

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, June 4, 1971

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

Prayer by the Rev. Mr. Jack E. Shankel of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees
Ought to Pass with
Committee Amendment**

Report of the Committee on Natural Resources on Bill "An Act Empowering the Environmental Improvement Commission to Conduct Studies Relating to Noise Pollution (S. P. 407) (L. D. 1223) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-220) was read by the Clerk and adopted in concurrence, and the Bill assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act relating to the Maine Area Land Development Authority" (S. P. 462) (L. D. 1385)

Report was signed by the following members:

Messrs. JOHNSON of Somerset
WYMAN of Washington
CLIFFORD
of Androscoggin
— of the Senate.
Messrs. MARSTALLER
of Freeport
DONAGHY of Lubec
HODGDON of Kittery
CURTIS of Orono
STILLINGS of Berwick
— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (S. P. 612) (L. D.

1792) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. FARRINGTON
of Old Orchard Beach
COONEY of Webster
Mrs. GOODWIN of Bath
Mr. STARBIRD
of Kingman Township
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

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

Mr. DONAGHY: Mr. Speaker, I would move the acceptance of the Majority Report in concurrence with the Senate.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves that the House accept the Majority "Ought not to pass" Report in concurrence.

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

Mr. STARBIRD: Mr. Speaker, I request that this lie on the table for two legislative days pending acceptance of the Report.

Whereupon, Mr. Donaghy of Lubec requested a division on the tabling motion.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, moves that L. D. 1385 be tabled and specially assigned for Tuesday, June 8, pending the motion of the gentleman from Lubec, Mr. Donaghy to accept the Majority Report.

A division has been requested on the tabling motion. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 42 having voted in the affirmative and 66 having voted in the negative, the motion to table did not prevail.

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

Mr. MARTIN: Mr. Speaker and Members of the House: Before we accept the Majority "Ought not to pass" Report I wonder if the chairman of the committee would

care to explain the bill and the reasons why we ought to accept at this point either report.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to the gentleman from Lubec, Mr. Donaghy, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I don't have any prepared notes here this morning, but one of the first things that bothered me, there didn't seem to be anything, in listening to the hearings, there didn't seem to be any requirement for this type of thing at this time. It would be fine if we were able to take care of the economic development that is already in process, and areas and people that are already living here, buildings that are established; and they not only wanted to take large areas of land through eminent domain but it was to set up industries that are not here, eventually cities that are not here.

It just seems that we have higher priority items right at the moment and we aren't able to take care of what we already have.

Mr. Simpson of Standish then 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 Lubec, Mr. Donaghy, that the House accept the Majority "Ought not to pass" Report in concurrence. If you are in favor of the Majority Report you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker,

Call, Carrier, Churchill, Clark, Collins, Cote, Crosby, Cummings, Curtis, T. S., Jr.; Cyr, Donaghy, Dudley, Dyar, Emery, D. F.; Evans, Finemore, Gagnon, Good, Hall, Hanson, Hardy, Hawkins, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelleher, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield, Lund, MacLeod, Maddox, Marsteller, McCormick, McNally, Millett, Morrell, Mosher, Norris, Page, Parks, Pratt, Rand, Ross, Shaw, Shute, Silverman, Simpson, T. R.; Stillings, Susi, Trask, White, Williams, Wood, M. W.; Wood, M. E.; Woodbury

NAY — Albert, Barnes, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Carter, Clemente, Conley, Cooney, Cottrell, Curran, Dam, Dow, Doyle, Drigo-tas, Farrington, Fecteau, Fraser, Gauthier, Goodwin, Haskell, Kelley, P. S.; Keyte, Kilroy, Lebel, Lizotte, Lucas, Lynch, Mahany, Marsh, Martin, McCloskey, McKinnon, Mills, Murray, Orestis, Rollins, Scott, Simpson, L. E.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Tanguay, Theriault, Tyn-dale, Vincent, Webber, Wheeler, Whitson.

ABSENT — Bedard, Bustin, Carey, Curtis, A. P.; Emery, E. M.; Faucher, Genest, Gill, Hancock, Jalbert, Jutras, Lessard, Manchester, McTeague, O'Brien, Payson, Pontbriand, Porter, Roche-leau, Santoro, Sheltra, Wight

Yes, 75; No, 53; Absent, 22.

The SPEAKER: Seventy-five having voted in the affirmative, fifty-three in the negative, with twenty-two being absent, the motion does prevail. (Later Recon-sidered)

Divided Report

Majority Report of the Committee on Transportation reporting "Ought not to pass" on Bill "An Act relating to Public Policy That Use of Maine's Highways is a Privilege" (S. P. 289) (L. D. 843)

Report was signed by the following members:

Mr. KELLAM of Cumberland
— of the Senate.
Messrs. HALL of Windham
DUDLEY of Enfield
CROSBY of Kennebunk

LEE of Albion
LEBEL of Van Buren
FRASER of Mexico
— of the House.

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

Report was signed by the following members:

Messrs. GREELEY of Waldo
JOHNSON of Somerset
— of the Senate.

Messrs. McNALLY of Ellsworth
BARNES of Alton
WOOD of Brooks
KEYTE of Dexter
— 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 Brooks, Mr. Wood.

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

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

The Chair recognizes the gentleman from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker and Members of the House: I oppose this motion. There were very few that went to this hearing; I was one of them. To me Maine's roads are not a privilege, they belong to the taxpayers. We pay for these roads with all of our gasoline taxes, excise taxes, and what have you. I still state that your driver's license is your privilege. If you don't obey the rules and you lose your driver's license, you are no longer on these roads. This is your privilege; not the highways of the State of Maine.

Back in the days of the King, when he had the roads and he could state who went on these roads and could grant you a privilege, this in my mind is when roads were a privilege and no longer. They belong to the citizens of this state.

I oppose this motion and I hope you will vote against it and accept

the Majority "Ought not to pass" Report.

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

Mr. GAGNON: Mr. Speaker and Ladies and Gentlemen of the House: I was at the hearing although I did not get up and talk to the committee on this particular bill. But I did listen to Senator Katz who sponsored this and I thought at the time that he had a very good idea in submitting this measure.

The whole opposition to this bill seems to be as a result of the idea that we were taking something away from the people of Maine if this measure was implanted in the records stating that the use of the Maine roads was a privilege instead of a right. I agree wholeheartedly with this idea. I don't think that this can be thought as a right when you take into consideration that the individual's action might have a very bad effect on the rest of society who also has the same privilege for the use of these highways.

Now if it was a matter of taking some individual's right or privilege away where it did not affect anyone else I would say that this was not correct, but when a person abuses his privilege to operate on the Maine highways it very often has a very direct effect on the entire amount of the rest of the people that have the same privilege to use that same highway. And when one person's action has a deterrent effect on so many more people, then I feel it can no longer be considered a right.

Now this is only a wording. It only says in black and white that it is no longer considered a right; it is considered a privilege. This comes down to a matter of attitude, and attitudes are very important. Attitudes affect our every action ultimately. It can either turn an action of ours to come out right or wrong. And I think if all of you think about this you will realize I am right.

I have talked to probably five or six thousand people in the past fifteen years, both in the law enforcement field and in claim investigations. I know that attitudes

have been a direct cause of a good many accidents, of a good many violations.

So we come back to this regulation here. I think if people have decided in their own mind and have made up their own mind that it is not a right, it is a privilege because it affects so many other people, that it may make a difference in their habits as far as the operation and use of our Maine roads go.

Therefore, I feel that this is a good measure. It plants a good thought in a person's mind. It may make a change in their attitudes, and I feel it may very well help in our present situation. And I would hope that you would carry the minority report on this bill.

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

Mr. FRASER: Mr. Speaker and Members of the House: I have to agree with the gentlewoman, Mrs. McCormick. She said the things that I was going to say, and I will go further and say that the right or a privilege is a matter of opinion.

Now the passage of this measure isn't going to change one single thing as far as attitudes are concerned. This is an attempt to correct some of the wrongs that are taking place on our highways right now. The attempt is good; the idea behind it is good. But those who are abusing our highways are going to continue to do it whether or not it is a privilege or a right. In my estimation this is just something to clutter up the statutes. I don't think it should pass.

Mr. Jalbert of Lewiston moved the previous question.

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

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

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member.

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: It is my feeling that the question has been asked pretty quickly. I had a little something to say.

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

Mr. JALBERT: Mr. Speaker and Members of the House: There are others that want to speak. I am sorry. I will withdraw my motion and I will sit here until doomsday. It is all right with me.

The SPEAKER: The Chair will advise the gentleman that a sufficient number has indicated that the previous question shall be entertained. The question now before the House is, shall the main question be put now?

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I too could have enlightened too, but I voted for the previous question.

The SPEAKER: The pending question is, shall the main question be put now? The Chair will order a vote. All in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Mr. LEE: Mr. Speaker, Ladies and Gentlemen of the House: I won't bore you with any long speeches, and I guess you know that I don't usually anyway. But I just wanted to state that this bill doesn't amount to anything. It just states a fact.

You will find in the vehicle license laws already that the license is a privilege—license or privilege is stated right in there just as clear as you can read.

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

Mr. NORRIS: Mr. Speaker and Members of the House: I agree with the previous question. I am against this, and for that reason I now move that both reports and bill be indefinitely postponed.

The SPEAKER: The gentleman from Brewer, Mr. Norris, now moves that both Reports and Bill be indefinitely postponed.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: To expedite matters, I will just endorse what the gentleman from Brewer has said. I too will go along with the indefinite postponement motion.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that both Reports and Bill "An Act relating to Public Policy That Use of Maine's Highways is a Privilege," Senate Paper 289, L. D. 843, be indefinitely postponed in non-concurrence. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

111 having voted in the affirmative and 18 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Non-Concurrent Matter

Bill "An Act Creating a Medical Advisory Committee for Medical Criteria and Vision Standards for Motor Vehicle Drivers" (S. P. 414) (L. D. 1230) which was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence in the House on June 1.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A"

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 the Payment of Dues to Grower Organizations by Handlers and Processors of Farm Products" (H. P. 927) (L. D. 1281) which was passed to be engrossed as amended by Committee Amendment "A" and House

Amendment "A" in the House on May 25.

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

In the House: On motion of Mr. Evans of Freedom, the House voted to recede and concur.

Non-Concurrent Matter

Resolve Authorizing the Forest Commissioner to Convey the State's Interest in Certain Lots in Franklin County (H. P. 1190) (L. D. 1640) which was finally passed in the House on May 28 and passed to be engrossed as amended by Committee Amendment "A" on May 21.

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

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

Messages and Documents

The following Communication:

The Senate of Maine
Augusta, Maine

June 3, 1971

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

Dear Madam Clerk:

The Senate voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Compensation for Minors Delivering Newspaper Supplements" (H. P. 994) (L. D. 1356).

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

Sensors:

KATZ of Kennebec
LEVINE of Kennebec
TANOUS of Penobscot
Respectfully,

(Signed)

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

The Communication was read and ordered placed on file.

The following Communication:
The Senate of Maine
Augusta, Maine

June 3, 1971

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

Dear Madam Clerk:

The Senate voted to Adhere to its action whereby it Indefinitely Postponed in non-concurrence Bill, "An Act Relating to Cost of School Construction for State Aid" (H. P. 1340) (L. D. 1759).

The Senate also voted to Adhere to its action whereby it Indefinitely Postponed in non-concurrence Bill, "An Act Relating to Taxation of Buildings on Leased Land in Unorganized Territory" (H. P. 1339) (L. D. 1755).

Respectfully,

(Signed)

HARRY N. STARBRANCH

Harry N. Starbranch
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

(Off Record Remarks)

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

Mr. JALBERT: Mr. Speaker and Members of the House: In a somewhat facetious or joking manner, I mentioned that for the three weeks that I was away that I was given a written out calendar of what happened through the efforts of my very dear, long-time friend, Mrs. Wheeler from Portland, and the sheet brought to me of what was said in the House every day through the efforts of Representative Pontbriand.

And I did make the statement afterwards that reading over what was being said and assuming that I might have been at times, or might still be somewhat of a talkative person, reading the debate over I found myself to be placing myself in the area of a deaf mute. But by the same token, I would like the leadership of both branches to know this — that this is their job, and as far as I am concerned, I moved the previous question

twice a few minutes ago — the first and last time.

On motion of Mr. Lynch of Livermore Falls, the House reconsidered its action of yesterday whereby Bill "An Act to Increase the Fee for Steam Engineer and Firemen Licenses," (S. P. 604) (L. D. 1777) was passed to be enacted.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of June 1 whereby the Bill was passed to be engrossed.

(On motion of Mr. Lawry of Fairfield, tabled pending passage to be engrossed and specially assigned for Monday, June 7.)

Mr. Donaghy of Lubec was granted unanimous consent to address the House.

Mr. DONAGHY: Mr. Speaker and Members of the House: Actually I would like to ask for the reconsideration of item two, page one, and I would hope that you all vote against me.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves reconsideration of Bill "An Act relating to the Maine Area Land Development Authority," Senate Paper 462, L. D. 1385, whereby the Majority "Ought not to pass" Report was accepted in concurrence.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I rise really not to speak on perhaps why this bill ought to be reconsidered, but rather perhaps on why we ought to really take a step of reconsidering it today. I find it rather ironic that a bill such as this or any other bill, which really had very little debate, which really did not get explained, would at this point be reconsidered by the gentleman from Lubec, Mr. Donaghy, in order to save time.

My question to him, I posed a very simple question, explaining the purpose of the bill, and I feel that I did not get an answer. I must say that what I had hoped would happen would be for this bill to perhaps be in a position to be reconsidered if there had been a need for it. I don't know

whether there is or whether there isn't, and at this point perhaps it doesn't really matter.

I am not opposed to perhaps posing additional questions on this bill or any other, if it is going to solve problems, whether it is in June, April or July. I do feel that when an issue has been debated sufficiently, then perhaps moving the question or reconsideration is in order. But I don't necessarily appreciate reconsideration in this fashion, and I say so in a manner in which I hope to impress upon certain individuals that merely to say that we are going to shut off debate on this bill or any other, because we have been here long enough, is not a valid reason.

If an issue has been debated over and over again, then I am in complete sympathy and agreement. But an issue such as this, or any other issue, then this procedure ought not to be used.

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

A vote of the House was taken.

48 voted in the affirmative and 72 voted in the negative.

Whereupon, Mr. Martin of Eagle Lake 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 Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker, is this item still debatable?

The SPEAKER: This item is still debatable, the reconsideration motion.

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I feel a certain amount of sympathy with the Minority Floor-leader, because it is true I think that we have not had adequate debate on this issue and I have

no knowledge about it and don't intend to debate it. On the other hand, I feel even more sympathy for the gentleman from Lubec, Mr. Donaghy, because it would appear to me that the proper committee function is for those who signed on the "Ought to pass" Report to state why they favored "ought to pass," rather than to ask the House chairman who I think signed the "Ought not to pass" Report and to call on the House chairman to say why the bill ought to be passed.

I do think that we owe the obligation to the State to debate these properly, but I don't think that we can really dump the burden on a person who signed the opposite side of the report.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Somehow or other I felt the gentleman from Lubec, Mr. Donaghy — and I am not questioning his personal motive or anything, I feel that he went too far. I believe in fair play and I somehow feel that is exactly what the gentleman from Eagle Lake is asking for, if I understand his position correctly. I don't care whether it is July or August, I want to have fair play on all bills. Somehow or other, this shutting off in this manner does not meet with my approval.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I hardly expected all of this. There seemed to be a rule that if a bill came out of committee unanimous "ought not to pass," that it went no further than the wastebasket. We have a bill here that we had full hearing on. The gentleman from Eagle Lake and others, if they had stayed until half past seven or eight o'clock at night as we did to listen to this and have nineteen amendments thrown to us at the hearing, they might know a little more about the bill.

It was the considered opinion of everyone but the three signers of the "Ought to pass" Report that this was not necessary at this time,

and I would hope that you would go along with the judgment of the signers of that "Ought not to pass" Report.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am going to further explain myself. I would concur with the gentleman from Eagle Lake on item two, and certainly not because of the action that was given by the gentleman from Lubec, Mr. Donaghy at all. The only reason which — and I very very rarely, very rarely ever move the previous question. The reason I have moved the previous question on the bill was because the vote was very obviously — that I moved the previous question on, was very obviously going down the drain and the board showed it by a vote of 111 to 18. And that was very obvious, when even the man who has just told me that he was going to speak on the bill voted for the previous question.

I think these are areas where the previous question can certainly be well entertained. As far as this bill is concerned, and before anyone happened to come through the gate, where the previous question has been moved—and I think possibly there is an instance where my good colleague from Eagle Lake is right in wanting a little bit more of a fair shake on the bill.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen: Glancing hurriedly at the bill, I think it warrants serious consideration by the members of the House before they take definite action on closing the door. We have passed all sorts of bills controlling the environment of the state. I wonder if we are willing to close the door to needed jobs, industrial expansion under control conditions, that would benefit the state as much or more than the laws we have enacted for controlling our environment.

I seriously think that you ought to hold the door open for further consideration and if, after you have studied this thing as I hope to do, then you can take appropriate action.

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

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

Whereupon, Mr. Donaghy of Lubec requested a division on the tabling motion.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that the motion to reconsider be tabled until Monday, June 7. A division has been requested. All in favor of the motion to table will vote yes; those opposed will vote no.

A vote of the House was taken.

71 having voted in the affirmative and 57 having voted in the negative, the motion did prevail.

Order Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, June 7, at 10 o'clock in the morning. (S. P. 627)

Came from the Senate read and passed.

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

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

Bill "An Act to Regulate the Harvesting of Fiddleheads on Penobscot Reservation Lands" (S. P. 363) (L. D. 1102) the Speaker appointed the following Conferees on the part of the House:

Messrs. MARSTALLER
of Freeport
BRAGDON of Perham
Mrs. BERRY of Madison

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

Bill "An Act relating to Compensation for Minors Delivering Newspaper Supplements" (H. P. 994) (L. D. 1356) the Speaker appointed the following Conferees on the part of the House:

Messrs. DAM of Skowhegan
GENEST of Waterville
SILVERMAN of Calais

House Reports of Committees Leave to Withdraw

Mr. Kelley from the Committee on Judiciary on Bill "An Act

Providing for the Prerental Inspection of Certain Property" (H. P. 882) (L. D. 1203) reported Leave to Withdraw.

Mr. Farrington from the Committee on State Government reported same on Bill "An Act relating to Executive Reorganization" (H. P. 469) (L. D. 597)

Mr. Hodgdon from the Committee on State Government on Bill "An Act relating to Purpose of Baxter Wilderness Park" (H. P. 443) (L. D. 565) reported Leave to Withdraw, as covered by other legislation.

Reports were read and accepted and sent up for concurrence.

**Ought to Pass in New Draft
New Draft Printed
Tabled and Assigned**

Mr. Starbird from the Committee on State Government on Bill "An Act Placing the Intent and Content Relating to Constitutional Amendments and Bond Issues on the Ballot" (H. P. 859) (L. D. 1183) reported same in a new draft (H. P. 1385) (L. D. 1808) under title of "An Act relating to Constitutional Amendments Printed on Instruction Sheets" and that it "Ought to pass"

Report was read.

(On motion of Mr. Starbird of Kingman Township, tabled pending acceptance of Report and specially assigned for Tuesday, June 8.)

Ought to Pass

Mr. Brawn from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act to Incorporate the Jackman Water District" (H. P. 1372) (L. D. 1794)

Report was read and accepted, the Bill read twice and assigned the next legislative day.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs, acting by authority of Joint Order (H. P. 1384) reporting a Bill (H. P. 1388) (L. D. 1811) under title of "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973 and Raising Revenue for Funding Thereof" and that it "Ought to pass"

Report was signed by the following members:

Messrs. DUNN of Oxford
SEWALL of Penobscot
— of the Senate.
Messrs. BRAGDON of Perham
BIRT of East Millinocket
CARTER of Winslow
JALBERT of Lewiston
GILL of South Portland
CAREY of Waterville
SHAW of Chelsea

— of the House.

Minority Report of same Committee reporting that the Bill which was reported by a Majority of the Committee "Ought not to pass"

Report was signed by the following member:

Mr. CONLEY of Cumberland
— of the Senate.

Reports were read.

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

Mr. BRAGDON: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report of the committee, and in the interests of orderly procedure it is my understanding that the leadership of both parties have agreed that this bill be given this morning its first two readings, that we refrain from questions and debate at this time and come back fresh next week when it comes up for third reading to prepare to amend and debate it as much as we wish. I hope that you will go along with this.

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read twice and assigned the next legislative day.

Divided Report

Majority Report of the Committee on Business Legislation on Bill "An Act Revising the Laws Relating to Real Estate Brokers and Salesmen" (H. P. 838) (L. D. 1161) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. SCHULTEN of Sagadahoc
DANTON of York
— of the Senate.
Messrs. MADDOX of Vinalhaven
LITTLEFIELD
of North Berwick

PRATT of Parsonsfield
 SCOTT of Wilton
 TRASK of Milo
 SHELTRA of Biddeford
 McKINNON
 of South Portland
 ROCHELEAU of Auburn
 —of the House.

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

Report was signed by the following members:

Mrs. CARSWELL
 of Cumberland
 —of the Senate.
 Messrs. O'BRIEN of Portland
 CLARK of Jefferson
 —of the House.

Reports were read.

On motion of Mr. Scott of Wilton, the Majority "Ought to pass" Report was accepted.

The Bill was given its two several readings.

Committee Amendment "A" (H-411) was read by the Clerk and adopted and the Bill assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to the Housing Needs of People Who Pay Rent" (H. P. 881) (L. D. 1202) reporting same in a new draft (H. P. 1386) (L. D. 1809) under same title and that it "Ought to pass"

Report was signed by the following members:

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

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

Report was signed by the following members:

Mr. QUINN of Penobscot
 — of the Senate.
 Mrs. BAKER of Orrington
 Messrs. PAGE of Fryeburg
 CARRIER of Westbrook

HENLEY of Norway
 — of 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.

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

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

Mr. CARRIER: Mr. Speaker and Members of the House: I speak in opposition to the acceptance of the Majority "Ought to pass" Report. First of all there are many angles and subjects to be covered on this particular bill along with all the other bills that have been presented on the tenant-landlord relationship. As you can see this is another one of our weekly diet of these bills and that this one is not any better than any of the others that were ever presented.

I submit to you right at this time that I want to classify the tenants and when I talk about the tenants today I am not talking about the poor tenant, I am not talking about the rich tenant, and I am not talking about the middle class tenant either. I will be talking about these certain individuals that come from all these classes, the certain individuals who make it a business, and they happen to go around and get into people's property and destruct it.

I submit to you that this bill in its new form 1809 is not any better than it was in its original form of L. D. 1202. The only difference is that the word got around as to some of the objections and they have taken some out of it. But the main purpose is that you always reflect back on what the original intent was; and the intent is never gone.

Today we are faced with another document which proposes to create duties and responsibilities on the homeowner, but none on the tenant. This document again proposes to harass and punish someone by putting a seal of ap-

proval on the actions and bad behavior of certain individuals, namely the tenants that I classified before. The crummy type of individual that you wouldn't want around you, whether they are tenant or otherwise. This type of individual comes from all classes of people, from the low to the high, and it is not limited to any one class either.

These people rent your property for a few weeks. Then after not paying, if you decide to get them out, they will go and see the phones from the Pine Tree Legal Association who like vultures will prosecute the landlord, maliciously or otherwise, and harp on the rights of decent individuals as tenants. I am asking today what rights they are talking about.

First, is it the right for them not to pay rent and live in your property? Secondly, is it the right to destruct without repairs or obligation to pay for the repairs? Or is it the right of contaminating the property with human filth and force the landlord to clean it? Are these the rights that they are talking about? These are just the type of rights which will choke private investors from investing in rents.

And I submit to you and you might as well realize it right now, without private investment from individuals or corporations or whoever it is, that the rent situation is getting worse and worse every day. And you cut off every investment and you pass this bill and this is just what will happen. You cut off the rents which will be a sad position for the elderly, which will actually punish also the good tenants of no matter what class they come in.

In the meantime, where are the proponents of these measures? None of them come forward and say, "Here we have so much money and you get us some property and we will furnish rents." I have made the proposition here about a month ago or some time, that nobody here that feels they are a do-gooder about this problem, if they want to solve it that I will make sure that we have all kinds of properties to sell. It isn't my property, everybody is willing to sell right now. And to help the

situation I also offered them that we will give them the tenants.

So this I figure is quite a good sale if somebody is willing to put their money where their mouth is. Now I submit that this will create, that a bill of this type will create more rent problems, and the punishment usually falls on the good landlord and on the good tenants.

Now this bill provides no penalty at all if the tenant is the cause of damage. The only thing that it provides in this bill is that he cannot use the escrow account if he is the cause of the damage. Now I ask again, where are the do-gooders here, who sit on the sidelines and applaud to the tune of "choke the landlords"? Where are they to lend a hand to the deserving poor which I have mentioned here before. There is a lot of deserving poor and I always will help them if I can, but I am against these spongers and these leachers on all of us.

These undesirables, they are protected, they get all these lawyers here from the Pine Tree Legal — they are a nice outfit, beautiful, they are protected with your money and against your interest.

Awhile back two bills were passed for the tenants here, and I suppose we will live with it somehow or other. But then last week, through some political maneuvering, we passed another bill in here which was the Human Rights bill, that this here it refers again there was housing provisions on that bill which actually chokes the individual, whether he is a tenant or landlord.

I submit to you that all these bills will not help the rent situation whatsoever. Awhile back, I was asked and approached to invest in property for apartments in Westbrook. It is a good deal if you want to get into it, but the situation that the conditions that they put on it are not good.

So actually these bills did not work before. They were passed in law in 1965 and they were told then that they would not work and they haven't worked, so they come back and repeal it now. They give us another bill which is just as bad

if not worse — and that will not work either. I bet you that within four years time you will be back here repealing that bill.

But all these bills are actually to satisfy the sadistic craving of certain individuals who are out to actually choke private enterprise. And investing in rentable property is private enterprise, but it won't be for long. As the landlord recognizes to shut off the source of income, it is the only solution. The hardship, as it usually does, will fall on the poor and on the innocent ones.

I think in the last session here we did say — a bill about the same principle was in the House. We defeated this, I think it was 111 to 22 on the first round. I expect that the people in this House have just as much wisdom. I claim that this House has passed some bills already and satisfied the tenants, and I think this is enough.

My main objection to some of these bills is that once you get them in there and they bring you to court and they file complaints and everything else, and the main thing is they might even keep some of the escrow account or rent account or whatever they want, my main objection is that there is no provision in any of these bills that after they have done this harm to you that they have to get out.

This is my true objection to it. I submit to you that you should have a right to get them out if you don't want them. I believe that no one should be forced to remain and to have on their property somebody they don't want to. If you vote for this bill, it has a good start for your dream to come true, but this is no time for a dreamer. Let's be realistic and defeat this bill.

I only say to you in ending that nonexistent rents do not produce better rents, and this is what this bill will do. I hope that you vote against the motion to accept the "Ought to pass" Report.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: I would hope this morning, rather than fighting this bill at every stage and

taking a lot of time, that we can accept the Majority Report and then let all of the opponents — and I don't know whether I am an opponent or a proponent of the bill right now, but let everyone get together and at the enactment stage, have one big battle here and decide whether we want this or not. But to fight it at every stage and waste time I think is silly.

So I would hope that you would accept the Majority "Ought to pass" Report and let the bill go along and have our big debate at the final stage.

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

Mrs. BAKER: Mr. Speaker and Members of the House: I oppose the acceptance of the "Ought to pass" Report. We have passed several bills this session in behalf of the tenant and I ask you to recall the one on habitability. I think that the tenant is well taken care of by that. And I also call your attention to the provision in this bill where the escrow would be held by the municipal treasurer, and I don't think that the treasurers in the municipalities would appreciate this extra duty and I don't see any reason why they should be burdened with it.

I ask you to oppose the acceptance of the "Ought to pass" Report.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen: My city government doesn't want anything to do with this bill and if it passes, under Section 6023, page two of the L. D. will have a lot of red tape to take care of locally. Also all other municipal governments will be involved too. Furthermore, I believe one's property is his own, that he should be able to do with it what he wishes. I also feel that this is another socialistic attempt to destroy one's rights as guaranteed by the Constitution and the Bill of Rights. This bill also discriminates against our towns that do not have municipal housing codes and others with the codes will be regulated. The bill is not consistent. So therefore I move the

indefinite postponement of this bill and all of its accompany papers.

The SPEAKER: The gentleman from Auburn, Mr. Emery, moves the indefinite postponement of both Reports and Bill.

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

Mrs. WHEELER: Mr. Speaker and Members of the House: As a signer of the Majority "Ought to pass" Report, I feel the purpose of this bill is primarily to prevent dwellings which are substandard from becoming so dilapidated as to require condemnation and consequent elimination from the housing market, further aggravating an already serious housing shortage.

The term "unfit for human habitation" is defined for purposes of rent escrow as including not only dwellings which might ordinarily be subject to condemnation under the usual ordinances, but includes dwellings which are in substantial violation or substantial noncompliance with codes, though not yet condemnable.

The bill provides safeguards for both landlord and tenant. Built into the new draft of L. D. 1202 are provisions which require that the tenant be current in rent, both at inception and throughout the escrow procedure. This guarantees the landlord some funding for making repairs sought by the tenant and enforcement agency. And the total fund is available if the landlord or owner complies within four months.

There is a further provision restricting the number of times the tenant may take advantage of the act without fear of retaliatory eviction. The tenant who invokes rent escrow is protected from retaliatory eviction by the landlord. This is qualified, however, as the tenant may be evicted if he shall have complained or proceeded under the rent escrow chapter more than twice without cause. And I hope you support the motion of the gentleman from Cape Elizabeth, Mr. Hewes.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I

would like to disagree with Mrs. Wheeler from Portland, my dear friend. I had an apartment in Sanford and I sold it two years ago. I sold it to a gentleman from Portland. It was in A-1 condition. I went by there last Sunday. He sold it to somebody else on a second mortgage because he was all fed up with it. It was one of the best buildings that was on our side of the river, which they call the east side of Sanford. And I was so disappointed when I went to the drugstore to get my Sunday paper. I went by. You should have seen this building — a 10 apartment building. The windows were broken in there and everything, I went into the drug store. These people told me, "Boy, you sold that place just at the right time."

I wonder who is going to put their money into an investment in order to bring some of these people in there that dilapidate good buildings into nothing at all. I am not going to. The rest of them I am going to sell.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: This is the first landlord-tenant debate that I have gotten into, but I feel it is an excellent bill to encourage landlords to improve their properties. It is a bill both for the benefits of the landlords and the tenants. And there certainly are plenty, as it has been remarked, plenty of safeguards built into the bill.

We now need more proper rents. We must keep the dwelling units on the market, and we must encourage the owners to keep their property up to standards. Now it used to be that people would build their own homes and several still do now. But many now are priced right out of the market.

Just recently George Romney, the United States Secretary of Housing and Urban Development, remarked that the cost of an average home had gone up from \$16,000 in 1965 to \$25,000 in 1970. Mortgage payments have gone from \$148 to \$272 per month — an 84 percent increase in five years. So the would-be home buyers are

now still renters. They find that they have now procrastinated too long and there is nothing left for them but to shrug their shoulders in despair.

We have more and more renters and we are losing more and more rents. We must do all we can within our power to keep satisfactory rents on the market. And this vehicle is a positive step toward that goal.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to the motion of indefinite postponement. I strongly support this rent escrow bill. I feel that this bill, more than any other one that we have had before us this session, would help to improve the housing conditions with the least amount of difficulty to the landlord or the tenant.

Now this bill does not take away any money from the landlord. It merely allows the city to hold the landlord's rental payments for four months, and after the landlord fixes up the rental property or the apartment to a level where it is fit for human habitation, the landlord gets all his money back. Now even if the landlord does nothing at all to repair the building, he will get one half of the rent back at the end of the four-month period. I cannot see any place where the landlord can be hurt by this law. The tenant does not get any benefit from any of the rental payments, and the landlord does actually benefit by having a decent, safe apartment and he continues to get his rent money.

Now if the tenant should fail to make the weekly rental payment to the city the tenant does not get the advantage of this. And sometimes it causes me to be quite suspicious of anyone that continually attacks all landlord-tenant bills without first examining the merits of the bill. And I firmly believe that this bill would improve the housing conditions in the State of Maine in a fair and just manner, and I ask you to support this L. D.

The SPEAKER: The Chair rec-

ognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen: I have had constituent mail on this L. D. and I am a landlord. Being a landlord I have looked closely at this bill. The only landlord this bill affects are those who refuse to put any money into the proper upkeep of their units.

There are several things in this bill to protect the owner. First, the local housing officer must certify the dwelling unit is in substantial violation of the codes. Second, the tenant must be at all times up on his rent. If he falls behind he loses the protection of the act. This guarantees the landlord is going to get his money back which he spent out on repairs. Third, if the tenant, his family or guests caused the dwelling to fall into bad condition, he cannot use the act.

The one thing that bothers me most is this. If I own a \$20,000 piece of good clean rental property and so does my neighbor, if by chance he lets his place deteriorate, it automatically brings down the valuation of my own. I believe this bill will help in keeping up the valuation of a good clean neighborhood. I urge you to support this bill.

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

Mr. CALL: Mr. Speaker and Members of the House: This bill just continues the war against the landlord. Please do not go on the misconception that the landlord is always a landlord by choice. This is not the case, and I am an example of the situation. A property owner cannot always sell his property when he wishes to. He has to have a customer who is available, willing and able to buy.

When tenants do damage in a dwelling, inspectors and other authorities sometimes entertain the idea that the landlord caused his own damage. This can be very very embarrassing and provoking.

I know not what it is, but there has to be some very interesting reason why some landlords support all these vicious bills. I have talked with at least one landlord

in the past in the corridor. He agrees with me. He said, "Yes, I have had all these things happen to me; I know what it is like." But still he continues to support every one of these bills. I say we would find the reason very interesting if we found out the reason. And I am going to beg you to vote for the indefinite postponement of this bill. The law is not necessary. We have got too many now that hurt the landlords. I beg of you to vote for the indefinite postponement.

Mr. Susi of Pittsfield moved the previous question.

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

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

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member.

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

Mr. HEWES: Mr. Speaker and Members of the House: I did have some remarks that I would like to have made, particularly in rebuttal to the gentleman from Sanford, Mr. Gauthier. And I would appreciate the opportunity to speak on it. I respectfully ask that you vote no on the main question.

The SPEAKER: The Chair will order a vote. Shall the main question be put now? All in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 41 having voted in the affirmative and 47 having voted in the negative, the motion did not prevail.

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

Mr. HEWES: Mr. Speaker and Members of the House: Thank you very much. The intent of this bill was to improve and upgrade living conditions. I firmly believe that one of the reasons for the turmoil in cities is the substandard living conditions. This bill would hit the landlord right where it hurts the most — in his pocket-book.

Now in reply to the gentleman from Sanford, Mr. Gauthier, as I understood his statement, he felt that the tenants were the ones that were destroying the property and that this bill would help a tenant who had destroyed leased property. I submit, sir, that it is right in the bill that if the court finds that the premises were damaged either by the tenant, by members of his family, his guests or his invitees, that this act does not apply. In other words, this law does not apply if the damage that caused the deterioration is caused by the tenant, his guests or members of his family.

Further, the rent has to be paid. This bill only applies when the rent is paid and not otherwise. There is a specific procedure to follow. First there is a request in writing by the tenant — not by someone else, by the tenant, then there must be an inspection by a municipal official. The municipal official must determine that the conditions are not up to snuff, and then there is the safeguard of appeal to the district court — protection of property.

I respectfully ask you to vote against the motion for indefinite postponement. When the vote is taken, I ask that it be taken by roll call.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I asked that question too, and I was told that some of these people, you can't reach them. They have one of these U-Hauls. They hook it onto their car and they leave during the night. So you can't reach them; you can't find them.

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

Mr. LUCAS: Mr. Speaker and Members of the House: I beg of your patience just for a moment. Yesterday I found myself in disagreement with Mr. Carrier and Mr. Hewes. Today I would like to quote the gentleman who sits behind me, Mr. Ross, who most eloquently states on occasion, "I wholeheartedly support Mr. Hewes today, and likewise, I wholeheartedly oppose the argument put forth by Mr. Carrier."

No one can question that there is a serious housing shortage in the State of Maine. The best solution for this housing shortage is, of course, to build more houses. This is not being done.

The next best solution to the problem is to prevent our existing dwellings from deteriorating — to keep them useable. If our existing housing is repaired and maintained, Maine's people will have a decent, safe place to live, and the landlords will have a steadier income.

L. D. 1202 is not a cure-all but it does help to improve conditions. It does not improve conditions at the expense of the good landlord. It says that the bad tenant who harasses the landlord and who damages property, who does not pay his rent, cannot benefit from the law. It also says that the good tenant who has paid his rent legally and honestly withhold his rent and pay it to the city and the landlord would get it as soon as repairs are made.

The only benefit a tenant can derive from L. D. 1202 is a good, habitable apartment. This benefit is passed on to the landlord in terms of a safe and decent apartment.

I hope you will support Mr. Hewes' bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As I have oftentimes said, there has always got to be some levity in everything. My good friend and colleague from my home City of Lewiston, Mr. Call said sometimes everybody isn't—words to the effect that we do not become landlords by choice. I mean, as far as the gentleman from Lewiston, Mr.

Call is concerned, he would have mandatorily be referring to one of the pieces of property, a great landmark called the "Call Block" in Lewiston, named after his dead and revered father, Dr. Call. I should be that unlucky.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I think perhaps, if more of you ladies and gentlemen were present at the hearings, the many hearings and the long hearings on these so-called landlord-tenant bills you perhaps would have a little broader idea of the situation.

I might inform you also that on this same bill the original consensus of opinion of the committee, right after the hearing, was twelve to one "ought not to pass." And that was the original. There has been some lobbying done, quite considerable, I believe, by the same Pine Tree lawyers. Possibly they have been successful in some cases. I have no quarrel with any lawyers. This seems to have been something of a lawyers bill because the attorneys all voted for it. But I feel there is one thing wrong with this bill as is wrong with several of the others; it seems to be the source.

Ladies and gentlemen, when the federal government pays fairly high salaries to both attorneys and service workers to find ways and means of, well, beating the rap, you might say, that is what is being done in this country today and this is only a part of it. I don't believe that the groups that caused these bills to be written and have supported them would have very much luck with the tenant who always pays his bills, who has been living several years in the same apartment and has very good relations with the landlord. The fertile ground is by the people who are really not good tenants. That is why most of these bills are written, and they are definitely written for that type of tenant. I am neither, thank God, but I did listen on all these hearings. I have studied these bills.

Somebody mentioned that the landlord has nothing to lose except that he doesn't get his money for

four months. I think that is enough problem right there. I think we had a problem here. Some of our younger groups who have families to support who are working for nothing here now, that is why we would like to get out of here. I can make it all right; I am retired. But I know a lot of you can't. You have got bills to pay but you are getting no pay. What about the landlord that has his pay held up for four months? Maybe it is found out afterwards that it isn't even justified. Sure, then he gets his money. But what has he been doing in that four months for his money? Why should we be in a position to pass a law that says that somebody's income can be taken and put into a third party's hands for a certain length of time while we find out who is at fault?

Let us not forget that this property is owned by the landlord. It is his property. It isn't our property. It isn't public property — it is his property. And still we blithely say, "Well, we will take his rent and hold it, and we will investigate, find out if he has got a right to it. Maybe he has only got a right to half of it. If that is the case, he can have half and the tenant can have back half if the landlord is at fault." We do not have those rights, ladies and gentlemen.

Somebody mentioned that we are getting more and more in a situation where there is not sufficient housing. Good Lord, why not ask the question why! Because of these laws that are tying them all up — that is one of the reasons why. Do we want to compound the felony by tying them up some more? This is just another one of those bad bills brought about by the same source. We have got this habitability law which will control the rent code areas. We do not need this one. The habitability law had a rough passage, but it went through. That is all that is needed. I urge you to take the same common-sense you have shown in a lot of these others and vote for indefinite postponement of this bill.

Mr. Susi of Pittsfield moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the pre-

vious question it must have the consent of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

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

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. All those in favor of the main question being put now will say aye; those opposed will say no.

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

The SPEAKER: The main question is on the motion of the gentleman from Auburn, Mr. Emery, that both Reports and Bill be indefinitely postponed. 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 Auburn, Mr. Emery, that both Reports and Bill "An Act relating to the Housing Needs of People Who Pay Rent," House Paper 881, L. D. 1202, 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 — Albert, Ault, Bailey, Baker, Barnes, Berry, G. W.; Berube, Birt, Bragdon, Call, Carrier, Collins, Cote, Crosby, Curtis, A. P.; Cyr, Donaghy, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans, Fecteau, Finemore, Gauthier, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Kilroy, Lawry, Lebel, Lee, Lessard, Lewin, Lewis, Lincoln,

Maddox, Manchester, Marsteller, McCormick, McKinnon, McNally, Millett, Page, Parks, Pratt, Rand, Rocheleau, Rollins, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Starbird, Susi, Tanguay, Theriault, Trask, Wight, Williams, Wood, M. W.; Woodbury.

NAY — Bartlett, Berry, P. P.; Bither, Boudreau, Bourgoin, Brown, Bunker, Bustin, Carter, Clemente, Conley, Cooney, Cummings, Curran, Curtis, T. S., Jr.; Dam, Dow, Doyle, Drigotas, Farrington, Faucher, Fraser, Gagnon, Genest, Gill, Goodwin, Herrick, Hewes, Jalbert, Kelleher, Kelley, P. S.; Keyte, Littlefield, Lizotte, Lucas, Lund, Lynch, MacLeod, Mahany, Marsh, Martin, McCloskey, McTeague, Morrell, Mosher, Murray, Norris, O'Brien, Orestis, Payson, Ross, Scott, Slane, Smith, D. M.; Smith, E. H.; Stillings, Tynedale, Vincent, Webber, Wheeler, White, Whitson, Wood, M. E.

ABSENT — Bedard, Bernier, Binnette, Brawn, Carey, Churchill, Clark, Cottrell, Good, Hancock, Hanson, Jutras, Mills, Pontbriand, Porter, Santoro, Sheltra, Silverman.

Yes, 69, No, 63: Absent, 18.

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

Sent up for concurrence.

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

Mr. ROSS: Mr. Speaker, I now move to reconsider the action we just took and hope somebody will table my motion for one day.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier. Does the gentleman wish to reconsider?

Mr. CARRIER: Mr. Speaker, yes I do. I don't know what the motion is here. I am against tabling this, that is the main thing.

The SPEAKER: The Chair would advise the gentleman that 69 having voted in the affirmative and 63 in the negative, this Bill and Reports are indefinitely postponed.

Mr. CARRIER: Mr. Speaker, I now move that we reconsider our action —

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert, and would inquire for what purpose does the gentleman rise?

Mr. JALBERT: Mr. Speaker, for a point of information.

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

Mr. JALBERT: Mr. Speaker, the gentleman from Bath, Mr. Ross, made a motion to reconsider. On the basis of that, would a motion to table for one day be all right?

The SPEAKER: The gentleman from Bath, Mr. Ross's motion was not entertained. He did not vote on the prevailing side.

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

Mr. CARRIER: Mr. Speaker, is a motion to reconsider —

The SPEAKER: A motion to reconsider is in order.

Mr. CARRIER: Mr. Speaker, I now move that we reconsider our action and I ask every one of you to vote against me for once.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves to reconsider.

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

Mr. ROSS: Mr. Speaker, I now move that the reconsideration motion be tabled for one legislative day.

Mr. Finemore of Bridgewater requested a division on the tabling motion.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that this matter be tabled for one legislative day, pending the motion of Mr. Carrier of Westbrook that the House reconsider its action. A vote has been requested. All in favor of tabling the reconsideration motion will vote yes; those opposed will vote no.

A vote of the House was taken.

48 having voted in the affirmative and 83 having voted in the negative, the motion did not prevail.

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

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

Mr. HEWES: Mr. Speaker and Members of the House: I hope you do vote in favor of the reconsideration motion. I would like to comment in reply to the gentleman from Sanford, Mr. Gauthier's further comments about a tenant who runs away or puts his things in a trailer and leaves. This bill does not apply to that tenant. This bill only applies to someone who is living in a tenement and is living there. We want to upgrade his living conditions so that he will be able to enjoy a more productive, enjoyable life.

And it seems to me that a bill such as this, by which the tenant has to pay his full rent and the landlord only receives fifty percent of the rent unless the landlord repairs the conditions, is a very worthwhile bill. I don't see where there is the great objection to it, since it would seem that everyone is entitled to decent living conditions, and this bill would work toward that end. I hope you will vote in favor of the reconsideration motion.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: As a lawyer I think Mr. Hewes knows that these people, when they don't pay their rent they have got 30 days before you can put them out by law. And this is when they hire — the fifth week they hire a trailer and during the night, you can't reach them; they are gone.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly. I think the issue here is very clear. It is whether or not we want to allow the slumlords in this state to continue operating as they do now. I will vote in favor of the reconsideration motion.

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that the House reconsider its action whereby this Bill was indefinitely postponed. All in favor

will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act relating to Power to Loan under State Housing Authority's Law" (H. P. 961) (L. D. 1322) reporting same in a new draft (H. P. 1387) (L. D. 1810) under same title and that it "Ought to pass"

Report was signed by the following members:

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

Messrs. HEWES
— of Cape Elizabeth
KELLEY of Caribou
Mrs. WHEELER of Portland
Messrs. ORESTIS of Lewiston
HENLEY of Norway
— of the House.

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

Report was signed by the following members:

Mr. QUINN of Penobscot
— of the Senate.

Mr. PAGE of Fryeburg
Mrs. WHITE of Guilford
Mrs. BAKER of Orrington
Messrs. CARRIER of Westbrook
LUND of Augusta
— of the House.

Reports were read.

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

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

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

The Chair recognizes the gentleman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I oppose the acceptance of this report and I ask the members to look at L. D. 1810. It puts the state into the loaning business on housing. I am opposed to that philosophy.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the House: As those of you who know me probably know, I stand always firmly in this House for private enterprise. But for this bill I stand firmly for it. Now I think your first look at it you would think it would be against private enterprise, but it actually is not.

This bill, after these people have had a chance — three different people as a matter of fact, or three different firms — three different banking firms have had a chance to help these people, it is after private enterprise has had a chance to do something and wouldn't do it.

Now at that point, then the Building Authority can help some of these poor people get financed. Now this is as I understand the bill. I have taken the time to do some research. This is one of the bills I worked on. Some members of the House, preferably Mr. Hewes, and some members of the House know that I have done a lot of research on this bill. I have actually been to Gardiner and to the banks around town and inquired of them why they wouldn't make 235 loans in this state.

I was amazed at some of the answers I got. The fellows making the loans, I said, "Is this your opinion or is this the opinion of your directors?" "Well, no," he says, "this is the opinion of the directors of this bank." Well, they beat around the bush a bit, but finally I got down to the gist of the matter and the gist of the matter was this, that if they make these 235 loans at a low interest rate to these people that are trying to get housing, then it might hurt the actual market on rents in the area. In other words, it would make a buyer's market, so to speak.

They had money in these tenement houses that might have to be rented for less money, and this would actually hurt the investments they already had.

So I think most of the banks in the area prefer to lend money on house trailers. They are easily

repossessed, and so forth. But I hate to see this beautiful land of ours further eroded with trailer parks and more trailer parks. When I think that people are only having these not by choice, but because they are being forced by the banks, it is the only thing they can buy. And I know some lovely people in this town, and in the area where I live also, that would love to buy a home their heart desires. Just to own a home they could call their own that is on a foundation that is permanently placed.

Now without this bill it is impossible. There are not going to be any of these 235 loans, because the banks will not handle them. And they have got their reasons, and they will probably be told here in the House. But after you take and do as much research as I have done on it, and you find out what the real truth of the matter is — and I suggest you will be doing the poor people of this state a great favor if you will just make it so that these people will have a chance to get this loan.

Now this doesn't take from free enterprise, because remember this one thing, it is only after three — the amendment on it says only after three banks have refused to make the loan. Now that is not against free enterprise, and I hope you will support the bill.

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

Mrs. WHEELER: Mr. Speaker and Members of the House: I support the motion of the gentleman from Cape Elizabeth, Mr. Hewes.

Very few banks in Maine handle the interest reduction credit authorized by Congress and administered by Secretary Romney. In fact about 4% of these loans are made in Maine at rates as low as 1% interest per year by persons of low income for new homes as there are mobile home loans made at 12% and up per year. About 4,000 mobile homes are entering Maine annually.

The federal government appropriated \$350 million annually for assistance for low income and elderly families. Maine is getting a very minor fraction of its share

under the present system. This bill would provide standby power for the State Housing Authority to make loans in the event that three banks refuse.

No direct GI loan has been made in Maine for the last two months according to the office of Veterans Affairs. The bill would allow direct loans to veterans. It is ironic that we honor our veterans and their families this week and allow a situation like this to exist in such a vital matter as housing for veterans and their families. All of the above loans would be guaranteed by the United States government.

I hope you support the motion of the gentleman from Cape Elizabeth.

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

Mrs. LINCOLN: Mr. Speaker and Members of the House: I am quite interested in this business of the one percent and the poor people because we had a home not too far from me, \$18,500, that they are getting on one percent. This I am vitally opposed to.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentleman of the House I consider this a very good bill as it stands and as it reads. I know what it will do for down in my territory where we need this kind of work.

I am talking about the skilled labor that will be employed; the electricians, the plumbers, the whole thing. This will aid out into my county where we have 33% in my own area unemployed.

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

Mr. CARRIER: Mr. Speaker and Members of the House: This particular bill in committee, what happened is naturally the banks were against it because this would create an agency and allow them to put out loans which is actually—that is what we have banks for in the first place.

But let me mention to you here that there are different statements being made here. Now it was the

committee—and I happen to know some of the people that were at the hearing, and I suggested to them, and it was suggested to them that I kept in touch with them, that they get together with Mr. Elwell, and we gave them two weeks in order to get things straightened out.

Well, let me tell you that the answer that I got was the fact that apparently they could not get in with Mr. Elwell, although he stated that at the committee hearing that he was ready to do so. Now as a result this is probably—it came out this way here as far as making loans.

Now I think we are all interested—and this is the point I have been pounding to you for the last two months, that we are faced with a housing shortage, and you have to make conditions such that we can get new housing, whatever kind of housing people desire. Some people don't want a house, some people want a trailer. But let me tell you one thing—and I concur with Mrs. Lincoln, what she said, and why I signed the "Ought not to pass" Report, for two reasons.

The first was the fact that I would have gone along with the bill if they would have gone and said three banks authorized to do business but on the same conditions; in other word, the same rate of interest, the same term of loan, the same number of years.

And the other thing why I didn't go along with the bill was the fact that we talk here about 235, and this is briefly what Mrs. Lincoln mentioned, and what Mr. Dudley mentioned. But let me mention to you some niceties about this 235. It does provide a rate of interest and probably a loan to people to buy a house. This is true. But let me cite you an example that I have right in Westbrook of a fellow that has nine kids, and does live in a very bad house. But he is happy to live there in the fact that at least he is not outside.

But we had a house for sale, and a nice house. And it was a five-bedroom house, which five bedroom houses don't come easily. And this would have suited him very well, and the price was

\$13,500. Now I am telling you this 235 like I say has got some bad points to it. Under 235 he could not buy this house for \$13,500. They had him down that he had to buy a house between \$15,000 and \$17,000. Now the poor guy cannot even afford a \$7,000 house, never mind putting him into a bracket of \$17,000, \$16,000, \$15,000.

For those who don't know, the reason for this is that you have to be within a certain wage bracket. In other words, he works, and his wife, in order to help him, works too. But they were too high in the bracket in order to buy a \$13,000 house. But they were trying to shove him into a \$15,000, \$16,000, \$17,000 house,

This is the reason why, if 235 is applied right it is all right. But in a lot of cases it isn't. It hurts the people more than it helps them. And this is actually—as you know, it is subsidized by your taxes, my taxes, and everything else. This I don't mind if they are deserving of it, I am willing to go along with it. But this is the reason why I voted against the bill. I think that the banks—even the banks at the hearing offered to even see and go up to Presque Isle and these places where they claim that there is no mortgage money available. They even offered to go up there and take a feasibility count, or whatever you call it, to see if it is wise and to provide for loans up in that section.

So I submit to you that it was also mentioned no GI Loans. There has been GI Loans in the last two months. At least I know there has been applications for it. And I know where you can get GI Loans, at least the application for it, and they will process it. They will process it. I don't know if they have got any money or not, but they should.

When we get into mortgages, this is a complex affair, and I can assure you that everybody is doing the very most. You get the 235, you got 236—I don't know if that is done away with or not—you have got the Farmers' Loan Association, and everything else. And these are good programs. They are lengthy programs; a lot of red tape, but the ones that do

get a house from them eventually benefit from it, and I am for them. But I am not for this bill.

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

Mr. HEWES: Mr. Speaker, Members of the House: I think every one of us here is elected to help the people of the State of Maine, and help to solve the problems of some of the people of the State of Maine. There is a housing shortage, or at least a shortage of good housing in the state.

This bill as I understand it would make available for the general public money for new housing at reasonable interest rates. I think if you vote for this bill you will be able to say tonight that you have helped make this state a little better for yourselves, your friends, your family, children, grandchildren, and their issue.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I believe that the real problem in the lack of housing here in Maine lies in the simple fact that was stated here earlier by the representative from Bath, Mr. Ross, when he said that the mortgage payment now on a home costing, or an average home, I believe he described it, is around \$270. And the fact of the matter is that there are too many people in Maine who just don't have the money to be able to afford the mortgage payments on a home. I think we have to work on that area rather than this.

I am just as suspicious of this bill as I can be. I wouldn't want any part of it. Maine banks, first off, have plenty of money. They want to loan it. The bill says that an applicant has to be turned down at three banks; banks who have the money and want to lend the money.

There are untold numbers of federal programs which deal with loans for housing. I don't think there is anyone in the United States who knows how many programs there are that have money available for loans on housing. Now after all of those are turned down

under this bill we, the people of the State of Maine, would put the money out to make this housing possible.

Well, what I say to you is that if we follow this route, the paper that we would collect under this program would make the paper that we are now holding on the Vahlsing Enterprises look like gilt edged certificates. I think we would be in so deep that in a short time we would never see our way out from under. I hope that you kill this bill, but good.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: The gentleman from Pittsfield practically took the words out of my mouth. I was going to say before you vote to accept this bill I hope you remember that sometime next week you have got to come up with a million some odd hundred thousand dollars for the next two years for Maine Sugar Industries. This is another one of these cases where I am a little bit gun-shy of this type of loan.

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

Mrs. WHITE: Mr. Speaker and Members of the House: I agree with the last two speakers. I feel very strongly that this is business that the State of Maine would do well to stay out of.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I hate to come before you twice this morning, but I feel this is a very important issue, and I will try to be brief. I feel that the last three speakers have done very little research and know very little about the subject.

First let me tell you that we are talking about federal money. Now I recently was in Illinois, and there you can see this working in great force in whole villages. Now this is putting carpenters to work. Our economy needs this. We haven't talked about what this will do to Maine's economy. Maine's economy needs this money. This is fed-

eral money; we are not talking about state money. These federal loans are guaranteed by federal money. They think it is guaranteed by state money.

These 235 Loans are guaranteed by federal money. And people have to be in a certain income bracket in order to acquire it. There is a very good scale set up, and I doubt if very many members of the House have seen this scale. I only wish I had it here so I could read it to you. This has come up, and I feel kind of ill prepared because I should have this so I could show you the scale on which it is.

Let me tell you this, it puts carpenters to work, plumbers to work, sawmills to work, in great numbers, because they build houses — at least where I have seen it done — in great numbers. It lets people own a home that will never own a home any other way.

Certainly the banks have got money to lend. This bill doesn't say they can't lend the money. They want to do it through the banks; they don't want to lend direct. Now if the banks have got money, the way this works, the bank gets their interest rate, but they get most of it from the federal government. The constituent only pays something like one percent, but the bank gets the rest of their interest from the federal government.

Now most bankers will tell you, "Well, we would have to have a computer to handle it, and it is an awful bother collecting your interest from two different sources." Oh, they have got all kinds of excuses. But if you talk to them long enough you will find what the real problem is.

Now don't be misled to think this is going to be a sugar beet deal, because the sugar beet deal was financed by a Maine concern, by this House through an entirely different situation. We are talking about federal money. Other states are getting it by the millions, by the billions. And I would like to see Maine have their share.

I felt the same way — I have always in this House voted against public power. I am against the government being in business. I

am for private enterprise. However, I will make some exceptions, when every state in the union gets federal money for projects it might be well that Maine gets a little for some of them. And this is one of the cases.

We have a crying need in this state for housing. And that is why we are having all these problems with rent. We do a lot of things to discourage the man who is furnishing the rents. Nobody is building any more houses to rent any more today, you can't do it with all the laws you have got. So when the present ones fall down we will not have any more.

So the time has come and now. And when the federal government is making this money available, and the poor people can get money and only pay one percent on it, and it is being endorsed by the government.

Certainly I hate to see our federal money or our tax dollars thrown around, but if they are going to throw it all over the 49 states and Maine left out, this I don't buy either. I think it would be an awful crime if we were to defeat this bill today, both from two angles. From the poor people that need a home that can now buy one at one percent, and it is endorsed by federal money. I am just trying to recover it quickly, and all the carpenters and plumbers and builders and sawmills that we have got down in the state that are lacking for work. What a tremendous boost it would be. Not with Maine dollars; with federal dollars.

I hope the House will at least vote for passage of this bill or keep it alive until I can have time to reach enough of you people to show you the facts and figures. And even the three people that spoke last, I am sure that I can show them with facts that what I am telling them is right. I am sorry that I have such a small vocabulary, and I probably can't reach you, but I can show you if you keep the bill alive and let me explain it to you.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I would simply tell Mr. Dudley that there are 235 direct funds available through the Farm Home Administration in his area, and in Mr. Mill's area also.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I am wondering if I got a wrong printing of this bill. I don't see anything about any federal money in this bill. It states twice, the State Housing Authority. I don't see any federal money that is guaranteed in this bill.

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

Mr. HEWES: Mr. Speaker and Members of the House: I am sorry to be late here, but I understood this was federal money that we were talking about. The State Housing Authority is in being, as you know. But in order to get the state to borrow money it would take the people to have a vote on it under the Constitution, as you know, at the November election, or the general election. I don't think we are talking about state money here.

The SPEAKER: 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 on Bill "An Act relating to Power to Loan under State Housing Authority's Law," House Paper 1387, L. D. 1810. If you are in favor you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 72 having voted in the affirmative and 50 having voted in the negative, the motion did prevail.

The New Draft was given its two several readings and assigned the next legislative day.

Divided Report Tabled and Assigned

Majority Report of the Committee on Natural Resources on Bill "An Act relating to Water Quality Standards" (H. P. 971) (L. D. 1331) reporting "Ought to pass"

as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. SCHULTEN of Sagadahoc
GRAHAM of Cumberland
— of the Senate.
Mrs. KILROY of Portland
Mr. MacLEOD of Bar Harbor
Mrs. CUMMINGS of Newport
Mrs. BROWN of York
Messrs. SMITH of Waterville
WHITSON of Portland
— of the House.

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

Report was signed by the following members:

Mr. VIOLETTE of Aroostook
— of the Senate.
Messrs. CURRAN of Bangor
HERRICK of Harmony
HARDY of Hope
AULT of Wayne
— of the House.

Reports were read.

(On motion of Mr. Bragdon of Perham, tabled pending acceptance of either Report and specially assigned for Tuesday, June 8.

Third Reader Indefinitely Postponed

Bill "An Act to Amend the Laws Relating to the Trustee of Wages" (S. P. 226) (L. D. 672)

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

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

Mr. HEWES: Mr. Speaker, I move the indefinite postponement of the bill and would speak to my motion.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, now moves that L. D. 672 be indefinitely postponed.

The gentleman may proceed.

Mr. HEWES: Mr. Speaker and Members of the House: A similar bill sponsored by the good gentleman from Augusta, Mr. Lund, I understand has passed through these houses and is presently on the Governor's desk. And therefore, this bill, which was sponsored by a member of the other body, is not necessary.

The SPEAKER: The pending

question is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that L. D. 672 be indefinitely postponed in concurrence. All in favor of indefinite postponement will say aye; those opposed say no.

A viva voce being taken, the motion did prevail.

Third Reader Tabled and Assigned

Bill "An Act relating to the Management of Solid Waste" (H. P. 1383) (L. D. 1803)

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

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

Mr. MARSTALLER: Mr. Speaker, I would like to pose a question to anyone on the committee. In this bill under the part on exceptions it says, "Municipalities currently burning solid waste in an open dump on land owned by the municipality may continue such burning until December 31, 1973."

Now I believe there are a number of municipalities that are doing this on leased land. Was this considered in the committee, and what is the situation here? Can anyone answer this question?

The SPEAKER: The gentleman from Freeport, Mr. Marstaller, poses a question through the Chair to any member of the Committee on Natural Resources who may answer if they choose; and the Chair recognizes the gentleman from Waterville, Mr. Smith

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: If you have never been excited about solid waste you ought to try to shepherd one of these bills between the Department of Sanitation and the Attorney General's office. Mr. Marstaller's question is one which I had not anticipated among the many that I would expect. I would appreciate it if someone would table this for one legislative day so I could answer the gentleman's question.

Thereupon, on motion of Mr. Whitson of Portland, tabled pending passage to be engrossed and specially assigned for Monday, June 7.

Emergency Measure Failed of Enactment

An Act relating to Testing of Private Water Supplies by Department of Health and Welfare (H. P. 1264) (L. D. 1668)

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. 98 voted in favor of same and 17 against.

Mr. Millett of Dixmont requested a roll call.

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

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

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Millett.

Mr. MILLETT: Mr. Speaker and Members of the House: This is one of these rare occasions when a person doesn't know when to say too little or too much. This is a bill which I sponsored on behalf of the Joint Select Committee Studying the Department of Health and Welfare. It is a bill which we found a certain amount of interest in because of customers wanting to get water samples processed here at the Department of Health and Welfare having to undergo an extensive waiting period.

The proposal contained in the bill is that private water supply requests—in other words, requests for tests from private developers—could be processed at a fee to be established by the Department of Health and Welfare, with the purpose of adding three part-time staff members during the high period of the year, which is in the months of May, June and July, to process these samples, and to further provide for a better service to the general public.

An amendment was offered here earlier in the week to limit such

charge to \$3 per sample. Now I feel that this is a sensible bill. The bill I think probably should have been explained earlier. It may be wrapped up in controversy surrounding the amending stage which we went through here earlier this week. I do feel it is a good bill. It does not affect the public as far as the present agencies which do qualify for water sampling annually. It is only those, for example, real estate developers or loan agencies such as FHA and so on who might want an emergency water sample processed to expedite the sale of a home. Now they have had to wait in the past upwards of six weeks or more to get this water sample processed; and it is my understanding that even though they would end up paying a very small fee, not to exceed \$3, they do support the intent of this bill.

I would hope that even though the bill has had a rather poor history here, I would hope that you could see your way clear to support this bill and give it the emergency enactment it needs, inasmuch as without the emergency preamble it would be worthless.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: You have probably noticed, I have been in my seat for the last two weeks and haven't said very much. I didn't want to rise on this, except most of the people in my district have wells and a lot of them send their water samples to the department for testing. My people for the most part are good taxpayers. They are not reaping some of the benefits of that Department that other people are, and I see no reason why we should charge them for having their well water sampled.

I wonder if this bill is not going to create more bureaucratic jumbles in that department than are already there, in that they are going to send in their water samples, then have them returned, being told that there is going to be a charge and that they are going to have to go through the process a second time, and if we are not getting ourselves into a great deal

of trouble. So I certainly hope we do not give this bill final enactment.

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

Mr. DYAR: Mr. Speaker and Members of the House: As a signer of the Minority Report on this original bill, I have made several trips across the street to this water testing department. On several occasions I have asked employees over there how long it took to test a water sample and what the procedure was. I got a big run-around. People that have been there three or four years can't tell me how long it takes to test an individual water sample.

I did get an answer from Dr. Okey who is in charge of the department. He quoted the time element as being one hour and the cost to the State of Maine as being \$7.25.

Now it is hard to analyze the actual cost of \$7.25, because I think some people take three hours to do a fifteen minute job and other people it would take five minutes to do a fifteen minute job.

I felt all along that this was a public service. We are talking about individuals in the State of Maine who are testing their individual wells, their own private water supplies, in the interest of better health, and I think this is one thing that the state should do and not incur a cost on the taxpayer.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen: I think we have a problem in this area, and how it is to be rectified, I don't know. But certainly we owe it to the people in this state who depend on private water supplies to provide them with a quick and accurate report on their water supply. I don't believe that any person depending on a private well should have to wait five, six, or seven weeks when there is some question as to the purity of the water. And if it needs three part-time workers for two or three months and an additional charge, I think it is well worthwhile. I think a person having his water

tested ought to be willing to pay two or three dollars to know that it is satisfactory.

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

Mr. DAM: Mr. Speaker and Members of the House: It has been mentioned here several times about three additional employees. Now in the bill I don't see this provision for three; I see one for \$13,022.

Last year I made several trips down and picked up bottles where there was any problem with the bank holding back because they couldn't approve a mortgage because of water testing. I went down and I picked up the bottles. At that time they told me that if they had just some temporary, additional help, and as they said at that time that prior to cutting the funds, as they called it, and eliminating their help, that if they could have three people from the college, from the University during the summer months, during the three months of the high peak, that this would take care of them. Well, if you are going to put three people there part time, I don't see where it would require the amount of money of \$3 a person every time they have the water tested. I can't see going along with this bill, and I can't see where we will get three people hired when I can only see the figure of one in 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 here yet, and that is the fact that the State Highway Department in all of their construction projects are required to take at least two tests of the water in every well along their line of construction. My question is whether the Highway Department would be exempt from this charge or not?

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

Mr. DYAR: Mr. Speaker and Members of the House: The Highway Department is charged for this service and public water sup-

plies are charged. The sum of money taken in by the department last year on this service was in excess of \$16,000. I think on the part of the State Highway Department, this is protecting them in case of suit brought against the Highway Department after construction of water damage caused by salt filtration and so on. Actually that department is buying protection.

The SPEAKER: The pending question is enactment. This being an emergency measure, a two-thirds vote of all members elected to the House is necessary. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Albert, Ault, Barnes, Bartlett, Bernier, Berry, G. W.; Binnette, Bither, Boudreau, Bourgoin, Bragdon, Brown, Bunker, Call, Carter, Collins, Conley, Cottrell, Cummings, Curtis, A. P.; Curtis, T. S. Jr.; Cyr, Donaghy, Dow, Doyle, Drigotas, Farrington, Fecteau, Fraser, Gagnon, Genest, Gill, Good, Goodwin, Hall, Hardy, Haskell, Hayes, Henley, Hewes, Hodgdon, Immonen, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Lawry, Lebel, Lewin, Lewis, Littlefield, Lizotte, Lucas, Lund, Millett, Mills, Morrell, Murray, Marsh, Marstaller, Martin, McCloskey, McKinnon, McTeague, Millett, Mills, Morrell, Murnay, Page, Parks, Payson, Pontbriand, Ross, Scott, Shaw, Silverman, Simpson, T. R.; Smith, D. M.; Starbird, Stillings, Susi, Theriault, Trask, Tyndale, Vincent, Wheeler, White, Whitson, Wood, M. W.; Wood M. E.; Woodbury.

NAYS — Bailey, Baker, Berry, P. P.; Berube, Brawn, Carrier, Churchill, Clemente, Cooney, Cote, Dam, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Faucher, Finemore, Gauthier, Herrick, Kelleher, Kilroy, Lee, Lincoln, Manchester, McCormick, McNally, Mosher, Norris, Orestis, Pratt, Rand, Rocheleau, Rollins, Shute, Simpson, L. E.; Slane, Smith, E. H.; Webber, Wight, Williams.

ABSENT — Bedard, Birt, Bus-tin, Carey, Clark, Crosby, Curran, Evans, Hancock, Hanson, Jalbert, Jutras, Lessard, O'Brien, Porter, Santoro, Sheltra, Tanguay.

Yes, 93; No, 40; Absent, 18.

The SPEAKER: Ninety-three having voted in the affirmative and forty having voted in the negative, with eighteen being absent, this Bill fails of enactment.

Sent to the Senate.

Finally Passed Emergency Measure

Resolve Providing Minimum Retirement Benefits for Certain Teachers (H. P. 1361) (L. D. 1776)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 113 voted in favor of same and one against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Constitutional Amendment

Resolution Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans for Housing for Indians (H. P. 402) (L. D. 515)

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

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This is one of the loans like they were speaking of this morning, the state guaranteed like the sugar beet loan. I hope this is soundly defeated, and we hope that they can get some federal loans at one per cent. I think it would do them more good.

Now this is the bill that talks about guaranteeing state money, and that is very difficult to do. We have had very poor luck doing it, and a good example would be the sugar beet industry.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I rise to oppose the motion of Mr. Dudley. I rise because, as you know, this bill, once defeated in this House, is now back before us with an amendment, an amendment that would set the referendum date

ahead one year, to November of 1972. Therefore it would have to be the 106th Legislature that would pass the legislation that would implement this constitutional amendment.

In that implementing legislation, the 106th Legislature could write any type of safeguards that they chose. That legislation could not become effective until 90 days after the legislature adjourns. So we are talking about guaranteed loans — not in the near future, but if this passes, somewhere around — the very earliest date, the fall of 1973. In the meantime bad housing conditions will probably still exist.

This bill, this constitutional amendment, would give a chance for Indians, because of the condition of their tribal lands, to get loans to build or repair housing on the reservations. And it will be a long step toward that self sufficiency, that responsibility, that I feel we all want our Indian tribes to have.

I urge you, I urge you very earnestly to vote for this bill. This is one of the biggest helps that you could possibly give our Indian tribes. And remember, this bill, this constitutional amendment must be ratified by the people of Maine. Are we going to prevent them from having a voice in this? I hope not. Let's pass it.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to read one short paragraph from the Report on Public Reserve Lots. It states, "Although not part of the public domain, Indian Township, with 17,000 acres" and I repeat, "17,000 acres, is administered by the State Forestry Department in cooperation with the University of Maine's School of Forestry and Georgia Pacific, St. Croix Paper Company, for the benefit of the Indians, the income going to the Department of Health and Welfare for their support. A small sum is withheld for a resident state caretaker, plus the fire warden during the winter months."

I would like to repeat — "for the benefit of the Indians." It doesn't

say for the use of the Indians — for their benefit.

Now I believe that if your blood was 100 per cent white, this 17,000 acres could be put up for collateral, but being Indians it is being used on behalf of the State Forestry Department, study by the University of Maine and for the use of Georgia Pacific.

The SPEAKER: The pending question is final passage. This being a Constitutional Amendment a two-thirds affirmative vote of the House is required for its final passage. All in favor of its final passage will vote yes; those opposed will vote no.

A vote of the House was taken.

77 voted in the affirmative and 46 voted in the negative.

Mr. Mills of Eastport 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.

Mr. Cooney of Webster requested that the Committee Report be read.

Thereupon, the Report was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker and Ladies and Gentlemen of the House: I am not an Indian but I am in favor of them having equal rights. We hear about helping our poor black brothers but not a word in support of our red brothers. I hope you go along with this bill.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I spoke at some length the other day with regard to this. I would simply like to say now, I sometimes wonder how accurately we reflect the opinion of the people that we represent. I think the only

sure way of determining whether we are right or wrong is sometimes to submit the decision to the people.

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

Mrs. CUMMINGS: Mr. Speaker and Members of the House: I think it would behoove for all of us here to be consistent. A while ago I was against the bill that allowed the Health and Welfare to approve of Indian homes, whether they came up to standards or not, to be used as foster homes. Now that you have voted for that I think the least you can do is put into the hands of the Indians the means to upgrade their houses so that they really will meet the minimum standards to be foster homes. I hope you vote for this bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: It is a well-known fact that the government does not discriminate against any minority groups or ethnic groups. The federal government makes loans and this very morning we have just, by quite a substantial margin, passed making it impossible for 235 Loans in the state. Now this is federal money, and I am sure that the federal government will show no discretion against any ethnic group, whether it be Indians or what have you. They have all been very strong, about that in the federal government. And I am sure they will be entitled to these loans, and I am sure that if the representative from Old Town would stand up and tell you, they have already got some of these federal loans. So the federal loans are available like they are to other people.

Now state loans are not available to the poor people in my area. Some of them are of Indian extraction and some of them are from other ethnic groups, and state loans are not available to these people. They are hard-working people and I wish we could make loans to them, and I wish we could make loans to the Indians. But I wouldn't want to make loans to the Indians with state money unless I could

make it to some of the very poor people living in my area that are in drastic need of loans, whether it be from the state or federal government.

I just don't think that the state is able to get into any more of these deals like the sugar beet deal. And I don't think there is any need for it with the federal government stepping in and making available loans for everybody, not just white people but for everybody. The federal government is very specific in their standards.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I think that our emotions are being played on here. This is not a case of discrimination. We all took an oath of office when we came down here that we were going to uphold the Constitution to the best we could for the people that we represent.

I do not think that a loan on the basis that it cannot be foreclosed is a good business proposition. I don't want to be responsible for telling the people, and that is what we would be doing if we sent it to them, that we think that this is a good idea. If these loans could be made on a normal basis and could be foreclosed on a normal basis then this is fine.

But other than that I think we must look to another source, some sort of a credit union sponsored by some of the groups that have tried to do so much for the Indians today, the Unitarians, Catholics, or the rest that want to improve a lot of our red brothers. I think they could set up a revolving fund and run it on the basis of a credit union. Perhaps it could even get the blessing and it could be set up as a definite credit union. And this here again would give more training in the ways of the business off the reservation because it would be run by the Indians themselves. But I do not think that it is a good proposition for us to go back to our people and say let's have a bond issue for \$1 million for mortgages on Indian homes that we cannot foreclose on.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: There has been a lot of rambling around here with misinformation. The gist of this bill is pure and simple. The Indians do not live on their own land as they are under treaty with the State of Maine. This is the only way we can place responsibility on the Indians themselves to go ahead and develop themselves, to follow the program that has been developed by the Department of Education and other departments of the state. The sole purpose is to give them a chance to improve their own life. This is the only way it can be done. These other federal loans and all of that stuff are just so much hogwash.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: Each Sunday as I go to church we are asked to give to Biafra, we are asked to give to the Negro, we are asked to give to these in Vietnam, Laos, and all these different places. I have never known of the Indians to ask for a riot against our country. They have stood against our principle. They stood for our principles.

We had a bill there this morning to make us upgrade our own apartments so the poor people would have a place to live and still we are denying these people. And as Mr. Faucher said, I am not an Indian either, but I think that we should do something to upgrade them. If we don't upgrade the people in our own state, how can we expect to help someone over in Timbuktu?

The SPEAKER: The yeas and nays have been ordered. This being a Constitutional Amendment a two-thirds vote of the House is necessary. All in favor of this Resolution Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans for Housing for Indians, House Paper 402, L. D. 515, being finally passed will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Barnes, Bartlett, Bernier, Berry, G. W.; Berry, P. P.; Binnette, Birt, Boudreau, Bourgoin, Brawn, Bustin, Call, Carrier, Carter, Churchill, Clemente, Collins, Conley, Cooney, Cottrell, Cummings, Curran, Curtis, T. S. Jr.; Cyr, Dam, Dow, Doyle, Dyar, Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Gagnon, Genest, Gill, Good, Goodwin, Hawkens, Henley, Herrick, Kelleher, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lewin, Lewis, Littlefield, Lizotte, Lucas, Lund, Lynch, Maddox, Mahany, Marsh, Martin, McKinnon, McTeague, Mills, Murray, Norris, Orestis, Rocheleau, Rollins, Ross, Scott, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Tanguay, Theriault, Tyndale, Vincent, Webber, Wheeler, Whitson, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Ault, Bailey, Baker, Bither, Bragdon, Brown, Bunker, Cote, Curtis, A. P.; Donaghy, Drigotas, Dudley, Emery, D. F.; Evans, Finemore, Hall, Hardy, Haskell, Hayes, Hewes, Hodgdon, Immonen, Kelley, K. F.; Lee, Lincoln, MacLeod, Manchester, Marstaller, McCormick, McNally, Millett, Mosher, Page, Parks, Payson, Pontbriand, Rand, Shaw, Susi, Trask, Wight, Williams.

ABSENT — Bedard, Berube, Carey, Clark, Crosby, Gauthier, Hancock, Hanson, Jalbert, Jutras, Lessard, McCloskey, Morrell, O'Brien, Porter, Pratt, Santoro, Sheltra, White.

Yes, 89; No, 42; Absent, 19.

The SPEAKER: Eighty-nine having voted in the affirmative and forty-two having voted in the negative, with nineteen being absent, this Resolution receives final passage.

It was signed by the Speaker and sent to the Senate.

Passed to Be Enacted

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

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

An Act Revising the Laws Relating to Credit Unions (H. P. 580) (L. D. 775)

An Act relating to Appointments to the Portland Renewal Authority (H. P. 779) (L. D. 1045)

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

**Enactor
Tabled and Assigned**

An Act relating to the Location of Solid Waste Disposal Areas (H. P. 820) (L. D. 1094)

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

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: I wonder if the people of the House are all aware of what this particular bill does. They did amend and made it a little more palatable I suppose, but I suspect that half of the people here represent towns which have dumps. This says that no dump shall be within 300 feet of any body of water. In the amendment they took out "any body of water" and said "a classified body of water." But almost any body of water in the State of Maine is classified water.

Now in the town of Clinton which I represent they have a very good dump, well taken care of, but it does fall within this thing. Now I am not just exactly familiar with Clinton to the point of knowing where they might go for a dump because this seemed to be an ideal spot, well taken care of, centrally located. I suspect every town in the state or a lot of towns in the state have situations similar to this.

All water goes somewhere to a classified stream. I don't care where it lands. It is going to end up there so it is going to go from this dump to a classified water. I suspect that this is going to be a hardship though. In the law itself it says if it doesn't get the EIC approval, and this is what I said yesterday, if we want the EIC to run the State of Maine then I suspect this is all right. But it isn't

all right with me. I object to it very much.

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

The SPEAKER: The gentleman from Albion, Mr. Lee, moves that L. D. 1094 be indefinitely postponed.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not thoroughly familiar with this bill, and I wonder if the proponents would perhaps come to the defense of the bill.

Whereupon, on motion of Mr. Hardy of Hope, tabled pending the motion of Mr. Lee of Albion to indefinitely postpone and specially assigned for Monday, June 7.

**Enactor
Indefinitely Postponed**

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

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

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: This isn't going to get me any good favor probably, but due to the fact that we have so many L.D.'s on environment and ecology and in trying to read them all and trying to find out what is in them all and having talked to two or three attorneys and they don't know what is in them, I am afraid that if we pass this bill here we may be all putting ourselves in jail. And it frightens me really because these bills are coming thick and fast, and I don't believe there is any member in the House that has expertise enough to know actually what is in them or what they prevent or don't prevent. And for that reason I move for the indefinite postponement of this bill and all its accompanying papers.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I commented on the same subject that this bill covers yesterday, and I would remind you again today what I said then. I had the privilege of talking with a Justice of the Superior Court only this week and I commented on this bill providing for jail sentences for these environmental laws which are now passing. And I commented to him that if we persist in this course we are going to have to build a heck of a lot more jails. He said, "No, you are entirely mistaken." He said, "What you are going to do if you persist in passing these laws, you are going to further clutter up the courts who are badly crowded enough now. We are going to have to bring cases under these laws which we are talking about."

But in his opinion the ultimate result would be, after a long period of proper litigation with the jury, that you are just not going to get any conviction. He says, "You are not going to find a jury that will convict to a prison sentence on this type of a bill." So I question the wisdom of this bill, no doubt.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I couldn't agree more with the two previous speakers. We have endorsed a great deal of environmental legislation. I think we ought to have time to digest what we have partaken of. I am sure we are going to have a lot of it that we are going to have trouble digesting. I hate to think that we are compounding the problem by setting up prison sentences or penalties of any sort.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I certainly agree with the previous speakers, especially Mr. Norris of Brewer in the fact that we might wake up some morning and find the sheriff at our doorstep with a summons or a warrant for us to be put in jail. I think this environmental control is trying to

do something but I think they are trying to do it too fast and in too short a time. I heartily agree with him on the indefinite postponement of this bill.

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

Mrs. BROWN: Mr. Speaker and Members of the House: Perhaps you are going to find it rather strange to say that I have some questions about this bill. I am afraid that many of you look at me as a wild-eyed conservationist. I really am not. I try to be very practical in looking at many of these bills. I do not feel in many instances that the things that we are putting before you are brand new. They were things that were passed by the legislature two years ago and in implementing them as in any business there are things that have been found out to be wrong and much of this legislation that is being brought before you is not new legislation.

However, I will say this about the imprisonment. If you look back through all of your bills you will find that the Natural Resources Committee took out the imprisonment section in every single one of their bills. They did have fines. Now there is some problem some times that people won't pay the fines. We are told that there are other ways to handle this.

I don't believe that I honestly can support the imprisonment bill here.

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

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: This is one issue that has been debated at great length on the floor of the House. In the beginning there was question on the constitutionality of the committee amendment, but the amendment to the amendment submitted by Mr. Dam of Skowhegan satisfied the Attorney General's office, any questions they had. I still believe that by adding imprisonment to a violation of the environmental improvement laws is going to provide a deterrent to the possible pollution of our lakes and streams.

In answer to Mr. Norris, in due respect to Mr. Norris if he willfully violates any of the environmental improvement laws I don't care if he does go to jail.

It is a willful violation. I would also point out to you that at the present time Mr. Adams of the Environmental Improvement Commission is investigating a case where an individual apparently pumped out a number of septic tanks, stopped at a bridge on the way home and dumped the contents into a stream. I would imagine there are some here that would be concerned if he had dumped the contents into Sebago Lake or in Nokomis Pond.

I would also like to point out to you a few more laws, for your edification, that do carry imprisonment if they are violated. Selling a short herring for 60 days, violating the Baxter Park rules you can go to jail for 30 days, violating any fish and game regulation you can go to jail for three months, for marring a library book you can go to jail for three months, for defacing a sign board — and Mrs. Brown is doing her best to take them all down — but for defacing a sign board you can go to jail for one year, for gambling while on a train or steamboat you can go to jail for three months, and for making long distance calls without payment you can go to jail for a month, for training a fighting animal you can go to jail for a month, for shooting a pigeon you can go to jail for a month, for stealing or killing a dog you can go to jail for four years, and for exhibiting a bear you can go to jail for a month.

I urge you to vote against indefinite postponement and let's enact this bill and put it on the record.

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

Mr. HARDY: Mr. Speaker and Members of the House: As a member of the Natural Resources Committee I only wanted to point out to the House that this is not a Natural Resources bill. It came from Legal Affairs and I have not heard from any of the lawyers yet — I mean Judiciary.

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

Mr. LUND: Mr. Speaker and Members of the House: I spoke once or twice previously on the bill and one of the things that gets tough this time of the year is when you do get up several times on legislation, and I was happy at least that the sponsor of the bill, the gentleman from Wayne, Mr. Ault, pointed out the one significant fact which none of the opponents of the bill refer to, and that is that this possibility of imprisonment is limited to a situation where it is a willful violation.

I don't know what Justice it was that was speaking to one of the previous speakers but in the first place it isn't the jury that determines the jail sentence; it is the court in our state that sets the jail sentence. As for my part, I think we do have a problem of people who haven't really caught on to the fact that we don't want to have people doing things like emptying septic tanks pump out trucks into the waters of our state.

And I would ask each of you if you were sitting on a jury and a man was charged with willful violation of our environmental laws and evidence showed beyond a reasonable doubt that he had unloaded his septic tank pump out truck into the waters of our state, would you have any problems about finding him guilty? And if it was clear that he knew that he wasn't supposed to do this, if you were the judge would you not give serious thought to a jail sentence and would you not think that perhaps a fine was not sufficient punishment for this man or a deterrent to anybody else who might be tempted to do that same kind of willful offense?

After the House had discussed the willful aspect of this legislation previously the House voted quite heavily in favor of the bill and I would ask the House again to vote against the motion for indefinite postponement.

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

Mr. DONAGHY: Mr. Speaker: I would ask through the Chair of Mr.

Lund or anyone else who cares to answer whether or not there would not be laws that would punish this man who had supposedly dumped the septic tank contents into the stream, if there aren't already laws on the books that would punish him?

The SPEAKER: The gentleman from Lubec, Mr. Donaghy poses a question through the Chair to the gentleman from Augusta, Mr. Lund, who may answer if he chooses, or to any member.

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

Mr. LUND: Mr. Speaker and Members of the House: Not having an encyclopedic knowledge of the various statutes that we have I honestly can't answer that frankly. As to that specific instance, there may be some laws, but as to other examples of willful violations which I think are equally harmful I don't think that we have.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I am not a lawyer but the incident Mr. Donaghy is questioning I happen to have a case of two gentlemen in my town who operate honey wagons who make it a habit of dumping their sewage directly on other people's property or on the dumps and so forth and the planning board and the municipal officers in the Town of Standish tried to find a statute on the books that would prohibit this, and to the best of our knowledge through working through the Attorney General's office there are none.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, I submit that ignorance of the law is no excuse and I don't think people really understand these laws and the majority report of the Committee was "Ought not to pass" and this House sustained that report originally, so I would hope you would go along with the indefinite postponement.

The SPEAKER: The Chair

recognizes the gentleman from Portland, Mr. Whitson.

Mr. WHITSON: Mr. Speaker and Ladies and Gentlemen of the House: If you will recollect that a very short time ago this House passed a bill concerning mercury pollution into the waters of our state. I would point out to you that I for one would want more than a fine imposed upon someone who willfully disposed of mercury or allowed mercury discharged into the waters of our State, because many environmental bills affect more than just the environment. They affect our health directly. I think that we should have the added weight of imprisonment to enforce these bills, to put fear in the hearts of those who would so casually do such things.

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

Mr. LEE: Mr. Speaker, I would like to ask a question. I don't see the word willfully in this bill anywhere.

The SPEAKER: The gentleman from Albion, Mr. Lee poses a question through the Chair to anyone who may answer if they choose. The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker and Members of the House: If the Clerk will give us the reference to the committee amendment I believe that you will find the word willfully is in the committee amendment.

The Clerk read the reference.

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

Mr. AULT: Mr. Speaker and Members of the House: The word willful is in the original bill, 1321. It says "and, where such violation or refusal is willful, may in addition to any fine be imprisoned for not more than 11 months."

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

Mr. PAGE: Mr. Speaker: May I inquire of the Chair if the municipal officials is still in this bill in the imprisonment part of it?

The SPEAKER: The gentleman from Fryeburg, Mr. Page, makes an inquiry through the Chair to

anyone who may answer if they choose, and the Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: In answer to the gentleman from Fryeburg's question, it is my understanding that H-376, House Amendment "A" to Committee Amendment "A", does impose liability upon the municipal officials as well as the corporate officials.

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

Mr. EMERY: Mr. Speaker and Members of the House: As a municipal official I will tell you one thing, I don't want any part of this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that this Bill be indefinitely postponed. 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.

59 voted in the affirmative and 53 voted in the negative.

Thereupon, Mr. Lund of Augusta 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 will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that this Bill "An Act to Include Imprisonment Among Those Penalties Provided for Violation of Environmental Protection Laws," House Paper 960, L. D. 1321, be indefinitely postponed in non-concurrence. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Bailey, Berry, G. W.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, B r a w n ,

Bunker, Call, Carey, Carrier, Churchill, Collins, Cummings, Curran, Curtis, A. P.; Cyr, Dudley, Dyar, Emery, E. M.; Evans, Fecteau, Finemore, Fraser, Genest, Hall, Hardy, Hawkens, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelley, R. P.; Lebel, Lee, Lewis, Lincoln, Lizotte, Lynch, Maddox, Mahany, Manchester, Marsteller, McNally, Mills, Mosher, Norris, Orestis, Page, Pontbriand, Rand, Rochelleau, Shaw, Starbird, Theriault, Trask, Wheeler, White, Wight.

NAY — Ault, Baker, Barnes, Bartlett, Bernier, Berry, P. P.; Bourgoin, Brown, Bustin, Carter, Clemente, Cooney, Cote, Cottrell, Curtis, T. S., Jr.; Dam, Donaghy, Dow, Doyle, Drigotas, Emery, D. F.; Farrington, Faucher, Gagnon, Haskell, Hayes, Kelley, K. F.; Kelley, P. S.; Kilroy, Lawry, Lewin, Littlefield, Lucas, Lund, MacLeod, Martin, McCloskey, McTeague, Millett, Murray, Parks, Payson, Rollins, Ross, Scott, Shute, Silverman, Simpson, L. E.; Simpson, T. B.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Tyndale, Vincent, Webber, Whitson, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT—Albert, Bedard, Clark, Conley, Crosby, Gauthier, Gill, Good, Goodwin, Hancock, Hanson, Jalbert, Jutras, Kelleher, Keyte, Lessard, Marsh, McCormick, McKinnon, Morrell, O'Brien, Porter, Pratt, Santoro, Sheltra, Tanguay, Williams.

Yes, 62; No, 61; Absent, 27.

The SPEAKER: Sixty-two having voted in the affirmative and sixty-one having voted in the negative, with twenty-seven being absent, the motion does prevail.

Sent to the Senate.

Enactor

Tabled and Assigned

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

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

(On motion of Mr. Shaw of Chelsea, tabled pending passage to be enacted and specially assigned for Tuesday, June 8.)

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

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

An Act Levying a Tax for Research and Promotion of Maine Wild Blueberries (H. P. 1368) (L. D. 1785)

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

Orders of the Day

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

An Act to Provide Certain State Level Land Use Controls" (H. P. 1125) (L. D. 1543)

Tabled — June 2, by Mr. Bragdon of Perham.

Pending — Motion of Mr. Marstaller of Freeport to reconsider passage to be enacted.

On motion of Mr. Martin of Eagle Lake, retabled pending the motion of Mr. Marstaller of Freeport to reconsider passage to be enacted and specially assigned for Monday, June 7.

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

Bill "An Act relating to Hunting, Fishing and Trapping on Indian Tribal Lands" (H. P. 1371) (L. D. 1789)

Tabled — June 2, by Mr. Donaghy of Lubec.

Pending — Motion of Mr. Starbird of Kingman Township to reconsider passage to be engrossed.

On motion of Mr. Starbird of Kingman Township, retabled pending his motion to reconsider passage to be engrossed and specially assigned for Tuesday, June 8.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought to pass" with Committee Amendment "A" (H-389) — Minority (4) "Ought not to pass" — Committee on Judiciary on Bill "An Act Providing for a

Full-time County Attorney for Cumberland County" (H. P. 194) (L. D. 332)

Tabled — June 2p by Mrs. Wheeler of Portland.

Pending — Acceptance of either Report.

On motion of Mr. Hewes of Cape Elizabeth, retabled pending acceptance of either Report and specially assigned for Tuesday, June 8.

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

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

Tabled — June 2, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

Mr. Martin of Eagle Lake moved that the Bill be passed to be enacted.

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 116 voted in favor of some and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

House Joint Order — Commending Miss Allyn Warner for being named Miss Greater Portland of 1971.

Tabled — June 3, by Mr. Hewes of Cape Elizabeth.

Pending — Passage. (H. P. 1389)

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

Mr. HEWES: Mr. Speaker and Members of the House: It is with reluctance that I oppose the order honoring a local beauty queen. I have in my hands here the Miss Maine Pageant for 1967, it is slightly worn as you can see. There were twelve candidates for Miss Maine, or there were twelve in 1967, presumably the same amount this year, coming from — and before I indicate that, this particular order would praise or honor just

one of these. I think that we ought to honor all candidates equally, so whatever influence honoring one has will benefit all or will hurt all equally.

In 1967 there was a Miss York County, Miss Gorham State, Miss Greater Waterville, Miss Bangor, Miss Lewiston-Auburn, Miss Livermore Falls, Miss Belfast, Miss Millinocket, Miss Greater Lincoln, Miss Greater Portland, Miss Waldo County and Miss Augusta. I have no doubt that the young lady mentioned in the order is a very lovely young lady. I read the caption under her picture in Sunday's paper and I know she was runnerup in the Pageant last year.

I question if we should be spending what I think is important time of the Legislature here, perhaps passing twelve separate orders on local events.

We do of course pass orders praising state champions such as the Brewer Football Witches or the South Portland Basketball Riots or the Schenck High Basketball Team, or the Gorham cross-country team or a soccer team, or the Waterville Pee-Wees or some Waterville sextet almost every year. But it seems to me that we were elected here not to honor local beauty queens but to attempt to solve problems for the people of the State of Maine.

So I respectfully ask for a division and suggest that we defeat this order so that we can turn our attention to matters of state.

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

Mr. WHITSON: Mr. Speaker and Ladies and Gentlemen of the House: As far as I am concerned, a legislative order is a courtesy, complimentary greeting card, and they can at times be trivial. I am not sure how many orders have been introduced to date, but I can recollect several which were not of great significance. Among them, one ordering that Representative Bither be recorded upon the journals of our state as having discovered gastropod fossils in a stone of this building. I found this interesting and even examined several myself, and they are there;

and I had no objection to this order.

Another order I recollect was one commemorating, as Representative Hewes has said, the Brewer Witches Football Team for their fine record and state championship. Again, I held no objection. They performed well and they possibly deserve some recognition. A fine feat, but how many state champions are there in this state?

Now there are several classes in almost every sport. I suspect, considering the number of sports and leagues in each sport, Class L, M, N, O, champs in football, basketball, wrestling, several league championships in track, and tennis, and many schools have a golf team and swimming teams and chess teams. And probably there are more high school champions in Maine each year than beauty queens by far. And that is not going to college athletics at all.

I don't object to these orders. If a member of this House wants to introduce an order to congratulate his grandmother for her new false teeth, it is fine with me. I consider it a courtesy to that representative. Certainly presentation of orders is not a problem. I have introduced only one order previously. I am certainly not going overboard. I don't think that anyone else is in fact.

Now Miss Warner was selected as Miss Greater Portland, an area which represents in the vicinity of several hundred thousand people. Nothing spectacular but certainly not unusual for an order in this House. I would point out that the few seconds that it takes to present an order is no problem. No one has ever mentioned, when speaking of the delays this House has incurred, presentation of these complimentary orders as an appreciable factor in delaying our adjournment.

The time spent on the debate on this order probably is such that we could have passed orders congratulating every beauty queen in the state, every state championship high school team, and probably every grandmother who has had a new set of false teeth. And this is how little time an order

takes. I would ask your consideration and defeat the motion of the gentleman from Cape Elizabeth, Mr. Hewes to indefinitely postpone. I consider an order a legislative courtesy.

The SPEAKER: The Chair would advise the gentleman and the House that the pending question is passage of this Order. The Chair will order a vote. All in favor of this order receiving passage will vote yes; those opposed will vote no.

A vote of the House was taken.

74 having voted in the affirmative and 31 having voted in the negative, the Joint Order was passed and sent up for concurrence.

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

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

Tabled — June 3, by Mr. Jalbert of Lewiston.

Pending — Passage to be enacted.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Very briefly, Representative Hancock yesterday asked Representative Jalbert if he would table this because he couldn't be here today; and Louis Jalbert passed it on to me, would I see that this got tabled, and he is absent now. So I am making a request that somebody will do this function.

Whereupon, on motion of Mr. Gill of South Portland, retabled pending passage to be enacted and specially assigned for Monday, June 7.

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

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

Tabled — June 3, by Mr. Ross of Bath.

Pending — Passage to be enacted.

On motion of Mr. Ross of Bath, passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the eighth 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 3, by Mr. Birt of East Millinocket.

Pending — Further consideration.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: This was a bill that I originally introduced. In the process of amendments it got changed around quite a bit. The Clerk has written out several procedures I have got to get through. I thought I would make the comments ahead of time. I am going to try to take off the amendments that are on there and then put them together in one amendment and put the language back somewhat the way the bill originally was. Hopefully you will go along with what I will do and then if you are not in agreement why we can take corrective action at that time.

Thereupon, on motion of Mr. Birt of East Millinocket, the House voted to recede from passage to be engrossed.

On further motion of the same gentleman, the House voted to recede from the adoption of Committee Amendment "A" as amended by House Amendment "A" thereto.

Senate Amendment "A" to Committee Amendment "A" (S-185) was read by the Clerk, and on further motion of the same gentleman, was indefinitely postponed in non-concurrence.

On further motion of the same gentleman, the House receded from

adoption of House Amendment "A" to Committee Amendment "A", and the Amendment was indefinitely postponed in non-concurrence.

Committee Amendment "A" was indefinitely postponed in non-concurrence.

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

House Amendment "A" (H-408) was read by the Clerk and adopted.

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

Mr. MARTIN: Mr. Speaker, I now move the indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The Chair would advise the gentleman it is a non-concurrent matter.

Mr. MARTIN: Mr. Speaker, for the purpose of expediting things I will let it go for engrossment. When it comes back for enactment I will take care of it then, or try to.

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

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

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

Tabled — June 3, by Mr. Porter of Lincoln.

Pending — Passage to be engrossed.

Mr. Marsteller of Freeport offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-415) was read by the Clerk and adopted.

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

Tabled — June 3, by Mr Jalbert of Lewiston.

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

Mr. Webber of Belfast withdrew House Amendment "B".

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

House Amendment "D" (H-414) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. WEBBER: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is essentially the same as House Amendment "B", but it encompasses some suggestions by the gentleman from Harmony, Mr. Herrick, and on the back from the Commissioner of the Forestry Department, Mr. Wilkins. So I will move its adoption.

Thereupon, House Amendment "D" was adopted.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I now move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis, now moves that L. D. 1770 as amended will be indefinitely postponed.

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

Mr. WEBBER: Mr. Speaker and Ladies and Gentlemen of the House: I oppose the indefinite postponement. Now this bill has the support of Commissioner Wilkins of the Forestry Department. I talked with him yesterday and he called it a very good bill. Now I am sure that each and every one of you people here take quite a lot of pride in the natural and scenic beauty of the State of Maine. I am sure that each and every one of you would defend it against any one of the other 49 states. So by leaving this strip on the road it enhances the beauty. It takes away the ugly slash and cutting that we see in some areas. So for that reason, and simply for that reason, I support this bill.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I have stayed away from this bill because I have cut quite a few thousand cords of pulpwood, but I am telling you right now there is no one right now — there is a law now where we have to stay back 50 feet away from the roads. When you tie up 50 feet a mile long along a public way you are tying up too much land. And no one is dumping trees in the road, and no one is making it so that there isn't a good scene along the road. No pulp company, because they are all private roads. This is on public roads only and I very much oppose this bill. I hope that you go along with indefinite postponement.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I simply cannot let the remarks that were made by the gentleman from Bridgewater go by without saying one thing.

The gentleman of course as I do lives in Aroostook County, and tomorrow I would invite him on Route 11 from Ashland to Fort Kent; and would he then take a look at what has been done to those trees within two feet of the ditch. Then perhaps I am sure he would change his view on this bill. I oppose the motion of indefinite postponement.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: Down in the town of Palermo just before you get to the Sheepscot Bridge on Route 3, both sides of that road, everything has been cleaned as far as the eye can see. There are big ruts there. It is a disgrace. Now this is definitely the main trunk line and I would like any member of the House, even if you have to postpone it, to take a ride right down and that is just a short distance from here, approximately 23 miles, to look at this. This is the worst sight that I have seen and I hope

that you will definitely go along and not postpone this bill.

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

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: I support the motion for indefinite postponement of this bill for several reasons. First, on the constitutionality of this bill there was some question raised about the original bill and the Attorney General's office said a justification for a preamble might make it constitutional. I quote again from the letter, "We can give no firm opinion however that the attachment of such a purpose clause would result in the legislation being constitutional."

Let us talk a little more about what is constitutional here. We are talking about a 100 foot strip outside the right-of-way on each side of the road. We are controlling the cutting practices on this strip of land. And if we can control cutting practices we can control other practices on that same land.

Now let us think about how much acreage is involved in this matter. From the Highway Department — this bill is now amended to include numbered highways only — I have a figure of 21,309 miles of numbered highways in the State of Maine. Let us assume that half of this is in woodland. I think it would be a lot more. But if half of it was in woodland we would come out with around 260,000 acres. We are talking about controlling what people can do on this amount of land. I think there is obviously a problem here in a few instances where there is an unsightly situation for a year or two or three when a clear cutting operation has taken place. But I submit to you that controlling this amount of land to take care of a situation that is in only a few spots on this land and can only occur on these spots once every 50 years or so if it was clear cut each time it was cut. I believe this is an undue infringement on private property rights.

If Maine wants to control this land we have the State Park Commission with money to spend; they can buy this land. We have a

Forestry Department which is going to have maybe \$8 million in Baxter Trust Funds to buy forest land; maybe they should buy the land. I don't think this is the way to go about it.

We have a Highway Beautification Board; we have a Community Betterment Program; we could make money available, and planting of these areas could be done under state auspices if this is the answer. I think we have several alternatives so I hope you will go along with the indefinite postponement of this bill.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: One question that has not been brought up here in the debate so far. I have not had time or I have not taken time to read the bill and study it.

This thought occurs to me. There are areas in the state right now where people who own forest land are clearing it for agricultural purposes. They might cut this land with that intent and then maybe not carry through with it.

I think if anybody has a piece of forest land that they feel they want to raise potatoes or peas or anything else on they should be perfectly justified in clearing it, and certainly no one would quarrel with their clearing it clear to the highway and make a good clean-looking job. It seems to me that this is an area that should have some thought.

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

Mr. WEBBER: Mr. Speaker and Ladies and Gentlemen of the House: In answer to Mr. Bragdon, with the exception of item one, "land used for agricultural purposes and for cultivation of crops other than forest products."

Now the constitutionality of the bill. The letter that Mr. Marsteller from Freeport read from, I have a copy of it. It was dated May 26. The other day when we debated this to a degree I read one to you that I had from the Attorney General's Department dated June 2. I will read just a bit of it again.

"After reviewing the letter from the Deputy Attorney General George C. West to Representative Louis J. Marsteller, I have prepared the attached amendment." This is the one that I have offered today. "In my opinion it is responsive to the possible constitutionality of the problems of the redraft noted by Mr. West in his letter I referred to."

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

Mr. HENLEY: Mr. Speaker and Members of the House: I would like to speak briefly on this. I want to agree with Mr. Marsteller, I know that there is a lot of small timber owners that operate under very tight budgets and they own property along roadsides, and speaking in small figures a mile of roadside is twelve acres. Twelve acres of his property that he pays taxes on and he spent a good price for that we are going to tell him just what he can do and what he can't do on it. I think we are carrying this just a little too far.

I am all for environment laws but we can't go to the extent of extending this. What is going to be next? When a lot of people are flying in airplanes are we going to have to plant lawns where we don't want lawns just because people are going to look down at it?

A lot of roadsides of course look pretty sore right after they have been trimmed off. We say it is quite an eyesore. But after all two or three years makes it look a lot different. We might be able to do something along the lines of forcing the operator, the timber operator, to get the brush back away from the roads like they do on property lines which is already the law. That might work out. But when you consider that just one roadside for one mile is twelve acres of timber lands there are a lot of small operators, the small timber owners, that are going to have to be told just what they can do with that twelve acres.

I say that this isn't as important as some of the other environmental bills. This isn't going to be injurious to our health. We can look at the other side of the road if we don't like the looks of it when

we drive along or we can take some other road. I say this bill ought to be killed.

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

Mr. CAREY: Mr. Speaker and Members of the House: I agree with the gentleman from Norway, Mr. Henley, and I would like to pose a question to the gentleman from Eagle Lake, Mr. Martin. Does the gentleman propose that since we are to control the cutting along the roadsides, would he also propose a tax abatement feature for that land, since it is generally the higher assessed or the most valuable part of the property?

The SPEAKER: The gentleman from Waterville, Mr. Carey, poses a question through the Chair to the gentleman from Eagle Lake, Mr. Martin who may answer if he chooses; and the Chair recognizes that gentleman.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: And in particular, the gentleman from Waterville, Mr. Carey. I am fully aware of course that he lives in the middle of the City of Waterville, which doesn't have the problem, and I happen to live in the middle of the woods that really has the problem. I have seen the creation of, in effect, a barren desert because someone decided that they are going to take everything away, regardless of how close it was to the road, merely because they were interested in stripping and in slashing the land itself.

I point out, if I read the amendment presented by the gentleman from Belfast, it is my understanding that he is not saying that we cannot cut the wood. What we are talking about in effect, in my view, is selective cutting. And if we see what has been done in other areas, in many areas of the state where paper companies are indeed selective cutting, there is not any problem. Many of these paper companies have individuals in the woods that are using methods of selective cutting. Perhaps at some point someone is going to say that I am now defending the paper companies. Well, I think one of the paper companies that I know

has as a policy that their land shall be selective cut rather than simply slashing.

This is merely carrying forward, from my viewpoint, that particular policy to a policy of one that we ought to have along the highways.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: As I view this bill, there is nothing in this that prevents what is the common practice of small landowners of selective cutting. I think that a great many of you perhaps have not had an opportunity to see large areas of clear cutting. It is possible to see these, as Representative Martin has indicated, in Aroostook County, and I am telling you that it is a sad thing to witness.

It does not seem unreasonable to me to require that the strip adjoining our public ways be cut selectively to maintain some remembrance at least of the natural beauty of the forest. If you would go into some of our neighboring Canadian provinces and see large areas that have been clear cut, I think that you would view with some apprehension the start of the growth of this practice in the State of Maine.

Because as our companies are required to go to mechanical means to harvest more and more, they are going into clear cutting. And it seems to me it is timely for us before this destruction is widespread in the state, to impose what seems to me a very sensible requirement that the portion of woodland adjacent to public ways be cut selectively.

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

Mrs. BROWN: Mr. Speaker and Members of the House: I would like to say the Natural Resources Committee looked long and hard at this bill and felt that there was a need to do this selective kind of cutting along our roadsides, to not have to start protecting something after the fact, which seems to be the only way when something has really gotten devastated that

we finally then decide. We felt that this was a practical bill; that it was not that harmful to the landowner.

The committee had a 10 to 3 "Ought to pass" Report. I urge you to support this bill.

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

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: If I remember the Conservation Commission Law correctly, any town that has a Conservation Commission has control of this area alongside the public roads. And now we are passing another law giving the Forestry Department control over the same area.

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

gentleman from Bowdoinham, Mr. Curtis, that Bill "An Act Regulating Roadside Clear Cutting Practices," House Paper 1354, L.D. 1770 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.

38 having voted in the affirmative and 75 having voted in the negative, the motion did not prevail.

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

On motion of Mr. Susi of Pittsfield,

Adjourned until Monday, June 7, at ten o'clock in the morning.