And this applies not only to these big industries, which I say are doing a good job in straightening out their affairs, but also to the little farmer using his pesticides. If he sprays somebody's dahlias or something with his airplane and knocks a few leaves off or things like that, it opens up all kinds of frivolous and needless lawsuits, and I hope that we do not enact such a law as this at this time.

I think it is needless and I think that the constituted authorities are perfectly capable of handling this situation, and that we do not at this time put it in the hands of every citizen of the State of Maine to attempt to enforce this thing through the courts.

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

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

House: There have been a couple of points raised by the opponents of this bill that I think might be worthy of at least commenting on. I am not going to bother to comment on the argument that this is a lawyer's bill.

In the first place, it has been suggested that this bill would somehow upset the present statutory time schedule for compliance with our water pollution statutes. I don't see any basis for that in the law and I don't think that that is the case. I don't think that a court is going to say that there is a violation of the law if the person who is doing the polluting is in compliance with the time schedule. So I think that really is an argument without very much substance.

The point that should be made, however, is that we have inherited from a line of old decisions in Maine a very interesting philosophy in regard to nuisance. And that is that the only person who can sue to bring a nuisance to an end is a person who can show special damages. That is to say, a person who can show damages different and distinct from those that are suffered by the public in general. And as a practical matter this means, this has come to mean that the person in order to successfully enjoin a nuisance has to be able to show that he owns property the value of which or the use of which has been adversely affected by the continuance of this nuisance.

This raises a very interesting question of philosophy that this Legislature ought to determine. And that is, is the ownership of property going to be the test by which we are going to decide who can stop or who cannot stop a nuisance? In other words, let's assume for a moment that we are not talking about the time schedule, but let's assume that there is somebody who is in violation, clear violation of our water pollution laws.

Is an inhabitant of the community who is adversely affected by uses of the water, say, from a public landing — he can't use the public landing because the water is polluted, is he going to be

barred from suing where the person who owns real estate along that river, is he going to be permitted to sue? That is the state of our present law as I understand it, and that is the essence of what this bill seeks to change.

I would suggest to you that the argument that this is going to lead to a flurry of lawsuits is wholly without foundation. Similar legislation has been adopted in other states and that has not been the experience in the states where it has been enacted.

I would like to call particular attention to the provision of the bill relating to notice to law enforcement authorities. I would suggest to you that it is a very healthy provision. Because before suit can be brought it is necessary to have 30 days written detailed demand upon the appropriate enforcement agency to carry out its duties.

I would suggest to you this is a very effective and efficient means for giving the agency an opportunity to do its job. I would suggest to you that most agencies that have an opportunity to carry out their duties, called to their attention in writing, are going to prefer to do their duty rather than to have a private individual carry it out; and that this will probably serve as a very effective and useful spur to somebody that is being derelict in carrying out their duties.

I would say that the real title for this bill ought to be "A Citizen's Bill." It gives an opportunity for a person to bring things to right whether he happens to own property or not. I would hope that the House would act sanely upon the bill at this time.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, could I please ask the Clerk to read the Committee Report?

The SPEAKER: The Clerk will read the Committee Report.

Whereupon, the Clerk read the Report.

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

Mr. PORTER: Mr. Speaker and Ladies and Gentlemen: There is a possibility that this bill goes too far, as suggested by the gentleman from Perham, Mr. Bragdon. I am not in a position to know that. But I do know that there is a concept in this bill that is very vital to the citizens of my town.

In our town there is a small cold water lake, which drains into Cold Stream Pond, whose waters then go into the Enfield fish hatchery. A short time ago an out-of-stater came in and purchased a block of land on our small lake and has been given permission by the EIC to put a camping and tenting area on a steep slope bordering that lake. He had been given restrictions that he must provide a system of sewer disposal that will be satisfactory. That is a steep bank and it is going to be very difficult for him to meet those requirements, but he is going to try.

In this development there will be campers coming in from all over the country; therefore he has to have a large disposal area and the people in our town feel that it is going to be impossible for him to meet those requirements. But let us suppose he does, that he puts in his development, fifty to a hundred campers come in and set up and use that disposal area, and supposing that that is insufficient. That would mean that not only our small lake would be polluted but Smelt Brook would be polluted, Cold Stream Pond would be polluted, and it would be dangerous to the fish hatchery.

In our area they have formed a campowners' association and they are going to be watching to see that those requirements are met. I suspect that probably for the first year those requirements will be met. I am questioning whether they will be met the following year. The association would like to be able to watch the development and if pollution starts they would like to take the proper steps to stop it.

Therefore I think this bill in some form should certainly be accepted.

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

Mr. CAREY: Mr. Speaker, I am reminding Mr. Porter of Lincoln, that also in his community there is a paper mill which in the past has omitted some fairly strong odors, and this also could be declared a public nuisance.

I rise in opposition to this bill and although perhaps it is well intentioned it seems to do more harm than good. I would suggest to you that what we need in this state is more treatment plants and a few less lawsuits. Because these don't get into the problem but they just seem to fatten the pockets of the lawyers.

Speaking of lawyers I would also say that the gentleman from Augusta who spoke, Mr. Lund, happens to be apparently representing a gentleman called Mr. Trotsky who is trying to clean up our Kennebec River—and this hurts me badly at this time, for the simple reason that we have on the other side of the river a paper mill in Waterville, and this is a speech that is prepared by myself and it is not by the lobby.

I am intrigued by the fact that there is but one lawyer on the Natural Resources Committee and that one voted "Ought not to pass." A pretty good article appeared in the February issue of Fortune Magazine which was labelled "A New Army of Pollution Chasers." It was there said that the damage suit as a legal remedy in automobile accidents has clogged the courts and imposed on the public a \$7 billion annual bill for liability insurance coverage. Now this high cost contributes nothing to highway safety.

The article goes on to relate that if environmental law follows the dismal pattern of automobile tort cases, every business and perhaps every individual will be carrying insurance against pollution damage suits. An army of pollution chasers, hot for those court fees, will join the present army of ambulance chasers. Now none of this is going to do the environment any good without damaging heavily other areas.

I said before, and will repeat here, that the people who want overnight changes in our environment are way out of line. We must

have an orderly rate of change, one in which industry is allowed to adjust by a timetable, a timetable that has been set by this Legislature.

We spoke yesterday about this being the worse possible time to increase the pay of legislators, and I say that this bill falls along the same lines. Unemployment is still high. Companies are going under now without this legislation. Ask yourself how many will be closed down with passage of this bill. Permanent injunction means just that, and public nuisance covers a lot of ground.

In the Waterville area alone, Wyandotte, Scott, Keyes, Fort Halifax Packing, Cascale and possibly others could be wiped out, and all by the first of the year. We are going to protect ourselves to death in this Legislature.

I can't go along with this bill and I would certainly hope that you support the Minority Report and vote against the so-called Majority Report.

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

Mr. CALL: Mr. Speaker and Members of the House: It is obvious why certain professional persons do not want the ability to sue to be curbed one iota. It is very easy for a lawyer to say that the person sued can show in court that he is not causing the nuisance.

I often wonder, do lawyers realize that very often when a person who "sits in a house by the side of the road and is a friend to man" gets a letter from a lawyer, his blood pressure goes sky high and sometimes doesn't come back down? The same effect is caused when a lawyer calls up and in very, very sinister fashion says when can I sit down and talk with you in my office. I am afraid that whether on purpose or just naturally a lawyer can become immune to the shaken state that innocent and decent persons are sometimes subjected to.

The time just has to come in this House when proposed legislation like this is discouraged. I think this is a good place to start.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I would like to comment on just a couple of points here that have been made.

The impression has been indicated that should this legislation be enacted it would open the flood gates for all sorts of litigation. I would like to comment that under the existing law I could, for instance, sue my seatmate for a breach of contract or a payment of account or alienation of affection or any one of a number of charges, but actually we don't do these things because unless there is a basis for litigation you just don't move on it. You can start these things under all of our existing laws but you don't do it.

In Michigan where this has been in operation for a year now, they have several times the population that we do, and the bill that they enacted out there was in much broader scope and it was comparable to the one that I originally offered here. And in the first year there were eight suits which took place under the bill. Now in a state the size of Michigan it would indicate that we might have one suit a year here. I don't think that it is that frightful and it does not, as has been charged here, usurp the power of any present agencies nor the scope of their activities. They retain all of this. It does establish an appeal procedure that isn't in the existing law. And we do trust our judicial system with appeals on all other matters. I think that we can trust them in this. I think by and large our judicial system in Maine is made up of reasonable people and that they will not, as has been inferred by some here be closing down all our industries or anything of the sort. I think that we do need an appeal procedure in this new field of environment that we are becoming involved in, and this would offer it.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I would like to second the disapproval as

explained by the nice lady, Mrs. Lincoln from Bethel. I was going to go on and bring out those points.

This is too broad, this bill, and I think that I am being quite modest about the bill when they say to me that it would be totally unacceptable and it covers so many things, including but not limited to this title.

And a public nuisance, what is a public nuisance? Now the attorneys can say that there wouldn't be a clog of suits. Maybe there would not, but I think that there would be a lot of attempts. I might also mention that the so-called Michigan law is not like this law. The Michigan law has within its jurisdiction a provision that before any suit will be entertained bond can be required, up to \$500. Now our bill has no such provision.

Another thing, the Michigan law only relates to air, water, and other natural environment. It does not refer to all nuisances. Now there is quite a difference in the two laws. I think that actually the original bill is in some ways, 965 in a lot of ways is more acceptable than this, because it was—I don't like either one but this one is just a broad blank check on suing, and I will go along with the other opponents. I really hope that we will defeat the motion for the "Ought to pass" and then accept the "Ought not to pass".

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I have managed to be in this Legislature for some four sessions and up to this point, at least, I have I think successfully debated measures without indulging personalities or suggesting that the opponent has some personal interest in the outcome, and I would appreciate it if the gentleman from Waterville would do the same.

I would, however, suggest to the gentleman from Waterville that he might be a bit more enthusiastic for this bill if the situation between Augusta and Waterville were changed, if it were Augusta that did not have the sewage treat-

ment plants and if it were Waterville that were downstream from Augusta.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: For the record if I have offended the gentleman from Augusta, I am certainly sorry and I extend my apologies to him. However, it may have been that the members of the House did not know that he was personally involved in some particular lawsuit and as for the difference between Waterville and Augusta, I am talking about some people who are working for a living and those are the people I am here to try to protect.

The SPEAKER: The pending question is on motion of the gentleman from Pittsfield, Mr. Susi, that the House accept the Majority "Ought to pass" Report on Bill "An Act to Provide for Protection of the Air, Water and Other Natural Resources," House Paper 1315, L. D. 1723. If you are in favor of accepting the Majority Report you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

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

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

Mr. COONEY: Mr. Speaker, I request a roll call and hope that someone will table this for one legislative day.

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 vote will vote yes; those opposed will vote no.

A vote of the House was taken, and a sufficient number not having expressed a desire for a roll call, a roll call was not ordered.

Thereupon, the Minority "Ought not to pass" Report was accepted and sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (10) "Ought not to pass" — Minority (3) "Ought to pass" — Committee on Public Utilities on Bill "An Act relating to Complaints Against Public Utilities" (H. P. 1175) (L. D. 1633)

Tabled — May 12, by Mr. Kelley of Caribou.

Pending — Motion of Mr. Williams of Hodgdon to accept Majority Report.

On motion of Mr. McCloskey of Bangor, retabled pending the motion of Mr. Williams of Hodgdon that the House accept the Majority "Ought not to pass" Report and specially assigned for Tuesday, May 18.

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

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

Tabled — May 13, by Mr. Ross of Bath.

Pending — Adoption of House Amendment "A" (H- 261)

On motion of Mr. Finemore of Bridgewater, House Amendment "A" was indefinitely postponed.

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

House Amendment "B" (H-272) was read by the Clerk.

Mr. Simpson of Millinocket then moved the indefinite postponement of House Amendment "B."

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

Mr. FINEMORE: Mr. Speaker and Members of the House: The only thing this amendment does is it exempts employers with three or less from woods operation. As I told you yesterday, this would almost stop the small employers. Most of them have skidders that they are paying \$150 a week for and it changes their insurance from \$465 to \$2,040; in other words, they cannot operate. It leaves them impossible to operate and I hope you

will vote against the indefinite postponement of this amendment.

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

Mr. BINNETTE: Mr. Speaker, after hearing my good friend, Mr. Finemore's amendment, I believe we should have a division on that.

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: As I said yesterday, this amendment to me is pure discrimination. In fact this whole bill to me is completely unnecessary. Therefore, Mr. Speaker, I would move that the bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The pending question is on the motion of the gentleman from Millinocket, Mr. Simpson, that the House Amendment "B" be indefinitely postponed.

Mr. Emery of Auburn requested a roll call.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and less than one fifth of the members present having expressed a desire for a roll call, a roll call was not ordered.

The SPEAKER: The pending question is indefinite postponement of House Amendment "B."

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

Mr. SIMPSON: Mr. Speaker and Members of the House: We are right back where we were the other day. They are pleading poverty now because they hire less than four people. These same people who object to paying protection for these employees, they don't hesitate to protect their investment insofar as property is concerned. They carry fire insurance; they may object to the premiums, but they carry it.

But when it comes to the employee, if he wants protection he has to supply it himself. It is simply this. It is simply a matter of whether the employer should pay the protection for that man or woman that he employs, or whether the employee has to pay for his own protection.

Now I ask you, put yourself in the position of that employee.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: The previous speaker has made a very misstatement. They are all insured, but they carry it under Omaha Mutual, which this law would stop them from doing. They can carry a \$10,000 life policy, plus hospitalization and plus loss of income, can be handled for \$165 a year. In other words, with three employees that is \$465 a year, and the other way it costs them \$2,040. And I know in this gentleman's district alone he would be hurting so many people it would be very pitiful. Because around Millinocket, just like up in Aroostook, that is where the small woods operators are.

I hope you vote against the indefinite postponement of this amendment.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I personally believe that Representative Simpson's bill is a good one, and that this amendment does serious damage to it. Representative Simpson's bill is a good one because it does not discriminate against a worker simply because he does not work for a large enough employer.

With the passage of this amendment and the bill, out of all the employees in the State of Maine, every one will be covered by Workmen's Compensation except those who happen to work for a woods operator who employs three or less. I support the indefinite postponement of this amendment.

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



Mr. BRAGDON: Mr. Speaker and Members of the House: I feel that I must speak in defense of the gentleman from Bridgewater, Mr. Finemore, and in defense of his motion. Somehow or other I feel that the people here in this House do not understand the situation involved here.

It is all right to say this is discrimination, but I think Mr. Finemore, and I know that he knows what he is talking about, has pointed out to you that the costs of insurance and protection in this particular field for these operators practically brings about a case of a job or no job. This thing is, do we want these fellows to keep on with their little crews cutting some pulpwood, making a good honest living, or do you want to see them go onto the relief rolls with all these others that we have on them? This, I think, is the principle involved, and I hope you will try to understand it. I believe that is actually the facts of the case.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: I have spoken on this once already, and I don't wish to bore you. However, this problem is serious enough so that in the last session a bill of this type that was introduced, the Labor Committee brought out an alternate bill that would have made it mandatory for those employing less than four to carry, in lieu of Workmen's Compensation, a liability insurance.

Now the only reason for this was the fact that we did in the session, in the 104th, we did very carefully investigate the rates charged for Workmen's Compensation. And we found at that time that it is a fact that the rates charged, particularly on the small woods operation, are so high that for all practical purposes you would put out of business the small woods operator.

Now I agree further with the comment of one gentleman that this was discriminatory, because in addition to the small woods operator, you have some other

small operations that are hazardous, that do carry an extremely high rate, in many cases a person seeking this type of insurance would have to go into an assigned risk, which is a high rate. And in many cases this is the difference between being in business or being out of business.

Now your small employer, those having one, two, or three employees, unfortunately are not represented here by a lobby, because they are not organized, and because as individuals they certainly cannot afford the expense attendant on hiring a full-time lobbyist. But we are faced here with a proposition that can, in many cases — I am sure that Mr. Finemore is giving you factual information — if this is passed you are going to see the disappearance of the small crew cutting pulp as individual operators.

You are also going to see the disappearance from the scene of small operators in hazardous occupations. Now I would agree that these people should be covered by insurance coverage. The only sensible alternative to this is compulsory or mandatory liability coverage which I think is a sensible approach. This really clobbers the small employer in the State of Maine with rates that they simply cannot afford to pay.

I would move again for the indefinite postponement of the Bill and its accompanying papers.

The SPEAKER: The Chair would advise the House that the pending question is on the motion of the gentleman from Millinocket, Mr. Simpson, that House Amendment "B" be indefinitely postponed.

All in favor of indefinite postponement of House Amendment "B" will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, House Amendment "B" was adopted.

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

Mr. LEE: Mr. Speaker, I now move the indefinite postponement of the whole Bill.

The SPEAKER: The gentleman from Albion, Mr. Lee, now moves that Bill "An Act relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees," House Paper 601, L. D. 803 be indefinitely postponed.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: The amendment we had before us the other day from Mr. Finemore, which he indefinitely postponed today, accidentally resulted in the exclusion from Workmen's Compensation for that protection of all employees in the woods, regardless of whether they were a one man operation, or two, or 2,000. Mr. Finemore corrected this and has put the amendment on the bill now so that the only exclusion is the small woods operator.

At that time — and I believe that Mr. Lee and Mrs. Berry were involved in this — the question was raised, what about the small farmer? An Assistant Attorney General, in response to a question on this, prepared a letter which Mr. Finemore has, and which I hope Mrs. Berry and Mr. Lee have, which states in essence that this bill, as it stands before us now, in no way affects any farmer. I think there has been some confusion on that point so if I may I will repeat it again. This bill in no way would affect any farmer.

Now it has been suggested in the House that there is discrimination of one sort or the other in the bill; and perhaps there is. Perhaps this bill doesn't create heaven on earth in the field of Workmen's Compensation in Maine. There will still be people uncovered. But we will cover the majority of these employees. Just because we can't make heaven on earth is no reason not to take at least one step in a decent direction.

The arguments in favor of this bill go as follows. You will recall on the prior bill regarding pollution litigation it was mentioned that only one other state had such a law. Regarding the removal of numerical exemptions from Workmen's Compensation a majority of our states, 26 I believe — a bare majority admittedly — do not have any numerical exemption. So this is very far from radical litigation, or legislation.

Mr. Speaker, I don't at this time have litigation on the mind. I try to restrict that to Mondays.

Why this bill is important is for this reason. It is as simple as this. When a man is hurt, and he cannot work, and he has medical bills, they will have to be paid. His family will have to be supported. We will not let them starve. And the question is, how should they be supported?

Should he, who has been injured, not due to drunkenness or intention or anything like that, but arising out of his employment, as any of us could be injured in employment — should this man and his family be converted into paupers and public charges, or should they have provided for them as the vast majority of employees in the State of Maine already have, the minimum protection with decency, which is Workmen's Compensation insurance?

This bill has now been amended — and I had ambivalent feelings myself on the amendment, because I would like to see everyone covered. On the other hand, I do recognize that the woods operators, due to the nature of the job, and due to the economy where they are dominated themselves by very large companies and have very little control over the price they can charge, I recognize that they are in an especially difficult position.

But again, because we cannot do everything is no reason to do nothing. You have before you now a bill which, due to the amendment, has the major concern eliminated. I ask you, I plead with you, to pass this legislation in its current form.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: The bill that Mr. Haskell just mentioned that they came out with a redraft last year was my bill. I have sponsored this legislation two different times. I feel it is only fair and just if one segment of our working force is covered, all working forces should be covered. An injured employee in a small garage is just as entitled to medical care as an employee in a paper company, and I wholeheartedly support the bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Only a few years ago there was an exemption of eight. And since I have been here in the House I didn't see it was wrong to cut down to where it is now on this exemption.

However, this seems to me to be going a bit too far. First of all it hasn't been proven to me that this does create a problem. We have had a lot of these injuries, and that there is a need for this.

Now let me tell you that I was a small businessman myself once, and there are many young people getting out of school, and we are doing things in this House making it impossible for a kid getting out of school to start a little store, start a little filling station, or go in and start anything on his own initiative. We are making it impossible. He is like up against a stone wall.

Now these children getting out of school, whether it be college or high school — and we have got some pretty good schools now teaching them how to make things — in order for them to get to be big businessmen some day, they have got to be little businessmen. And they have got to start with one or two employees. And these people don't have to work for them, they understand the situation.

I represent, like Mr. Starbird and some of us here in this House, I represent a group of very small

towns where industry is very small, and we are tickled to death to have somebody employ one or two people. And so I do support the motion to indefinitely postpone the bill.

Now I probably would talk different before this House if I was from some big city, or even Brunswick. But I do happen to come from a small community where a lot of our employees are very small, and where a lot of young people are trying to start something on their own. And I just don't want to stand here and do things every day that makes it impossible for a young man to try to start anything on his own initiative.

What we are doing, we are just making it — I have heard the old people say, and they have said it to me on many occasions — "You people down there are making it just so the big fish can eat up the little fish." And that is just about what we are doing here. We are just making it so in order to — in a filling station, for instance, it has got to be a company owned station or you are not in it. The little man can't start any more. And we are just passing these things — you can take any other field you want to, and as the old farmer tells you, "The big fish are eating up the little fish." We are making it possible right here with laws like that.

I hope you do indefinitely postpone it.

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

Mr. GILL: Mr. Speaker and Members of the House: I rise on this occasion to oppose the motion to indefinitely postpone. I will remind my Republican colleagues that at our Republican State Convention we placed in our platform a plank endorsing this. This was not the type of plank that goes in an easy manner, believe me. We went through several reconsideration procedures before we got this in.

And I support it simply because I believe an employee, no matter what size of a company that he is working for, that he should receive the same protection. Just to point

out, I operate a couple of drug stores. I wanted to operate them as a sole proprietorship, but I became aware that in one store my employees would be covered; in the other store they would not. For this and for other reasons I chose not to operate them as a sole proprietorship.

But I would remind you that this was endorsed at the Republican State Convention.

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

Mr. GAGNON: Mr. Speaker and Members of the House: There is one point that hasn't been brought up on Workmen's Comp., and that is that it is not just an employees bill. Under Workmen's Comp., unless an employee signs a waiver when the insurance is taken, the employer is free from being sued. And I don't think in any case you are going to find an employee signing a waiver allowing him to sue an employer in case of an accident.

In the years I worked with it I always felt that this is probably the best piece of insurance an employer can have; partially because of the protection he gets from being sued, and also from the greatly increased protection he gets under Workmen's Comp. compared to private insurance.

Now all Workmen's Comp. is not real expensive. This is based on the risk experience, and done on a table. So office work, naturally it would be quite a low premium. I think where we segregated the possibilities of our lumbering people being taken out of this, I see nothing objectionable.

And as far as small employers having two or less, as the law now is. I know a number of them that have it on a voluntary basis. But for the protection of both sides, I think this is the best insurance they could have.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I did not say anything on the amendment that was presented by the gentleman from Bridgewater, Mr. Finmore, because I

am aware of the problems that exist in that particular industry. But I can assure you from my own viewpoint it would be great if we could get everyone covered. And I think this is a start, and we perhaps at some point can find some way of insuring the few people that we will now have left at a cheaper rate. Then perhaps we can go the rest of the way.

I happen to come from a small town, and I can assure you from my own viewpoint that it has always been my feeling that this type of an insurance protects the employer as much as it protects the employee. Many many times I have seen employees be injured where they were not covered, and then turn around and sue. If we would have something like this, I think in the long run it would protect both equally well.

So I would hope that you would vote against the motion to indefinitely postpone, and vote for the bill.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: I would like to make my position clear. I am in favor of the extension of Workmen's Compensation down to a single employee in most instances. The difficulty with this bill, and the difficulty that has existed at previous sessions, and the difficulty that is still here, is the fact that the high risk employment carries such a high rate that for all practical purposes you eliminate the activity.

Now for probably 90% of the activity in the state I would heartily concur that this is desirable legislation. But unfortunately we have always come up against the same roadblock. And I say that it is discriminatory when we remove one of the high risk occupations and give them an exemption, and we don't at the same time remove the other high risk occupations. And there are others.

Now the wood products industry is an example. This also carries a high rate. And I have listened to testimony that the same problem exists in this type of an activity which is also characterized in

many instances by small operations carrying one, two or three employees. The proper solution to this problem is to somehow or other find a solution to the excessively high rates in these high risk industries that simply preclude a person from being able to continue in business and pay the rates.

Now for probably 90% of the industry there is no problem. But it does seem a little inequitable to put the 10% out of business by making it mandatory that they be under unemployment insurance. And that is the reason that I have made the motion — if the motion is not already on the floor — that we indefinitely postpone the bill, because I think it is inequitable to exempt woods operation, and not to exempt wood product operation and other high risk operations in the state. So I for this reason would urge that we indefinitely postpone the bill.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I wouldn't want you to think I am against Workmen's Compensation, because I am not. We carry it ourselves, and we think it should be carried by everyone with the exception of the small woods operators or the farmers. But what worries me is if some of these smaller with two or three laborers don't carry it. Of course we in the woods are all scared to death not to carry it.

But I would like to also mention on these other policies that we carry on the small crews, they are insured 24 hours a day, 365 days a year. They are insured on their way home; they are insured if they get hurt at home, which gives them really a little better protection than if they were under Workmen's Compensation. Because Workmen's Compensation is only when they are on the job.

I hope you will vote against this motion to indefinitely postpone and go on to have this bill passed to be engrossed.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: A long time ago I came to my mother, I was crying. And after a few Kleenex, and so forth, I stopped crying. She asked me what the trouble was. Well, I said, "I lost my marbles. Billy took them away from me." Well, she said, "Tom, you will find that as you go through life you are going to win some, and you are going to lose some." But she said, "If you lose," she said, "lose gracefully."

Now I want to assure Mr. Finemore that as gracefully as I can I am conceding his amendment. But I implore you, fellow members of the House, not to kill this bill. It has merit. Please vote against this motion.

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

Mr. McNALLY: Mr. Speaker and Members of the House: Some 40 years ago I got my first Workmen's Compensation. Right now I carry unlimited amount. And I dare say that you would have to be in business a little while before you can carry that.

Now since I heard about the plank, I have been kind of beating my head with this plank, and I can't help from coming to the conclusion that if we want to become not that lackluster legislature that you have read about, just pass this bill and kill all the little fellows in the State of Maine and see how shining we can be.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: The prophets of gloom are at it again. And perhaps it is appropriate on a Friday afternoon. But let's talk about what this will kill off.

The State of New Hampshire, our closest neighbor with a similar economy, similar economic structure, has this bill. They don't have a numerical exemption. Are they killed off? Have you ever had one employer say to you, "Gee, I was about to set up my business in New Hampshire, but I decided instead to go to Maine because Maine doesn't require you to have

Workmen's Compensation if you only have two employees?"

Mr. Speaker, I would respectfully submit that if that does not constitute, it approaches hogwash. And perhaps eyewash is the better phrase. 26 states have this. Let's be realistic. If there were particular businesses that had unique and unusual and overbearing problems that can present amendments to the bill.

The problem is not with amendments. We had one amendment presented today, and we adopted it. The problem instead is that some people, for some reason — and the reason frankly mystifies me — just don't want to see people covered under this.

Now I would like to make one statement in regard to this comment recently made by Mr. McNally. He says he has unlimited Workmen's Compensation coverage. I know we have Mr. Gagnon here in the House who works in the field of Workmen's Compensation, and perhaps he can correct me and support Mr. McNally if I am wrong. But as I understand Workmen's Compensation coverage there is no such thing as limited or unlimited. There is one package and that is it. It isn't like automobile insurance that you buy 10-20, or 20-40, or 100-300. There is one package.

On the basis of that I would conclude that perhaps although Mr. McNally has had Workmen's Compensation coverage for 40 years, for which I am certain he is to be commended, that he might not be entirely familiar with all the intricacies of the Workmen's Compensation Insurance Plan.

We have one member of the House, again I refer to the gentleman from Scarborough, Mr. Gagnon, who is, I think, well versed in this plan, in Workmen's Compensation. This is something we should do. New Hampshire has not seen a dark afternoon descend on it because it has no numerical exemption. But you talk sometime to Miss Marion Martin, the Commissioner of Labor and Industry, because she has had some of these pathetic cases come down to her office, and you should sit next to her, or at least listen to her, as I

have, and have her describe how she must say to the mother of a family whose husband and the father of her children has been killed, and the answer is, "Sorry, there were only two employees there, no coverage." Or someone has been injured, lost an arm or a leg. The answer is, "Sorry, no coverage."

I hope that when this House votes on this matter they will do it on two bases. Number one, some feeling of human decency. Is it right to say that there shall be no remedy, no Workmen's Compensation, because a man has only one fellow employee, or is the only employee?

Number two, not on the basis of any smoke clouds created about some terrible calamity that will occur. But on the basis of what 26 other states, including our neighbor, New Hampshire, has done.

These fears just do not have a rational and factual basis. And if there is any form of coverage among the various forms of insurance that should be excluded, that should not have a numerical exemption, certainly Workmen's Compensation is the one. I hope therefore that we will defeat the motion for indefinite postponement.

THE SPEAKER: The pending question is on the motion of the gentleman from Albion, Mr. Lee, that Bill "An Act relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees," House Paper 601, L. D. 803, 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.

55 having voted in the affirmative, and 66 having voted in the negative, the motion did not prevail.

Thereupon, 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 fourth tabled and today assigned matter:

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

Tabled — May 13, by Mr. Lund of Augusta.

Pending — Passage to be enacted.

On motion of Mr. Lund of Augusta, under suspension of the rules, the House reconsidered its action of May 11 whereby the bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of May 10 whereby Senate Amendment "A" was adopted in concurrence.

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

House Amendment "A" to Senate Amendment "A" (H-270) was read by the Clerk and adopted.

Senate Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence.

On motion of Mr. Donaghy of Lubec, retabled pending passage to be engrossed and specially assigned for Monday, May 17.

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

Bill "An Act relating to Suspension of Motor Vehicle Operator's License for Speeding Violation" (H. P. 1151) (L. D. 1602) — In House, passed to be engrossed as amended by House Amendment "A" (H-203) — In Senate, passed to be engrossed as amended by House Amendment "A" in concurrence.

Tabled — May 13, by Mr. Brawn of Oakland.

Pending — Motion of Mr. Lebel of Van Buren to indefinitely postpone.

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

Mr. ORESTIS: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of the motion of the gentleman from Van Buren, Mr. Lebel, to indefinitely postpone this bill.

We debated this bill one time previously, and I spoke against

passage of the bill. The bill would provide for the suspension of someone's driver's license if he were convicted of speeding — if he had committed two speeding violations within a year. The bill was then amended by House Amendment "A" to say that the commissions of the speeding violations had to be ten miles an hour over the speed limit.

Well, I am sure that most of you are aware that the violations and summonses into court for 99% of the people don't start until you are driving ten miles an hour over the speed limit. So that this in effect says the same thing as the bill.

It would seem to me — and I just want to very briefly reiterate my arguments that I made previously — it would seem to me that we are aiming at the wrong person here. The Governor has just recently signed into law a major bill revising the suspension provisions given to the Secretary of State. The Secretary of State now has very broad powers and very strong powers, and authority to suspend someone's driver's license. This is piling remedy upon remedy.

The Secretary of State now has the very power to do what this bill intends to put on the books. However, it gives the Secretary of State the discretion to exercise this with two major speeding violations, not just two any speeding violations; or a speeding violation coupled with a driving to endanger violation.

I think we are aiming here at the wrong driver. The driver we should be aiming at is the driver who drives to endanger his life or the lives of others on the highway. A driver who drinks, the driver who drives recklessly; not necessarily the driver who may have two minor speeding violations in a year.

If the motion to indefinitely postpone fails, I intend to offer an amendment to change somewhat the intent of this bill. However, I do urge you to support the motion to indefinitely postpone, because I do not think that the law is needed, and that it is already covered by the laws we have passed this session. I think that we would be

doing better for highway safety by leaving the power in the Secretary of State's office, and not making it mandatory.

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

Mr. GAGNON: Mr. Speaker, Ladies and Gentlemen of the House: Naturally I don't agree with Mr. Orestis. Over the past week I found I have two different factions of opposition on this bill. A few attorneys and several people who have been stopped for speeding are the most vocal ones.

I don't see these as a good requisite to oppose this type of legislation. The only thing I can tell you over what I have said is I have worked with this. I never expected to be up here to be able to try and do something about it.

I think the measure will work. I don't believe an additional adoption of five miles an hour on top of it is going to work. And I would hate to see it go down without at least being tried. I would hope that you would continue to support the measure and give this a chance. I think that all we will find is that there is a reduction in the amount of violations in itself, and possibly fatalities.

As far as the other bill, the Secretary of State's bill that was passed for suspensions of license, this is along habitual violators. In reference to speeding charges, if we can afford to wait until a subject has built up enough of a record, including a various amount of violations, we may offer him the opportunity to dispose of one or two people along with him.

I would hope that you would give me the continued support on this, and at least give this measure a try.

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

Mr. ORESTIS: Mr. Speaker and Members of the House: Very briefly, this bill that was passed and signed into a law a couple of weeks ago does not just deal with the habitual offender. It gives the Secretary of State the broad power to suspend anyone he feels is not competent to operate on the highway. And if he feels that some-

one's speeding record is what makes him incompetent to operate on the highways of Maine he may suspend him notwithstanding the amount or lack of amount of convictions.

Also I might point out to Mr. Gagnon that were this bill to be passed lawyers should be very happy, because they will be getting a lot more business. We are not here to build up our business, we are here to protect those people we feel should not be suspended.

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

Mr. PARKS: Mr. Speaker and Members of the House: I rise to support this L. D. 1602. Now we know that speed is the number one cause of all of our accidents that we have on the highway. Now if we can eliminate some of these habitual speeders, get them off the roads, we will reduce our fatal accidents.

Now all highways and main streets in our towns are properly marked with speed limit signs, and I am sure we all can read and know what these signs mean and what they say. Now there is no excuse for driving 50 miles an hour in a 25 mile zone, or 80 or 90 in a 60 or 75 mile turnpike.

Now just the other day I read an editorial in the paper here, and it says in terms of fatalities Maine roads are twice as safe to ride upon during the first third of 1971 as they were for the same period a year ago. Now this may seem incredible, but the state police have the supporting facts. In the four months ending with April there were 44 deaths in 36 crashes. This compares with 88 deaths in 70 accidents for those same four months in 1970.

Last year brought a new record in the state for highway slaughter, but the improvement still seems too good to be true. Nearly all, if not all the accidents were preventable. And the number one cause? Excessive speed. Then liquor, inattention, and being on the wrong side of the road.

Now I say to you that if you want to do your part in eliminating some of this senseless slaughter that we have on our highways, I



urge all of you to support this bill, and vote no on the indefinite postponement.

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

Mr. LITTLEFIELD: Mr. Speaker and Members of the House: I have just a little comment to make in regard to some remarks by Mr. Gagnon. He said the opposition were people who had been arrested recently. Well, let me say that I fell in that category within the last three weeks. But I am not opposed to this bill. I am going to support it.

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

A vote of the House was taken. 34 voted in the affirmative and 72 voted in the negative.

Whereupon, Mr. Lebel of Van Buren requested a roll call.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and less than one fifth of the members present having expressed a desire for a roll call, a roll call was not ordered.

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

Mr. ORESTIS: Mr. Speaker, I move the rules be suspended for the purpose of reconsideration.

The SPEAKER: The gentleman from Lewiston, Mr. Orestis, moves the rules be suspended for the purpose of reconsideration whereby this bill was passed to be engrossed on April 29. Is there objection?

(Cries of "Yes")

The SPEAKER: The Chair hears objection to the suspension of the rules. The Chair will order a vote. All in favor of the rules being suspended for the purpose of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Mr. LEBEL: Mr. Speaker, I move this be tabled for one legislative day.

The SPEAKER: The pending question is passage to be enacted. The gentleman from Van Buren, Mr. Lebel, moves that this matter be tabled until Monday, May 17.

Mr. Gagnon of Scarborough requested a division.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of tabling this matter until Monday, May 17, pending passage to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

42 having voted in the affirmative and 66 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending motion is passage to be enacted.

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

Mr. LEBEL: Mr. Speaker and Members of the House: I want to assure you that this bill, if it is passed, I think it is no good, and I will tell you why. I went to the Attorney General's office — and you look at the two paragraphs, most of you I don't think read that bill. If you look at the third paragraph, we can't enforce this. As I say, if you have three convictions during one year, no matter if you have your fourth conviction two years from now, they will suspend your license. So you can do what you want; I don't care. I never was caught. Only once two weeks ago I was stopped for driving ten miles over the speed limit. But I don't care myself. But a lot of you ladies and gentlemen will be sorry if we adopt this.

We have another bill in our committee that is coming out. I think I am the only one who voted against that. Any complaint will take your license away. Like myself, I have had three heart

attacks so far, and if my wife doesn't want me to drive any more all she has to do is go and make a report and she can have my license suspended. I will have to go to the doctor and the doctor will say that I am in trouble with my heart. I won't have any license. So do what you want, but I hope that we kill this bill.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I know that we all share a tremendous concern for safety on the highway. I would like to preface my remarks by stating that I know that Mr. Gagnon shares this in a very special way, and I think he has a great deal of expertise in the area. I have voted with him against indefinite postponement of the bill. I, for one, regret that we did not have a chance to see the amendment which Mr. Orestis had hoped to offer. I don't know what is in the amendment.

But I would like to address myself, not so much to the immediate contents of the bill or the amendment, but as to what I think is a great problem that we could do something as a state about in the field of highway safety.

First of all, it strikes me that we have had a very great decline this year compared to last year, and I believe in comparison to prior years, in the number of highway deaths. I think it runs at only about sixty percent of what it was in the last year. I don't know the reason for this. I think it is too bad that someone at the University in Orono or some other place can't make a study and find out the reason, because if there is something that has cut down these deaths, I think we ought to do more of it.

The one thing that we could do and we are not doing is this. When we have information that a person should not be on our roads, there should be action and there should be fast action. And I fear that the problem there is not primarily in the area of law,

what the statute books say, but rather in the area of administration.

I recently have had knowledge of a case where a man refused to take the blood or urine test required under the Implied Consent Law. This occurred in the City of Bath in August of 1970. Just this month, in May of 1971, after a delay of about eight months, if I count correctly on my fingers, he has received a notice to come for a hearing to consider whether his license should be revoked for violation of the obligation to take a test under the Implied Consent Law.

I do not know what the problem is in the Motor Vehicle Division. I don't know whether it is lack of funds, lack of personnel, improper administration of personnel or whether the problem is the liaison or the lack of it between the police and the courts and the Motor Vehicle Division. But I do know that when it takes eight months for the Motor Vehicle Division to act in a case in which I think it would be eminently reasonable to expect them to act in less than a month, that perhaps we need laws, but we also need something better.

And I hope that sometime, perhaps during this session of the legislature, the authorities charged with the administration of our Motor Vehicle Division, come forth with some explanation of this great and inordinate delay in taking action on licenses. They spend their time, and I don't criticize them for this, it may be right, they spend their time testifying before legislative committees about what bills they need, and maybe they do need these bills, but I think they also need to spend some time in their office and get on the ball and work on these suspensions in less than eight months.

It is something not far short of ludicrous for the administration of the Motor Vehicle Division that takes eight months to act under an already clear law, our Implied Consent Law, to be among those who push for the right to suspend immediately. If they operate as slow under this law as they do

under current law, although I sympathize with Mr. Gagnon and have and will again vote for this law, they are really not going to help us in the field of traffic safety.

I think that this is something that if each member of the legislature, if they run across incidences like this, I suggest that if you be on guard for them you may become aware of them. And if you mention this to the people in charge of this administration, the Motor Vehicle Division, you may do a great service in highway safety for the State of Maine.

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

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: I hate to keep you long here because I know you all have a long ride, so do I — 270 miles. But I think it is not fair today the way we are proceeding because no other time before in the twelve years I have been here have I seen us ask for a roll call and they voted it down, just because this machine doesn't work. If we could have a roll call on this machine today, I know a roll call would be accepted. But just because we can't have it on the machine and we have got to do it by hand, you turned the roll call down. I don't think that is fair. I don't think that is fair to your people either. So I will vote that we table this motion until Monday.

The SPEAKER: The pending question is passage to be enacted.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I have noted that one of the questions that had been posed by the gentleman from Van Buren, Mr. Lebel, has not been answered. I have just been reading the bill and I must admit that I am not sure what the answer is. That may be one of the problems.

The bill says that if there is a third speeding violation within a period of one year, then the privilege to operate is suspended for 60 days, which I think is fine. I agree with that. But the next sen-

tence says that any person convicted of a subsequent speeding violation shall not be licensed again or permitted to operate a motor vehicle in this state indefinitely, except that six months from the date of the suspension he may petition for a restoration of the license.

Now in my reading of this, it would seem to me that, for example, if you were a young brat at the age of 17 or 18 and you had three violations and you were suspended, then at age 40 you were picked up for that fourth violation, you would automatically get a six-months suspension. Now I am not sure that this is what we want to do. If it is, that is fine, but I don't really think that this is what the gentleman from Scarborough had in mind. So perhaps if someone can explain it, that perhaps an amendment ought to be added after that sentence where it says any person convicted of a subsequent speeding violation within that year or within a five year period would not get his license for six months. I think that would be sound.

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

Mr. BIRT: Mr. Speaker and Members of the House: In reading this bill over, I think that is just exactly what I would want. If a person gets convicted of three speeding convictions in one year he ought to lose his license indefinitely until the Secretary of State determines that he is safe to be on the highway.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't disagree with the gentleman from East Millinocket, Mr. Birt, if it happened within the one year. What I am saying is what if it happened twenty years later? That is what I am asking.

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

Mr. ROSS: Mr. Speaker, I am puzzled. I had a question I wanted to ask the gentleman from Bruns-

wick, Mr. McTeague, but he is not here. But perhaps the gentleman from Eagle Lake, Mr. Martin, can answer this. When Governor Curtis was Secretary of State was this service that he was talking about more expeditious?

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

Mr. MARTIN: Mr. Speaker, I would be more than happy to answer the remark, or the question perhaps, posed by the gentleman from Bath. I am sure it was.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I would like to tell my good friend from Bath, Mr. Ross a story about the Secretary of State's office. And I was careful, or I attempted to be careful, Mr. Ross, and only described the Motor Vehicle division, because I am not speaking directly about the Honorable Joseph Edgar.

Until about a year or a year and a half ago, when you desired a 48-hour report, which is the standard report that you file after an accident, you dropped a note to a very delightful lady. I think her name is Mrs. Esther Hinckley, and you got out a response with the report in about two or three or no more than four days. If you really needed it quick you could call up on the telephone and say, "Esther, I wouldn't bother you, but I really need it tomorrow. Would you put it in the mail tonight?" She would say, "Fine," and it would be in the mail the next morning.

At this time it now takes, according to my experience, and I deal quite commonly with these reports, it takes about two months.

I would suggest to the gentleman that what we are not saying, that it is a Republican problem or a Democratic problem, it is a problem of being too doggone slow and they ought to do something about it, and I hope that the Honorable Mr. Edgar will intervene in that division.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Eagle Lake raises the question of the effect of someone having a fourth conviction, I think the wording of the bill is clear that the person with the fourth conviction, it doesn't have to be within one year, it could lose his license for life.

Now it is very possible that a teenager or someone in his early 20's could have had three or four speeding convictions, and then decades later pick up his fourth conviction. And it is clear from the bill that he would lose his license for six months automatically without a hearing. Then he may petition for a hearing.

Now it is entirely possible that the person wouldn't know about his right to a hearing, or if he had a hearing he could lose a hearing. Now I think the clear wording of the bill is that he could then lose his license for life if he should lose the hearing.

Now quite often, unfortunately, it is the small fellow that is hurt by the situation like this. The guy that is maybe driving a bread truck or milk truck, who can't afford sometimes the legal representation to beat the second or third, or to be properly represented at the second or third motor vehicle violation. Whereas someone with better means can somehow avoid the second or third violation.

So I think it should be pointed out that this is one problem involved in this bill, that is on the fourth conviction over one's life span he could lose his license, or his right to drive for life.

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

Mr. GAGNON: Mr. Speaker and Members of the House: Just briefly, I don't interpret the bill that way for some reason. My whole intent on this was concurrent violations within the period of a year. Now that fourth paragraph reads any subsequent violation would mean the automatic suspension. And nothing was intended to drag this thing out until we died, and I don't read it that way.

I read it as any subsequent violation, and to me it appears to be within a year, because the whole text of this bill is the year period of consecutive violations. This may be a matter of interpretation, but this is the way I read it. The text of the bill is the one year period. And there is nothing in there to say that it should not go for the one year period.

Mr. LEBEL: Mr. Speaker.

The SPEAKER: The gentleman from Van Buren, Mr. Lebel, having spoken twice requests permission to speak a third time. Is there objection? The Chair objects. The gentleman is out of order.

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

Mr. McTEAGUE: Mr. Speaker, I would pose a question, if I may.

The SPEAKER: The gentleman may pose his question.

Mr. McTEAGUE: In the event that we are faced with a problem with the bill similar to the problem that we had with Mr. Finemore on the numerical exemption, some uncertainty, I wondered if it might not be the wish of the sponsor to check with the Attorney General's office and get a definite ruling on this?

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

Mr. GAGNON: Mr. Speaker, I would like to have it tabled for one day just to clear this matter up.

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

Mr. MARSTALLER: Mr. Speaker, I move this item be tabled for one legislative day.

The SPEAKER: The gentleman from Freeport, Mr. Marsteller, moves that L.D. 1602 be tabled until Monday, May 17, pending passage to be enacted. Is this the pleasure of the House?

(Cries of "No")

The SPEAKER: The Chair will order a vote. All in favor of tabling

will vote yes; those opposed will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 19 having voted in the negative, the motion did prevail.

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

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 13, by Mr. Porter of Lincoln.

Pending — Passage to be engrossed.

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

Mr. NORRIS: Mr. Speaker, I offer House Amendment "A" and move its adoption and would speak briefly.

The SPEAKER: The gentleman from Brewer, Mr. Norris, offers House Amendment "A" and moves its adoption. The Clerk will read the amendment.

House Amendment "A" (H-241) was read by the Clerk.

The SPEAKER: The Gentleman may proceed.

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: It is the intent of this amendment to permit local litter ordinances to supercede the provisions of this law if it is passed. That is all.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, I am not well versed on the law, and I am familiar with a number of bills and statutes that permit local law to supercede. But as I read this particular amendment I wonder whether or not the intention is that this would permit local ordinances to supercede provisions of the state law even if they were less restrictive. And if that were the case, I would not be in favor of the amendment, and would move its indefinite postponement.

The SPEAKER: The gentleman from Waterville, Mr. Smith, moves the indefinite postponement of House Amendment "A". All in favor of indefinite postponement of House Amendment "A" will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative, and 37 having voted in the negative, the motion did prevail.

Mrs. Baker of Orrington offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-250) was read by the Clerk and adopted.

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

Mr. CURTIS: Mr. Speaker, I offer House Amendment "C" and move its adoption.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, offers House Amendment "C" and moves its adoption. The Clerk will read the amendment.

House Amendment "C" (H-260) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Webber.

Mr. WEBBER: Mr. Speaker and Ladies and Gentlemen of the House: In the City of Belfast we have two processing plants, and they process about 160,000 birds a day there. And needless to say we have quite a problem with feathers. Sometimes in the summertime our lawns look like it was January instead of July.

I realize the economic impact of these plants and do not want to do anything to hurt them. But what bothers me is that one of the companies in Belfast, they wash their coops and clean them before they go out with them. One company does not.

Now if one company does it, I see no reason why the other one should not do the same. So for this I move indefinite postponement of House Amendment "C".

The SPEAKER: The gentleman from Belfast, Mr. Webber, now moves the indefinite postponement of House Amendment "C".

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

Mr. CURTIS: Mr. Speaker and Members of the House: This is the reason that I offered this amendment. Now this amendment, if you will look at it, "feathers from poultry will not be considered litter." Now that is on the birds themselves. There are some companies in the state that do not clean these coops, and I have offered this amendment to clear this.

Now when the live birds are being carried over the highway they cannot possibly cover these crates over; the birds have got to have air or they will be smothered. But this will not affect the coops end of it. They will have to clean these coops. Any feathers flying from the coops they would be prosecuted for it. But any feathers from the birds they would not, if this amendment is passed.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Two years ago we passed legislation to prohibit this type of litter, and this law does supercede, so it does do away with that. And we didn't put this amendment on because apparently with the problem in Belfast, and that is where the legislation came from two years ago, this problem has been helped a great deal by not allowing even the live birds.

I happened to pass a truck today coming in, and the live birds and the feathers, it looked like a snow-storm. So I hope you go along with the indefinite postponement of this amendment.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I am afraid that we are getting into an area where we are having legislation without proper hearings. I happened to be involved in this about two years ago, and the same thing had happened.

I would hope that someone would consider this a reasonable request and table this for at least one legislative day until we can get a chance to talk to our constituents

and find out how they feel about these amendments.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I did serve on the committee where they came in regard to this. Now this is going to throw thousands of people out of work if you make them cover up these crates when they are hauling these chickens, because they have to haul them sometimes 60, 70 miles. They don't haul them just any little distance. And this is the reason why we felt that this would help them out.

Now they can have an ordinance in their own city under home rule to govern the City of Belfast, or any other if this is a nuisance. And I say before you pass a law like this, don't throw all your people out of a job, because they give people jobs that couldn't get jobs anywhere else.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: As I explained, the law is on the books now, and they do have to use some type of net now. We passed it two years ago in this House, and it is a law now. And if we pass this with this amendment, then we are going to actually take this out of the law and weaken the litter law. I do urge you to vote for the indefinite postponement of the amendment.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Belfast, Mr. Webber, that House Amendment "C" 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.

75 having voted in the affirmative, and 24 having voted in the negative, the motion did prevail.

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

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

The SPEAKER: The gentleman from Albion, Mr. Lee, moves that L. D. 768 be tabled for one legislative day.

Mr. Ross of Bath requested a division.

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

A vote of the House was taken.

28 having voted in the affirmative, and 69 having voted in the negative, the motion did not prevail.

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

Mr. DONAGHY: Mr. Speaker, May I request through the Chair that someone explain where we stand on this bill? What it is going to do?

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, poses a question through the Chair to anyone who may answer if they choose.

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

Mr. NORRIS: Mr. Speaker and Members of the House: In answering, or I will try to briefly answer the question of Mr. Donaghy. It tightens up the litter law, and as I said, in the debate the other day, that it hits at the area that I believe that we are concerned with. It is not a cureall. It just starts to lean in the right direction because of the fact that most of us believe that it is the people that do the littering. It is on the shoulders of the people, and this does make it a little stiffer, and does spell out a little more definitely what people can or cannot do. And if they do do it, then they will be subject to a fine. That is all.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I would like to add a little to that if I could. In Senate Amendment 140 was offered, and it has watered the bill down considerably. It has, if you want to take a look at the bill, on page four it has in Section 2267, in the second paragraph, it has practically stricken out the

whole paragraph. Section 2269, that whole section has been deleted. Section 2270, the first paragraph and the third paragraph have been deleted.

So as I look at the bill it is not much better now than the original law that we have on the books.

The SPEAKER: The pending question is passage to be engrossed of Bill "An Act Creating the Maine Litter Control Act," Senate Paper 262, L. D. 768, as amended by Senate Amendment "B" and House Amendment "B".

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

A vote of the House was taken.

80 having voted in the affirmative and 14 having voted in the negative, the motion did prevail.

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

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

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

Tabled — May 13, by Mr. Susi of Pittsfield.

Pending — Passage to be enacted.

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

Mr. ROSS: Mr. Speaker and Members of the House: I will very briefly review the Minimum Wage question this year. The original bill was for \$2.00. We accepted Senate

Amendment "C" which increased our present minimum from \$1.60 to \$1.80, and we stated that when the federal went to \$2.00 we would go to \$2.00. But since there was no stipulation for amounts in between that, the constitutionality was questioned.

So I had prepared House Amendment "A" under filing 273, which came to you this afternoon. Lawyers in their inimitable way are still arguing about the constitutionality of this one. So the Attorney General is working on another solution, and I would appreciate it if somebody would table this for two legislative days.

Whereupon, on motion of Mr. Scott of Wilton, retabled pending passage to be enacted and specially assigned for Tuesday, May 18.

The Chair laid before the House the eighth 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. — In House, Minority Ought to pass Report accepted, House Amendment "B" (H-235) adopted.

Tabled — May 13, by Mr. Stillings of Berwick.

Pending — Adoption of House Amendment "A" (H-226)

On motion of Mr. Susi of Pittsfield, retabled pending the adoption of House Amendment "A" and specially assigned for Monday, May 17.

On motion of Mr. Porter of Lincoln,

Adjourned until Monday, May 17, at one o'clock in the afternoon.



**SENATE**

Friday, May 14, 1971

Senate called to order by the President.

Prayer by The Honorable Gerard P. Conley of Portland.

Reading of the Journal of yesterday.

**Joint Order**

Out of Order and Under Suspension of the Rules:

ORDERED, the House concurring, that when the House adjourns, it adjourns to Monday, May 17, at 1 o'clock in the afternoon, and when the Senate adjourns, it adjourns to Monday, May 17, at 3 o'clock in the afternoon.

(S. P. 583)

Which was Read and Passed.

Sent down forthwith for concurrence.

**Papers From the House  
Non-concurrent Matter**

Bill, "An Act Relating to Voters Resigning or Removed from the Voting List." (S. P. 561) (L. D. 1701)

In the Senate May 3, 1971, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-254) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act Relating to Disposition of Portion of Fees Collected by Maine State Park and Recreation Commission." (S. P. 20) (L. D. 48)

In the Senate April 29, 1971, 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 and Senate Amendment "B" (S-122), in non-concurrence.

Comes from the House, having Failed of Passage to be Engrossed as Amended by House Amendment "A" (H-246). That Body having Insisted and Asked for a Committee of Conference.

On motion by Mr. Berry of Cumberland, the Senate voted to

Insist and Join in a Committee of Conference.

The President Appointed on the part of the Senate the following Conferees:

Senators:

MOORE of Cumberland  
DUNN of Oxford  
FORTIER of Oxford

**House Papers**

Bills today received from the House requiring Reference to Committees were acted upon in concurrence.

**Communications**

State of Maine  
Senate Chamber  
President's Office  
Augusta, Maine 04330

May 13, 1971

Mr. Harry N. Starbranch  
Secretary of the Senate  
Augusta, Maine

Dear Mr. Starbranch:

Pursuant to Senate Paper 541, I hereby appoint the following to a Special Joint Select Committee to Study the Creation of an International Conference Center on Peaks Island:

Senator Richard N. Berry  
Senator Catherine Carswell  
Senator Gerard P. Conley

Pursuant to Senate Paper 566, I hereby appoint the following to a Joint Interim Committee to study the financial impact upon the State of Maine of Senate Paper 524, Legislative Document 1519, "AN ACT Relating to Payment of Expenses of Supreme Judicial Court and the Superior Court by the State":

Senator Wakine G. Tanous  
Senator Floyd L. Harding

Respectfully,

s/KENNETH P. MacLEOD  
President of the Senate

Which was Read and Ordered Placed on File.

State of Maine  
House of Representatives  
Office of the Clerk  
Augusta, Maine 04330

May 13, 1971

Hon. Harry N. Starbranch  
Secretary of the Senate  
105th Legislature

Sir:

The Governor of the State having returned to the House: