

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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 21, 1971

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

Prayer by the Rev. Mr. James Smith of Hallowell.

The journal of yesterday was read and approved.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act Providing Professional Immunity to Certain Persons in Emergency Cases" (H. P. 149) (L. D. 204) reporting that the Senate recede and concur with the House in accepting the Minority "Ought to pass" Report, adopt House Amendment "B" and pass the Bill to be engrossed as amended by House Amendment "B" in concurrence.

(Signed)

HASKELL of Houlton

PAGE of Fryeburg

McTEAGUE of Brunswick

—Committee on part of House.

TANOUS of Penobscot

HARDING of Aroostook

CONLEY of Cumberland

—Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

Papers from the Senate

From the Senate: The following Order: (S. P. 597)

ORDERED, the House concurring, that Bill, "An Act Revising the Laws Relating to Savings and Loan Associations," House Paper 1015, Legislative Document 1394, be recalled from the Legislative files to the Senate.

Came from the Senate read and passed.

In the House, the order was read.

The SPEAKER: This requires a two-thirds affirmative vote of the members present and voting. All members approving the passage of this Order will vote yes; those opposed will vote no.

A vote of the House was taken.

67 having voted in the affirmative and 17 having voted in the negative, and 67 being more than

two thirds, the Order received passage in concurrence.

Reports of Committees Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Providing Funds for the Maine Law Enforcement Planning and Assistance Agency" (S. P. 373) (L. D. 1109)

Report of the Committee on State Government reporting same on Resolution Proposing an Amendment to the Constitution to Increase Credit of State for Guaranteed Loans for Recreational Purposes (S. P. 366) (L. D. 1105)

Report of same Committee reporting same on Bill "An Act relating to Reports of Departments, Commissions and Institutions" (S. P. 374) (L. D. 1110)

Report of same Committee reporting same on Bill "An Act to Create the Maine Municipal Finance Authority" (S. P. 457) (L. D. 1384)

Report of same Committee reporting same on Bill, "An Act Conferring upon Others the Powers Now Vested in the Executive Council" (S. P. 499) (L. D. 1681)

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

Leave to Withdraw

Report of the Committee on State Government on Bill "An Act relating to the Department of Agriculture" (S. P. 264) (L. D. 770) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

Covered by Other Legislation

Report of the Committee on State Government on Resolve Authorizing the State Tax Assessor to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory in Hancock County (S. P. 204) (L. D. 589) reporting Leave to Withdraw, as covered by other legislation.

Report of same Committee reporting same on Bill "An Act Creating the Bureau of Property

Taxation within the Department of Finance and Administration" (S. P. 287) (L. D. 877)

Came from the Senate read and accepted.

In the House, the Reports were read and accepted in concurrence.

Referred to Next Legislature

Report of the Committee on Business Legislation on Bill "An Act relating to Coverage of Treatment by Psychologists under Health and Accident Insurance Contracts" (S. P. 471) (L. D. 1495) reporting that it be referred to the 106th Legislature.

Report of the Committee on Labor reporting same on Bill "An Act Extending Collective Bargaining Rights to Public Higher Education Personnel" (S. P. 447) (L. D. 1337)

Came from the Senate with the Reports read and accepted and the Bills referred to the 106th Legislature.

In the House, the Reports were read and accepted in concurrence and the Bills referred to the 106th Legislature in concurrence.

Ought to Pass in New Draft

Report of the Committee on Fisheries and Wildlife on Bill "An Act to Correct Certain Errors and Inconsistencies in the Fish and Game Laws" (S. P. 445) (L. D. 1280) reporting same in a new draft (S. P. 591) (L. D. 1749) under same title and that it "Ought to pass"

Report of the Committee on Natural Resources on Bill "An Act Prohibiting the Discharge of Mercury into Waters of the State" (S. P. 487) (L. D. 1457) reporting same in a new draft (S. P. 593) (L. D. 1750) under title of "An Act Relative to the Discharge of Mercury into Waters of the State" and that it "Ought to pass"

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

In the House, the Reports were read and accepted in concurrence, the New Drafts read twice and assigned the next legislative day.

Ought to Pass

Report of the Committee on Business Legislation reporting "Ought to pass" on Bill "An Act Clarifying the Laws Relating to Corporations without Capital Stock" (S. P. 327) (L. D. 986)

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

In the House, the Report was read and accepted in concurrence, the Bill read twice and assigned the next legislative day.

Ought to Pass with Committee Amendment

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Drug Rehabilitation in York County" (S. P. 206) (L. D. 639) reporting "Ought to pass" as amended by Committee Amendment "A" (S-179) submitted therewith.

Report of the Committee on Judiciary on Bill "An Act Creating a New Business Corporation Act" (S. P. 293) (L. D. 1093) reporting "Ought to pass" as amended by Committee Amendment "A" (S-181) submitted therewith.

Report of the Committee on Taxation on Bill "An Act relating to Amount of Annual Excise Tax on Railroads" (S. P. 369) (L. D. 1108) reporting "Ought to pass" as amended by Committee Amendment "A" (S-174) submitted therewith.

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed as amended by Committee Amendment "A".

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

Final Report

Final Report of the following Joint Standing Committee:

Fisheries and Wildlife

Came from the Senate read and accepted.

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

Non-Concurrent Matter

Bill "An Act Increasing Salaries of Justices of the Supreme Judicial Court and the Superior Court" (S. P. 392) (L. D. 1170) which was passed to be engrossed as amended by Committee Amendment "B" in non-concurrence in the House on May 19.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A", and asking for a Committee of Conference with the following Conferees appointed on its part:

Messrs. TANOUS of Penobscot

CLIFFORD

of Androscoggin

HARDING of Aroostook

In the House On motion of Mr. Henley of Norway the House voted to insist and join in the Committee of Conference.

The Speaker appointed the following Conferees on the part of the House:

Messrs. HENLEY of Norway

PAGE of Fryeburg

CARRIER of Westbrook

Non-Concurrent 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) which was passed to be engrossed as amended by House Amendment "B" in the House on May 14.

Came from the Senate with House Amendment "B" indefinitely postponed and the Bill passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Finmore of Bridgewater, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act relating to Licenses and Fees under the Dog Laws" (H. P. 1321) (L. D. 1733) which was passed to be engrossed in the House on May 18.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Kelley of Southport, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act relating to Voluntary Surgery at Public Expense for Qualifying Parents" (H. P. 928) (L. D. 1282) on which the House accepted the Majority "Ought to pass" Report of the Committee on Health and Institutional Services and passed the Bill to be engrossed on May 18.

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

In the House: On motion of Mr. Cottrell of Portland, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

An Act relating to Nonlapsing Funds for Maine School Building Authority (H. P. 1008) (L. D. 1387) which was recalled from the Governor to the Senate by Joint Order (S. P. 577) and which was passed to be enacted in the House on May 7 and passed to be engrossed as amended by Committee Amendment "A" on May 3.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur. (Later Reconsidered)

Non-Concurrent Matter

Bill "An Act Providing for a Declaration of Policy Concerning the State's Environment" (H. P. 1301) (L. D. 1706) which was re-committed to the Committee on State Government in non-concurrence in the House on May 19.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed in non-concurrence.

In the House:

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

Mr. MARTIN: Mr. Speaker, I move that we insist.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin moves that the House insist.

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

Mr. DONAGHY: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy moves that the House recede and concur.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I would hope this morning that we would not recede and concur. As you recall that yesterday or two days ago we discussed this particular bill. For some very strange reasons something happened to it on its way to the other body. I would hope therefore this morning that we would maintain the action that we have taken previously and that we insist. If this doesn't work then I will be more than happy to agree with the gentleman from Lubec, Mr. Donaghy, and perhaps might even go one step further.

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that the House recede from its former action and concur with the Senate in the acceptance of Report "B". If you are in favor you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

33 having voted in the affirmative and 76 having voted in the negative, the motion did not prevail.

The SPEAKER: Is it now the pleasure of the House to insist?

Mr. DONAGHY: Mr. Speaker, did we not have a Committee of Conference?

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

Mr. MARTIN: Mr. Speaker and Members of the House: I would hope that we would not have a Committee of Conference, and the reason is very simple. If you will note that this bill and the way that things have happened on it, I would hope this afternoon that you would agree with me and give it one more try. There is no sense in going to a Committee of Conference with it because in effect it will kill it.

Now if we think we ought to give it another chance, then I would hope that you would vote against the request for the Committee of Conference and against the request made by the gentleman from Lubec, Mr. Donaghy.

The SPEAKER: The Chair would advise the gentleman that the motion to insist only has priority.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I think there is a little bit of misinformation, and I am hopeful that you would understand what was going on here. I am not changing my position. From the very start on this bill I was for "B". The Senate has gone along with Report "B" and I hope you folks will go along with Report "B", and the Committee of Conference I feel sure will come back with Report "B".

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

Mrs. BROWN: Mr. Speaker and Members of the House: I don't think that anybody has clearly explained to me what Report "B" does. It doesn't really do anything. It is a statutory expression of environmental policy, which we already have had said many many times in our statutes. It is only repetitive of these statements. It is really a fraud, and it is trying to convince you that you are going to do something about the rights of the people to a clean environment. It does not have the weight and the legal moral stature of a constitutional amendment. I think it is mere pretense.

Now you can decide, if you wish to go with this, we will do something else, but I would urge that you vote for the motion to insist to the other body.

The SPEAKER: The Chair will order a vote. All in favor of the motion of the gentleman from Eagle Lake, Mr. Martin, that the House insist will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Non-Concurrent Matter

Bill "An Act relating to Membership on Board of Registration for Professional Engineers" (H. P. 1322) (L. D. 1734) which was passed to be engrossed in the House on May 17.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Carey of Waterville, the House voted to insist and ask for a Committee of Conference.

Messages and Documents

The following Communication:
ANSWERS OF THE JUSTICES
TO THE HONORABLE HOUSE
OF REPRESENTATIVES OF THE
105TH LEGISLATURE OF
THE STATE OF MAINE

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answers to the questions propounded on May 11, 1971:

QUESTION 1: If Legislative Document 1711, House Paper 1305, is enacted by the Legislature, will it be constitutional in view of the language concerning trial by jury in all criminal prosecutions as expressed in the Constitution of Maine, Article I, Section 6 and Article I, Section 7?

ANSWER: We answer in the negative. In rendering our several opinions as Justices of the Supreme Judicial Court, given in a non-adversary setting, we are ever mindful of the careful distinction which has always been made as between such advisory opinions and decisions of the Law Court. See **Laughlin v. City of Portland** (1914) 111 Me. 486, 497, 90 A. 318; See **Martin v. Maine Savings Bank** (1958) 154 Me. 259, 269, 147 A.2d 131. We look no further than to the language of our Constitution and to the holdings and statements of accepted governing principles found in our decisional law. Article I, Section 6 provides in pertinent part:

"In all criminal prosecutions, the accused shall have a right * * * (t) to have a speedy, public and impartial trial, and, except in trials by martial law or impeachment, by a jury of the vicinity." (Emphasis ours)

The words are clear and unambiguous. Conspicuously lacking is any expressed limitation upon the type of "criminal prosecution" as to which the right is guaranteed.

In 1821 at a time when it must be assumed our Court was in a favorable position to know and express the intention of the framers, **Johnson's Case**, 1 Me. 230 was decided. Although the Court was only obliged to hold that a right of appeal existed from a conviction by a Justice of the Peace in a misdemeanor case, the Court based the procedural appeal right upon the more fundamental constitutional right. The court said:

"The right, however, in this Senate, is placed on a more durable basis than the pleasure of the legislature. * * * In order to give effect to this provision, (Art. I, Sec. 6 above quoted) the accused **must, of necessity, be entitled to an appeal from the sentence of a Justice of the Peace, who tries without the intervention of a jury, to the Circuit Court of Common Pleas, where a trial by jury may be had.** (Emphasis supplied)

The basic principle announced in **Johnson** has been applied and reaffirmed on numerous occasions and has never heretofore been refined, limited or questioned. **Saco v. Wentworth** (1853) 37 Me. 165; **Saco v. Woodsum** (1855) 39 Me. 258; **State v. Intoxicating Liquors** (1888) 80 Me. 57, 62, 12 A. 794. In **State v. Gurney** (1853) 37 Me. 156, 163 the Court emphasized the broad sweep of the constitutional language when it said, "But the constitution guarantees to the respondent, whether innocent or guilty, a right of trial by jury, without any qualification or restrictions." (Emphasis supplied) Finally, in **(Sprague v. Androscoggin County** (1908) 104 Me. 352, 354, 71 A. 1090, the Court said, "It is too well settled to require discussion, that one put on trial in a municipal court for an offense within its jurisdiction is not unconstitutionally deprived of his right to a trial by jury, when he is freely allowed an appeal to a court where a jury trial can be had."

The proposed legislation suffers from the constitutional infirmity of depriving an accused in certain defined types of "criminal prosecutions," without his consent, to the right of a trial by jury.

We take liberty of adding this caveat. L. D. 1711 purports to con-

fer upon the court the discretionary power to "waive," in advance of trial, its authority to impose a sentence of imprisonment. We suggest that the legislative branch of government may not properly confer powers exclusively reserved to it upon another branch of government. We read in **United States v. Wiltberger** (1820) 5 Wheaton 574, 575, "(T)he power of punishment is vested in the legislative, not in the judicial department. It is the legislature, not the court, which is to define a crime, and ordain its punishment." See also **Hackfeld v. United States** (1905) 197 U.S. 442, 450; **Morgan v. Devine** (1915) 237 U.S. 632, 641. Moreover, the discretionary power of the court to "waive" such authority in some but not in all cases standing on the same footing would appear to run counter to the intentment of the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States. Lastly, the use of the mandatory word "shall" in the first line of the proposed Act would if literally and strictly construed encroach upon the principle of the separation of the branches of government.

QUESTION 2. If Legislative Document 1711, House Paper 1305, is enacted by the Legislature, will it be constitutional in view of the language concerning trial by jury as expressed in the Sixth Amendment of the United States Constitution?

ANSWER: In view of our answer to Question 1, we deem it unnecessary to answer this question.

Bearing in mind that the Legislature, prompted by a commendable desire to find ways of promoting the administration of justice, may at some future time decide to propose an amendment to Article I, Section 6 of the Constitution of Maine, we would offer this caveat. Such a proposal should be accompanied by legislative consideration of the possible impact of 34 M.R.S.A., Sec. 802 as amended and 34 M.R.S.A., Sec. 853 as amended, which in the case of certain groups defined by sex and age permit incarceration in a Correctional Center for not exceeding three years for any offense punishable by imprisonment in a

county Jail. Such a constitutional amendment, if proposed, should also take account of the then most recent decisions of the United States Supreme Court, interpreting Sixth Amendment rights. The precise limits with respect to the right to trial by jury as imposed by the Sixth Amendment via the Fourteenth Amendment upon the States remain unresolved. See Order of the United States Supreme Court **Prescribing Rules of procedure for the Trial of Minor Offenses Before (Federal) Magistrates** effective January 27, 1971 and dissenting opinion of Mr. Justice Black joined by Mr. Justice Douglas, 8 Cr. L. 3091; 91 S.Ct. Adv. Sh. No. 9. Although it is evident that in this area the Federal Constitution as interpreted is less exacting than the Maine Constitution as heretofore interpreted by the Maine Court, it is not yet clear at precisely what level the line between "petty" and "serious" offenses will be drawn. We can safely conclude that if the maximum possible sentence exceeds a jail sentence of more than six months, jury trial is required. **Baldwin v. New York** (1970) 399 U.S. 66, 90 S.Ct. 1886; **Duncan v. Louisiana** (1968) 391 U.S. 145, 159, 83 S.Ct. 1444, 1453. But we read in **Duncan** "Crimes carrying possible penalties up to six months do not require a jury trial if they otherwise qualify as petty offenses." (Emphasis ours) In **District of Columbia v. Colts** (1930) 282 U.S. 63, 51 S.Ct. 52, even though the maximum penalty was substantially less than six months, the offense was deemed to be of its very nature "serious" so as to require jury trial. In the light of these decisions interpretation of the Sixth Amendment right remains uncertain.

DATED at Auburn, Maine, this twentieth day of May, 1971.

Respectfully submitted,
Armand A. Dufresne, Jr.

Donald W. Webber
Randolph A. Weatherbee

(Signed)

Charles A. Pomeroy
Sidney W. Wernick
James P. Archibald

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

The following Resolve, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, was received and referred to the following Committee:

State Government

Resolve Authorizing Conveyance of Ministerial and School Lands by Trustees of Town of Mattawamkeag to the State (H. P. 1350) (Presented by Mr. Starbird of Kingman Township)

(Ordered Printed)

Sent up for concurrence.

Orders

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Size Limit of Trout" (S. P. 548) (L. D. 1687) the Speaker appointed the following Conferees on the part of the House:

Messrs. FINEMORE

of Bridgewater

BITHER of Houlton

BOURGOIN of Fort Kent

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Disposition of Portion of Fees Collected by Maine State Park and Recreation Commission" (S. P. 20) (L. D. 48) the Speaker appointed the following Conferees on the part of the House:

Messrs. GILL of South Portland

ROSS of Bath

HANCOCK of Casco.

On the disagreeing action of the two branches of the Legislature on Bill "An Act to Amend the Municipal Public Employees Labor Relations Law" (H. P. 420) (L. D. 547) the Speaker appointed the following Conferees on the part of the House:

Messrs. GOOD of Westfield

SIMPSON of Standish

BUSTIN of Augusta

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Legislative Service under the State Retirement System" (H. P. 633) (L. D. 863) the Speaker appointed the following

Conferees on the part of the House:

Mrs. LINCOLN of Bethel

Messrs. PRATT of Parsonsfield

THERIAULT of Rumford

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

Mr. DYAR: Mr. Speaker, I would inquire if the House is in possession of L. D. 1738.

The SPEAKER: The answer is in the affirmative. Majority Report of the Committee on Health and Institutional Services reporting "Ought not to pass" on Bill "An Act relating to the Sale and Use of Lead Paint," Senate Paper 460, L. D. 1378; and the Minority Report reporting same in New Draft, Senate Paper 585, L. D. 1738, under the same title and that it "Ought to pass," which Reports and Bill were indefinitely postponed in concurrence in the House yesterday.

Mr. DYAR: Mr. Speaker, I now move that we reconsider our action of yesterday whereby this Bill was indefinitely postponed.

The SPEAKER: The gentleman from Strong, Mr. Dyar moves that the House reconsider its action of yesterday whereby it indefinitely postponed this Bill in concurrence.

The Chair recognizes the gentleman from Machias, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Members of the House: In the interest of saving time, I would remind the members of the House that this bill was rather thoroughly debated yesterday. I would only hope that you will vote against the motion for reconsideration.

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

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House: I had intended to have additional information on your desks this morning dealing with the problem of lead base paint in this state. However, due to delay—I think the Pages have it in their hands now and perhaps during the debate it will reach your desks. However, in the articles which will reach your desks sometime during today's session are a series of clippings from the Portland newspapers dealing with lead poisoning.

We in Portland didn't realize that the problem was extensive until Dr. Hallett ran his test last summer and, as the article points out, of 1,000 children examined 64 were held under medical observation because of high blood-lead levels. Five children required medical treatment. This is a rate of 6.4 per cent. Until this time these children went undiagnosed until irreparable damage had been incurred. We in Portland weren't even aware of the fact that there was a problem.

I suspect that the same situation exists in Bangor, Waterville, Lewiston, and all areas of our state. These articles identify lead paint as the unquestionable source of lead. As you listen to the debate today I would appreciate your considering the information in these articles.

Opponents of this legislation yesterday implied that the problem of high blood-lead levels was negligible, that it was only exploded into great proportions by the press. In my hands are the data presented to the United States Committee on Labor and Public Welfare. This information establishes beyond any doubt, through testimony presented by our nation's finest medical experts, that there is a nation-wide lead poisoning problem among the youth of this nation and it is not a negligible problem.

I also have in my hands the results of that study made in Portland last year by competent and qualified medical doctors. Again the studies illustrate vividly that there is a problem. I would respectfully ask the opponents where they obtained their data which they said illustrated the fact that there is no problem, that it is a misconception created by the press.

When medical experts have stated that five to ten per cent of America's children under five years of age have high blood-lead levels and they further testify to the tragic damage to both mind and body, then I question statements made without substantiating facts to the contrary.

Another statement was made yesterday to the effect that high

blood-lead levels were caused primarily by automobile exhaust emissions. Again, I would ask, where is the authority for this statement. Was it taken from the top of one's head? The authorities I quote are I admit only medical doctors, only directors of pediatric departments throughout this country, only health department personnel, only the director of Portland's Health Department, only the director of the Maine Department of Health and Welfare.

I place great weight in their statements, but perhaps there are more credible authorities. I wish the opponents would direct me to them. But my authorities show clearly that lead based paint and plaster is the culprit.

Ladies and gentlemen, being a freshman I labor under the mistaken belief that a logical, well presented, well substantiated argument is the most influential method of attaining one's goal, but I am beginning to see that an emotionally oriented argument, regardless of its base of fact, is perhaps a better tool.

For once there is a landlord bill before this House. Yes, this is a landlord bill, because now a landlord is responsible for damages caused by lead poisoning, but because the landlord would notify the tenant of potential danger his responsibility would be limited.

It becomes the responsibility of the tenant after he has been notified. My consideration is the health of the children and so I am willing to let the landlord off the hook for legal damages. Certainly the landlords in this House can in this light go with this bill.

What does this bill do? It does really three things. It prohibits the further use of lead base paints to any dwelling so as to create a health hazard—no problem here, lead paint has many inexpensive substitutes. It prohibits the sale of children's toys or furniture which contains lead paint. What is the first thing to go into a young child's mouth but a toy? And it requires a landlord simply to inform prospective tenants of possible lead paint danger. If a landlord is unsure if paint in his building contains lead, he can still in-

form prospective tenants of the possible danger. This bill is aimed at educating the mothers of this state to this danger. What is wrong with this? That is all this bill does. Where is the problem with this bill? It asks for no money. It doesn't require corrective procedures in maintenance to be taken with a landlord's dwelling; it merely requires landlords to inform tenants of possible danger.

Yesterday I was talking with Gerry Dubord, the secretary in Legislative Finance. You all know her, she signs your checks. She told me that her children ate paint. She caught them many times. She was, she said, unaware that paint caused and could be such a hazard. She wasn't particularly disturbed. Children are continually putting things in their mouth. She supports this bill.

Now it isn't unusual for children to eat nonfood substances. Yesterday I was speaking with one of our fellow legislators in this House. He informed me that as a child he ate matches. What I am worried about is how I am going to tell Mrs. Pettingill of Portland that this legislature refused to take action, even when presented with volumes of medical authority establishing the fact that there is a lead paint poisoning problem which goes unrecognized in the vast majority of cases. Children in our school in this state are going with lead induced problems because they are undiagnosed. They are assumed to be naturally slow.

Mrs. Pettingill asked me to introduce this legislation. Her child is mentally retarded because of ingestion of lead based paints. I urge you to reconsider and pass this very moderate piece of legislation.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Mrs. Doyle.

Mrs. DOYLE: Mr. Speaker, Ladies and Gentlemen of the House: As a parent and a nurse I am well aware of the danger of lead poisoning. In fact, I have taken care of children in the acute stages of lead poisoning in Boston's Children's Hospital as well as children with permanent brain damage at

Pineland Hospital. However, I do not feel that this bill or the other two similar bills that were presented to our committee are the solution to this problem.

I think the program that was conducted in the Model City's area in Portland, when testing the children, testing their urine samples and blood samples was a good and effective program. I would like to see in a future session of this Legislature of the 106th, legislation introduced to require this type of testing to be done on children throughout the state through the Department of Health and Welfare, in the same manner in which immunizations are given to children at this stage.

I think the trouble with this bill is that it does not attack the problem, that it is unenforceable and unworkable. I do not support the passage of this bill, in spite of the fact that I recognize the very severe problem of lead poisoning among children.

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

Mr. CALL: Mr. Speaker and Members of the House: All of us do not want harm to come to children. The best remedy to prevent harm to children is to watch them at all times. Would the sponsor of this proposed legislation suggest that the manufacturer of washing machines or lawn mowers, scissors, fish hooks, iodine, lye and certain other commodities be stopped? Children have to be watched. Haven't we abused landlords enough without associating them with far-fetched ideas? This legislation should be stopped.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: In case you haven't already discovered this, this bill is about lead paint. And if you will pardon the pun, I think it is a stinker.

First of all, this bill asks for impossibilities. Listen to this. No person shall apply paint or plaster containing lead to any area which reasonably may be expected to result in a paint condition conducive to lead poisoning. Now think

that over for a while. Because what this means is that if you paint any part of your living room, your dining room or your bedroom with lead base paint, you may be fined up to \$200 because you will have created a condition conducive to lead poisoning, regardless of whether or not you rent this property. If the neighbor's kids come in and chew on the windowsills, you are in violation of this proposal.

Now here is another little booby trap. Section 4 of this bill tells us that if the paint or plaster contains over one percent lead, this condition is considered a "latent defect." Now a latent defect is something which you cannot discover upon inspection. In other words, you can be fined for not telling someone about a condition you could not discover and could not know about.

And if you are a paint retailer, you should be interested in this portion. "No person shall knowingly sell to any buyer any paint containing lead for use on the interior of any dwelling." In actual practice this could produce some hilarious situations. For instance, I might go into your paint store, sidle up to the counter and allow that I would like a quart of white enamel. And you would look at me suspiciously and say, "What are you going to paint with this?" And I would allow that I was going to paint the woodwork in my kitchen. And you would say, "Aha, I thought so. Do you realize that is illegal and both you and I could be fined for this?" And I might have to go out in the alley and buy a bootlegged can somewhere.

And why limit this to the interiors of houses? Actually, exterior paints contain a higher percentage of lead and titanium oxides. And let's face it, a sly child denied the opportunity to gnaw on windowsills might sneak out back of the woodshed and chew on a shingle.

And how do you apportion the blame? Let us assume that a family moves into an apartment house and brings its own furniture. One of the children develops lead poisoning. Who is to say whether he got this from the woodwork or

his parents furniture or his own crib or playpen?

Now a word about these tests which the young man from Portland has provided. There is no doubt that a tiny fraction of our children may suffer from lead poisoning. But the question is, from what source? This clipping, dated February 19, Medical World News, claims that the most obvious source is air contamination from leaded gasoline. In fact, if you will recall, President Nixon was urged about a year ago to take steps to bar the use of lead in gasoline.

And remember this—given a sufficiently emotional cause, someone can always come up with statistics on almost anything, provided the whipping boy is small and defenseless. In this case the villains are property owners and paint dealers. Now obviously if the gasoline companies were tackled, they would quickly clobber the proponents of this legislation. As a matter of fact, since the debate of yesterday, one legislator told me that occasionally one of his children used to eat bits of toilet paper and kleenex. Now I suppose we should be discreet about this, otherwise someone may submit a bill removing these two commodities from the market.

I apologize to the House for the time consumed in debate on this subject. I thought yesterday that we had disposed of it. Unfortunately the 105th Legislature has formed the nasty habit of passing legislation on one day and then regurgitating it and debating it all over again on the next day. But I can assure you of this, that I rely on your judgment, and win or lose on any piece of legislation, you will never hear a reconsideration motion from me.

Now to sum up, this bill is frivolous, it is practically unenforceable, it is striking at the wrong enemy and it would work a hardship on property owners and paint dealers.

Ladies and gentlemen, I urge you to vote against the motion for reconsideration.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I have sat here this afternoon and listened to this. The gentleman has said that five tots were treated for lead poisoning. You know, I want to say one thing. Last fall I ate a duck and that duck died from lead poisoning, and it wasn't from paint either. And I am just wondering here how they know where this lead poisoning came from.

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

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: The real problem here is that lead paint is used primarily on the exterior of houses at this time. Interior paints do not have any lead in them and for a reason. Lead is used primarily to protect housing against mildew, and here in Maine we do not have it. As I have talked with paint dealers, they do not feel this is a great problem. Their exterior paints they would put a sign on saying "This paint contains lead, not for use in the interior of a home."

All the bill is trying to do besides keep out of our state toys which are painted with lead paint. It is a very simple procedure to do this, and we have it within our power to protect these children.

In the past lead was used in many paints which were used in the interiors. This is where the Department of Health and Welfare would have some opportunity perhaps, eventually, if we passed the correct laws, to say that certain houses are dangerous for young children under the age of six to dwell in.

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

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen of the House: Over the years I have been a student of history, both ancient and modern. In the studies of the Roman Empire, lead could be traced to its downfall. You are probably wondering how this came about. Well it was the status for the upper echelon, the wealthy

people of the Roman Empire, to consume their food from lead paint plates and lead cups. And over the years the consumption of lead caused the sterilization of the adults in the Roman Empire and brought about a shorter life expectancy than that of the slaves in the Empire. And as a result of this consumption of lead, the leadership and the leaders of the Roman Empire slowly died off to the point where there was no leadership left to provide for the Roman Empire. As a result of this consumption of lead the Roman Empire died. Will this civilization?

Mr. Henley of Norway moved the previous question.

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

A vote of the House was taken, and more than one third of the members present having expressed the desire for the previous question, the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable for five minutes by any member. Is it the pleasure of the House that the main question be put now? All in favor will say aye, those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Strong, Mr. Dyar, that we reconsider our action of yesterday whereby Reports and Bill "An Act relating to the Sale and Use of Lead Paint," Senate Paper 460, L. D. 1378, were indefinitely postponed. The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

38 having voted in the affirmative and 89 having voted in the negative, the motion to reconsider did not prevail.

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

Mr. BRAGDON: Mr. Speaker, after the lengthy debate on this matter I seem somewhat reluctant to make the request that I am about to make. However, I feel obliged to do so. With regard to item 23 on page four, I was concerned with other matters when that went by. And this was a matter that came out of the Appropriations Committee, it is not of major importance but it is of much importance to Representative Clark and his constituents; and the Appropriations Committee meant to do right by Mr. Clark.

I fear that in this non-concurrent matter this has not been accomplished because I have not had an opportunity to look into it, I would move that we reconsider our previous action on this bill.

The SPEAKER: Bill "An Act relating to Nonlapsing Funds for Maine School Building Authority," House Paper 1008, L. D. 1387.

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

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: I didn't get a chance to notify the Chairman of my Committee that there is a technical problem with this bill and it was thought that it could be taken care of easier in the Part II budget. So the Senate agreed to kill it, and we should too.

Mr. BRAGDON: Mr. Speaker, I thank the gentleman for his explanation. I think that would remove my objection.

A viva voce vote being taken, Mr. Bragdon of Perham withdrew his motion that the House reconsider its action of yesterday whereby it receded and concurred.

Mr. Theriault of Rumford presented the following Joint Order and moved its passage:

WHEREAS, great concern has been expressed over the existing operation of the Fire Prevention Division of the State Insurance Department; and

WHEREAS, it has been suggested that the best interests of the public could be better served

by creating an office of Fire Marshal; and

WHEREAS, this matter warrants a detailed study of a more effective system for the proper protection of the citizens of Maine; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and directed to study the feasibility of creating the office of State Fire Marshal and conferring upon it the duties of the current Fire Prevention Division of the State Insurance Department, including, but not limited to all arson investigations, in conjunction with the office of Attorney General. Such study may also include a review of the laws of other states and recommendations of the Maine State Fire Chiefs' Association; and be it further

ORDERED, that the Fire Prevention Division of the State Insurance Department be directed to provide such technical information and other assistance as the Committee deems necessary or desirable to carry out the terms of this Order; and be it further

ORDERED, that the Committee report the results of its findings and recommendations at the next regular session of the Legislature; and be it further

ORDERED, upon passage of the joint order that copies be transmitted forthwith to said department and division as notice of the study to be undertaken. (H. P. 1356)

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

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

Mr. Emery from the Committee on Legal Affairs on Bill "An Act relating to Airport Commissions for County and Municipal Airports" (H. P. 681) (L. D. 918) reported same in a new draft (H. P. 1351) (L. D. 1767) under title of "An Act relating to an Airport Commission for Knox County" and that it "Ought to pass"

Mrs. Brown from the Committee on Natural Resources on Bill "An Act relating to the Powers and

Duties of the Environmental Improvement Commission" (H. P. 1124) (L. D. 1591) reported same in a new draft (H. P. 1352) (L. D. 1768) under same title and that it "Ought to pass"

Mr. Smith from same Committee on Bill "An Act relating to the Conduct of Hearings Required by the State's Environmental Laws (H. P. 359) (L. D. 467) which was recommitted, reported that new draft (H. P. 1246) (L. D. 1555) under same title which was formerly reported "Ought to pass"

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

Ought to Pass Printed Bills

Mrs. Brown from same Committee reported "Ought to pass" on Bill "An Act Amending the Maine Sanitary District Enabling Act" (H. P. 683) (L. D. 924)

Mr. Ross from the Committee on Taxation reported same on Bill "An Act Providing for a Low Income Allowance" (H. P. 575) (L. D. 751)

Same gentleman from same Committee reported same on Bill "An Act Broadening the Sales and Use Tax Exemption on Water and Air Pollution Control Facilities" (H. P. 862) (L. D. 1186)

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

Ought to Pass with Committee Amendment

Mr. Birt from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issue in the Amount of \$3,850,000 for Student Housing at Central Maine Vocational Technical Institute, Eastern Maine Vocational Technical Institute, Northern Maine Vocational Technical Institute, and the Maine Maritime Academy, Site Improvements at Washington County Vocational Technical Institute, Heating and Air Conditioning Shop and Laboratory at Southern Maine Vocational Technical Institute, Completion of School Building at Peter Dana Point Reservation and Tribal Halls for Penobscot and Passamaquoddy Reservations" (H.

P. 175) (L. D. 233) reported "Ought to pass" as amended by Committee Amendment "A" (H-314) submitted herewith.

Mr. Bragdon from same Committee on Bill "An Act Providing Funds for the Maine Law Enforcement Planning and Assistance Agency" (H. P. 834) (L. D. 1130) reported "Ought to pass" as amended by Committee Amendment "A" (H-313) submitted therewith.

Mr. Carter from same Committee on Bill "An Act Providing Funds to Expand Homemaker Services in the Department of Health and Welfare" (H. P. 836) (L. D. 1132) reported "Ought to pass" as amended by Committee Amendment "A" (H-314) submitted therewith.

Mr. Ross from the Committee on Taxation on Bill "An Act relating to Excise Tax on Motor Vehicles" (H. P. 1196) (L. D. 1647) reported "Ought to pass" as amended by Committee Amendment "A" (H-315) 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

Majority Report of the Committee on Agriculture on Bill "An Act relating to the Payment of Dues to Grower Organizations by Handlers and Processors of Farm Products" (H. P. 927) (L. D. 1281) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. CHICK of Kennebec
PEABODY of Aroostook
-of the Senate.

Messrs. EVANS of Freedom
MOSHER of Gorham
WILLIAMS of Hodgdon
CLARK of Jefferson
ALBERT of Limestone
MAHANY of Easton
WEBBER of Belfast
BERRY of Buxton

-of the House.

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

Report was signed by the following members:

Mr. LEVINE of Kennebec
-of the Senate.
Mr. HALL of Windham
-of the House.

Reports were read.

On motion of Mr. Evans of Freedom, the Majority "Ought to pass" Report was accepted.

The Bill was read twice.

Committee Amendment "A" (H-316) was read by the Clerk and adopted and the Bill assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to Division of Real and Personal Property by the Court under a Decree of Divorce" (H. P. 811) (L. D. 1084) reporting same in a new draft (H. P. 1353) (L. D. 1769) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. TANOUS of Penobscot
HARDING of Aroostook
QUINN of Penobscot
-of the Senate.
Mrs. WHEELER of Portland
Mr. PAGE of Fryeburg
Mrs. WHITE of Guilford
Mrs. BAKER of Orrington
Messrs. ORESTIS of Lewiston
LUND of Augusta
HENLEY of Norway
HEWES of Cape Elizabeth
KELLEY of Caribou
-of the House.

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

Report was signed by the following member:

Mr. CARRIER of Westbrook
-of the House.

Reports were read.

On motion of Mr. Hewes of Cape Elizabeth, the Majority "Ought to pass" Report was accepted, the New Draft read twice and assigned the next legislative day.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act to Include Imprisonment Among Those

Penalties Provided for Violation of Environmental Protection Laws" (H. P. 960) (L. D. 1321)

Report was signed by the following members:

Mr. HENLEY of Norway
Mrs. WHEELER of Portland
Messrs. HEWES of Cape Elizabeth
PAGE of Fryeburg
Mrs. BAKER of Orrington
Messrs. CARRIER of Westbrook
ORESTIS of Lewiston
- of the House.

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

Report was signed by the following members:

Messrs. TANOUS of Penobscot
HARDING of Aroostook
QUINN of Penobscot
- of the Senate.
Mr. LUND of Augusta
Mrs. WHITE of Guilford
Mr. KELLEY of Caribou
- of the House.

Reports were read.

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

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

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

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion to accept the Majority "Ought not to pass" Report and would speak very briefly to my opposition.

If you would take a look at L. D. 1321, you would see that it provides for a jail sentence up to eleven months in jail for a willful violation of our laws regarding protection of the environment. And this is the basic question which the House is presented with today. Do we want to send anybody to jail if they willfully violate the laws regarding the protection of the environment?

Let me give an illustration of what I think is required in order to prove that somebody's violation is

willful. If somebody is employed by a municipality or employed by industry, or any person is carrying on an operation regarding, let's say, a sanitary treatment plant and there are orders or regulations which require that the effluent be treated in a certain way, and if things are a little slow one day, instead of treating the effluent the man in charge opens the valve and lets whatever is supposed to be treated out into a body of water untreated, this would be a willful violation. As the law is now, presently the only penalty available for this type of a willful act is that of a fine. If this bill is enacted it would allow in its present form, up to eleven months.

The minority of the committee that felt that this ought to become law removed the words "neglect or refusal with respect to municipal employees," so that it would require a positive act, not just a failure to act.

Now the idea of sending somebody to jail is a repugnant idea to many of us, because no one likes to go to jail. But I would remind the legislature that we presently send people to jail for things like shooting moose, for shooting deer at night. As a matter of fact, some of these offenses have a mandatory jail sentence. The sentence provided in this bill would not be mandatory, it would be at the discretion of the court.

So the real question, I think, is are we serious about enforcement of our environmental laws? Do we wish to make them enforceable simply by payment of a fine, or do we want to put real teeth into these laws? And bear in mind, I am talking now about a willful violation.

I think that Mr. Ault who sponsored this bill had a basically sound idea, and I would like to have everybody have an opportunity to be recorded on the question of whether or not they are serious in this matter, and I therefore hope that you will vote against the pending motion to accept the "Ought not to pass" Report, and I would ask for a roll call.

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

Mr. HEWES: Mr. Speaker and Members of the House: I think we are all in favor of improving the environmental area. I don't think that this is a good way to go about it. I don't think it is right to send to jail someone who happens to be the manager of a corporation that gets involved in something like this. There is a fine of up to a thousand dollars per day on the books presently. I would also point out that as I see this amended version that has come out of the Minority Report of the committee, I think it is unconstitutional in that person "A" who works for a municipality and does something is not subject to a jail sentence, where as person "B" who works for a private corporation doing this same thing could be subject to a jail sentence.

I hope you will vote in favor of the pending motion.

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

Mrs. WHITE: Mr. Speaker and Members of the House: I rise merely to explain my changing position on this item. Apparently I inadvertently signed it out of committee contrary to my belief, and I shall vote against passage of this bill.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I commend Mrs. White for seeing things our way for a change here, and at the same time, I just oppose this as a signer of the "Ought not to pass" Report. I am very strongly opposed to imprisonment for—against the laws of the Environmental Commission, whatever that is.

The last session I supported this commission, in the vote, but I am starting to get my doubts about it because we have so many complaints from different people and companies. Now it seems to me that everything was said that companies are allowed by 1976 to make a proper adjustment and some of them are costing millions of dol-

lars, and I think they are in the process of doing so. But I think that this constant harassment from now to 1976, it should be stopped.

Now I am very concerned because in this case you would make an individual working for any company liable for this particular act. Now it was mentioned that somebody might turn the wrong valve. Well I can assure you that the ones that turn the valves are probably the ones who are the lowest paid, and by accident this could happen.

I can only foresee that if this is passed, the company will have to indemnify their officials in order to run the company, and I think that this is just another harassment, actually, in this situation where work at present, jobs are getting very limited. I submit to you that you vote along with us on the "Ought not to pass" Report.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I certainly am one who is willing to enforce our pollution laws, even to the point of imprisonment, but I do not understand the amendment which deletes the municipal officers. I don't know why they didn't go for the original bill if they wanted to treat everybody fairly. It seems that they are discriminating.

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

Mr. LUND: Mr. Speaker and Members of the House: To attempt to answer the question raised by the gentleman from Bath, Mr. Ross, if I understand the amendment correctly, the basic problem is that in some instances we have a municipal employee who does not have the same relationship to his employer as you do in an ordinary situation. And it was the intent of the committee to remove that possibility so that nobody would say that they were dealing harshly with the community which had not complied with the laws.

I would like to comment on the question that was raised by Mr. Carrier with regard to an inadvertent opening of a valve and reassuring him that an accidental

opening of a valve would not be a willful violation as has been described by this bill. I would also like to point out at the present time, if I recall correctly, we provide for a jail sentence if a person throws a single can or bottle upon the highway. Perhaps we should consider whether it may not be a more serious thing to do some of the acts of a far greater magnitude which are contemplated by this act.

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

Mr. HENLEY: Mr. Speaker and Members of the House: Briefly, I would like to state that at the hearing on this, it seems to me, and it seemed to us who opposed the passing of this bill that it was not necessary. It seemed to us, and it would seem quite evident by the people who were before us on this bill, that the extent of our present laws was not being fully used. The injunctive processes were not being used. They have got a group of attorneys who could have done a lot more on a lot of these cases than they have already done. The laws were already on the books. And with this law, as it was originally written, before this was added, was a minimum of a \$200 fine, and as Mr. Hewes said, up to \$1,000 a day. It seems to me at this time, and it seemed to a lot of us at this time, that that and the other various injunctions which could be brought into play were sufficient law. We didn't feel that they should try to bring in prison terms for officials where they would have quite a problem deciding just who was responsible and who was not. That is the reason we objected to it, even after the amendment was put on.

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

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

The **SPEAKER**: The pending question is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Include Imprisonment Among Those Penalties Provided for Violation of Environmental Protection Laws," House Paper 960, L. D. 1321. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bailey, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Bunker, Call, Carey, Carrier, Churchill, Clark, Clemente, Collins, Conley, Crosby, Cummings, Curran, Cyr, Drigotas, Dudley, Dyar, Emery, E. M.; Evans, Farrington, Fecteau, Finemore, Fraser, Gagnon, Genest, Good, Hall, Hancock, Hardy, Hawkens, Henley, Herrick, Hewes, Immonen, Kelley, K. F.; Keyte, Kilroy, Lawry, Lebel, Lee, Lessard, Lewin, Lincoln, Littlefield, Lynch, Maddox, Mahany, Manchester, Marsh, Marsteller, McCormick, McKinnon, McNally, McTeague, Mills, Morrell, Mosher, Norris, Page, Parks, Payson, Pontbriand, Rand, Rocheleau, Rollins, Ross, Scott, Shaw, Silverman, Simpson, T. R.; Slane, Theriault, Trask, Wheeler, White, Wight.

NAY — Ault, Berry, P. P.; Bourgoin, Brown, Carter, Cooney, Curtis, T. S., Jr.; Dam, Dow, Doyle, Emery, D. F.; Goodwin, Hayes, Kelleher, Kelley, P. S.; Kelley, R. P.; Lewis, Lucas, Lund, MacLeod, Martin, McCloskey, Millett, Murray, Porter, Pratt, Shute, Smith, D. M.; Stillings, Susi, Vincent, Webber, Whitson, Williams, Wood, M. W.; Wood, M.E.

ABSENT — **Bustin, Cote, Cottrell, Curtis, A. P.; Donaghy, Faucher, Gauthier, Gill, Hanson, Haskell, Hodgdon, Jalbert, Jutras, Lizotte, O'Brien, Orestis, Santoro, Sheltra, Simpson, L. E.; Smith, E. H. Starbird, Tanguay, Tyndale, Woodbury.**

Yes, 90; No, 36; Absent, 24.

The **SPEAKER**: Ninety having voted in the affirmative and thirty-six having voted in the negative,

with twenty-four being absent, the motion does prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to Habitual Offenders of Motor Vehicle Laws" (H. P. 1054) (L. D. 1448) reporting same in a new draft (H. P. 1355) (L. D. 1771) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. **TANOUS** of Penobscot
HARDING of Aroostook
QUINN of Penobscot
 - of the Senate.
 Mr. **LUND** of Augusta
 Mrs. **BAKER** of Orrington
 Mrs. **WHITE** of Guilford
 Messrs. **PAGE** of Fryeburg
HENLEY of Norway
KELLEY of Caribou
 Mrs. **WHEELER** of Portland
 Mr. **HEWES** of Cape Elizabeth
 - of the House.

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

Report was signed by the following members:

Messrs. **ORESTIS** of Lewiston
CARRIER of Westbrook
 - of the House

Reports were read.

On motion of Mr. Hewes of Cape Elizabeth, the Majority "Ought to pass" Report was accepted, the New Draft read twice and assigned the next legislative day.

Divided Report

Majority Report of the Committee on Natural Resources on Bill "An Act relating to Cutting of Trees Near Public Highways" (H. P. 684) (L. D. 925) reporting same in a new draft (H. P. 1354) (L. D. 1770) under title of "An Act Regulating Roadside Clear Cutting Practices" and that it "Ought to pass"

Report was signed by the following members:

Messrs. **VIOLETTE** of Aroostook
SCHULTEN of Sagadahoc
 - of the Senate.
 Mrs. **KILROY** of Portland
 Messrs. **AULT** of Wayne
MACLEOD of Bar Harbor
 Mrs. **BROWN** of York

Messrs. WHITSON of Portland
SMITH of Waterville
CURRAN of Bangor
Mrs. CUMMINGS of Newport
- of the House.

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

Report was signed by the following members:

Mr. GRAHAM of Cumberland
- of the Senate
Messrs. HERRICK of Harmony
HARDY of Hope
- of the House.

Reports were read.

On motion of Mr. Curran of Bangor, the Majority "Ought to pass" Report was accepted, the New Draft read twice and assigned the next legislative day.

Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought to pass" on Bill "An Act to Provide Certain State Level Land Use Controls" (H. P. 1125) (L. D. 1543)

Report was signed by the following members:

Messrs. SCHULTEN of Sagadahoc
GRAHAM of Cumberland
VIOLETTE of Aroostook
- of the Senate.
Mr. SMITH of Waterville
Mrs. KILROY of Portland
Mrs. CUMMINGS of Newport
Mrs. BROWN of York
Mr. WHITSON of Portland
- of the House.

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

Report was signed by the following members:

Messrs. HERRICK of Harmony
CURRAN of Bangor
HARDY of Hope
AULT of Wayne
MacLEOD of Bar Harbor
- of the House.

Reports were read.

On motion of Mrs. Brown of York, the Majority "Ought to pass" Report was accepted, the Bill read twice and assigned the next legislative day.

Passed to Be Engrossed

Bill "An Act to Increase Amount of Real Estate Tax Exemption for Paraplegic Veterans" (S. P. 368) (L. D. 1107)

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

Tabled and Assigned

Bill "An Act relating to Preserving Historical Materials by the State Museum" (H. P. 204) (L. D. 270)

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

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

Mr. DONAGHY: Mr. Speaker: There is an amendment being prepared on this bill and I would ask that someone table it.

Whereupon, on motion of Mr. Porter of Lincoln, tabled pending passage to be engrossed and specially assigned for Monday, May 24.

Bill "An Act Revising the Laws Relating to the Maine State Prison" (H. P. 458) (L. D. 613)

Bill "An Act relating to Late Filing of Answers to Petition for Award under Workmen's Compensation Law" (H. P. 889) (L. D. 1210)

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

Third Reader

Tabled and Assigned

Bill "An Act relating to Compensation for Minors Delivering Newspaper Supplements" (H. P. 994) (L. D. 1356)

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

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

Mr. DAM: Mr. Speaker, there are some amendments being prepared for this bill and I would appreciate it if someone would table it.

Whereupon, on motion of Mr. Lawry of Fairfield, tabled pending passage to be engrossed and specially assigned for Tuesday, May 25.

Bill "An Act to Extend Period When Incapacity Results under Occupational Disease Law" (H. P. 1030) (L. D. 1417)

Bill "An Act to Repeal a Restriction on Municipal Investments" (H. P. 1167) (L. D. 1621)

Bill "An Act Establishing the Maine Commission on Drug Abuse" (H. P. 1179) (L. D. 1629)

Bill "An Act relating to Cost of School Construction for State Aid" (H. P. 1340) (L. D. 1759)

Bill "An Act to Appropriate the Amount of \$1,440,000 for Parking Garage Facility for the Capitol Complex at Augusta" (H. P. 1341) (L. D. 1760)

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

Third Reader Tabled and Assigned

Bill "An Act Prohibiting Insurance Licenses for Banks, Savings and Loan Associations and Credit Unions" (H. P. 1342) (L. D. 1761)

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

(On motion of Mr. Simpson of Millinocket, tabled pending passage to be engrossed and specially assigned for Tuesday, May 25.)

Bill "An Act relating to Time of Sending County Estimates to Secretary of State and Municipalities" (H. P. 1343) (L. D. 1762)

Bill "An Act relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County" (H. P. 1344) (L. D. 1763)

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

Third Reader Tabled and Assigned

Bill "An Act to Regulate Industrialized Housing under the Maine State Housing Authority" (H. P. 1345) (L. D. 1764)

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

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

Mr. COONEY: Mr. Speaker, an amendment is being prepared for this bill and I would ask that someone table it for two legislative days, please.

Whereupon, on motion of Mr. Porter of Lincoln, tabled pending passage to be engrossed and specially assigned for Tuesday, May 25.

Bill "An Act Providing for Full-time Offices for Registration and Licenses for Operation of Motor Vehicles" (H. P. 1346) (L. D. 1765)

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

Bill "An Act Providing for a Study of Whether Savings Banks Should Offer Checking Accounts" (H. P. 1347) (L. D. 1766)

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

Mr. O'Brien of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-319) was read by the Clerk.

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

Mr. SCOTT: Mr. Speaker and Ladies and Gentlemen of the House: This matter was thoroughly debated yesterday. You accepted the Majority Report, which was 102 to 33. This amendment to the bill makes the bill worthless and I urge you to vote against the acceptance of the amendment. When the vote is taken I request a division.

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

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Scott is definitely right. We debated this at length yesterday, and they made the point very very clear that what they wanted was a study. In my debate I said this study was nothing more than a smoke screen; what these commercial banks really wanted was a moratorium. Now if they really want the study, they can accept my

amendment doing away with their moratorium and have their study.

But now I have uncovered the smoke. What they really want is a moratorium and every commercial bank in the state now has a lobbyist out in that hall. The banks could care less about a study. They don't care whether this bill is thrown out of that window; what they want is a moratorium. They want to strangle the savings banks for three more years. And I move its adoption, Mr. Speaker.

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

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: I rise to speak to you on this bill because several friends approached me on it. I believe in fair business practices and therefore agreed to speak in favor of L. D. 1766. Savings banks in Maine did not offer checking accounts until a year ago, and they still don't — but they are anxious to. Only commercial banks have checking accounts.

At present, three or four savings banks in Maine would like to start checking account programs for their customers. These savings banks would operate in competition with commercial banks, but on statutory terms which are definitely inequitable. For instance, one, commercial banks have to maintain higher cash reserves than savings banks; two, commercial banks must pay higher federal taxes than savings banks; and, three, commercial banks may not offer as high interest rates as savings banks.

L. D. 1766 provides for a legislative study and for a moratorium on any more savings banks offering checking accounts until the delicate problems may be equitably settled. I hope you will vote "no" on the motion to adopt the amendment for fair business practices for the banks of Maine.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I know I can't divorce myself from my association with a commercial bank, but I do sin-

cerely hope that you will believe me when I say that I am trying to speak at an arm's length approach, and speaking basically on the experience over somewhat more years than I would like to admit, and prior to my association with any bank.

To the members of the House with whom I am relatively in the same age bracket, I would like to recall the early 1930's. And to the younger members of the House this is probably nothing more than a historical incident in a textbook. There was a time when many families in this nation and in this state went through severe hardships, heartbreaks, and mental anguish; and my outlook is colored very highly by that background.

Fortunately, the federal and state banking regulating commissions were able over the years to promote a sound financial structure and without it this nation could not enjoy the prosperity that it has today. We would be in the same condition as many European nations who do not trust banks and carry their money under their mattresses or bury it out in the garden. And I would hate to see anything like the chaotic conditions that existed in the 30's ever return to this state or to this nation.

Units of the banking industry do operate under varying conditions. Some are granted privileges that others do not have, but at the same time they are restricted in other areas. So that on the whole we have a sound workable arrangement. I do not deny the right of the savings bank to ask for checking accounts. The only thing I say is that this legislature or any other legislature that considers changes in the banking law ought to consider fully not only the short-range but the long-range implications of any change. You should not jeopardize the well-being of all the people of this state.

I don't feel that the amendment as offered is appropriate. The savings banks do not have this privilege now. I don't feel that they should have it until it is firmly decided that it is wise and prudent to do it; and if it is done then I am sure that they will have restrictions laid upon them in some

other area. I hope that we will deal wisely and prudently with this.

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

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: I think on a lot of issues that are complicated we sometimes vote without having an awful lot of knowledge on some of these issues, and I think I voted this way yesterday. I realize that the vote was 102 to 33, and not being sure of my vote I called the savings bank and had a long communication with the Saco and Biddeford Savings Institution to get some of their ideas on this piece of legislation.

I think there were some merits to their remarks and I would like to read some excerpts from what I received.

It starts off:

"Hooray for the Maine Legislators re L. D. No. 1516 but let's not drop our guard too soon for L. D. No. 1516 may live on under the guise of L. D. No. 1766.

I am opposed to sending this matter to the Legislative Research Committee as unnecessary and a waste of time and money since the President's Commission on Financial Structure and Regulation is studying this matter. The report of the Commission is to be made by the end of this year.

This study is being done by the 20 members of the commission with an eight member professional staff with assistance from the federal supervisory agencies. Its budget has been set at \$888,000. Several things should be obvious; (1) The report will be ready before our Legislative Research Committee could complete such a study; (2) The Commission professional staff is much greater than would be any Legislative Research Committee Staff; and finally they have already spent a great deal of money on this study so why try to duplicate the work.

Please bear in mind the following:

1. The Mutual Savings Banks Association is not asking for this legislation.

2. The Maine Bankers Association is asking for this legislation.

3. The M.S.B.A. met with the M.B.A. recently in an effort to get M.B.A. to modify L. D. No. 1516 in such a way that it would not be restrictive type legislation. The M.B.A. refused.

It is apparent to me (since the demise of L. D. No. 1516) that the M.B.A. is now taking a detour through L. D. No. 1766 to accomplish their same objectives.

I don't know who would be on the committee established by L. D. No. 1766 or what their affiliations might be with banking or bankers. This could be a major factor in influencing the report of such a committee.

Certainly this keeps the issues of L. D. No. 1516 alive and a chance for the M.B.A. to continue the pressure on the committee members for restrictive type legislation.

If the legislators have killed L. D. No. 1516 they should proceed to bury it.

The M.S.B.A. has not asked the legislature for checking account privileges. Why should the M.B.A. bring this up and try through various means to propose restrictive legislation."

It is signed by Melvin L. Wilbur, who is the Assistant Treasurer of the Saco and Biddeford Savings Institution.

I move the indefinite postponement of this bill.

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

Mr. LITTLEFIELD: Mr. Speaker and Ladies and Gentlemen of the House: I think that we should keep this bill in context. We all agreed yesterday that none of the savings banks, with the exception of a very few, want checking accounts. The matter that we are debating here today is this moratorium, the amendment which has been brought in.

My point is this. These two banks, institutions, have been getting along beautifully for a hundred and fifty years. It seems to me they can wait another two years.

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

Mr. AULT: Mr. Speaker and Members of the House: I believe that Mrs. Payson and Mr. Lynch have aptly explained why the savings banks feel the way Mr. Farrington has expressed their feelings. If we delete this moratorium provision from the bill, the legislative study that we believe we need will be worthless. So I urge you to vote against acceptance of the amendment.

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

Mr. O'BRIEN: Mr. Speaker and Members of the House: The argument seems to have changed today. The lobbyists have certainly done their job. Yesterday, what you were begging for was a study. You are going to get that study. But does the study have to last three years? This moratorium is what they want. This bill got no public hearing. This bill got no airing before any committee. I sit on that committee. I didn't see this bill until it was reported out.

I move acceptance of this amendment. If they are so afraid that they won't get their study — they will have their study, but does it have to last three years? I move acceptance of the moratorium amendment.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I resent from Mr. O'Brien or anyone else such accusations against the lobbyists. I am going to oppose this amendment. Any information that I have had on this bill, I have gone to the banks and received. No one has cornered me in the halls.

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

Mr. SCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I must take exception to the point that Mr. O'Brien brought up about this not being discussed in the committee. This redraft was discussed in the committee, and I remember very specifically of

questioning the sponsor of it on the moratorium provision.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I hope the remark by the gentleman, Mr. O'Brien, was not directed at me. My associates at the bank with which I am connected know that I am very independently minded. I stand my ground. I am not in favor of considering any banking legislation, whether it is commercial savings or any other type of legislation, without a thorough, exhaustive study for the impact upon the banking structure of this state.

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

Mr. SCOTT: Mr. Speaker, I move the indefinite postponement of this amendment.

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

A vote of the House was taken.

88 having voted in the affirmative and 30 having voted in the negative, the motion did prevail.

Thereupon, Bill "An Act Providing for a Study of Whether Savings Banks Should Offer Checking Accounts" (H. P. 1347) (L. D. 1766) was passed to be engrossed and sent to the Senate.

Resolve Authorizing the Forest Commissioner to Convey the State's Interest in Certain Lots in Franklin County" (H. P. 1191) (L. D. 1641)

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

Amended Bills

Bill "An Act to Provide for the Interception of Wire and Oral Communications" (S. P. 390) (L. D. 1145)

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

Mr. McCloskey of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-320) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker, would the gentleman from Bangor, Mr. McCloskey, mind explaining the amendment? Just what is the intent of the amendment and just what does it do to the bill?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, poses a question through the Chair to the gentleman from Bangor, Mr. McCloskey, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. McCLOSKEY: Mr. Speaker and Members of the House: What this amendment does, it makes it a crime to use any form of wiretap or oral communication, and that is all it does to the bill. And it deletes the rest of the bill.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: Apparently the amendment which is proposed makes no recognition at all of any legitimate use of wiretapping under court scrutiny by law enforcement agencies. I therefore move indefinite postponement of the amendment.

The SPEAKER: The gentleman from Augusta, Mr. Lund, moves that House Amendment "A" be indefinitely postponed.

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

Mr. McCLOSKEY: Mr. Speaker and Members of the House: When we were discussing this bill yesterday, there was some mention made that one of the reasons for this bill was that under the present law there were no provisions to make wiretapping or the interception of oral communications illegal. So I had this amendment drawn up in order to accomplish that purpose. Otherwise I can't really see any need for this type of bill. It seems to me, it was brought out to me that there was absolutely no evidence whatsoever introduced to

show that there was a need for the type of bill that was offered yesterday. And I pointed out yesterday that 90 percent of all court cases or court complaints are motor violations, Maine's crime rate is very low, nationally speaking, and that we really don't have any need for such a bill.

I went back to read a book that I had read in my early years in high school last night. It was called "Nineteen Eighty-Four," by George Orwell, and it talks about some of the things that might happen in the year 1984 in the United States, and it talks about something called big brotherism, which essentially is the constant surveillance by the government of the people. I think that this type of bill would increase that type of tendency. And therefore I would hope that this amendment would be adopted so that wiretapping would be illegal but there wouldn't be any provisions for legal wiretapping.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: Usually when one wants to kill a bill they just generally get up and indefinitely postpone it. But this is a very clever way of doing it, by offering this amendment. So I hope that we support Mr. Lund's motion this afternoon.

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

Mr. HEWES: Mr. Speaker and Members of the House: I support Mr. Lund in this matter. As we explained yesterday, the original bill, not the amendment submitted now, but the original bill does provide safeguards, in that the Attorney General has to request of a judge permission to get a wiretap order, and the order can only be good for thirty days. I submit that this is just a necessary bill that will be used by law enforcement officers to combat criminals who are using the latest scientific, technological advances.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Lund, that House Amendment "A" be indefinitely postponed. All in

favor will vote yes; those opposed will vote no.

A vote of the House was taken.

94 having voted in the affirmative and 30 in the negative, the motion did prevail.

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

Bill "An Act Permitting the Establishment of an Indian Island Penobscot School Committee" (H. P. 401) (L. D. 513)

Bill "An Act Permitting the Establishment of a Pleasant Point Passamaquoddy School Committee" (H. P. 433) (L. D. 568)

Bill "An Act Increasing the Period for Benefits for Partial Incapacity under Workmen's Compensation Act" (H. P. 854) (L. D. 1167)

Bill "An Act relating to Prerequisites of Insurance of Mortgages by Industrial Building Authority and Municipal Securities Approval Board" (H. P. 895) (L. D. 1215)

Bill "An Act Providing for a Feasibility Study for High Speed Rail Service for Maine" (H. P. 1201) (L. D. 1652)

Resolve Authorizing Forest Commissioner to Convey Certain Land in Island Falls (H. P. 611) (L. D. 822)

Resolve Authorizing the Forest Commissioner to Convey the State's Interest in Certain Lots in Franklin County (H. P. 1190) (L. D. 1640)

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 as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act to License and Regulate Suppliers of Compressed Air Used in Self-contained Underwater Breathing Apparatus" (S. P. 482) (L. D. 1518)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto 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 to Monday, May 24, at 1 o'clock in the afternoon, and when the Senate adjourns, it adjourns to Monday, May 24, at 2 o'clock in the afternoon. (S. P. 599)

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

Emergency Measure

An Act Appropriating Moneys to Port Authority for Liability Insurance Premiums (H. P. 578) (L. D. 773)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

An Act Creating the Maine Litter Control Act (S. P. 262) (L. D. 768)

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and specially assigned for Tuesday, May 25.)

Passed to Be Enacted

An Act Phasing out Log Driving in the Inland Waters of the State (S. P. 451) (L. D. 1297)

An Act to Amend the Snowmobile Law (S. P. 484) (L. D. 1592)

An Act relating to Sales Tax Exemption of Pollution Control Facilities (H. P. 165) (L. D. 221)

An Act relating to Parking on Paved or Improved Portions of Ways and Removal of Vehicles (H. P. 572) (L. D. 748)

An Act relating to the Annual Division of the Interest Arising from the Ministerial Fund of Turner, Maine (H. P. 716) (L. D. 961)

An Act Providing Funds to Preserve the Machias Valley Airport (H. P. 833) (L. D. 1129)

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

Enactor

Tabled and Assigned

An Act Clarifying the Statute Relating to Realty Subdivisions" (H. P. 1934) (L. D. 1425)

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

(On motion of Mr. Norris of Brewer, tabled pending passage to be enacted and specially assigned for Tuesday, May 25.)

An Act relating to Exemptions from Real and Personal Property Taxation for Industrial Disposal Systems (H. P. 1131) (L. D. 1559)

An Act relating to Distribution of Certain Taxes to Municipalities (H. P. 1323) (L. D. 1735)

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

Orders of the Day

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24:

Passed to Be Engrossed

Bill "An Act to Conform Maine's Corporation Law to the Internal Revenue Code to Permit Tax Exempt Status under Federal Law for Certain Corporations" (S. P. 279) (L. D. 813)

Bill "An Act to Conform Maine's Trust Law to the Internal Revenue Code to Permit Tax Exempt Status under Federal Law for Certain Trusts" (S. P. 280) (L. D. 814)

Bill "An Act relating to Certain Emergency Powers Concerning

Radiation Hazards" (S. P. 570) (L. D. 1716)

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

Bill "An Act Establishing Licensing for the Marketing of Potatoes" (S. P. 574) (L. D. 1718)

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

Mr. Bragdon of Perham offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-298) was read by the Clerk.

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

Mr. COLLINS: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 1718 is a potato bill in the strictest sense. Maine is the second largest potato producing state in the nation — and it was only a few short years ago, in 1957, when we were first. Fourteen years ago there were 4,000 farmers in Aroostook County and only about 20 potato dealers. Today there are fewer than half that number of farmers and more than ten times as many dealers. In L. D. 1718 the growers have presented us with a vehicle whereby we can help to stem the demise of potato producers by setting up fair and clear rules for trading potatoes.

This Legislature has the opportunity by enacting L. D. 1718 to specify that never again is a farmer going to lose his entire year's work because some unscrupulous broker was able to set up shop with only a telephone and a light bulb because there were no provisions for establishing his character, financial responsibility and good faith. We can tell farmers and brokers alike, "Make your own deal, but once it's made nobody can back out on you without your permission." Now nobody has to tell us that the potato industry is in trouble. We are painfully aware of that, especially those of us from Aroostook.

In this bill we have a way to help the potato growers take their own situation in hand and correct some of the problems which have

plagued them for years. In the amendment to this bill which is offered by Mr. Bragdon, and I admit that I do not have the expertise of the honorable gentleman from Portland in matters relating to agriculture, but his amendment would seem to me to dilute the effectiveness of the basic bill. I would therefore not support the amendment.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker and Members of the House: This amendment might spoil this bill entirely if it is put on. It would not only weaken it, but it would create something that we may not be able to enforce properly. We want the bill just as it came out of the committee. We had a long hearing on it and we checked over all the objections; and when we redrafted it we figured we had it about as near perfect as could be made in the time we had to do it in.

I move the indefinite postponement of House Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose this amendment. As Mr. Collins has said, this amendment would be detrimental to the effectiveness of the bill. This bill was prepared and requested by the Maine Potato Council and it is our desire, the members of the Agriculture Committee, to have this come through the Legislature as presented.

I support the motion of Mr. Evans.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I see that I must defend my amendment. Since I have been a potato grower all my life I feel that I know the field in which I am now about to speak.

I recognize that I am speaking against a unanimous report of the Committee on Agriculture, which in itself is not an easy task. I

feel that at the hearing that they did not get all the information with regard to this bill, and in particular the aspect of it that this amendment covers.

The many people, many prominent growers who are now violently opposed both to the bill and the provision that this amendment removes did not believe at the time of the hearing that the Agriculture Committee, that the Maine Potato Council, nor the legislature combined would foist such a bill upon the potato industry. And I think that is the reason that many of them did not appear at the hearing. For that reason I can have some excuse for the report that came unanimously out of the Agriculture Committee.

But to get back to this amendment with regard to seed potatoes, I have got to go into the field of seed potato production in Maine. We have a system of seed production and seed inspection that is the envy of every potato producing state in the Union. The farmers that operate under this system are reasonably prosperous and satisfied with the monetary results that they obtain from their efforts.

These potatoes, as you know, are grown under inspection at all times during the growing process by the Federal State Seed Inspection Service. If I get some of these terms slightly wrong, I am sure you will understand the group that I am referring to. They supervise their growth through the summer; they carry this supervision up into the fall; and they ride the potato harvesters and they follow the potato rows to determine whether there is any disease. And if they find one potato on a hundred acres that is infected with ring rot, the whole hundred acres is immediately disqualified from the seed potato market.

They have a farm in Florida where they, after the seed growers have produced their crop, where they take samples. We do take samples and send them down to Florida to have them grown under — to determine the amount of disease that is going to show up if they are used for seed the following year. If this shows more

than the amount of disease that the inspection would tolerate they are turned down.

It does not necessarily mean they cannot be sold for seed; but if they do pass Florida inspection, the grower can expect to obtain substantial increase in remuneration because he has seed of that quality.

Now that gives you a little picture of the process presently under which seed potatoes are grown in Maine.

Now let's take a look at how they are sold. I think I have got to attempt to explain this to you, and I am sincere. I hate to take all this time to talk this matter to people who are not familiar with the subject that I am talking about. But I have got to talk to you about it just as if I was sitting down in your living room, just as I would do it there. It is the only way I know to try to get my words across. I hope I have words and the means of using them, that I can convince you that I am right in my objection both to this bill and to its application to the seed potato industry.

One other thing before I go along. I want to mention that the Potato Council, which has been referred to I think in this previous debate, this is a body that more or less supervises potato growing in general. And the last vote that they took on this particular feature of the bill, and on one other controversial feature which I may, if I have opportunity, offer at another time, they voted seven for and five against. So this is like some of these close Supreme Court decisions. Let no member of this Legislature get the impression that this is a completely one-sided deal. And the Governor's Committee on Potato Production, I guess — I think I have got this title a little mixed up — they voted on this matter; and on the bill I believe in its entirety at the last time they voted, they voted nine to three against the passage of the bill and this provision. Whether these things mean anything to you or not — but I have also the authority to speak on the Floor of this House for our own Agricultural Depart-

ment in these terms, that they take a very dim view. Now I have clearly cleared this with Commissioner Dolloff. They take a very dim view of this bill in its entirety, and especially in the two provisions of it with which I disagree; namely this including seed potatoes and the F.O.B. Final which will be referred perhaps to later.

Now to give you a picture of how I feel that the handling of seed potatoes under this bill should perhaps have a little more consideration, we will say, than ordinary table stock, let me give you a picture of how it has worked in the years past.

My neighbor and friend Ray Carter of the Washburn Seed Company, along late this summer — August, September, October — will go down into the states where he sells seed — and by the way he grows some two to three hundred acres himself. He will go down into Pennsylvania, to Rhode Island, and other areas where our seed potatoes are used. He has a line of customers that he has done business with for many years. He calls on them, and he makes deals for the sale of seed potatoes as long in advance as that.

These potatoes, most of them would not be shipped until the following — he goes down in August or September — I say the potatoes would not be shipped into these areas for many months. It would be March, April, maybe February, that most of these shipments would be made. So the deal is made a long while in advance.

Now it has been customary for him to go down there, talk to these growers. It has been the understanding that he has with these growers that either he or I, if I sell him a few cars of potatoes, to go down there, he guarantees his product that he has sold to them until they receive it, and they are satisfied with it. If they are not satisfied with it, we have many times adjusted because of complaints that they have made. I have done this myself, and I am sure that he has.

So the potatoes have to go on a basis of satisfied customer. In other words, they are guaranteed

presently to destination. Now I want to call your attention, if you happen to have the bill, or if I can get across my thinking, on page eight of this bill it states under item two, under guarantees — I will read it and then I will try to explain it. There are many things in this whole document that are so ambiguous that hardly two people can read them and get the same interpretation. I don't think this speaks well for a ten page document that is going to be written into the laws of the State of Maine. But I will read this to you and then I will tell you how I understand it. It says:

"Guarantees", it says, "In any sale in which the buyer of such potatoes is a person to be licensed by this Article and has a place of business in this State except a retailer," it says. Now I am not sure what this means. Any guarantees. Now listen to this "any guarantees with regard to grade, size, weight or other specifications, made by the producer shall be deemed satisfied when the grade, size, weight or specifications, as certified by a licensed federal-state potato inspector, or seed potato inspector, after said potatoes have been or while they are being loaded for transit, equals or exceeds the grade, size, weight or other specifications of such potatoes stated in such record." And so forth.

Now this to me says that they are asking the permission to do what is referred to in the trade as an F. O. B. Final sale. In other words, under this, if I, next fall, if this law passes, and next fall I try to make a deal with Mr. Carter for a carload or two of seed potatoes, he has already had to commit himself that he is willing to guarantee this to the grower that he sold it to. But I can say, "Well, look Ray, under this document that we passed in the last session of the legislature, it says that after I have had these certified and inspected" — all seed potatoes are certified and inspected so there are no exceptions to this rule — "I don't have to guarantee them any further."

Well, Mr. Carter is going to say, under the rules of trade, "Okay,

but there is no deal." Now this is how impractical that this idea of F.O.B. Final, or not being willing to guarantee your product to the ultimate consumer, how ridiculous it is.

Now many of our good growers, our responsible growers have, I am sorry to say, hesitated to appear on this bill, because they feel that there is a group that feels strongly that this legislation should be passed. They are a new group that took control of the Potato Industry Council in the last election. They have very forward-looking ideas, and I don't say that is bad. But I think they have made a mistake in regard to this bill.

And so these other farmers are saying—Basil Fox, a member of the Council who voted against this who attained the high honor of being last year the President of the National Potato Council, took this position with me in discussing this bill with him. He says, "This bill isn't gong to affect you and I. We are going to ship potatoes of good grade. We are going to put up a good car of potatoes. We are going to guarantee them to grade just the same as we always have in spite of this bill." And for that one reason I think that many of these good growers that I refer to did not appear in opposition to it. They just thought that these fellows are looking for something that they think may work, and I don't think it will. "Let them try it," they said, "and let them learn the hard way." However, at that point I fail to agree with Mr. Fox.

I don't think it is good judgment to put a bill, to say we will put a bill on the books, ten pages saying, "Well, somebody thinks they want it, let them try it and see if it will work. We know it won't work, and we are going to go ahead and do business the same old way." I don't think this is a sensible thing to do, and so for that reason I am openly expressing my opposition to this bill and to its effect on the seed potato business.

Now I have done my best, I guess, to explain why I don't think this will work. I think we have got to continue to put up a food product, a better product than we have. We have got to continue to be will-

ing to guarantee a grade to the ultimate buyer, or we just cease doing business. Now it is just that sensible.

There are other areas, even some of the buyers outside are already going to Canada and other areas because they have already become alerted to the provisions of this bill. They say, "We are not interested in doing business on those terms." And I expect we have even lost business already for this fall, while we are still in the process of planting this crop, because this bill is now before us.

So I hope you have listened to the arguments I have made. If I have convinced any one of you, a half dozen of you, I shall be happy. But regardless of how any of you feel, I think this is unwise legislation, could be as damaging as anything that anybody could do to the potato industry. And if anybody votes with me I shall be very very grateful.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I just wish to go on record as supporting Mr. Bragdon's amendment. I do believe that he and I view the bill in general slightly differently. However, his amendment, as it applies to the seed industry, he has very well covered it and he has very well explained it. And I wholeheartedly endorse this amendment.

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 my colleague, Harold Bragdon. If you people will read this amendment over, this deals with the seed grower only.

We have three different categories in the county in raising potatoes — the commercial grower, the seed grower and the process grower — the fellow who is raising for these processing plants.

Now the certified seed grower, he has to have, or the dealer has to have a license from the federal government costing \$60 to sell certified seed. The independent

grower, which should be exempt from this bill 1718 — actually it isn't the amendment that should be indefinitely postponed, it should be this whole bill. It is a vicious bill, and unless you people read this all through and know the conditions up there, you can see where this can be quite damaging to the Aroostook County farmer. However, I feel that we should go along with this amendment. At least it will protect the seed grower up there and exempt him from some of these unfair conditions that the original bill calls for.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker and Members of the House: In answer to some of the things that Mr. Bragdon said, I can't talk on the potato question the way he can, but I have this thought. For the last fourteen years the potato growers have been fast selling off their machinery and going out of business. But I haven't heard of any of the dealers or brokers going out of business. They seem to be thriving and increasing. And now I think it is about time we tried something different.

Of course I know it has worked for a lot of them, this seed potato business the way it is. Now this is a new idea. Why not give it a try? If for fourteen years we have been going in the hole as far as Aroostook County is concerned in raising potatoes, wouldn't you say it was about time we tried something a little unusual?

Now it is all right to maintain the old things, but once in a while we have to go to the new things.

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

Mr. GOOD: Mr. Speaker, Ladies and Gentlemen of the House: I come from a long line of farmers, and I would do anything within reason to help them in their fight for survival and financial security. To see a whole county of good and hard working men and women struggling year after year to try to make ends meet and barely succeed is heartbreaking. And once more I swear to the farmers of Maine that I will do anything in

the world to help them. However, in my opinion this bill will not do a thing for the farmer. This bill has been sold to the farmer by well-meaning, I hope, but misled officials of the Maine Potato Council. This bill will raise havoc with the seed business.

But this bill is a popular bill. It is a vote getter because it permits farmers to sell you a load of potatoes, pack them himself, and not guarantee their quality. Some will say that the farmer has them inspected. I used to be a potato inspector and I know how useless some of the inspections are. And any inspector can be hoodwinked if a try is made.

I have no objection to applying for a license, but I do mind having my application sent to the Maine Potato Council for approval as this bill provides.

There are many facets of this bill that are wrong, in my estimation, and I think that before such a drastic change is made in the potato marketing setup, a study should be made by knowledgeable and unbiased people.

This sponsors of this bill claim that the potato broker setup is all wrong, but they have offered no substitute. They claim that potato dealers are making 20 cents a hundred on the farmer and this is unbearable. Let me tell you where the money is made. A farmer buys his seed, buys his fertilizer, the seeds cost him four dollars a barrel at least, fertilizer will cost him fifty dollars a ton up. He hires labor, he buys his spray material, he digs the potatoes, he stores them, he hires labor for packing, he buys the bags which amounts to two or three hundred dollars a truck load, and pays all their expenses, and he gets 40 cents a ten-pound bag or \$4 a hundred.

And the store over here in the shopping center in Augusta and the stores in New York and New Jersey, potatoes are selling for \$8.90 a hundred to \$10.90 a hundred. There is a profit of \$5 per hundred pounds of potatoes on the farmers crop. That is where your money is. And until the farmer gets a part of the retail markup on potatoes, the farmer is still going

to be going out of business faster than the brokers are.

It is strange to me that all the supporters of this bill never raised a potato in their life, never marketed a potato and never sold potatoes. I wonder why that is. I know it is political suicide to talk against an unpopular bill, and that is probably what I am doing. But if this amendment goes on, it won't make any difference to me, because eventually I am going to make a motion to indefinitely postpone this whole bill. It is no good.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Regrettably I feel that I must make some comment on Representative Evans' remarks. They sound completely unsound to me, and I hope they do to many of you. He is bringing out the point that there is something wrong with the potato industry. Let's do something, whether there is any sense in it or not, to attempt to correct it. I am all for doing something to correct it, but this is not it, and I hope that you don't buy the argument of Mr. Evans that they are in bad shape and we have got to do something, whether it is good or not.

This strikes out an important section of the industry. You might divide this into two or three sections. This bill, as I say, so controversial in the county, that many of our lending institutions felt that they did not wish to take any issue, any side on it. That is understandable. Many of the brokers that pay to dealers took the same position, that they definitely felt it wasn't sound but they hesitated to rile, say, the group that think we have got to do something.

I point out that Mr. Evans' remarks are absolutely unsound and I hope you don't buy them.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am not a farmer, although I worked many summers on a farm and my father is a farmer, both my grandfathers

were potato farmers and all my great grandfathers were potato farmers.

The opposition to this measure comes from the most part from the potato farmers and brokers who see that their income objectives might suffer by the removal of the present unsupervised ways of squeezing a little more out of the farmer. Brokers say it is a bad bill but generally the farmers say they need some help in ridding their industry of unfair practices. No one least of all the Potato Council, at whose request this measure was introduced, believes the bill is a cureall for the potato industry. It is, however, a first and important step towards establishing order where there is now only costly chaos. We have a chance now to render some meaningful assistance to an important segment of the state's agricultural industry by passing this bill intact.

The potato producers in my area are in favor of this bill because it will establish "truth in trading rules for the potato industry." It will call a halt to the costly practice of allowing dealers to sell a car of potatoes, two, three, five or seven times among themselves before it ever leaves the county, and always at the expense of the farmer.

This bill will assure the farmer that his potatoes are not set off on a siding somewhere, and often left to rot, and then to suffer the loss of the entire load because some dealer decided to speculate with the growers' goods without asking him for authority to do so. It will say to the dealer, "If this farmer is going to be held responsible for the grade and quality of this shipment, then you have got to tell him where it's going, because in the case of a perishable commodity like potatoes, the longer the haul, the greater the risk."

Farmers are often going broke, as it has been pointed out before, while some middle men are making a lot of money. This bill seeks to put the whole potato matter on a businesslike basis and give the producer some control of his own product that he needs and deserves.

When the vote is taken on this matter, that is for the motion for indefinite postponement of Mr. Bragdon's amendment, I ask that it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I am not a young farmer, as somebody alluded to a minute ago about the young farmers, because I have been selling potatoes since I was ten years old, and that is some time ago. And I have been operating a farm for better than fifty years. So I know a little about the ins and outs of potatoes, potato troubles, potato growing, all the heartaches that many growers have had over the periods of years.

Now this bill in no way affects the growing of certified seed or foundation seed, either in Aroostook County or in the test plots in Florida. You can go right along with your regular practice and grow your foundation and certified seed just the same as we always did.

This bill and the intention of this bill is to do three things principally, to have the dealer broker's licensed to have them bonded and to give the grower an opportunity to know how his potatoes, what he is selling, are going to go. It has been spoken of as the F.O.B. Final, and I believe it should be F.O.B. Final to a dealer if he is just buying the potatoes delivered at this point. He then has the opportunity to sell them at what ever price he wants to beyond that.

But that doesn't stop the dealer from becoming a broker. And presently, as far as the seed is concerned, we would like to have the potatoes bought through brokers and sold through brokers. The cost when you buy a car of potatoes from a farmer as a broker, he knows the price; the price is designated in the contract. He knows where they are going to be delivered and then he expects to stand the grade condition to destination. He also knows that there is going to be a diverting point for them. But under our present regulations, those things are not always known by the grower.

And ladies and gentlemen of this House, this bill will not hurt the potato industry of Aroostook County in any way. And the only one it will hurt maybe a little, because they may have to change some of their buying tactics, is some of our so-called dealer brokers, and actually they are the people who are opposing this bill. And I hope you support the indefinite postponement of this amendment.

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

Mr. CYR: Mr. Speaker, Ladies and Gentlemen of the House: I was born and raised on a potato farm. I am a graduate of the University of Maine as an Economist. I taught vocational agriculture for four years in Madawaska. I worked under the Soil Conservation Service for four years, and my last assignment in the potato industry was as manager of the United Potato Producers of Maine in Presque Isle, from 1965 to 1969. So I know a little bit of what is going on in regards to this, and let's save it.

I know I possibly should address my remarks in regard to the amendment which is being debated. However, many of the previous speakers have also made reference to this legislation, and therefore I feel that I should try to defend this legislation which I feel will be good for the potato industry.

The way it is now, we have no brokerage institution at all in the State of Maine in Aroostook County. We call them brokers, but they are not in essence brokers. A broker is a third party, an in-between man who takes an order from a buyer and he finds a seller to fill that order. Now we have that man on a commission basis, and the commission which is usually figured on is 10 cents a hundred weight. We do not have that.

Our so-called brokers in Aroostook County will accept an order and if they see fit they will reduce the price by twenty cents, thirty cents, or even fifty cents a hundred. In this case they are not a broker any more — they are buyers. They are buyers. But all of our transactions are on an F.O.B. basis, or that is a shipper or the farmer, whoever is putting up that

shipment, has to guarantee delivery.

That means that if the shipment arrives in Boston or arrives in New York and it is not in good shape, or the buyer thinks it is not in good shape, he may call an inspection and he may file a complaint. Then in that case the broker is no longer a broker — I mean he is no longer a buyer. He assumes his responsibility as a broker and passes on the complaint to the shipper or to the farmer that has put up that car.

So in other words what we have, the setup that we have in Aroostook County, this is shipping for a buyer with a broker's responsibility. That is, if the shipment gets into trouble, then the broker washes his hands of the whole deal and he passes the complaints on to the shipper or the farmer that has put up that car of potatoes. So all that this legislation is trying to do is to license; and you have to declare yourself, whether you are going to be — you are buying a license as a broker or whether you are buying a license as a buyer.

If you buy a license as a broker, then you are only entitled to a brokers commission, which is ten cents; and all your responsibility is to try to find a seller for that shipment. Now if you buy a license, a buyer's license, then you assume the responsibility of a buyer. Then you take your delivery right there at the car in the country.

In other words, the shipper's responsibility ends when the buyer accepts that car, which is as it should be. Because in that case the buyer will have a wider commission and he can stand the losses that may be incurred. If you bought the broker's license and you are operating under a broker, then the farmer or the shipper has to assume the responsibility and has to guarantee delivery to wherever it is going to go. But the broker has to name where this location is going to be.

The way this is now, for instance, a farmer may be asked to load a car of potatoes and he doesn't know where it goes. It may go to New Jersey, it may go to New York, it

may go to Miami Beach. Now if that car goes to Miami Beach and you have got to assume the responsibility, guaranteed delivery to Miami Beach, you can see the unfairness of the program that we have today.

So I hope that if you attempt possibly to try to kill the amendment that is before you, that you are not going to kill the bill. I also have an amendment to offer to this bill and I am not sure right now whether I should or not. I certainly don't want to jeopardize the bill with my amendment. If my amendment goes through, so much the better. If it doesn't I don't want the bill to be jeopardized.

And that is right there, in essence, in short, what this bill would do. It will only put in regulations where there are none existing today. A broker or a buyer will buy whichever license he wants to operate under and then follow the regulations that are spelled out under the bill.

Whereupon, Mr. Susi of Pittsfield moved the previous question.

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

A vote of the House was taken, and more than one third of the members present having expressed a desire for the previous question, the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? Which is debatable for five minutes by any one member. Shall the main question be put now, say aye; those opposed say no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Freedom, Mr. Evans, that House Amendment "A" be indefinitely postponed.

The yeas and nays have been requested. For the Chair to order a roll call it must have the ex-

pressed 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: If you are in favor of indefinite postponement of House Amendment "A" you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bailey, Barnes, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Bither, Boudreau, Bourgoin, Brawn, Brown, Bunker, Call, Carrier, Clemente, Collins, Cooney, Cote, Cottrell, Crosby, Curtis, T. S., Jr.; Dow, Drigotas, Dyar, Emery, D. F.; Emery, E. M.; Evans, Farrington, Fecteau, Finemore, Fraser, Genest, Hall, Hancock, H a w k e n s, Hayes, Immonen, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lessard, Lewin, Lewis, Lincoln, Lucas, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Martin, McCloskey, McCormick, McNally, McTeague, Millett, Mills, Mosher, Murray, Norris, O'Brien, P o n t b r i a n d, Rand, Rocheleau, Rollins, Scott, Sheltra, Shute, Silverman, Smith, D. M.; Starbird, Susi, Tanguay, Theriault, Vincent, Webber, Wheeler, Whitson, Williams, Wood, M. E.

NAY — Baker, Bartlett, Berry, G. W.; Birt, Bragdon, Carey, Churchill, Clark, Conley, Cummings, Curtis, A. P.; Cyr, Dam, Faucher, Good, Hardy, Henley, Herrick, Hewes, Kelleher, Lee, Littlefield, Lund, Marsteller, Morrell, Page, Parks, Porter, Pratt, Ross, Shaw, Simpson, T. R.; Slane, Stillings, Trask, Wight, Wood, M. W.

ABSENT — Bustin, Carter, Curran, Donaghy, Doyle, Dudley, Gagnon, Gauthier, Gill, Goodwin, Hanson, Haskell, Hodgdon, Jalbert, Jutras, Kelley, K. F.; Lizotte, McKinnon, Orestis, Payson, Santoro, Simpson, L. E.; Smith, E. H.; Tyndale, White, Woodbury.

Yes, 87; No, 37; Absent, 26.

The SPEAKER: Eighty-seven having voted in the affirmative, thirty-seven in the negative, with twenty-six being absent, the motion does prevail.

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

Mr. GOOD: Mr. Speaker and Members of the House: I move the indefinite postponement of this bill and all its papers.

The SPEAKER: The gentleman from Westfield, Mr. Good, moves the indefinite postponement of L. D. 1718.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Speaking as an individual legislator from Aroostook, I can assure you that the problems that individual legislators from Aroostook have had on this particular legislation have not always been pleasant and they have not always, I suppose, done individually what we wanted to do.

I am speaking from a rather difficult position, because I have members of my own family who are involved with potato farmers. I have personal friends that are brokers. But interestingly enough the problem arises very simply. For the most part all the farmers are for the bill and to my knowledge every single dealer is opposed to the bill.

I know that this bill may not do the job to solve the problems that we face in Aroostook, but I can assure you that the industry is in trouble whether we want to admit it today. My home town used to have 40 potato farmers, and today we have one. That is all. And so from personal experience I know the problems. I am not at all happy with this bill, but I hope that you will vote against the motion of the gentleman from Westfield, Mr. Good.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I will have to vote against the indefinite postponement of 1718. This document was introduced in the 105th

Legislature at the request of the Maine Potato Council, which since 1936 has represented Maine's potato growers, who presently number about 1700. On March 25, 1971 the Board of Directors voted unanimously to support this legislation.

I don't want to confuse this figure with the figures of Mr. Bragdon, because the figures that Mr. Bragdon presented on this amendment and on other parts are perfectly correct. So I am not disputing his figures in any way, they are two different things.

The Bill is designed to:

1. Improve the overall quality of Maine potatoes going to market by compelling the actual marketer to satisfy his customers.

2. Eliminate patently unfair practices existing under the present undisciplined system.

3. Assure that all parties will be informed of the essential facts involved in the transaction.

4. Tremendously improve an industry which annually returns \$500 million to Maine's economy and seeks no administrative funds from the State.

This act would license persons who are in the business of buying and selling Maine potatoes. It outlines proper and improper practices as is now the case with most other businesses or industries in the State. Presently the farmer alone is unfairly required to assume unknown, thus unplanned for, risks involved in marketing potatoes, even to unknown destinations and to unnamed persons.

This bill says that if the grower is to run these risks, he must know where and to whom because the degree of risk varies with the length of the haul. The local dealer can still continue to purchase potatoes from a grower and sell them to another buyer, but in return for the pricing advantages inherent in this type of transaction, the dealer, not the grower, must be responsible to satisfy any guarantees his customer requires. Thus guarantees of quality and satisfaction are fairly assigned to the person who actually places the potatoes "on the market".

I urge you to vote against the indefinite postponement of this bill.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen: It isn't very often that I rise to speak on the same side of an issue as the gentleman from Eagle Lake, Mr. Martin, but it is an extreme pleasure to do so today.

I want to say that if his party had let me alone in 1965 this Legislature would have had to have faced this at that time. I am very definitely opposed to this, the indefinite postponement of this bill. I think that Aroostook County has needed this for many many years and I wholeheartedly wish to support the bill.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker and Members of the House: In the debate on the amendment we spent a lot of time, so I am not going to take up more time to debate the bill because I think we have pretty well covered it at that time. I do hope, and I want to say, and ask the members of this Legislature to vote in favor and not kill this bill on us. The motion as I understand it is for indefinite postponement. Now I hope that you would not vote for that motion.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I originally confined my remarks pretty much to the amendment which I offered. Since the debate now has gone into the area of the whole bill I feel that I would like to place myself on record before the industry as to my position on the whole bill. And since I spent the greater part of one evening preparing this speech, and I know you like to hear long speeches, I hate to be denied the right to present it to you. I think you will agree that I haven't imposed too badly upon you, and I hope you will forgive me. But I do feel that I would like to go on record as to clearly what my

position is in regard to the whole bill.

Now I may repeat some things that I said in regard to the amendment. However, I prepared this, and I guess I will have to pretty much stick to the script.

Now I think I must go back, give you a little briefing on how this bill came about. And last fall, when the meeting was held to elect members of the Maine Potato Council, a new group, forward-looking farmers, were successful in winning majority control of the Council. This document is a sincere attempt on their part to come up with something that would be of help to the industry.

In creating this L. D. they obtained the help of a prominent law firm in the area, and honestly I don't believe there is another law firm in the state that could come up with a ten page document that contains as many weasel words and ambiguous phrases as this one does. They were so concerned that this bill would not get by this Legislature — which by the way has obtained an outstanding reputation for most carefully scrutinizing and thoroughly debating every matter brought before it — that they obtained the services, or they advised the Potato Council to obtain the services of two of the most able and effective lobbyists in the state to assure its passage.

And the Potato Council, by the way, spends the farmers' hard earned potato tax money as if there were no end to it. They bought the idea. You know I hope that Brooks Brown and Dana Childs are going to be so grateful to me when they find out, you know, that I am not going to oppose this bill, that they will offer to take me out to a lobster feed or something equally good.

Now to get back to the bill again, it may have some good features, but has some completely impractical and unworkable sections. I do not wish to bore you, but I would like to refer you to section two, page eight, where it mentions what the trade refers to as F.O.B. Final sales. This is all for the birds. If anyone thinks they are going to sell a car of

potatoes or other produce for that matter on an F.O.B. Final basis, they are fooling nobody but themselves.

I assure you, ladies and gentlemen, that this is highly controversial in the industry. I have had letters and conversations with some of the largest and most influential growers in my area bearing out my contention on this, that this bill is not good for the industry. I feel free to mention some by name. They include such growers as Walter Reed, with well over 500 acres; Harold Clark, Delance Lovely, about the same; Carter Seed Farms in Washburn; Harley Welch, former member of this body, and past president of the Maine Potato Growers, the largest cooperative in the county, violently oppose.

And I did mention previously that our own Commissioner of Agriculture authorized me to say on the floor that he takes a very dim view of this bill. I have previously mentioned the talk that I had with Basil Fox, and I will not go over that again. And in final summation of Basil's standing on the bill, he says if there are those who wish to try to ship on an F.O.B. Final basis, he says, "Let them try it and learn the hard way." So you see there are those who agree with me that many of the provisions of this bill if put in operation are unworkable, impractical and damaging to the industry.

Now with these few remarks, ladies and gentlemen, I have tried to make it clear to all who are interested where I stand with regard to this document. I would say much more, but now it just occurred to me what was said the other day about the cost of the legislative record. I don't remember how much it was, but I do realize it was expensive. I believe \$100 a sheet. You know I think it would be a good idea to allot so many pages of this legislative record to each member, and then when he had used up his allotment he would have to shut up.

Now I thank you very much, Mr. Speaker and ladies and gentlemen, for imposing upon you as much as I have today.

Mr. Susi of Pittsfield moved the previous question.

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

A vote of the House was taken, and more than one third of the members present having expressed a desire for the previous question, the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Is it the pleasure of the House that the main question be put now, say aye; those opposed say no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Westfield, Mr. Good, that Bill, "An Act Establishing Licensing for the Marketing of Potatoes," Senate Paper 574, L. D. 1718 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. 14 having voted in the affirmative and 101 having voted in the negative, the motion did not prevail.

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

Passed to Be Engrossed (Cont'd.)

Bill "An Act relating to Rate of Interest on Property Taxes" (S. P. 584) (L. D. 1737)

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

Mr. CARRIER: Mr. Speaker and Members of the House: I speak in opposition to L.D. 1737 which is a very brief bill if you have looked at it. This is the same type of bill as we have had in the last two legislatures that I have been

here. And at that time we killed both bills in different legislatures.

This one here is a totally different bill from L.D. 1227 in that it sets no—it puts in no set amount of interest to be charged on the delinquent taxpayer. Now you will also notice that it repeals the present law, which is that they can charge up to 8 percent if they want to. But this present bill repeals this 8 percent.

Now I submit to you that this bill will not affect me in any way, I don't believe. But I submit to you that it will affect a lot of people in this state, that actually this bill would punish people for circumstances which are beyond their control, and that is namely that they cannot pay their taxes on time because of sickness, because of death and the estate is being settled. And I submit to you that this bill actually is very ambiguous. If you don't think so you read the first three lines and I wish you would explain to me what it means.

But I am not interested in the first three lines. I am interested in the fourth line on whereby it sets the rate of interest. Now this rate of interest which is to be set, which says, "shall not exceed the highest conventional rate of interest charged for the commercial unsecured loan," — now I want you to notice that this says unsecured loans — "by the Maine banking institution on the first day of the year."

Okay, well, let me tell you that from the report that I got from the banks in Portland, also in Westbrook, that the rate of interest on the prime rate — we are talking about prime rate of interest now — as of January 1st, 1961, ranged between 10 and 11 percent. Now this would actually make the people, if they set that rate, this will actually make people pay between 10 and 11 percent instead of eight.

Now this is one of the reasons why this bill came out in new draft, because the original bill presented had set the rate at 12 percent or one percent a month. Now you cannot tell me that the proponents of these bills, who have consistently been in favor of rais-

ing the rate of interest on unpaid taxes, all of a sudden they have a change of heart and they want to lower the rate. This I cannot believe.

Now if this bill would say — I let it go to third reader thinking somebody would pick it up and put some amendments. Now if this bill would say that at no time the rate of interest is to be more than eight percent, this would be wonderful. But let me tell you that there is a danger in this bill too. Assuming that the prime rate — and it hasn't been that way for a number of years — assuming that the prime rate of interest the first of the year would be five and a half to five and three quarters, and that is what the people could charge. I tell you that there are a lot of people, a lot of municipalities would actually take a beating, because some of them have to pay more than that.

I think eight percent was a fair amount, and this bill tends to repeal this. Now I submit to you that this — and I actually am against this bill because this is detrimental to the people of the State of Maine inasmuch as where aside from charging you, overburdening you with high tax real estate, they also compound the interest.

And this is another thing which is very distasteful to any one of us. I think that charging people is not the solution to this problem. I think that at most times, and in most circumstances, that you will find the legislature very concerned about the people not losing their homes. Now people can lose their homes because of not paying taxes. The municipalities, aside from being able to charge interest, which I don't believe is fair, they also have the right to put a lien against your property.

Now we know, and I want to feel that we know that the people of this state who do not pay their taxes on time, it is usually due because of sickness or other hardships that they are having.

We will be told that the big companies take advantage of borrowing so much money, don't pay their taxes and all this stuff. I don't

believe this is true. I believe that the industries of Portland pay their taxes on time. I know that they do in Westbrook, and I believe that this is the way throughout.

In the first place, I think that it is very unfair, very inconsiderate and very probably illegal for the municipalities to actually force people, and put them to shame by publishing their name in the paper when they don't pay their taxes. I have found that most of the people that their names have been in the paper, and they haven't paid their taxes, it was due because of, I say, unusual circumstances. Most people are honest and they want to pay them on time.

I submit to you that this is not a good bill; that they can, if they want to — if they want to and you don't pay your taxes, they can take your car, they can take anything else they want. But whatever it is, don't take their homes; and they don't take their homes either.

So I submit to you that this rate of interest could go anywhere from eight to ten to eleven to twelve percent with no set date on it. And I think that this is not a good bill. It doesn't state anywhere from what bank they will use to set the rate of interest. It does make a difference, because the prime rate of interest comes from Boston. So it makes a great difference as to how — where it will come from and what the rate will be.

Right at present I can say to you — and I have been told this by the bank — that as of September 1st the prime rate is going up, and it will go up again the first of the year. There is a lot of mortgage money around, and instead of putting it in mortgage money which has great control over prime rate, they will put it in bond rates which pay eight and four point five percent right now. So I submit to you in all due respect to the sponsor who I admire, and I think we are all trying to do a good job here, that this bill, in my opinion, is against the people of Maine. I think that this is a great punishment as it is even at eight percent. But if it is necessary, let's leave it there. I think with no set amount that somebody could really get hurt.

I move for the indefinite postponement of this bill and ask for a roll call.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This bill came out of Taxation Committee with a unanimous "Ought to pass" Report. It is an incentive for people to pay property taxes on time. Many people now don't pay their taxes promptly because they can get more interest on their money from other sources.

The present law, as stated, they can charge up to eight percent for delinquent taxes. The original bill said one percent per month, or 12 percent per year. We considered that too high.

The redraft says that the rate shall not exceed the highest of the conventional banks, and the towns will be notified of this rate by the Treasurer of the State on or before January the 20th.

And by the way, the prime rate is about seven and a half percent now.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: As a member on the Taxation Committee, I don't want to speak and repeat what Mr. Ross has already said, but the gentleman from Westbrook, Mr. Carrier, if he got his figures from a bank, they are doing a whole lot different from the rest of the banks in the State of Maine because there has never been a prime interest in the State of Maine of ten percent; never been one of ten percent.

At the present time it is seven and a quarter. Last January if I remember right, and I believe I do, it was seven and a half percent. Under this bill right here we will just simply stop them from letting their taxes go and not paying their taxes, and figuring they are going to borrow the money from their town to pay their taxes rather than paying the rates the banks are now charging because we will be under the average bank.

And as far as the unsecured loan, that is a loan that is really borrowed on surplus money that the bank already has. It is not on a short term loan. I don't want to see this House confuse a short term loan and unsecured loan. Because usually if the persons are capable of borrowing money without security, they can go in and borrow on a demand note, probably for seven percent, maybe where the prime rate is eight percent, because it is something that can be collected right off quick.

So this will mean a much lower rate of interest than the eight percent. Probably at the present time the bank would send us, if we were asked on January the 20th this year, they would have sent us a rate probably of seven and a half percent. And I do not agree, and I hope you do not go along with the indefinite postponement of this bill.

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

Mr. BERNIER: Mr. Speaker, Ladies and Gentlemen of the House: I am afraid there is a little confusion here. The prime interest has nothing to do with setting the rate of interest. If you read the bill, it says "The rate of interest charged for an unsecured loan." Well, that is a lot different from the prime interest. In fact, from personal experience, I have just secured an unsecured loan for 7 percent. So today the rate of interest instead of being 8 percent would be 7 percent.

I happen to know the sponsor of this bill, and he explained it to me at length, so that is why I am rising today, not to oppose my friend from Westbrook and cohort, but just to set the record straight.

The way it is now at 8 percent, a businessman for instance, could make money on this deal. He can buy his Christmas stock all through the summer months and not pay his taxes until he has sold this stock. So instead of paying the going rate, he is going by the very low rate which the city is charged, and who pays for this except the poor man? And you are not benefiting the poor man like the

Representative from Westbrook, Mr. Carrier, but you are benefiting the businessman who will pay his taxes just before they will be publicized. Don't try to beat the businessman at his own trade. You can't beat them.

This bill was made and thought seriously throughout by a man who knows his business. He has been in this business for thirty years in Oxford County, and I am sure when he puts out a bill such as this, you do not say that it is loosely manufactured, loosely put together. This man knew what he was doing, and if you don't back this up you are a loser.

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

Mr. CYR: Mr. Speaker, Ladies and Gentlemen of the House: I am also a member of the Taxation Committee, and one point that I would like to bring out to you is that the interest rate which is spelled out in the bill, the towns can charge up to this, but actually the final decision is up to the town meeting, the people at the town meeting. You are the ones who are going to decide on the rates that you are going to charge. You can charge up to what this rate would be.

Mr. Susi of Pittsfield moved the previous question.

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

A vote of the House was taken, and more than one third of the members present having expressed a desire for the previous question, the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now, which is debatable for five minutes. All those in favor of the main question being put now will say aye; those opposed will say no.

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

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

gentleman from Westbrook, Mr. Carrier, that Bill "An Act relating to Rate of Interest on Property Taxes," Senate Paper 584, L. D. 1737, be indefinitely postponed in non-concurrence. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that L. D. 1737 be indefinitely postponed in non-concurrence. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Bailey, Barnes, Bedard, Berube, Binnette, Boudreau, Call, Carey, Carrier, Clark, Conley, Curtis, A. P.; Dyar, Emery, D. F.; Emery, E. M.; Faucher, Fraser, Genest, Hewes, Kelleher, Lebel, Lessard, McKinnon, McNally, Rand, Rollins, Shaw, Starbird, Tanguay, Wheeler.

NAY — Baker, Bernier, Berry, G. W.; Birt, Bither, Bourgoin, Bragdon, Brawn, Brown, Carter, Churchill, Clemente, Collins, Cote, Cottrell, Cummings, Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dow, Doyle, Drigotas, Fecteau, Finemore, Goodwin, Hall, Hancock, Hardy, Hawken, Hayes, Henley, Herrick, Immonen, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield, Lucas, Lund, Lynch, MacLeod, Maddox, Manchester, Marsh, Marsteller, Martin, McCloskey, McCormick, McTeague, Millett, Mills, Morrell, Mosher, Murray, Norris, Page, Parks, Ponthriand, Porter, Pratt, Rocheleau, Ross, Scott, Sheltra, Shute, Simpson, T. R.; Slane, Smith, D. M.; Stillings, Susi, Theriault, Trask, Webber, White, Wight, Williams, Wood, M. W.; Wood, M.E.

ABSENT — Albert, Ault, Bartlett, Berry, P. P.; Bunker, Bustin,

Cooney, Crosby, Curran, Dudley, Evans, Farrington, Gagnon, Gauthier, Gill, Good, Hanson, Haskell, Hodgdon, Jalbert, Jutras, Kelley, K. F.; Lizotte, Mahany, O'Brien, Orestis, Payson, Santoro, Silverman, Simpson, L. E.; Smith, E. H.; Tyndale, Vincent, Whitson, Woodbury.

Yes, 30; No, 85; Absent, 35.

The SPEAKER: Thirty having voted in the affirmative and eighty-five in the negative, with thirty-five being absent, the motion does not prevail.

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

Third Reader

Tabled and Assigned

Bill "An Act relating to Operation of Pulpwood Trucks on Maine Highways" (S. P. 588) (L. D. 1740)

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

(On motion of Mr. Hardy of Hope, tabled pending passage to be engrossed and specially assigned for Tuesday, May 25.)

Bill "An Act Appropriating Funds for Staffing and Operation of the Residential Facility for Mentally Retarded Children in Aroostook County" (H. P. 636) (L. D. 866)

Bill "An Act relating to Tax Sheltered Annuities" (H. P. 699) (L. D. 942)

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

Third Reader

Indefinitely Postponed

Bill "An Act Granting Snow Plowing and Removal Equipment the Right of Way" (H. P. 789) (L. D. 1065)

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

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 get up this afternoon and oppose the Representative from Portland, Mrs. Kilroy's bill, but I have to because I did

vote against the bill in the committee. And the bill reads like this: "Snow plowing and removal equipment, when engaged in public snow plowing and removal operations, shall have the right of way." This means quite a bit. If a snowplow was coming on the red light and let's say was going on the green light and I felt sure that the road would be open for me if this plow comes along and hits me in the side, the way the bill reads I will be wrong; he will be in the right, So I feel that this is not right.

I did work on snow removal in my own town too with a frontend loader, and it is pretty hard for a man who is on a frontend loader to load snow and not have any accident if he feels that he always has the right of way. So that is why I feel that the passing of this bill will be very dangerous for our people. And I hope we do go against that bill and we indefinitely postpone it.

The SPEAKER: The gentleman from Van Buren, Mr. Lebel, moves that this item be indefinitely postponed.

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

Mrs. KILROY: Mr. Speaker and Members of the House: I have presented quite a few bills in my sixteen years in the House, but I don't think I have ever had such a simple bill, or should I say simply written. However, I have never driven a snowplow. I do feel that this bill is very necessary for the people that are in the cities.

This bill was given to me by the City of Portland to present. We have many problems in snow plowing. Oftentimes when we have a very heavy storm people just don't think and they just go off and leave their cars anywhere. There are many problems with snow plowing. I feel that perhaps this bill asks that the snow plowers have the same right as the police department and the fire department.

And I am sure that when the people hear the police department and the fire department coming, they do pull aside, and I think that is what this bill is for, to give right of way. And I am sure that anyone driving a snowplow, if they saw

another car coming on the green light, I think they would use good judgment. I don't think they want to hit any car any more than anybody else does. And I hope you do not go along with the gentleman to kill the bill. It came out eight to three "ought to pass."

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

Mr. CAREY: Mr. Speaker and Members of the House: I would address this gathering as a municipal officer from a city, and I would say that there is a slight difference between a police and a fire call as compared to plowing. These people are equipped not only with lights, but with sirens. Mrs. Kilroy from Portland mentioned parked cars. This has absolutely nothing to do with this problem. I would certainly hope that you would indefinitely postpone this bill.

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

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: I understand Mrs. Kilroy has an amendment to offer for this bill. Why doesn't she offer it?

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

Mrs. KILROY: Mr. Speaker, I did have someone draw the amendment up, and as I read the amendment it just eliminated the bill, so I figured it was just to go along with the amendment. I didn't write it. I had someone else do it for me, and it would just eliminate the bill, I ask for a roll call.

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

Mr. WOOD: Mr. Speaker and Members of the House: After hearing this bill in committee I decided there was a lot of good this bill could do, so I signed it "ought to pass." I have plowed snow for a good many years. I know the problems that a man has driving a snowplow at night and in storms, and there are a good many things in this bill that would be beneficial to a man operating snow removal equipment. Although I never plowed in a city like Portland, I

don't know exactly what the problem would be there, but I do see some good to the bill and that is the reason I signed it "ought to pass."

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

Mr. HENLEY: Mr. Speaker, I would like to pose a question to some of our legal minds. I was going to understand that right of way rarely gives the privilege to run red lights, except in emergency measures, and with due caution. I don't believe that snowplows are going to plow right through red lights just because they are given a certain authority on right of way.

I would like somebody to advise me on this.

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

The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: I don't want to answer the question, but I would like to say something on the subject. I don't believe this is a good bill. If you give the snowplow drivers the right to go through red lights and stop signs, they are going to do it at all times. I have had the experience in the past of having to investigate accidents where these snowplows had gone through and hit cars who had the right of way. You just don't see these snowplows sometimes. There are corners which prevent you from seeing the snowplows. So I definitely would go along with indefinite postponement.

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

Mr. DAM: Mr. Speaker and Members of the House: I hate to rise to oppose my good friend, the lady from Portland, Mrs. Kilroy. But I want to go on record as going for the indefinite postponement of this bill, because I feel that if the City of Portland has any problem with their snow plowing, this can be handled by the City of Portland and not impose any restrictions or give any more

rights to any more communities all over the state.

And while it was said that this wouldn't give the opportunity for the snowplows to run through the red lights, if we were to look at the amendment, the amendment was a good amendment provided the traffic control laws and the regulations are not violated. And if the amendment was accepted to this bill, then I can see no objection, but I see this as giving every snowplow in the state the right to run through any red light or run through any stop sign and not obeying any law whatsoever. And I think this would create more problems than it would help. So I go along with the indefinite postponement.

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

Mrs. KILROY: Mr. Speaker and Members of the House: It has been brought to my attention that the only thing that this bill does is to give the snowplow the right to go up the other way of the street.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Van Buren, Mr. Label, that Bill "An Act Granting Snow Plowing and Removal Equipment the Right of Way," House Paper 789, L. D. 1065, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Bailey, Baker, Bedard, Bernier, Berry, G. W.; Binnette, Birt, Bourgoin, Bragdon, Brawn, Brown, Call, Carey, Carter, Churchill, Clark, Dam, Donaghy, Dow, Drigotas, Dyar, Faucher, Fecteau, Finmore, Genest, Goodwin, Hawkens, Hayes, Henley,

Herrick, Kelley, P. S.; Kelley, R. P.; Lebel, Lessard, Lewin, Lewis, Littlefield, Lund, Lynch, Maddox, Manchester, Marstaller, McCormick, McKinnon, Millett, Mills, Morrell, Mosher, Murray, Parks, Pontbriand, Porter, Pratt, Rand, Rocheleau, Rollins, Ross, Scott, Shaw, Shute, Simpson, T. R.; Stillings, Susi, Tanguay, Theriault, Trask, Wight, Williams, Wood, M. W.

NAY — Barnes, Berry, P. P.; Berube, Bither, Boudreau, Carrier, Clemente, Collins, Conley, Cottrell, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Doyle, Emery, D. F.; Emery, E. M.; Evans, Fraser, Hall, Hancock, Hewes, Kelleher, Keyte, Kilroy, Lee, Lucas, MacLeod, Marsh, Martin, McCloskey, McNally, McTeague, Norris, Page, Sheltra, Slane, Smith, D. M.; Starbird, Webber, Wheeler, White, Whitson, Wood, M. E.

ABSENT—Albert, Ault, Bartlett, Bunker, Bustin, Cooney, Cote, Crosby, Curran, Cyr, Dudley, Farrington, Gagnon, Gauthier, Gill, Good, Hanson, Hardy, Haskell, Hodgdon, Immonen, Jalbert, Jutras, Kelley, K. F.; Lawry, Lincoln, Lizotte, Mahany, O'Brien, Orestis, Payson, Santoro, Silverman, Simpson, L. E.; Smith, E. H.; Tyndale, Vincent, Woodbury.

Yes, 69; No, 43; Absent, 38.

The SPEAKER: Sixty-nine having voted in the affirmative and forty-three in the negative, with thirty-eight being absent, the motion does prevail.

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

Mr. BRAUN: Mr. Speaker, I move for reconsideration and I hope that everyone will vote against my motion.

The SPEAKER: The gentleman from Oakland, Mr. Brawn, moves that the House reconsider its action whereby this bill was indefinitely postponed.

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

Mr. NORRIS: Mr. Speaker, I move that this matter lay on the table for one day pending the reconsideration.

Whereupon, Mr. Ross of Bath requested a division.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that the motion for reconsideration be tabled for Monday, May 24. All in favor of the motion to table will vote yes; those opposed will vote no.

A vote of the House was taken. 19 having voted in the affirmative and 87 having voted in the negative, the motion to table did not prevail.

The SPEAKER: The pending question is reconsideration.

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: I think we should reconsider. I think we voted wrong on that. Snow removal is one of the most difficult parts of the winter season. I have been involved in it since 1942 and I know whereof I speak. I don't think when I signed the "Ought to pass" Report that I had any idea that the snowplows would run through the red light or anything of that nature. But you should have some way when you get in the middle of a big storm, to have some people that think that they know everything about snow removal better than those on the trucks. Most people are very considerate, but there are a very few, and I tell you that they can be pretty nasty.

I hope we do reconsider and vote the other way.

The SPEAKER: All in favor of the motion of the gentleman from Oakland, Mr. Brawn, that the House reconsider its action whereby this Bill was indefinitely postponed will vote yes; those opposed will vote no.

A vote of the House was taken. 39 having voted in the affirmative and 55 having voted in the negative, the motion did not prevail.

Bill "An Act Revising the Provisions of the Maine Meat Inspection Act Relating to Custom Slaughtering Operations" (H. P. 868) (L. D. 1189)

Bill "An Act Regulating the Application of Pesticides in Water" (H. P. 1126) (L. D. 1544)

Bill "An Act relating to Compensation to Municipal Tree Wardens" (H. P. 1166) (L. D. 1620)

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

Third Reader

Indefinitely Postponed

Bill "An Act relating to Complaints Against Public Utilities" (H. P. 1175) (L. D. 1633)

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

Mr. Kelley of Caribou offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-305) was read by the Clerk.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I would arise to oppose this amendment. The other day I don't think everyone understood the impact of this bill. It was presented to the Committee on Public Utilities at one of our sessions as a proposed redraft.

We asked Mr. Libby, General Counsel to the PUC to come to the session, as he had opposed the original bill before the Committee at the public hearing. We asked Mr. Libby what the position of the PUC was concerning this amendment, which was a proposed redraft at that time. The Public Utilities Commission was still opposed.

The PUC position was and is that they have full and complete control and power to handle all types of complaints, including those mentioned in this amendment. They do, in fact, settle many disputes in a very informal but satisfactory manner.

At the hearing on the bill its sponsor was asked if he had a lot of complaints against utilities in his area and was that why he had put in the bill. His answer was no! He said that the reason he had put the bill in was because a similar bill had been put in the Massachusetts Legislature. We have learned since then that the Massachusetts Legislature turned the bill down.

The amendment requires a whole mass of red tape, adds the require-

ment of a hearing before the PUC on every appealed complaint, with attendant cost to the state; to the utility; and to the utility's customers.

This no doubt would be of great advantage to the legal fraternity, but it is very much open to question if it would be of much help to the subscribers who will surely have to pay the cost of the hearings on their utility bill.

The majority of these complaints are fixed just as soon as a repair crew can get to them, certainly long before these hearings could be held. As far as these hearings and all this machinery goes don't kid yourselves that the utility is going to pay for them. The subscribers are going to pay.

The Statement of Fact is even incorrect. It talks of helping water users, yet the amendment does not cover water users, only gas, electric, and telephone companies and then not all of their users.

This amendment is, in my opinion, worse than the original bill which I opposed here yesterday. It is totally unnecessary and, if enacted, would cause much harm and little good. Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed. I would ask for a division.

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

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: Two days ago, as you will recall, we had considerable discussion on L. D. 1633, which is a bill designed to afford consumer protection for telephone, gas and electric users. I explained then that my amendment provided a more moderate and better balanced approach than did the original bill. I would concur with the gentleman from Hodgdon, Mr. Williams, that the similar bill in Massachusetts probably should have been defeated. Perhaps my original bill as drafted here wasn't a very well balanced bill. It didn't provide

proper protection for both utilities and the users.

I do think that the amendment does — and I hope you will all direct your attention to it. The amendment would allow a customer to contact the utility if his service is arbitrarily cut off or if his service is bad. I would want to point out that it doesn't apply where the customer hadn't paid his bill. The utility itself would then look into the matter and inform its customer whether or not the complaint had any merit.

If the customer disagreed with the utility's decision, then he can appeal to the PUC. The PUC would look into the matter and if they thought the complaint was frivolous why they would just not go any further on it. But if they felt that the complaint did have some merit they would investigate it and then make whatever necessary orders that were necessary to correct the problem.

Now this is not an irresponsible amendment. In fact, I think it is very much needed. I mentioned to you a couple of days ago, and I think Representative Dyar did also, about the three children who died in the fire in Weld. I suspect that these three unnecessary deaths resulted in part from the failure of the telephone company to properly respond to customer complaints.

This bill and amendment are not dissimilar to measures providing needed tools to bring about highway safety and cut down on the number of needless deaths on our highways. This bill only seeks to provide the customers with tools to obtain satisfactory service from our utilities. Accordingly I would urge you to vote against the motion to indefinitely postpone my amendment.

The SPEAKER: The pending question is the adoption of House Amendment "A". If you are in favor of the adoption of this amendment you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

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

Whereupon, 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 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 Auburn, Mr. Emery.

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I will not be very long here. I know that the day and the hour are late and everybody wishes to go home. But this bill was debated at length before this House and won favorable passage. You have heard my sentiments on the bill. I feel that the PUC is lax, they are not responsive to the public at large, and I think that we should stand firmly by our former convictions and vote yes.

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

ROLL CALL

YEAS — Barnes, Bedard, Bernier, Berry, P. P.; Boudreau, Carrier, Carter, Clemente, Cooney, Cottrell, Curtis, T. S., Jr.; Dam, Doyle, Drigotas, Dyar, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Genest, Goodwin, Hancock, Hewes, Kelleher, Kelley, P. S.; Lebel, Lessard, Littlefield, Lucas, Lynch, Maddox, Manchester, Martin, McCloskey, McCormick, McTeague, Mills, Morrell, Murray, Parks, Pontbriand, Rocheleau, Simpson, T. R.; Slane, Smith, D. M.; Tanguay, Theriault, Vincent, Webber, Wheeler, Whitson.

NAYS — Albert, Berry, G. W.; Berube, Bither, Bourgoin, Bragdon, Brawn, Brown, Call, Carey, Churchill, Clark, Collins, Conley, Cummings, Curtis, A. P.; Donaghy, Dow, Evans, Fecteau, Fine-

more, Fraser, Good, Hall, Hardy, Hawkens, Hayes, Henley, Herrick, Immonen, Kelley, R. P.; Keyte, Kilroy, Lawry, Lee, Lewin, Lewis, Lincoln, Lund, MacLeod, Marsh, Marsteller, McKinnon, McNally, Millett, Mosher, Norris, O'Brien, Page, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Sheltra, Shute, Stillings, Susi, Trask, White, Wight, Williams, Wood, M. W.; Wood, M. E.

ABSENT — Ault, Bailey, Baker, Bartlett, Binnette, Birt, Bunker, Bustin, Cote, Crosby, Curran, Cyr, Dudley, Gagnon, Gauthier, Gill, Hanson, Haskell, Hodgdon, Jalbert, Jutras, Kelley, K. F.; Lizotte, Mahany, Orestis, Santoro, Silverman, Simpson, L. E.; Smith, E. H.; Starbird, Tyndale, Woodbury.

Yes, 51; No, 67; Absent, 32.

The SPEAKER: Fifty-one having voted in the affirmative, sixty-seven in the negative, with thirty-two being absent, House Amendment "A" fails of adoption.

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

Mr. WILLIAMS: Mr. Speaker, I now move indefinite postponement of the original bill, and ask for a division, please.

The SPEAKER: The gentleman from Hodgdon, Mr. Williams, now moves indefinite postponement of L. D. 1633. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

71 having voted in the affirmative and 48 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Bill "An Act to Create a Commission to Prepare a Revision of the Insurance Laws Relating to Delinquent Insurers" (H. P. 1228) (L. D. 1497)

Bill "An Act Increasing Indebtedness of Ellsworth School District" (H. P. 1316) (L. D. 1731)

Bill "An Act Revising the Maine Potato Tax Law" (H. P. 1335) (L. D. 1751)

Bill "An Act relating to Boarding Kennels or Pet Shops" (H. P. 1336) (L. D. 1752)

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

Third Reader Amended

Bill "An Act relating to Open Season on Deer in Northern and Southern Zones for 1971 and 1972" (H. P. 1337) (L. D. 1753)

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

Mr. Kelleher of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-311) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: This is a very reasonable amendment I have prepared for the deer season in the southern zone and it simply puts us back to four weeks. That is all it does; it gives the people in my area in the southern part of the state an opportunity to hunt for four weeks, and I feel that they are entitled to it and I know quite well that they feel they are entitled to it.

Now a number of these people have planned their vacations for this coming year and I feel that we are putting them into kind of a difficult position when we only put them down to three weeks, and perhaps some of them have got their vacations planned for the week that has been eliminated.

I hope the House and you people in the southern zones will support this amendment today, because it seems to be a reasonable one to me. I didn't try to amend the northern zone because I know those boys up there take pretty good care of themselves and after looking at the way they have come out with this deer bill and gave themselves five weeks, and gave us only three, we know very well how they take care of themselves. So I urge you people here today to support the people where we come from, and we like to hunt too just like they do — and it only give us four weeks, that's all.

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

Mr. LEWIN: Mr. Speaker and Ladies and Gentlemen: I rise today in opposition to the motion of the

gentleman from Bangor and I will try to be very brief. The amendment as proposed will not help the situation of the shortage of deer that we have in the lower zone. It is more evident right now in the second zone or the southern zone than it is in the northern part. I see no reason for changing the original bill that we have in.

As I stated two days ago on the floor of the House, the Fisheries and Wildlife Committee worked hard and long to come up with a bill which it felt would be most acceptable to the sportsmen, both in the state and coming from out of the state. We believe this L. D. does do this. If you review the bill I believe that you will agree with me. A shorter season for both zones is the answer if we hope to save our deer herd.

Now I have been asked as to the reactions of the campowners in the southern zone. I made a few calls. Let me cite one. I talked to one of them who told me that he realized there was a deer problem as far as shortage was concerned. He had already received nine reservations. He would call those people and set it back one week. He realized, he said to me, that something had to be done and done now if we are going to have any hunting in the future.

This amendment would partially undo what we are trying to accomplish in 1753, and I do hope you will not go along with the amendment.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: We have debated this deer season a great deal, so I will try and be brief. We have less than half the deer in the State of Maine that we had a few years ago. We all know that we have had two bad winters.

This compromise bill that the committee worked hard to bring out gives the maximum number of hunting days for the workingman. They get their four Saturdays and they get Thanksgiving day, and many of us feel that this is all that our deer herd can stand. We do have the most of the deer

and the most of the hunting pressure here in the concentrated areas in our southern zone, so I therefore move for indefinite postponement of this amendment.

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

Mr. PARKS: Mr. Speaker and Members of the House: I rise to oppose my good friend from Bangor, Mr. Kelleher. The original bill, 1250, is one of the bills that has been amended to death two weeks ago here. It was re-committed to the Fisheries and Wildlife Committee for a redraft. Now this committee spent a lot of time and effort in redrafting this bill in trying to establish some things for both the north and the south zone, keeping in mind that the conservation of our deer herd in both these zones was of the utmost importance.

Now the redraft calls for shortening the deer season in the northern zone by 10 days and in the southern zone by only 5 days. Now this amendment puts the southern zone right back where it is now. This is not conservation at all. Now as I have stated, this amendment does not help the cause of conservation. It would be absolutely impossible to come up with a deer season that would be agreeable to everyone.

Now this bill we have now, without any amendments attached to it, is a happy medium as you can see by the Majority Report. I hope you will go along with this indefinite postponement of this amendment.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I probably should have sat down and kept still. It may not be doing any good to say anything, but when I go back home people are going to think it is funny that I come down here and stay all this time and don't try to do anything for them.

Now if we are really talking about conservation, why didn't they write the bill, give it to us to start our deer season the same time they did in Aroostook and

end it at the same time? If they want it for three weeks to save the deer, give us three weeks in both cases.

I go hunting quite a bit up in Oxford County, just below the line which is between the northern and southern zone. And for the last three years the people up there said to me, "Why don't you try to do something to get the season started the same as it starts in Aroostook?" We no longer have to hang up a deer and freeze it in order to keep it. We have means of refrigeration now so that it is no longer necessary to wait for cold weather to have our deer, and we would much rather hunt our deer in October like they do in Aroostook and have it stop earlier in November if need be."

So I simply want to go on record that I feel that there would be no kick whatever if the northern and southern zone was treated equally alike. There is no reason why we shouldn't have the same consideration as they have in other sections. I am sure that our deer herd is in no worse shape than it is in the north country. I want you to remember that this 100,000 deer that they have told about was 200,000 only a year or so ago and by the same biologist that has got the 15,000 moose couped up there in Aroostook. So I just simply think that it is a fair thing, this amendment, and I am going to vote for it.

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

Mr. WOOD: Mr. Speaker and Members of the House: I am not in favor of this amendment. Over in my county, one of the smaller counties, ten years ago we had more deer for the size of the county than anywhere else and today there are none. One more hunting season and one more winter like we had this winter and there won't be any hunting there and that means there will be no deer whatever. If this amendment should pass, I wish somebody would be kind enough to hold up the bill so that I could put an amendment on to cut it to two weeks in my county.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker and Members of the House: I very briefly would like to go on record as supporting Mr. Kelleher of Bangor. I feel that as of the moment we have a great many expert game commissioners in these various committees up here and we are not getting the same report from the Fish and Game Department when you go over and talk to them. So for the present I would like to support this amendment of Mr. Kelleher's and my seatmate, Mr. McNally.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. The only thing that bothers me when we start trying to arrange our dates for the deer season, we keep talking about the camp owners. I am not talking about the camp owners; I am talking about the people that you and I represent. And if the people want to gear their operations for the boys outside the State of Maine, that is all well and good with me, but I am talking about the people that you and I represent that live in this state and they like to hunt and they like to fish, and we are giving them a big deal; we are giving them three weeks and one day. We can have bad weather that affects the opportunity for these people to go out and hunt. I don't think this amendment is that unreasonable. I hope that you support it this afternoon.

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

A vote of the House was taken.

46 having voted in the affirmative and 62 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "A" was adopted, the Bill passed

to be engrossed as amended by House Amendment "A" and sent to the Senate.

Bill "An Act relating to Taxation of Buildings on Leased Land in Unorganized Territory" (H. P. 1339) (L. D. 1755)

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

Amended Bills Third Reader

Tabled and Assigned

Bill "An Act to Revise Certain Motor Vehicle Laws" (S. P. 301) (L. D. 858)

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

(On motion by Mr. Barnes of Alton, tabled pending passage to be engrossed and specially assigned for Tuesday, May 25.)

Bill "An Act relating to Qualifications of Applicants for Examination for Admission to Practice Law" (H. P. 989) (L. D. 1351)

Bill "An Act relating to Funeral Expenses of Recipients of Public Assistance" (H. P. 1012) (L. D. 1391)

Bill "An Act Revising the Uniform Reciprocal Enforcement of Support Act" (H. P. 1154) (L. D. 1611)

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

Bill "An Act relating to Formation of Multi-community Transit Districts" (H. P. 1164) (L. D. 1609)

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

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

Mr. EMERY: Mr. Speaker, I now move the indefinite postponement of L. D. 1609, along with all of its accompanying papers, and I would speak briefly to my motion.

The SPEAKER: The gentleman from Rockland, Mr. Emery, moves the indefinite postponement of item 24, L. D. 1609.

The gentleman may proceed.

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: As you can see by looking at L. D. 1609, this is a vehicle by which the State of Maine may obtain federal funds for the formation of multi-community transit districts. Now this sounds like it may be a reasonable proposal. However, I think upon further consideration you will find that the type of project proposed in this legislation for the State of Maine and the structure of our communities and their transportation system is fairly impractical and could lead to tremendous expense in the future.

Public financed, public supported, and public subsidized transportation is very expensive. Even in large areas such as the metropolitan areas of Boston, New York, and other large cities, state and federal subsidies are almost always required to keep them in operation. As the author of this legislation has envisioned the proposal, there would be transportation districts set up throughout the State of Maine, including the sparsely populated areas—this was pointed out in the committee hearing—that I feel would be unable to support any variety of public transportation.

I asked what I thought was a facetious question in the committee hearing, "What if someone wanted to travel from Wytopotlock to Moose River on a hunting trip, would he be able to use this public transportation system?" And to my great surprise, the answer was in the affirmative. Well I can see a public transportation system maybe in the southern part of the state, in Cumberland, Androscoggin and York Counties, between, let's say, Lewiston, Biddeford and Portland, where you have a large volume of people that might be willing to travel throughout that area. However, in the northern part of the state, the eastern part of the state, the coastal regions, anywhere outside of this densely populated urban section of the state, you would not

have the transportation volume able to support the program.

Now if we set up a transportation system, even in the southern part of the state, I think that it would be obvious after a few years of operation that the volume would just simply be insufficient to support itself. It would have to turn to the State of Maine, that's the taxpayers' money, for subsidies in order to keep in operation.

I feel that it is unwise for the State of Maine to consider this type of transportation network at the present time. I will point out that in most communities private organizations, private companies such as bus companies, taxi companies, and even years ago the trolleys, have been unable to stay in business because of the decreased volume of traffic. This has been brought about by the advent of the automobile and the fact that many people use automobiles these days.

Now one of the proponents of this measure at the public hearing stated that he hoped that by establishing these transportation districts and relying on public transportation, we might be able to rid the State of Maine of much of its automobile traffic. This is impractical. I know that practically every day I drive with my car into a place where public transportation would be absolutely impossible. And I am sure that everyone in this chamber has done this on many occasions. And I think the idea that public transportation going into remote areas is undesirable ecologically. I think some of these areas should be free of regular traffic. I may also remind you that railroads and transportation networks set up by the railroads have had trouble and have gone out of business.

So to revert to this type of public transportation that would be ultimately subsidized by the State of Maine is impractical, unwise, unjustifiable. So I hope that you will go along with the indefinite postponement of this bill and all of its accompanying papers.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief. This legislation is enabling legislation simply for the State Planning Office to study the feasibility of this. This doesn't put us into any multi-transportation districts. It doesn't do anything of the sort. It is simply an attempt to study this and to give a report to a future legislature as to whether or not it is feasible, and if it is feasible to suggest legislation in order to take advantage of the federal funds.

So I would hope that you would go against the motion to indefinitely postpone. Let's look a little bit to the future, take some advice from the past, work in the present and look to the future.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I only wish that the gentleman from Brewer would look again at section 2 of this act. I am sure that he is laboring under a misapprehension, because it says definitely that it provides a fund of \$4,000 for the State Planning Office to carry out the purpose of this act. And the draft of any legislation shall be submitted to the 105th Legislature no later than December 31, 1971.

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

Mr. NORRIS: Mr. Speaker, in answer to the gentleman from Perham, Mr. Bragdon's question, if he will read the committee amendment he will find that Section 2 has been stricken from the bill. So it is not there, sir.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: You may be wondering why a guy from the backwoods like me is getting involved in multi-community transit districts. This bill came through the committee I serve on, and I am a little bit surprised at the way that Representative Emery portrayed this bill.

It does not in any way set up multi-community transit districts. It is enabling legislation, as the representative from Brewer, Mr. Norris, indicated, which will simply put us in a position, if there are communities in the future who are interested in developing these kind of districts, to apply for federal funds. And this is the key point in this piece of legislation. It is for the future.

It doesn't cost the state anything, and I think it is a very very important piece of legislation, particularly as our cities and more congested areas have greater and greater traffic problems.

So I hope that you will defeat the motion to indefinitely postpone this, and allow it to be put on the books so that we can develop a plan to allow us to go to the federal government in case there are some areas in the state that want to develop some sort of a transportation system.

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

Mr. MILLS: Mr. Speaker, I would pose a question through the Chair to anybody who cares to answer. It seems in my memory that there is now an act in Congress going through under debate and discussion now to provide funds from the federal government for such a thing as we are considering here today. Could anybody tell me if this is so?

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

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

Mr. EMERY: Mr. Speaker and Members of the House: In answer to Representative Mills' question, yes, that is very true. But I would also explain that the fate of that legislation is still very much in doubt. And I am frankly quite skeptical if the federal funds are going to be available. Very likely that they will be.

But let's remember another thing; when the federal funds run out and when we have such a system established, suppose that one of these transit districts was

formed, and had incurred quite a running expense, what happens when the federal funds run out? The taxpayers are going to be supporting a program that I believe will ultimately fail.

And in response to another point that was made by a previous speaker, that this wouldn't cost anything. True that the committee amendment called for the \$4,000 price tag to be removed. But I would also say that when the State Planning Office starts working on a proposal such as this, and if you look in section one of this legislation you will see that they are supposed to study for governing board, formation of districts, and so forth — this costs money to set up the districts, to do the planning. And I think the time and energy could be spent much better, and I think the money could be spent better in other places too.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I concur with the remarks of the gentleman from Rockland, and while I have not looked up this particular bill, we passed in the Appropriations Committee an appropriation the other day, or approved it, to set up a Safe Streets Act, and I think this same thing applies to this bill as it did to that. The people who are interested in that clearly indicated to the committee that any of these federal funds are completely seed money, and after one year will expire. And from there on the community, the state, or whatever other organization sets up this plan is on their own, and at their own expense.

I concur with the gentleman from Rockland, Mr. Emery.

The SPEAKER: The pending question is on the motion of the gentleman from Rockland, Mr. Emery, that L. D. 1609 be indefinitely postponed. The Chair will order a vote. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

58 voted in the affirmative and 43 voted in the negative.

Mr. Smith of Dover-Foxcroft 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 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 Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I don't rise to irritate anybody, but I just have the feeling that there is some misunderstanding about what this bill does. There aren't going to be any federal funds to run transit districts. If, after the federal money is appropriated for the study by any community who is interested in it, if they feel that they want to form a transit district, they are going to have to find the money locally.

This is a local option kind of thing. All we are doing is setting up a sort of skeleton plan so we can go to the federal agencies and say, "Look, we have sort of an outline here, we want to study it, and we want federal funds to finance the studying of it." It is just as simple as that.

We are not setting up multi-transit districts that are going to be operated through federal money that is going to be thrown back on the state. This is simply study money. That is all it is talking about.

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

Mr. McCLOSKEY: Mr. Speaker and Members of the House: I have been somewhat reluctant to stand up. This is my bill, and finally I guess I would like to say a few words before it goes down the tubes. There has been an awful lot of misconceptions on the part of some people here this morning.

In terms of federal money available, in 1970 Congress passed what was called the Mass Transportation Act of 1970, which provided \$10 billion for communities

throughout the United States for mass transportation funds. As of this year, July 1, 1971, there are \$350,000 available to Maine if they want to apply for this money. If any community is going to apply for this money it would take local money and local option in order to get it.

Over a period of the next ten years the State of Maine has already been allocated to them as much as \$20 million. Now I am not saying that we should take advantage of these funds, but I am saying that we should have the opportunity to take advantage of these funds. And without this type of legislation, Maine will not be able to take advantage of mass transportation funds if it wants to.

Now it seems to me that we might not need mass transportation at this time. Although the City of Lewiston, for example, last week the people who were operating the bus lines said that they were having extreme problems in the City of Lewiston, and they would like to have some money—federal funds—to join in with other communities in that area to apply for funds.

Portland is now doing this in an abbreviated fashion. So I think that this legislation is very important for the State of Maine for the next few years. If we want to take advantage of federal funds it seems to me we ought to have the opportunity, and we shouldn't close that opportunity out.

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

Mr. BRAUN: Mr. Speaker and Members of the House: Probably you remember a few years ago when the money was allotted from the federal government to the senior citizens. They said the program was going to be better and better if you brought it into your community. And then it died. This fell right onto the municipalities, and this is just exactly what this is going to do to us also. I go along with Mr. Emery on indefinite postponement.

The SPEAKER: The pending question is on the motion of the gentleman from Rockland, Mr. Emery, that Bill "An Act relating

to Formation of Multi-community Transit Districts." House Paper 1164, L. D. 1609, be indefinitely postponed. A roll call has been ordered. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Baker, Barnes, Bedard, Berry, G. W.; Binnette, Birt, Bragdon, Brawn, Brown, Call, Carey, Carrier, Churchill, Clark, Conley, Donaghy, Dyar, Emery, D. F.; Finomore, Fraser, Hall, Hardy, Hawkens, Hayes, Immonen, Kelleher, Keyte, Lawry, Lee, Lewin, Maddox, McCormick, McNally, Mosher, Page, Parks, Payson, Porter, Pratt, Rocheleau, Rollins, Ross, Scott, Shaw, Shute, Simpson, T. R.; Trask, Wight, Wood, M. W.; Wood, M. E.

NAY — Albert, Bailey, Bernier, Berry, P. P.; Berube, Bither, Boudreau, Bourgoin, Bustin, Carter, Clemente, Cooney, Cottrell, Curtis, A. P.; Dam, Dow, Doyle, Dri-gotas, Farrington, Faucher, Fec-teau, Genest, Goodwin, Hancock, Henley, Herrick, Hewes, Kelley, P. S.; Kelley, R. P.; Kilroy, Lebel, Lessard, Lewis, Lincoln, Littlefield, Lucas, Lund, Lynch, MacLeod, Mahany, Manchester, Marsh, Marsteller, Martin, McCloskey, McKinnon, McTeague, Millett, Mills, Morrell, Murray, Norris, O'Brien, Pontbriand, Sheltra, Slane, Smith, D. M.; Starbird, Stillings, Susi, Tanguay, Theriault, Vincent, Webber, Wheeler, White, Whitson.

ABSENT — Ault, Bartlett, Bunker, Collins, Cote, Crosby, Cummings, Curran, Curtis, T. S.; Jr.; Cyr, Dudley, Emery, E. M.; Evans, Gagnon, Gauthier, Gill, Good, Hanson, Haskell, Hodgdon, Jalbert, Jutras, Kelley, K. F.; Lizotte, Orestis, Rand, Santoro, Silverman, Simpson, L. E.; Smith, E. H.; Tyndale, Williams, Woodbury.

Yes, 50; No, 67; Absent, 33.

The **SPEAKER**: Fifty having voted in the affirmative, sixty-seven in the negative, with thirty-three being absent, the motion does not prevail.

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

Committee Amendment "A" and sent to the Senate.

Passed to Be Enacted Emergency Measure

An Act to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies, Furnishings, Studies, Histories and Amendments for the Fiscal Years Ending June 30, 1972 and June 30, 1973 (S. P. 582) (L. D. 1730)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of same and 3 against, and accordingly the Bill was passed to enacted, signed by the Speaker and sent to the Senate.

The **SPEAKER**: The **Chair** requests the Sergeant-at-Arms to escort the gentleman from Bath, Mr. Ross, to the rostrum for the purpose of presiding as Speaker pro tem.

Thereupon, Mr. Ross assumed the Chair as Speaker pro tem and Speaker Kennedy retired from the Hall.

Passed to Be Enacted

An Act relating to Appropriation and Allocations to the Governor's Committee on Employment of the Handicapped (S. P. 214) (L. D. 660)

An Act relating to Disability Retirement and Retirement Allowances under State Retirement System (S. P. 243) (L. D. 704)

An Act relating to Powers of Liquor Inspectors Concerning Disorderly Conduct (S. P. 378) (L. D. 1114)

An Act relating to Notice of Suspension of Motor Vehicle Driving Privileges (S. P. 396) (L. D. 1174)

An Act Adopting Air Quality Regions (S. P. 409) (L. D. 1224)

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

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

An Act to Provide Hospital Administrators under the Depart-

ment of Mental Health and Corrections (S. P. 578) (L. D. 1726)

An Act relating to Authority of Trustees (S. P. 579) (L. D. 1727)

An Act relating to Imposition of Sentence to the State Prison (S. P. 580) (L. D. 1728)

An Act to Amend the Arborist Law (S. P. 581) (L. D. 1729)

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

An Act relating to Riding in Trailers (H. P. 471) (L. D. 599)

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

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

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

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

Enactor

Tabled and Assigned

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

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

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

Mr. COONEY: Mr. Speaker, I would like to pose a question to anyone on the Judiciary Committee who would care to answer. I have been reading through the bill and it certainly seems like an interesting one, but I am a little bit confused about some of the intentions and purpose of the bill, and I wondered if someone on the committee might explain it a little more fully to me.

The SPEAKER pro tem: The gentleman from Webster, Mr. Cooney, poses a question through the Chair to any member of the Judiciary Committee who may answer if they choose; and the Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: The pur-

pose of this bill was to provide that the Department of Health and Welfare would approve mass gatherings. It exempts, as you can see in the final paragraph, fairs, exhibitions of various societies such as the agriculture or pomological — pomological being the science and practice of fruit growing — poultry associations, Boy Scout jamborees and camporees, and things of that nature.

And it only applies to gatherings of 24 hours or more. In other words, it would have to be a sleeping overnight. It isn't just a gathering, say, for a football game or rally, or something that takes place during the day.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I share the amusement of the gentleman from Webster, Mr. Cooney, of this bill. Under the provisions of the bill there have to be satisfactory water supply facilities, and adequate refuse storage and disposal facilities, adequate sleeping areas. I guess this is a pretty good idea.

But I was wondering why Boy Scouts are exempted from the provisions of this thing. I notice that Girl Scouts aren't. I don't know if that is discrimination or not. I also wonder why all of these exemptions should not share the benefits that apparently are intended by this bill.

And also I had a question about what was the status of the National Guard units and other gatherings of considerable size under the provisions of this bill. I am just a little bit surprised at the provisions.

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

Mrs. BROWN: Mr. Speaker and Members of the House: I am the sponsor of this bill, and unfortunately it is too bad that Mr. Smith and Mr. Cooney haven't come to me earlier and made a list of all these things, because I really can't keep them all in my mind at this point.

I will be quite honest with you. In other states surrounding us

these mass gatherings have been a considerable problem. And other states have enacted legislation similar to this. New York State has done this in light of the festival that took place in Woodstock last year.

Actually it provides that anyone promoting such a mass gathering must first apply for a permit from the Department of Health and Welfare. This fee is \$25. They also must provide a surety bond.

Now some of the reasons for this is that last year there were two or three of our communities here in this state that large gatherings were proposed to come into. They had to hastily set up ordinances which actually kept these gatherings out. We are trying to provide something to let these kind of gatherings come in and have some protection for the state.

The Judiciary Committee gave a unanimous "ought to pass" on the amended bill. I feel that if other states have passed it, in our area that we shouldn't leave Maine open to this kind of thing without some kind of protection.

I can't honestly tell you—as far as I know the Boy Scouts have a large camporee in this state. They have used areas in York and all, and there are more than 3,000. The Girl Scouts have had no such gatherings as to that size. Other things that were exempted here are already provided for in the statutes, and they have certain restrictions right there in the statutes about them now. So we didn't provide anything for them in this way.

I notice the young men are quite amused. I would like to understand exactly what is their problem about this.

Thereupon, on motion of Mr. Scott of Wilton, the Bill was tabled pending passage to be enacted and specially assigned for Tuesday, May 25.

Finally Passed

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)

Was reported by the Committee on Engrossed Bills as truly and

strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

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

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

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker and Members of the House: I stand to oppose this Resolve, L. D. 1241. As you know, it is almost impossible to keep up with every bill that goes through and eventually one gets through without your seeing it. For those who haven't looked at this, this resolve, "that the Commissioner of the Sea and Shore Fisheries, in cooperation with the State Highway Commission, is authorized and directed to conduct a study to determine the environmental advantages, if any" — and I stress the word if any—"or environmental disadvantages, if any, that may be caused by the construction of a high-level bridge between Westport and Wiscasset. Be it further Resolved that there is appropriated from the unappropriated surplus of the General Fund the sum of \$10,000 to carry out the purpose of this Resolve."

If you have been at any hearings at all in which the Highway Commission is involved in, you will find that they always make studies before building roads or bridges. I wouldn't object too much if part of this appropriated money came out of the Highway Fund. But it doesn't. This resolve states that the whole \$10,000 shall come out of the unappropriated surplus of the General Fund. \$10,000 will go a ways in building a bridge. Either they need a bridge or they don't need a bridge, but to take this money from the General Fund just doesn't set well with me.

For this reason — and I hope that some of you will support me — I would make the motion that

this resolve be indefinitely postponed.

The SPEAKER pro tem: The gentlewoman from Union, Mrs. McCormick, now moves that L. D. 1241 be indefinitely postponed.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I will briefly explain the position of the Appropriations Committee in reporting this bill out the way they did. I see there are others about to speak who can explain the circumstances and the need for this bill better than I can.

However, inasmuch as this matter did not involve construction of roads — that is the road, there was no question but what the road that exists there was perfectly safe for traffic, and perfectly serviceable; it was just a matter of damming up water. The road was not built by the Highway Commission, it was built previously, I think, under some town road act.

The Appropriations Committee was convinced, and reported unanimously that they approved of this study.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I will try to be brief on this, but it concerns a bridge that is now in existence and a proposed bridge. And it runs between the Town of Westport, which is an island, and the Wiscasset mainland.

A number of years ago a causeway was built with a very small water passage through it. This resulted—without the engineers or anybody realizing that it would — in a complete change of the tidal effects to Montsweag, Hocmoc Hall, and several other bays. The tide does not go out by a foot to a foot and a half as low as it used to. It has kept flooded several hundred acres of worm flats.

The worm flats were very productive flats, and at present day market prices we have got worm flats around that are producing as much as \$2,000 an acre to the worm diggers annually. You all have driven by one in Cod Cove

just after you cross the Wiscasset bridge.

There was a grievous mistake made when this causeway was built. It has changed the flow of the water in the Sasanoa River, so that the tide now runs 11 hours out of the 12 down towards Montsweag Bay, and is bringing pollution out of the Kennebec River into these bays that did not used to be bothered with it. It is even getting into the Sheepscot River and spoiling the spawning ground of cod fish.

At the present time there is a great deal of money being spent by Yankee Atomic and by the University of Maine and other interests in making an ecological survey of the area. What we asked for was \$10,000 in the original bill to take these various records and put them together to see if it would be worthwhile to take out this causeway.

In hearing, the Highway Department said that they did not need any funds at all and we reduced the request to \$6,000 for Sea and Shore. With \$10,000 they could get even a more effective study, but they felt \$6,000 would do it.

Now this, I believe, is a very essential thing to the people down my way. The worm industry is very important to the whole coastal region, and particularly the people in this area. Through no fault of their own a mistake was made, and we are trying to figure out whether it is worthwhile to replace this causeway with an overhead bridge. Also there is the problem of bypassing Wiscasset. Many of you that tried to drive through there on a busy day last summer can see the need of it. And one of the routes under consideration would include the area where this causeway is. If a high-level bridge was built there we could do away with the causeway, and I hope you will all support this bill.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker, may I ask Mr. Kelley where the amendment is that says only \$6,000 and takes the Highway Commission out of this L. D.?

The SPEAKER pro tem: The gentlewoman from Union, Mrs.

McCormick, poses a question through the Chair to the gentleman from Southport, Mr. Kelley, who may answer if he chooses; and the Chair recognizes that gentleman.

Mr. KELLEY: Mr. Speaker and Members of the House: I am afraid the Appropriations Committee would have to answer that, but I am very sure that there is the necessity of a very slight amount of work between Highway and Sea and Shore. But Highway in the hearing said that they did not need any money to fund this.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am not prepared to answer the specific question. I see Mr. Birt may have it and I will let him do it.

Thereupon, on motion of Mr. Birt of East Millinocket, tabled pending the motion of Mrs. McCormick of Union to indefinitely postpone and specially assigned for Monday, May 24.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought to pass" in New Draft — Minority (6) "Ought not to pass" — Committee on Liquor Control on Bill "An Act to Further Regulate the Sale of Malt Liquor between Manufacturers and Wholesalers" (H. P. 1001) (L. D. 1363) — New Draft (H. P. 1330) (L. D. 1744) under same title.

Tabled — May 17, by Mr. Farrington of Old Orchard Beach.

Pending — Motion of Mr. Stillings of Berwick to accept Majority Report.

Thereupon, on motion of Mr. Stillings of Berwick, retabled pending his motion to accept the Majority Report, and specially assigned for Tuesday, May 25.

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

HOUSE REPORT — "Ought to pass in New Draft" — Committee on Legal Affairs on Bill "An Act Amending Standards for Electrical Installations and Electrical Equip-

ment" (H. P. 1163) (L. D. 1608) — New Draft (H. P. 1334) (L. D. 1748) under new title "An Act relating to Standards for Electrical Installations and Electrical Equipment for Mobile Homes."

Tabled — May 18, by Mr. Donaghy of Lubec.

Pending — Acceptance.

On motion of Mr. Donaghy of Lubec, retabled pending acceptance and specially assigned for Tuesday, May 25.

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

HOUSE REPORT — "Ought to pass in New Draft" — Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for the Construction of a General Activities Building for Female Offenders on Property at Stevens School" (H. P. 869) (L. D. 1190) — New Draft (H. P. 1327) (L. D. 1741) under same title.

Tabled — May 18, by Mr. Bragdon of Perham.

Pending — Acceptance.

On motion of Mr. Bragdon of Perham, retabled pending acceptance and specially assigned for Tuesday, May 25.

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

Bill "An Act relating to Forestry Cutting Practices for the Protection of Rivers, Streams and Lakes" (H. P. 682) (L. D. 919) — In House, passed to be engrossed as amended by House Amendment "A" (H-262) — In Senate, Majority "Ought not to pass" Report accepted in non-concurrence.

Tabled — May 19, by Mr. Susi of Pittsfield.

Pending — Further consideration.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday the Forest Products Council met and has furnished a considerable amount of material to be used for the preparation of an amendment which has not been prepared yet, and I would

hope that someone would table this for one day so that we could write this amendment.

Thereupon, on motion of Mr. Hardy of Hope, retabled pending further consideration and specially assigned for Monday, May 24.

At this point, Speaker Kennedy returned to the rostrum.

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

(Off Record Remarks)

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

Bill "An Act Increasing Minimum Wages" (S. P. 16) (L. D. 44) — In Senate, passed to be engrossed as amended by Senate Amendment "B" (S-96) and Senate Amendment "C" (S-144) in non-concurrence. — In House, passage to be enacted reconsidered.

Tabled — May 19, under House Rule 54.

Pending — Consideration.

On motion of Mr. Ross of Bath, under suspension of the rules, the House reconsidered its action of May 7 whereby it receded and concurred.

Senate Amendment "C" (S-144) was read by the Clerk.

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

Mr. **ROSS:** Mr. Speaker, I would now move indefinite postponement of Senate Amendment "C".

The **SPEAKER:** The gentleman from Bath, Mr. Ross, moves the indefinite postponement of Senate Amendment "C".

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

Mr. **LEE:** Mr. Speaker and Members of the House: I notice that Representative Haskell isn't in his chair. He was one of the spokesmen on this article. I wonder if somebody wouldn't table this to the next legislative day?

Whereupon, on motion of Mr. Donaghy of Lubec, retabled pending the motion of Mr. Ross of Bath that Senate Amendment "C" be indefinitely postponed and specially assigned for Monday, May 24.

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

HOUSE ORDER re Amending of House Rule 21.

Tabled — May 19, by Mr. Starbird of Kingman Township.

Pending — Passage under the rules.

On motion of Mr. Binnette of Old Town, retabled pending passage under the rules and specially assigned for Tuesday, May 25.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought to pass" in New Draft — Minority (3) "Ought not to pass" — Committee on Legal Affairs on Bill "An Act to Make Municipal Planning Legislation Consistent with Home Rule" (H. P. 967) (L. D. 1327) — New Draft (H. P. 1338) (L. D. 1754) under same title.

Tabled — May 19, by Mr. Norris of Brewer.

Pending — Acceptance of either Report.

On motion of Mrs. Brown of York, the Majority "Ought to pass" Report was accepted. The New Draft was given its two several readings and assigned the next legislative day.

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

Bill "An Act relating to Preference to Maine Workmen and Contractors" (S. P. 163) (L. D. 485) — In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-158) and Senate Amendment "A" (S-172) — In House, Committee Amendment "A" Adopted and Senate Amendment "A" Adopted.

Tabled — May 19, by Mr. Ross of Bath.

Pending — Passage to be engrossed.

On motion of Mr. Finemore of Bridgewater, retabled pending passage to be engrossed and specially assigned for Monday, May 24.

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

An Act Establishing a Human Rights Commission (H. P. 507) (L. D. 659)

Tabled — May 19, by Mr. Donaghy of Lubec.

Pending — Passage to be enacted.

On motion of Mr. Susi of Pittsfield, retabled pending passage to be enacted and specially assigned for Monday, May 24.

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

HOUSE REPORT — “Ought to pass” in New Draft — Committee on Veterans and Retirement on Bill “An Act relating to Service Retirement of Teachers under State Retirement System” (H. P. 625) (L. D. 835) — New Draft — (H. P. 1329) (L. D. 1743) under same title.

Tabled — May 19, by Mr. Birt of East Millinocket.

Pending — Motion of Mr. Rollins of Dixfield to substitute the Bill for the Report.

On motion of Mr. Birt of East Millinocket, retabled pending the motion of Mr. Rollins of Dixfield that the House substitute the Bill for the Report and specially assigned for Tuesday, May 25.

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

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

Tabled — May 19, by Mr. Porter of Lincoln.

Pending — Passage to be enacted.

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

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

House Amendment “A” (H-318) was read by the Clerk and adopted.

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

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

Bill “An Act Permitting Trials for Petty Offenses Without a Jury” (H. P. 1305) (L. D. 1711)

Tabled — May 19, by Mr. Orestis of Lewiston.

Pending — Passage to be engrossed.

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

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

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves the indefinite postponement of L. D. 1711.

The gentleman may proceed.

Mr. HEWES: Mr. Speaker and Members of the House: You will notice on today’s House Advance Journal and Calendar the answers of the Supreme Judicial Court Justices on questions relating to this particular document, L. D. 1711. Our Justices have ruled that this particular bill, if it would become law, is unconstitutional, and therefore I move its indefinite postponement.

The reason for a bill of this nature is to attempt to speed up the disposition of cases in courts. There is a tremendous backlog and we in the Judiciary Committee felt that possibly this L. D. would solve the problem. We realized there was a constitutional question, and for that reason we put the bill out as it is and had the Legislature ask the Judges for their opinion. In view of the fact that it is unconstitutional, I now move the indefinite postponement of this bill.

Thereupon, the Bill was indefinitely postponed and sent up for concurrence.

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

Bill “An Act relating to Public Utilities Providing Gas Service and Valves on Their Distribution and Service Lines.” (H. P. 946) (L. D. 1305) — In House Minority “Ought to pass” Report accepted, Bill passed to be engrossed as

amended by House Amendment "A" (H-255) — In Senate, Majority "Ought not to pass" Report accepted in non-concurrence.

Tabled — May 20, by Mr. Martin of Eagle Lake.

Pending — Further consideration.

On motion of Mr. Martin of Eagle Lake, retabled pending further consideration and specially assigned for Monday, May 24.

On motion of Mr. Porter of Lincoln,

Adjourned until Monday, May 24, at one o'clock in the afternoon.