

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, May 27, 1971

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

Prayer by the Rev. Mr. David Holroyd of Gardiner.

The journal of yesterday was read and approved.

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

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Election of Jury Trials in Misdemeanor Proceedings" (S. P. 438) (L. D. 1265)

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

**Ought to Pass with
Committee Amendment
Amended in Senate**

Report of the Committee on State Government on Bill "An Act to Regulate the Harvesting of Fiddleheads on Penobscot Reservation Lands" (S. P. 363) (L. D. 1102) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-188) was read and adopted in concurrence. Senate Amendment "B" (S-214) was read and adopted in concurrence.

Tomorrow was assigned for third reading of the Bill.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Model Rocketry" (S. P. 308) (L. D. 902)

Report was signed by the following members:

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

Messrs. LUND of Augusta
CARRIER of Westbrook
PAGE of Fryeburg
KELLEY of Caribou
Mrs. WHITE of Guilford
Mrs. WHEELER of Portland
Mr. HENLEY of Norway
Mrs. BAKER of Orrington
Mr. HEWES

of Cape Elizabeth
— of the House.

Minority Report of the same Committee reporting same in a new draft (S. P. 605) (L. D. 1778) under same title and that it "Ought to pass"

Report was signed by the following member:

Mr. ORESTIS of Lewiston
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read. On motion of Mr. Hewes of Cape Elizabeth, the Majority "Ought not to pass" Report was accepted in concurrence.

Final Reports

Final Report of the following Joint Standing Committees:

**Health and Institutional Services
Veterans and Retirement**

Came from the Senate read and accepted.

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

Non-Concurrent Matter

Bill "An Act relating to Qualification of Applicants for or Examination for Admission to Practice Law" (H. P. 989) (L. D. 1351) which was passed to be engrossed as amended by Committee Amendment "A" in the House on May 21.

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

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

Non-Concurrent Matter

Bill "An Act relating to Affixation of Real Estate Transfer Tax Stamps" (H. P. 1088) (L. D. 1477) on which the House accepted the Minority Report reporting "Ought to pass" as amended by Committee Amendment "A" and passed the

Bill to be engrossed as amended by Committee Amendment "A" on May 25.

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

In the House: On motion of Mr. Carrier of Westbrook, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Provide Certain State Level Land Use Controls" (H. P. 1125) (L. D. 1543) which was passed to be engrossed as amended by House Amendment "A" in the House on May 24.

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

In the House:

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

Mr. BRAGDON: Mr. Speaker and Members of the House: This item seven where it has been amended it requires the municipalities to zone within 250 feet of any navigable pond, lakes and rivers, bodies of salt water by June 30, 1973 or the EIC and the Maine Land Use Regulation Commission will do it for them.

It seems to me that many municipalities that are opposed to zoning — I believe even the City of Augusta has not yet zoned. Now to zone these areas it may well be necessary to zone the entire municipality. If an honest difference of opinion in the towns exist, the towns may not be able to get together, and then the state agency will take over and do the zoning for them.

I am sure there are a lot of at least small municipalities that would not feel at this time, we will say, that they were ready to attempt to decide what type of zoning they wanted. I think this is crowding the issue a little too much, because I somehow don't feel that the people of Maine are ready to have zoning crammed down their throats at this time.

I believe with these — I don't know as the motion that I am about to make is in order but I

will try it, and if it isn't I will try something else. I was going to make a motion that this bill be indefinitely postponed.

The SPEAKER: The Chair would advise the gentleman that his proper motion would be to adhere to the House's former action.

Mr. BRAGDON: I would make such a motion, Mr. Speaker.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that the House adhere to its former action.

Whereupon, Mr. Martin of Eagle Lake moved that the House recede and concur.

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

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: This particular bill I think would create havoc in the area that I represent, especially to the Town of Livermore Falls. The entire business district is almost within the 250 feet of the river. We have attempted to make a substantial change in the area and in order to accomplish what we would like to do it would mean moving the railroad tracks, for which we have received no encouragement or no assistance from the Highway Commission or the Maine Central Railroad, and to get assistance through the Federal Government means altering practically the entire business section of the town; and the town's cost for that would be beyond the ability of the town to meet.

I fail to see that this is good for the small towns, especially the ones I represent, and I am opposed to it at this time. I think it would take away from the people in the area their right to determine many of the things that they are and should be entitled to rule on.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I hope that the motion to recede and concur is defeated. This

bill goes too far. It is somewhat similar to a bill that was passed in the last session of the Legislature, which said that any pond over 30 acres if you wanted to build a little dock on the shore you would have to go to the Forestry Commission and get a permit.

This would include all ponds, any navigable water, anything you could float a canoe or a log in. Several of us have gotten together, we took some old wastelands and woodlands, built a dam, flooded it up, and made a pond primarily for duck hunting. According to this bill if it were enacted, they would zone all within 250 feet of the shores of this pond and if we wanted to build a little duck blind on the shore we would have to comply with zoning ordinances and all that sort of thing.

It is going too far. They are using a shotgun approach on something they should use a rifle; and I hope that the motion is defeated.

Mr. Finemore of Bridgewater requested a division.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: If you take a look at this bill, which happens to have been sponsored by me — and probably that was a mistake, there are two amendments on it. One decreases the amount of area that would in effect be covered by the bill, by 250 feet. In other words, 250 feet from the shoreline would be covered rather than the 500 that was originally in the bill.

The amendment that comes over to us from the other body excludes streams from the bill. Interestingly enough, the reason why streams was excluded is because of a lobbyist; but of course I am not sure that means anything either. The industrial lobby was concerned that if we used the word stream it was going to mean that they were going to get affected in their little concern in every community of the state.

The individual represented a large paper company and he was concerned that because they had an awful lot of land that the streams that they had in the indi-

vidual townships might just be covered — and of course we are talking about those organized townships. Let me remind all of you that I think we hear a great deal about the beauty of Maine, but I think we also have to realize that if we don't start protecting it, what beauty we have we're not going to have much longer.

I think one of the most important beauties that we have is the water front, the river front, the lake front. That is the area that we are talking about here. But if under this bill the municipalities fail to enact zoning and subdivision control ordinances for shoreline areas by June 30, 1973, then the EIC would then work out suitable ordinances.

I happen to live in a small town. The gentleman from Livermore Falls indicated that this would not be good for the small town; well I think it is just the reverse. Small towns have a certain phenomena about them, that they would rather not have certain regulations because they don't want to be affected.

I happen to also represent a community which sits on the shores of Long Lake, St. Agatha. That community and the end of that lake are now caught in a very tough situation, one of pollution. And yet it is a community of only 700 population near the end of that lake; the rest of the community is outside of that.

Some people might argue that small towns are not affected; I argue just the reverse, just the reverse. They are as affected with pollution as the City of Portland or the City of Augusta, and the reason there is pollution in that community of St. Agatha was because sewage was going directly into the lake, and because there was no subdivision provisions on subdivision of land. And so houses were built fifty feet apart, with septic tanks going directly into the lake itself.

Finally after a great deal of work and effort an abatement plant is now in operation, but you can literally see grass, algae growing at that end of the lake now, which you did not see five years ago.

That is the problem that I hope this bill will solve.

Maybe, as some individuals have pointed out, maybe this is too quick, but Lord — pollution is going to get us if we don't act. The gentleman from Perham indicated that he had some problems with this bill. There is one community — and I am sure the gentleman is aware, that it is Mapleton that is caught in very much this box. Mapleton has failed to act in enacting zoning legislation along that river, and that river is becoming extremely polluted, extremely so that the City of Presque Isle is concerned about the source of its drinking water. This is the type of thing that this bill tries to correct.

I know that the industrial lobby is not happy with this bill. They have been at me now ever since this bill has been introduced. And I also know that this bill may not be the answer to all the problems, but it seems to me that we have got to make a start and we have got to tell municipalities that if they don't zone they are not going to prevent the problem of pollution. Because small towns do not have abatement facilities, so they have to rely on septic tanks and cesspools; and that doubles the problem.

And so I hope that you will recede and concur this morning and, Mr. Speaker, when the vote is taken I request that it be taken by the yeas and nays.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I feel somewhat sorry that the gentleman from Eagle Lake mentioned the town in my district and more or less referred to it as being badly polluted and having problems. The people of the little Town of Mapleton that I represent are aware of all this and they have been working on a plan to get money to set up the proper pollution abatement, I believe since '63 or '65.

I had a meeting with the group from that town here only this week, with the EIC Commission.

They were trying to convince the EIC Commission that their problems were real and that they were imminent. They were a little amazed perhaps, as was I, to find that many towns including the Town of Sinclair and the Town of Fort Kent had been able to get sewage abatement proposals approved, and the Town of Mapleton has been laboring hard and has not been able to get theirs approved. They were asking themselves the same question that I sometimes ask myself.

I don't know, I think that in talking with the Improvement Commission, I felt that I have got to give the EIC credit perhaps for being more practical on many of the problems that now face us, and I would say perhaps that many of those people who I would have to refer to as "starry-eyed environmentalists" are, and perhaps we have no problem in referring all of our problems to the EIC.

However, I am also a great believer in the rights of our local communities. Somehow or other I feel that they will handle this just as the Town of Mapleton is trying to handle their problem when and if the money can be available. The EIC apparently, in my understanding, takes the position that we have got to proceed on this course that we are pursuing, with the amount of money that we can afford to spend, continuing to do business somewhat as usual. I reiterate, that I think they are taking a sound position. However, I certainly hate to see the various municipalities have to give up this right so soon as 1973 and turn this whole thing over to the EIC.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen: I recognize the benefits to be derived from legislation such as this, but I don't think you can say that all small towns have problems that they do not recognize or are making no attempt to rectify.

If you watched the professional football games last fall, if you watched the National Geographic series during the winter, I think you must recognize that the Town

of Livermore Falls had national publicity — simply because of what it was doing in its business district.

We have not been able to adopt several codes. We have very little zoning restrictions in our town, but we have been doing something about them. We are at the present time installing storm sewers in preparation for a sewage disposal system. Long before many of the communities in this state entered the sewerage problem we were setting aside a reserve fund for the day that we would be able to proceed with a sewage disposal system.

I think that you have to recognize that communities do do something about their local programs and their needs, and I fail to see that the state can come in and arbitrarily set rules and regulations which the people themselves have not seen fit to adopt. But even with the lack of these rules and regulations they are improving their community. I am opposed to having any arbitrary decision made by the state on local problems.

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

Mr. KELLEY: Mr. Speaker and Members of the House: I am all for pollution control; I recognize the problem. I have fought against pollution for years. But this bill goes too far. We talk about towns; granted they have the problem. But this goes back to the small individual on his own land. The gentleman in the left hand corner mentioned 250 feet, only 250 feet back from the shore. I would like to point out to him that this is two gun shots. If a man had to build a duck blind more than 250 feet from the shore it wouldn't be much good to him. This applies to hundreds, literally thousands of small ponds that are artificial ponds, that are built on private lands and all this type of thing. The bill goes too far.

It is thinking about headlines, it is completely ignoring individual property rights that are not affecting the pollution problem at all, and I hope that better legislation could be worked out in this

direction and that you defeat this bill.

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

Mr. BITHER: Mr. Speaker and Members of the House: As I read this bill it not only includes small ponds and lakes. The only ones that have spoken against it or for it so far are people inland, and I would like to point out to you, Mr. Speaker, that as I read it includes every inch or every foot of salt water. It includes both Jonesport and Ray's Point and it includes all along the coast.

Now the gentleman that just mentioned recently, just before me, this is a very very comprehensive bill. I think it requires an awful lot of study. I am not so sure but someone should put this off for a while until we see just how inclusive it is.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: Much as I hate to rise in opposition to my leader I will have to do so on this bill. In the last session I very enthusiastically voted for environmental laws and I find that this bill here covers all of the area of salt water that is in my district.

Now on the last time around why we had this environmental control law enacted and the Commission came down to Eastport. Now Eastport survives on fish and products from the sea. They have been doing this for years, there hasn't been any problem there in the ocean of water pollution, the tides are too rapid, too fast.

But this time around they came down to the shrimp factory and told them they couldn't drop the shells down on the beach. They might pile up there seven or eight feet high, these shells that have been taken off the shrimp, but the high running tides come through and take these shells and wash them off into the upper reaches of the deep water. They were posed the question of what happens to the shrimp when they die on the bottom of the ocean, what happens to the shells then — is that pollution? There was no

answer. This went on for a period of three months down there. Now we don't even have the shrimp factory left.

This condition also applies to the other products that are being taken out of the ocean and being processed. Some of these plants in their process don't leave anything to be called refuse or dumped into the ocean or anything else. But it does mean the livelihood of a lot of people along the salt water shorefront, and under those conditions and under those explanations I will have to oppose this bill.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise in support of this bill, not because it is sponsored by my Minority leader, because as I said in the 104th Session, and I would say it again, that in my belief because a bill was sponsored by a Republican does not make it bad, because it is sponsored by a Democrat does not make it good. I believe in the merits of the bill as they come along.

Now I would like to recall to the attention of this House that we have passed a bill to phase out log driving on the inland streams and rivers of the State of Maine. We have also passed — not this session, but the prior session, a \$50 million bond issue for pollution abatement. Now when these logs come out of the river this is going to open up the whole Kennebec River, the full length and breadth. There is going to be a tremendous amount of building done. As it stands now, there are no regulations over the vast majority of the land that borders along the river; and if we don't enact something here now in a few short years we will be coming back and saying, "We need more money to clean up the mess that has happened along the rivers, or the Kennebec River and the rivers of the State of Maine."

I feel that many of the small communities, my Town of Skowhegan included, has quite a few special interest groups that would always delay any chance of any passage of any ordinance or rules

governing the use of the land. I feel that this must be done on the state level. I am not a "starry-eyed environmentalist" by any means. But I do not feel in this case that we are infringing on the rights of the community.

I don't feel that this is a community problem; I feel this is a state-wide problem. I feel this is a national problem, because we are expending millions of dollars nationally on pollution abatement and if we don't do something in this area in a few short years, whether we are in this body or not, we will see where the State is asked to come up with a few more millions of dollars, fifty or a hundred million dollars, to straighten out the mess that we have allowed our streams and rivers to get into by not passing this legislation.

I would hope that you would not defeat this bill today.

The SPEAKER: The Chair recognizes the gentlewoman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps this bill is being overrated. What it is doing is going to arm us against the one thing that is going to do us in. If anything is going to affect the State of Maine it is going to be apathy, but there are many towns that say never put off until tomorrow what you can do the day after. And that is about the way this thing is happening in some of the towns that I am personally connected with. We have had planning groups but they never come out with any definite zoning things. We have had several votes on proposed zoning ordinances, but no one has felt any need to continue work. They were voted down and that was the end of it.

I think this bill is actually going to make communities get on the ball and start working and do what they should be doing. This is not going to prevent anybody from doing what they want, because if you zone your own small town or your large municipalities, you are then putting into a zoning law what you see is best for your community.

I don't see the EIC as any bogeyman that is going to come

in and tell you what to do. All this is going to do is get you to do what you should do to protect your own communities. I hope this bill passes.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I have to agree with what Mrs. Cummings has said. We have a fine island, what they call Pleasure Island on Square Lake, one of the most beautiful lakes in York County, and we had developers come in from Boston and around this lake there must have been, I would say, about three or four hundred cottages, and on the island there was about 40 to 50 lots that they sold. All these have septic tanks and there was no controls. And I am going to tell you one thing, it is not too good at the present time. I hate to see what it is going to be in the future.

In fact, I was called the other day from the owners of these cottages around the lake and if there was something the state and I could do about it. And I am going to go along with this bill that is starting doing something right now and not wait until it is too late, because I think it is too late now.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I sincerely hope the House will act favorably on the pending motion to recede and concur, and I am not the least bit embarrassed about speaking in favor of this bill through a community, Augusta, which has not yet been able to enact zoning, because in years past I have done my level best, unsuccessfully, to work for zoning in Augusta. And it may well be that passage of this bill will provide the additional push which is needed for favorable action in communities like Augusta.

I would like to remind this Legislature that we have passed two bills dealing with the lake's problem in the central Maine area, and I appreciate the cooperation of the Legislature in trying to help us to solve this problem. We have

two lakes in central Maine, Cobbossee and Annabessacook, which have already shown what is going to happen in the State of Maine if we do not anticipate the problems before they have arisen. One of the bills is an emergency piece of legislation, and we are hoping to get some federal funds—now this means your money and mine—to try to reclaim that lake which is already going down the drain. And it seems unfortunate if we in Maine have to follow this kind of procedure all over the state.

In other words, the real question I think here is, are we going to wait until the problems become acute and then try and paper over the cracks, try and patch up things at high costs, or are we going to try to anticipate the problems? And I think this bill represents a constructive effort to try and anticipate the problems.

I cannot help but suggest that I am sure that if the communities in which the gentleman Mr. Kelley is interested in, I am sure that those communities, in their zoning ordinances, if they enact some, will be sure to make provision to allow for the installation of duck blinds at appropriate distances from the water.

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

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: This bill that has been promoted here is one that will do away with certain types of pollution. I think if you understand the laws we have on the books now that there are laws governing the installation of septic tanks, and that if they are put in according to the laws we have now, these laws were enforced, that buildings along these bodies of water with proper septic tanks will not pollute these bodies of water.

Two years ago we passed some bills giving the municipalities home rule. Now we have proposed to turn around and say—"we don't like your home rule, we are going to do something different." I think we ought to decide one way or another what we are going to do on home rule.

I think another point that needs to be raised, this does affect the whole coastline of Maine as well as the inland bodies of water. My town has 40-some miles of coastline and my town has a building code. They refused to adopt zoning, but they do have a building code which would further prevent any type of pollution, and I think they have gone at this in the right manner. And I think to say that the State is going to impose zoning in all this territory is certainly going far beyond what we ought to do.

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

Mr. GAGNON: Mr. Speaker, Ladies and Gentlemen of the House: Scarborough has found itself in one of the bad situations that happens to be brought up here today in reference to our clam flats. This has developed primarily from the same apathetic attitude that everybody seems to come up with, that we are for the environment and we are for safety, we are for this and that as long as we aren't involved.

Well we are involved down there now. They have just recently closed our clam flats and God knows when they are going to be opened again. This has put a good number of people temporarily out of work, some of the same ones that fought the sewerage district about eight years ago. We have to put it in now. It is going to cost the town about \$3 million to do it. I can't for the life of me feel sorry for the people that fought against this sewerage problem back when it would have prevented this situation from arising. As far as I am concerned, any measure we can introduce now that will curtail or stop situations like this from arising, we certainly are responsible and should be putting them into effect now.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I first, if you don't mind, would address myself to Mr. Gagnon and his problem. I think if they would clean up the pollution that comes out of Portland he

wouldn't have any trouble in the Scarborough flats. But actually I would like to address myself to all you representatives, Republicans or Democrats, who represent the coastal areas or areas where rivers flow through. You, over the years, and your predecessors have felt that home rule was important. And here we are trying to let a few wild-eyed ecologists tell us what we should do in all our towns.

Now I would remind you of the beauty of St. George, Tenant's Harbor, Sebasco Estates, York Harbor, down the coast. We in Washington County are often accused of being parochial, perhaps we are, but we also have recognized that the rest of the state has quite a bit to offer too. And I plead with you to defeat this motion of the gentleman from Eagle Lake. If he wants to zone Eagle Lake, this is fine, but I ask you to look after yourselves.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I can assure the gentleman from Lubec that I am not a wide, wild-eyed ecologist. I may be wild but I am not wide-eyed. I had figured some day, somehow, I would have an opportunity to make a few remarks about the coastline of Maine, and I think I have had that opportunity.

I don't know if any of you recall some of the remarks I made on an order which we passed earlier this session. At that time I indicated that this order had no force of law, that we were really mouthing and saying that we wanted to solve the problem along the coastline, but it really, legally, would have no effect. Today you have an opportunity to put into action the very words in that order that we passed earlier in this House. Because this will have an effect; this will help to solve the pollution problem along the coastlines of Maine. And to the gentleman from Houlton, Mr. Bither, I want to help him protect a little piece of land where he has that nice summer cottage.

I also figured that eventually, sooner or later, someone was going to say, "This is a violation of home rule." Let me just ask you one question. Are we going to say that the rivers, the lakes, the sea coast, are the property of one community, or are they the property of the people of the State of Maine? And if we answer that question affirmatively, we know what the answer ought to be on the question on this bill.

Every year we pay millions of dollars towards the cleanup of our water in Maine. The gentleman from Perham, Mr. Bragdon, has on the table the bill which would use up \$30 million of the \$50 million bond issue for this very purpose.

Many of our lakes, rivers and sea coast of this state are polluted. We are attempting to solve that problem now. What will be the advantage of solving the problem of pollution if then there is no provision for the pollution of land along those same waters? If we are going to spend \$60 million in state money in the past two years, both federal and state, it seems to me that we ought to guarantee a profitable return on this money for all of us.

I think the remarks made by the gentleman from Newport, Mrs. Cummings, are the proper ones, because many of these municipalities will put off forever and ever unless we try to solve the problem. And so I really hope today that we recede and concur.

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

Mr. COLLINS: Mr. Speaker, Ladies and Gentlemen of the House: Coming from a rather progressive community, I would like to report that we have had mandatory zoning that we have developed at the local level for some years. We do have a sewage treatment plant. We have had a sewerage system and plant control for a number of years and it really does work. And I would hope that you would support this legislation. It does provide that the municipality may develop their own plans during this period of time. So I think you don't have to be real concerned about home rule, be-

cause you may effect your own zoning proposals. I hope you do support this legislation.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I would like to answer the statement that Mr. Donaghy of Lubec mentioned a few minutes ago, that the pollution of the clam flats of Scarborough came from Portland. I would say they don't come any more from Portland than they do from Augusta. Portland has nothing to do, and I think Mr. Gagnon from Scarborough and the other people from Portland here will bear me out on this.

Mr. Lizotte of Biddeford 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 members 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? This is debatable for five minutes by any one member. Is it the pleasure of the House that the main question be put now? All in favor will say aye; those opposed will say no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House recede from its former action and concur with the Senate. 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 Eagle Lake, Mr. Martin, that the House recede from its former action and concur with the Senate on Bill "An Act to Provide Certain State Level Land Use Controls," House Paper 1125, L. D. 1543. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Baker, Bartlett, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Brown, Bunker, Bustin, Carey, Carrier, Carter, Churchill, Clark, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Crosby, Cummings, Dam, Dow, Doyle, Drigotas, Dyar, Emery, D. F.; Evans, Farrington, Faucher, Fecteau, Gagnon, Gauthier, Genest, Gill, Good, Goodwin, Haskell, Henley, Hewes, Hodgdon, Jalbert, Jutras, Kelley, K. F.; Kelley, P. S.; Kilroy, Lawry, Lebel, Lessard, Lewis, Littlefield, Lizotte, Lucas, Lund, Mahany, Marsh, Martin, McCloskey, McKinnon, McNally, McTeague, Morrell, Murray, Parks, Payson, Porter, Rocheleau, Santoro, Scott, Shute, Silverman, Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Trask, Tyndale, Vincent, Webber, Wheeler, Whitson, Wight, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Ault, Bailey, Barnes, Berry, G. W.; Bragdon, Brawn, Call, Curtis, A. P.; Donaghy, Dudley, Emery, E. M.; Finmore, Fraser, Hall, Hancock, Hanson, Hardy, Hawkens, Hayes, Herrick, Immonen, Keyte, Lee, Lewin, Lincoln, Lynch, MacLeod, Maddox, Manchester, Marstaller, McCormick, Millett, Mills, Mosher, Norris, Page, Pratt, Rand, Rollins, Shaw, Simpson, L. E.; Starbird, Theriault, White, Williams.

ABSENT — Curran, Curtis, T. S., Jr.; Cyr, Kelleher, Kelley, R. P.; O'Brien, Orestis, Pontbriand, Ross, Sheltra, Tanguay.

Yes, 94; No, 45; Absent, 11.

The SPEAKER: Ninety-four having voted in the affirmative and forty-five having voted in the nega-

tive, with eleven being absent, the motion does prevail.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Authorize a Food Stamp Program for Piscataquis County, Sagadahoc County, Aroostook County, Penobscot County and York County" (H. P. 1143) (L. D. 1584) which was passed to be engrossed as amended by House Amendments "A", "B", "C" and "D" in the House on May 18.

Came from the Senate passed to be engrossed as amended by House Amendments "A", "B", "C" and "D" and Senate Amendments "A" and "B" in non-concurrence.

In the House: On motion of Mrs. White of Guilford, tabled pending further consideration and specially assigned for Tuesday, June 1.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act relating to an Airport Commission for Knox County" (H. P. 1351) (L. D. 1767) which was passed to be engrossed in the House on May 24.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. NORRIS: Mr. Speaker, I move that the House insist and ask for a Committee of Conference.

(On motion of Mr. Maddox of Vinalhaven, tabled pending the motion of Mr. Norris of Brewer that the House insist and ask for a Committee of Conference and specially assigned for Tuesday, June 1.)

Messages and Documents

The following Communication:

The Senate of Maine
Augusta, Maine

May 26, 1971

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

The Senate voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Closed Season and Minimum Size of Coho Salmon" (H. P. 1328) (L. D. 1742).

The President appointed the following members of the Senate to the Committee of Conference:

Senators:

HOFFSES of Knox
ANDERSON of Hancock
GRAHAM of Cumberland
Respectfully,

(Signed)

HARRY N. STARBRANCH
Harry N. Starbranch
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs is directed to report out a bill which will relate to benefits payable to recipients of old age assistance and aid to the blind to be adjusted by reason of increases in Social Security payments. (H. P. 1369)

The SPEAKER: The gentleman may proceed.

Mr. JALBERT: Mr. Speaker and Members of the House: This would be a decision for the committee eventually to make in the legislature to vote to press for a policy of care for a certain amount of increases that recipients of old age assistance in Maine will receive because of increases in Federal Social Security that will go into effect in June. If the legislature would fail to act, then no Social Security recipients on old age assistance will fail to receive any increase in benefits. Some eight or nine thousand elderly citizens would be affected.

I have checked this order out with the leadership of both parties, including the Speaker of the House, and including the House Chairman of the Appropriations Committee, and they do not object to the order.

Thereupon, the Joint Order received passage and was sent up for concurrence.

On motion of Mr. Bither of Houlton, it was

ORDERED, that Rev. Sam Henderson, III of Norway be invited to

officiate as Chaplain of the House on Wednesday, June 9, 1971.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Hall.

Mr. HALL: Mr. Speaker, I would like to inquire if L. D. 1746 is in the possession of the House?

The SPEAKER: The answer is in the affirmative. An Act relating to Pari-mutuel Pools in Horse Racing, House Paper 864, L. D. 1187, is in the possession of the House.

Mr. HALL: Mr. Speaker, I would now like to move that we reconsider our action of yesterday.

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

Whereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Hall of Windham to reconsider and later today assigned.

Mr. Scott of Wilton presented the following Order and moved its passage:

WHEREAS, the members of the House have learned of the death of Mrs. Barbara Ross Brewer of Kennebunk, sister of Representative Rodney E. Ross, Jr. of Bath;

NOW, THEREFORE, BE IT ORDERED, that the members of the House of Representatives extend their sympathy to Mr. Ross and the entire family on their loss; and be it further

ORDERED, that the Clerk of the House be directed to send an attested copy of this Order to Mr. Ross.

Thereupon, the Order received passage.

On the disagreeing action of the two branches of the Legislature on Bill "An Act Permitting the Liquor Commission to Issue Liquor Licenses to Public Golf Courses" (S. P. 450) (L. D. 1296) the Speaker appointed the following Conferees on the part of the House:

Messrs. GOOD of Westfield
STILLINGS of Berwick
KELLEHER of Bangor

On the disagreeing action of the two branches of the Legislature on

Bill "An Act Providing for a Declaration of Policy Concerning the State's Environment" (H. P. 1301) (L. D. 1706) the Speaker appointed the following Conferees on the part of the House:

Messrs. BRAGDON of Perham
STILLINGS of Berwick
COONEY of Webster

Employees" (H. P. 601) (H. P. 803) the Speaker appointed the following Conferees on the part of the House:

Messrs. FINEMORE
of Bridgewater
McNALLY of Ellsworth
BUSTIN of Augusta

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Voluntary Surgery at Public Expense for Qualifying Parents" (H. P. 928) (L. D. 1282) the Speaker appointed the following Conferees on the part of the House:

Mrs. CUMMINGS of Newport
Mrs. McCORMICK of Union
Mr. COTTRELL of Portland

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Membership on Board of Registration for Professional Engineers" (H. P. 1322) (L. D. 1734) the Speaker appointed the following Conferees on the part of the House:

Messrs. McNALLY of Ellsworth
NORRIS of Brewer
CAREY of Waterville

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Licenses and Fees under the Dog Laws" (H. P. 1321) (L. D. 1733) the Speaker appointed the following Conferees on the part of the House:

Messrs. KELLEY of Southport
EVANS of Freedom
MANCHESTER
of Mechanic Falls

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Forestry Cutting Practices for the Protection of Rivers, Streams and Lakes" (H. P. 682) (L. D. 919) the Speaker appointed the following Conferees on the part of the House:

Messrs. DYAR of Strong
SUSI of Pittsfield
Mrs. GOODWIN of Bath

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Applicability of Workmen's Compensation Law to Employers of One or More

House Reports of Committees Ought Not to Pass

Mr. Henley from the Committee on Judiciary reported "Ought not to pass" on Resolution Proposing an Amendment to the Constitution, to Improve the Administration of Justice by Permitting Enabling Legislation Creating Six-man Juries in the District Court for Trials of Civil Cases and Certain Criminal Cases" (H. P. 993) (L. D. 1355)

Mrs. Brown from the Committee on Natural Resources reported same on Bill "An Act Providing for State Supervision of the Construction and Safety of Dams and Reservoirs" (H. P. 857) (L. D. 1135)

Mr. Cyr from the Committee on Taxation reported same on Bill "An Act Establishing a State Board of Regional Assessment" (H. P. 1681) (L. D. 1496)

Mr. Finemore from same Committee reported same on Bill "An Act Imposing a Head Tax" (H. P. 975) (L. D. 1336)

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

Leave to Withdraw

Mrs. Cummings from the Committee on Natural Resources on Bill "An Act Repealing the Law Relating to Mixing Zones in Discharging Waste in Waters" (H. P. 717) (L. D. 962) reported Leave to Withdraw.

Mrs. Kilroy from same Committee reported same on Bill "An Act Prohibiting Dumping Grounds on Banks of Rivers, Lakes and Estuaries" (H. P. 608) (L. D. 819)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Ross from the Committee on Taxation on Bill "An Act Levying a Tax for Research and Promotion of Maine Wild Blueberries"

(H. P. 922) (L. D. 1274) reported same in a new draft (H. P. 1368) (L. D. 1785) under same title and that it "Ought to pass"

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

**Ought to Pass
Printed Bill**

Mr. Cote from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act relating to Appointments to the Portland Renewal Authority" (H. P. 779) (L. D. 1045)

Report was read and accepted, the Bill read twice and tomorrow assigned.

**Ought to Pass with
Committee Amendment**

Mr. Norris from the Committee on Legal Affairs on Bill "An Act relating to Appointments to Housing Authorities" (H. P. 782) (L. D. 1048) which was recommitted, reported "Ought to pass" as amended by Committee Amendment "A" (H-366) submitted therewith.

Mr. Herrick from the Committee on Natural Resources on Bill "An Act to Provide for Coastal Island Trusts" (H. P. 972) (L. D. 1333) reported "Ought to pass" as amended by Committee Amendment "A" (H-367) submitted therewith.

Mr. Smith from same Committee on Bill "An Act relating to the Location of Solid Waste Disposal Areas" (H. P. 820) (L. D. 1094) reported "Ought to pass" as amended by Committee Amendment "A" (H-368) submitted therewith.

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

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Natural Resources reporting "Ought not to pass" on Bill "An Act Establishing the Flood Hazard Area Management Act of Maine" (H. P. 498) (L. D. 644)

Report was signed by the following members:

Messrs. SCHULTEN of Sagadahoc
VIOLETTE of Aroostook
GRAHAM of Cumberland
— of the Senate.

Messrs. AULT of Wayne
CURRAN of Bangor
HERRICK of Harmony
Mrs. BROWN of York
Mr. HARDY of Hope
Mrs. CUMMINGS of Newport
Mr. MacLEOD of Bar Harbor
Mrs. KILROY of Portland
— of the House.

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

Report was signed by the following members:

Messrs. WHITSON of Portland
SMITH of Waterville
— of the House.

Reports were read.

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

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

Whereupon, on motion of Mr. Ault of Wayne, tabled pending the motion of Mr. Hardy of Hope that the House accept the Majority Report and specially assigned for Tuesday, June 1.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act relating to Relief of the Elderly on Property Taxes" (H. P. 687) (L. D. 922)

Report was signed by the following members:

Messrs. HICHENS of York
FORTIER of Oxford
— of the Senate.

Messrs. McCLOSKEY of Bangor
DAM of Skowhegan
DRIGOTAS of Auburn
MORRELL of Brunswick
COLLINS of Caribou
TRASK of Milo
COTTRELL of Portland
— of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington
— of the Senate.
Messrs. FINEMORE
of Bridgewater
CYR of Madawaska
ROSS of Bath
— of the House.

Reports were read.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Madawaska, Mr. Cyr was very interested in this bill that contains the head tax. I would hope that someone would table this for two legislative days.

Whereupon, on motion of Mr. Collins of Caribou, tabled pending acceptance of either Report and specially assigned for Tuesday, June 1.

Passed to Be Engrossed

Bill "An Act to Revise Laws Relating to Outdoor Advertising" (H. P. 605) (L. D. 807)

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

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

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: Shortly we are going to have a caucus about the increase in the gasoline tax and I am sure a lot of people are going to be against any increase in the gasoline tax. But if we pass this bill we will probably be paying more for gasoline and I want to tell you why.

This bill further limits what a person can do to advertise at his place of business by restricting the height of his sign. Now in the business of serving the public along the highways you have to at least show where your place of business is located for anyone to stop. And some companies sell gasoline at lower prices than other companies. But if these companies are unable to put up signs that can be seen from the highway then you won't know whether you are going to X-brand or Y-brand. So that this will have the effect of reducing competition. Now

it is competition that keeps the prices down.

I have a daughter in college in Indiana and I have taken several trips in that direction and travelled the interstate highways and at a number of the intersections you will find several brands of gasoline, and on the interstate highways there will be a sign that will say fuel ahead but it won't indicate the kind. But these companies have put up these high signs which show from the intersection what the brand is. And I think that this is really what this law is aimed at, taking down these high signs so you won't know what brand the gasoline is.

Well to my mind these signs are not objectionable. They are not that big, they are relatively few in number, and I think that this is one of the things that will happen under this bill if this is passed. I think at some point we need to recognize the role of the state and the role of the individual in private business here. We have limited and are now taking down the billboard type signs along the road. We do now limit the number of signs that you may have at your place of business. Now we want a further limitation on the height of these signs.

I think that this bill goes too far and I now move for the indefinite postponement of this bill.

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

Mrs. BROWN: Mr. Speaker and Members of the House: It doesn't seem that I can bring anything before this group that we don't have a controversial time over. You are well aware that this has been one of my prime interests in this state. I think what we have done in the past has been very constructive for the state. It has not outlawed all signs anywhere.

I am presenting this bill to further control billboards in this specific way because we find that we are threatened by having that very law that we passed in the last session circumvented by those who are bent on short-term profits versus roadside beauty.

Now I will recall to you that the law that was passed in 1969 in

the State of Maine complied with the federal law which forbade signs at 660 feet from most interstate and federally aided primary highways. States who did not comply were to forfeit ten per cent of their federal highway construction money. Secretary Volpe threatened this very year to take away the ten per cent from the states that had not complied. Fortunately Maine has.

L. D. 807 deals with the problem of the so-called high-rise sign. This has become a very serious problem in other states where because signs are prohibited in some areas along the primary highways the advertisers have taken to the sky with 60, 70 and 80 foot high on-premise signs, which to me create a new kind of visual air pollution.

I am certain if you travel in many other states you are now becoming aware that they are lined up just like the other signs that were on the ground before. We are beginning to see a similar development at our intersections all along our primary and interstate highways. The gradual increase of these signs in certain areas is going to become more and more objectionable.

This bill does not remove any of the present high-rise signs but would prevent any more going up. It states that on-premise signs—now this does not stop them—shall not be more than 25 feet above the ground level, and if the sign is attached to the building it will not extend more than ten feet above the roof. We are not taking away the privilege of advertising their business. They still have a right to have a sign. These same provisions now pertain to your off-premise signs.

As always, we have to weigh what we feel are the more important objectives. We are more than ever aware that if we are sincere in our desire to conserve a certain special Maine quality that we, as citizens, are going to have to sacrifice some conveniences. We have all too often been brainwashed by the advertising media that we must have this or that or do this and that to get where we have got to go or to eat or to get this.

I believe that the majority of the

public wants to be free of further proliferation of billboards and neon signs and are perfectly competent of finding gas stations, hotels and restaurants at any of our exits. I oppose the motion to indefinitely postpone this bill.

I would call to your attention that there is a second provision that calls for reducing the size of the panel allowed from 900 square feet to 700 square feet. Now so far we have been saved from this in this State of Maine. But there has been another way of circumventing the 660 feet no zone in several states, by building huge elevator billboards beyond the prohibited area. These jumbo signs, there are some 1,830 of them in 25 of the bonus states, which may very well have their bonus removed because of that.

I was simply trying to provide a preventive thing here in Maine so that we would not have this happen here. We still have a chance to take some preventive steps through this legislation so that we won't continue to lose scenic beauty by further billboards gaining. I urge you to vote against the indefinite postponement motion.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: What is beautiful or attractive is a matter of taste and I suppose we could discuss the matter of taste all day. I think that billboard legislation basically was grounded on the idea that we felt that the billboards did not add to the beauty of the state but detracted from it, and I think it is the feeling of many of us that these high rise signs do likewise.

I would oppose the motion to indefinitely postpone and I request a roll call.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, this question boils down to whether or not you find these high rise or skyscraper signs objectionable. Apparently my good friend Mr. Marsteller does not, but I have reason to believe

that the people in the State of Maine, and certainly people in this House, probably do.

Just to add one note, before the committee, you will be interested to learn that the outdoor advertising lobbyist appeared before this committee and endorsed the bill as both sensible and reasonable.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I rise to support the motion of Mr. Marsteller from Freeport. I think that when we talk about billboards on our highways I would have to agree that many of these billboards do not do an awful lot for individual businesses. However, I feel that when we get on a person's own property, on his own roof, in his own business, then I think that decision should be left up to him as to what type of advertising and to what extent he needs if he is going to make a living.

I would suggest to you that this is just not the problem of the oil companies or the gas stations along some of our highways here, but there is also the problem of our restaurants, our motels, there are other small businesses, many who today are being cut off by highways which are being built new, which are cutting them off from where they were originally located, new highways which are being built well above the eye level as you approach these businesses.

I would suggest to you that the tourist business alone in this state is a four hundred and some odd million dollar business and that many of these people who are involved in this particular business rely very heavily on the transient business that comes into this state. Many people who have a particular business — and I can almost cite myself as an example, because if they — particularly this road that I am on right at the present time should happen to go by me, which the plans are right at the present time, under this particular law I would not be able to put a sign up high enough on my own property, such that when the new highway comes by that they

could see me and come down onto my property.

I can cite you areas all around the Sebago Lake area, the whole Town of Raymond would be one good example, where the Highway 302 cut the entire main district off. The whole entire town was cut off by this highway. If these people aren't allowed to get their signs up to the point where they can be seen by people coming at them they are virtually put right out of business.

I think there is a distinction here between beauty and reasonableness and what is needed, and in this particular case I think that we have got the foot in the door and now we are starting to close the door that much more. We are decreasing the size of the sign from 900 square feet down to 700 and I would suggest to you that the next time it will be 500, and on down to the point that before long a man will not even be able to put a sign on his business; he will have to rely upon people going by and just wondering whether he is there or not.

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

Mrs. BROWN: Mr. Speaker and Members of the House: I think if Mr. Simpson would look at the original bill he would find that a small directional sign is allowed. I would also speak to him about the fact that he has been very much interested in the Information Center coming into the State.

It has always been my hope that we could provide a service there for our tourists to really know what is in each area, so they may know even before they approach the area where they want to go. I should think he would be more interested in trying to build up something there that is really useful to our citizens for all over Maine. I have seen this done in other states; in fact in Canada when you go in, your information centers provide you all kinds of information, and you have no necessity for a great mass of signs telling you what is in each community.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise to support the motion to indefinitely postpone this bill and as I said before I am not a starry-eyed ecologist or environmentalist. One thing that I see wrong in this bill, which would be a very bad factor, where it says that this sign shall not extend more than 25 feet above the ground level.

Now this does not say the bottom of the sign, it does not say the top of the sign; and I think all you people in the House are aware that the signs being made today, especially your neon signs are the tall signs, and this would have to put the sign down almost five feet off the ground level, were this law to be passed, to maintain within 25 feet of the roadway. And I can see a lot of hardship involved for many many businesses in the State of Maine if this law would be allowed to pass. So therefore I support the motion for indefinite postponement.

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

Mr. LUND: Mr. Speaker, I would make an inquiry of the Chair. I note that there is an amendment which is filed by Mr. Simpson of Standish, relating to a problem that has been discussed. May I inquire if that amendment has been attached or has not been attached yet?

The SPEAKER: The gentleman from Augusta, Mr. Lund, poses a question through the Chair to the gentleman from Standish, Mr. Simpson, who may answer if he desires.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: As of this minute the amendment has not been offered.

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

Mr. GILL: Mr. Speaker, I rise with a question. There has been a request for a roll call, and can I speak to this?

The SPEAKER: The pending question is indefinite postponement. The gentleman may proceed.

Mr. GILL: Mr. Speaker and Members of the House: I rise to oppose the motion to indefinitely postpone and I would ask you to consider what you are about to do for the gentleman from Augusta, Mr. Lund. If you recall, he requested the 100th roll call. He has now requested the number 200th, and he has informed me he shall request the 300th.

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 Freeport, Mr. Marsteller, that Bill "An Act to Revise Laws Relating to Outdoor Advertising," House Paper 605, L. D. 807, 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, Berry, G. W.; Binnette, Bragdon, Brawn, Call, Carey, Carrier, Carter, Clemente, Cote, Curtis, A. P.; Dam, Dow, Faucher, Fraser, Hanson, Hawkins, Henley, Hewes, Immonen, Keyte, Kilroy, Lee, Lessard, Lincoln, Maddox, Manchester, Marsteller, Mills, Mosher, Page, Pontbriand, Pratt, Rand, Rocheleau, Rollins, Santoro, Shaw, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Suisi, Tanguay, Trask, Webber, Wheeler.

NAY — Albert, Ault, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, P. P.; Berube, Birt, Bither, Bourgoin, Brown, Bunker, Churchill, Collins, Conley, Cooney, Cottrell, Crosby, Cummings, Doyle, Drigotas, Dudley, Dyar, Emery, D. F.; Evans, Farrington, Fecteau, Finemore, Gagnon, Gauthier, Genest, Gill, Good, Goodwin, Hall, Hancock, Haskell, Hayes, Herrick,

Hodgdon, Jutras, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Lawry, Label, Lewin, Lewis, Littlefield, Lizotte, Lucas, Lund, Lynch, MacLeod, Mahany, Marsh, Martin, McCloskey, McCormick, McKinnon, McNally, McTeague, Millett, Morrell, Murray, Norris, Payson, Porter, Scott, Shute, Smith, D. M.; Smith, E. H.; Stillings, Theriault, Tyndale, Vincent, White, Whitson, Wight, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Boudreau, Bustin, Clark, Curran, Curtis, T. S., Jr.; Cyr, Donaghy, Emery, E. M.; Hardy, Jalbert, Kelleher, O'Brien, Orestis, Parks, Ross, Sheltra, Starbird, Williams.

Yes, 48; No, 84; Absent, 18.

The SPEAKER: Forty-eight having voted in the affirmative, eighty-four having voted in the negative, with eighteen being absent, the motion to indefinitely postpone does not prevail.

Mr. Simpson of Standish offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-375) was read by the Clerk.

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

The Chair recognizes the gentleman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker and Members of the House: I must rise and oppose this amendment. I want you to carefully consider it. It says, "or 25 feet above the crown of the road." I would like you now to visualize what I see this as trying to do in the way of circumventing just what you all voted for.

We are on the Interstate, but we come to the road that turns off at the Silent Woman and we have an underpass. And along that road are a great many filling stations who have already put up these high-rise signs so they can go above the top of the Interstate so it can be seen. So you see, we would be building into this law, if you accept this amendment, the right to build 70 and 80 foot signs. This amendment was considered by the committee and unanimously rejected.

I would also bring to your attention that building an 80 or 70

foot sign is something that no small businessman can afford to do. This has to be your large industry. These cost somewhere in the vicinity of \$6,000 to put up. It is one of the very reasons why we felt that we couldn't afford to ask any of them to be taken down.

I ask you to vote against this amendment. It is just another effort to circumvent the law.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: The amendment that I have offered does not just apply to the Interstate, it applies to many of the highways, as I said a little earlier in the discussion to kill the entire bill, that there are many areas in the state and many of our primary roads where businesses have been cut off, where the road has been raised up to such a point that the businesses now either set down in a hollow or set well back off the road. I still say that these people should have at least the right and opportunity to put a sign on their own premises to such an eye level that people travelling the main highway have a right and have the opportunity to see that particular sign, and this is just exactly what this amendment would do.

I would also like to tell you that many people today are travelling with credit cards. I think most of you people do. And therefore, when they are travelling many of these major highways they see a sign that says gas or lodging or so forth, but they do not like to get off unless they know exactly that their credit card for their particular gas or lodging or so forth could be honored.

I don't see that much of a problem in this thing, and I think this amendment is good. It would be good for the bill and I urge you to support it.

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

Mrs. BROWN: Mr. Speaker and Members of the House: I am sorry to have to speak to you again, but I would ask Mr. Simpson from Standish to refer to the original

bill. The original bill deals with primary and interstate roads. It does not deal with any other roads. This is 1,600 miles of road out of 20,000.

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

A vote of the House was taken.

55 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

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

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

Mrs. BROWN: Mr. Speaker, I ask that we reconsider our action where we passed this bill to be engrossed, and I ask you to vote against the reconsideration motion.

The SPEAKER: The gentlewoman from York, Mrs. Brown, moves that the House reconsider its action whereby this Bill was passed to be engrossed. All in favor will say aye; those opposed will say no.

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

Bill "An Act relating to Aid to Municipalities for Outdoor Recreational Facilities" (H. P. 1109) (L. D. 1514)

Bill "An Act relating to Transfer to Suitable Work During Rehabilitation or Treatment under Workmen's Compensation Law" (H. P. 1121) (L. D. 1540)

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 Revising Certain Safety Laws in the Department of Labor and Industry" (H. P. 1363) (L. D. 1780)

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

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

Mr. GOOD: Mr. Speaker, I understand there is an amendment

being prepared on this bill to soften the penalty. I would hope that someone would table this for two legislative days, please.

Thereupon, on motion of Mr. Finemore of Bridgewater, tabled pending passage to be engrossed and specially assigned for Tuesday, June 1.

Bill "An Act relating to Claims for Benefits under the Employment Security Law" (H. P. 1364) (L. D. 1781)

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 relating to Benefits Erroneously Received under Employment Security Law" (H. P. 1365) (L. D. 1782)

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

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: You might like to look at L. D. 1782. I spent eight years helping to administer this law, and I can't understand the import of the language that is used here. I had this set aside so that I could question some members of the committee who apparently favor this, if they could explain to me just what is involved.

As I read it, it says if a check for unemployment insurance is mailed in error to a recipient, the normal course of events is that the Unemployment Compensation Commission would expect that the amount paid in error would be returned. But this says that if the recipient refuses to return it, the State then is supposed to institute an action to recover, but they may not be obliged to do so if, in their judgment, recovery would be against equity in good conscience.

I am sorry, but my imagination just won't stretch that far. I can't imagine a circumstance where a person could receive money that does not belong to them, where it would be against equity in good conscience for them not to return

it. I wish somebody on the committee would explain it to me.

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

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: To attempt to answer the question of the gentleman from Houlton, Mr. Haskell, this is a bill which deals with a problem which fortunately doesn't arise very often, and therefore, in terms of numbers, the people may not be of immense importance, but which the commission which recommended the bill to you, the Labor Committee, felt it was quite important in the particular circumstances where it would apply.

It requires that the overpayment be by mistake or error, and that the claimant have acted honestly and not with any fraud or not partial truth, but if he has disclosed the whole truth about something, and he is nevertheless, due to some technical provision of the law, disqualified and the Commission at a later date corrects its error, they are usually faced with a man in this type circumstance who is unemployed and usually in fairly necessitous circumstances.

At least in some cases where he has acted in good faith, and where the Commission has been the one who has goofed, it seemed to them that they ought to have some discretion about the recovery back of what admittedly is an erroneous payment. It seemed to think that it made little sense in many of these cases to hound a man who just didn't have it on the theory that you can't get blood out of a turnip and the Commission really can waste more money trying to pursue some of these things than they can get by successfully pursuing them and getting the money back.

These are the reasons, Mr. Haskell, that the Labor Committee unanimously reported the bill out in this draft as "ought to pass."

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

Mr. GENEST: Mr. Speaker and Members of the House: The original bill which was L. D. 1036, there was no public opposition to the bill, but some members of the committee did voice opposition and objection to this particular bill. However, they did agree that if we would prepare a new draft which would allow the Commission to rule in each case on its own merits that the bill would be reported out "ought to pass." And this was the way it was reported out.

I hope you would support the recommendations of the Committee.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: I am sorry that the explanation to this point does not satisfy me at least, and I agree with Representative McTeague, this probably isn't a matter of great import. However, I have developed a certain amount of skepticism over some of the attempts to load various pet social ideas onto the Workmen's Compensation fund.

We have considered in this session a change that would in effect add health and accident features onto Unemployment Insurance. The effect of this, as I see it, would be you are creating kind of a miniature sweepstakes or lottery. If the Unemployment Insurance goofs on a check, and you spend it quick-like, probably you are not going to have to pay it back. It just doesn't make sense to me.

I don't think there is a problem involved here that requires legislation, and I move that this be indefinitely postponed.

The SPEAKER: The gentleman from Houlton, Mr. Haskell, now moves that L. D. 1782 be indefinitely postponed.

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

Mr. GAGNON: Mr. Speaker and Ladies and Gentlemen of the House: Under Workmen's Compensation payments, most of the insurance companies apply this

very same rule. Most of the people that are receiving monies do not know exactly to the day how much they will receive due to their return-to-work date. The companies have always held a flexible situation where if there was an error, and this very seldom ever occurs — if there is an error and an overpayment which may amount to anywhere from one to seven days, the company views the particular situation, and normally it is a matter of a family without too many means, and where there is no intent involved on the part of these parties, the company usually writes it off as their error.

I know of no circumstances where this ever hurt the company, and it usually ended up in a much better situation all around. I would think that this would be a reasonable measure to follow.

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

Mr. GOOD: Mr. Speaker and Members of the House: In my opinion if Mr. Haskell continues to nitpick every labor bill that comes out we will be here until Christmas. Mr. Haskell had ample opportunity to attend these hearings on these bills and he failed to do it. He should leave some few things up to the wisdom of the committee.

Mr. Genest of Waterville 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 pending question is on the motion of the gentleman from Houlton, Mr. Haskell, that Bill "An Act relating to Benefits Erroneously Received under Employment Security Law," House Paper 1365, L. D. 1782 be indefinitely postponed. If you are in favor of indefinite

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

ROLL CALL

YEAS — Bither, Bragdon, Clark, Cottrell, Crosby, Cummings, Emery, D. F.; Hanson, Haskell, Henley, Kelley, R. P.; Lewis, Littlefield, Millett, Mills, Mosher, Page, Payson, Porter, Pratt, Rand, Simpson, L. E.; Wight, Wood, M. W.; Woodbury.

NAYS — Albert, Ault, Bailey, Barnes, Bartlett, Bedard, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Bourgoin, Brawn, Brown, Bunker, Call, Carey, Carrier, Carter, Churchill, Clemente, Collins, Conley, Cooney, Cote, Curtis, A. P.; Curtis, T. S., Jr.; Dam, Dow, Doyle, Drigotas, Dudley, Dyar, Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Genest, Good, Goodwin, Hall, Hancock, Hawkins, Hayes, Herrick, Hewes, Hodgdon, Immonen, Jalbert, Jutras, Kelley, K. F.; Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lee, Lewin, Lincoln, Lizotte, Lucas, Lund, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Marsteller, Martin, McCloskey, McCormick, McNally, McTeague, Morrell, Murray, Norris, O'Brien, Parks, Pontbriand, Rocheleau, Rollins, Santoro, Scott, Shaw, Sheltra, Shute, Silverman, Simpson, T. R.; Slane, Smith, E. H.; Stillings, Tanguay, Trask, Tyndale, Vincent, Webber, Wheeler, Whitson, Wood, M. E.

ABSENT — Baker, Bernier, Binnette, Bustin, Curran, Cyr, Donaghy, Emery, E. M.; Evans, Gill, Hardy, Kelleher, Lessard, McKinnon, Orestis, Ross, Smith, D. M.; Starbird, Susi, Theriault, White, Williams.

Yes, 25; No, 103; Absent, 22.

The SPEAKER: Twenty-five having voted in the affirmative, one hundred three in the negative, with twenty-two being absent, the motion to indefinitely postpone does not prevail.

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

Bill "An Act relating to Workmen's Compensation Pending a Review of Incapacity" (H. P. 1366) (L. D. 1783)

Bill "An Act relating to Liens for Labor and Supplying Equipment" (H. P. 1367) (L. D. 1784)

Resolution Proposing an Amendment to the Constitution Classifying Certain Bailable Offenses (H. P. 852) (L. D. 1165)

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

Amended Bills

Bill "An Act relating to Probation of Juveniles in Cumberland County" (S. P. 525) (L. D. 1565)

Bill "An Act to Authorize Bond Issue in the Amount of \$2,986,000 for the Construction and Improvement of Facilities for the Treatment and Care of the Mentally Ill, Mentally Retarded and the Youthful and Adult Offender at our Mental Health and Corrections Institutions" (H. P. 177) (L. D. 235)

Bill "An Act relating to Disqualification for Benefits under Employment Security Law for Certain Elderly Employees" (H. P. 773) (L. D. 1039)

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.

Third Reader

Tabled Later in the Day

Bill "An Act to Include Imprisonment Among Those Penalties Provided for Violation of Environmental Protection Laws" (H. P. 960) (L. D. 1321)

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

(On motion of Mr. Dam of Skowhegan, tabled pending passage to be engrossed and later today assigned.)

Bill "An Act relating to Validation of Certain Instruments and Recording of Plats of Subdivisions of Land in Municipalities" (H. P. 1028) (L. D. 1415)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Commit-

tee Amendment "A" and sent to the Senate.

Passed to Be Enacted Emergency Measure

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

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. 114 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.

On request of Mr. McNally of Ellsworth, by unanimous consent ordered sent forthwith.

Passed to Be Enacted

An Act Expanding the Definition of "Mentally Ill Individual" to Permit Hospitalization of Persons Suffering from the Effects of the Use of Drugs (S. P. 596) (L. D. 1758)

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

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

Engrossed in Non-Concurrence

An Act to Provide Loans to Encourage the Practice of Family Medicine to Assist in Maintaining the Health of Maine Residents (H. P. 577) (L. D. 772)

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

On motion of Mr. Gill of South Portland, under suspension of the rules, the House reconsidered its action of May 17 whereby the Bill was passed to be engrossed as amended by Committee Amendment "A."

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

House Amendment "A" (H-374) was read by the Clerk and adopted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

JOINT ORDER — Re Health and Institutional Services Committee study operations, rules, regulations, procedures and programs of Dept. of Mental Health and Corrections. (S. P. 598)

Tabled — May 24, by Mrs. Payson of Falmouth.

Pending — Passage in concurrence.

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

Mr. MARTIN: Mr. Speaker and Members of the House: The gentleman from Falmouth, Mrs. Payson, is absent. Yesterday she had indicated to me that the Committee had agreed that this order was going to be indefinitely postponed so that another one could be rewritten. In her absence I hate to make the motion to indefinitely postpone, so I would suggest that perhaps we might table it if no one knows what action is supposed to be taken on it.

Thereupon, on motion of Mr. Carrier of Westbrook, retabled pending passage in concurrence and tomorrow assigned.

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

JOINT ORDER — Re Department of Health and Welfare adopting rules and regulations (S. P. 600)

Tabled — May 24, by Mr. Shaw of Chelsea.

Pending — Passage in concurrence.

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

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: This order is a most unusual document and should be termed a "Sleeper." It is identical to legislative docket 1529, "An Act relating to Rules and Regulations for Inspection and Licensing of Institutions, Agencies, and Boarding Homes," which was introduced by the sponsor of the Senate order now before you. L. D. 1529 was scheduled for hearing before the Committee on Health and Institutional Services on April 20 but was withdrawn by the sponsor for the reason the Attorney General had advised that the bill was not

legal. At that time the sponsor suggested that the Committee submit an order along the line of the present one. I understand the Committee has indicated support for this particular order but obviously the Committee had anticipated that the sponsor would have an opinion of approval as to legality from the Attorney General before presenting same. To the best of my knowledge, there has been no approval by the Attorney General and thus we are requested to impose rules and regulations upon a department, pending approval by the Attorney General. It seems to me that there are too many unanswered questions for this body to give its endorsement.

This order involves a series of drafts put out by the Health and Welfare Department, and it specifically involves the sixth draft and what is the status of the sixth draft. It has not been submitted to the institutions to be regulations for their study comment. It has not been approved for public hearing and it has no recorded approval by the Department of Health and Welfare. Is the sixth draft substantially the same as the fifth draft which was specifically disapproved by the Attorney General in the fall of 1968?

Why has not the sponsor provided the Legislature with an opinion from the Attorney General setting forth that the sixth draft is a recognized legal document and that passage of this order would be a legal act?

Should a legislature pass an order covering the same subject matter that the Attorney General advises is illegal if enacted by statute?

Are we not placing the cart before the horse if we order a department to adopt rules and regulations which will be in effect before approval by the Attorney General? Further, what would be the legal status of the order if the Attorney General should disapprove the rules and regulations?

Why should the Legislature direct by order the adoption of rules and regulations in violation of the legal procedures relating to adoption of same by statute? Would the rules and regulations actually

provide better bedside patient care for the ill and infirmed, or might it be that the large syndicate homes which are heavily financed by Maine banks be favored at the expense of the many smaller homes individually owned by Maine residents?

What will be the cost to implement the proposed rules and regulations? It is my understanding that the standards suggested in this 80-odd page, single-spaced, typewritten document would necessitate a substantial appropriation in order to provide care for state aid recipients. It has been estimated that the state share might well exceed \$2 million with Federal expenditures being three to four times that amount.

I feel that this legislature will be embarking upon a most dangerous course if we pass an order which already has been deemed not to be legal through enactment of a public law, and therefore, I move the indefinite postponement.

The SPEAKER: The gentleman from Chelsea, Mr. Shaw moves that this Joint Order be indefinitely postponed.

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

Mrs. PAYSON: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to the motion to indefinitely postpone this order because we need these rules and regulations for the inspection and licensing of institutions, agencies, and boarding homes.

According to the Department of Health and Welfare, this bill will require no appropriation, number one. Number two, this bill had unanimous committee support. Number three, it has passed the Senate. Number four, this will force the Department of Health and Welfare to promulgate rules and regulations to govern these homes. These homes have been in limbo without published rules and regulations since 1965. They are asking for them; they need them. We must put pressure on the Department of Health and Welfare to come up with something that is equitable, and as I look at this order, this is the one which will take care of it. I hope you will

vote against the indefinite postponement motion.

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

Mr. DYAR: Mr. Speaker and Members of the House: This document at hand that we are talking about right here and now is a very comprehensive piece of literature and I doubt if few members of the House or Senate have had the opportunity to look through it. The gentleman from Chelsea, Mr. Shaw, stated, I believe we are now working on the fourth draft which was initiated April 1, 1968. He also stated the fifth draft of Health and Welfare was turned down by the Attorney General, and yet the Department of Health and Welfare are trying to get nursing homes in the State of Maine to operate under the provisions in this sixth draft.

Now at the hearing it was brought out by the people from the nursing homes and boarding homes that they had not seen the fifth draft, to say nothing about the sixth draft.

I think if the Department of Health and Welfare wants to bring this sixth draft into being as a set of legal rules and regulations governing nursing homes in the state, that the nursing homes and the boarding homes involved should have the opportunity to see this set of rules and regulations.

For going through this document quickly, I believe it will close over half the nursing homes in the State of Maine. This document would require administrators, licensed administrators in all of these homes in the state and it even specifies the type of living and bathing facilities you shall have, it specifies the square footage that shall be available for dining areas, and it is really restrictive. It would probably pertain to the multi-million dollar homes being financed possibly by federal funds here in the state. But the people who have been in the nursing and boarding home business for years, trying to do a job to help the senior citizens of the state, will be forced out of business.

I would hope that this body would take some action to set up a com-

mittee to possibly investigate the feasibility of this sixth draft, the feasibility of the fifth draft, and the feasibility of the fourth draft to come up with something that could establish nursing homes in the State of Maine to keep them going, to keep them in business for the benefit of the elderly people.

The SPEAKER: The Chair recognizes the gentlewoman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: Mr. Speaker and Ladies and Gentlemen of the House: The rules that we are operating on at the moment were decided about 1956 and there have been, as Mr. Dyar said, many other sets of rules that have been brought forth. These rules and regulations were drafted by the Department of Health and Welfare with the Nursing Home Association and the Boarding Home Agency but they were never adopted or enforced by the Department of Health and Welfare.

As I said, the ones that we are operating under now were in 1956. These make no provision for what are considered by normal standards in other states the right number of bathroom facilities for the number of patients. There is no regulation there. There is no regulation that there should be a licensed nurse in charge, or that they must have a dining area, or that there must be 24 hours a week care. Nor are there any regulations to ensure that there are adequate records kept.

This sixth set of rules has met with the approval of the boarding homes as well as the nursing homes. I was appalled to find and interested to find that the nursing home business in the State of Maine represents \$25 million. It is a large industry and at this point there are, of the 5,000 beds within the state, over 3,000 are occupied by state's assistance clients. These patients pay the same amount but they get a varying degree of goodness in the care. This I think would regulate the state and be sure that everyone did get the right amount of care, and get what the State is paying for. I hope it goes through.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: When this order came to us the other day I must admit that I knew nothing about it. I am not sure that I know any more about it now. But there are a couple of points that ought to be made.

I am as concerned about having the Legislature force a department to do anything as the gentleman from Chelsea is. I think it is pretty bad when a department is supposed to impose rules and regulations, have been told by this legislature since 1963 that rules and regulations are to be adopted in conformance with existing problems and these have not been done.

They are still operating under rules and regulations that were adopted October 1956, this little pamphlet here. It has in it the very minimal provisions dealing with licensing of nursing homes. I don't know how many of you have anything at all to do with nursing homes but I am sure that all of you have been in one at one time or another. And some of them are really appalling. They are indeed appalling. There are a number of stories that have been written about some of the conditions of some of these nursing homes that are operating, and nothing has ever been done about it. This is what bothers me. They can't, because these are the minimal standards and they are conforming with minimal standards. Therefore their license cannot be revoked and they operate under those licenses.

The one that is being suggested to you today is one that has been worked on since 1965 and there are a number of them around. It consists of roughly 80 pages of rules and regulations dealing with nursing homes as to the type of care, the number of aides, the number of nurses that shall be on duty in nursing homes. And I don't think they are unreasonable. I don't think they are unreasonable at all.

Now I know that nursing homes are in the business to make a profit, aren't going to like this because they aren't going to make as much money. But you know I don't particularly care about that. I am more concerned about the people who are in those nursing homes.

Those are the people that need the care.

I know of nursing homes in this state who have within their facility and operate a 30 to 50 bed facility and have on duty one nurse for 8 hours 5 days a week. Mind you, I did not say an LPN or an RN, I said one of those two.

Now what happens when there is no one on duty? Who is the patient left in the care of? The patient is left in the care of an aide who very often does not even have a high school education, nor has any training whatsoever in helping those people. That is what bothers me.

I am not sure that even if we passed this order that we would solve one problem, but you know it seems to me that it hasn't changed since 1956. Maybe this will help. I don't know.

Some people indicate that it might cost more money. We know that it might just cost a little bit more money but those people in the nursing homes might just get a little better care.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: Anyone who has any sympathy or empathy for the elderly people will vote against this order this morning because the nursing homes in Maine are not as bad as depicted by our great leader, Mr. Martin from Eagle Lake.

Locally from my district the nursing homes are in A-1 condition and at one time there was one that was not properly being run and it is no longer in existence. And we cannot — we are a people of a million population in the State of Maine, and what we are trying to do is emulate the states that have 16 to 20 million people and try and provide the same services and put the same onerous tax burden on the people of Maine to carry out those services imagined and proposed by these bureaucrats in the Health and Welfare Department.

I have a case in point from another state of a recent date, I will not mention the state, whereby these professionals were sent in to take care of children for a few

hours a day for \$125 a week because of the so-called regulations set up by Health and Welfare, when these same women could be doing the same thing who are recipients of welfare benefits. But no, these rules and regulations come in and millions and millions of dollars are spent by richer states than ours to perpetuate this bureaucracy. I vote for the indefinite postponement of this thing.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I am quite concerned with the care of our elderly patients, as I am with the care of all people in the health field. I say that 90% of what is in this rules and regulations is very good. But there are things if we pass this order today directing a department to carry this out to the letter we will create problems.

These particular rules and regulations, as has been pointed out, have been drawn up by some committees in conjunction with the Department of Health and Welfare and for the most part they are good. But there must be some reason why the last draft was turned down by the Attorney General's office.

Now I do not know if this draft is the same as the last draft or not, but I understand it is quite. But somehow the last draft, there may have been a single copy of it because no one has seen it to my knowledge. However, as I do say, there is an awful lot in here that is good. I will oppose this to direct them, as was the indication that I got from Mr. Carney who is the director of nursing home care. He said it would create a problem for the administration of this where a lot of it had been turned down by the Attorney General's Office, number one. He says that both Mr. Carney and the Commissioner would like to see something like this adopted but as you will notice this started with number one draft and is now up to number six and it is still just considered to be in draft form. So certainly I think we would be creating a problem if we were to put this in.

For instance, there is one part in the handling of drugs that says you shall put the date out of the pharmacy and into the facility on. This is in direct violation of federal law which says that it shall be the date that the doctor prescribed the medication in the first place originally. And then you will see that all orders for drugs, et cetera, shall be prescribed in writing by a physician. However, there is a part of it which says that they may take the order by phone but within a period of 48 hours a doctor shall sign this.

Well this is in the present provision. They are working with this as best they can. They get the nurses and doctors to try to cooperate, but particularly in your smaller communities I feel that there are some doctors who just would not be able to get to the facility within 48 hours to sign an order for a suppository or something of this nature. I don't see too much point in it. But I do feel that there is an awful lot in here that is good, but I feel that the approach we are taking is not good. If this is defeated I would certainly support and I would draw up an order to the effect — and I would sit down with the Commission — something to the effect that they will, within a certain length of time, come out with rules and regulations that they can use and that will be effective.

Actually if we adopt this today all it will do is tend to make our inspectors will have to shut an eye at times because some of these things are rather ridiculous, such as 30 square feet of dining room area for every patient in the facility. I know of two I believe that could qualify in this area, there are two brand new nursing homes in the Portland area. I don't believe that a small home operating with nine, ten or twelve people can devote that much space to a diningroom area, unless we are prepared to pay them more than \$350 a month as we do now. I believe that the actual cost of the federal government of a patient is somewhat in the vicinity of \$16-plus per day now and this is under the extended care facilities. These places do do a good job, and I

would like to see the day when all of our nursing homes can be right up to that level. But let's start to look for \$480 per month instead of \$350 a month.

I am just afraid if we put this on them we are going to cause a lot of problems, particularly for some of the smaller homes, and these are quite generally located in areas, if for any reason they cannot comply you have got to find a place to put the patients. Now in Portland we have got 200 extra beds. So if there is anyone from up in Aroostook County that wants to come down we have some nice beds down there. But let's face it, these are not the places where they are happy.

I do say that an awful lot of this is very good and we should have it, but not in this manner.

Mr. Good of Westfield 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.

The Chair recognizes the gentleman from Lewiston Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I can see several occasions where the previous question should be moved; I have heard of several instances where the previous question should have been moved. However, this involves our elderly people. This involves people who cannot speak for themselves here today. I think there are pertinent facts that should be brought out. I know of some that would want to bring some out. I might want to bring one or two out. I don't speak necessarily for myself because I have

never felt that anything that I said anyway was ever so important that it would mean stopping of the previous question being placed because of me. I saw at least four people get up, and on that basis I do hope that the previous question is not in order, with due deference to the good gentleman, Mr. Good.

The SPEAKER: Is it the pleasure of the House that the main question be put now? The Chair will order a vote. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 35 having voted in the affirmative and 65 having voted in the negative, the motion did not prevail.

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

Mrs. DOYLE: Mr. Speaker and Ladies and Gentlemen of the House: I rise to oppose the motion to indefinitely postpone. As you know, I am a nurse. As you probably don't know, I graduated from nursing school in 1956 and I can assure you that conditions have changed in nursing and medicine since 1956. The law that this order refers to was the product of the Legislative Research Committee of the 102nd Legislature. I believe that the elderly and ill need the protection provided in this sixth draft. In reading it through I find it quite reasonable and consistent with current nursing practices. Institutions included in the law need these sets of rules and regulations that have been updated so they can be properly guided in running their institutions and in taking care of the sick and elderly.

Currently the situation is most confusing because they don't know which set of regulations they are supposed to be operating under. I believe that we should uphold the decision of the 102nd Legislature's Research Committee and the law that was passed in the 103rd. I certainly hope that you will go along with me and against the motion to indefinitely postpone.

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

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the questions

raised by the gentleman from South Portland, Mr. Gill, who said that he approved of 90% of the rules and regulations in draft number six which is now under consideration, the statute states under Title 22, Chapter 1, Section 6:

“Rules and regulations: The department shall issue such rules and regulations as it shall think necessary and proper for the protection of life, health, and welfare, and the successful operation of the health and welfare laws. The said rules and regulations shall be published in such manner as the department may direct. The department shall make and enforce reasonable rules and regulations.”

There is no stipulation under the statutes here that the rules and regulations may not be changed by the Department of Health and Welfare. If they find that 10% of them are inappropriate, they have the privilege of changing them.

I would like to make another point. I have a letter from Mr. Leo Goudreau who runs Hilltop Home in Warren. He anticipates expanding his home. He says:

“At the present time, as a Boarding Home Owner, I feel that we are working with out-of-date rules and regulations and that we don't know what will be the law in a year or two from now. These new rules and regulations are a must as well as for the interest of our patients as it is for the interest of the Boarding Home business.

I am planning to expand, and only with rules and regulations in force shall I be in a position to look for the future welfare of my patients and for the expansion of my business.”

I quote from his letter to point out to you that these homes are working in a floating situation. They don't know what the rules and regulations are or what they should follow. It is time for us to see to it that our Department of Health and Welfare which does many fine things, comes through with rules and regulations which are appropriate for the needs in the state now.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I take a mild and honest issue with the proponents of this order. I visited countless numbers of nursing homes in my two years' stay as Chairman of the Legislative Research Committee. We did go into the problem, not adequately enough. Rules and regulations have been added on and on since. It makes me feel, however, that should this order pass, there are some rules and regulations that are not good might be forced to be enforced. And I think that if ever there was a problem that should be studied and not reported at the next regular session and from that we hear we are coming back anyway, and report it the very first day of the special session.

And certainly I think that frankly to impose this order now would be not the proper thing to do. I don't think that this order is a good order and I concur with the gentleman from Chelsea, Mr. Shaw.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: In the community, the town where I live we had four nursing homes. They all had registered nurses in them. So many rules and regulations were put upon these people that they had to close these homes. These people were paying \$60 and \$65 a week. Now these elderly people have been transferred many miles away, away from their own surroundings and the people whom they know. No one can now come to visit them. They are paying \$90 to \$100 and \$110 a week for the same thing.

Now each and every one of us are getting older. And myself within 10 or 15 years probably will end up in maybe one of these nursing homes. I know it would be very nice if some of my friends could drop in to see me. This may be a laugh to you today but you may sit there and cry just like some of them that I have seen that are transported 50, 100, and 200 miles away from their surroundings. No one can see them and I am ask-

ing you to go along with indefinite postponement.

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

Mr. GILL: Mr. Speaker and Members of the House: I would just like to reply in regard to the letter that was read by the gentle lady from Falmouth, I believe Mr. Goudreau was an operator of the boarding care facility. I will point out that if this is true he probably is endorsing the adoption of this entire almost 100 page rules and regulations.

But I would also point out that in a boarding care facility — he referred to them as his patients — I don't know if he is acting in the capacity of a doctor or a registered nurse, but according to this he does not require the presence of a registered nurse. Therefore I can see why he is probably all right to adopt everything else as long as it does not happen to apply to him. A boarding home is just that. It is a boarding home and we have a need for them and they have got to be controlled and things of this nature. But you cannot compare it to a professional type of a convalescent home or a nursing home.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I think the gentleman from South Portland, Mr. Gill, has proposed a possible solution for this thing which might be workable. I hate to even mention the thought, but I have just received a note saying that there is another order that has been drafted and it is coming over from Dr. Fisher. I even hate to suggest the thought of tabling this thing but perhaps it might be the course to take. And so perhaps what we might do is table it at this point for one legislative day so that we can see what is coming from Dr. Fisher.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: I am not in favor of considering anything that Dr. Fisher has to say about this order. He has

had plenty of time to make any amendments or to propose anything in the order or in the actual drawing of this proposal.

Now I think that very few times I have talked on other bills when we are told that this will create problems. I have mentioned to you before on other bills that we will have problems and we will always have problems. That is why these laws are here.

A couple of days ago you repealed a law here that you were told back in 1965 that it wouldn't work and it didn't work either. And it was repealed right in this House yesterday. Now I only submit to you that if this document — and I will take the expert advice of Mr. Gill — that if this document is 90% right this is about as good as any document that has ever been presented in this House. I submit to you to think that how many bills that we present at the legislature and after it comes out of hearing it either comes out with a Committee Amendment or it comes out in new draft. So I submit that all of the bills that we have had here are not 100% good.

But I do submit to you that this is actually a bill of compassion. We have, for those of you who have visited a nursing home or for those of you who have visited a boarding home you will realize that the standards need upgrading

Now I submit to you that I have in the past indicated more compassion I suppose toward the mentally retarded. Now I think that these people need it because they themselves cannot take care of themselves in the respect that probably their judgment is very limited. As far as the elderly ill, well at least most of them still have their senses and good judgment and at least are aware of what is going around. But I submit to you that we do need some upgrading in the laws. I think this is a good start on it. It already has passed in the other house, and I have reservations on some of the things that they pass sometimes. Actually this year we have 140 nursing homes licensed here in the state, which has 5,056 beds, 3,000 of the patients are paid by the State. Now this is quite a project and I think it is a

very human project, and I think that we have to take care of what we have. But the trouble is that we pay the same price for the patients in a poor nursing home as we pay for them to be in a good home, up to snuff.

I submit to you that these standards are a good start. I am against the indefinite postponement and I think it requires a lot of consideration because I think we are talking about people here that can actually not help themselves too much.

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

Mr. PORTER: Mr. Speaker, Ladies and Gentlemen: I would like to comment on three thoughts that have been expressed here this morning. First, I agree thoroughly with the gentleman from Lewiston, Mr. Jalbert, that there is need for prompt action other than in the 106th, and we hope that it will be taken in the special session.

Secondly, I think that the gentleman from South Portland, Mr. Gill, has come in with an excellent suggestion. He will get busy and prepare something for the special session of the 105th.

And thirdly, the gentleman from Eagle Lake suggested that this be tabled until the new order comes in. I suggest that we kill this order and wait for the new order.

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

Mr. MILLS: Mr. Speaker, I would pose a question through the Chair whether or not this bill, as it is drafted now, does it control the inspectors from Health and Welfare?

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 Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: I support the position of the gentlewoman from Falmouth, Mrs. Payson, As you well know, this situation has been pro and con for many years and I think it is time we took some positive steps.

The SPEAKER: The pending question is on the motion of the gentleman from Chelsea, Mr. Shaw, that this Order be indefinitely postponed in non-concurrence. All in favor of indefinite postponement will vote yes; those opposed will vote no.

73 voted in the affirmative and 49 voted in the negative.

Mrs. Payson of Falmouth requested a roll call vote.

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

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

Mr. Gill of South Portland was granted permission to speak a third time.

Mr. GILL: Mr. Speaker, Ladies and Gentlemen of the House: I shall be brief. I see where we now are to go on record. I would simply say that I am pleased to go on record as opposing this method of putting into effect a law, almost a hundred page rules and regulations which has been redrafted six times. And I will point out to the lady from Falmouth, it doesn't say that this sixth is the last redraft, and I will not take a back seat to anyone in concern for the care of the patients in our nursing homes and nursing home facilities or anything of this type. But I am opposed to this method, by an order. A gentleman mentioned he didn't have time to read the bill. Certainly he couldn't read the bill, there wasn't a bill, there is a little piece of paper.

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

Mr. CURTIS: Mr. Speaker and Members of the House: Unfortunately there are businesses in this state that do the minimum and only the minimum. I think perhaps our elderly people have too long been forced to accept an unreasonable minimum in the form of regulations. If there is a problem

with this large document then I suggest this — let's enact it now, and if there are some difficulties that need to be corrected, let's come back in the special session and correct them.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Chelsea, Mr. Shaw, that Joint Order Re Department of Health and Welfare adopting rules and regulations, Senate Paper 600, be indefinitely postponed in non-concurrence. All in favor will vote yes, those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bailey, Bedard, Berry, G. W.; Berube, Birt, Bither, Bragdon, Brawn, Call, Carey, Churchill, Clark, Conley, Cote, Cottrell, Crosby, Curtis, A. P.; Dudley, Dyar, F i n e m o r e , Fraser, Gagnon, Gauthier, Gill, Hall, Hancock, Hardy, Hawkens, Hayes, Henley, Herrick, Hodgdon, Jalbert, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield, Lund, MacLeod, Maddox, Mahany, Manchester, Marsh, Marstaller, McCormick, McNally, M i l l e t t , Mosher, Page, Parks, Pontbriand, Porter, Pratt, Rand, R o l l i n s , Santoro, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Starbird, Stillings, Trask, Tynedale, Wheeler, Wight, Williams, Wood, M. W.; Wood, M. E.

NAY — Barnes, Bernier, Berry, P. P.; Binnette, Boudreau, Bourgoin, Brown, Bunker, Bustin, Carrier, Carter, Clemente, Collins, Cooney, Cummings, Curtis, T. S., Jr.; Dam, Dow, Doyle, Drigotas, Emery, D. F.; Emery, E. M.; Farrington, Faucher, F e c t e a u , Genest, Good, Goodwin, Haskell, Hewes, Immonen, Kelley, P. S.; Keyte, Kilroy, Lebel, Lessard, Lizotte, Lucas, Lynch, Martin, McCloskey, McKinnon, McTeague, Mills, Morrell, Murray, Norris, O'Brien, Payson, R o c h e l e a u , Sheltra, Slane, Smith, D. M.; Smith, E. H.; Theriault, Vincent, White, Whitson, Woodbury.

ABSENT — Baker, Bartlett, Curran, Cyr, Donaghy, Evans, Hanson, Orestis, Ross, Susi, Tanguay, Webber.

Yes, 79; No, 59; Absent, 12.

The SPEAKER: Seventy-nine having voted in the affirmative and fifty-nine having voted in the negative, with twelve being absent, the motion does prevail.

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

Mr. SHAW: Mr. Speaker, I move we reconsider our vote and I hope you vote against me.

The SPEAKER: The gentleman from Chelsea, Mr. Shaw, moves that the House reconsider its action whereby it indefinitely postponed this Joint Order. All in favor will say aye; those opposed will say no.

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

Sent up for concurrence.

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

SENATE REPORT — Leave to Withdraw, as covered by other legislation — Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issue in the Amount of \$750,000 for Student Housing at Washington County Vocational-Technical Institute at Calais" (S. P. 430) (L. D. 1244)

Tabled — May 24, by Mr. Mills of Eastport.

Pending — Acceptance in concurrence.

Thereupon, the Report was accepted in concurrence.

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

Bill "An Act relating to Boarding Kennels or Pet Shops" (H. P. 1336) (L. D. 1752) — In House, passage to be engrossed reconsidered.

Tabled — May 24, by Mr. Farrington of Old Orchard Beach.

Pending — Passage to be engrossed.

Mr. Farrington of Old Orchard Beach offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-363) was read by the Clerk and adopted. The Bill was passed to be engrossed as amended and sent to the Senate.

On request of Mr. Norris of Brewer, by unanimous consent, the

following matter was taken from the tabled matters out of order:

JOINT ORDER — Re Committee on Legal Affairs Directed to Report out a Bill which will relate to Qualifications of Municipal Law Enforcement Officers. (H. P. 1370)
Tabled — May 26, by Mr. Martin of Eagle Lake.

Pending — Passage.

Thereupon, the Joint Order received passage.

On request of Mr. Norris of Brewer, by unanimous consent, ordered sent forthwith to the Senate.

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

HOUSE REPORT — “Ought to pass” with Committee Amendment “A” (H-323) — Committee on Business Legislation on Bill “An Act Revising the Laws Relating to Credit Unions” (H. P. 580) (L. D. 775)

Tabled — May 24, by Mr. Trask of Milo.

Pending — Acceptance.

Thereupon, the Report was accepted and the Bill read twice. Committee Amendment “A” (H-323) was read by the Clerk and adopted and the Bill assigned for third reading tomorrow.

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

Resolution Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature (H. P. 1041) (L. D. 1099)

Tabled — May 24, by Mr. Cote of Lewiston.

Pending—His motion to reconsider passage to be engrossed.

Mr. Cote of Lewiston withdrew his motion to reconsider.

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

HOUSE DIVIDED REPORT — Majority (7) “Ought to pass” — Minority (6) “Ought not to pass” — Committee on Taxation on Bill “An Act Increasing the Gasoline Tax” (H. P. 403) (L. D. 516)

Tabled — May 24, by Mr. Hodgdon of Kittery.

Pending — Acceptance of either report.

On motion of Mr. Martin of Eagle Lake, retabled pending acceptance of either Report and specially assigned for Tuesday, June 1.

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

Bill “An Act to Make Municipal Planning Legislation Consistent with Home Rule” (H. P. 1338) (L. D. 1754)

Tabled — May 24, by Mr. Emery of Auburn.

Pending — Passage to be engrossed.

Mrs. Brown of York offered House Amendment “A” and moved its adoption.

House Amendment “A” (H-331) was read by the Clerk and adopted.

Mr. Silverman of Calais offered House Amendment “B” and moved its adoption.

House Amendment “B” (H-357) was read by the Clerk and adopted. The Bill was passed to be engrossed as amended by House Amendments “A” and “B” and sent to the Senate.

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

Bill “An Act relating to Amount of Annual Excise Tax on Railroads” (S. P. 369) (L. D. 1108) — In Senate, passed to be engrossed as amended by Committee Amendment “A” (S-174); In House, Committee Amendment “A” adopted.

Tabled — May 24, by Mr. Smith of Dover-Foxcroft.

Pending — Passage to be engrossed.

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

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

An Act to Make Allocations from Bond Issue for Construction, Planning and Equipment of Pollution Abatement Facilities (H. P. 287) (L. D. 387)

Tabled — May 24, by Mr. Bragdon of Perham.

Pending — Passage to be enacted.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I tabled this bill the other day in order that we might have an opportunity in the Appropriations Committee to set up another meeting with the Environmental Improvement Commission to discuss various matters regarding this problem with them. We have not yet had that opportunity and I would hope that somebody would table this until we can set up such a meeting.

Whereupon, on motion of Mr. Birt of East Millinocket, retabled pending passage to be enacted and specially assigned for Tuesday, June 1.

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

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

Tabled — May 24, by Mr. Porter of Lincoln.

Pending — Passage to be enacted.

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

Mr. COLLINS: Mr. Speaker and Members of the House: There is a technical amendment to this bill which my seatmate wants to offer. Since he is not here I would hope that someone would table this for one legislative day.

Whereupon, on motion of Mr. Porter of Lincoln, retabled pending passage to be enacted and tomorrow assigned.

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

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

Tabled — May 25, by Mr. Mills of Eastport.

Pending — Passage to be engrossed.

Mr. Dam of Skowhegan offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-359) was read by the Clerk and adopted.

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

House Amendment "B" (H-360) was read by the Clerk.

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

Mr. GOOD: Mr. Speaker and Members of the House: After the vote of last week one might think I would be rather foolhardy to oppose these newsboys. But as House Chairman of the Labor Committee I feel that I must convey to you why the majority of the committee was "ought not to pass."

First I want to say that I used to be a newsboy and I delivered papers under conditions as severe as any of you can imagine. So I shouldn't have anything against the newsboys. True, that was many years ago however. Last week when this matter was debated the impact of this bill on the newspaper industry and the merchants of this state was not mentioned. A penny for each insert sounds rather reasonable, just like an extra penny on the sales tax sounds reasonable. But the facts of life are this. With the amendment this would cost the Portland newspapers about \$150,000 a year. It would cost the Bangor Daily News approximately \$140,000 a year. The Waterville Sentinel and the Kennebec Journal about \$50,000 a year.

Naturally these papers are not going to pick up the tab, so they will pass it on to the local merchants, and the merchants will pass it on to the public. This would certainly be a step in the right direction if we are interested in increasing our inflation problems.

Now this is assuming the papers would continue with the supplements. And from the testimony submitted to the committee inserts would be discontinued and the advertising would become so called under the paper, advertising in the papers would have more pages instead of supplements. Therefore, the only accomplishment we would be making by the passage of this bill is a disruption of the procedure in private industry.

What comes next? Do we legislate how many bottles of milk can be delivered before a dairy has

to pay extra money? Does the Congress legislate how many letters a mailman must deliver before he receives extra compensation? Maybe we should legislate that if a newspaper is under so many pages a newsboy would receive a penny less. This would make about as much sense as this bill does.

I hope our judgment will dictate our vote this time, and not our emotions. I think with the adoption of this amendment excluding weeklies that this bill is now unconstitutional.

Thereupon, House Amendment "B" was adopted.

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

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

The SPEAKER: The gentleman from Westfield, Mr. Good, moves the indefinite postponement of L. D. 1356 as amended.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: This kind of takes me aback a little bit to have such a motion offered. Now we have heard the good gentleman from Westfield, Mr. Good, get up and use the dairy industry or the milkman to support his argument against the bill. I heard the same argument offered in committee.

Now I have checked with the various dairies within the State of Maine, and the milkman gets paid a salary, but the milkman also gets paid an extra commission when he sells cottage cheese or butter or eggs. And these are at varying rates of percentage on his sales. So I submit to you that the milkman does get paid more, so why should not the paper boy get paid more?

Now when we are talking about the newspapers sending out their literature to defeat this bill, I anticipated this. And not only did I receive one letter, I was fortunate enough to receive two from the newspaper. And some good member of the House or two good members delivered two more to my desk. So that gives me four. And also this morning I was very fortunate enough to find many supple-

ments on my desk that have been delivered by the members of the House.

But I submit to you people, why shouldn't the newspapers send out this literature to you? Who are we to say this literature is true or that there are not false statements made in here, because as I referred the other day to another bill that had to do with newspapers in the state, they appeared before a committee, and they said, "Oh, no, no, these conditions do not exist." They did exist. But the committee came out with an "ought not to pass" on that bill, and because an agreement was made that they would reimburse me for the overcharges.

Well, it wasn't only reimbursing me, it is reimbursing the good gentleman from Oakland, the good gentleman from Fairfield, in fact, everybody from Somerset County who has run for the past 25 years. I would like to read one paragraph of a letter that was written by a member of the other body to the paper concerned. This is in reference to the other bill. "As perhaps you know by now the committee reported this out as 'ought not to pass.' However, I do not feel that the matter should be closed without voicing my regret that your organization was not alert enough to actively supervise the nondiscriminatory policies established 12 years ago."

Well, there is an error here. It was not 12 years ago, it was 25 years ago. So I submit to you people that the newspapers do not always know what is going on within their own industry.

Now I have a letter here that a young fellow sent me, a newsboy, where his paper actively supports this bill. I have another card here from a lady over in Bangor where she said the bill didn't go quite far enough, that I should have put in there to eliminate all the inserts because they are only a matter of trash. I am inclined to agree with that lady.

Now I have received many telephone calls, and I have received 287 letters as of last night favoring this bill. And I don't blame the press for taking the attitude that they are taking, because any time

you reach into the pockets of the fat cats and you try to take out some of their excessive profits, of course they are going to fight.

Now a penny apiece is not too much money to give these boys when these boys get up at 3:00 o'clock in the morning, and 4:00 o'clock and wade through the snow, loaded down with papers. This was given in the testimony before the committee when the little ten-year old boy from Hallowell stood up and he said many times he had to have his sister help him deliver the papers.

Well now, as we want to talk about decency, we can talk about decency. When the newspapers haven't even got the decency to supply the paper boy with a bag to deliver the papers. The boy has to pay \$1.84—and I am talking about the Gannett chain—\$1.84 for the bag to deliver the papers in. He has to buy his own receipt books which are printed by the company, and they make a profit on those also. And if this is decency, then I don't know what decency is.

Now I have told you people before. I don't claim to be an educated man. I don't want to be an educated man. I want to be a man that has got a little feeling in my heart for the people that need the help. I want to be someone that understands common decency and common sense. And I am not appealing to your emotion, because I could care less about emotion. It is not emotion here, it is just this business of common sense.

Now I have received a letter from the Guy Gannett Broadcasting Company where they said to me that they were most disturbed when they read in the Portland Press Herald that I had said that the TV media was in cahoots with the newspapers. When I made that statement, maybe I should have qualified it a little to say that some of the TV stations were in cahoots with the newspapers.

Well let me tell you people one thing, and most probably 99 percent of you members are much more intelligent than I am. But

when you have a newspaper service run by the Guy Gannett Company and a broadcasting service run by the Guy Gannett Company, you can rest assured that the broadcasting service will give nothing to anybody opposing the newspapers.

Now this good gentleman, Mr. Anderson that wrote this letter, he said I consider myself a flag waver, and he reached that conclusion because he favors the First Amendment, the freedom of speech. Well, I favor that amendment, the freedom of speech, because without it we wouldn't have much. But I don't ask anybody to take and send me a letter telling me that I am wrong, because I don't feel I am wrong when I say that these newspapers and the television channels, some of them in the state are in cahoots. They have always been in cahoots, denying the people accurate information. And now they have set up this business of being unconstitutional.

Well, let me tell you, one of the best ways — and you all know it — to kill a bill is to question the constitutionality of that bill. And I say it is not here today to question the constitutionality of that bill. Let's enact this bill, let's pass this bill so it can go on its merry way, and then if anybody wants to bring this into the courts, let them bring it into the courts and contest it. Let the newspaper contest it.

Now these people are making a big profit. I bleed when I read these letters sent out where they are losing so much money. I bleed when I walk through the hall out here and I see these fat cats dressed in their expensive suits, going out and having their big meals, and living off the newspaper boys of the State of Maine. But I don't bleed enough that I won't submit a bill to try to do something for those newsboys. Now this is all this does. If anybody thinks that the cent is too high, let them offer an amendment and defend the amendment to reduce this. I said before, I am not the legal expert that drafts the bills. All I can do is have a thought and then I go down and get it drafted. But for

the sake of an amendment, if this one cent is too high, let somebody offer that amendment and reduce it, and be ready to defend it.

Now I mentioned also the other day to you people about the talk of the 30 percent that these boys get. They do not get 30 percent, they get 20 percent. There is not one member in this House that would get up at 3:00 o'clock or 4:00 o'clock in the morning and deliver these newspapers out in the snow and cold and rain for 20 percent, because you cannot conduct a business on 20 percent gross profit. And this is gross profit, because out of that profit they are buying their newspaper bags and they are buying their receipt books, and also their pencils. Nothing is given to them. All that is given to them is a big line of malarkey about "you work hard when you are young and you will be a successful businessman when you get old." They don't say that you will be a successful businessman if you live long enough to get old.

This is the trouble with the newspapers. Now I don't claim I am a successful businessman, but I don't seek any relief. I don't ask anybody for any handouts. I have worked, and I have made my living. I maintain that these boys, even though they may be only ten, eleven, twelve, thirteen years old, they have got a right to earn a decent living.

Now we have talked here in this session, we have raised the Minimum Wage. We are getting ready pretty soon to talk about your state employees' pay raise. All over the State of Maine the teachers have had their raises. Is it right to deny a group of newsboys in the State of Maine the right to make a fairly decent living? I don't even maintain that this is going to be a decent living, but it is going to be a little better than they have had in the past. And if you people can sit here and go along with what the newspapers have handed out to you, only as a bunch of malarkey, with no facts, which they claim is fact, which is not. Because they lied in the committee, they lied in the letter to me about the TV coverage and now they are lying to you people

right in this publication put out right here. And I ask you people not to kill this bill today, but to let it go on its way.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollin.

Mr. ROLLINS: Mr. Speaker and Members of the House: I am very proud this morning to be on the side of Mr. Dam. I was one of the signers of the Minority Report.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I guess if you are going to take exception to something, I guess you might just as well start next door to your neighbor.

I think that Mr. Dam has made a very good point. I think that his point has been well taken, but I think it is time for reason and not for emotionalism. I happened to a good many years ago I guess, start in business by becoming a paper boy and lugging papers. And in those days I did it for something like ten cents a paper for the Sunday paper. And I don't know that it was much lighter than it is now. I think I was getting twenty-four cents for the evening paper. And I can remember during the war if I got a penny tip out of the thirty-five cents I considered myself very fortunate.

But as I look back over it, I think the thing that I gained most out of that experience was the fact that I had a chance as a very young man to learn the free enterprise system, and the self-incentive program that we have so graciously offered to us in this country. I think it taught me a heck of a lot, and I don't know as money was that important. It was just the responsibility.

I would right now, after getting up here a few minutes ago talking about the individual rights of somebody, and a businessman, and what he could do on his own land and so forth, I think I would be very remiss if I didn't stand up here right now and go on record and say that if this House starts right now by saying that a man in a free enterprise system shall pay

one cent for a supplement, or two dollars for something because one job is a little bit more hazardous than the other, I think that we are establishing a very, very, very dangerous precedent.

I agree with the gentleman from Skowhegan, Mr. Dam, in his reasoning. But I don't think it is our prerogative as a legislature to get involved in free enterprise to the point that we dictate to them what they shall and what they shall not give. We have got ourselves involved in a Minimum Wage, but I don't think that we should start saying one job is more important than the other. I would urge that this bill and its accompanying papers be indefinitely postponed through the motion of Mr. Good.

Mr. Genest of Waterville requested a roll call.

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

Mr. DAM: Mr. Speaker and Members of the House: To my good seatmate, Mr. Simpson, I think we have already set many so-called precedents, if he wants to put it that way.

Very recently on the unemployment bill we saw fit to make exemptions at the expense of other employers. So I don't think we are doing anything unusual here today with this bill. I don't think it is setting any precedent.

I would at this time like to remind the House that the Gannett News Service has a very large estate, an enterprise, have a very large estate on Moosehead Lake. This is never used by the newsboys of the state. It is used by the fat cats, the upper dogs. It is bought with the pennies that are taken from the newsboys that should be given to them, and I have yet to hear of any outing that has ever been held at the Gannett estate on Moosehead Lake for the newsboys of the State of Maine.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: When the vote is taken, I hope that reason and good judgment will prevail.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: Perhaps this is a bit of interesting news here that we don't know about. My information is that with the increase in the United States postal rates, that this is a procedure being taken by the flash paper supplementals to avoid the United States postal rates which went up considerably. And it is now being loaded on the newsboy with no compensation.

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 Westfield, Mr. Good, that Bill "An Act Relating to Compensation for Minors Delivering Newspaper Supplements," House Paper 994, L. D. 1356 be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Berry, P. P.; Birt, Bither, Bragdon, Bustin, Call, Clark, Collins, Cottrell, Crosby, Cummings, Curtis, A. P.; Farrington, Gagnon, Good, Hall, Hardy, Haskel, Hawkens, Hayes, Henley, Hewes, Kelley, R. J.; Lee, Lewis, Lincoln, MacLeod, Maddox, Marstaller, O'Brien, Page, Scott, Shaw, Simpson, L. E.; Wight, Williams, Woodbury.

NAY — Albert, Baker, Barnes, Bedard, Bernier, Berry, G. W.; Berube, Binnette, Boudreau, Bourgoin, Brawn, Brown, Bunker, Carey, Carrier, Carter, Churchill, Clemente, Conley, Cooney, Cote, Dam, Dow, Doyle, Drigotas, Dyar, Emery, D. F.; Emery, E. M.; Faucher, Fecteau, Finemore, Fraser, Gauthier, Genest, Goodwin, Hancock, Herrick, Hodgdon, Immonen,

Jutras, Kelleher, Kelley, K. F.; Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lessard, Lewin, Littlefield, Lizotte, Lucas, Lund, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McCormick, McKinnon, McNally, Millett, Mills, Mosher, Murray, Norris, Parks, Payson, Porter, Pratt, Rand, Rollins, Santoro, Shetra, Shute, Silverman, Simpson T. R.; Slane, Starbird, Stillings, Tanguay, Theriault, Trask, Tyndale, Vincent, Webber, Wheeler, White, Whitson, Wood, M. W.; Wood, M E.; The Speaker.

ABSENT — Bartlett, Curran, Curtis, T. S., Jr.; Cyr, Donaghy, Dudley, Evans, Gill, Hanson, Jalbert, McTeague, Morrell, Orestis, Pontbriand, Rocheleau, Ross, Smith, D. M.; Smith, E. H.; Susi.

Yes, 39; No, 93; Absent, 19.

The SPEAKER: Thirty-nine having voted in the affirmative, ninety-three in the negative, with nineteen absent, the motion does not prevail.

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

Mr. DAM: Mr. Speaker, I move that we reconsider whereby the indefinite postponement motion failed.

The SPEAKER: The gentleman from Skowhegan, Mr. Dam, moves the House reconsider whereby the indefinite postponement motion did not prevail.

All in favor of reconsideration say aye; those opposed no.

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

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

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

An Act Clarifying the Statute Relating to Realty Subdivisions (H. P. 1034) (L. D. 1425)

Tabled — May 25, by Mr. Norris of Brewer.

Pending — Passage to be enacted.

On motion of Mr. Simpson of Standish, under suspension of the rules, the House reconsidered its

action of May 17 whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-354) was read by the Clerk and adopted.

On motion by Mr. Emery of Auburn, tabled pending passage to be engrossed and tomorrow assigned.

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

Mrs. PAYSON: Mr. Speaker, I present an order out of order and move its passage.

The SPEAKER: The gentleman from Falmouth, Mrs. Payson, presents an Order out of order. Is there objection? The Chair hears objection.

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

Bill "An Act Regulating Roadside Clear Cutting Practices" (H. P. 1354) (L. D. 1770)

Tabled — May 25, by Mrs. Brown of York.

Pending — Passage to be engrossed.

Mr. Hardy of Hope offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-330) was read by the Clerk.

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

Mr. WEBBER: Mr. Speaker and Members of the House: This is my bill here and I am having some work done on it in the Attorney General's office on a question and want to table it for two legislative days.

Whereupon, on motion of Mr. Jalbert of Lewiston, retabled pending adoption of House Amendment "A" and specially assigned for Tuesday, June 1.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought not to pass" — Minority (4) "Ought to pass"

— Committee on Judiciary on Bill "An Act relating to Prevention by Landowners of Acquisition of

Rights-of-way, Easements and Public Rights by Dedication" (H. P. 708) (L. D. 954)

Tabled — May 25, by Mr. Hewes of Cape Elizabeth.

Pending — Acceptance of either report.

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

Mr. HEWES: Mr. Speaker, I move acceptance of the Minority "Ought to pass" Report.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves the acceptance of the Minority "Ought to pass" Report.

Mr. Lund of Augusta requested a division on the motion.

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

Mr. McCLOSKEY: Mr. Speaker, would you have the Clerk read the report, please—the signers of the report.

Thereupon, the Report was read by the Clerk.

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

Mr. HEWES: Mr. Speaker and Members of the House: The original purpose of L. D. 954 was to permit the large landowners throughout the state to allow people to camp and tent on their property without being subject to the 20-year adverse possession rule. By that I mean if the large companies let people use a certain lake area, we will say, indefinitely, year after year, after a while there might be a claim that adverse possession had taken over and that the people using the land own the land rather than the present owner.

The present law, as you know, permits a posting of the land by the owner, but the posted signs do get taken down, and this bill was submitted at the request of the large landowners. It was in committee and four of us approved of the theory of the matter and nine of us did not. However, with the press of time, this bill didn't — we weren't able to work out a compromise in the committee. We now, at least we who support the passage of the bill, have come up with a proposed compromise, which is House Amendment "B"

which is under filing number H-349, and if we could get the Minority "Ought to pass" Report accepted, then we would at third reading offer H-349.

This limits the original bill in two ways. Number one, it makes a filing in the registry of deeds good for ten years only, not for ever and ever, and then it applies only to land in unorganized territory. So I would request that you go along with the "Ought to pass" Report and then at third reading we can offer this House Amendment "B".

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

Mr. CARRIER: Mr. Speaker and Members of the House: I support the motion of Mr. Hewes from Cape Elizabeth in the sense that what we are talking about here is adverse possession. And for those of you who — I assume that everybody knows what it is, but for those of you who don't, it is just letting certain people use your land for a certain number of years, which is 20 years, and he uses it notoriously, openly, and I don't know what else. But if you put no objection, if you don't stop them, actually at the end of 20 years he has engaged title by adverse possession. Although there is no title, in effect no written title passes, but by law it passes, he gains title to that piece of land.

Now apparently they mentioned that this was put in for the big landowners' companies. Actually I am not concerned too much about them, I am more concerned about you as a property owner. If somebody has been crossing your lawn for the last ten or fifteen years, it seems to me that you should have the right to tell them not to do it or just tell them that they are not going to take possession adversely.

Now the procedure that we have to do is either to chain it for one day, this is one suggestion, or you can tell the fellow that he is not going to gain possession by doing it this way. Well this causes, I believe, a lot of dissension with your neighbor, or it can. So actually what we are asking here to do and why we support the

"Ought to pass" Report is for you to be able to go down to the registry of deeds and register your intentions against the land being taken by dedication.

And I don't see any reason why this isn't proper because you do this, if you have a lien against somebody's property you do this, and if you want to record your mortgage you do it and it serves as a notice to the whole public, and I think that this is good. I really do. I think it is easier. I think that you can keep your neighbors as friends and this is why I personally supported the motion that it "ought to pass."

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

Mr. DYAR: Mr. Speaker and Members of the House: This bill smells a little bit like a case that has been pending in the Franklin County court for a number of years. It pertains to the Chain of Ponds area.

Now under this bill as proposed now we would be going on similar to the laws in Canada which instigated this suit. This land was bought by a Canadian, and he came down here to the states and wanted to enforce Canadian laws on the people in the State of Maine. There had been access to the Chain of Ponds for years to the general public. Chain of Ponds was a great pond, and this gentleman saw fit to fence in all ways leading to this body of water.

It was necessary to go back to the Colonial laws which were established back in the early 1600's to try to solve this case. And it seemed to me that if we pass this law as it is written at the present time, even with its amendments, that we would be changing a lot of the Colonial laws which do give the people of the State of Maine the rights to access to our great ponds.

Another point that has been brought out is that some of this paper company land does have access roads on it at the present time. And I am familiar with several areas where people own buildings on leased land with lake frontage, leased from paper com-

panies. And they are paying up to \$100 a year out of their own pocket to maintain these roads. And I can see that this will protect the big interests from anybody ever getting control of these roads, even though possibly 20 people are paying \$2,000 a year for maintenance, and the actual owner at the present time puts in nothing.

The SPEAKER: All in favor of accepting the Minority "Ought to pass" Report on Bill "An Act relating to Prevention by Landowners of Acquisition of Rights-of-way, Easements and Public Rights by Dedication," House Paper 708, L. D. 954 will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

Bill "An Act to Improve the Procedure for Correcting Vital Statistics" (H. P. 1311) (L. D. 1719) — In House, passage to be enacted and passage to be engrossed reconsidered.

Tabled — May 25, by Mr. Dyar of Strong.

Pending — Adoption of House Amendment "A" (H-350)

Mr. Martin of Eagle Lake withdrew House Amendment "A".

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

House Amendment "B" (H-365) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: You will recall that this bill has been around some time, was enacted in both bodies, went to the Governor's desk, and came back to us as a result of an order which I had earlier introduced.

On Tuesday I introduced an amendment which was under filing House Amendment "A". Apparently there were problems with this amendment. The problems as far

as the members of the committee were concerned were with the second paragraph. The problems as far as the committee is concerned have been taken care of by House Amendment "B" in the second paragraph, and paragraph one satisfies the department. So I guess if we could believe it, we have satisfied both the department and the Legislature, which is indeed a pleasant surprise.

Thereupon, House Amendment "B" was adopted and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

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

Tabled — May 25, by Mr. Cooney of Webster.

Pending — Passage to be engrossed.

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

The Chair laid before the House the eighteenth item of Unfinished Business.

SENATE DIVIDED REPORT — Majority (12) "Ought not to pass" — Minority (1) "Ought to pass" Committee on Business Legislation on Bill "An Act to Regulate Revolving Credit Accounts" (S. P. 470) (L. D. 1528)

Tabled — May 26, by Mr. Scott of Wilton.

Pending — Acceptance of either report.

On motion of Mr. Scott of Wilton, the Reports and Bill were indefinitely postponed.

On motion of Mr. Emery of Rockland,

Adjourned until eight-thirty o'clock tomorrow morning.