

# MAINE STATE LEGISLATURE

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



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

LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth  
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Wednesday, June 2, 1971

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

Prayer by Brigadier Alfred Davey of Augusta.

The journal of yesterday was read and approved.

**Conference Committee Report**

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

Bill "An Act relating to Contracts of Teachers with Municipalities" (S. P. 183) (L. D. 535) reporting that they are unable to agree.

(Signed)

**FINEMORE**

of Bridgewater

SHAW of Chelsea

DUDLEY of Enfield

— Committee on part of House.

JOHNSON of Somerset

CHICK of Kennebec

DANTON of York

— Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

**Papers from the Senate**

From the Senate: The following Order: (S. P. 614)

**ORDERED**, the House concurring, that Bill, "An Act relating to Disturbing Schools," Senate Paper 530, Legislative Document 1547, be recalled from the legislative files to the Senate.

Came from the Senate read and passed.

In the House, the Order was read.

The **SPEAKER**: This Joint Order requires a two-thirds vote. All in favor of the passage of this Order will vote yes; those opposed will vote no.

A vote of the House was taken.

96 having voted in the affirmative and 9 having voted in the negative, 96 being more than two thirds, the Order was passed in concurrence.

**Tabled Later in the Day**

From the Senate: The following Order:

**WHEREAS**, there is a serious public concern as to the administration and operation of our institutions under the Department of Mental Health and Corrections and under the Department of Health and Welfare; and

**WHEREAS**, there is serious concern over a conflict between the Department of Mental Health and Corrections and its subordinates, and the Department of Health and Welfare and its subordinates; and

**WHEREAS**, there is substantial evidence of sagging morale among dedicated employees to the extent there is reason to believe that patient care may suffer; and

**WHEREAS**, the public responsibility towards patients in the care and custody of these institutions demands compassionate care, training and rehabilitation of the highest quality, and full protection of the constitutional and civil rights of those committed to our care; and

**WHEREAS**, it appears that a study of personnel practices and policies regarding recruitment and retention of staff is advisable; now, therefore, be it

**ORDERED**, the House concurring, that the Joint Standing Committee of the Legislature on Health and Institutional Services be authorized to study, review and analyze the operations, personnel practices and procedures of the Department of Mental Health and Corrections and the Department of Health and Welfare as they pertain to our institutions to ascertain that the department appropriations are being administered in an effective and productive manner for the welfare of the citizens of Maine; and be it further

**ORDERED**, that said standing committee shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of their duties under this Order within the limits of funds provided herewith; and be it further

**ORDERED**, that this special committee report its findings and recommendations to the 106th Legislature; and be it further

**ORDERED**, that all departments and agencies of State Government

shall cooperate with the said standing committee and are directed to provide such technical and other assistance as the committee deems necessary or desirable to carry out the purposes of this Order, including but not limited to personnel and staff as a part of their regular employment; and be it further

ORDERED, that the said standing committee shall have the authority to employ professional and clerical assistance as they deem necessary within the limits of funds provided; and be it further

ORDERED, that there is allocated to said standing committee from the Legislative Account the sum of \$1,000 to carry out the purposes of this Order. (S. P. 616)

Came from the Senate read and passed.

In the House, the Order was read.

(On motion of Mr. Ross of Bath, tabled pending passage in concurrence and assigned for later in the day.)

### Reports of Committees

#### Ought to Pass in New Draft

Report of the Committee on State Government on Bill "An Act to Lower the Voting Age for Biennial Elections of the Penobscot Indians" (S. P. 365) (L. D. 1104) reporting same in a new draft (S. P. 609) (L. D. 1787) under title of "An Act relating to Indian Tribal Meeting on Proposed Legislation and Lowering the Voting Age for Biennial Elections" and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence, the New Draft read twice and tomorrow assigned.

#### Ought to Pass with Committee Amendment

Report of the Committee on Labor on Bill "An Act relating to Examinations for Certain Occupations by Graduates of Maine Vocational Technical Institutes" (S. P. 193) (L. D. 554) 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".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-222) was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

### Non-Concurrent Matter

Bill "An Act to Regulate the Harvesting of Fiddleheads on Penobscot Reservation Lands" (S. P. 363) (L. D. 1102) which was indefinitely postponed is non-concurrence in the House on May 28.

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

Mrs. CARSWELL

Messrs. SEWALL of Cumberland  
HOFFSES of Knox

In the House:

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

Mr. PORTER: Mr. Speaker, Ladies and Gentlemen: Every Mainer is born with three God given rights — first, to be his own man; second, to be an authority on all matters of fish and game; and third, to pick fiddleheads any place he wants to. Mainers believe that fiddleheads are a gift of the gods and they have been placed on this earth for the benefit of the human race; and Mainers believe that they are charter members of that race.

Mainers do not ask white folks for permission to pick fiddleheads, neither do they want to ask Indians for permission to pick fiddleheads. Mr. Speaker, I move that we adhere.

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

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

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: This morning I hate to slightly disagree with the gentleman from Lincoln, Mr. Porter. I agree with the first two things he said about Mainers wanting their individual rights and so forth. I will continue to insist on these rights and the number of bills, but one of these rights includes the use of their lands as they see fit.

I would go along to say that the Indians in my opinion, have the right to control the fiddleheads on their lands. So I hope that we insist and join in a Committee of Conference and see whether or not this bill is in proper form.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I wish to rise and concur with the gentleman from Freeport, Mr. Marsteller. I think that I am speaking on this because I am hopeful that I might get on the Committee of Conference, and I am hopeful that we could arrive at a conclusion to go up and see the fiddleheads and maybe gather a few.

The SPEAKER: The Chair understands that the gentleman from Freeport, Mr. Marsteller, moves that the House insist on its former action and join in the Committee of Conference. All those in favor of insisting and joining in the Committee of Conference will vote yes; those opposed will vote no.

A vote of the House was taken.

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

#### Non-Concurrent Matter

Bill "An Act relating to Cost of School Construction for State Aid" (H. P. 1340) (L. D. 1759) which was passed to be engrossed in the House on May 21.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Kelleher of Bangor, the House

voted to insist and ask for a Committee of Conference.

#### Non-Concurrent Matter

Bill "An Act relating to Compensation for Minors Delivering Newspaper Supplements" (H. P. 994) (L. D. 1356) on which the House accepted the Minority "Ought to pass" Report of the Committee on Labor and passed the Bill to be engrossed as amended by House Amendments "A" and "B" on May 27.

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

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

#### Non-Concurrent Matter

Bill "An Act Providing for a Feasibility Study for High Speed Rail Service for Maine" (H. P. 1201) (L. D. 1652) 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: On motion of Mr. Martin of Eagle Lake, the House voted to recede and concur.

#### Non-Concurrent Matter

An Act Revising the Maine Potato Tax Law (H. P. 1335) (L. D. 1751) which was passed to be enacted in the House on May 28 and passed to be engrossed on May 21.

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

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

#### Non-Concurrent Matter

An Act relating to Taxation of Buildings on Leased Land in Unorganized Territory (H. P. 1339) (L. D. 1755) which was passed to be enacted in the House on May 27 and passed to be engrossed on May 21.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

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

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

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

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

The SPEAKER: The gentleman from Brewer, Mr. Norris moves that the House recede and concur, which is the motion of priority.

Whereupon, Mr. Morrell of Brunswick requested a roll call.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I hope we will defeat this motion to recede and concur and go along with the motion to insist and ask for a Committee of Conference. We went over this real good in the Taxation Committee and we found, when we compared it with Mr. Johnson of the Tax Division, we found it to be a very very good bill and it would do a lot of good. I hope that you will vote against the motion to recede and concur.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I rise only to say that this was a unanimous report from Committee on Taxation and I hope you defeat this motion.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: Just briefly, this is limited use of the land, I mean these people are prohibited for a time not to use this land, so they don't have the actual use even though it is leased

land. So I don't believe they should be taxed.

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

Mr. McCLOSKEY: Mr. Speaker and Members of the House: I think I would just like to set the record straight. It wasn't a unanimous report of the Committee — I signed "ought not to pass."

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

Mr. MORRELL: Mr. Speaker, Ladies and Gentlemen of the House: Just to clarify a little bit, this does give a little bit of relief to those who lease land with a restriction in the lease which would prevent them from using this property or the building that they might put on it, for three consecutive months during the year. So that in a sense this is a concession because of their inability to fully utilize year-round property which they are leasing, and to the Taxation Committee this seemed to make sense.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: To go a little further on this and not take up any time, these people who have these cottages on this land they don't have any public roads, the roads are all maintained privately. They have no children in school and as has been stated by the gentleman from Brunswick, Mr. Morrell, they have the use of the land three months out of the year; and we believe they should be taxed accordingly.

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 Brewer, Mr. Norris, that the House recede and concur. If you are in favor of receding and concurring in indefinite postponement you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA—Call, Curtis, A. P.; Curtis, T. S., Jr.; Kelleher, Lincoln, McCloskey, McTeague, Murray, Norris, O'Brien, Orestis, Wood, M. E.

NAY — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Bragdon, Brawn, Brown, Bunker, Bustin, Carey, Carrier, Carter, Churchill, Clark, Clemente, Collins, Conley, Cote, Cottrell, Crosby, Cummings, Curran, Cyr, Dam, Donaghy, Dow, Doyle, Drigotas, Dyar, Emery, D. F.; Evans, Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Genest, Gill, Good, Goodwin, Hall, Hancock, Hardy, Haskell, Hawkins, Hayes, Henley, Herrick, Hodgdon, Immonen, Jalbert, Kelley, K. F.; Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lee, Lessard, Lewin, Lewis, Littlefield, Lucas, Lund, Lynch, McLeod, Maddox, Mahany, Manchester, Marsh, Marsteller, Martin, McCormick, McKinnon, McNally, Millett, Mills, Morrell, Mosher, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, E. H.; Starbird, Stillings, Susi, Tanguay, Theriault, Trask, Tyndale, Whitson, Webber, Wheeler, White, Whitson, Williams, Wood, M. W.; Woodbury.

ABSENT — Cooney, Dudley, Emery, E. M.; Hanson, Hewes, Jutras, Kelley, R. P.; Lizotte, Rocheleau, Santoro, Sheltra, Smith, D. M.; Wight.

Yes, 12; No, 125; Absent, 13.

The SPEAKER: Twelve having voted in the affirmative, one hundred twenty-five in the negative, with thirteen being absent, the motion to recede and concur does not prevail.

Thereupon, the pending motion to insist and ask for a Committee of Conference prevailed.

#### Orders

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

Mr. MARSTALLER: Mr. Speaker, is the House in possession of L. D. 1543?

The SPEAKER: The answer is in the affirmative. An Act to Provide Certain State Level Land Use Controls, House Paper 1125, L. D. 1543, which was passed to be enacted yesterday.

Mr. MARSTALLER: Mr. Speaker, I move that we reconsider our action of yesterday whereby this bill was passed to be enacted and I would speak to my motion.

The SPEAKER: The gentleman from Freeport, Mr. Marsteller, moves that the House reconsider its action of yesterday whereby this Bill was passed to be enacted.

The gentleman may proceed.

Mr. MARTALLER: Mr. Speaker and Members of the House: Today on our calendar we have another bill, L. D. 1800, relating to municipal land regulation of land subdivisions, and there is certainly some overlap in these two bills. It would seem to me that when we are talking about home rule and the role of the municipality in these sorts of items, and our main interest on the state level is protecting the air and the water and the resources that are available to all — and we are interested in this home rule business, I think that these bills ought to be considered more or less together.

I would hope that somebody would table this item until we see what action is taken on this L. D. 1800 which comes up under third readers.

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

Mr. BRAGDON: Mr. Speaker, I move that this be tabled for two days.

Whereupon, Mr. Martin of Eagle Lake requested a division on the tabling motion.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that the motion of the gentleman from Freeport, Mr. Marsteller, to reconsider be tabled and specially assigned for Friday, June 4. A division has been requested. All in

favor of tabling the motion to reconsider will vote yes; those opposed will vote no.

A vote of the House was taken.

74 having voted in the affirmative and 57 having voted in the negative, the motion to table did prevail.

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

Mr. STARBIRD: Mr. Speaker, I would inquire if the House is in possession of L. D. 1789?

The SPEAKER: The answer is in the affirmative. Bill "An Act relating to Hunting, Fishing and Trapping on Indian Tribal Lands," House Paper 1371, L. D. 1789, which was passed to be engrossed yesterday.

Mr. STARBIRD: Mr. Speaker, I move that the House reconsider its action of yesterday whereby it passed the bill to be engrossed, and would speak to my motion.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, moves that the House reconsider its action of yesterday whereby it passed this bill to be engrossed.

The gentleman may proceed.

Mr. STARBIRD: Mr. Speaker and Members of the House: There has been discovered several conflicts between this bill and L. D. 1600, which as you know relates to the hunting and fishing licenses. Until the matter is straightened out I would ask that someone might table this matter.

Whereupon, on motion of Mr. Donagy of Lubec, tabled pending the motion of Mr. Starbird of Kingman Township to reconsider and specially assigned for Friday, June 4.

On motion of Mr. Clark of Jefferson, it was

ORDERED, that Rev. George Atkinson of Newcastle be invited to officiate as Chaplain of the House on Thursday, June 3, 1971.

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Age Limit for Motor Vehicle Operator Licenses" (S. P. 4) (L. D. 18) the Speaker appointed the following

Conferees on the part of the House:

Messrs. LEBEL of Van Buren  
McNALLY of Ellsworth  
DUDLEY of Enfield

#### House Reports of Committees Divided Report

##### Tabled and Assigned

Majority Report of the Committee on Judiciary on Bill "An Act Providing for a Full-time County Attorney for Cumberland County" (H. P. 194) (L. D. 332) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

Mr. HENLEY of Norway  
Mrs. WHEELER of Portland  
Mr. PAGE of Fryeburg  
Mrs. WHITE of Guilford  
Mrs. BAKER of Orrington  
Messrs. HEWES of Cape Elizabeth  
KELLEY of Caribou  
— of the House.

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

Report was signed by the following members:

Mr. QUINN of Penobscot  
— of the Senate.  
Messrs. LUND of Augusta  
ORESTIS of Lewiston  
CARRIER of Westbrook  
— of the House.

Reports were read.

(On motion of Mrs. Wheeler of Portland, tabled pending acceptance of either Report and specially assigned for Friday, June 4.)

#### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to Destruction of Vending Machines" (H. P. 228) (L. D. 310) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. TANOUS of Penobscot  
HARDING of Aroostook  
QUINN of Penobscot  
— of the Senate.  
Mr. HENLEY of Norway  
Mrs. WHEELER of Portland



Messrs. PAGE of Portland  
 KELLEY of Caribou  
 Mrs. WHITE of Guilford  
 Mrs. BAKER of Orrington  
 Messrs. HEWES of Cape Elizabeth  
 CARRIER of Westbrook  
 — of the House.

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

Report was signed by the fol-  
 lowing members:

Messrs. ORESTIS of Lewiston  
 LUND of Augusta  
 — of the House.

Reports were read.

On motion of Mrs. Baker of  
 Orrington, the Majority "Ought to  
 pass" Report was accepted.

The Bill was given its two  
 several readings.

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

**Passed to Be Engrossed**

Bill "An Act relating to Public  
 Intoxication" (S. P. 607) (L. D.  
 1786)

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

**Third Reader**

**Tabled and Assigned**

Bill "An Act Establishing the  
 Flood Hazard Area Management  
 Act of Maine" (H. P. 498) (L. D.  
 644)

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

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

Mr. BUSTIN: Mr. Speaker,  
 Ladies and Gentlemen of the  
 House: This is the bill that I was  
 talking about yesterday for which  
 an amendment is being prepared.  
 It is prepared and signed, but it  
 has not yet been distributed. So  
 I would hope that someone would  
 move that this be tabled until later  
 in today's session.

(On motion of Mrs. Goodwin of  
 Bath, tabled pending passage to be  
 engrossed and tomorrow assigned.)

**Third Reader**

**Tabled Later in the Day**

Bill "An Act to Authorize the

Construction of a Toll Bridge  
 across the Kennebec River between  
 the Municipalities of Waterville  
 and Winslow" (H. P. 753) (L. D.  
 1022)

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

(On motion of Mr. Porter of Lin-  
 coln, tabled pending passage to be  
 engrossed and later today  
 assigned.)

**Third Reader  
 Amended**

Bill "An Act relating to the  
 Collection and Disposal of Solid  
 Wastes by the Washington County  
 Commissioners" (H. P. 819) (L. D.  
 1092)

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

Mr. Donaghy of Lubec offered  
 House Amendment "A" and moved  
 its adoption.

House Amendment "A" (H-386)  
 was read by the Clerk and adopted.

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

**Third Reader  
 Tabled and Assigned**

Bill "An Act relating to Pari-  
 mutuel Pools in Harness and  
 Running Horse Racing" (H. P.  
 1332) (L. D. 1746)

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

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

House Amendment "A" (H-372)  
 was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker,  
 I would like to have this tabled  
 for one day please.

Thereupon, Mr. Gagnon of  
 Scarborough requested a vote on  
 the tabling motion.

The SPEAKER: The pending  
 question is on the motion of the  
 gentleman from Bangor, Mr.  
 Kelleher, that this Bill be tabled  
 until tomorrow pending the  
 adoption of House Amendment  
 "A". A vote has been requested.  
 All in favor of tabling will vote  
 yes; those opposed will vote no.

A vote of the House was taken. 83 having voted in the affirmative and 33 having voted in the negative, the motion did prevail.

Bill "An Act Permitting Indian Homes to be Licensed as Foster Homes" (H. P. 1358) (L. D. 1774)

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

**Third Reader  
Tabled and Assigned**

Bill "An Act to Revise the Site Location of Development Law" (H. P. 1373) (L. D. 1790)

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

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen: 1790 was formerly 1710, the site development law, and it was known as the large site bill. Recognizing this, I wanted to point out two or three changes in the bill, which I wonder if all of you have looked at. The site bill formerly called for a square footage on your buildings for permits of 60,000 square feet; now you have to go for a permit on an accumulated floor footage space. In other words, all your high-rises, all of you people who represent cities should look at that. "Any two or more separate parcels shall be considered a single parcel if they comprise more than 20 acres and are separated by 1,000 feet." This is another very definite, new and broad change.

Under subdivision, the definition subdivision means "the division of a parcel or tract of land into two or more separate parcels within any five-year period" — another new and rather broad definition. And this particular document also goes outside of the development area and takes into consideration and control the traffic movement in the areas outside of the development.

I wanted you to be aware of these and so I point them out to you.

(On motion of Mr. Evans of Freedom, tabled pending passage

to be engrossed and tomorrow assigned.)

Bill "An Act Revising the Laws Relating to Savings and Loan Associations" (H. P. 1376) (L. D. 1796)

Bill "An Act Amending the Maine Insurance Code Relating to Fees and Licensing" (H. P. 1377) (L. D. 1797)

Bill "An Act relating to the Board of Registration in Medicine" (H. P. 1378) (L. D. 1798)

Bill "An Act relating to Nonprofit Hospital or Medical Service Organizations" (H. P. 1375) (L. D. 1795)

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

**Third Reader  
Tabled and Assigned**

Bill "An Act relating to Qualifications for Municipal Law Enforcement Officers" (H. P. 1379) (L. D. 1799)

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

(On motion of Mr. Norris of Brewer, tabled pending passage to be engrossed and tomorrow assigned.)

**Third Reader  
Tabled and Assigned**

Bill "An Act relating to Municipal Regulation of Land Subdivisions" (H. P. 1380) (L. D. 1800)

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. Marsteller.

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: This bill, which relates to municipal regulation of land subdivisions, covers many of the points that are in L. D. 1543. And I think rather than having these two measures which overlap, that we could do the whole thing in L. D. 1800 and leave it up to local control. So I would hope that somebody might table this for one day and see if a slight amendment

to L. D. 1800 would take care of both bills.

(On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and tomorrow assigned.)

#### Amended Bills

Bill "An Act relating to Oral Settlements or Releases from Injured Persons Confined to Hospitals" (S. P. 251) (L. D. 758)

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

Bill "An Act to Authorize Bond Issue in the Amount of \$3,090,000 for the Development and Improvement of State Park Facilities, Improvements to Various Airports and Maintenance Building at Augusta" (H. P. 176) (L. D. 234)

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

On motion of Mr. Porter of Lincoln, the House reconsidered its action of yesterday whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H. 392) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill passed to be engrossed as amended and sent to the Senate.

Bill "An Act Amending Certain Savings Bank Laws" (H. P. 734) (L. D. 996)

Bill "An Act relating to Aiding Injured Persons and Reporting Hunting Accidents" (H. P. 851) (L. D. 1164)

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 and Assigned

Bill "An Act Revising the Laws Relating to the Deposit of Oil, Forest Products Refuse and Potatoes in Waters of the State" (H. P. 1076) (L. D. 1468)

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

(On motion of Mr. Evans of Freedom, tabled pending passage to be engrossed and tomorrow assigned.)

#### Passed to Be Enacted

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)

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

An Act to Improve the Procedure for Correcting Vital Statistics (H. P. 1311) (L. D. 1719)

An Act relating to Standards for Electrical Installations and Electrical Equipment for Mobile Homes (H. P. 1334) (L. D. 1748)

An Act relating to the Powers and Duties of the Environmental Improvement Commission (H. P. 1352) (L. D. 1768)

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 tabled and today assigned matter:

Resolution Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans for Housing for Indians (H. P. 402) (L. D. 515) — In House, failed of final passage. — In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-217) in non-concurrence.

Tabled — May 28, by Mr. Mills of Eastport.

Pending—Further consideration.

On motion of Mr. Martin of Eagle Lake, the House voted to recede and concur.

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

An Act relating to Certain Emergency Powers Concerning Radiation Hazards (S. P. 570) (L. D. 1716)

Tabled — May 28, by Mr. Genest of Waterville.

Pending — Passage to be enacted.

On motion of Mr. Martin of Eagle Lake, retabled pending passage to be enacted and specially assigned for Friday, June 4.

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

Bill "An Act Establishing the Lewiston-Auburn Airport Authority" (S. P. 481) (L. D. 1593) — In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-190) — In House, Committee Amendment "A" adopted.

Tabled — May 28, by Mr. Jalbert of Lewiston.

Pending — Passage to be engrossed.

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

Mr. ORESTIS: Mr. Speaker, I move that this be tabled for two legislative days.

Mr. Emery of Auburn requested a division on the tabling motion.

The SPEAKER: A division has been requested on the tabling motion. All in favor of this matter being tabled and specially assigned for Friday, June 4 will vote yes; those opposed will vote no.

A vote of the House was taken.

36 having voted in the affirmative and 63 having voted in the negative, the motion did not prevail.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen: I rise to oppose this L. D. as a Representative from Auburn and also as an Auburn Councillor. This is not a very glamorous bill. My area has an unemployment rate of approximately 10.5 per cent, and my taxpayers are having a very hard time to pay their taxes now, without being charged more to pay

for a deficit that would surely accrue via this bill if it ever becomes law.

This bill has no bond limits at all. The sky is the limit for the dreamers proposing a winged Utopia that they claim this bill would create. Eminent domain — I am utterly opposed to this section. Too many little people have and would suffer from this type of a clause. Some fine homes and extensive farmland would be jeopardized.

Section 5 — Taking over existing public utilities. This section would expose my taxpayers to millions of dollars of cost because preliminary studies show that this move would require at least one half million to one and a half millions of dollars to move a railroad and extend this airport to jet size, and the study is at least five years old. And we all know costs are going up approximately 10 to 15 per cent a year.

This Authority would propose taking over the main line of one of the railroads running to Canada and move it or discontinue it. I also believe that there is no price tag on this bill. It doesn't mean that the next special session or the regular session would not see an appropriation bill here requesting thousands and possibly millions of dollars, funds that could be used for a more worthy cause elsewhere.

I also feel that as Portland's jet port is only one half an hour away from Auburn, and Bangor only a little bit further, the jet port is not needed at Lewiston-Auburn. It would also cause competition to both. This bill would create another costly bureaucracy for the little man to fund and only benefit certain minorities, special interest groups. Just last week the Lewiston City government's hidden costs in each city employee was announced at 30.5 per cent of their payroll, an additional \$1,858 for each employee during 1971. In Auburn's case I know it would be at least equal in cost. The legal niceties of the present setup costs each city \$15,000 per year, and that is not peanuts.

Northeast Airlines pulled out of my area because of a lack of patronage and the FAA okayed it.

They felt that air traffic was too light.

We have talked this session all about home rule, and if we want true home rule this bill does not belong here. Furthermore, it is not wanted by a majority of my taxpayers, and therefore I move the indefinite postponement of this bill and all its accompanying papers.

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

Mr. ORESTIS: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been before the legislature two or three times. It is a bill of some controversy in both the cities of Lewiston and Auburn. However, it is a bill that has been supported by a majority of the city councils of both Lewiston and Auburn and has been supported by a majority of the legislative delegation of Androscoggin County.

Just this morning a caucus of the Lewiston and Auburn legislators was held, and an agreement was worked out that this bill would be supported with a referendum amendment tacked onto it.

The reason for my making a tabling motion this morning was so that a referendum amendment placing this before the people of Lewiston and Auburn in their next municipal election could be worked out and presented to the House either tomorrow or Friday.

I don't want to spend the time this morning debating the merits of this bill because I think that it is a home rule issue and it is an issue that should be decided by the people of the cities of Lewiston and Auburn. The referendum amendment that I would propose to offer if the bill was in the proper posture tomorrow or Friday would not cost the people of Lewiston and Auburn any money since it would be in the next municipal election. Therefore, I would ask that somebody table this bill until tomorrow or Friday so that I would have a chance to offer this amendment.

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

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

Mr. Emery of Auburn requested a division on the tabling motion.

The SPEAKER: The gentleman from Bath, Mr. Ross now moves that L. D. 1593 be tabled and specially assigned for Friday, June 4, pending the motion of the gentleman from Auburn, Mr. Emery that it be indefinitely postponed. A division has been requested. All in favor of the tabling motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Mr. JALBERT: Mr. Speaker, I would move that this item lie on the table for one legislative day.

The SPEAKER: The Chair would advise the gentleman his motion is not in order.

The Chair recognizes the same gentleman.

Mr. JALBERT: Mr. Speaker, I would suggest probably we might have had the opportunity to discuss this amendment at least among ourselves or discussed the bill among ourselves, and we would come to some tentative agreement. Mr. Emery was unable to be present. I would like to have had the opportunity to talk to him, and that was the reason that I got up and made the motion that I made which obviously was out of order. Maybe a subsequent motion might not be out of order.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Emery of Auburn that the Bill be indefinitely postponed and tomorrow assigned.

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

An Act to Authorize Bond Issue in the Amount of \$3,850,000 for Student Housing at Central Maine Vocational Technical Institute, Eastern Maine Vocational Technical Institute, Washington County Vocational Technical Institute, and the Maine Maritime Academy, Site Improvements at Washington

County Vocational Technical Institute, Heating and Air Conditioning Shop and Laboratory at Southern Maine Vocational Technical Institute, Completion of School Building at Peter Dana Point Reservation and Multi-purpose Buildings for Penobscot and Passamaquoddy Reservations" (H. P. 175) (L. D. 233)

Tabled — June 1, by Mr. Porter of Lincoln.

Pending — Passage to be enacted.

On motion of Mr. Porter of Lincoln, under suspension of the rules, the House reconsidered its action of May 24 whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of May 24 whereby House Amendment "A" was adopted, and on further motion of the same gentleman House Amendment "A" was indefinitely postponed.

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

House Amendment "B" (H-391) was read by the Clerk.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I believe that, as I look at this bill, the way it is reported on the calendar, I believe there is another error in the bill, and I have not had an opportunity to look at Mr. Porter's amendment. I believe that there was a Committee Amendment which I don't see as this bill is reported, and for these reasons I would hope that somebody would table this bill for a day in order that I might have a chance to look at it.

Thereupon, on motion of Mr. Susi of Pittsfield, tabled pending the adoption of House Amendment "B" and tomorrow assigned.

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

An Act relating to Amount of Annual Excise Tax on Railroads (S. P. 369) (L. D. 1108)

Tabled — June 1, by Mr. Cyr of Madawaska.

Pending — Passage to be enacted.

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

Mr. CYR: Mr. Speaker and Ladies and Gentlemen: This little bill has disturbed me very much — disturbed me since the time of the hearing. However, I approach the subject with mixed feelings. Having great respect for the sponsor of the bill I more or less hesitate to oppose the bill. But at the same time I wonder how this would be received on the main street. If we are to allow some relief of excise tax to the railroad and yet we cannot give any tax relief to the common people on the main street, I am wondering just how this will be received.

The original bill would have cost the State of Maine \$427,500 for 1971-72 and \$432,000 for '72-73. It was amended down so that now it calls for \$118,000 for the first year and \$231,000 for the second year.

Now at the hearing I asked a lot of questions of the sponsors and the proponents of this bill. I questioned particularly if they had used the approach of trying to improve the services so that they could increase their volume and thereby be in a better financial position. They assured us at the hearing that everything was being done in regard to improving services. Since that time of course I have been picking up in the newspapers different releases. One was that the potato crop, this year's potato crop, only 22 per cent is going by rail. Also I picked up in the newspaper on April 29, 1971 the financier is surprised at charge of attempted takeover of MCRR.

Now this reminded me quite a bit of the experience that I used to have when I was in the furniture business. If I was interested in a particular piece of furniture, and I didn't know just what the weaknesses were with that piece of furniture, I would go to a competitor and I would start bragging about the other people's product and it wouldn't take very long before I would know all of the weaknesses and all of the drawbacks of that piece of furniture.

Well now this is similar to that. At the hearing of course they didn't tell any lies, but they didn't tell all of the truth also. The truth did not all come out. It is coming out piece by piece now in some of these newspaper releases that we have. And one of the features that has come out, this is apparently a conflict of personality between Mr. Miller of Maine Central and Mr. Dumaine of the Bangor and Aroostook. And I will read you a few excerpts from this article right here to assure you that the truth is now coming out. They told us at the hearing that they were doing everything possible to try to put the railroads in a good strong financial position.

Well according to Dumaine, "Dumaine also said the economy achievable by one management was expressed by Mr. Miller during one of Maine Central's recent abandonment cases. Mr. Miller testified over \$1 million could be saved" if there was a merger of management between the two railroads. And he goes on to say that this would be in the public interest.

Also it turned out that Mr. Miller accuses Mr. Dumaine, "Mr. Miller also said that since Amoskeag gained control of the BAR it has attempted through an agreement with the Canadian Pacific Railway to divert traffic from the connecting Maine Central even though a MEC routing would result in longer BAR hauls."

So it looks to me like it is a fight between these two individuals and the State of Maine is asked to foot the bill. They are coming to us now for a relief on the excise tax. Probably at the next session they will come to us for relief of sales tax or use tax and probably at the next session after that there would be something else.

The threat all of the time is that if we don't give them this relief that the State of Maine will have to run the railroads. Well it may not be such a poor idea. Maybe we will be getting better services.

It came out at the hearing that one of the reasons why the potato growers in Aroostook County for instance are not using the railroad as much is that the railroads are

not dependable. According to the statement that I had here of the Bangor and Aroostook from 1966 to 1970, 1970 is the only year that they lost money. And also their operating income went from \$2 million, \$2 million in 1966, 1967 \$1.6 million, 1968 \$1.5 million, 1969 \$1.5 million and in 1970 416.

I think they should find out what happened in 1970, and they shouldn't come for a relief of taxation for only one year of losses. In fact since then I have seen the first quarter releases in the newspapers the same as you have and the first quarter the Maine Central has reported \$305,000 income and the Bangor and Aroostook has reported for the first quarter \$210,000 or \$220,000.

So I am not going to make a motion in regard to this. As I said, I respect the sponsor of this bill. He happens to be the chairman of my committee also, Taxation. Therefore I will not spring that on him. But I thought you should know just what the score is in regard to this bill.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Of course I realize that many persons approach this type of legislation with fear and trepidation. However, railroads all over our country are in trouble financially. There is even talk of nationalizing all of them like they do in Canada and many foreign countries. Most states now help their own railroads. Mr. Cyr mentioned the cost of the original bill. The Committee felt that token relief in this line was justified and we amended it to \$118,000 for the first year and \$237,000 the second year.

I sincerely believe the bill should be enacted by this body and take its place on the Appropriations table.

The SPEAKER: The Chair will order a vote. The pending question is on passage to be enacted of An Act relating to Amount of Annual Excise Tax on Railroads, Senate Paper 369, L. D. 1108. All in favor of passage to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The Bill was signed by the Speaker and sent to the Senate.

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

**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 — June 1, by Mr. Ross of Bath.

Pending — Acceptance of either Report.

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

Mr. **ROSS**: Mr. Speaker and Members of the House: The majority of this House and the other body have given our sincere pledge that we would not raise the sales or income tax during this entire biennium. However, this is an entirely different subject. We are talking about dedicated revenue.

We have a highway system that is truly excellent, especially when we consider our location and weather in the great State of Maine. We can point with pride to the accomplishments of the Highway Department in the last fifteen years. But we must pay to keep the present standards.

The gas tax of course is a user tax. There is no form of taxation more equitable than this. Like everyone else here I wish we didn't have to raise taxes at all, but we must either tax or bond and here in the State of Maine I think Mainers feel that you should pay as you go; and I now move that we accept the Minority "Ought to pass" Report.

Mr. **Finemore** of Bridgewater requested a roll call.

The **SPEAKER**: The Chair understands the gentleman from Bath, Mr. Ross, moves the House accept the Majority "Ought to pass" Report.

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

Mr. **DUDLEY**: Mr. Speaker and Members of the House: I think someone is in error because I think

Mr. **Ross** moved to accept the Minority Report and if I am in error please say so.

I speak for what I think is the Majority Report "Ought not to pass." I think I have some pretty good reasons.

First let me tell you that this department, I have the figures before me as well as you probably do, so I won't go into dollars and cents, but first, it is such a big item I don't know whether to take the bull by the horn or by the tail but let me say this, that our revenue from highways is increasing every year by virtue of not raising the gas tax over a million dollars each year and I am sure that it will this year by virtue of the estimates being underestimated.

In other words, what I am trying to say is that each year we sell more gasoline by virtue of more people who find out from New York and so forth, they come in here every weekend and return every long weekend. This alone takes care of the inflation, what should be made in highways. But I think that department is no different than Health and Welfare or any other department. They can spend several million dollars and all we have to do is give it to them and they will find a way to spend it.

Now they have a balance of June 30, 1970, their unexpended balance was \$5,586,435.47. I doubt if you can find another department in this state government that has this kind of a surplus. I in fact know there is none. The General Fund doesn't have that much, it never has had for surplus.

Now we raised the gas tax only one year ago and as you know this brings in over \$4 million. Here we are back again for another increase and I don't really blame these people running these departments because they want to expand their department. Each year they want another \$4 million or \$5 million and I don't say they won't get near that. We might even get \$2 million in over this year in our extra gas tax by virtue of more travel and by more people finding out they can come in here by the weekend in two family cars and so forth.

So I don't think this department is hurting and for many other reasons and I think the committee



that I am on, the majority of them feel the same way. There are a lot of places where the money is being spent rather sloppy and a lot of things are being done that in the opinion of the Committee on Transportation that they are not satisfied with, and for these and I won't bore you with many others but I could go on and on and I think the highway report that was given to you the early part of the session will really enlighten you if you carefully consider it.

I personally didn't appreciate them being brought here and lobby this House yesterday afternoon. I thought it was an insult to the intelligence of the Transportation Committee. Some of us have been serving on this Committee for a long time and I think that if anyone was asked to explain this it should have been members of the Transportation Committee.

Now let me bear in mind that some of the leadership in this House only a few days ago were saying — was really actually speaking against lobbyists to some degree. If I read the text of the horseblanket here it sounded to me like they was a little bit against lobbyists lobbying you. And by golly, a couple of days later they brought the biggest lobbyist in the whole State of Maine in here to lobby you, and there is no one that will deny that.

There is no bigger lobbyist than was here yesterday afternoon and I consider this an insult to the Committee on Transportation and I know other members do, and I could go on and on but the time of this session is well along and I know this is going to be defeated by a large majority so I don't want to talk about a dead issue. So I just hope you will accept what I consider the Majority Report anyways the report "Ought not to pass".

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

Mr. COLLINS: Mr. Speaker and Ladies and Gentlemen of the House: The bandages on my head are a result of a short debate on the gas tax that began yesterday but I am happy to report that the other party now sees the light

of day and concurs with me in my judgment on this matter.

As most of you know the State of Maine administers some 11,000 plus miles of road, the largest mileage of any of the New England States. By the terms of the State Constitution it does this from dedicated funds. Revenue from the gasoline tax and from licenses accrue to the highway program for carrying out the maintenance and construction of highways and also to support the State Police budget.

The proposed highway construction budget for the biennium of \$88.1 million would require \$33.5 million in state funds to match \$54.6 million of federal funds. Existing revenue would provide \$7.5 million which would leave \$26 million to come from other sources. Legislative document number 516, which provides for a 1c increase in the gasoline tax, would provide five million dollars a year or ten million for the biennium as an additional contribution to the apparent deficiency in the highway budget.

Now it seems to me that our highway program is an important one. We have no passenger rail service within the entire state and air passenger service is limited to a few of the larger cities; and the scheduling there is not always as convenient as we would like it to be. Furthermore freight, at least in Aroostook County and I suspect throughout the state, moves by truck over the highways more than it does by rail.

With respect to the operating budget of the Highway Department, no new programs are included. Maintenance activities would continue at existing levels and the resurfacing programs would remain constant at \$25 million for the biennium. Incidentally, through increased efficiencies there has been a reduction of 166 maintenance employees through retirement and attrition.

With respect to the tax itself it provides for a reasonable contribution in support of the "pay as you go theory." It is an equitable tax in that it is a user's tax with those buying the most gas contributing the most tax and presumably obtaining the most benefit from it.

It is a fairly easy tax to administer, since the apparatus for collection and administration already exists. Our tourists to the state help pay a portion of the tax and of course appreciate riding on good roads.

Finally I would point out that an additional penny of tax to a person driving an automobile 10,000 miles a year and getting 15 miles to the gallon would contribute throughout the year in small amounts the total sum of only \$6.67. I would hope the Legislature would see fit to pass this very necessary revenue measure.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: A few weeks ago when we debated the resolution presented by the gentleman from Norway, Mr. Henley, I made it clear when we voted for that resolution in regard to major taxes that I did not include at that time in my thinking the gas tax. I was referring only to general fund taxes, namely the sales tax and the income tax.

At this time I feel that this increase of one cent is money very well spent and I feel called upon to go on record in favor of the passage of this tax.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Everyone makes mistakes and I make several, although they generally are inadvertent ones. To answer the gentleman from Enfield, Mr. Dudley, I meant to move the Majority "Ought to pass" Report.

I was not here yesterday afternoon to be lobbied. I have not had anyone put any pressure on me. I just feel that this is a fair and needed tax and I am willing to go on record as saying so.

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

Mr. DAM: I was one of the signers of the Minority "Ought not to pass" Report. And the reason for signing this report was I

do not feel the Highway Commission needs this extra money. Now in the last session of the Legislature in the record it shows that in the testimony on the gas bill I pointed out one instance where a great deal of money was being wasted. I have not seen anything being done in this area. So I feel that the Highway Commission does not care to save money. I will briefly point it out to this House.

In my town of Skowhegan we are roughly 38 miles from Augusta, and when a truck breaks down they send a two-ton vehicle into Augusta with two men to buy a \$7.19 part. The two mechanics sit in a garage in Skowhegan all day waiting for that truck to return and the vehicle is tied up that is being repaired. Now to me this is poor management and because of this I would not go along with giving them an more money until they start to do a little house cleaning.

Also, and the condition has not changed from two years ago, as I ride down the freeway I can see three men standing in a huddle talking while one man does the work. I can see two men sitting in a big truck while another two men are outside on the road working. Now if it takes four men and six men to do a two-man job then I say they don't need an increase in the revenue. We don't have to burden the people of this state any more with any additional taxes. Let the Highway Department have a house cleaning.

Now it has been said they reduced their work force by 160 some odd people. I think they could have reduced it quite a lot more. If the people that were hired there today were doing the job and being supervised in the proper manner, and I don't hold this against the common employee, I hold it against the supervisors and against the administration. They are not out to see what is going on. They only care about one thing, how much more money can we raise, how much more money can we get out of the pockets of the taxpayers. If they would get out and see what is going on over the state they would see that these conditions exist. And this is defi-

nately a waste of money and I would not be one to vote to put a burden on the people when this money is being wasted in this manner.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I am in favor of an increase of one cent a gallon on gasoline tax. My family uses about 5,000 gallons of gasoline a year. This would mean a cost of \$50 additional tax to me. And also I think with improved roads and better repairing of the roads we have made a saving on maintenance that would more than pay for the cost of the tax.

Route 1 coming through the coastal section is very important to our communities. It is the lifeblood of our tourist industry. It needs to be improved and it takes money to improve it and I hope that you will go along with this increase.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I just looked over the figures presented a few minutes ago by the gentleman from Caribou, Mr. Collins, in reference to the individual who drives 10,000 miles a year and is getting 15 miles a gallon.

He spoke of the increase of \$6.67 a year in his taxes which granted isn't very much. Presently the gas tax is eight cents a gallon, which comes to the total of \$53.36 a year for that same individual. With the increase in the gas tax of one cent to nine cents a gallon it would now come to \$60.03 a year. Now \$60 is a lot of tax money.

I would also add that most people in Maine would probably drive more than 10,000 miles a year. It would probably come to more than this. I don't feel that the Highway Department needs the increase in the gas tax, therefore I urge you to vote against it.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I hate or I dislike very much to disagree with my good friend from Enfield, Mr. Dudley, because I know he is in the gasoline business and I believe he dispenses more gasoline than any person in his vicinity.

I have also talked to a lot of people with regard to this increase in the tax and many of them tell me that they do not object to add another penny due to the fact that we are getting some good roads and that we appreciate it. In fact prior to our having 95 we had quite a job to travel, but now since that has been in effect it has only cost the state ten cents on a dollar for what is being spent by the federal government, many of us utilize this road.

I for one do not believe that it would cost the average citizen over \$10. I think that would be an average for the run of a year, \$10 more, and I think it is really worth it that we should have good roads. We travel many miles and we are, like everyone else I think we are always in a hurry to get there and if we didn't have that type of road we would be a long time getting places. So therefore I am going to support that one cent increase in the tax.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: I rise to oppose the pending motion. It is true that we say it is only going to cost \$10 probably per year for the individual that drives a car. We have also raised the fishing licenses. The same individual has to pay. Now all of the many raises we have done here on bills that we have passed, it means an increase in taxation for every individual. In my community we have 4,500 people out of work. They need their car to go look for work. Now we are going to penalize them by letting them pay more money in order for them to seek a job. So I oppose, really oppose, this bill. I think it isn't needed at this time.

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

Mr. FRASER: Mr. Speaker and Members of the House: In simple language, the kind that I understand best, we are faced here today with three decisions, one of three.

1. We can curtail the construction or reconstruction or maintenance of our highways.

2. We can continue to buy more bonds that we are redeeming.

3. We can increase the tax on gasoline in order to level off the purchase and issuing of these bonds.

If we continue to issue bonds, and the people in Maine the way I understand it oppose the bonds more than they oppose the increase in the tax.

It has been said here this morning that the Highway had a surplus of \$5 million. They have to accumulate a surplus because it is from this money that they redeem these bonds. Consequently if they didn't redeem them we would eventually end up in an awful mess. Therefore if favoring this tax puts your head on the chopping block, on goes mine because I am going to favor it.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: Two years ago we heard the same arguments that we are hearing today. They asked for two cents two years ago, it was amended down and finally they got the one that perhaps they were really asking for anyway; and we weren't going to be in such a position that we would have to come back here and ask the people of the State of Maine to go for another cent.

Now if we vote to give them this cent, I am quite sure that when we come back two years from now or some of us, whoever does come back, they will be looking for another cent and perhaps another cent.

Now I understand that—we are not talking about 1971 and 1972 construction, we are talking about 1973 and 1974. I understand that the federal government is in 1973 going on a 70-30 basis. Due to the increase in the sales of gasoline in this state that perhaps I think

it would be intelligent for us right here today not to vote for this tax to vote on the 70-30 deal, that we should perhaps just let the estimates go the way they are. There are more people coming into the state. There are more people using gasoline and buying automobiles and that the Highway Department get along very nicely with the money they have got. I urge you people right here this morning to vote against the motion of my good friend from Bath, and be a little economy minded here.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: I don't know how this is going to affect some of you people but I know I have three automobiles on the road and I don't see how I am going to get out for any \$6.60 a year. The least that I can figure it, these three cars will travel 61,000 miles a year at the least. I have a son that drives, my wife drives and I drive. I can't possibly get out for less than \$40 a year if my computation is correct and I hope that you will go against this.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, let us forget the bogeymen in the Highway Department for just a moment and consider the fact that it is the people that are going to use the roads. It is the people that are going to use them, and they are going to get just as good a quality road as they are willing to fund. So I hope that you will all vote for the gas tax increase this morning.

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

Mr. WOOD: Mr. Speaker and Ladies and Gentlemen of the House: Contrary to what a lot of people believe or say, the citizens of this state are getting as much for their money from the Highway Department, or more, than any other department in this state. I feel that we have wonderful management in our Highway De-

partment. I believe that the money is well spent.

If I could pay \$100 for gas tax this year and get a few more holes filled up, I could save this on the wear and tear on my car. All winter long we have had hearings every week. People from the House and Senate have brought in bills to give us a piece of road here, take over a piece of road for winter maintenance, take the tolls off of a bridge, do this and that that costs money. Now they don't seem to have the courage to face up to the fact that these have to be paid for.

I have letters — perhaps because I am House Chairman of the committee — hundreds of letters asking me, "Can you support a piece of road that needs to be built in my town," or a new bridge in some part of the state. I have to tell these people it will cost them money, and they don't object. They seem to think if they can get the service they are willing to pay for it.

I think now, right now is the time to face up to the fact that we had better pay for some of these things if we want them, and I believe the people do, and pass this gas tax. Give the people that live in these towns a little better roads, and have faith in our Highway Department, and what they are doing, because they are doing one of the greatest services of any department in this state.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: Just one more point. Who has been asking for this tax? The Maine Good Roads Association. What is the Maine Good Roads Association? All the contractors in this state who get the benefit out of this tax.

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

Mr. COLLINS: Mr. Speaker and Members of the House: I suspect that I feel a little more deeply about this bill than others, perhaps because I travel 500 miles a week commuting from Augusta, and I do appreciate the road system. Mr. Cote has mentioned that this bill

would tend to favor the highway contractors, and I suspect that they would be beneficiaries. I would also point out that the entire state would benefit from the economic impact of a road building program.

I would hope that today we would act responsibly and vote for this one cent increase in the tax. You have on your desk before you a copy of the Collins Chronicle which I think points out the situation in various other states with respect to the gas tax. I have pointed out in previous debate the situation that exists in Maine. I think that you all know that this program is a part of the Governor's budget as presented, it is supported by the Highway Study group, and I urge you to pass this one cent increase in the gasoline tax.

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

Mr. COTTRELL: Mr. Speaker, Members of the House: I was one of those who voted against this increase at this time on the Taxation Committee, the seven to six vote was the final vote. I think most of us, when we come to the legislature, are presented with the idea that there are two governments up here; the Highway government and the General Fund government. I know in my own case it was quite a struggle to decide that dedicated funds were really most justifiable for the Highway maintenance and construction, and I am a firm believer in that.

But, as you know, already there are increasing attacks on this whole idea of dedicated funds for the Highway. We had one bill, an amendment to the Constitution, to undedicate them this year. It was defeated, but shortly there will be another bill to undedicate all funds above the present gas tax level. Now I think we have noticed an increasing attack on the dedicated funds. I think that is one point that we should be aware of.

I know that in the administration of business and corporations mistakes are made in management, and I think that under the management of Mr. David Stevens we have had great management. But at the same time mistakes can be

made, and errors can be made. I stated my opinion and raised my questions about this at the caucus yesterday afternoon. I don't want to prolong this debate, but I do know that \$10 million is equal to about one-third of one percent increase in the sales tax. The gas tax is a sales tax.

I know it can be spent, because while we may have 20,000 miles of road now, I know that the mileage is going to go up and up and up. There is no end to building roads in the State of Maine. But I think that this is a cutting year in the Educational Department, in the Health and Welfare Department we might hope. But I think that by scrutinizing, planning, by emphasizing maintenance, by reducing the construction for a two-year period, I think we could get by.

Now I am not going to be too vehement in my opposition to this, but I do think it is the wrong time psychologically for another tax. Maybe it is. I think my friends here didn't look at the Internal Revenue Service Report. They underestimated a little bit on the amount of costs. But anybody running 10,000 miles is allowed on an eight cent level, \$60 exemption; and on a nine cent level, \$68. I think it is the wrong time psychologically to increase taxes, and I felt that way from the beginning of this session.

I know we have got to solve the taxation problem on our Part II budget. We will have discussions on choosing more taxes, and I think it is just my sincere feeling that we could avoid this at this time.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Well, I have been listening to the debate here and it was very interesting. I was especially interested in my colleague from Old Town not having done a very good lobby job on him. As a matter of fact we seldom talk about taxes. It is a rather bad subject.

But let me say that in the House this morning I seem to gather

that people think we are only talking about one cent gas tax. We now have a twelve cent gas tax. We have eight cents state and four cents federal. Now in July 1973 the federal government has already passed the legislation signed by the President that they are going to increase this highway revenue. It is now 50-50, they are going to make it 70-30. But they also are going to turn around and tax the people for this increase. I am sure there will be a federal increase in taxes as sure as I am standing here. So we now have a twelve cent tax.

It is not because I sell gasoline, that is only why I know something about it. That is where people gripe, when they come to the pumps. That is why I know that people are dissatisfied, they are dissatisfied with the administration of highways. If you don't believe me you talk with any of your constituents, and if you talk very long if there is any one department over here that they are dissatisfied with their method of doing business, it certainly is this department.

Now I think my big reason for being so vocal on this subject is that I live in a little town where my constituents have to drive to Millinocket to work, or Bangor. From my place to Millinocket is 58 miles. If they go to Bangor it is 36 miles. These people have to make this trip night and morning, and so they are paying a considerable amount of this tax. And most of them work in the Bangor area in shoe factories and it is a big tax to them, to my constituents, and the people that come to my place of business. They consider this a major tax, because it is a major tax to them.

They don't just use their car for pleasure. Now I suspect a lot of people in this House are thinking what it costs me. I run 10,000 miles, it is all for pleasure, and I don't have to do it anyway. But these people that I represent have to do this. That is their means of livelihood. They have to have gasoline to get to work.

Now the difference between me and the gentleman from Old Town, his people can walk to work. Most

of them can walk to work. They either work in PCF or the shoe factory right there in town, and probably 75% of them can walk to work. And probably if I lived in Old Town I would have a different consensus on this bill. And seeing where I am located, the amount of this tax that my people pay, and seeing where I am in the business — and this I don't want to hide from you, I have been in the gasoline business since 1932. I would rather not tell you the years, because then you can see why my hair is gray. But nevertheless, I have been in the business for a long time, I get the gripes direct from the public; and those are the people I am here for. I am here for these people that I represent, not for some monstrosity next door in a big building that sits in an easy chair.

These people work hard for a living and they consider this a major tax, so I must consider it a major tax. And there has not been anything presented to me to show that this is an absolute necessity. Because many things can be done, getting the house in order and many other things, so this burden won't be great. And the fact that we are going to get — now just figure what it is going to mean when you are changing the figures in the millions, from 50-50 to 70-30 in the year 1973 and '74. And that is the money we are talking about. We are not talking about today's roads. We are talking about the roads in 1973 and 1974.

And these are what I call very pertinent reasons for being against this tax today. I am one of those that wants good highways too, and I ride quite a ways on them. I don't think they are too bad, and as a matter of fact, I haven't had as many complaints about highways; and a lot of this money is done with federal money, and more federal money is going to be available. I really just can't understand how people in this House that really represent people and know what their people want, could support a tax increase at this time when the economy of this state is not such that it should be.

The SPEAKER: The Chair rec-

ognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker and Members of the House: What I tried to previously point out to the members of this House, but this is not just in my area, this is a directive that is issued by the Highway Commission. Now all I know in my area is the two instances that happened, and it is happening, and it happened again very recently in the past three weeks.

Now one of these was to buy a fuel pump for a truck. They could have bought this fuel pump locally for around \$9. But they sent two men forty miles to Augusta to pick up a fuel pump while two more mechanics sit and wait for them to come back. This is four men wasting a day. Basing this on just \$2.50 an hour this is \$80 spent, wasted in wages, to come down here and pick up a fuel pump.

Now even more recently they sent two men down with a two-ton truck to pick up a center bolt for a spring, to buy a center bolt — and I have no idea how much a center bolt is, but it wouldn't run much over \$2. But we can waste \$80 more in labor, plus the cost of sending a truck down here to Augusta, because it is their policy that they cannot buy locally. They must come down here and pick up the stuff.

Now I don't know, they say it is a policy. I don't know whether they are adhering to this policy all over the state. But I should hope that they are not sending the trucks down from Aroostook County down here to pick up a spark plug, because this would be a big waste of money. But they are wasting this money; they do not need this increase. Sure we need the good roads, but I maintain that if we cut out this waste and if these people in the top positions in the management get out and do their job, and they do it right, that there is no need to ask the people to come up with another cent a gallon for the gas tax.

I don't care how you put it — you can say this is a user tax, the people are paying for the roads because they are using them. To me it makes no difference whether you take a dollar out of my right-

hand pocket or out of the left-hand pocket. You are still taking it out of my pocket and it is still a tax.

Now we told the people we are not going to have any major tax increase. In the first place I think we had quite a major increase in L. D. 1600 when we upped the hunting and fishing licenses. This was really major. And now we are coming along with another cent on top of this on each gallon of gas. Well, how much can the people of the State of Maine take?

In my area we don't have any high-paying jobs, the people work in the shoe shops, and 90% work for the minimum wage. They have their family to support, the educational system to support, the town government, the sewer projects going in, the user charge coming on the sewer project. And now you are sitting here thinking of sticking them with another tax. I say this thing should be defeated today.

Mr. Scott of Wilton moved the previous question.

The SPEAKER: For the Chair to entertain the motion for the previous question it must have the consent of one third of the members present and voting. All those 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. All in favor of the main question being put now will say aye; those opposed will say nay.

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

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House accept the Majority "Ought to pass" Report on Bill "An Act Increasing the Gasoline Tax," House Paper 403, L. D. 516. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed

desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House accept the Majority "Ought to pass" Report. If you are in favor of accepting the Majority Report you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA—Baker, Barnes, Binnette, Birt, Bither, Bourgoin, Bragdon, Brown, Bunker, Call, Collins, Crosby, Curran, Cyr, Donaghy, Drigo-tas, Fraser, Gill, Good, Hall, Hardy, Haskell, Jalbert, Kelley K. F.; Kelley, R. P.; Keyte, Lebel, Lee, Lewin, Lewis, Lincoln, Lund, MacLeod, Maddox, Mahany, Marsh, Marsteller Martin, McKinnon, McNally, Millett, Mills, Murray, Norris, Page, Payson, Pontbriand, Porter, Pratt, Rollins, Ross, Santoro, Scott, Shaw, Silverman, Simpson, T. R.; Susi, White, Williams, Wood, M. W.; Wood, M. E.

NAY—Albert, Ault, Bailey, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Boudreau, Brawn, Bustin, Carey, Carrier, Carter, Churchill, Clark, Clemente, Conley, Cooney, Cote, Cottrell, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Dam, Dow, Doyle, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans, Far-ington, Faucher, Fecteau, Fine-more, Gagnon, Genest, Goodwin, Hancock, Hanson, Hawkins, Hayes, Henley, Herrick, Hodgdon, Immonen, Kelleher, Kilroy, Law-ry, Lessard, Littlefield, Lucas, Lynch, Manchester, McCloskey, McCormick, McTeague, Morrell, Mosher, O'Brien, Orestis, Parks, Rand, Rocheleau, Sheltra, Shute, Simpson, L. E.; Slane, Smith D. M.; Smith E. H.; Starbird, Stil-ings, Tanguay, Theriault, Trask, Tyndale, Vincent, Webber, Wheel-er, Whitson, Wight, Woodbury

ABSENT—Gauthier, Hewes, Jut-ras, Kelley, P. S.; Lizotte.

Yes, 61; No, 84; Absent, 5.



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

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

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

The SPEAKER: The gentleman from Oakland, Mr. Brawn, moves that the House reconsider its action whereby it defeated the motion of the gentleman from Bath, Mr. Ross, to accept the Majority "Ought to pass" Report. All in favor of reconsideration will say aye, those opposed will say no.

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

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

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

Bill "An Act Regulating Roadside Clear Cutting Practices" (H. P. 1354) (L. D. 1770)—In House House Amendment "A" (H-330) adopted.

Tabled—June 1, by Mr. Hardy of Hope.

Pending — Passage to be engrossed.

Mr. Webber of Belfast offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-398) was read by the Clerk.

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

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the adoption of this amendment. I have here a three-page letter from the Attorney General's office, signed by George West, in reference to the original bill, and I would like to read one section of this which is from a Supreme Court case.

"A constitutional guarantee protects one's property rights not only from confiscation by legislative acts but also from unjustifiable impairment of those rights. A deprivation of a person's property within the meaning of this consti-

tutional guarantee may take place by destroying its value, restricting its profitable use, or imposing such conditions as to the use of it that seriously impairs its value."

And then at the end of this letter he said, "We therefore express grave doubts about the constitutionality of L. D. 1770 in its present form."

Now in the body of the letter he also said if the bill could be justified by a purpose, then it might have some constitutional base. This is the purpose of this amendment, to try to give it a constitutional base.

I hope you will look at this amendment which has just been passed around and look at what we are trying to do here to establish a constitutional base—protect the natural and scenic beauty; prevent unreasonable distraction of motorists; prevent erosion of land; prevent accumulation of slash, and so forth.

This bill, which seems like a simple thing, really is extending the police power of the state to include a strip 100 feet each side of the road. If we can extend the police power of the state to include this strip, to tell whether or not a man can cut his trees, we can tell the lady of the house what kind of laundry she can hang on the clothesline; we can tell the lady of the house what color the house should be painted; we can do many things, because we are talking about an activity that really has nothing to do with the use of the road.

We have discussed billboards and other things here that are directed toward the traffic and the use of the road. However, cutting trees which may make a distraction really has nothing to do with the use of the road. And I would say that this proposal is an infringement upon the property rights and an extension of the police power that is unwarranted. We do have laws now relative to slash and the hazard from fire that is presented here, and I hope you will vote against this amendment.

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

Mr. WEBBER: Mr. Speaker and Members of the House: I have a note here from Robert Fuller, Assistant Attorney General, and I would like to read it to you.

"After reviewing the letter from Deputy Attorney General George C. West to Representative Lewis J. Marsteller, I have prepared the attached amendment. In my opinion it is responsive to the possible constitutional problems of the re-draft noted by Mr. West in his letter referred to. I do feel that with the amendment the bill's intent is clear." Signed, Robert Fuller.

Now I would like to say a little something on this bill. As you know, there is a lot of cutting done in the State of Maine, logs and wood and so forth and so on, and most of it we don't see; it is back in the woods out of the way. But sometimes on the main highways or on the public highways they do some strip cutting; they clean everything out. They go in there with skidders and what they don't cut they run over, break down, and when they leave all you have, you have a mess of slash, brush, broken down trees and wood that is left that is unmarketable. They leave it there. They do have to clear it back 50 feet from the edge of the paved way.

But why the thinking — my thought was, we have an example between here and Belfast in the Town of Palermo. There is about probably 15 or 20 acres on each side of the road and it is a horrible looking sight when you drive on each side of it and see all the trees' leaves out and the flowering crabs blooming, apple trees and so forth.

There is one elderly lady over there in that area. She tells me that every time she rides through there in the car she closes her eyes until she gets by the area it looks so bad.

Now this bill came out of the committee with a 10 to 3 "Ought to pass" Report. At the committee hearing this bill was supported by Mr. Lawrence Robbins of Sears-mont. Mr. Lawrence Robbins is one of the largest lumber operators in Maine. He has extensive holdings, and he spoke in favor of this

bill. Also he is president of the Maine Forest Products Council and he spoke for the Maine Forest Products Council in favor of it. He is vice-president of the New England Lumbermen's Association, and he spoke in that capacity in favor of it.

Also, Mr. Miles Smith of Dover-Foxcroft of Smith Timberlands spoke in favor of it. Mr. Smith is Maine's outstanding tree farmer.

Mr. Earle Bessey of Waterville, a prominent lumber operator in that area, he came down and he spoke for it. There were no opponents.

I have a letter here on my desk from Prentiss & Carlisle in Bangor, signed by Mr. William D. Barron, Vice President, and he speaks in favor of it. In the bottom he says, "You may use my name on this if it is of any value to you." So I feel that this is a good bill and I move its passage.

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

Mr. HERRICK: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the signers of the Minority "Ought not to pass" Report. One of the basic reasons why I did not sign the Majority "Ought to pass" Report is that if I had I would have been voting for work for myself.

I agree with Mr. Marsteller in what he said about the constitutionality of this piece of legislation. But as Mr. Webber has stated, this purpose clause will make it constitutional. But there is more in this amendment than the purpose clause. It is striking out the word "volume" and inserting in the place thereof "trees within 100-foot strip". It is also stating that the tree will be considered — the definition of a tree will be anything that is six inches — that is one foot from the ground.

Now as far as the policing phase, who is going to police this? It will have to be foresters. And this is not the way they can police, by measuring one foot off the ground. They go by DBH, a 4.5 feet off the ground distance. And I think this possibly should be tabled again so a further amendment could be made to make it

policeable by the people who would be policing it.

Thereupon, on motion of Mr. Hardy of Hope, tabled pending the adoption of House Amendment "B" and tomorrow assigned.

The SPEAKER: The Chair would inform the members that we have a distinguished visitor with us here this morning, and I would like to take the opportunity, and by unanimous consent, for just a few moments to recognize this delightful woman who is a French woman by birth. And the Chair would ask the representative from Sanford, Mr. Jutras, to escort this delightful lady to the rostrum that she may present herself to you and be recognized by this body as a distinguished visitor.

Thereupon, Madame Renaud was escorted to the rostrum by Mr. Jutras of Sanford amid the applause of the House, the members rising.

The SPEAKER: The Chair would like to present to you Madame Renaud, the poet laureate of France. Her husband was a distinguished visitor to this country.

MADAME ALEXANDRE RENAUD: Mr. Speaker, Ladies and Gentlemen of the House: I thank you. I thank you all for the opportunity to address you today. The reason why I am here is to participate in the festivities of the National Annual Reunion of the 82nd Airborne Division, "The All American Division" at Orange, Massachusetts on June 6. It will be the 27th anniversary of their landing at Sainte Mere Eglise, this small town in Normandy, which was the first to be liberated in France, and the first American bridgehead in France during World War II.

It is the first time I am coming to Maine, and I really feel enchanted. But first I wish to thank you with all my heart. Your pouring out of devotion for my dear husband's memory in this legislative chamber has touched me so deeply that I can never forget. Your chamber, through my dear friend, Mr. Philip Jutras, former Senator of York County, now a member of this distinguished body, has honored Alexander Renaud's

memory, my husband's memory, with a pause in the Senatorial deliberations at the news of his passing away on February 9, 1966.

He was the wartime mayor of Sainte Mere Eglise, awarded with the Medal of Freedom U.S.A. — that is a high distinction, I know — the Croix de Guerre, the Medal of Verdun, and French Legion D'Honneur.

Mr. Speaker, ladies and gentlemen of the House, I will treasure till my last day this precious homage of yours to my beloved husband who was a devoted friend to the Americans all his life, all the time.

On June 6 at Orange, Massachusetts, I will address the veterans of the 82nd Airborne Division, the liberators of Sainte Mere Eglise, and the veterans of D-Day in Normandy as follows:

"Dear Friends, I bring you more than greetings from the grateful people of Sainte Mere Eglise, and the Cotentin Peninsula, who were the first liberated from the enemy, in the glorious and immortal month of June 1944.

Sainte Mere Eglise has the claim and honor to have been the first liberated town on the continent. It is and always will be eternally grateful to you, courageous, brave, selfless, patriotic men of the 82nd Airborne Division, and to you, all American soldiers of all other units, who landed at Utah Beach and Omaha Beach. You have given part of yourselves, and for that we are and always will be a very close knit family among the Nations of this earth.

Historically we have always been friends. From the founding days of your Republic, from General de Lafayette to President Wilson, from Generals Joffre and Pershing, from the succeeding Premiers of France in the post World War I period, through the Presidency of Franklin Delano Roosevelt, all through World War II and the Marshall Plan, and always. Our ties have remained close and firm.

The purpose of my visit with you, so gratefully accepted in memory of my late husband, Alexandre Renaud, is to reflect and express for my people, and the

people of France, their sincere gratitude and thanks for your heroism displayed in the spring and summer of 1944. In so doing, the weakest link in our chain of mutual admiration is galvanized and solidified in order to preclude rupture under the most trying circumstances.

Yes, I am grateful and happy to be here to celebrate with you the anniversary of that June night none of us will ever forget. I feel most welcome and at home with you, and it is a deeply moving experience for me to be standing here with you, to be here in New England, the cradle of American liberty and freedom.

We love you and the people of America. And at times an expression of love is best manifested by a flying trip across the Atlantic Ocean, even for a short time. Some 27 years ago you took the most historic flying trip over the channel, and what you have accomplished then will live forever in the pages of history.

My trip over the same ocean, although of a very different type, in a luxury jetliner, is very necessary. It is one of gratefulness and thanks for what you have given us: Our Freedom. We have a deep and abiding gratitude for all of this to each one of you and also to your families.

May the world have ideals and action for its betterment, as you so well showed when you dropped down at Sainte Mere Eglise on June 5 and 6, 1944. Yes, may the world have ideals and action for its betterment."

Mr. Speaker, ladies and gentlemen of the House, now being here in America, I can better say what burns so deeply in my heart:

eternal gratitude and friendship. I have been also touched with the great emotion in meeting here and around Augusta so many persons whose name and first names are typically French. Also who speak good French, and who are proud that their father or grandparents came from Normandy or Brittany, or other parts of France and who wish to make a trip one day to their mother country. Also I must say the enduring eternal gratitude built on our veneration and devotion to the memory and spirit of those of your noble sons who died for us on French soil, and who now sleep their sleep of glory beneath the white crosses of our cemeteries, and all others who lie in national and private cemeteries throughout your great land. In their memory let us pause a moment. (Moment of silence)

It is with great pride and happiness that I have been welcomed today by the 105th Legislature of the State of Maine. What a great honor to me! I am grateful for this momentous occasion to visit with you, and to thank you personally in the name of all those I hold dear and of all in general. Thank you very much for the chance to talk with you on your own soil, and to extend in some way the joy and gratitude we feel towards our beloved Americans.

Au revoir! Au revoir to all!

Thereupon, Madame Renaud was escorted from the Hall of the House amid applause, the members rising.

---

On motion of Mr. Porter of Lincoln,

Adjourned until nine o'clock tomorrow morning.