

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, June 3, 1971

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

Prayer by the Rev. Mr. George Atkinson of Newcastle.

The journal of yesterday was read and approved.

Papers from the Senate

Passed in Non-Concurrence

From the Senate: The following Order:

ORDERED, the House concurring, that the Secretary of the Senate be authorized to hire a temporary typist or stenographer for the Senate at a weekly rate of \$90 to become effective June 7, 1971 and not to exceed a period of six weeks. (S. P. 618)

Came from the Senate read and passed.

In the House, the Order was read.

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

House Amendment "A" (H-402) was read by the Clerk and adopted and the Order received passage in non-concurrence and was sent up for concurrence.

Failed of Passage

From the Senate: The following Order:

ORDERED, the House concurring, that Bill, "An Act relating to Actions by the Attorney General for Injury to Tribal Lands," Senate Paper 364, Legislative Document 1103, be recalled from the legislative files to the Senate (S. P. 619)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I would ask that you not concur with the Senate on this. This is one of the lady Senator's bills that is not constitutional, it would be impossible to administer because the Attorney General

would have to defend the State of Maine and the Indians at the same time.

We gave the lady the right to withdraw, thinking that this was the courteous thing to do. She has asked that it be sent back to committee and get a unanimous "Ought not to pass" Report. I think perhaps we could save things by you folks going along with me and giving that unanimous "ought not to pass" right here.

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

Mr. CURTIS: Mr. Speaker and Members of the House: Just to make one point to clarify this. Although the committee did offer a Leave to Withdraw to the sponsor of the bill, she did not want it and as I understand it now desires that the record be corrected. It is a simple matter of correcting the record. The bill itself, I fully agree with the House chairman, it is not a good bill. But if we send it back to committee then we can send it out "ought not to pass."

The SPEAKER: The pending question is passage of this Order, which requires a two-thirds vote. All in favor of this Order receiving passage in concurrence will vote yes; those opposed will vote no.

A vote of the House was taken. 12 having voted in the affirmative and 95 having voted in the negative, and 12 not being two thirds, the Order failed of passage in non-concurrence and was sent up for concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill providing emergency appropriations from the Unappropriated Surplus of the General Fund to the State Department of Health and Welfare to continue the A.A.B.D. and medical care programs for the current month of June (S. P. 620)

Came from the Senate read and passed.

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

Reports of Committees**Ought to Pass****Tabled Later in Day**

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act to Amend the Laws Relating to the Trustee of Wages" (S. P. 226) (L. D. 672)

Came from the Senate with the Report accepted and the Bill indefinitely postponed.

In the House, the Report was read.

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

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

Whereupon, on motion of Mr. Lund of Augusta, tabled pending the motion of Mr. Hewes of Cape Elizabeth that the House accept the "Ought to pass" Report in concurrence and later today assigned.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to Claims Against the State and Immunity of State Officers and Employees" (S. P. 417) (L. D. 1232) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

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

Report was signed by the following members:

Messrs. PAGE of Fryeburg
 CARRIER of Westbrook
 —of the House.

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

In the House: Reports were read.

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

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

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

The Chair recognizes the gentleman from Fryeburg, Mr. Page.

Mr. PAGE: Mr. Speaker and Members of the House: I would like to speak against the acceptance of the Majority Report and briefly tell you why. This is a two-part bill. Part one would establish a Claims Commission at \$40 a day plus expenses to hear the claims that the Legal Affairs Committee heard this year, and to date those claims that have been allowed come to a total of \$7,050 at an average claim of \$542. The total number of claims has been thirteen. Now there may possibly be one or two in committee, but I haven't been able to check that out. I therefore don't think that this is necessary to establish this Commission.

The second part would indemnify state officers and employees, which would by the author's admission reduce the State's immunity to the extent that you indemnify. And I would like to read to you Blackstone's description of this act. "This would be a legislative act assuring a general dispensation from punishment or exemption from prosecutions to persons involved in offenses, omissions of official duty, or acts in excess of authority."

They are now, as you know, protected by the State's immunity as long as they act under the State's laws. I am a strong believer in this and I hate to see this started on the road of extinction, and I think if we allow this it certainly will. They have been trying to do this for years. I hesitate to call this an attorney's bill. I made the resolution when I went on the Judiciary Committee that I wouldn't use that expression, but I think I have to

on this bill. I hope you will vote against the bill.

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

Mr. HEWES: Mr. Speaker and Members of the House: In support of the bill, with reference to the first portion of the bill, as the good gentleman from Fryeburg, Mr. Page, said, it would allow this Claims Commission the authority of doing what the Legal Affairs Committee does. Although the claims may only average \$542 in actual payment, I submit that there is substantial expense in having a bill processed through the legislative process. The publications, the printing, the notices of hearing, the time of the legislators and what not, before it is finally signed by the Governor, I would expect that there would have been substantial expense; and this Claims Commission would eliminate that.

As for the second part, and as the gentleman from Fryeburg says, this would allow indemnification on claims, as I understand them, to \$3,000 against the state.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I signed the Minority "Ought not to pass" Report on some of the things that are presented in this bill. In the first place, on the second page of the bill it says that this new Commission which would be created shall be appointed by the Governor. This I do not approve of. I approve that if any Commission is to be created it should also go to the Executive Council. I don't believe in giving one person all this authority and they possibly would choose who they want. I think that the Council is and always has been a good checking point.

Now under 1786, which is the notice of claim, you will notice that the one that puts the claim in has to file in triplicate. Whenever you file a claim, to my knowledge, whenever you file a claim for anything you file it in one copy and never mind the triplicate part.

But this is a small thing. Of course under number four you have

to request if you have to sue the State. Well this you have to do now anyway. I think that the Legislature is the place to come to. It has been said here that the cost of the handling of a bill in this House is expensive, and I have tried before to find out how expensive it was and nobody can actually determine what it costs for one bill to put through here. But I think this is the proper procedure.

One of the big objections that I have is under Section 1787, which says "Limitation on presentation of claims." This again is actually putting our double reverse clutch around the people of this state, and the fact that this claim has to be filed within a one-year period. It says not beyond a one-year period. Well under the Statute of Limitations, to my knowledge, you can file any claim—not any claim, but this type of claim, under the six-year period. So why change to one year? Which actually some people it takes them probably one year to realize that they have some damage.

And then on the service of subpoenas and papers which usually is served personally to the person around, this here they present a note to serve them personally or by mail. Now it does not say that you can serve them by mail if he cannot be served personally. I think that they should follow the rules of procedure and that they should be forced to actually allow them to do what they are supposed to do.

Now as we go along a little further on page four it says that "Any member of the commission may administer oaths." Well, if a member of the Commission is not actually an officer of the court, I don't understand—maybe he can, but I don't understand how come he can administer oaths. And of course I feel that this Commission is supposed to take care of claims only up to \$3,000. After \$3,000 well I suppose it goes—well actually this is ambiguous, because it says that they can handle claims up to \$3,000. But actually if it is more than \$3,000 I think they still can handle it under this bill. It doesn't say where they are supposed to go, but I imagine where they should

go is not the place we want them to go.

Now the second part of the bill, which is very short as I am concerned. Of course I want to go back once because it says here also that the Attorney General may compromise any claim. I don't think that the Attorney General has any right to compromise any claim or settlement and I don't think that this is the court's duty and I think they should hold on to it and never mind passing it on to the Attorney General.

Now in the second part of it as far as immunity, well actually this bill would give immunity to state employees, state officers and employees, that they shall not be held personally liable for damage or injury; nor shall this property or real property or any interests attach because of malfeasance or nonfeasance. Now this is totally different from some of the bills that we passed last week here, which I was not in favor of, but it would be passed. Actually we can tie up anybody's property for a lousy claim of one hundred or two hundred dollars. If we are going to be consistent this is not the way it should be done.

I submit to you that this is not a good bill, that the cost of legal fees to be paid, if I am the defendant or the claimant I would have to get the Attorney General's approval before the costs are paid in case they lose. Now I don't think that the Attorney General should be allowed to choose who my lawyer is going to be and what the expenses are going to be. I think that some of the things about this bill—as you know it is an eight-page bill, if you have a chance to read it I think you should, and I really don't go along with the Majority Report. I support the "Ought not to pass" Report.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: I am House chairman of the Claims Committee this year and think that this legislation would save the Legislature a lot of money and it would give us a chance or give this Commission a chance to take care of small claims. I think it would be

very very useful and in the long run save us a lot of money. I would hope that you would go for the Majority Report.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that the House accept the Majority "Ought to pass" Report in concurrence. All in favor of accepting the Majority Report will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Divided Report

Majority Report of the Committee on Transportation reporting "Ought not to pass" on Bill "An Act Establishing the Quality Rating of Gasoline" (S. P. 351) (L. D. 1017)

Report was signed by the following members:

Mr. GREELEY of Waldo
— of the Senate.
Messrs. WOOD of Brooks
DUDLEY of Enfield
KEYTE of Dexter
CROSBY of Kennebunk
HALL of Windham
McNALLY of Ellsworth
LEE of Albion
— of the House.

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

Report was signed by the following members:

Messrs. KELLAM of Cumberland
JOHNSON of Somerset
— of the Senate.
Messrs. BARNES of Alton
LEBEL of Van Buren
FRASER of Mexico
— of the House.

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

In the House: Reports were read.

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

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

The SPEAKER: The gentleman from Van Buren, Mr. Lebel, moves that the House accept the Minority "Ought to pass" Report in concurrence.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This is a field that I suspect I know something about, having been in the gasoline business all my life. Now this bill does the very thing that I would like to do. I would like to do what the minority of this committee thinks the bill does. If the bill did what they think it does I would be for it a hundred per cent, because I have problems in my area with this low priced gasoline, low octane gas so to speak, and low priced gasoline, and it is deceiving the people by selling gasoline that is approximately 50 octane where the gas I sell is Getty gas which is around 100 octane or 97, generally about 97 octane.

But unfortunately gas is made up of more than octane. It is made up of several ingredients and it is a highly refined product—it can be highly refined or poorly refined.

Now I am of the opinion if we pass this bill and make them put the octane up where it is supposed to be, we are going to harm the motors in automobiles, because then they are going to leave the shellacs in and the other ingredients, they are still going to make a cheap gasoline and it will be more harmful to your automobile than they are now making. In other words, low octane gas, you just don't get good mileage and it might make your car click a little on a hill when you go to pass a car or something, but it really is not very harmful to your automobile. So if you force these people that are determined to sell the cheap gasoline, and they are still going to sell the cheap gasoline in my opinion because there is always going to be low priced products whether it be in the gasoline field or the field of clothing or what have you, or boots and shoes.

So they are still going to have a low priced product if you make them raise the octane. So what you are going to do then, they are going to not so highly refine it; you are going to find shellac in it, you are going to find other ingredients lacking. And this could be harmful to your motor.

In view of this I hope that you do not accept the Minority Report. I wish that the Minority Report did what the people in the minority group think it would do, then I would be for it. But in view of the actual facts of what it would do to automobile engines and so forth, we wouldn't be improving the thing for the public one bit. It might improve it a little for myself and those people that are selling 97 and 100 octane gasoline for a while, but it would be very detrimental to the poor people that have to buy this cheap gasoline and ruin their motors, in my opinion.

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

Mr. MORRELL: Mr. Speaker and Ladies and Gentlemen of the House: With all due respect to Mr. Dudley and with some knowledge of the petroleum industry, I think that if you were able to determine accurately much more than 90% of all the gasoline that is sold under a discount label comes out of and is identical to products sold by major companies. There are no independent terminals in the State of Maine where they can get gasoline such as has been described. So I see no harm in the Minority Report.

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

Mr. FRASER: Mr. Speaker and Members of the House: I do not have any gasoline to put a plug in for and I don't believe that this bill would affect stations similar to that operated by Mr. Dudley. But it will affect those that are operated in shopping centers who do put out an inferior grade of gasoline and label it as high test. This was brought to my attention by the local dealers at home. I don't know too much about gasoline, I just put it in the car and drive it.

But the dealers at home seem to think that a bill like this would be beneficial and I understand that the federal law is coming out that will oblige these major dealers to post their octane, but it will not affect those in shopping centers. This bill will affect them all.

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: I am against this type of bill. It would assume from this that people that are buying gas are being fooled. Nobody is being fooled. You get what you pay for. And it was said in hearing there would be no cost to administer this. Now that isn't right. You don't go around and check every pump in the State of Maine without it costing something. I am against this bill. It doesn't really do what it says.

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

Mr. LEBEL: Mr. Speaker and Ladies and Gentlemen of the House: This bill doesn't ask to raise the octane, the only thing it asks is to mark the octane that you have in your gas. So I feel that this is a pretty good bill. When you go to a gas station and you pay 32c and you get so much octane in it, and you go to the next one and you pay 37c and you get the same amount of octane, that is what we want to know. We want to know what amount of octane there is in the gas, if you pay the same price, then you can bargain and go to the next station and buy the same quality gas for a cheaper price.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I hesitate in a way to rise because I am a member of the Transportation Committee and I don't know whether we are too well thought of after the last week's session. The fact is that the word octane I am afraid is fooling most of the people. Octane, we were explained by oil dealers and their representatives, does not represent good gas or poor gas. Now I happen to be fortunate enough to buy a new automobile this year which says that low lead

gas may be used in it. So I was interested right off with the authorities that we have to find out what is low lead gas. I had just had the experience of filling up with American gasoline and driving home and it pinged considerable, and so I asked what American gas is that is low lead, and they said the one that is marked "plus" on the pumps.

And then I asked what is — this was from the Esso people, I shouldn't say — I was wrong, it wasn't American, it was the Esso that I filled with. Then I asked what is the low lead for the American and they said the super. So if you have a car that it says you may use low lead gas it is quite a thing to know what octane you should be buying — if you must buy the best under American, if you must buy the middle under Esso, and then when you go to buy the Gulf gas you buy Gulfane, that is their low lead.

So this word octane isn't just exactly what they explain to you as good gas or bad gas or anything; it simply means that after you have reached a certain octane for the automobile you are driving that it will not ping in it.

Now there is another thing in these hearings, that the only thing that you can go on after you have had the hearings and heard all the different authorities is the people that testify there. You have got to either believe them or disbelieve them. We had testimony that this bill is no good anyway unless it is enforced.

Well now for anybody to come round and lobby this bill and say that this will cost nothing because we will take care of it, meaning the retail oil dealers of the State of Maine, the bill doesn't say so. If the bill said in it that the retail oil dealers would take care of it, then I would vote for the bill. But it was explained to us that the cost of the pump that you must have to test octane in your gasoline is very expensive and that if you had a testing station it would have to be separate from the one you have at the University of Maine. By the time you got it set up you would be out several hundred thousand dollars to test this thing.

And then the whole thing is you don't know just exactly what the federal government's specifications are going to be. This is going to have to be put on all the major oil dealers' pumps beginning September first. Now that is why I signed it "ought not to pass." I still don't think it is the thing to do, because it is fooling the people; it is not the octane, it is the good gas.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I was pleased that Mr. McNally of Ellsworth did such a good job explaining this. There is one thing that I neglected to tell you, that the cost of enforcing this, to the State, was explained to us by the people that would have to do it as being very costly and would require a lot of expensive equipment, which is already covered.

But the thing that I stand up for this second time to tell you is that the federal government, as of July, was going to do something about this very subject. And when they got into it and went to do it, they found that it was so complex and the problem was so great, that it didn't only involve octane, it involved so many other things that they have put off their enforcement and doing anything about it until September or October.

Now that is the problem the federal government ran into. They found that it was an immense problem and there was more than octane involved, and for that reason they put it off from July until the fall of the year to try to work out something that would be satisfactory for a standard. And I am sure if the federal government is finding difficulties in setting up a standard for gasoline and those products that it would be almost ridiculous for us in the State of Maine to try to do it, and we don't even have testing facilities to test even the octane, let alone the varnishes and the many other ingredients that are in gasoline. So for this reason I hope you will finally support the Majority Report.

The SPEAKER: The Chair

recognizes the gentleman from Kennebunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker, Ladies and Gentlemen: I am against the "ought to pass" report. The matter of cost has been brought up and I would like to explain to you just what it is going to cost, and this is a memo from Ernest Johnson, State Tax Assessor, who would be responsible for collecting these samples. At the present time there are no facilities in the State of Maine for testing the octane of gas. The University of Maine at the present time does test oil.

And in his memo he said, "The State of Maryland has a similar program. Based on information from that state, the necessary testing equipment would have to be purchased by the bureau, but which would be located at the University of Maine, would cost approximately \$125,000, in addition to which there would be required a small amount of office equipment."

Now there are about 2,500 retail gas stations in this state, and assuming that they have three pumps per station, that would be 7,500 samples that they would have to take every year; and based on the cost of testing an oil sample which is \$10, there would be a cost to this State of \$75,000 a year. Now presumably this would be charged to the General Highway Fund, and it is estimated that in 1971-72 the cost would be \$217,000; '72-73, \$97,000. So I think on that basis I will vote against the "ought to pass" report.

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

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen of the House: On the bill there is no cost; there is no money involved on the bill. If the bill passed, when the government gets it enforced, all they will have to do will be to ask the Federal Trade Commission and they will come and check it. I think if they do that there won't be any cost to this state.

The SPEAKER: The pending question is on the motion of the gentleman from Van Buren, Mr. Lebel, that the House accept the Minority "Ought to pass" Report

in concurrence on Bill "An Act Establishing the Quality Rating of Gasoline," Senate Paper 351, L. D. 1017. All in favor of this motion will vote yes; those opposed will vote no.

A vote of the House was taken.

53 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

Order Out of Order

Mr. Bragdon of Perham presented the following Joint Order and moved its passage.

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a Bill setting forth Part II items that they feel are essential to the operation of State Government and included in this Bill shall be the taxes to fund same. (H. P. 1384)

The Joint Order was received out of order by unanimous consent, read and passed, and ordered sent forthwith to the Senate.

Divided Report

Majority Report of the Committee on Transportation on Bill "An Act relating to Test Operations for Double Bottom Trucks" (S. P. 515) (L. D. 1564) reporting same in a new draft (S. P. 613) (L. D. 1793) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. JOHNSON of Somerset
— of the Senate.

Messrs. WOOD of Brooks
McNALLY of Ellsworth
CROSBY of Kennebunk
DUDLEY of Enfield
KEYTE of Dexter
LEBEL of Van Buren
FRASER of Mexico
— of the House.

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

Report was signed by the following members:

Messrs. KELLAM of Cumberland
GREELEY of Waldo
— of the Senate.

Messrs. HALL of Windham
BARNES of Alton
LEE of Albion

— of the House.

Came from the Senate with the Minority Report accepted.

In the House: Reports were read.

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

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

The SPEAKER: The gentleman from Brooks, Mr. Wood, moves that the House accept the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from Alton, Mr. Barnes.

Mr. BARNES: Mr. Speaker and Members of the House: As one of the signers of the Minority "Ought not to pass" Report, I would like to state a couple of my reasons. In the first place, I can't see where this would be of any use in interstate traffic since 65-foot vehicles are not allowed in New Hampshire or in Massachusetts, except on the Massachusetts turnpike.

Second, although the title of this bill would indicate that a test is being ordered, no test standards have been set up. A true test would ordinarily be conducted over a limited site, with the object being to determine specific facts, such as the effects on highway surfaces of different types or the effects upon the movement of traffic, for specific types of traffic such as Volkswagens, automobiles, and so forth, and passability and so forth when passing on wet pavements.

This bill simply allows double bottoms to operate for two years, hoping that the public will become resigned to the inconvenience. The only real test that is being made is a test of the public's patience, and I urge you to support the Minority "Ought not to pass" Report.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I have discovered this session, if I didn't learn anything else, that it was

always very popular if you signed something one way or the other to be sure that you get up and tell why you did it.

Now since for the last two sessions I have been one of the strongest opponents to the double bottom bill, I want to explain to the members of the House why the leopard changed its spots this year. It isn't because I happen to have a room down to the Senator across from the MTOA room, although we are all friendly, but I want to tell you that I did a little schooling up in Aurora and for two solid weeks I saw what the pulp companies like St. Regis, who has some of their own trucks, PCF and so forth, could do on the road. They have a great long truck and load it well with pulpwood, and then behind they have got a trailer they hook on with four wheels. And although I never was able to get out there at the right time and stop it and measure it, I have always had in the back of my head that it was a long ways from being 55 feet. In fact I think it was quite a lot over 55 feet. But for two solid weeks I had the pleasure and privilege of passing it, and so forth, that people will have when they have long, moving vehicles.

But I think what put the frosting on the cake was this last Tuesday morning coming from Ellsworth to this legislature. I passed Sargent's Trailer Sales tractor hauling a 14 foot wide by 70 foot long mobile home. Now one of the main objections to this bill has been the length, the length of what double bottoms would be, which in this bill is 65 feet, and here the other morning, for a two dollar permit, we see something that is 70 feet long, 14 feet wide, being hauled along a road in this state, and it isn't a four-lane road.

Now this bill is going to simply be a test. Of course we know it is a getting the foot in the door, to get it part way open. We have got to realize those things, because all of these bills that have been watered down from years past is some way to just get the door open a crack. But the fact is, if the Secretary of State's office, who controls maybe the laws, or the Highway Commission who controls

the motor vehicle laws, or whoever does, says it is all right for the pulpwood people to have a great long truck loaded with pulpwood seven or eight feet high and another four wheel trailer hooked behind it, and it is all right to pay two dollars to haul a 14 foot by 70 foot mobile home — and they are not one in here, there are a good many of them going up and down the road, and haul them on any road there is in the State of Maine, then I think it is well that we at least give the trucking companies that we have to live on a little chance to try out some of the big ones.

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

Mr. FRASER: Mr. Speaker and Ladies and Gentlemen of the House: We have had this, as has already been said, before in previous sessions, and one of the big objections was the fact that they were fearful to meet and fearful to pass. You can meet with these on an interstate highway and you don't even notice it.

I have travelled in other states where they drive these double bottoms, so-called, and there is absolutely no problem. You can come up from behind them on an interstate and pass them just the same as you would any car. The big thing that scares me on the highway is when you meet any truck and you are going fifty miles an hour and they are going fifty miles an hour, and that burst of air almost lifts your car off the road. That can't be helped, I don't suppose.

These double bottoms, I think, are better for locally because before they come on the local highways they detach one from another and only bring in one section, which is shorter than the trailers we now have coming in locally, who can't make a 45-degree turn without using up both sides of the road. If you meet one of them at a corner, if you don't hold back a little while you are going to meet them head on. Whereas the half of a double bottom could be travelling locally and you won't have that problem as much.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: You representatives that were here in the last session know that I sponsored a bill for double bottoms. I did it because I believed that it would improve the freight service in the State of Maine. I believe that now as I did two years ago.

This bill gives the State Highway Commission the right to legalize these double bottom trucks for a period of two years and study the effects of them on the highway and the effects of them in traffic. The laws will be the same as for any other trucks on the road and enforced by the State Police.

Thirty-odd states now allow double bottom vehicles in their state in some form or another, and most of those states that I have had any interest in trying to find out from consider them to be the safest vehicles on the road because of their maneuverability and the way they are hauled and used.

We send many bills to the Research Committee to find out the effect they have upon the State of Maine, and this is one of those bills. It goes to where it belongs, to the Highway Commission to study for two years and report to us in the next session of the legislature the effect that it has on the highway, that it has on the traffic, and the benefits, if any, to the people of the State of Maine.

I believe in this. I believe that it will be good for the state, and I think that people who are opposing it and do oppose it are afraid of what the report will be. I believe that we should let this be studied by the Highway Commission and the report be made to prove once and for all whether they are good or bad for the state.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: As a member of the Transportation Committee for quite a long standing and having voted for many years against double bottoms, I also

have changed my mind, and I have changed my mind basically for these reasons. First of all, this is a two-year trial basis and is to be reported back to this House whether we should go on with this or not, and second of all, after having traveled last summer and seen many of these and seen how convenient it was.

When these big trucks move into a city they unhook one and make one delivery, then go back and deliver the other one, and they don't block the whole city street when they are unloading. I noticed how beneficial that could be to a Maine shipper. Most of our Maine shipments are not whole box loads and they now have quite a job arranging their loads so that they can unload at one place and then go to the next place to unload. In this case they can send one delivery truck and deliver to one customer and the other half of the load can go to the other one without any opposition.

I also noted that in England where the streets are very very narrow, and those of you who have been there know how narrow the streets are in England, and they use double bottoms, and I noticed some city streets there that I was in this summer were very narrow, much narrower than ours, and they were using double bottoms to good advantage; and for this reason or for these reasons and probably a few others I was willing that they would be at this time able to try this for a couple of years. And I am sure that if it doesn't work out it will be back to this House and we will have a chance to say that we don't want to do it or that we do want to do it.

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

Mr. LUCAS: Mr. Speaker and Members of the House: I would like to share with you a couple of thoughts that came to the Portland delegation from the Public Works Department of the City of Portland as directed by the City Council.

It is the feeling of the City Council that double bottoms would

interfere with the movement of traffic on Portland streets, and would at times create hazardous situations through the blockage of city streets.

Truck trains, or double bottoms, will move slower than normal traffic through signalized intersections of major cities. They will therefore, interfere with normal flow through the intersections and lend to traffic congestion, especially on many streets which are now operating at near capacity.

Their presence in high density traffic may create hazardous situations. Their length will cause problems when they must pull around a stopped vehicle: their length will also create a problem: to faster moving automobile traffic that wishes to pass them.

To the extent that L. D. 1564 now in a new redraft form 1793 might allow double bottom trucks to travel on any street within the City, the Portland City Council is opposed to the bill. It is believed that truck trains on the city streets would create traffic congestion, and at times create real hazards to the City of Portland.

I would urge the people who represent the major cities of the state to take this into consideration when they vote on this bill.

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

Mr. FRASER: Mr. Speaker and Members of the House: I received a letter from the Portland City Council to the effect that was just mentioned, but I don't understand why they fear traffic on the city streets. People in the city won't even see them unless they go out on the Interstate. How can they interfere with traffic in the city?

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: We have had before us these so-called double bottom bills in previous sessions. There has always been a great deal of fear exhibited in regard to what might happen if they were allowed to be on our highways. But if I understand it correctly, this is only going to be a test for a short time

and its is only going to be on our four-lane highways, and inside of two years these people who have objected strenuously to that will have an opportunity to see if they are as bad as they claim they are.

Now I went through Indiana on several occasions and these double bottom trucks were in great use there. I found no difficulty going along the highways with them; only a matter of fact you have to step a little faster to pass them. But I think over here it would be a good idea if you would have a test and then if there were any bugs in it they would come up to the top and at the next session we could eliminate it or approve it. Therefore I believe we should accept this report.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: Unlike the gentleman Mr. McNally tells us that he lives off of trucks or that we all live off of trucks, I don't live off of trucks. I have two questions that I would like to pose to anyone that would care to answer them. The first is again in relation to what Mr. McNally told us. I believe I have heard somewhere that when you have an oversized load such as was mentioned on a trailer, that they pay \$2 for each foot over on width and also \$2 for each foot over on length.

They also have to have a vehicle going ahead of them with a flashing light and a vehicle following them with a flashing light. I don't think this would happen with double bottoms. I would like to ask if this is not true that they have to pay these extra fees beyond the \$2 mentioned? The other thing is, who is going to pay for this test?

Now we have just been asked to put on another penny on gas tax. Is this to be used up for the truckers to test double bottoms on our highways?

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

Mr. LABEL: Mr. Speaker and Ladies and Gentlemen of the House: The \$2 fee is only once on

the trailer, they pay only once. One permit is for the whole load; that is not \$2 a foot. As far as the bill, it is a good bill because the thing is the load is going to be divided on four wheels so that it will be easier on our roads. So that is why it should be a good bill.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: I oppose this bill because of reasons of safety. Now I do a lot of traveling in this state and other states and in Canada. In Canada I have come in contact with these double bottoms and I am telling you every time you try to pass one on one of these super highways you take your life into your hands because your car shakes all over as you try to drive past them. Now they are 10 feet more than they are originally. On our roads that we have in this state, which are narrow, crooked and so forth, once you get stuck behind one of these trucks you will never get out in order to go where you want to go. You will never make your destination — maybe an hour or two later.

Now I travel quite a bit on the turnpike. The other night — and I made this a game because I am all alone coming from Lewiston, I count the trucks on the turnpike. One night coming up I counted 68 trucks between Lewiston and Augusta and that is more than a truck every half mile on that road. If you don't think that is dangerous I think it is. Double bottoms would make it twice as dangerous and twice as hazardous, and in order to save lives I am against this bill.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Sheltra.

Mr. SHELTRA: Mr. Speaker and Ladies and Gentlemen of the House: I travel the State of Maine extensively, as a matter of fact I put on an average of 45,000 miles a year. I travel back roads and all. The most fearful sight to me to behold, whether I be in back of one or in front of one, is a logging truck.

If you are following one you would swear that the truck is going to tip. I guess they must be at least 12 feet in height and the logs never seem to be too secure either. When they are oncoming they look as if they are rambling all over the road. So consequently my feeling is this, I feel that a double bottom truck or trailer truck is no more hazardous. In my opinion it is not as hazardous as your logging trucks that are permitted on our roads today; so consequently I will go along with the bill.

The SPEAKER: The Chair recognizes the gentleman from Alton, Mr. Barnes.

Mr. BARNES: Mr. Speaker and Members of the House: There is one point that hasn't been brought out by anyone as yet and that is the fact that the latter part of the bill it says—"said vehicles shall be limited in use to 4-lane, divided, controlled access highways, except that limited travel to and from trucking terminals may be permitted subject to approval of local municipal officers, and only" and this is the amusing part, "in communities where exits from said highway exist." I think that is very considerate of them not to take off where there are no exits.

The SPEAKER: The question before the House is on the motion of the gentleman from Brooks, Mr. Wood, that the House accept the Majority "Ought to pass" Report on Bill "An Act relating to Test Operations for Double Bottom Trucks," Senate Paper 613, L. D. 1793, in non-concurrence. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

51 voted in the affirmative and 80 voted in the negative.

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

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

A vote of the House was taken, and 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 Brooks, Mr. Wood, that the House accept the Majority "Ought to pass" Report in non-concurrence. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Collins, Crosby, Cummings, Cyr, Driegas, Dudley, Dyar, Evans, Fecteau, Fraser, Gill, Good, Hayes, Henley, Herrick, Hewes, Hodgdon, Kelleher, Kelley, P. S.; Kelley, R. P.; Keyte, Lebel, Lewis, Lincoln, Littlefield, Lynch, Manchester, McNally, Millett, Mills, Norris, Pratt, Rollins, Sheltra, Silverman, Simpson, L. E.; Smith, D. M.; Theriault, Vincent, Wheeler, Whitson, Wood, M. W.; Wood, M. E.

NAY — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Birt, Bither, Bragdon, Brawn, Brown, Bunker, Bustin, Call, Carey, Carrier, Carter, Churchill, Clark, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, Dow, Doyle, Emery, D. F.; Farrington, Finemore, Gagnon, Goodwin, Hall, Hancock, Hanson, Hardy, Haskell, Hawkens, Immonen, Jalbert, Kelley, K. F.; Kilroy, Lee, Lessard, Lewin, Lizotte, Lucas, Lund, MacLeod, Mahany, Marsh, Marstaller, McCormick, Morrell, Mosher, O'Brien, Orestis, Page, Parks, Payson, Pontbriand, Porter, Rand, Ross, Santoro, Scott, Shaw, Shute, Simpson, T. R.; Slane, Smith, E. H.; Starbird, Stillings, Tanguay, Trask, Tyndale, Webber, White, Wight, Williams, Woodbury.

ABSENT—Dam, Emery, E. M.; Faucher, Gauthier, Genest, Jutras, Lawry, Maddox, Martin, McCloskey, McKinnon, McTeague, Murray, Rocheleau, Susi.

Yes, 51; No, 84; Absent, 15.

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

Thereupon, the Minority "Ought not to pass" Report was accepted in concurrence.

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

Mr. ROSS: Mr. Speaker, I now move that we reconsider our action whereby we accepted this report and I hope you all vote against me.

The SPEAKER: The gentleman from Bath, Mr. Ross moves that the House reconsider its action whereby it accepted the Minority "Ought not to pass" Report. All in favor say aye; those opposed say no.

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

Non-Concurrent Matter

Bill "An Act to Authorize Bond Issue in the Amount of \$2,986,000 for the Construction and Improvement of Facilities for the Treatment and Care of the Mentally Ill, Mentally Retarded and the Youthful and Adult Offenders at our Mental Health and Corrections Institutions" (H. P. 177) (L. D. 235) which was passed to be engrossed as amended by Committee Amendment "A" in the House on May 27.

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

In the House: On motion of Mr. Birt of East Millinocket, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act relating to Definition of Theft by One Renting or Truusted with Property" (H. P. 963) (L. D. 1324) on which the House accepted the Minority "Ought to pass" Report of the Committee on Judiciary and passed the Bill to be engrossed on June 1.

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

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

Non-Concurrent Matter

Bill "An Act to Regulate Industrialized Housing under the Maine State Housing Authority" (H. P. 1345) (L. D. 1764) which was passed to be engrossed in the House on May 27.

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.

Messages and Documents

The following Communication:

The Senate of Maine
Augusta, Maine
June 2, 1971

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

The Governor having returned to the Senate: Bill, An Act to Provide for the Interception of Wire and Oral Communications. (S. P. 390) (L. D. 1145) together with his objections to the same. The Senate proceeded to vote on the question: Shall the Bill become a law notwithstanding the objections of the Governor?

According to the provisions of the Constitution, a yea and nay vote was taken. 18 Senators having voted in the affirmative and 13 Senators having voted in the negative, the Bill accordingly failed to become law, and the veto was sustained.

Respectfully,

(Signed)

Harry N. Starbranch
Secretary of the Senate

Orders

Mr. Lund of Augusta was granted unanimous consent to address the House.

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: Two days ago there was released to the press and public an 80 page report written by a task force headed by Richard Spencer and supported by Ralph Nader's Center for Responsive Law. It was in tentative draft form.

While the great bulk of the Report dealt with alleged undervaluation of Maine timberlands, the most public attention

was attracted by a few lines concerning the legislative role of Joseph Sewall of Old Town.

The Report stated on page 2 that "the failure of the State to supervise the appraisal work done by the James Sewall Company may be related to the fact that the president of that company is Chairman of the Appropriations Committee which," and I quote, "allocates funds to the Bureau of Taxation and other State agencies."

The quoted part of the statement is obviously misleading in that it ignores the fact that the budget originates in the Governor's Office and is finally enacted by both the House and Senate. That suggestion falls of its own weight upon consideration of the fact that the alleged appraisal practices go back forty years or more, while Senator Sewall has been Chairman of the Appropriations Committee for two and one-half years.

That suggestion in the Report does a disservice not only to a dedicated legislator but also to a loyal career Department Head by implying that Ernest Johnson, the State Tax Assessor, has not the courage to request the funds needed to properly carry out his duties.

By suggesting some impropriety in Senator Sewall's legislative service without coming right out and saying so, the Report gives the victim of its innuendo no charge to answer to.

We would be remiss as legislators if we did not rise to defend one of us who is unfairly attacked. Having served last legislative session on the Appropriations Committee, I can state that on those occasions when an item came up which might affect his company it was Senator Sewall's invariable practice to point out that fact, and then take no further part in the discussion or decision on that item.

I would further say that if unwarranted attacks by innuendo such as this were to discourage men of experience and talent such as these from entering public service, the State of Maine would be the loser. We need more of such dedicated men.

An unfortunate result of all this is that the thrust of the Report

has been blunted by this personal attack on a man of honor and integrity. There is, I am sure, much of real value for us to consider in the remaining sixty-odd pages of findings and recommendations. I hope these are not lost from sight.

I note that the Report is only in draft form at this time. It would seem in order to urge that the authors either back up any personal attacks with facts or strike them from the final report. There should be fertile ground enough for this group to plow without wasting time chasing after bogeymen. Let us hope that future reports from this Nader supported task force will come to grips with Maine's problems without making unwarranted personal attacks.

Mr. Birt of East Millinocket was granted unanimous consent to address the House.

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: I endorse completely and wholeheartedly the comments that have just been made. I have had the opportunity of serving for four years with the gentleman in question. As Chairman of the Appropriations Committee I think he has done an excellent job.

I have seen on numerous occasions, and we have commented on in committee, in which he has indicated that he feels that there may be some possible minor conflict and he has continually indicated that he would refrain from taking an active position in the discussion and direction of the committee.

I think he has done an excellent job, and I do feel that this continued attack on people of his caliber, of very high caliber, would as a result, as has been pointed out, cause many people to refrain from giving the State of Maine the advantage of their tremendous ability. And I endorse wholeheartedly these remarks.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House:

Mr. JALBERT: Mr. Speaker and Members of the House: I had no knowledge, being in the back, that there were going to be any comments made about the gentleman that the last two speakers spoke

about. I have served on the Appropriations Committee possibly more terms, or as many terms, as anybody else in this House; probably in the history of the state.

I have become personally acquainted with not only the legislative working Joseph Sewall, but the personal Joseph Sewall. I have not read Nader's Raiders Report. I hope to when somebody gives me one that I have to buy for \$2. But there is one thing I do know. If I had today to cast my vote for three of the more honorable men that I have served with in my tenure here since 1945, Joseph Sewall would have to be among those three; if not tied with the other two if he were not first.

He is a man of complete total integrity and honesty. He has been more than fair with the members of his opposition party. He is a man that listens to all of the arguments. He has a faculty of being able to get people together, not because of bulling through things, not because of just plain tenacity, but because he is just a plain good guy.

My vote is for Joe Sewall, and I know Joe Sewall, and I don't know Nader. And I have been one that has been accused and ramrodded and everything else, and everything has been tossed at me. I was all done and I was all this and that and the other; and I am still here, and I am back here in good business. And anybody that attacks any colleague of mine is attacking me. Consequently, I figure this is an attack on me as much as Joe Sewall.

Mr. Bragdon of Perham was granted unanimous consent to address the House.

Mr. BRAGDON: Mr. Speaker and Members of the House: I don't know as I can add anything to the remarks of Mr. Lund or other members of the Appropriations Committee in regard to this question now before us. However, I would feel very much remiss if I did not add my commendation to all that has been said.

I have served for many years on the Appropriations Committee in this Maine Legislature, and I have served with some very

distinguished chairmen over the years.

I cannot help but comment to you that I look upon Senator Sewall as always being completely fair and as Mr. Lund commented in his remarks, when he is in an area where the question of his involvement might be considered, as Mr. Lund has told you, he has always divorced himself from the discussion, told the rest of the committee that "it is up to you."

I very much resent the Report of Nader's Raiders. There is one thing that I feel that has not been mentioned. I feel that it is a condemnation of the complete legislature, more or less implying that they do not have the ability or the knowledge to properly tax the industries of the State of Maine. I feel we have considered these things, and always come up with a very fair decision. I resent very much the remarks of this group, and I guess that completes my statement.

Mr. Binnette of Old Town was granted unanimous consent to address the House.

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I think I would be remiss in my duties if I did not get up here this morning and tell you people here I have known Joe Sewall since he was knee high to a grasshopper. I have had a lot of dealings with his father, who was a very honorable man; and also with Joe.

I have differed with him politically on many an issue, but when the thing was over we were just as friendly as ever. I can truthfully say this, that he has done a remarkable job in the position he holds at the present time. I have a lot of faith in him. In fact, when I watched that TV last night, I thought that Joe Sewall did a remarkable job in defending himself, because I do not believe that Nader and his Raiders have all the positive facts. I think they are jumping at conclusions, and they are hitting in the dark.

Therefore, I am one who supports Joe Sewall in all ways that pertain to his integrity.

Mr. Dudley of Enfield was grant-

ed unanimous consent to address the House.

Mr. DUDLEY: Mr. Speaker and Members of the House: I know that every member of the Penobscot County delegation is very proud to say that Joe Sewall is one of us; that he is part of the Penobscot delegation. I want the records of this House to show that one legislator feels that this Nader is a phoney publicity seeker, and we have got no place for him in the State of Maine so far as this particular legislator is concerned.

Tabled and Assigned

Mr. Whitson of Portland presented the following Joint Order and moved its passage:

WHEREAS, Allyn Warner was judged to be the fairest and most talented entrant in the Miss Greater Portland Competition; and

WHEREAS, she was named Miss Greater Portland of 1971; and

WHEREAS, this talented young lady will now compete in the forthcoming Miss Maine Beauty Pageant; now, therefore, be it

ORDERED, the Senate concurring, that members of the One Hundred and Fifth Legislature commend this young woman on her accomplishment and wish her every success in the Miss Maine Pageant; and be it further

ORDERED, that a duly attested copy of this Order be transmitted forthwith to Miss Warner in token of the sentiments expressed herein.

The Joint Order was read.

(On motion of Mr. Hewes of Cape Elizabeth, tabled pending passage and tomorrow assigned.)

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

Mr. LEE: Mr. Speaker, I would ask if House Paper 1352, L. D. 1768, is in the possession of the House?

The SPEAKER: The answer is in the affirmative. An Act relating to the Powers and Duties of the Environmental Improvement Commission, House Paper 1352, L. D. 1768, which was passed to be enacted yesterday, is in the possession of the House.

On motion of Mr. Lee of Albion, the House reconsidered its action of yesterday whereby the Bill was passed to be enacted.

On further motion of the same gentleman, the rules were suspended for the purpose of reconsideration.

Mr. LEE: Mr. Speaker, I further move that we reconsider our action of May 24 whereby this Bill was passed to be engrossed.

The SPEAKER: The same gentleman moves the House reconsider its action of May 24 whereby this Bill was passed to be engrossed. This pending motion is debatable.

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

Mrs. BROWN: Mr. Speaker, I would like to put a question to anybody that can answer it, perhaps Mr. Lee. I see that a similar amendment was put on in the Senate, or it was on our desks. I don't know whether we want to amend it the same way twice or not. I would like to know if this was accomplished in the Senate.

The SPEAKER: The gentleman from York, Mrs. Brown, poses a question through the Chair to anyone who may answer if they choose.

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

Mr. LEE: Mr. Speaker, I will try to answer the lady's question. This amendment was taken up with the committee, and it was supposed to have been put on by the chairman of the Natural Resources Committee in the Senate, and it didn't get put on. Therefore, they asked if I would have it changed over to a House Amendment and offer it.

Thereupon, the House reconsidered its action of May 24 whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-403) was read by the Clerk and adopted.

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

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

Mrs. Brown from the Committee on Natural Resources on Bill "An Act relating to the Management of

Solid Waste" (H. P. 468) (L. D. 596) reported same in a new draft (H. P. 1383) (L. D. 1803) under same title and that it "Ought to pass"

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

Referred to Next Legislature

Mr. McCloskey from the Committee on Taxation on Bill "An Act to Relieve Certain Permanently Handicapped Persons of a Portion of the Property Tax or Rental Burdens" (H. P. 242) (L. D. 323) reported that it be referred to the 106th Legislature.

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

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to pass" on Resolution Proposing an Amendment to the Constitution Relating to the Disposition of Increased Gasoline Taxes (H. P. 1105) (L. D. 1151)

Report was signed by the following members:

Messrs. HICHENS of York
FORTIER of Oxford
—of the Senate.
Messrs. McCLOSKEY of Bangor
MORRELL of Brunswick
TRASK of Milo
ROSS of Bath
DRIGOTAS of Auburn
CYR of Madawaska
FINEMORE

of Bridgewater
—of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington
—of the Senate.
Messrs. COTTRELL of Portland
DAM of Skowhegan
COLLINS of Caribou
—of the House.

Reports were read.

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

Mr. ROSS: Mr. Speaker, I move that the House accept the Majority "Ought to pass" Report and would speak briefly to my motion.

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

The gentleman may proceed.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: There has been talk for years throughout the state of undedicating Highway funds. The impetus behind this primarily was from educators. They have always been jealous of these separate monies.

In this session we had before us a bill to undedicate the entire funds. This was badly beaten in this House. However, here we have an entirely different situation. This bill suggests that the Constitution be amended to undedicate only future increases, and this money would go into the General Fund. All departments would have a fair chance of their share by proving the needs, and the share would be given to the highest priority. It might be education, it might be welfare, it might be institutions, or it might even be the Highway Department itself, if they could prove that their needs really warranted a top priority.

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

Mr. MORRELL: Mr. Speaker, Ladies and Gentlemen of the House: You have before you this morning L. D. 1511, a proposal which suggests that we ask the people of Maine to seriously consider a constitutional amendment which would unrestricted, undedicate if you will, any increases in the future in the gasoline tax. Now I can understand that at first blush this will horrify many of you. But I do hope that you will find some merit in it.

To begin with, I would like to set the record straight. I have no conflict with the Highway Department. I am not out to get them. I have the highest regard for the job that Dave Stevens and his associates do on behalf of us all. Certainly I could, as could you, point out some deficiencies in his operations, but this would not be surprising in any organization of such size. I would be the first to admit that he runs his shop prob-

ably an awful lot better than I run a much smaller one.

Having said this, I also want to say that I can see considerable merit in the need for originally dedicating back in the forties and can appreciate how far we have come highway-wise since those years. I can understand further the arguments for maintaining the present level, eight cents, of dedicated funds.

What we are talking about this morning would not, in my opinion, affect any of this — the present program. I feel personally that our primary responsibility here is to the General Fund of the state and to all of the services that are financed from it, that that responsibility is greater than that to any one or two of the individual state agencies.

Because of the pressure to repeal the income tax, I am concerned that the fiscal pressure on the General Fund will be greater in the years ahead than it has been in the past or than it is today.

Assume for a minute that the income tax is lost as a source of state revenue. I don't think that it will be, but if it were we can all imagine the pickle we would be in. But look at another possibility, perhaps one even as devastating but perhaps not quite. What if the vote on the income tax is close? Then I predict that the 106th will be more gun-shy about touching this income tax in terms of an increase than we in the 105th are. And at that time, in the 106th, those of you here will need every possible source of revenue for the General Fund for the broad needs of the state, and a gas tax increase at that time, were this legislation to be passed and passed by the people, would increase this source for the General Fund. It is with this concern that L. D. 1511 is before you this morning.

I do not believe that if such gas tax increases were available to the General Fund that the Highway effort would in any way be crippled. It would have to pull in its belt as should all departments. It might conceivably become even more efficient. Some construction projects might have to be curtailed or delayed for a

bit. But they will still be receiving more income automatically from existing gas taxes to the tune of a million to a million and a half a biennium. In addition, a change in the federal 50-50 program ratio in 1973 may, and I say may, become 70-30, making available approximately \$10 million more for state projects if we can assume the present level of federal and state funding. None of this discussion has anything to do with the 90-10 interstate program, nor would it have any effect on it.

In conclusion, Mr. Speaker and ladies and gentlemen of the House, it is my hope that if you see any merits to this proposal, if you are concerned, perhaps even frightened as to where local and state funds for necessary services are to be had in the years ahead, that you will join with me in asking that the people of Maine have a chance to speak on this matter.

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

Mr. LEE: Mr. Speaker, Ladies and Gentlemen of the House: I don't have any great speech prepared to offer against this, but I am against this wholeheartedly, and I hope each and every one of you thinks clearly what you will do. We can't seem to raise money enough to support our Highway program, so therefore we are going to do something that would perhaps take some extra money away from it sometime. Now this isn't true for today; I know this. Why in the name of the Lord, when the people who pay the tax, use the roads, are paying for them in that way, why we should have to pay for Health and Welfare and something like that, I cannot see.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I sometimes think this Taxation Committee Report is—it is not a joke, maybe it is serious. I think I have explained my position about the dedicating of Highway Funds. I have, as I said, struggled with this idea, and in the study of the field of taxation and economic books, this idea of dedicating mon-

ey to the Highway seems to be the most justifiable system of taxation when we have to maintain our Highway's system which requires so much engineering and advance planning. We do now have a button that we can push. We can push it or we cannot push it. We can control the money that goes into the Highway Fund. And as I suggested yesterday, there is going to be a tax on this setup, but I certainly hope that you will withstand it.

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

Mr. EVANS: Mr. Speaker and Ladies and Gentlemen of the House: Ever since this Highway fund was dedicated there has been a push to try to get it undedicated so that they could make a grab of it. Now I hope you won't be lulled into any fast talk and allow this to happen.

I am not on the Highway Committee and I am not in love with the Highway Department, but I do like good roads. And this money makes our good roads. And if we let somebody else have it we are not going to have our roads. We have taxes on our automobiles that pay a good share of town expenses and other things. Now I don't believe that we ought to vote for this, and I ask you all to defeat the motion that this ought to pass.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker and Members of the House: There is one thing that disturbs me on this idea of undedicating Highway funds, and that is we have seen some parts of this state receive millions upon millions of dollars for highways. At this time they have got highways going in every direction. There are other parts who have been deprived of decent highways.

I happen to come from one of those areas, and I can look around me and see a good many others who do. The gas tax is a tax which is dedicated to keep our highways in good condition, and improve them. I think the people who pay this gas tax to operate

their cars and their trucks and so forth, are paying it for their highways. It disturbs me again to think that someone, or some people, or some ideas might say, "We have good roads in our areas, let's take this tax and use it for other purposes." That is the increased amount over the eight percent you are talking about.

But there are still areas I want to remind you that need better highways, that need these increased tax funds to improve their highways, and I hope you won't deny them that chance to have these funds, if the gas tax is used for highways. I would hope you would vote against the motion to undedicate gas tax funds.

The SPEAKER: The Chair will order a vote. 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.

A vote of the House was taken.

33 having voted in the affirmative and 87 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, I don't know if this is a proper time, but I would like to make a motion to indefinitely postpone this bill and all its accompanying papers.

The SPEAKER: The gentleman from Calais, Mr. Silverman, moves the indefinite postponement of this Resolution and both Reports.

Mr. Silverman requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Calais, Mr. Silverman, that both Reports and Resolution Proposing an Amendment to the Constitution Relating to the Disposition of Increased Gasoline Taxes, House Paper 1105, L. D. 1511 be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS: Albert, Ault, Bailey, Baker, Barnes, Bartlett, Bedard, Berry, P. P.; Berube, Binnette, Birt, Bither, Bourgoin, Bragdon, Brawn, Brown, Bunker, Bustin, Call, Carey, Carrier, Carter, Churchill, Collins, Conley, Cote, Cottrell, Crosby, Curran, Curtis, A. P.; Donaghy, Dow, Drigotas, Dudley, Dyar, Emery, E. M.; Evans, Faucher, Fecteau, Fraser, Genest, Gill, Good, Hall, Hancock, Hanson, Haskell, Hawken, Hayes, Henley, Herrick, Hodgdon, Immonen, Jalbert, Kelleher, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Lessard, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Marsteller, McCormick, McNally, Millett, Mills, Mosher, Norris, Page, Payson, Pontbriand, Porter, Pratt, Rand, Santoro, Scott, Shaw, Sheltra, Shute, Silverman, Simpson, T. R.; Smith, E. H.; Stillings, Susi, Tangway, Theriault, Tyndale, Webber, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAYS: Bernier, Berry, G. W.; Boudreau, Clark, Clemente, Cooney, Cummings, Curtis, T. S., Jr.; Cyr, Doyle, Emery, D. F.; Farrington, Finemore, Gauthier, Goodwin, Hewes, Lucas, Lund, McCloskey, McTeague, Morrell, Orestis, Rollins, Ross, Simpson, L. E.; Slane, Smith, D. M.; Starbird, Trask, Vincent, Wheeler, Whitson.

ABSENT: Dam, Gagnon, Hardy, Jutras, Martin, McKinnon, Murray, O'Brien, Parks, Rocheleau.

Yes, 108; No, 32; Absent, 10.

The SPEAKER: One hundred eight having voted in the affirmative, thirty-two having voted in the negative, with ten being absent, the

motion to indefinitely postpone does prevail.

The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, I would like to ask for reconsideration, and ask that you vote against my motion.

The SPEAKER: The gentleman from Calais, Mr. Silverman, moves the House reconsider its action whereby this Resolution was indefinitely postponed.

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

Mr. MORRELL: Mr. Speaker, I would like to ask this be tabled for two legislative days.

Mr. Norris of Brewer requested a division.

The SPEAKER: The gentleman from Brunswick, Mr. Morrell, moves that this item be tabled pending the motion of the gentleman from Calais, Mr. Silverman, that the House reconsider its action whereby the Resolution was indefinitely postponed, and be specially assigned for Monday, June 7.

A division has been requested. All in favor of this matter being tabled will vote yes; those opposed will vote no.

A vote of the House was taken.

28 having voted in the affirmative and 105 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Calais, Mr. Silverman, that the House reconsider its action whereby this Resolution was indefinitely postponed.

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

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

Sent up for concurrence.

Passed to be Engrossed

Bill "An Act relating to Indian Tribal Meeting on Proposed Legislation and Lowering the Voting Age for Biennial Elections" (S. P. 609) (L. D. 1787)

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

Amended Bills

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

Bill "An Act relating to Destruction of Vending Machines" (H. P. 228) (L. D. 310)

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.

Passed to Be Enacted Emergency Measure

An Act relating to the Conduct of Hearings Required by the State's Environmental Laws (H. P. 1246) (L. D. 1555)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 110 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

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

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

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

Mr. BRAGDON: Mr. Speaker and Members of the House: With regard to item two, I had conversation with Representative Martin yesterday with regard to this bill and he is considerably concerned about it. I understand that he has been obliged to be absent today possibly to attend a funeral. I would hope that somebody would table this for one legislative day.

Thereupon, on motion of Mr. Jalbert of Lewiston, tabled pending passage to be enacted and tomorrow assigned.

Passed to Be Enacted

An Act Providing Funds for the Maine Police Academy (S. P. 170) (L. D. 522)

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

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to make a motion on this bill. The only thing I am going to say is, two years ago we created the Maine Police Academy, and having money from the federal government under the Safe Streets Act, and this program has continued and so forth.

I see that this bill calls for an appropriation of \$150,000 for this biennium. Now I predict that at the next session we will be asked to provide probably \$500,000 for the biennium for this Maine Police Academy. We also don't know when the federal government will stop giving the money to the states under this Safe Streets Act. I just want to get this in the record that we probably are creating another bureau that is going to get away from us in the long run.

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

Mr. CAREY: Mr. Speaker and Members of the House: We have a bill before us which would require that all municipal police officers be trained and this is and this is the place that we have to train them and some of this cost is reimbursed by the federal government. I agree with the gentleman that maybe eventually we will pick up all of the cost, but certainly this has been a good bill.

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

An Act to Provide Mandatory Penalties for Commission of a Crime with a Firearm (S. P. 332) (L. D. 983)

An Act to Increase the Fee for Steam Engineer and Fireman Licenses (S. P. 604) (L. D. 1777)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be

enacted, signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

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

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

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

Mr. CAREY: Mr. Speaker, I ask that this be tabled for two legislative days.

Whereupon, Mrs. Brown of York requested a division on the tabling motion.

The SPEAKER: The gentleman from Waterville, Mr. Carey moves that L. D. 807 be tabled and specially assigned for Monday, June 7, pending passage to be enacted. A division has been requested on the tabling motion. All in favor of the motion will vote yes; those opposed will vote no.

A vote of the House was taken.

64 having voted in the affirmative and 31 having voted in the negative, the motion did prevail.

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

An Act relating to the Operation of Motor Vehicles (H. P. 828) (L. D. 1119)

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

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

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

Enactors

Tabled and Assigned

An Act to Authorize a Food Stamp Program for Piscataquis County, Sagadahoc County, Aroostook County, Penobscot County,

York County, Oxford County and Washington County (H. P. 1143) (L. D. 1584)

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

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

Mrs. WHITE: Mr. Speaker and Members of the House: It is my understanding that L. D. 1657, which authorizes food stamp programs for the whole state, will presently be out of committee and it would seem wise to table this for two legislative days, and I would appreciate it if someone would. I would also like to say that it is very pleasant to be the sponsor of such a popular bill.

Whereupon, on motion of Mr. Trask of Milo, tabled pending passage to be enacted and specially assigned for Monday, June 7.

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

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

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: This is a matter which the gentleman from Perham, Mr. Bragdon was kind enough to remind me that Representative Martin had an interest in. Mr. Martin is not able to be present today and I would appreciate it if someone would table the item for one legislative day.

Whereupon, on motion of Mr. Ross of Bath, tabled pending passage to be enacted and tomorrow assigned.

An Act to Further Regulate the Sale of Malt Liquor between Manufacturers and Wholesalers (H. P. 1330) (L. D. 1744)

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

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I move that this item be tabled for one legislative day.

Whereupon, Mr. Hodgdon of Kittery requested a division on the tabling motion.

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker moves that L. D. 1744 be tabled until tomorrow. A division has been requested on the tabling motion. All in favor of the motion will vote yes; those opposed will vote no.

A vote of the House was taken. 46 having voted in the affirmative and 54 having voted in the negative, the motion to table did not prevail.

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

Enactors

Tabled and Assigned

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

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

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

Mr. EVANS: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday I received a letter from the Attorney General's office questioning part of this bill, whether it is legal or not, and so I would like very much to have this tabled for two days so we can check out with the Attorney General's office.

Whereupon, on motion of Mr. Farrington of Old Orchard Beach, tabled pending passage to be enacted and specially assigned for Monday, June 7.

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

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

(On motion of Mr. Hancock of Casco, tabled pending passage to be enacted and specially assigned for Monday, June 7.)

An Act relating to Claims for Benefits under the Employment

Security Law (H. P. 1364) (L. D. 1781)

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

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

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

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.

On motion of Mr. Susi of Pittsfield,

Recessed until one o'clock in the afternoon.

After Recess

1:00 P.M.

The House was called to order by the Speaker.

Orders of the Day

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

Bill "An Act relating to Voters Resigning or Removed from the Voting List" (S. P. 561) (L. D. 1701)—In Senate, passed to be enacted.—In House, receded from indefinite postponement, receded from passage to be engrossed, House Amendment "B" (H-328) adopted.

Tabled—June 1, by Mr. Ross of Bath.

Pending — Passage to be engrossed.

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

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

Bill "An Act Clarifying the Statute Relating to Realty Subdivisions" (H. P. 1034) (L. D. 1425)—In Senate, passed to be engrossed. In House, passage to be engrossed reconsidered. House Amendment "A" Adopted (H-354)

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

Pending — Adoption of House Amendment "B" (H-380).

On motion of Mr. Porter of Lincoln, retabled pending the adoption of House Amendment "B" and later today assigned.

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

Bill "An Act Repealing the Poll Tax" S. P. 14) (L. D. 42)—In Senate, passed to be engrossed.

Tabled—June 1, by Mr. Finemore of Bridgewater.

Pending—His motion to indefinitely postpone.

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

Mr. PORTER: Mr. Speaker, Ladies and Gentlemen: It seems we have come to the moment of decision—I hope. We have two items, the poll tax and the head tax. We were discussing the matter, thought for strategic reasons we should have the poll tax tabled until after we take care of the head tax. So if somebody will be kind enough to do that, when we get to the head tax we will discuss that and then follow with the poll tax.

On request of Mr. Finemore of Bridgewater, by unanimous consent, tabled pending his motion to indefinitely postpone and specially assigned to follow item two under tabled and today assigned matters.

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

Bill "An Act to Provide for Use of the Courts by Indigent Persons" (S. P. 606) (L. D. 1779)—In Senate, passed to be engrossed.

Tabled—June 1, by Mrs. White of Guilford.

Pending—Motion of Mr. Dudley of Enfield to indefinitely postpone.

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

Mr. HEWES: Mr. Speaker and Members of the House: I note the gentleman whose motion is pending is not in the House at this moment, he stepped out. I would appreciate it if somebody would

table this until later in today's session.

Whereupon, on motion of Mr. Morrell of Brunswick, tabled pending the motion of Mr. Dudley of Enfield to indefinitely postpone and later today assigned.

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

SENATE JOINT ORDER—Relative to Committee on Health and Institutional Services study, review and analyze operations, personnel practices and procedures of the Department of Mental Health and Corrections and the Department of Health and Welfare (S. P. 615)

Tabled—June 2, by Mr. Ross of Bath.

Pending — Passage in concurrence.

On motion of Mr. Ross of Bath, the Joint Order was passed in concurrence.

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

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)

Tabled—June 2, by Mr. Porter of Lincoln.

Pending — Passage to be engrossed.

Mr. Carter of Winslow offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-395) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is being offered, as was recommended by the Highway Department, to take care of the inflationary factor that would occur between the time if the bill was enacted and the time it was constructed.

Thereupon, House Amendment "A" was adopted.

Mr. Birt of East Millinocket offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-397) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I would feel a little remiss if I didn't get up today and comment on this particular amendment. These people in the Waterville-Winslow area are in trouble; they need a bridge over there. And for them to remove the tolls they would have to take a vote of the people of the State of Maine to remove them. And we all know for them to get the bridge they have got to put a toll on it because this seems to be the only selling item, and this is something I dislike. I dislike what happened in my community or any other community, and I am sorry that these people have to do it this way.

One thing that really disturbs me is to see an amendment like this being put on so that these people would be more or less in the position where they could hardly ever get that toll off the bridge. They need the bridge over there. It is coming out of the Highway Fund. It is paid primarily from the gas tax money. That is a user tax. And I feel that we are not being fair to this community or to any other community by putting a toll on it.

Now it is kind of a hard way to sell an item for your area, and these boys had to do it. But I don't feel it is fair and I don't feel that this amendment is fair, and I move that we do not accept the amendment.

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

Mr. Birt: Mr. Speaker and Ladies and Gentlemen of the House: This bill calls for the construction of a toll bridge across the Kennebec River. The original bill was introduced, and as far as I know the title has not been changed, or the wording of the bill, in any way, indicates that this bill can be paid for out of tolls.

Now there are three times in the last twenty years bills have passed this legislature authorizing toll bridges, and in all three cases, after they have passed and the

people have voted on them as a toll bridge, the tolls have been taken off by the legislature.

If we want to build this bridge as a free bridge, without any tolls on, this is perfectly all right with me if we feel we can fund it. But I do not believe that we are being honest with the people when we build bridges with the intent of financing through toll charges, and then take them off. I will agree that in two cases there probably were extenuating circumstances, that they had no choice. But if the bridge is going to be built as a toll bridge and this is the intent that is sold to the people that will be paying for it, then I think if the people build it as a toll bridge that the people should have the right to make the decision as to whether the toll should or should not come off. And I would hope that you would adopt the amendment.

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

Mr. MORRELL: Mr. Speaker, I wonder if I could ask a question of whomever might answer it. Does the \$4 million include the bridge and all approaches, or is it for the bridge alone?

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

The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question, the cost of \$4 million is the total cost of the bridge. It includes the approaches and everything.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to relate something that I heard here today, that the State Highway Commission is building a bridge in the City of Augusta that is costing a little better than a million dollars. There was no bill put into this legislature to build the bridge. There are no tolls going on it. And I know that they are no different

up in that area of Kennebec County than they are right down here.

I dislike this idea of a toll going on, not because I happen to have one and it reminds me it more or less may be pending to come off, but I dislike the fact that we are going to take an amendment and say to these people, "This is the only way you are going to sell it and this is the only way we intend to buy it." I don't think it is fair. If we can spend a million dollars right down here in the Kennebec River without a toll going on it and without an order even coming in here, I don't think that we should be saddling these people up there either.

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

Mr. JALBERT: Mr. Speaker and Members of the House: There was a bond issue of \$4 million passed a few years ago for a toll-free bridge in Belfast. There was a bridge that was passed in my area without a toll because we have got a toll in my area anyway. We have got the turnpike that we didn't want. If some people at home had listened to me, the turnpike would have gone around Brunswick and we would have wound up with 95, and we would be toll free. We now have to use — as many people use the turnpike to go from Lewiston to Auburn as they used to go from Auburn to Lewiston, they use the other roads.

And to be candidly honest, I am amazed at the authorship of this order. I don't think there is one iota of fairness in it, and if the motion to indefinitely postpone it has not been made, I would move its indefinite postponement.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that House Amendment "B" be indefinitely postponed. *

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: This amendment does not put toll fees on this bridge. I would ask you to refer to L. D. 1022, section 2. It says — and this is the original

bill that was introduced by the sponsor — it says, "Section 2. Toll bridge. The State Highway Commission shall operate such bridge when constructed as a toll bridge until all the bonds issued as provided by the Act shall be retired, and all the expenses, incurred hereunder shall be paid."

This amendment does not put a toll on. The only thing this amendment says, if the people adopt this bridge, pass this bond issue to allow the adoption of the building of this bridge, and the act that is sent out to the people says that it will be done with tolls if the people vote it this way, that if the tolls come off that it cannot be done by an act of the legislature, it will have to be done by an act of the people.

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: I am against this amendment and I hope you will vote for the indefinite postponement. I was against taking tolls off the Bangor bridge, as you very well remember, and I should think it would be just the same for the people in our part of the country if the legislature decides sometime to take the toll off as it was in Bangor.

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

Mr. BRAWN: Mr. Speaker and Members of the House: I am against the tolls on this. I happen to live right in this area, and I do know that you come up Basin Street any time of day and you have got to wait from fifteen minutes to half an hour to get across this bridge right now. And any time the Scott Paper is getting out, if you should have a bad accident, the hospitals are all in Waterville on the Winslow side. An ambulance could not possibly get across there. And if we should have a flood, or this bridge should be mined to blow it out, there is no way across that river unless you come to Augusta or you go to Fairfield. And they definitely need a bridge and I hope that there is no toll put upon it.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the motion to indefinitely postpone this amendment for the reasons that have been given and for an additional reason. I have serious doubt in my own mind whether the legislature can effectively bind future legislatures not to remove a toll by simply putting an amendment such as this on the bill. And since I suspect this would be ineffective, I think it is a needless piece of window dressing.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "B" be indefinitely postponed. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

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

Tabled — June 1, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

On motion of Mrs. Wheeler of Portland, under suspension of the rules, the House reconsidered its action of May 27 whereby the Bill was passed to be engrossed.

On further motion of the same gentlewoman, under suspension of the rules, the House reconsidered its action of May 26 whereby Committee Amendment "A" was adopted, and indefinitely postponed same in non-concurrence.

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

House Amendment "A" (H-401) was read by the Clerk and adopted.

The Bill was passed to be ingrossed as amended in non-con-

currence and sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought not to pass" — Minority (4) "Ought to pass" Committee on Taxation on Bill "An Act relating to Relief of the Elderly on Property Taxes" (H. P. 687) (L. D. 922)

Tabled — June 1, by Mr. Scott of Wilton.

Pending — Acceptance of either Report.

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

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

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House accept the Minority "Ought to pass" Report.

The gentleman may proceed.

Mr. ROSS: Mr. Speaker and Members of the House: Although this bill is called a tax relief for the elderly, it is in reality the head tax bill and we would like a chance to amend it. If you would look at filing number 407, it is the suggested amendment and the title is even changed to "An Act relating to a Head Tax." It would take out the elderly part completely. There is a separate bill for relief to the elderly which will be on our calendar tomorrow, coming out of Taxation.

This would now be a head tax of \$5 for any person between the ages of 20 and 65 making over \$3,000 per year if they were single and \$4,000 per year if they were married, and all of the monies would go for the towns. In other words, what we are doing is changing the terminology. Poll tax has always been a misnomer. It never has anything to do with polls or voting. The real value, the collection via the control of licenses, hunting, fishing, and motor vehicle registrations, and these restrictions would still be in the amended head tax bill.

Over the years people have asked why only men pay the poll tax. Now under this suggestion, a head

tax, we would not discriminate. We would be in full agreement with the Women's Lib movement. It would mean \$2 million per year for the cities and towns. The towns are always wanting new ways of collecting revenues in addition to property taxes, and this would be a new way.

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

Mr. GAGNON: Mr. Speaker, Ladies and Gentlemen of the House: I was a little disturbed with the title of this bill originally. I am glad to see somebody changed it. We had a council meeting last night in Scarborough. I had made up my mind pretty well before that anyway, but the thought came up as to who was going to regulate this, or who was going to determine the wages in any given year on an individual or a married couple, who was going to regulate this collection? And I was not able to give them an answer at that time. The concern was that this would be just as bad as the present poll tax as far as regulating and collecting.

I can say honestly, I think, that the female population in Scarborough wouldn't particularly care to have this tax applied to them just to give them their freedom, so to speak. As far as that goes, I feel that I would probably end up paying my wife's anyway.

I think this is just a tax for tax purposes. I am wholly against any additional tax. I do not feel that it is a minimal tax because if you stop and figure it out, this very nominal sum would equal approximately a 5 percent to 15 percent increase on our state income tax. And I don't think anyone in this House has the bravery, especially this year, to entertain such an increase in the state income tax. So you can put any title on it you want, it still comes out that way. This is a major tax increase. And there are enough people in this House that may have egg on their face before the year is over as it is.

One other point in this measure which I did not agree with was the age limit of 64 years old. Primarily I think as it initially stated, relief for the elderly, should

not pertain to people whose incomes, as stated in this bill, from any source, would be over \$3,000. There are a good number of older people in Scarborough who do better than I do on their income, who are beyond the 65-year age limit, from investments, retirements or whatever, than I do working. I don't see why people in this bracket should be exempt from the head tax if there was going to be one, ultimately. I don't feel this tax is fair. I feel, as I said, it is simply a tax for tax purposes. I think it is against everything we have said up here so far. My people are not for it; the town council is not for it. And I would hope there are enough members in this House that would be against it so that we can put it where it should be, in the file.

Mr. Finemore of Bridgewater requested a roll call vote.

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

Mr. CYR: Mr. Speaker and Ladies and Gentlemen: I am the one that introduced this bill, and I introduced it after I was disturbed over the introduction of the three bills to repeal the poll tax and having nothing to offer in its replacement. I think you will agree with me that all communities in the State of Maine cannot afford to lose any more revenues. The local tax base today in all of these communities is narrowed down to the property tax, the tax on stock and inventories. Now if we take off this additional poll tax and do not replace it with anything else, I think we are making a big mistake.

I know the mood of the people is not to increase taxes or not to get any more taxes. But it is also the mood of all of these communities that some relief should come to the property owners, and this is one way that it can be done.

Now there are approximately, between male and females, there are approximately 500,000 people in the State of Maine between the ages of 20 and 65. The reason why we chose the figure of 65, there is nothing sacred about it, if anyone wants to amend it to make it 70, the same as the poll tax today, I have no objection whatsoever. We

used the figure of 65 years old because this seems to be the breaking point today where people are retiring and they don't want to be bothered any more with taxes.

Under the poll tax on the statutes today, we have approximately 245,000 polls, and there is about a 15 per cent exemption on the books. I used the figure of 20 per cent, which means that there would be 400,000 people, or head tax payers in the State of Maine at \$5. This would generate approximately \$2 million for the State of Maine. For the Town of Scarborough this would mean to their town approximately \$18,000 annually. To Portland it would mean about \$150,000; to South Portland, approximately \$50,000; to Bangor, approximately \$50,000; Auburn, about \$60,000; Lewiston, approximately \$80,000; Presque Isle, \$15,000; Madawaska, \$11,000; Houlton, \$15,000; Brunswick, \$25,000. I just took those few towns and cities at random to show you what this would mean to your town back home.

I will give you my own personal experience on one rental property I had in Madawaska which I sold the first of April of this year. And I think this is a pretty good breakdown of what happens in most of our communities in the State of Maine. I had in that building eight apartments. Four of these one-bedroom apartments were occupied by single girls, career girls. One was a hairdresser with a pretty good salary, the other one was assistant to the superintendent of schools with a pretty good salary, the third one was the program chairman for our schools with a pretty good salary, and the fourth one was the head telephone operator at Fraser Paper.

I also had three apartments with three young married couples. One of these couples were two school teachers; both of them were occupied teaching school. The second couple, the male, the head of the family, was still going to school in Fort Kent and his wife was a nurse, nursing at the hospital in Edmundston across the river. The third one was a young man working at Fraser Paper and the young lady was a clerk in one of the local stores. Now we have four males

out of this, which means that today the Town of Madawaska was collecting \$12 in poll tax.

If this head tax should pass, out of these eight apartments these eleven people they would all be under the head tax program and the Town of Madawaska would collect \$55. Now these are career people, and you have these across the state that are paying no taxes to their community, and yet they have the police protection, they have the fire protection, they have sidewalks, roads and everything else that a community can afford and offer you, and they were paying hardly anything for it.

The opposition will probably say, well, they were paying taxes, property taxes, through their rents, which is true to a certain extent. But for the past five years our property tax went up 78 per cent. Now during that same period I raised my rentals twice, \$5.00 a month, which is approximately 10%. I was making up for the property tax that the Town was collecting from me. I also had several rentals, stores and offices, that were on long leases — ten years, five years, fifteen years, and there was no tax escalation clause attached to it, so therefore I had to absorb that 78%. With the consequence that I decided on April first of this year to dispose of this property.

The past four years I have been disposing in my Town of Madawaska over half a million dollars worth of property, because of the property tax. Now it has reached the point today where rentals are now a marginal investment and most people would rather put their money in investments such as the utilities, in Maine Yankee here where you can get 9.1%, instead of putting it in rentals. And this is the reason today, gentlemen, why we have a housing shortage in the State of Maine.

Most of these people are enjoying a free ride. They should at least help with your police protection, your fire protection, and your administration in the town office; and this can be done through by not repealing the poll tax, but replacing it with this head tax. I will concede to the opposition that

an income tax based on the ability to pay is probably the fairest of all taxes, but I will also say that to rely entirely on the income tax or the sales tax would be a very dangerous move on the part of the State.

If you happen to have a recession these are the taxes that are first affected. And during such a recession this is the time when government needs to prime the pump, and this is when you need money very badly. I know that today the trend is toward income tax and sales tax to finance education, for instance, to relieve some of the property taxes, but I still feel that some of the property taxes should be left on.

Now in your income tax, as I mentioned before, this is probably the fairest tax based on ability to pay. But I can also see some inequities in this tax. We don't talk about inequities, but how about some of these single ladies—I was going to call them old maids, but let's call them these career girls, that would have to pay part of the education to educate children that they do not have or will never have? How about the married couple that doesn't have children or cannot have children. Is the income tax fair in that case? I leave the decision up to you.

I will grant the opposition that this might be classified as a regressive tax in the sense that your low income will have to pay the same amount, \$5.00, as the fellow that makes \$10,000. Some will probably claim that this is a regressive tax, but at the same time I think that we want to balance off what you pay against the services that you receive, and I maintain that the low income people are the ones that really get the most services.

We have three classes of taxpayers in this country. We have the low income, we have the middle income, and we have the high income. The low income are the ones that pay, possibly, percentage-wise based on their salary, probably the highest percentage. I think that statistics will show you that. But at the same time these are the ones that are dipping in the community chest all

the time. They are dipping more than what they are putting in.

Your high income class, they can afford to buy themselves the legal services to find all the loopholes to get away from it. So it leaves the middle class that has to carry the load and that is the class that gets the least services. If you don't believe me, just send your wife or go to a hospital and find out that you are not only paying your bill, but you are paying part of the deadwood that they expect to go through the hospital.

How about your Social Security for instance? Your middle income class pays the highest rate and yet when it comes to draw he draws the same amount as the low income class. How about sending your kids to college? The middle class has got to pay through the nose, while scholarships are available to all the others. And I could go on and on on these examples, but I won't.

You might say that it is not a fair tax. Well, is it fair, for instance, to pay \$15.00 for an automobile registration for a Cadillac and expect a fellow with an old jalopy to have to pay the same \$15.00? If we are going to start re-evaluating some of those taxes, we will have to clean the books.

So I say that this tax is based on the needs of the community, and I also say that in our attempt to protect this ability to pay we have been backwards and are now in danger to penalize ability to earn.

In conclusion I would like to recap the arguments for this head tax. First of all it is a source of income for your municipalities to help alleviate property tax owners and to help to pay for some of the services that some of the freeloaders are getting for free now.

Number two, it is the only source of tax for many people, and these people should assume their responsibility as a good citizen, and they should be happy to do so. Also this head tax applies to both sexes; therefore it does away with the discrimination of sex which we have heard before.

And my last argument is this. Your head tax, as well as the poll tax, in many communities is be-

ing used as a source of information. This is the best source of information for statistics that you have in your own community, and I say we should do away with it.

So I hope that you stick along and try to see your way to vote yes on this, so that we can present you with the amendment that Representative Ross mentioned awhile ago.

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

Mr. COLLINS: Mr. Speaker and Members of the House: I share with Mr. Cyr his concern for property tax at the local level. However, I do not share with him his views on the head tax. I call your attention to the committee report. You will note that the majority of nine voted that this should not pass. This is very similar to the poll tax except that it includes women, it will produce more money; and it is very similar in that it produces a great deal of administration problems. It is tied to hunting and fishing licenses, drivers licenses; and furthermore it has an income provision of \$3,000 which I suspect would be most difficult for municipal officers to ascertain.

Furthermore, in the opinion of the State Tax Assessor, it would not produce two million dollars, but would probably produce about a million and a half dollars. I would hope that you would defeat the motion and then pass the "Ought not to pass" Report.

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

Mr. CLEMENTE: Mr. Speaker and Ladies and Gentlemen of the House: First of all I would like to say that I am not a landlord and I am not a tax consultant, and after my tour of duty here in the House I probably wouldn't want to be either one. But I would like to make a few comments on this so-called head tax.

First of all, I am glad that the title has been clarified. I feel that this is a real tricky tax. I feel that this tax here is a bypass in a sense to increase the state income tax. This year they are asking for \$5.00; two years from now

probably \$7.50; and you can go on and on.

So I now move the indefinite postponement of this bill and all of its accompanying papers.

The SPEAKER: The gentleman from Portland, Mr. Clemente, now moves the indefinite postponement of both Reports and Bill. 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 desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Clemente, that both Reports and Bill "An Act relating to Relief of the Elderly on Property Taxes," House Paper 687, L. D. 922, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS: Ault, Bailey, Baker, Barnes, Berry, G. W.; Berube, Birt, Boudreau, Brawn, Brown, Bustin, Call, Carey, Carter, Clemente, Collins, Cooney, Cote, Cottrell, Crosby, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, Dow, Drigotas, Dudley, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Genest, Gill, Good, Goodwin, Hall, Hancock, Hanson, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hodgdon, Jalbert, Kelleher, Kelley, P. S.; Kilroy, Lawry, Lebel, Lewin, Lizotte, Lucas, Lund, Lynch, Mahany, Manchester, Martin, McCloskey, McTeague, Mills, Morrell, Murray, Orestis, Page, Parks, Payson, Pontbriand, Porter, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Susi, Tanguay, Tyndale, Vincent, Wheeler, White, Whitson, Wight, Williams, Wood, M. W.; Woodbury.

NAYS: Albert, Bedard, Bernier, Binnette, Bither, Bourgoin, Bragdon, Carrier, Churchill, Conley,

Cummings, Cyr, Doyle, D y a r , Gauthier, Hewes, I m m o n e n , Kelley, K. F.; Keyte, Lee, Lewis, Lincoln, MacLeod, Marsh, Marsteller, McCormick, McNally, Mill-ett, Mosher, Norris, Rollins, Ross, Shaw, Starbird, Stillings, Theriault, Webber, Wood, M. E.

ABSENT: Bartlett, Berry, P. P.; Bunker, Clark, Dam, Evans, Jut-ras, Kelley, R. P.; Lessard, Little-field, Maddox, McKinnon, O'Brien, Pratt, Rand, Rocheleau, Santoro, Scott, Sheltra, Smith, E. H.; Trask. Yes, 91; No, 38; Absent, 21.

The SPEAKER: Ninety-one hav-ing voted in the affirmative, thirty-eight in the negative, with twenty-one being absent, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

The Chair laid before the House the third item of Unfinished Busi-ness, tabled and specially assigned to follow the second tabled and to-day assigned matter:

Bill "An Act Repealing the Poll Tax" (S. P. 14) (L. D. 42) — In Senate, passed to be engrossed.

Tabled — June 1, by Mr. Fine-more of Bridgewater.

Pending — His motion to indef-initely postpone.

Mr. Finemore of Bridgewater withdrew his motion to indefinitely postpone.

The SPEAKER: The pending question is passage to be en-grossed. The Chair will order a vote. All in favor of passage to be engrossed will vote yes; those opposed will vote no.

A vote of the House was taken.

96 voted in the affirmative and 28 voted in the negative.

Whereupon, Mr. Jalbert of Lewiston requested a roll call vote.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, re-quests the yeas and nays. 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 op-posed will vote no.

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: Over the many years all I have heard here is property tax, protect the property tax owner in the localities, help the cities, help the communities. All of the communities have their budget meetings. I know all of the arguments on this thing that if they tax the men they should tax the women. This is going to cost to my own community \$27,000 and anybody that says that it costs half of this amount to collect that \$27,000 in Lewiston is not telling the truth.

I know how much it costs to collect that tax in my community. It costs an envelope and a bill, and then you pay it, and it is \$3. And I pay it and I want to pay it. If I lose today I will get up again when it comes back and I will give it another whack only stronger.

I can see no reason at all how we can sit here and keep hollering, whether it is a small amount or a large amount, about helping through here the cities, and having the federal government help the states. Well this is a nice chunk of money in my area and I want to keep it right there. That is why I asked for the roll call vote was just to give vent to my usual very docile feelings.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I concur with the gentleman from Lewiston, Mr. Jalbert. I would have been glad to have seen us pass the tax which we just defeated. I think the gentleman from Madawaska made a very good presentation. I think his remarks properly analyzed made good sense, and I saw no reason why we should not have added to the revenue of our local areas this amount of tax, man and woman alike. I think that it was justified; however, we did turn it down. I hope now we will not compound the felony which we have done by repealing the poll tax.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: There might have been some confusion in the minds of those who voted on this bill. This is a repealer. A yes vote in the engrossment stage would have meant you want to repeal the poll tax. A no vote would have meant that you want to keep the poll tax.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: First I wish to compliment our fellow member of the Taxation Committee, Representative Cyr, for his conscientious, intelligent researching and probing to get more money. But in the back of my mind also is the fact that in New Hampshire, which has had a head tax for many, many years, is repealing that head tax now. They have finally come to the conclusion that there are other forms of taxation which are much more just and easier to collect.

Now this poll tax in my mind is something that is most discriminatory. If we taxed women as well as men that would be something in its favor, but on the other hand the assessors and tax collectors who appeared at the taxation hearing on this all agreed that it was more or less of a nuisance, and the income is \$650,000 a year. I know in some small communities they may depend on that income to pay the wages of people who work at the polls on election day. But on the whole I think that we in this body who might be called the king of taxation, because only taxation bills can arise or fall here in this body, might give a boon to the people. I think the great majority of people would be relieved from the inconveniences and nuisances of the collecting of this tax.

Now I come from one of our larger cities, Portland, and not just because they are against it, but because Auburn is against it, it would mean maybe two or three cents increase in the property tax per thousand to collect this tax. I

think when this tax was an archaic tax that developed in the days of the Roman Empire, and we have been juggling and fooling with it. It is a regressive tax. I think we ought to start to live toward the 21st century and really repeal this and give a great boon to our taxpayers. I think the taxpayers in the State of Maine would say hurrah, hurrah, hurrah. Let's get rid of that poll tax.

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

Mr. CLEMENTE: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday I gave some comments on why I think the poll tax should be repealed and I would just like to briefly repeat these.

First, it is an old tax. I stated yesterday that after doing research I thought I would have to go down to Boston to the Massachusetts State Legislature to have this tax repealed. This is how old it is.

Second, it discriminates. Why males and not females? Especially during the period of women's lib that we are going through right now.

Thirdly, by psychological reasons I feel that this would give the taxpayers a psychological lift at a time of economic depression.

Fourthly, it is a petty tax, to collect, to defend and to justify. I urge you to vote for the repeal of the poll tax.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am truly amazed at an old good pro like Jack Cottrell talking about discrimination and women, or women and discrimination in the same area. I would hope by this time he would have joined the league that I have joined as far as talking about discrimination as far as women are concerned. The word is not discrimination. The word is compromise.

Friday night I want to play pinocle. Friday night my wife wants me to stay home. I compromise and I stay home. That's the discrimination. If he hasn't learned that lesson by now, why he's not the old pro that I think he should

be. A whole lot of people feel that this is the only way that they can contribute toward the payment of the freight insofar as government is concerned. I wouldn't even mind if this thing was raised from \$3 to \$5 or \$10. Personally, with due respect to the gentleman from Madawaska, I just don't like the word head tax. Somehow or another the word poll tax appeals to me.

I just got through sending a complimentary note to the young gentleman from Portland, Mr. Clemente, a fine young man. I might suggest to him this. That he doesn't have to go to Massachusetts to figure out the taxes that are on the books that were put on and are still on the books, will be on the books, will be raised, he can stay right here in Maine. He doesn't have to spend any time and money to go traveling anywhere else because the same thing pertains here as pertains elsewhere. All he has to do is have a few semesters added on to that lovely head of hair of his, black, and he will find that out to be so.

Now I feel quite strongly about this, as I say, because I think it is a problem that has been with us. It might not mean a great deal in some areas like Portland, the wealthiest community in the State, but it does mean a great deal to some areas who have already budgeted for this year for this item. It means a great deal to them. It is a very very small amount of money here in the state, but when it hits the town meeting it amounts to a great deal of money. I have been to town meetings and I heard them argue for half a day about a \$75 or \$80 item. I can see the gentleman from Bath Mr. Ross, drooling at the possibility of a winner. Maybe this afternoon, but I mean there will be another day.

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

Mr. ROSS: Mr. Speaker and Members of the House: For the purpose of clarification I now move this bill be indefinitely postponed, and those who vote for indefinite postponement will be voting to retain the poll tax.

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

Mr. CYR: Mr. Speaker and Members of the House: First of all I would like to correct my good friend Mr. Cottrell. Our sister State of New Hampshire is not repealing the head tax with the intention of doing away with it. It has introduced a residence tax of \$10.00. The head tax that they had was \$7.50. Now they are introducing a residence tax at \$10.00.

For the benefit of my good friend Mr. Clemente from Portland, who keeps insisting that this tax has been with us for so long that **therefore it should be repealed**. I say that it is an argument in its favor. If it stood the test of time for that long it should be a good tax, and why is it that all of a sudden it is that bad after evading such a test of time?

Before I sit down let me say this. Possibly some of you were reluctant in going along with the head tax because of the increase from three to five dollars. However, I think probably you should think twice. If you are going to keep the poll tax you should bring an amendment to have it apply to female as well as male. Now the poll tax as it stands today brings in, generates \$650,000. There are more female polls than there are male polls.

The main reason why the poll tax is in disrepute today is because it was associated with suffrage and this was declared unconstitutional. That is the main reason why there is such a move to try to do away with the poll tax. But I think that communities, the communities that will do away with it, will be sorry, because all we are going to have left on the local level to tax will be property, stock and inventories; and that is too narrow a base to be safe.

I only wish that I had had the support awhile ago, before we took a vote on the head tax, from my good friend Mr. Bragdon and my good friend Mr. Jalbert. But I think probably they are going to make up for it on this one.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I kind of disagree with my good friend Mr. Cottrell from Portland, when he makes a statement that many of the managers came down before them at that hearing. It doesn't surprise me because these managers are all coming down for something. As far as the work is concerned in collecting the poll tax, I think it is not a hard matter, because very few, I doubt if there is anyone in this House who has not got either a hunting, a fishing license or a driver's license. They have to pay their poll tax. There is no trouble to collect it then, because they are more interested in getting their driver's license or their fishing license than they are the poll tax. So I don't think it is any job at all for them to collect it, and I hope we still keep the poll tax on the books.

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

Mr. McNALLY: Mr. Speaker, a parliamentary question please.

The SPEAKER: The gentleman may pose his question.

Mr. McNALLY: If we don't vote for engrossment, doesn't that sort of keep the poll tax?

The SPEAKER: The Chair would advise the gentleman that if it fails of engrossment it will go to the Senate.

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

Mr. BRAWN: Mr. Speaker, I would like to have it explained. If I am voting yes, am I voting to repeal this or —

The SPEAKER: The Chair would advise the gentleman if you vote yes you are voting to engross this bill and that is repeal of the poll tax.

The pending question is passage to be engrossed of Bill "An Act Repealing the Poll Tax, Senate Paper 14, L. D. 42. A roll call has been ordered. All in favor of passage to be engrossed will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bailey, Bernier, Berube, Boudreau, Brawn, Bustin, Carter, Clemente, Collins, Cooney,

Cottrell, Curtis, T. S., Jr.; Dow, Drigotas, Dudley, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fecteau, Gagnon, Gill, Goodwin, Hancock, Hanson, Hayes, Herick, Hodgdon, Kelleher, Kelley, P. S.; Kilroy, Lucas, Lund, Marsh, Martin, McCloskey, McTeague, Millett, Mills, Morrell, Murray, Norris, Orestis, Parks, Porter, Shaw, Sheltra, Simpson, L. E.; Slane, Smith, D. M.; Susi, Tyndale, Vincent, Wheeler, Whitson, Wood, M. E.

NAY — Albert, Baker, Barnes, Bedard, Berry, G. W.; Binnette, Birt, Bither, Bourgoin, Bragdon, Brown, Call, Carey, Carrier, Churchill, Conley, Cote, Crosby, Cummings, Curran, Curtis, A. P.; Cyr, Donaghy, Doyle, Dyar, Evans, Finemore, Fraser, Gauthier, Genest, Good, Hall, Hardy, Haskell, Hawkens, Henley, Hewes, Immonen, Jalbert, Kelley, K. F.; Keyte, Lawry, Lebel, Lee, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lynch, MacLeod, Mahany, Manchester, McCormick, McNally, Mosher, Page, Payson, Pontbriand, Pratt, Rocheleau, Rollins, Ross, Shute, Silverman, Simpson, T. R.; Starbird, Stillings, Tanguay, Theriault, Trask, Webber, White, Wight, Williams, Wood, M. W.; Woodbury.

ABSENT — Bartlett, Berry, P. P.; Bunker, Clark, Dam, Jutras, Kelley, R. P.; Lessard, Maddox, McKinnon, O'Brien, Rand, Santoro, Scott, Smith, E. H.

Yes, 57; No, 78; Absent, 15.

The SPEAKER: Fifty-seven having voted in the affirmative and seventy-eight having voted in the negative, with fifteen being absent, the motion does not prevail.

The Chair recognizes the gentleman from Bath, Mr. Ross and inquires for what purpose does he rise?

Mr. ROSS: Mr. Speaker, to move for reconsideration. And I hope everybody votes against me.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House reconsider its action whereby this failed of passage to be engrossed. All in favor will say aye; those opposed will say no.

A viva voce vote being doubted by the Chair, a vote of the House was taken.

54 having voted in the affirmative and 74 having voted in the negative, the motion did not prevail.

Sent to the Senate.

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

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

Tabled — June 1, by Mr. McTeague of Brunswick.

Pending — Passage to be engrossed.

Mr. Good of Westfield offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-405) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. GOOD: Mr. Speaker, Ladies and Gentlemen of the House: There is a federal law recently passed that places agricultural workers, heretofore exempt, under health and safety regulations similar to that that applies to industrial workers. The law states that if the various states prepare a set of rules and regulations, as far as health and safety is concerned for agricultural workers, that is acceptable to the federal government, the Feds will leave the administration of these rules up to the state. If this is not done there will be a complete takeover by federal regulators and the results will be, judging from past experience, much more difficult to live with.

This amendment clears the way to allow the Department of Agriculture, after public hearings, to adopt, regulate, administer and enforce a comprehensive set of health and safety rules that agriculture people can tolerate.

We had a meeting yesterday afternoon in the Agriculture Commissioner's office, which included; Senator George Chick, representing Apple Growers; William A. Downing of the Milk Producers; Ronald F. Berry, Agricultural Advisory Council; Basil Fox, Maine and National Potato Council; E. Ashley Walter, Jr., Maine State Grange; Smith McIntyre, Aroostook Farm Labor Commission; Mr.

Harland of the Dept. of Agriculture; Maynard Dolloff, Commissioner of Agriculture; and Miss Marion Martin, Commissioner of Labor and Industry.

There was unanimous agreement in this group that this amendment is really necessary and that this is the proper procedure to follow to prevent the State of Maine from falling into an embarrassing situation later on. I hope that you will support this amendment.

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

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

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

Tabled—June 1, by Mr. Birt of East Millinocket.

Pending—Passage to be enacted.

On motion of Mr. Bragdon of Perham, retabled pending passage to be enacted and specially assigned for Monday, June 7.

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

Bill "An Act Restricting Use of Certain Campsites" (H. P. 996) (L. D. 1358) — In House, passed to be engrossed as amended by Committee Amendment "A" (H-268) as amended by House Amendment "A" (H-281) thereto. — In Senate, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" and Senate Amendment "A" (S-185) thereto in non-concurrence.

Tabled—June 1, by Mr. Birt of East Millinocket.

Pending—Further consideration.

On motion of Mr. Birt of East Millinocket, retabled pending further consideration and tomorrow assigned.

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

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

Tabled—June 2, by Mrs. Goodwin of Bath.

Pending—Passage to be engrossed.

Mr. Bustin of Augusta offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-393) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: First, let me take this opportunity to thank Representative Ault from Wayne for tabling this item last Friday, and also my appreciation to the House for its action this week whereby it accepted the Minority "Ought to pass" Report, in order to give me the chance to have this amendment prepared which would make the bill palatable.

A very brief history of this bill—the legislation without the amendment is a model bill which is developed by the New England River Basins Commission. When I introduced it I did not expect that it would pass, so we prepared a redraft. The Natural Resources Committee evidently didn't have a chance with its busy schedule to fully consider the redraft and reported it out "ought not to pass." Although some of the committee members have told me that the bill would not be objectionable if the regulatory functions were not in the bill.

I too, as I said the other day, am opposed to the bill in its present form. However, House Amendment "A" wipes out the regulatory features in the bill. I believe this bill, if amended, would be a major piece of environmental legislation. We have the opportunity to begin now to protect our rivers and streams for the benefit of the public and to protect our property against flood damage.

When land is misused problems develop and remedial projects to check them must be undertaken. Further, urban development on river valley land robs us of scenic open space and clean water. Public

vigilance, intelligent planning and far-sighted policy can save both money and the river valley itself.

Good development policies for the stream valley could establish open spaces and well-planned institutional uses as basic values in the future growth of this state. Suitable development policies for the river valley can also lower the cost of curbing health and safety hazards such as pollution and floods. By coordinating future land uses with existing ones, development controls can maintain a corridor of high-quality environment along the streams.

The first step in such a program involves the proper delineation of the flood plain. This legislation, L. D. 644 with House Amendment "A", is designed to make a start on the proper delineation of the flood plain.

Federal sources of funding of flood plain studies is being used to the maximum extent possible. However, this only scratches the surface of the job to be done. Costs from complete hydrologic determination of 100-year frequency flood plain is relatively expensive.

This legislation, as proposed, will establish the 100 year frequency flood plain as the legal definition of flood plain. Presently there is no such legal definition in the state. The 100-year flood plain was chosen because this is the usual definition used by other states and by the federal government for flood control projects, flood insurance programs and flood plain delineation. It gives the proper degree of protection without undue restrictions.

This legislation, if enacted, will provide municipalities with the basic data they need to properly regulate the land within their boundaries which are subject to flooding. This information has not been available except in a few instances previously.

As our rivers and streams are cleaned up through the control of pollution, the pressures for development adjacent to these rivers will increase greatly. This development pressure will be accentuated by the lack of land around lakes for development. It is my personal belief that much

of the protection of our stream valleys can be accomplished by flood plain management.

I will close with a quotation from the Natural Resources Council, Maine Environmental Bulletin, the January '71 issue, a piece entitled *A Few Thoughts on Flood Problems*.

"When the Interim Report of the New England River Basins Commission on the 'Wise Use of Flood Plains' appeared in July 1969, its conclusions were not encouraging. '... Estimates for the New England area indicate that average annual flood damages will rise from \$21 million in 1966 to \$63 million in 2000... Man's continuing encroachment on the flood plain has more than offset every gain earned by the flood control dams, floodwalls, dikes and associated improvements.

"The Interim Report has been followed in December 1970 by three alternatives for comprehensive flood plain regulation. The Commission has recommended that a combination of state and local action would produce the most efficient program. In Maine, legislation incorporating the principles of this alternative is currently being introduced into the 105th Legislature. Maine has suffered some severe flooding in the past and the pressures of more and more people moving north from megalopolis will mean an ever increasing potential for flood plain destruction, especially in the areas where little development has previously occurred.

"However, Maine presently has little control over coastal or river flood plain areas. The Site Location Law gives broad jurisdiction over developments which will have adverse impact on the environment while the Governor has named the Soil and Water Conservation Commission to handle the Small Watershed program, coordinate flood plain studies and coordinate the Flood Insurance Programs. On a local level the zoning and sub-division enabling statutes do not mention flood hazards, only 'safety from fire and other hazards.'" The Commission felt, therefore, that Maine is currently in an excellent position to implement Alternative

“A”, which is the legislation which is before us.

Such legislation exists in two states, Connecticut, where it was enacted in 1955; Nebraska enacted in 1965. These states passed the law after flood disasters of major proportions had occurred. Last year we did not particularly have what we would call disasters, except in special local areas, but Maine did have four to five million dollars in flood damage, and \$875,000 worth of that was to municipal buildings.

I believe that we must act before we are confronted with a crisis of this kind. So I would urge the adoption of House Amendment “A” and the bill.

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

Mr. PORTER: Mr. Speaker and Members of the House: When a sponsor presents a bill he generally has a very good reason for it. He has some strong feelings for it, and I hesitate to play too rough with it. Therefore, I was well pleased when the sponsor said that he was not too well pleased with his bill, because I am not pleased with it either, and therefore I move that it be indefinitely postponed.

The SPEAKER: The gentleman from Lincoln, Mr. Porter, moves that House Amendment “A” be indefinitely postponed. The Chair will order a vote. All in favor of indefinite postponement of House Amendment “A” will vote yes; those opposed will vote no.

A vote of the House was taken. 57 voted in the affirmative and 40 voted in the negative.

Mr. Lucas of Portland requested a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. Porter, that House Amendment “A” to Bill “An Act Establishing the Flood Hazard Area Management Act of Maine,” House Paper 498, L. D. 644 be indefinitely postponed. If you are in favor of indefinite postponement of House Amendment “A” you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS — Bailey, Baker, Barnes, Berry, G. W.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Call, Carrier, Churchill, Collins, Cote, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, Emery, D. F.; Emery, E. M.; Evans, Faucher, Finemore, Gagnon, Hall, Hanson, Hardy, Haskell, Hawkens, Hayes, Henley, Hewes, Hodgdon, Immonen, Kelleher, Kelley K. F.; Lee, Lewin, Lewis, Lincoln, MacLeod, Manchester, Marstaller, McCormick, McNally, Millett, Morrell, Mosher, Norris, Page, Parks, Porter, Pratt, Rocheleau, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Theriault, Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Woodbury.

NAYS — Albert, Ault, Bedard, Bernier, Boudreau, Bourgoin, Brown, Bustin, Carter, Clemente, Conley, Cooney, Cottrell, Crosby, Curran, Cyr, Dow, Doyle, Drigotas, Dudley, Farrington, Fecteau, Fraser, Gauthier, Genest, Goodwin, Hancock, Herrick, Jalbert, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Littlefield, Lucas, Lund, Lynch, Mahany, Marsh, Martin, McCloskey, McTeague, Murray, Orestis, Payson, Pontbriand, Ross, Slane, Smith, D. M.; Susi, Tanguay, Vincent, Webber, Wheeler, Whitson.

ABSENT — Bartlett, Berry, P. P.; Bunker, Carey, Clark, Dam, Dyar, Gill, Good, Jutras, Kelley, R. P.; Lessard, Lizotte, Maddox, McKinnon, Mills, O’Brien, Rand, Santoro, Scott, Sheltra, Smith, E. H.; Starbird, Stillings, Susi, Wood, M. E.

Yes, 69; No, 55; Absent, 26.

The SPEAKER: Sixty-nine having voted in the affirmative, fifty-five in the negative, with twenty-six being absent, the motion to

indefinitely postpone House Amendment "A" does prevail.

Thereupon, on motion of Mr. Donaghy of Lubec, the Bill was indefinitely postponed and sent up for concurrence.

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

Bill "An Act relating to Parimutuel Pools in Harness and Running Horse Racing" (H. P. 1332) (L. D. 1746) — In Senate, passed to be engrossed.

Tabled — June 2, by Mr. Kelleher of Bangor.

Pending — Adoption of House Amendment "A" (H-372).

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

Mr. ROSS: Mr. Speaker and Members of the House: During the past two weeks there has been a great deal of debate on horse racing here in the House, primarily by the gentleman from Bangor, Mr. Kelleher, who is the expert; and me, the rank novice and amateur. But the House finally decided to accept Report "B" as worthwhile. This raised the take-out from 18 to 19% with the one percent going to the tracks to help defray their added costs.

A few days ago the insinuation was made that tracks were real money makers. In reality this is not so in Maine. Scarborough in the last two years lost \$700,000. The agricultural fairs are very lucky to break even. This amendment would give only one half of a percent to the licensee, and the other half percent to the town in which the track was located.

It is not what Report "B" did. The fairs and other tracks oppose it. I was in favor of Report "B", so I now move the indefinite postponement of House Amendment "A".

The SPEAKER: The gentleman from Bath, Mr. Ross, now moves that House Amendment "A" be indefinitely postponed.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Bath, Mr. Ross, is correct. We have been

kicking this bill around now for quite a while, and he is a great man for compromises. We voted to insist and ask for a Committee of Conference the other day, and all of a sudden we had a retake on this.

This amendment that Mr. Dam has offered still brings it up to 19%. I am not entirely happy with it, but I think I can compromise a little this morning and support it. All this simply does is take half a cent and give it back to the management, and they certainly don't deserve it. But seeing the way the vote has been going the last few days it looks like they are going to get it. And it takes the other half of the one percent and gives it to the towns that these tracks are operated in. I don't think that is too unreasonable.

We are taking it out of the taxpayer's pocket, and if there is one thing we can do we should put a little of it back in. We have taken a considerable amount out over the many many years the parimutuel has been around; and the figures that Mr. Ross is saying that these people operate at a loss is not correct, it is not correct at all. I am not going to get excited about it today. But I just hope that you people do adopt the amendment and put it on. If I am going to have to bite off a little, I don't see why maybe these people can't. Believe me, they have been gnawing on that cake for a long time. And if we are going to give them a little extra frosting we might just as well get a little of it ourselves. So I urge the House to support the amendment.

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

A vote of the House was taken. 62 having voted in the affirmative and 53 having voted in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker, I would now move for the indefinite

postponement of this bill and all of its accompanying papers, and I would like to speak briefly to my motion.

The SPEAKER: The gentleman from Fairfield, Mr. Lawry, now moves the indefinite postponement of L. D. 1746. The gentleman may proceed.

Mr. LAWRY: Mr. Speaker and Members of the House: The gentleman from Bath makes much of the fact that the tracks are not making money. He speaks about the fact that the agricultural associations are breaking even, not making any profit. Well, this is my understanding of what a nonprofit organization should be. If they are breaking even they are doing darn well.

Secondly, I am in business, and I expect a few of you are here. And my margin has been going down over the years, and no one has stepped in to increase that margin. I feel that rather than be increasing the margin of these associations we should be thinking about cutting it maybe to 17 percent.

Thirdly, we have had a question of a lobby. Check your roll calls and see if the lobby is effective.

And lastly, we are worried about our image as being a lackluster legislature. In my opinion our image has been made. And I have some pretty short sweet words for it: petty, pompous, verbose; we are committed to self service and to special interests, and I hope that when we vote it will be by the roll call, and we vote to indefinitely postpone this measure and all of its accompanying papers.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: The only reason I speak on this is the reason that this bill was before Taxation, and I understand this — my understanding of the bill is a little different than Mr. Ross's, because I don't believe that Scarborough proved a point where they were losing money. They were losing money on paper, I will agree. But they also had the depreciation on their buildings, their amortization on all their

equipment. And if they lose a couple, \$300,000 over and above, with the depreciation on an outfit that costs three or four million dollars, I don't think they are losing any money. I think they are making money.

So I hope you will go along with the indefinite postponement of this bill.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: You people that were here in the 104th, remember we had a special piece of legislation concerning the Downs, and that was for Sunday racing. And my good friend from Manchester, Mr. Rideout, was the sponsor of that bill. I stated to the House back then that if we passed the Sunday racing bill that perhaps the Downs would — to use the Downs as an example — that they would stop racing on Tuesdays, and I was told I was 100% wrong, they certainly would not. And they said this also at the hearing.

I also stated that we would be losing money, and not only Tuesdays would we stop, but they would stop racing down there Mondays. And I was also told I was wrong. Well, I wasn't wrong. They lost money when they went to Sundays, because they eliminated Tuesdays and they eliminated Mondays.

Now I think I know what I am talking about here. And as far as these poor souls, and I am not going to say it again, that they need this money; they certainly do not. I hope you support the indefinite postponement motion.

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

Mr. GAGNON: Mr. Speaker and Members of the House: I guess I had better say something. I stated before that when I proposed this bill it was not quite as it came out in its final draft from the committee. I have kept from speaking on it since then because I wasn't sure myself what was going to happen.

I would like to have seen the Town of Scarborough get that half of one per cent; it would have cer-

tainly helped us. However, speaking for the track, I propose this measure not for any reason that I am involved with the track. I did it on an accommodation basis strictly. When this new ownership took over Scarborough Downs a few years ago it did quite a bit of renovation. It put approximately \$2 million into the track.

It has not—and I don't think it has this year—gotten back any portion of what it put in. Mr. Ross is correct in his statement that the track did lose some \$700,000 last year.

My thoughts on this initially were that if the track does well, **so does Scarborough ultimately.** It is quite a tax base for the town. We do not want to lose it.

Prior to the present owners, the track was going down hill steadily. It was not making ends meet, and it couldn't have stayed in operation too long. My whole point in this bill is to obtain a little relief for these people so that possibly in the near future Scarborough can have an effective result of the good business that it might produce. This was my only intention, and I would hope you people would give this consideration.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I guess the State of Maine in one way or another is financing private business. We did it up in Aroostook County and we have been kicking our arms ever since on it. And this is just another way of doing it. It is a little more fancy way of doing it, simply takes it right out of their pockets, right out of their pockets completely, out of the State's pocket rather.

And this particular race track that my good friend is talking about, like all of the rest of them, believe me if they could have all of the dates in their area they would take them. And I know, because I have been around. And believe me, if Scarborough Downs could get 40 weeks of light harness racing and 12 weeks of running racing—if they could get the whole year they would take it. They are

no different than any of the rest of them.

And these people that seem to be losing money are hounding and bounding the Racing Commission for dates. They are trying to say, "Well, this track over here, they are not going eight-wide, so don't let them race there; and they don't have tunnels underneath the center field to prevent the automobiles from coming in, we don't want to race there." They will do anything to get these dates, for people that are losing money.

Now some of these gentlemen up back here in the Hall of the House would agree with me on that. So don't let them hoodwink you by telling you that these poor souls are losing money, because they are not. They are trying to lose some of the taxpayer's money, but their money they are not losing.

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen: I have tried to sit in my seat here all season; I haven't been up too much, but now we are getting into the nitty-gritty of some of these things, and taxation is very much involved, and I am on the Taxation Committee, and I think my heart is with the fairs. Of course they don't make money, and they are to be congratulated for staying within their budget. But if they could have a little extra money, this little extra yard or building or efficiency and attractiveness of accommodation to increase the efficiency and attractiveness of the fairs.

The SPEAKER: The Chair recognizes the gentleman from Windsor, Mr. Hayes.

Mr. HAYES: Mr. Speaker and Members of the House: I have listened with more or less impatience to my good friend from Bangor. He has talked too bloody much on this question, and of course he is on the wrong side of the fence anyway. He shouldn't be, because he along with every other member of this legislature are ex officio members of this state fair organization. You all

got passes and you all use them, I hope, because we like to see you.

He is worried about the amount of money that the State puts into this thing. If you will look at the figures, out of the total amount of money that is paid to these associations on account of racing, only three percent, three cent per capita, is the only amount of money that the State actually appropriates to go back to these fairs. It amounts to something like \$30,000 a year, out of the total of \$344,000 that comes back to the fairs in various ways in subsidies, stipend money so-called.

Now this comes out of the bettors. Now he is a bettor; if he doesn't want to bet he doesn't have to, and that goes for everybody else. Nobody asked you to come in there and bet; at least nobody dragged you to. They don't have to; you do it anyway. I have heard about enough of this business of the poor fairs. Of course we're poor. A fellow said over here a moment ago that is why we are in business. We are non-profit and we hope to continue. But we would like to pay our bills.

Let me give you just a little illustration of what it cost Windsor Fair — and that is why I am talking, because if I go back home without having said anything they will kill me. Last year all the take on the mutuels was a little over \$56,000. That was our take. Now our total expenses to operate the racing at Windsor Fair last year was almost \$58,000. Now how do you figure we made any money on that deal?

Now to be honest about it, we do, of course, have to consider that somebody comes through the gates and pays, but Susi and I know that very few do. The bettors most all get passes, and we love to give them to them because we like to get you in and then spend your money. But the point is that if it wasn't for this State stipend money that we are getting back, to which my friend Mr. Kelleher has referred to so many times, we just couldn't operate.

But it comes out of the bettors — not out of the State. I want to emphasize that point. All we are trying to do is run our business

and pay our bills, and I certainly hope that you won't reverse yourselves and go against this bill in the final analysis.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker, I would just like to pose a question to my good friend from Windsor, Mr. Hayes.

The SPEAKER: The gentleman may pose his question.

Mr. LAWRY: I appreciate the fact that \$56,000 was the total take and the expenses were \$58,000, but before I buy it I want a breakdown of what those expenses were.

The SPEAKER: The gentleman from Fairfield, Mr. Lawry, poses a question through the Chair to the gentleman from Windsor who may answer if he chooses, and the Chair recognizes that gentleman.

Mr. HAYES: I would be very glad to, but in view of the fact that I don't want to use up the time of the legislature, and I am sure that the rest of you fellows aren't as interested as he is, I will give him a carbon copy of the expenses and let him take it home and study it.

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 express a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Fairfield, Mr. Lawry, that Bill "An Act relating to Pari-mutuel Pools in Harness and Running Horse Racing," House Paper 1332, L. D. 1746, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Baker, Berry, G. W.; Bither, Bourgoin, Bragdon, Brawn, Call, Carey, Carrier, Carter, Cote, Curran, Donaghy, Doyle, Emery, D. F.; Emery, E. M.; Fecteau,

Finemore, Genest, Good, Hodgdon, Kelleher, Lawry, Littlefield, McCloskey, Millett, Mosher, Murray, Page, Rocheleau, Tanguay.

NAY — Albert, Ault, Bailey, Barnes, Bernier, Berube, Binnette, Birt, Boudreau, Brown, Bustin, Churchill, Clemente, Collins, Conley, Cooney, Cottrell, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dow, Drigotas, Dudley, Dyar, Evans, Farrington, Fraser, Gagnon, Gauthier, Gill, Hall, Hancock, Hanson, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Immonen, Kelley, K. F.; Kelley, P. S.; Keyte, Kilroy, Lebel, Lee, Lewin, Lewis, Lincoln, Lucas, Lund, Lynch, MacLeod, Mahany, Manchester, Marsh, Marsteller, Martin, McCormick, McNally, McTeague, Morrell, Norris, Orestis, Parks, Payson, Pontbriand, Porter, Pratt, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Susi, Theriault, Trask, Tyndale, Vincent, Webber, Wheeler, White, Whitson, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Bartlett, Bedard, Berry, P. P.; Bunker, Clark, Dam, Faucher, Goodwin, Jalbert, Jutras, Kelley, R. P.; Lessard, Lizotte, Maddox, McKinnon, Mills, O'Brien, Rand, Santoro, Scott, Sheltra, Smith, D. M.; Smith, E. H.; Starbird, Stillings.

Yes, 31; No, 94; Absent, 25.

The **SPEAKER**: Thirty-one having voted in the affirmative, ninety-four in the negative, and twenty-four being absent, the motion to indefinitely postpone does not prevail.

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

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

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

Tabled — June 2, by Mr. Evans of Freedom.

Pending — Passage to be engrossed.

Thereupon, on motion of Mr. Evans of Freedom, retabled pending passage to be engrossed and

specially assigned for Monday, June 7.

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

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

Tabled — June 2, by Mr. Norris of Brewer.

Pending — Passage to be engrossed.

Mr. Norris of Brewer offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-400) was read by the Clerk and adopted and the Bill passed to be engrossed as amended and sent to the Senate.

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

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

Tabled — June 2, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

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

MR. MARSTALLER: Mr. Speaker, there is an amendment being prepared and it is not ready yet, and I would hope that somebody would table this for one day.

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

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

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)

Tabled — June 2, by Mr. Evans of Freedom.

Pending — Passage to be engrossed.

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

MR. BRAGDON: Mr. Speaker and Members of the House: I happened to catch sight of this bill

the other day and I felt that it was not good legislation. Certain provisions in it by implication make practically every potato farmer in Aroostook County a law-breaker. I had some bad luck the other day opposing a unanimous committee report so this morning just to be on the safe side I looked up the personnel of the committee that came out with the unanimous report on this bill, and it is a very impressive bunch, and I felt myself sort of sagging down you know and wondering whether I wanted to attempt to attack this thing.

It is not easy sometimes when you make your resolve to do a thing like this and to find a way out.

However, I did find by looking in the Statutes that we have exactly the same thing in three or four places, that we have lived with for many years maybe. If it makes it any more effective to put it in again perhaps I shouldn't object to it and let them go ahead and put it in again.

The section which I refer to is Section 417 and I find that it appears in the Statute in many places. It is in regard to depositing, we will say, and in this instance I noticed it because it mentioned potatoes, and strange as it might seem—why didn't I read this section?

It says—"No person, firm, corporation or other legal entity shall place, deposit or discharge, directly or indirectly into the inland waters or tidal waters of this State, or on the ice thereof, or on the banks thereof in such a manner that the same may fall or be washed into such waters, or in such manner that the drainage therefrom may flow or leach into such waters, any of the following:" And then amongst the things they mention is potatoes.

Well I contend that every potato grower, if we happen to have in Aroostook County, or in the State of Maine for that matter, if we happen to have a heavy shower, by implication he could be guilty of this very thing which is in the Statute. Perhaps I was concerned because in our wisdom the other day we apparently put a penalty on of imprisonment for any infraction of environmental laws.

Perhaps in the past I thought we might get by with a little fine of somebody, but now I see myself going to jail. And on this point I had the opportunity to talk with a Justice of the Superior Court here the other day and I called his attention to the fact that we had passed such a law making it a jail sentence to infringe upon the environmental laws of the state.

I said "I suppose we will have to immediately begin to think about building some more jails." "Oh no," he said, "you are mistaken." He said, "The legislature makes a mistake when they make mandatory penalties like this, the only thing that you accomplish is that you clutter up the court procedure." He said, "We will have to consider these charges and so forth, but by no stretch of the imagination after we spend maybe weeks on a case are we ever going to get a jury that is going to convict, so you don't need to consider getting any more jails." So that kind of relieved my feelings in that area.

I think after making these remarks I am probably going to go along with this bill so as to add it to the laws again, so to make sure it works. There is an amendment here, another feature, that I think maybe everybody should perhaps take a look at. It puts under this provision, we will say, what they refer to as septic tank sludge.

Now I shudder to think how many people in the State of Maine, if we began to enforce this law, would immediately have to hire one of these trucks that go around and cleans out cesspools and probably find some good-natured farmer that would allow him to go and dump it on the ground where it might wash into the river, stream — it might not. But I am sure that there are many cesspools in the state that presently fall into the same category.

So we are talking about legislation that doesn't affect the one person, but lots of people. And of course we all know that when the filter bed of a cesspool gets filled up, if it is a hundred feet from the shore of a lake, it naturally begins

to seep in. Now probably the intent of all these things is good.

I had a rather unusual experience the other day. The people from one of my towns that I represent asked me to make an appointment for them with the Environmental Improvement Commission with regard to a pollution abatement setup. Now they came down here with tears in their eyes and the cash in their hands to correct the very thing that we are talking about here. They said that old septic tanks along the streets had begun to run over. They are leaking into the ditch in the road and they are running down by the Baptist Church and it is running into the stream that the good citizens of Presque Isle get their drinking water out of. And the thing that we want to know is, when are you going to get around to put up your share of the money so that we can come up with the kind of a pollution abatement thing you want? Well of course they didn't get any definite answer. If they don't, I assume they have got to either get one of these trucks that I talk about and perhaps do as I have done, get a pail on a long pole and dip out their cesspools so they won't run into the ditch. These two alternatives obviously are available.

So since this bill probably only puts practically the same thing again and again and again, perhaps the third or fourth time — I have found three, I think, in the statutes already that practically do the same thing. I think after these few remarks I guess I won't make a motion to indefinitely postpone it, but I just wanted to call to your attention some of the things that we are living with that are hanging over our heads. We hope that the people, the most of them, will use extremely good judgment and not push us too hard.

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

Mr. WHITSON: Mr. Speaker, I offer House Amendment "A" to Committee Amendment "A" under filing number H-409 and move its adoption and would speak briefly to my motion.

The SPEAKER: The Chair understands that the gentleman from Portland, Mr. Whitson, moves that the rules be suspended for the purpose of reconsideration of the adoption of Committee Amendment "A". Is there objection?

The Chair hears objection.

The Chair will order a vote. This requires a two-thirds vote. All in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

49 having voted in the affirmative and 44 having voted in the negative, 49 not being two-thirds, the motion did not prevail.

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

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: You have heard Mr. Bragdon give a pretty good account of this bill. A couple of years ago we passed an Environmental Control Bill, and already almost every day we get in two or three bills to strengthen and enforce and one thing or another. If we want the Environmental Control Agency to run the State of Maine, then I suggest we pass all of these, but I don't want them to. I move that this bill and all of its papers be indefinitely postponed.

The SPEAKER: The gentleman from Albion, Mr. Lee, moves the indefinite postponement of this Bill and all accompanying papers.

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

Mr. WHITSON: Mr. Speaker and Ladies and Gentlemen of the House: I will be very brief — that should be a relief. The law currently resembles this bill very closely. If you look at Title 38, at the sections pertaining to the deposit of refuse in inland bodies of waters, the law is very similar to the wording of this bill. It is already unlawful to place oil, forest products and potatoes on the banks of an inland water. This bill is just a rewrite of the law already on the books. The revisions are minor. They consist of such things as changing the words "no person, corporation or

other party" to the more acceptable wording, "no person, firm, corporation or other legal entity." Killing this bill would only damage an attempt at making laws on the books more manageable.

I think that the opponents of this bill are laboring under the misimpression that this is a new law — it isn't. These are already laws. This is just an attempt to make these laws more effective, more equitable. I hope you defeat the motion to indefinitely postpone.

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

Mr. EVANS: Mr. Speaker, Ladies and Gentlemen of the House: I was very questionable of this bill when I saw it on the calendar yesterday and I had it tabled, I went down to the Attorney General's office and talked this over with them.

Now there are a few features in 417 that are not exactly to my liking. But after discussing the bill with them and reading the law, also this amendment, I really believe that we should pass this bill and we also should put that amendment on it, because actually that amendment stops these men who go around and pump out these sewers, and then go dump it into a stream or anywhere else. And that is what that amendment was put on for; and a number of old cars and so forth that are dumped into ponds, streams and so forth.

Well I know that we don't want to hinder the farmers or the manufacturers, but we have got to have some regulation. I really believe that we should pass this as it reads because it does straighten out the law and makes it more workable in all phases of it. And I think that you should vote against the indefinite postponement.

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

Mr. DYAR: Mr. Speaker, a parliamentary inquiry. Is this bill in the third reading stage or has it been passed to be engrossed?

The SPEAKER: The Chair would advise the gentleman that it is a third reader and it is subject to amendment, and it is ready to be passed to be engrossed. The pend-

ing question is indefinite postponement.

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

Mr. VINCENT: Mr. Speaker, why did we have to suspend the rules if it is in the third reading?

The SPEAKER: The Chair would advise the gentleman that Committee Amendment "A" was adopted on June 1.

Mr. VINCENT: But why did we have a suspension of the rules if it wasn't engrossed, it was in third reader?

The SPEAKER: The Chair would advise the gentleman that he will give him a lesson in parliamentary procedure after the session.

Mr. Vincent of Portland requested a roll call on the indefinite postponement motion.

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

Mr. WHITSON: Mr. Speaker, it is my understanding this bill is not in the enactor stage?

The SPEAKER: The Chair would advise the gentleman that it is in the position of being passed to be engrossed.

Mr. WHITSON: Then amendments are acceptable without a suspension of the rules.

The SPEAKER: A plain House Amendment would be acceptable without suspension of the rules. The gentleman's amendment was to Committee Amendment "A" that was adopted on June 1.

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

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

Mr. Martin of Eagle Lake requested the Committee Report be read by the Clerk.

Thereupon, the Clerk read the Report.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: It is obvious that this was a unani-

mous report from the Committee on Natural Resources. It is also obvious from the debate that this is merely rewording some of the language that is already on the books now.

Secondly, I would point out to you the Statement of Fact on the second page of 1468 which says that section one of the bill would prohibit the discharge of oil into any and all inland waters of the state. These waters were not covered by the oil discharge provision in the pollution control act which was passed in 1969. That in itself means to me that this is meaningful legislation.

As I recall, two years ago the vote in this body, and probably two thirds of you were here then, there was one negative vote when this bill was finally passed by us. And so I would hope today that you would vote against the motion of the indefinite postponement and vote for passage.

The SPEAKER: The pending question is on the motion of the gentleman from Albion, Mr. Lee, that this Bill "An Act Revising the Laws Relating to the Deposit of Oil, Forest Products Refuse and Potatoes in Waters of the State," House Paper 1076, L. D. 1468, be indefinitely postponed. A roll call has been ordered. All in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bailey, Berry, G. W.; Bither, Bragdon, Brawn, Call, Dudley, Hall, Hardy, Kelleher, Lee, Littlefield, Lynch, Manchester, McNally, Mosher, Page, Porter Pratt, Shaw, Trask, Wight, Williams, Wood, M. W.

NAY — Albert, Ault, Baker, Barnes, Bernier, Berube, Binnette, Birt, Boudreau, Bourgoin, Brown, Carrier, Carter, Churchill, Clemente, Conley, Cooney, Cote, Cottrell, Crosby, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Donaghy, Dow, Doyle, Drigotas, Dyar, Emery, D. F.; Evans, Faucher, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Genest, Gill, Goodwin, Hancock, Hanson, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Jalbert, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lewin, Lewis,

Lincoln, Lucas, Lund, MacLeod, Mahany, Marsh, Marstaller, Martin, McCormick, McTeague, Millett, Mills, Morrell, Murray, Norris, Orestis, Parks, Payson, Pontbriand, Rocheleau, Rollins, Ross, Scott, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Susi, Tanguay, Theriault, Tynedale, Vincent, Wheeler, White, Whitson, Wood, M. E.; Woodbury.

ABSENT — Bartlett, Bedard, Berry, P. P.; Bunker, Bustin, Carey, Clark, Collins, Dam, Emery, E. M.; Farrington, Good, Jutras, Kelley, K. F.; Kelley, R. P.; Lessard, Lizotte, Maddox, McCloskey, McKinnon, O'Brien, Rand, Santoro, Sheltra, Smith, E. H.; Starbird Stillings, Webber.

Yes, 24; No, 98; Absent, 28.

The SPEAKER: Twenty-four having voted in the affirmative and ninety-eight having voted in the negative, with twenty-eight being absent, the motion does not prevail.

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

The Chair laid before the House the twelfth 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 — June 2, 1971, by Mr. Martin of Eagle Lake.

Pending — Motion of Mr. Emery of Auburn to indefinitely postpone.

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

Mr. ORESTIS: Mr. Speaker and Ladies and Gentlemen of the House: I won't take much time with this bill today. This is a home-rule issue and it is an issue which we felt should be decided within the Lewiston-Auburn delegation. Therefore, we had caucuses trying to work some of the objections out of the bill.

I had intended to present today an amendment to the bill calling for a local referendum, pursuant

to a vote of the caucus held a couple of days ago. However, since then I have had time to speak to members of the Lewiston and Auburn delegation and have discovered that seven out of ten of the members cannot vote for the bill and do not find it acceptable in its present form.

Therefore, rather than this late in the session take the time of the House with debate on this bill, and which would be obviously a futile effort to work out the kinks, I am not going to oppose Mr. Emery's motion to indefinitely postpone. We are going to work the problems out of the bill between now and the special session and bring it forward again in a new form. Therefore, I do not oppose Mr. Emery's motion to indefinitely postpone, and I quietly erect a little tombstone on the Lewiston-Auburn Airport for this session.

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Mr. Emery, that this Bill be indefinitely postponed in non-concurrence. The Chair will order a vote. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken, 104 having voted in the affirmative and none in the negative, the motion did prevail.

Sent up for concurrence.

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

Bill "An Act to Authorize Bond Issue in the Amount of \$3,850,000 for Student Housing at Central Maine Vocational Technical Institute, Eastern Maine Vocational Institute, Washington County Vocational 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) — In Senate, passed to be engrossed as amended by Committee Amend-

ment "A" (H-312) and House Amendment "A" (H-329). In House, Amendment "A" indefinitely postponed in non-concurrence.

Tabled — June 2, by Mr. Susi of Pittsfield.

Pending — Adoption of House Amendment "B" (H-391).

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

The Chair laid before the House the fourteenth 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 2, by Mr. Hardy of Hope.

Pending — Adoption of House Amendment "B" (H-398)

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

Mr. McTEAGUE: Mr. Speaker, I note that the sponsor was called out of the House a short time ago, and I wonder if someone would be good enough to table this for one legislative day.

Thereupon, on motion of Mr. Jalbert of Lewiston, retabled pending adoption of House Amendment "B" and tomorrow assigned.

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

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act to Amend the Laws Relating to the Trustee of Wages" (S. P. 226) (L. D. 672)

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

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

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

Mr. Emery of Auburn withdrew House Amendment "B".

Thereupon, Mr. Simpson of Standish offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-396) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker, I wonder if the gentleman from Standish could explain the amendment for us.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "D" would change one word, the word "purchased" to the word "acquired", which is in Section 5 under the exemptions, and it would read as this: "No person shall be required to comply with these provisions if the lot or lots owned by him were purchased" and that word would be changed to "were acquired on or before. . ." and then we have an amendment of January 1, 1972.

I would further add to the gentleman from Eagle Lake that the intent of this is just to put in the exemption that a man could acquire property through either a gift or inheritance, rather than just through a straight purchase. And this was to broaden the exemption field out.

Thereupon, House Amendment "D" was adopted.

Mr. Norris of Brewer offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-404) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen: This amendment allows a lot containing a frontage of less than 75 feet to be used for single family residence if it is approved by the Department of Health and Welfare. It also provides that 75 foot frontage will not be applicable to lots acquired before the effective date of the act.

The SPEAKER: Is it the pleasure of the House to adopt House Amendment "E"?

(Cries of "No")

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: Just a little further clarification. This amendment was drawn up by the Attorney General's office just to make the bill a little more applicable and try and protect the people who would come under this law that have purchased lots and haven't had a chance to build.

Now this isn't going to help the big speculators or anything like that. This is all intended, and as I say, from the Attorney General's office, to help the little man that owns the lot now, and as I say, of course then you will come entirely under the law by the first of next year.

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

Mr. BITHER: Mr. Speaker and Members: This House Amendment "E"—and I wish you people would read it, because I talked with the gentleman from Brewer and I thought he gave me to understand that it did not reduce the 20,000 square feet that we have under the bill. Now this bill I think is a pretty good bill if we take all the amendments and throw them in the wastebasket. It inserts in its place a lot containing less than 20,000 square feet. And so I am really talking to Mr. Norris right now. If that doesn't read that way, I wish he would explain it to me—less than 20,000 square feet.

The SPEAKER: The gentleman from Houlton, Mr. Bither, poses a question through the Chair to the gentleman from Brewer, Mr. Norris, who may answer if he chooses; and the Chair recognizes that gentleman.

Mr. NORRIS: Mr. Speaker and Members of the House: To answer the question, if the gentleman will read the original bill he will find that this exemption is contained in the original bill. All that is added here is the 75 feet. If he will read the original bill he will find that they can, under the original bill, can build on less than

20,000 square feet if they get a permit from the Department of Health and Welfare. This only adds the 75 feet, which was added with this bill.

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

Mr. BITHER: Mr. Speaker and Members of the House: I still don't like that less than 20,000 feet, whether it was in the original bill or not. But now Mr. Norris has added "a lot having a minimum frontage on a lake, pond, river, stream or seashore of less than 75 feet." In the name of heavens, how are you going to build a cottage on less than 75 feet? If you built a 40 foot cottage you are going to have approximately 15 feet on either side, and you are not going to have room to maneuver. Now of course, you are going to have room to maneuver. I am away off on that; anyone can walk around in 15 feet.

Then it goes on to say this is a single family residence, and this will only happen if approved by the Department of Health and Welfare. What in heaven's name does the Department of Health and Welfare know about a lot down in Jonesport? And what are they going to find out? They haven't got anyone over there I don't believe that can approve or disapprove of this lot. On this basis—now listen—on this basis, on the basis of percolation tests—and I would like to ask someone if they can tell me, who makes this percolation test—soil type—who makes the soil type—soil observation holes?

Now look, I worked—this may sound like someone else in the chamber—I worked 25 years summers on this very thing, and I know what it means to make percolation tests. And the only one so far as I know, outside of a few companies, is the Soil-Conservation Society.

Soil types. I matched soil types for 24 years, and I would like to say to Mr. Norris and everyone interested that after making these—typing this soil and making these soil maps. I don't think anyone pays any attention to them at all. I really mean that. And I don't think the Department of

Health and Welfare would pay any attention to them either.

Now what are these soil observation holes made in a representative manner? I claim this is just verbiage. I don't care who wrote it. It is just verbiage. Soil observation holes made in a representative manner. Now if that is me making soil observation holes in a representative manner, I have a little soil auger that I use to sit on most of the time. But once in a while I bore a little hole in the soil and that is a soil observation hole in a representative manner; or if I feel real ambitious I will take my shovel and dig a hole down. That is, I suppose, a soil observation hole made in a representative manner. I think this is silly.

When they recommended by a registered engineer—and, registered engineer doesn't know anything about soils, nor do they know anything about geology. I think Mr. Norris has been caught off base, that is what I think. I have a great deal of respect for this gentleman. I have learned to respect his judgment. But on this particular case I think he is way off base. I think this is a ridiculous thing. You cannot build and you should not build a cottage on 75 feet.

Now I talked with Mr. Norris and I perhaps shouldn't tell you what he told me, I don't think he told me this in confidence—that on one or two occasions you have a little cove, and I got the idea that he had one cove in mind. And that cove, here is a man that owns this cove, and he has 40 acres, and he wants to build a house right in the middle of it, but it only has a frontage of about 30 or 40 feet, something like that. And that is why we have got this less than 75 feet in here. Well, I would suggest that Mr. Norris tell his friend that he make that 35 or 40 feet into a private right-of-way down to the shore, and not try to change the laws of Maine to conform to the one or two little examples.

You just stop and think, in a development around a lake—and this is most important—the Health and Welfare people will be interested in this, I assure you. 75

foot lot, or he says less than 75 feet. It might be 25 feet, and if it is 40 feet you are going to have a series of shacks. If you put a 40 foot house on a 75 foot lot, I would just like to have someone tell me what you are going to have for sewerage.

Now in the past we have been running—I say we—it has been done on our lake—we have been running our sewerage right into the lake. And you can't do that any more. You are going to have to have a septic tank. And if you have a septic tank, I hope all you people know this—if you have a septic tank you have got to have a filter field. Where on a less than 75 foot lot are you going to have a filter field? Are you going to have it under your neighbor's bedroom window, or perhaps in his basement? I think this is a ridiculous thing changing this to less than 75 feet. I hope you refuse to accept this Amendment "E", because the bill as it stands is not too bad.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: To answer the good gentleman, Mr. Bither, the law as it is written on the books now as pertaining to the 20,000 square feet, the only way that you can go on less than 20,000 square feet is with a special license from the Department of Health and Welfare.

Now I don't mean to stand here and try and argue against the geologists for the Department of Health and Welfare. I am not here to protect them. But they are the people who do make these tests and they are the people who grant these licenses and have been ever since the law came into effect on January 1, 1970. So that is all I will say on that, and I do hope you go for this amendment, and I don't have—I would have another thing—I have no special person in mind, I assure you. This is just trying to help the people that might come under a special circumstance, and the only way that you could exclude them is by this method.

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

Mr. HODGDON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to first inform Mr. Bither that not only is Mr. Norris off base, but many more people in this House are off base in regard to this law. This is a law, believe it or not, that is being strictly enforced by the State of Maine.

Now if I could take two or three minutes of your time to give you a little background. The law as originally presented had one meaning, and that was if a development was to be put up on a lot that did not have either a public sewer or public water, then the lot size must be 20,000 feet. The law stipulates, in the original bill, if you do have a sewer or if there is public water you can have a lot of less than 20,000 feet.

Now this is a reasonable bill. The only reason for it was that outside of the municipalities if a person wanted to build a house he would make sure that there was plenty of land between where he would put a well and where he would have a septic tank.

Now all of these words that appear in the amendments are words in the original bill. Before you can get permission to have a building permit, it becomes necessary for the applicant to either have the state or hire a licensed engineer to make soil tests. These soil tests are submitted to the Health and Welfare and if the soil is all right for drainage then the permit will be presented.

It is a good bill; it is a bill that is being enforced. I personally would hope that the amendment is defeated. We are going from the original 20,000 feet where we will make exception to less than 100-foot frontage. The next thing, we will be making it less than 10,000 square feet and we will end up with shanty towns. The law is in effect, it is being administered, and in my opinion administered well, although it might be a little time consuming and a little expensive to the developer. That is the background, and I think — I will go along. I think the amend-

ment serves no useful purpose and I would urge its defeat.

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

Mr. EMERY: Mr. Speaker and Members of the House: I would remind some of the people that are concerned about septic tanks that there are a couple of inventions on the market today that will take care of sewage without septic tanks. There is an electro-chemical method and there is also a gas operated system that anybody can put on any lot.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen: I agree with Mr. Norris. I listened to Mr. Bither say he sounds like someone else in the House. No, I don't think he does. If he comes up to my town where the Annabessacook development is with over 300 lots, I will show him many lots in that development that only has 29 and 39 and 40 and 50 feet frontage. How do they put a cottage on it? There is a cottage on every one of those lots. That is the reason this went in.

He says, "How do they have a sewer?" I will tell you how they have a sewer. Eight or ten of them all enter into the same one. He says, "How about shore privileges?" They have a 22 foot that they are all allowed to go through down to the beach. They have middle lots; they have back lots. I would like to have Mr. Bither come up and look at it and see if he thinks the same as he does here today.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I am going to be very brief because I want to defend the registered engineer. And I think Mr. Bither knows what those little holes are that he has spoken about. He knows that that is what is spoken about in the percolation test, and it tells you how many of those little holes you shall bore and they will be no less than four inches in diameter. And I can assure him that besides my-

self there is another engineer behind me that knows what a percolation test is and has probably made many of them.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: I didn't mean to speak on this but I guess I am going to have to. And I do want to say that even though Mr. Norris and I sit fairly handy to each other, I don't believe, I don't recall that we have ever discussed this thing together.

The thing that has been mentioned here about the 75 feet, there is a misunderstanding about this and I would like to try to explain it just a little bit. I know of developments, I made one myself, 16 lots. One lot on that was 84 foot frontage; all the rest were 100 feet or in excess of it. The lot with the 84 foot frontage was the largest lot in the development.

Mr. Bither said that there were only one or two coves in the State of Maine. I know that there are one or more lakes in the State of Maine called square, but I don't think that there is a lake in the State of Maine that doesn't have coves in it.

It is quite possible if the intentions are good, if the rules and regulations that we have on the books now are followed, that the 75-foot frontage is still going to give you ample room for sewerage, ample room for water.

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

A vote of the House was taken. 51 voted in the affirmative and 55 voted in the negative.

Thereupon, Mr. Norris of Brewer requested a roll call vote.

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

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

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

ROLL CALL

YEAS — Bailey, Berry, G. W.; Berube, Birt, Boudreau, Brawn, Brown, Clemente, Collins, Crosby, Curran, Curtis, A. P.; Doyle, Dyar, Emery, D. F.; Emery, E. M.; Evans, Faucher, Fecteau, Fraser, Gill, Goodwin, Hall, Hancock, Hardy, Hawkens, Herrick, Jalbert, Kelleher, Kelley P. S.; Keyte, Kilroy, Lebel, Littlefield, Manchester, Marsh, Martin, McCloskey, McNally, Mills, Norris, Payson, Pontbriand, Pratt, Ross, Scott, Shaw, Simpson, T. R.; Slane, Smith, D. M.; Tanguay, Theriault, Vincent, Wheeler, White, Williams, Wood, M. E.

NAYS — Ault, Baker, Barnes, Bernier, Binnette, Bither, Bourgoin, Bragdon, Bustin, Call, Carrier, Carter, Conley, Cooney, Cote, Cottrell, Cyr, Donaghy, Dow, Dri-gotas, Dudley, Finemore, Gagnon, Gauthier, Genest, Haskell, Hewes, Hodgdon, Immonen, Lawry, Lewin, Lewis, Lincoln, Lucas, Lund Lynch, MacLeod, Marstaller, Millett, Morrell, Mosher, Murray, Orestis, Page, Parks, Porter, Rol-lins, Shute, Silverman, Simpson, L. E.; Stillings, Susi, Trask, Tyndale, Whitson, Wight, Wood, M. W.; Woodbury.

ABSENT — Albert, Bartlett, Bedard, Berry, P. P.; Bunker, Carey, Churchill, Clark, Cummings, Curtis, T. S., Jr.; Dam, Farrington, Good, Hanson, Hayes, Henley, Jutras, Kelley, K. F.; Kelley, R. P.; Lee, Lessard, Lizotte, Maddox, Mahany, McCormick, McKinnon, McTeague, O'Brien, Rand, Rocheleau, Santoro, Sheltra, Smith, E. H.; Starbird, Webber.

Yes, 57; No, 58; Absent, 35.

The SPEAKER: Fifty-seven having voted in the affirmative and fifty-eight having voted in the negative, with thirty-five being ab-

sent, House Amendment "E" fails of adoption.

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

Mrs. BROWN: Mr. Speaker and Members of the House: Under 4804, section five, I would like to ask Mr. Simpson of Standish why the date October 1, '69 or if a plan of said lots was recorded prior to January 1, 1970 has been changed to January, 1972? I believe these dates, the original dates comply with when we originally passed the law. This would seem to me to be taking out a lot of little lots and letting them now come in under a law that they were actually held under from 1969 to now.

The SPEAKER: The gentlewoman from York, Mrs. Brown, poses a question through the Chair to the gentleman from Standish, Mr. Simpson, who may answer if he chooses. The Chair recognizes that gentleman.

Mr. SIMPSON: Mr. Speaker, may I have the Clerk tell me what Committee Amendment "A" number was?

The CLERK: House Amendment "A", H-354.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Under House Amendment "A" the new effective date would be the effective date on the lot size requirement only. Those lots and plans that have been recorded under the original 20,000 square foot law would still be under it prior to the January 1, 1970 effective date.

Thereupon, the Bill was passed to be engrossed as amended by House Amendments "A" and "D" in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Provide for Use of the Courts by Indigent Persons" (S. P. 606) (L. D. 1779) which was tabled earlier in the day and later today assigned pending the motion of Mr. Dudley of Enfield that it be indefinitely postponed.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen: I suspect that this was tabled because I was out to lunch. I do hope you will go along with the motion to indefinitely postpone. I think I told you some good reasons, and if you think it is necessary I can tell you some more, because I suspect my county doesn't have the funds for it for one thing, and I suspect your county doesn't either because they have already made up their budget. In Penobscot County we have the Pine Tree Society and these people are being represented anyhow, and I don't think it is necessary at this time to pass this type of legislation, and I hope you concur with me and we will indefinitely postpone this bill at this time.

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

Mrs. WHITE: Mr. Speaker and Members of the House: I oppose the motion of the gentleman from Enfield, Mr. Dudley, and I would make two or three comments concerning this bill.

It appears the cost of operating a court system is relatively a slight percentage of the total cost of government, and hence any change caused by this statute would almost be unnoticeable and not burdensome. A study reports that in a recent year counties spent about 6 percent of their budgets for the courts. Also, a study covering almost one quarter of the district divisions in Maine showed that payments on behalf of litigants to the district court over a twelve-month period for civil fees and small claims fees amounted to not quite eight tenths percent of the total revenues from civil and small claim fees collected by those courts. So it appears that this act will not have any appreciable effect on the court revenues collected in civil actions.

Another factor I think should be recognized is that every civil litigant is subsidized by the state in any event. Just for example, the district court in Augusta, South Kennebec, had a revenue of \$15,-448.16 for the twelve months last year, and this could hardly cover costs of salaries, heating, main-

tenance, paper supplies and so forth. The actual payment of fees and costs by the litigant does not pay for the entire operation of the district court. The state budget indicates this. Thus, the failure of the court to collect some of these fees has an even smaller effect on the financial operation and fiscal integrity of the courts.

Also, I would recall to your mind that the success of a poor litigant means that the nonpaid fees and costs will be recovered and the final effect of the act is reduced even further.

I would also mention to you that earlier you voted to pass this bill by a count of 76 to 54, I believe. I hope you will vote not to indefinitely postpone and to pass this bill.

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

Mr. HEWES: Mr. Speaker and Members of the House: I would like to support the motion of the gentleman from Enfield, Mr. Dudley. I think we should kill this bill because the present system is fair. Under the present system the loser pays the cost of court, whereas this bill would let certain parties not be liable for the cost of court.

Further, I question if it is very ethical for a lawyer to discuss the case with the judge before he institutes the suit when later on you are going to try that case before that judge. Under this bill the plaintiff's lawyer has to get the judge's permission in order to avoid having to pay the costs, his client pay the cost. He has to explain that his client cannot afford to pay the cost and then he has to explain that it is not a frivolous suit, that is not an action that is just brought for kicks, so to speak. And I submit that this is not a good bill and hope you support the pending motion to indefinitely postpone.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: Yes, I'm back; my voice is a little better. I would like to go on record as opposing this bill strongly. I recall what one of our

very fine gentlemen from down in the southwest corner of the state used to say about a bill. This is a bad bill, and it certainly is. It is a ridiculous bill, and I thought so all along.

I didn't suppose it would really get this far, but it seems to me that our various do-gooder groups are really carrying things too far. And this is almost the straw that breaks the camel's back. I hope you will vote to indefinitely postpone this bill.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I wasn't here when this passed last Friday. I wish I would have been, maybe it wouldn't have helped the situation. But I am here today. And I want to oppose this bill, and oppose it very strongly.

In the first place, I object to the connotation that this bill is for the poor people. Whenever you want to draw sympathy, regardless of what the situation is, all you have to do is put poor people on it. Well, I submit to you that the poor people need help, and I think that any of us are willing to give them help and that is the deserving poor people.

This bill proposes to have the use of the courts by certain individuals. I am not one of the individuals who could use this service. But I am one of them that would pay for this service to others. I submit to you that it is easy to be an indigent person if you want to be this. In my case, instead of working all night and coming here in the daytime, I could use a different approach and not go to work and qualify for this kind of help, for this free help, free advice from the Pine Tree Legal Association, which I will not take, which I will not cherish, and which I do not want.

The advice to these individuals would be only that if they put in a good day's work like some of us do, that they would be a little reluctant to having their money channeled for certain other people, certain other causes that do wish to live a different life.

I claim that any of us in this House is willing and will go overboard to help the deserving, needy person. This cannot be questioned. But I do question when my money is used to give all these free services to all these people who choose otherwise. Free rent, free meals, free medicine — and this is quite a deal.

Now before a claim is allowed, according to this bill, the judge must decide on the case. Well, this to me is a prejudgment of the case. Facts have to be given to the judge, and this is unfair to the opposing party. If this is justice, it is not the justice that I know or care to promote. Services of process according to this bill is not like it usually is by a deputy sheriff or a sheriff, but specially appointed persons by the court. The crux of this bill too is the county charge which actually will affect your pocketbook and mine. The process by mail, the transcript, the witness fees, and the serving the subpoenas and the attorney's fees can all come out of the county.

Now when you vote on this bill you think if the county is willing to actually support this expense. Now we have been told that the charges are a certain percentage, but we haven't been told just how much this costs. I suggest to you that the small costs be taken out, and borne by the half a million dollars, a grant recently given to the Pine Tree Legal Association. They are the ones that promote taking everything for nothing and not paying for everything. So take it out of their funds and see how they like it for a change.

I submit this proposal carries many socialistic tendencies which I cannot accept under any circumstances. I suggest that you vote for the indefinite postponement of this bill.

Mrs. Doyle of Bangor requested the Committee Report be read by the Clerk.

The Clerk read the Reports.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: There is a good deal of emotionalism tied up with this bill, and I am not go-

ing to tax your patience any longer. However, I noted that a number of the people who voted "ought not to pass" spoke, and I felt that one of us who signed "ought to pass" perhaps ought to give very briefly what we conceive as the issue here.

In order to get into court at the present time a person has to pay the sheriff to make service, he has to pay an entry fee. A couple dollars for the entry fee and a few dollars for the sheriff. Now if you accept the principle that there are some people who do not have this money, then they cannot get into court. This is the issue pure and simple. Are these kind of expenses going to serve to bar people from the use of our courts or are they not?

The State of Maine is not going to crumble and fall if this bill doesn't pass, but I would remind you that each day as we are in school, as we give a Pledge of Allegiance to the flag, it ends up "with liberty and justice for all." We don't say "with liberty and justice for all those who can pay the filing fees and the sheriff's fees."

The best we can figure out the cost of this would be approximately one per cent of what the present cost of supporting the court system now is. If the decision of the House is that the counties do not want to bear this cost, so be it.

The SPEAKER: The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that L. D. 1779 be indefinitely postponed. The Chair will order a vote. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

67 voted in the affirmative and 44 voted in the negative.

Mr. Vincent of Portland requested a roll call.

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

A vote of the House was taken, and more than one fifth of the

members present having expressed a desire for a roll call, a roll call was ordered.

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

Mrs. WHITE: Mr. Speaker, Members of the House: To pursue what the gentleman from Augusta, Mr. Lund, has said, I would say that it has always seemed to me there are two things — maybe more — but two that I feel very definitely an American citizen should have. And that is the right to vote and the right to have his day in court.

The SPEAKER: The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that Bill "An Act to Provide for Use of the Courts by Indigent Persons," Senate Paper 606, L. D. 1779 be indefinitely postponed in non-concurrence. All in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Albert, Ault, Bailey, Baker, Barnes, Berube, Binnette, Birt, Bither, Bragdon, Brawn, Call, Carey, Carrier, Carter, Collins, Cote, Cottrell, Crosby, Curran, Curtis, A. P.; Cyr, Donaghy, Dudley, Dyar, Emery, E. M.; Evans, Fecteau, Finemore, Fraser, Gauthier, Hall, Hardy, Hawkins, Henley, Hewes, Hodgdon, Immonen, Keyte, Kilroy, Lebel, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Marsteller, McNally, Millett, Morrell, Page, Parks, Payson, Porter, Rocheleau, Rollins, Scott, Shaw, Shute, Silverman, Simpson, T. R.; Stillings, Theriault, Wight, Wood, M. E.

NAYS — Bernier, Berry, G. W.; Boudreau, Bourgoin, Brown, Bustin, Churchill, Clemente, Conley, Cooney, Curtis, T. S., Jr.; Dow, Doyle, Emery, D. F.; Faucher, Genest, Gill, Goodwin, Hancock, Haskell, Herrick, Jalbert, Kelleher, Kelley, P. S.; Lawry, Lucas, Lund, Lynch, Mahany, Marsh, Martin, McCloskey, Mills, Murray, Norris, Orestis, Pontbriand, Pratt, Ross, Simpson, L. E.; Slane, Smith, D. M.; Susi, Tanguay, Trask, Tynedale, Vincent, Wheeler, White, Whitson, Wood, M. W.

ABSENT — Bartlett, Bedard, Berry, P. P.; Bunker, Clark,

Cummings, Dam, Drigotas, Farrington, Gagnon, Good, Hanson, Hayes, Jutras, Kelley, K. F.; Kelley, R. P.; Lee, Lessard, Lizotte, Maddox, Manchester, McCormick, McKinnon, McTeague, Mosher, O'Brien, Rand, Santoro, Sheltra, Smith, E. H.; Starbird, Webber, Williams, Woodbury.

Yes, 65; No, 51; Absent, 34.

The SPEAKER: Sixty-five having voted in the affirmative, fifty-one in the negative, with thirty-four being absent, the motion does prevail. It will be sent up for concurrence.

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

Mr. HEWES: Mr. Speaker, I move we reconsider, and I ask you to vote against it.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves reconsideration whereby this was indefinitely postponed.

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

Mr. LUCAS: Mr. Speaker, I move that it lie on the table for one legislative day.

Mr. Curtis of Bowdoinham requested a division.

The SPEAKER: The gentleman from Portland, Mr. Lucas, moves that the reconsideration motion be tabled for one legislative day. A division has been requested. All in favor of tabling for one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

38 having voted in the affirmative and 78 having voted in the

negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that the House reconsider its action whereby L. D. 1779 was indefinitely postponed. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

35 having voted in the affirmative and 74 having voted in the negative, the motion did not prevail.

Mr. Ross of Bath was granted unanimous consent to address the House.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to call to the attention of the House the roll call sheet number 216, because the title says "An Act relating to Tax Relief for the Elderly" and it shows that the House indefinitely postponed this 91 to 38.

This name was a misnomer. We were voting on the head tax. We were not voting against the elderly, and I want the record to show that. The tax relief for the elderly bill should be before us tomorrow, and I would predict it would have almost unanimous approval of both segments of this House.

On motion of Mr. Hall of Windham,

Adjourned until nine o'clock tomorrow morning.