

# 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**

Tuesday, June 8, 1971

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

Prayer by the Rev. Mr. Victor P. Musk of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate****Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Permitting the Liquor Commission to Issue Liquor Licenses to Public Golf Courses" (S. P. 450) (L. D. 1296) reporting that the Senate recede from acceptance of the Majority "Ought not to pass" Report; accept the Minority "Ought to pass" Report, and pass the Bill to be engrossed; that the House recede from passage to be engrossed; recede from the adoption of House Amendment "A" and indefinitely postpone same; recede from the adoption of House Amendment "B" and indefinitely postpone same; and pass the Bill to be engrossed in concurrence.

(Signed)

SHUTE of Franklin

FORTIER of Oxford

— Committee on part of Senate.

GOOD of Westfield

STILLINGS of Berwick

KELLEHER of Bangor

— Committee on part of House.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed in non-concurrence.

In the House, the Report was read.

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

Mr. GOOD: Mr. Speaker, I move that we accept the committee report.

The SPEAKER: The gentleman from Westfield, Mr. Good, moves that the House accept the Committee Report.

The Chair recognizes the gentleman from Lewiston Mr. Cote.

Mr. COTE: Mr. Speaker, I move that we reject the committee report and I would like to table this until later in today's session.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, moves that we reject the Committee Report in non-concurrence.

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

Mr. NORRIS: Mr. Speaker, I move that this be tabled until later in today's session.

Whereupon, Mr. Finemore of Bridgewater requested a division.

The SPEAKER: The gentleman from Brewer, Mr. Norris moves that the Conference Committee Report be tabled for later in today's session pending the motion of the gentleman from Lewiston, Mr. Cote, that the House reject the Report in non-concurrence. A division has been requested. All in favor of tabling until later in today's session will vote yes; those opposed will vote no.

A vote of the House was taken.

39 having voted in the affirmative and 50 having voted in the negative, the motion did not prevail.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: One of the gentlemen that was interested in this bill hasn't arrived yet; that is why I was trying to table it until later in today's session. But, if I have to fight it by myself I will.

In the first place, this is a bill that would permit public golf courses to have liquor licenses if the Liquor License Commission will issue the license. I maintain that you are going to open saloons to the public. I think it is very wrong.

Now let's figure out what is a golf course. A golf course — is it an 18-hole golf course, a 9-hole golf course, par three golf course, miniature golf course, which we have all over the state? In other words, that would permit each one of these golf courses, who cater mostly to children, miniature golf, to be able to get a liquor license.

Another thing, a new type of license has never been introduced in this state, to my knowledge, unless it had a local option clause. And I see no local option clause on this bill. I think it is wrong. The minute you are opening the door to these public golf courses,

I think you are making a big mistake.

I don't know what happened on this bill. It was killed once in the other body, came back here dead and it was revived, went back there and now they have passed it. I don't know, I think I smell something wrong with this thing, a sellout by the Civic League. I don't see any of the dries getting up on this thing. We are going to open up public saloons, and they usually holler loud and clear; but not a word on this bill, and I think it is wrong. I hope that you reject the committee report.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Lewiston, Mr. Cote, evidently has had a great change of mind today, because the other day he had an amendment that would treat all private clubs in this same manner including the clubs that he belongs to in Lewiston. I was in favor of that amendment because it would have treated private country clubs like the golf courses.

But now I think that the bill is in its right form, it is in the original form, and I think we should not reject the Conference Committee Report.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: If I have to prolong this for an hour I will try to. Because I feel that somebody else should have their day in court on this bill, but doesn't happen to be present at this time. Now they have said I have had a change of heart. I had an amendment on there that would have treated the clubs, which in this state is about 150,000 strong—we are doing something to people. This bill here the only thing it does it creates a license for an individual who should probably not have that type of license. This same individual has had licenses under pretext for the last three or four years, and I wish my colleague from Lewiston was here because he has got all the facts and data on this. He has been

operating illegally and now because he has a relative in this House, would like to pass a private bill for that one public golf course. I think it is wrong, and I hope you go along with rejecting this report.

If there was a local option it would be a different story, but there is no local option on this bill.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I may not be recognized completely as a dry; however, I generally have espoused the cause of the dries. I always have. And from the argument on this bill so far I can see no course but to agree with the good gentleman from Lewiston. I am not for private privilege in these things; it seems to me that this is what we are setting up. Now I go along with the gentleman from Lewiston one hundred percent.

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

Mr. GILL: Mr. Speaker and Members of the House: I believe that the gentleman from Lewiston made the remark about possibly a relative of some member of the House. I would like to point out that I don't believe this just applies to that individual, if there is such an individual. I have a golf course of this nature in South Portland; and when I say I have it, it is not mine. I will say that there is a golf course of this nature in South Portland, which is operated under this law.

So therefore I don't think it is a special type of legislation. The gentleman's name that owns this golf course in South Portland is Richard Flynn and I don't believe he has anyone in this House that is a relative of his, but if there is I would like them to point out that fact so I would be aware of it.

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

Mr. BARNES: Mr. Speaker, a parliamentary inquiry please.

The SPEAKER: The gentleman may pose his question.

Mr. BARNES: Would a motion to indefinitely postpone be out of order at this time?

The SPEAKER: The Chair would advise the gentleman that accept and reject; and reject has priority, which is tantamount to indefinite postponement.

The Chair will order a vote. All in favor of rejecting the Report will vote yes; those opposed will vote no.

A vote of the House was taken.

65 voted in the affirmative and 56 voted in the negative.

Whereupon, Mr. Good of Westfield 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 Lewiston, Mr. Cote, that the House reject the Committee of Conference Report on Bill "An Act Permitting the Liquor Commission to Issue Liquor Licenses to Public Golf Courses," Senate Paper 450, L. D. 1296, in non-concurrence. If you are in favor of rejecting you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Albert, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Bragdon, Brawn, Bunker, Call, Carrier, Clark, Cote, Crosby, Cummings, Cyr, Dam, Donaghy, Drigotas, Emery, D. F.; Emery, E. M.; Evans, Farrington, Faucher, Fecteau, Gauthier, Goodwin, Hardy, Hawkins, Henley, Herrick, Hodgdon, Immonen, Jalbert, Jutras, Kelley, K. F.; Kilroy, Lee, Lessard, Lewin, Lewis, Lincoln, Littlefield, Lucas, Lynch, Maddox, Mahany, Manchester, Marstaller, McKinnon, McNally, Mills, Mosher, Norris, Page, Payson, Porter, Rollins, Scott, Shaw, Shute, Silverman, Simpson, T. R.; Smith, D. M.; Smith, E. H.; Theriault,

Trask, Tyndale, Webber, White, Wight, Williams, Wood, M. E.; Woodbury.

NAY — Ault, Bedard, Binnette, Bither, Bourgoin, Carey, Carter, Churchill, Clemente, Collins, Conley, Cooney, Cottrell, Curran, Curtis, T. S., Jr.; Dow, Doyle, Dyar, Finemore, Fraser, Gagnon, Genest, Gill, Good, Hall, Hancock, Haskell, Hayes, Hewes, Kelleher, Kelley, P. S.; Kelley, R. P.; Keyte, Lebel, Lizotte, Lund, MacLeod, Marsh, Martin, McCormick, McTeague, Millett, Morrell, Murray, O'Brien, Parks, Pratt, Rand, Ross, Slane, Stillings, Susi, Vincent, Wheeler, Whitson, Wood, M. W.

ABSENT—Bernier, Brown, Bustin, Curtis, A. P.; Dudley, Hanson, Lawry, McCloskey, Orestis, Pontbriand, Rocheleau, Santoro, Sheltra, Simpson, L. E.; Starbird, Tanguay.

Yes, 78; No, 56; Absent, 16.

The SPEAKER: Seventy-eight having voted in the affirmative, fifty-six in the negative, sixteen being absent, the motion to reject does prevail.

Thereupon, the House voted to adhere.

#### Papers from the Senate Reports of Committees Leave to Withdraw

Report of the Committee on Transportation on Bill "An Act relating to Interstate Highway No. 295" (S. P. 504) (L. D. 1487) reporting Leave to Withdraw.

Report of same Committee reporting same on Bill "An Act relating to Interstate Highways No. 95 and 295" (S. P. 505) (L. D. 1488)

Came from the Senate read and accepted.

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

#### Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act relating to Defenses for Holders of a Retail Installment Sale Agreement" (S. P. 478) (L. D. 1562) reporting same in a new draft (S. P. 616) (L. D. 1801) under same title and that it "Ought to pass"

Report of the Committee on Natural Resources on Bill "An Act to Revise the Environmental Improvement Commission Laws" (S.

P. 434) (L. D. 1257) reporting same in a new draft (S. P. 623) (L. D. 1806) under same title and that it "Ought to pass"

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

In the House, the Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

#### Ought to Pass

Report of the Committee on Appropriations and Financial Affairs, acting in accordance with Joint Order (S. P. 620) reporting a Bill (S. P. 625) (L. D. 1807) under title of "An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1971" and that it "Ought to pass"

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

In the House, the Report was read.

On motion of Mr. Bragdon of Perham, the Report was accepted in concurrence.

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

#### Ought to Pass with Committee Amendment

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide for New Ferry Landings at Cousin's Island for Littlejohns Island and Chebeague Island" (S. P. 400) (L. D. 1175) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted, Committee Amendment "A" adopted and the Bill indefinitely postponed.

In the House, the Report was read and accepted in concurrence. The Bill was read twice, Committee Amendment "A" (S-224) was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

#### Divided Report

Majority Report of the Committee on Natural Resources on Bill "An Act to Encourage Aquaculture

in Maine's Marine Waters" (S. P. 408) (L. D. 1242) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

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

Mrs. CUMMINGS of Newport

Mrs. KILROY of Portland

Mr. HARDY of Hope

Mrs. BROWN of York

Messrs. HERRICK of Harmony

CURRAN of Bangor

WHITSON of Portland

SMITH of Waterville

AULT of Wayne

— of the House.

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

Report was signed by the following members:

Mr. GRAHAM of Cumberland

— of the Senate.

Mr. MacLEOD of Bar Harbor

— of the House.

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

In the House, the Reports were read.

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

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

The SPEAKER: The gentleman from Hope, Mr. Hardy, moves that the House accept the Majority Report in concurrence.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: I feel rather lonesome on this bill, and coming from the coast I even feel a little sad about it in a certain respect.

I feel as though I should explain my position in signing the Minority Report. This word "aquaculture", when it was posted for the hearing, I think fooled a lot of people from the coastal areas. They didn't realize just what was in the bill and how encompassing it was. There-

fore there were not a lot of people from the coast who showed up as opponents to the bill. However, there was a group of clam diggers and worm diggers from down around the Harpswell area of this state who are quite strong in their feelings about granting more power to the Inland Fisheries and Shore Commissioner.

Now this bill is fourteen pages long, and I doubt very much that too many have read it from one to fourteen. I tried to digest it and get some idea what it is all about. So very briefly, not to take up your valuable time, there is a booklet which is in the Sea and Shore office now which gives this gentleman about as much power as any man that is in Augusta. The section that Senator Graham and I didn't like and we still don't like on the bill, on page seven, is the lease of subaqueous land or Maine water areas for cultivation of fishery resources.

Now we are hearing a lot about environmental mania these days and the direction that the state is going. And I probably am for some form of aquaculture and the study of our resources from the sea as anybody that is sitting in this House this morning. However, very briefly I would just like to read this section of the bill which I was against and still am.

"The Commissioner may agree to lease in the name of the State, by public auction or otherwise, to any suitable person or corporation any land below mean low tide and any Maine water area for the purpose of planting or cultivating fish or shellfish. The commissioner may grant a lease upon such terms and conditions as he may deem proper, but not for a longer term than 10 years or a shorter term than 5 years." Now he can go to 10 years. These particular sections are in —"No more than 5 acres may be leased at a time in one parcel or lot and no one person or corporation shall be entitled to a total of more than 200 acres."

Therefore, somebody could come in, and I think what the small fishermen are afraid of today are the big interests that may come from out of state. It is already

happening here. We have people going along the coast now who are taking over the dealership in lobster. This is difficult for the small man to finance and be a dealer.

You could go in there and get 40 leases of 5 acres each, which would give you 200 acres of land. Now the commissioner has told me that he is not going to willfully let this land out to just any Tom, Dick and Harry. However, I do feel that this particular piece of legislation, the way it is written, is not in harmony with the small fishermen on the coastal areas of Maine and I am including lobster fishermen, clam diggers, worm diggers, scallopers and the men who are now trying to make a living and doing a darned good job of it in their own way along our Maine coast.

Therefore, I would like at this time to move that you accept the Minority Report, strange as it may seem and as lonesome as the two signers are that are on it.

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

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House: Most of the bills from my committee have received opposition on the grounds that they discourage industry and employment. I think these are charges that are erroneously made and unwisely made, but that is irrelevant. The bill before you now, far from hurting industry, is an attempt at the establishment of a new industry.

This bill provides hearings in all of the pages which Representative MacLeod refers to. It provides hearings for the equitable leasing of our coastal areas so that no party will be unduly injured. I think in this sense it is an equitable bill.

Presently the coastal areas are treated as public domain, which is fine, but why should any man invest in the improvement of the waters on our coast if he is unable to reap the benefits of his investment?

This bill provides for the lease of sea areas and land areas adjacent to the sea so that a party will find it practical to invest in

our coastal waters, since he will reap the benefits. This bill may mean the establishment of new industry in this state. I think we need new industry. I think it would be of benefit to our state, and I ask you to support the majority report.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen: This, I believe, is a very bad bill. There is nobody that recognizes the need for intelligent aquaculture on the coast any more than I do. But I would like to call your attention again to the section of the little booklet that you have giving the Constitution of the State of Maine. And Article I, Section 1, it goes on to say, "acquiring, possessing and protecting property" is one of the rights of man.

I would like to direct your attention to the bill. On page two it says, "The Department of Sea and Shore Fisheries may acquire and use shore flats." Further on in the bill on page three, "The Acquisition of flats and waters. The commissioner may take any flats or waters, not exceeding 2 acres in any one location, and may hold the same for a period not exceeding 10 years." I would suggest if you want to give the Commissioner of Sea and Shore Fisheries this privilege, you also give a similar privilege to the Commissioner of Agriculture so that he can take two acres of land any place that he wants to, regardless of ownership.

Now according to the Colonial Ordinances which go back to the original King's Grants and which have long been recognized, the shore property, the so-called riparian rights, the ownership goes to low low water mark and as defined in the law, low low water mark is the lowest ebb of the tide from natural causes as deemed to be the true mark.

You will find defined in this law, proposed law, that on page four, "Areas below low water mark. The Commissioner may take any area below ordinary low water mark for research." Well there, if it is within 100 rods of high water mark

he is taking a man's property, that percentage of land, and it sometimes can be quite a big area between low water mark and low low water mark.

Any of you that are familiar with the Coast and Geodetic Survey Charts for the coast of Maine you will notice that the soundings are given in feet on the smaller charts and fathoms on the bigger charts, and these are at mean low water mark. But if you read your books and if you study the tides you will find that at times they go out as much as two or three feet further.

One of the rights guaranteed by the Colonial Ordinance and also by our Constitution is the riparian owner's right to the grass, to the aquatic growth that may be on his flats. There are some rights that the state has ceased, such as the control of shellfish, the harvesting of shellfish, but how can a man go dig shellfish in an area where there is grass growing or other desirable aquatic growth that the person wants without destroying this growth? You have a conflict of interest, and I believe that the owner of the property has the right to defend his rights with all the necessary strength that is necessary.

You go on further on page four, "Area between high and low tide. The commissioner may take any area between ordinary high and low tide for experimental cultivation of shellfish provided such use is not in conflict with the Maine Coastal Plan." What is the Maine Coastal Plan? Have any of you seen it? Somebody sitting off in an office someplace is dreaming up a Maine Coastal Plan, and yet here we are without any of us ever having a chance to look at it, talking about using this in our laws.

And as you go on through this all the way, you will see that the person's property rights are being destroyed or taken away from him without recompense.

I hope that you will look at this bill, consider the regulations that we now have on our Sea and Shore Fisheries books, recognize that if some of their restrictions were taken off a man's property when it comes to harvesting shellfish,



worms, one thing or another, if the riparian owner could go out and, in effect, practice aquaculture without being tied up by laws similar to a law, for example, that the farmers in Aroostook County were told the only way they could harvest potatoes would be with a hand digger; they could no longer use mechanical diggers. This is the kind of restrictions that we are having on our coastal flats.

I hope, ladies and gentlemen, you will look at this bill very closely. The intentions were good, but they sure as the dickens completely ignored persons' private rights, property rights. One of the previous speakers mentioned that in effect he thought it was public domain, below high water mark. This is not so. And there are many laws and books that the University of Maine in Portland, the law school, just made a study of this, and I suggest that he read and find out that there are rights that a property owner has.

I move for indefinite postponement of this bill and all accompanying papers, if that is a proper motion at this time, Mr. Speaker.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: Having served two terms on the Committee of Sea and Shore Fisheries, I feel not fully qualified but somewhat qualified to say something about L. D. 1242 today.

If Commissioner Green, the present Commissioner of the Sea and Shore Fisheries, were granted eternal tenure in this office for the State of Maine, I would support this bill because, as I read on page seven, "The Commissioner of Sea and Shore Fisheries, in accordance with the Maine Coastal Plan, may agree to lease," and so on and so forth. He has an awful lot of power. But he will be succeeded by another commissioner some day, and his successor could be — it is not impossible — he could be a dictator with the power granted to him in this very dangerous bill. So therefore, I will support the Minority

Report, signed by Mr. MacLeod of this House from Bar Harbor.

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

Mr. HODGDON: Mr. Speaker, Ladies and Gentlemen of the House: Representing a community that has a shoreline, bearing in mind that next to the shipyard fishing is our greatest industry in Kittery, I would at this time go along with the gentleman's motion for indefinite postponement of this bill. Like Mr. Kelley, I have no argument with the intent of this bill. I certainly agree with him that it is most restrictive. I believe step by step that the Sea and Shore Fisheries in this state are gradually going to the commercial fisherman, and the poor little fellow, who has been working all his life at the only trade he knows eking out a legal living, is being discriminated against.

Again, if this bill was in different form I might be able to support it, but with the restrictions I would go along with indefinite postponement.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have a truly great amount of respect for the last speaker, and I have indicated so from the very first day that I met him. But coming from an area, in the last 33 years having lived part of the time in an area during the summer that is on the coast of Maine and in a family by marriage that is involved and has been involved in the lobster industry, it makes me chuckle a little bit when I hear him say that, talking about the poor little fellow that is eking out a living. When I paid \$8.75 for a pound of lobster last week, I can assure you of one thing, that those poor little fellows that are eking out a living, that somewhere along the line, if you will take a ride around the area of the coast of Maine and you see those lobster pots outside of those houses, you will see a couple of cars outside of the garages and you will see the boats, you will see just how poorly and badly off those poor little fellows

are that are eking out a living that demand on being paid week in and week out with checks.

Now I am fully and very well acquainted with them. Besides eking out a living pulling up their lobster traps, I have sat in with them on some of their stud poker games and believe me, from the fees that was spread around the table, it wasn't exactly peanuts. So I am certainly going to go along against the poor little fellow this morning, with the Majority Report, with due deference to the gentleman from Bar Harbor.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: It is true that in the Natural Resources Committee there is no aquaculture specialist in our group really; however, we are aware, as all of you are aware here in the House, that some of the sea farming activities that have been going on throughout the world the last few years, and very successfully so in the Orient, and we felt that it would be a good thing if the State of Maine got into this act a little bit. And perhaps in two years if something was wrong, it is only for the two-year period. The legislature does meet again and if this is so wrong it can be corrected at that time.

However, I know that these species will grow and will produce. And on transfer and cultivation I think back to the 99th when the late Representative Winchenpaw moved a lot of quahogs from down south into the Friendship area. And I think if he had known more about it or somebody could have coached him that that would have been a quahog area today. And so for these reasons I would urge you all to support the Majority Report today.

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

Mrs. CUMMINGS: Mr. Speaker and Ladies and Gentlemen of the House: I am not as good in cultivation of our marine resources as the natural extension of the management and cultivation of our land resources. This extension is not only desirable for the provid-

ing of essential needs for man, but can be an economically profitable industry for the state.

Two essential ingredients of the management and cultivation of our marine resources or aquaculture are, one, protection for those who invest time and money in commercial aquaculture operations, and two, management of the resources and protection of the environment in the interests of society as a whole.

Robert Dow, director of research for the Department of Sea and Shore Fisheries, has been quoted as projecting a \$2 billion potential for Maine aquaculture. This has been questioned and perhaps it is a little starry eyed and seeing far into the future.

However, we can look at the production being achieved right now when true aquaculture is being practiced. In this country, catfish ponds are producing up to 3,000 pounds per year per acre, as compared with up to 150 pounds of beef per acre. Oysters grown on rafts in Japan are capable of yielding 35,000 to 40,000 pounds of meat per acre of raft per year. But the unbelievable rate of over 400,000 pounds of meat per year is achieved per acre of raft in the Spanish mussel industry.

A factor which favors aquaculture for Maine is the nature of our coastline, with its deep indentations, the large flushing action of the tides, and relatively unpolluted state. In this respect we seem to have the edge over any other of the United States except possibly Alaska. Our coastline should be considered just as much a natural resource and just as desirable for management and use as the forests of Maine.

Viewed as an industry, as well as a way of life, aquaculture presents possibilities for the future of Maine which cannot be ignored.

And as for the little fellow, at the hearing some lobstermen came and testified and asked us, please, to report this bill out ought not to pass, because they wanted to gather together and make some plans for the scientific farming of lobster. Actually, at this point they have no power whatsoever to gather together and have any rights over any underwater land

in order to really start this farming. With this bill they could join together, they could get permission to farm and scientifically develop the industry of lobster farming. And I think in the long run this would benefit them much more than under the present situation. And I hope you will vote against the motion that is on the floor.

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

Mr. KELLEY: Mr. Speaker and Members of the House: I am in complete agreement with Representative Cummings, except her last statement. A point that I was trying to make, I recognize what could be done with aquaculture. But I say that a riparian owner should have these rights, have first choice at them on his own land. There are thousands of acres of flats; there are thousands of acres of ground or bottom that the State does own and control. Lease these to people, but let a riparian owner, take the shackles off him and let him farm his own flats the way that he wants to.

As I mentioned earlier, some of the regulations that we now have are very similar as if you told the potato farmer he had to dig his potatoes by hand. Let's recognize the riparian owner's rights and encourage him for aquaculture on his own flats. Release state lands, but leave the landowner alone.

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

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out that the sponsor of this bill from the other body is very knowledgeable in the field of oceanography. This isn't something which was haphazardly drawn up.

I would like to also point out that there is an amendment which has been prepared and it eliminates the "Maine Coastal Plan." It takes it out of the bill. So this is in reply to Mr. Kelley's former contention.

What this bill does is, it simply makes an analogy between the coastal fisherman and the Aroostook potato farmer. When an Aroostook potato farmer plants a po-

tato no one else has the right to harvest that crop. When he plants a potato he should have the right to harvest a potato. Now this bill establishes the same right in the coastal waters of our state. When a man sows for lobster then he should be the sole harvester of those lobsters, and that is what this bill does. And because the man plants a lobster, and he harvests that lobster, he is going to invest in the off-shore waters of our state, making our fishing industry far more productive than it is now, increasing our fishing industry, hopefully increasing employment throughout the state, and I hope you vote for the Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDOX: Mr. Speaker and Members of the House: I have the privilege of representing five coastal communities and one of the most productive regions in marine production, namely lobsters. And I am sure that this bill isn't going to set very well with those lobstermen, something over 1,500 lobstermen that I represent. I am in favor of the indefinite postponement of this bill.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen: I think there is a very basic question to be answered in this bill. To refer to a previous speaker, if a man plants a potato he should have the right to harvest it, I wonder if the Aroostook potato growers would be happy if the Commissioner of Agriculture leased 200 acres of their land for someone to plant potatoes which they only could harvest?

Now I will go along with the Majority Report at the present time, but it certainly has to be amended before I will vote for final passage. It is getting too easy in this state and in this nation for people to give away the rights of others.

The SPEAKER: The Chair recognizes the gentleman from Gouldsboro, Mr. Bunker.

Mr. BUNKER: Mr. Speaker and Ladies and Gentlemen: I don't

know as I am qualified to speak on this bill, but I have just been lobster fishing for about twenty-five years. All I can say is it is a lousy bill and I hope you will go along and kill it.

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

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: I hate to disagree with my good friend Mr. Bunker. The idea of aquaculture is a good idea and that is why I supported it. I realize there are some things in this bill that make people unhappy, and I would hope today that you would accept the "ought to pass" report and allow us to amend it in third reading.

Mr. Lizotte of Biddeford moved the previous question.

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

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

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Southport, Mr. Kelley, that both Reports and Bill be indefinitely postponed in non-concurrence. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken. 77 voted in the affirmative and 57 voted in the negative.

Mr. Whitson of Portland requested a roll call.

The SPEAKER: The yeas and nays have been requested. For the

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Southport, Mr. Kelley, that both Reports and Bill "An Act to Encourage Aquaculture in Maine's Marine Waters," Senate Paper 408, L. D. 1242, 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.

#### ROLL CALL

YEA — Albert, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Berry, P. P.; Berube, Bither, Bragdon, Brawn, Bunker, Call, Carey, Carrier, Churchill, Clark, Collins, Conley, Crosby, Curtis, A. P.; Cyr, Dam, Donaghy, Doyle, Dudley, Emery, E. M.; Evans, Farrington, Faucher, Fecteau, Finemore, Gagnon, Gill, Good, Goodwin, Hall, Hancock, Hawken, Hewes, Hodgdon, Immonen, Jutras, Kelleher, Kelley, R. P.; Lawry, Lee, Lessard, Lewin, Lewis, Lincoln, Littlefield, Lizotte, MacLeod, Maddox, Manchester, Marsteller, McKinnon, McNally, McTeague, Millett, Mosher, Norris, Page, Parks, Porter, Pratt, Rand, Rocheleau, Rollins, Sheltra, Silverman, Simpson, L. E.; Simpson, T. R.; Starbird, Susi, T a n g u a y, Theriault, Tyndale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Ault, Bedard, Bernier, Binnette, Birt, Boudreau, Bustin, Carter, Clemente, Cooney, Cote, Cummings, Curran, Curtis, T. S. Jr.; Dow, Drigotas, Dyar, Emery, D. F.; Fraser, Gauthier, Genest, Hardy, Haskell, Hayes, Henley, Herrick, Jalbert, Kelley, K. F.; Kelley, P. S.; Keyte, Kilroy, Lebel, Lucas, Lund, Lynch, Mahany, Marsh, Martin, McCloskey, McCormick, Morrell, Murray, O'Brien, Orestis, Payson, Pontbriand, Ross, Shaw, Shute, Slane, Smith, D. M.; Smith, E. H.; Trask, Vincent, Webber, Wheeler, Whitson.

**ABSENT** — Bourgoin, Brown, Cottrell, Hanson, Mills, Santoro, Scott, Stillings.

Yes, 85; No, 57; Absent, 8.

The **SPEAKER**: Eighty-five having voted in the affirmative and fifty-seven in the negative, with eight being absent, the motion does prevail.

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

Mr. **MACLEOD**: Mr. Speaker, I would move for reconsideration and hope you would vote against me.

The **SPEAKER**: The gentleman from Bar Harbor, Mr. MacLeod, moves that the House reconsider its action whereby it indefinitely postponed both Reports and Bill. All in favor say aye; those opposed say no.

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

Sent up for concurrence.

#### **Divided Report**

Majority Report of the Committee on Natural Resources on Bill "An Act Revising the Maine Land Use Regulation Commission Law" (S. P. 485) (L. D. 1503) reporting same in a new draft (S. P. 610) (L. D. 1788) under same title and that it "Ought to pass"

Report was signed by the following members:

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

Messrs. **WHITSON** of Portland  
**SMITH** of Waterville  
**CURRAN** of Bangor

Mrs. **BROWN** of York  
Mrs. **CUMMINGS** of Newport  
Mr. **MACLEOD** of Bar Harbor  
— of the House.

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

Report was signed by the following members:

Messrs. **HARDY** of Hope  
**HERRICK** of Harmony  
Mrs. **KILROY** of Portland  
Mr. **AULT** of Wayne  
— of the House.

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

In the House, the Reports were read.

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

Mr. **BRAGDON**: Mr. Speaker, I move this bill be tabled for one legislative day pending the acceptance of either report.

The **SPEAKER**: The gentleman from Perham, Mr. Bragdon, moves that L. D. 1788 be tabled for one legislative day, pending the acceptance of either Report.

Mr. **SUSI** of Pittsfield requested a division on the tabling motion.

The **SPEAKER**: A division has been requested on the tabling motion. All in favor of the motion to table until tomorrow will vote yes; those opposed will vote no.

A vote of the House was taken, 48 having voted in the affirmative and 86 having voted in the negative, the motion did not prevail.

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

Mr. **SUSI**: Mr. Speaker, Ladies and Gentlemen of the House: In my opinion this bill which is now before us would probably have a greater impact on the future development of the State of Maine than any other bill which we will be considering during this session. Undoubtedly there will be long periods of debate, and I think that this is appropriate that there should be because of the importance of the legislation.

I will at this time move the acceptance of the "ought to pass" report and hope that you would support this. And also I would like to announce to you that by agreement with the Minority Party, we are asking that debate on this bill be deferred to the third reader.

The **SPEAKER**: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House accept the Majority "Ought to pass" Report.

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

Mr. **NORRIS**: Mr. Speaker, Ladies and Gentlemen: I am for the Minority Report, but I am in full acquiescence of going to the third reader on this. I would hope though that every member of this House would get a copy of this bill

or take the copy from your book and read it, and really devote some time and read it and see how it really impugns the rights of the individuals of the State of Maine.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I agree with the gentleman from Pittsfield, that this is very important and very far-reaching legislation, and the gentleman from Brewer bears this out. I feel that we should have plenty of time to give some study to this bill before we take any vote on it. For that reason I again make the motion that this bill be tabled for one legislative day, pending any further consideration.

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

A vote of the House was taken.

85 voted in the affirmative and 55 voted in the negative.

Mr. Silverman of Calais requested a roll call vote.

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

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

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

#### ROLL CALL

YEAS — Albert, Baker, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bourgoin,

Brawn, Bunker, Bustin, Carey, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Cummings, Curran, Curtis, T. S., Jr.; Cyr, Dam, Dow, Drigotas, Evans, Farrington, Faucher, Fecteau, Finemore, Gagnon, Gauthier, Genest, Good, Goodwin, Hall, Hanson, Haskell, Hawkens, Hayes, Hewes, Jalbert, Jutras, Kelley, K. F.; Kelley, P. S.; Keyte, Kilroy, Lebel, Lessard, Lizotte, Lucas, Lund, MacLeod, Maddox, Mahany, Marsh, Martin, McCloskey, McKinnon, McTeague, Millett, Morrell, Murray, O'Brien, Orestis, Parks, Payson, Porter, Pratt, Ross, Scott, Sheltra, Shute, Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Theriault, Trask, Tyndale, Vincent, Webber, Wheeler, Whitson, Wood, M. W.; Wood, M. E.; Woodbury.

NAYS — Ault, Bailey, Barnes, Bragdon, Call, Carrier, Carter, Churchill, Clark, Crosby, Curtis, A. P.; Donaghy, Doyle, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Fraser, Hancock, Hardy, Henley, Herrick, Hodgdon, Immonen, Kelleher, Kelley, R. P.; Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield; Lynch, Manchester, Marsteller, McCormick, McNally, Mills, Mosher, Norris, Page, Pontbriand, Rand, Rochelleau, Rollins, Santoro, Shaw, Silverman, Simpson, L. E.; Simpson, T. R.; Starbird, White, Wight, Williams.

ABSENT — Brown, Gill, Tanquay.

Yes, 93; No, 54; Absent 3.

The SPEAKER: Ninety-three having voted in the affirmative and fifty-four in the negative, with three being absent, the motion does prevail.

The Bill was given its two several readings. Senate Amendment "A" (S-227) was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

#### Final Report

Final Report of the following Joint Standing Committee:

Business Legislation

Came from the Senate read and accepted.

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

**Non-Concurrent Matter**

Bill "An Act to Authorize Bond Issue in the Amount of \$3,090,000 for the Development and Improvement of State Park Facilities, Improvements to Various Airports and Maintenance Building at Augusta" (H. P. 176) (L. D. 234) which was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in the House on June 2.

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

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

**Non-Concurrent Matter**

Bill "An Act relating to Prevention by Landowners of Acquisition of Rights-of-way, Easements and Public Rights by Dedication" (H. P. 708) (L. D. 954) which was passed to be engrossed as amended by House Amendment "B" in the House on May 28.

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

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

**Non-Concurrent Matter****Tabled and Assigned**

Bill "An Act relating to Certain Laws Relative to Great Ponds" (H. P. 1374) (L. D. 1791) which was passed to be engrossed in the House on June 1.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: I would move that we reconsider our action whereby this bill was passed to be engrossed for the purpose of an amendment.

The SPEAKER: The Chair would advise the gentleman that the

motions to consider are recede and concur, insist and adhere.

Thereupon, on motion of Mr. Hardy of Hope, the House voted to recede from passage to be engrossed.

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

House Amendment "A" (H-431) was read by the Clerk.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: This bill provides, I think, an interesting case study for anybody to look at, anybody who thinks that the need for concern for the environment is over and all we have to do is sit back and just count our blessings. This bill, which I sponsored originally at the request of the Forestry Commissioner, represented an effort to clarify the standards to be used by the Forestry Commissioner in issuing permits for the alteration or filling of great ponds or tributaries thereto.

The existing law imposes upon the Commissioner of Forestry the obligation of regulating this aspect of the State of Maine, the great ponds and the tributaries thereto. The committee amendment removed all reference to the tributaries so that it would have withdrawn the authority to exert any control over the tributaries to great ponds.

The committee redraft, which is 1791, also removed all present legislative control over the bulldozing of streams in Maine. It used to be a grand tradition that if you had trouble driving logs in a stream you would just bulldoze the stream, and some years ago the Maine Legislature said that you can't bulldoze more than 500 feet in a mile. But the committee redraft would have removed all prohibition against bulldozing, and I understand that the amendment which is now being offered by Mr. Hardy would patch up the rule of the bulldozing of streams.

However, I also find that there are a number of other provisions in the committee redraft which really ought to be fixed up if this

bill is to be enacted, and I would hope that someone might table the bill for a couple of days to give us a chance to review exactly what the committee redraft does and see if any additional amendments can be drawn. I would hope that someone might table this for two days.

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

Mr. SMITH: Mr. Speaker. I move that this item lie on the table for two legislative days.

The SPEAKER: The gentleman from Waterville, Mr. Smith, moves that L. D. 1791 be tabled and assigned for Thursday, June 10, pending the adoption of House Amendment "A". All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken, 96 having voted in the affirmative and 6 having voted in the negative, the motion did prevail.

### Orders

Mr. Silverman of Calais presented the following Joint Order and moved its passage:

WHEREAS, music once described as the universal language of mankind causes eloquent thought to flow among the greatest of nations; and

WHEREAS, sentiments of glory and pride flowed in abundance as the Calais Memorial High School Band performed at the Annual Maritime Band Festival in Moncton, New Brunswick; and

WHEREAS, the discipline and enthusiasm displayed by this talented band was described as one of the most remarkable aspects of the festival and as "Ambassadors of Good Will" they were considered without peers; and

WHEREAS, this pleasant interlude not only reflects great credit on the participants and their community but has imparted an inspiring international image of Maine youth, as well; now therefore, be it

ORDERED, the Senate concurring, that the Members of the House of Representatives and Senate of the 105th Maine Legislature extend to the combined membership of the Calais Memorial High

School Band, its director, school principal and city manager a message of gratitude for an outstanding accomplishment along with our best wishes for continual success in their efforts to bring recognition and honor to their community, State and nation; and be it further

ORDERED, that copies of this Joint Order, duly authenticated, be immediately transmitted by the Secretary of the Senate to Mr. Joseph D. Driscoll, Mr. Philip Q. Flagg and Mr. Harry J. Pascoe in recognition of the band's inspiring performance. (H. P. 1393)

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

### Tabled and Assigned

Mr. Norris of Brewer presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the members and legal clerks of the Joint Standing Committees on Judiciary and Legal Affairs, who have not heretofore received a set of the 1964 revision of the Maine Revised Statutes Annotated as Members of the Legislature or committee clerks, be provided with copies.

(On motion of Mr. Martin of Eagle Lake, tabled pending passage and tomorrow assigned.)

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

Mr. BRAGDON: Mr. Speaker, I would inquire if L. D. 42 is in the possession of the House.

The SPEAKER: The answer is in the affirmative. Bill "An Act Repealing the Poll Tax," Senate Paper 14, L. D. 42, on which the House adhered on yesterday.

Mr. BRAGDON: Mr. Speaker, I would move that we reconsider our action of yesterday.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that the House reconsider its action of yesterday whereby it adhered on this matter. The Chair will order a vote. All in favor of reconsidering whereby we adhered will vote yes; those opposed will vote no.

A vote of the House was taken.



46 having voted in the affirmative and 36 having voted in the negative, the motion did prevail.

Whereupon, Mr. Bragdon of Perham moved that the House insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that the House insist on its former action and ask for a Committee of Conference. Is this the pleasure of the House?

(Cries of "Yes" and "No")

The Chair will order a vote. All in favor of the motion to insist and ask for a Committee of Conference will vote yes; those opposed will vote no.

A vote of the House was taken.

86 having voted in the affirmative and 21 having voted in the negative, the motion did prevail.

Mr. Kelleher of Bangor presented the following Joint Order and moved its passage:

WHEREAS, the title of State champion is awarded to those who have obtained the highest standards of excellence; and

WHEREAS, the Bangor High School Rams have earned that distinction and are the Class A baseball title holders for 1971; and

WHEREAS, this long awaited victory climaxed 13 Penobscot Valley Conference games, 2 Eastern Maine title encounters and the state contest, without defeat; now, therefore, be it

ORDERD, the Senate concurring, that we, the members of the Senate and House of Representatives of the One Hundred and Fifth Legislature, now assembled, take this opportunity to recognize and honor this outstanding baseball team, its coach and athletic director for their accomplishments in the field of sports and wish them continued success in bringing honor to their community, school and state; and be it further

ORDERED, that duly attested copies of this order be transmitted forthwith to Principal Carl Lundquist, Athletic Director, Fred Berry and Coach Robert Kelley of Bangor High School in token of the sentiments expressed herein. (H. P. 1394)

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

Mr. Porter of Lincoln presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that Resolve Authorizing the Forest Commissioner to Convey the State's Interest in Certain Lots in Franklin County (H. P. 1190) (L. D. 1640) be recalled from the Engrossing Department to the House. (H. P. 1395)

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

### House Reports of Committees Ought Not to Pass

#### Covered by Other Legislation

Mr. Lund from the Committee on Judiciary on Bill "An Act relating to Possession of Certain Drugs" (H. P. 595) (L. D. 790) reported "Ought not to pass", as covered by other legislation.

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

#### Referred to Next Legislature

Mr. Hewes from the Committee on Judiciary on Bill "An Act to Make Uniform the Law of Partnerships" (H. P. 1152) (L. D. 1612) reported that it be referred to the 106th Legislature.

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

### Ought to Pass in New Draft New Draft Printed

Mrs. Baker from the Committee on Judiciary on Bill "An Act relating to the Sale and Possession of LSD" (H. P. 457) (L. D. 612) reported same in a new draft (H. P. 1391) (L. D. 1813) under title of "An Act relating to the Possession and Sale of Certain Hallucinogenic Drugs" and that it "Ought to pass"

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

### Divided Report

Majority Report of the Committee on Natural Resources on Bill

“An Act Defining Certain Terms Used in the Environmental Laws” (H. P. 1173) (L. D. 1632) reporting same in a new draft (H. P. 1392) (L. D. 1814) under same title and that it “Ought to pass”

Report was signed by the following members:

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

Messrs. WHITSON of Portland  
SMITH of Waterville  
CURRAN of Bangor

Mrs. BROWN of York

Mrs. KILROY of Portland

Mrs. CUMMINGS of Newport

Messrs. MacLEOD of Bar Harbor

HERRICK of Harmony

AULT of Wayne

— of the House.

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

Report was signed by the following member:

Mr. HARDY of Hope

— of the House.

Reports were read.

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

Mrs. CUMMINGS: Mr. Speaker, I move that we accept the Majority “Ought to pass” Report.

The SPEAKER: The gentlewoman from Newport, Mrs. Cummings moves that the House accept the Majority “Ought to pass” Report.

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

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

Whereupon, Mr. Smith of Waterville requested a division on the tabling motion.

The SPEAKER: The gentleman from Brewer, Mr. Norris moves that this matter be tabled until tomorrow pending the motion of the gentlewoman from Newport, Mrs. Cummings that the House accept the Majority “Ought to pass” Report.

A division has been requested on the tabling motion. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

17 having voted in the affirmative and 76 having voted in the

negative, the motion to table did not prevail.

Thereupon, the Majority “Ought to pass” Report was accepted, the New Draft read twice and tomorrow assigned.

### Third Reader

#### Tabled Later in the Day

Bill “An Act to Authorize Surplus Appropriation for the University of Maine for Renovations, Expansion and Land Acquisition” (S. P. 617) (L. D. 1802)

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be engrossed and assigned for later in the day’s session.)

### Passed to Be Engrossed Amended Bills

Bill “An Act Providing Notice or Severance Pay by Employers” (S. P. 155) (L. D. 424)

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

### Third Reader

#### Tabled and Assigned

Bill “An Act to Correct Errors and Inconsistencies in the Education Laws” (S. P. 277) (L. D. 860)

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

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

Mr. PORTER: Mr. Speaker and Ladies and Gentlemen: In this Errors and Inconsistencies bill there are some rather complicated matters. I think that before we pass the thing we ought to have it explained and I would urge somebody from the Education Committee to explain it for us, please.

The SPEAKER: The gentleman from Lincoln, Mr. Porter poses a question through the Chair to any member of the Education Committee who may answer if they so choose.

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

Mr. MILLETT: Mr. Speaker and Members of the House: A combination between the original L. D. which is 860, and the committee amendment which is under filing number S-237, there are a total of 55 items which are considered to be Errors and Inconsistencies with very few minor exceptions to the education laws. I could explain, I think, any one that there were particular questions about; however, I think it would suffice to say that with very few exceptions they are all minor technical points.

Now the gentleman from Lincoln, Mr. Porter, I am sure part of his conversation is concerned with one particular section, and I am sure many of you might have noticed this and possibly have some doubts as to just what it does. And if that is the intent of drawing this thing to a question at this point, I would try to answer.

The question is related to Section 10-A of the Committee Amendment, and I think probably to be fair to all concerned that I should explain it anyway. It appears in here that we are changing a minimum local appropriation requirement from \$20 to \$30 and also changing some language relative to the census population which is used in determining what that local appropriation will be. And in order for me to explain it I think I would like to go back to the 104th Session and refer to a previously long-standing section in the law which required that each town raise 80 cents per person to support the public schools. Now this had been in existence at that time for years and years and of course was long since outdated.

When we enacted a new subsidy plan in the 104th regular session, in order not to turn back to some communities more money than they were actually spending, we increased that to a level of \$20. And a computer printout showed that this was by far not sufficient to cause any severe hardship on any community. It was merely updating a long since outdated provision in the law.

Now a situation arose and I can't say it any other way than to refer to it by town, in the Town of Lime-

stone, and I am sure the gentleman from Limestone, Mr. Albert, is concerned about this, and I point this out only to explain that this is probably the one town at which this section is directed. And I would refer to the fact that the population used in this long-standing section of the law had always been that population by which representatives to the legislature were last apportioned.

As you all know, in the Town of Limestone there is a substantial federal connected population on the base. And using the population figures by which representatives were last apportioned, it actually represented a very minimal appropriation for the Town of Limestone, to the extent that they were able to receive what you might call a windfall in state subsidy and actually allowed them, I believe, from what I have been told, to build a school building out of partially surplus funds accumulated through an increase in subsidy.

So rather than leave any doubt in anyone's mind that this is a shady amendment or anything along that line, it is intended to prevent this from happening again. It works no hardship on any community except for a community in Limestone's similar position whereby they receive federal funds as well as state funds. And if that is the intent of the question, I think I can say that there is nothing here that relates to any town except the Town of Limestone. And it would give the Town of Limestone the fair treatment with other communities, it would prevent a situation whereby we might be considered to be squandering state money.

If there are any other questions, and I don't profess to be an attorney, and most of these are not necessarily legal changes, but only technical changes, but if there are other questions specifically, I would be glad to attempt to answer them.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I wonder if it might be useful to the various members of the House in

considering the passage, that a portion of the bill that Mr. Millett has just spoken about, created an opportunity to derive figures to see the particular effect on particular towns. There are other communities in this state aside from the Town of Limestone that are federally impacted areas. There are quite a few in my area, Brunswick, Topsham, that whole area, I think the City of Bath as well.

I would appreciate it therefore if someone would table this matter for one legislative day so that these figures may be derived and we may vote intelligently on this matter.

Whereupon, on motion of Mr. Dam of Skowhegan, tabled pending passage to be engrossed and tomorrow assigned.

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Bill "An Act to Authorize Food Stamp Program" (H. P. 1210) (L. D. 1657)

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

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**Bond Issue  
Reconsidered**

An Act to Authorize Bond Issue in the Amount of \$3,850,000 for Student Housing at Central Maine Vocational Technical Institute, Eastern Maine Vocational Technical Institute, Washington County Vocational Technical Institute, and the Maine Maritime Academy, Site Improvements at Washington County Vocational Technical Institute, Heating and Air Conditioning Shop and Laboratory at Southern Maine Vocational Technical Institute, Completion of School Building at Peter Dana Point Reservation and Multi-Purpose Buildings for Penobscot and Passamaquoddy Reservations (H. P. 175) (L. D. 233)

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

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

Mr. BRAGDON: Mr. Speaker, I had other things on my mind this

morning, and I regret that I did not take time to go through this bill now before us with the Clerk or with you with regard to the proper motions which I feel would have to be made.

The Attorney General has questioned whether this bond issue is in proper form to go out to the people, and I have an amendment which he has suggested.

On motion of Mr. Bragdon of Perham, under suspension of the rules, the House voted to reconsider its action of June 3 whereby the Bill was passed to be engrossed.

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

House Amendment "C" (H-420) was read by the Clerk and adopted.

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

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**Passed to Be Enacted  
Bond Issue**

An Act to Authorize Bond Issue in the Amount of \$2,985,000 for the Construction and Improvement of Facilities for the Treatment and Care of the Mentally Ill, Mentally Retarded and the Youthful and Adult Offender at our Mental Health and Corrections Institutions (H. P. 177) (L. D. 235)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken, 113 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**Passed to Be Enacted**

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

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

enacted, signed by the Speaker and sent to Senate.

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**Enactor**

**Tabled and Assigned**

An Act Creating a Medical Advisory Committee for Medical Criteria and Vision Standards for Motor Vehicle Drivers (S. P. 414) (L. D. 1230)

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

(On motion of Mr. Birt of East Millinocket, tabled pending passage to be enacted and tomorrow assigned.)

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

Was 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.

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**Enactor**

**Indefinitely Postponed**

An Act relating to Voters Resigning or Removed from the Voting List (S. P. 561) L. D. 1701)

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

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

Mr. McTEAGUE: Mr. Speaker and Members of the House; We have had substantial debate on this item at earlier stages in the House. By agreement between the proponents and opponents we let it go down to the Senate knowing it would come back here and the House would have a chance to work its will on this bill again.

Basically this is a bill that I think is very well intentioned, the idea being to try to keep more current in easier fashion our voters list. The weakness in the bill — and we have been through this before—is the significant possibility that at least some voters would be disenfranchised. The proponents of the measure have attempted to meet this weakness by amendments to the effect that,

“Well, if you are taken off the list by error you can come down and reregister basically and vote on election day.”

I am thinking of my own Town of Brunswick where we all vote in one place, the recreation center. We put about 6,000 or 6,500 people through the recreation center voting in a normal general election. Any attempt to register 20 or 30 or 50 or 100 voters because they were mistakenly stricken from the list would in my opinion lead to chaos, anarchy, and the deprivation of the right to vote on these people.

I hope that the House will adhere to the prior action it had taken, and reject this bill based on the recognition that one of the effects of the bill—and a very undesirable one—would be to reduce the number of people who are able to vote in this state.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: We have debated this at length before, and I will be brief today. There are some persons who accuse me of introducing certain election law changes with malice aforethought. They have even accused me of trying to win elections with gimmicks and not good candidates.

Last year the Governor saw fit to veto four of my delightful bills. He tried to veto another one, but the court wouldn't let him since it was a constitutional change and had to go to the people anyway.

I assure you in the House today that there are no political shenanigans in this item. I am pure as the driven snow on this bill. As a matter of fact, I wasn't even the sponsor of it. It is an excellent idea to clean up our voting laws which certainly are in a real mess statewide. And it has been amended, as the gentleman from Brunswick said, and I shall read the amendment to you.

“When a name is removed in error it shall be replaced when the person desires to vote.”

It will be replaced right then and there at the voting place.

You wouldn't have to go reregister anywhere. You could vote all right. But this is a step to clean up a real problem that we have with election laws.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I am amazed that the gentleman from Bath, Mr. Ross, would accuse himself or indicate he is part and parcel of malice aforethought. It was just like a previous debate when he brought up another subject or matter in his debate that wasn't even brought up. I mean why he persists is beyond me.

Now when the people have voted for election "A" and if they don't vote for election "B", then they are off. My question is this. In areas like Portland, and areas like Lewiston, and areas like Bath, or other areas, now who would keep these voting lists for two years? Because they would be — anyone could checkmark one way or another, could decide, "Well, you voted after all." And it is difficult enough to get the people to go to the polls without having to go and say, "Well, you didn't vote for the last two elections. Now if you want to vote you have got to go reregister."

I am not going to use the language that some of them would tell me, and probably tell the gentleman from Bath, Mr. Ross.

He did come out and make a further statement that he was being accused of presenting bills that are gimmicks. I mean, if he keeps on putting in his bill, I am going to rename him my good friend Rodney, and I am going to label him Gimmick Rodney.

Now this bill here is as impossible a piece of legislation as I have seen to win votes. It is impossible to administer from a local level. It is impossible — if somebody wanted to, what would stop them, the ballot being so sacred, to have somebody guard these ballots so that one would know whether he has voted or not voted. Who is the judge in this thing? How much is the storing of these ballots going to cost? How much is

the administration of this measure going to cost as far as Boards of Registration are concerned in cities, or registrars in towns?

Mr. Speaker, I move indefinite postponement of this bill, and its accompanying papers. When the vote is taken I move it be taken by the yeas and nays. And if I lose today, I will see you a little later.

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

Mr. ROSS: Mr. Speaker and Members of the House: There is one point in this bill that no one has even mentioned. They have mentioned how would the registrars know who voted or not. Under section two, paragraph six — "The clerk shall provide the registrar with the incoming checklist or checklists for every general election when they become available," so the clerk would provide the registrars with the up-to-date list, and they would know who to take off and who not to take off.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I am glad to hear my good friend Mr. Ross claim he is white as snow. I wouldn't say that I was white as snow. But on this thing that you are talking about, he makes a mention of the fact that you could do it right there at the voting place. You could get back on the voting list.

If you are in a city and you have more than one ward, the Board of Registration is not at every ward. They are at the central part of the city. And if you bring a voter up to vote in a ward and his name is not on the list, you have got to take him up to the Board of Registration.

It happens a good many times that when you take a person up from the voting place they are so irritated that their name is taken off they do not vote at all. I think it is something that we shouldn't do to try to prevent people from voting. We should make every effort to allow people to vote, and encourage them to vote. I therefore go along with that motion to indefinitely postpone.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: The gentleman from Bath, Mr. Ross, just brought up an item there that would be quite a — I don't know how you would do it. You take in the small towns, we have no recording machines, and we have nothing to take copies of the voting list.

Well, that night when you close the voting you have to wrap the voting list up and mail it out. And I don't believe that a register or clerk would have time to take a copy of that list off and keep it for the next two years for the election. So I go along with the gentleman from Lewiston to indefinitely postpone.

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 Lewiston, Mr. Jalbert, that An Act relating to Voters Resigning or Removed from the Voting List, Senate Paper 561, L. D. 1701 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, Bailey, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Bourgoin, Brawn, Bustin, Call, Carey, Carrier, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Cyr, Dam, Donaghy, Dow, Doyle, Drigotas, Dudley, Emery, E. M.; Farrington, Faucher, Fecteau, Finemore, Fraser, Gauthier, Genest, Goodwin, Hancock, Herrick, Hewes, Jalbert, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lesard, Lizotte, Lucas, Lynch, Mahany, Manchester, Martin, Mc-

Closkey, McCormick, McKinnon, McTeague, Mills, Morrell, Murray, O'Brien, Orestis, Pontbriand, Rocheleau, Santoro, Shaw, Sheltra, Slane, Smith, D. M.; Smith, E. H.; Starbird, Tanguay, Theriault, Vincent, Webber, Wheeler, Whitson

NAY—Ault, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Boudreau, Bragdon, Bunker, Churchill, Clark, Collins, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Emery, D. F.; Evans, Gagnon, Gill, Hall, Hanson, Hardy, Haskell, Hawkens, Hayes, Henley, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, Lund, MacLeod, Maddox, Marsh, Marstaller, McNally, Millett, Norris, Page, Parks, Payson, Pratt, Rand, Rollins, Ross, Scott, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Susi, Trask, Tyndale, White, Williams, Wood, M. W.; Wood, M. E. Woodbury

ABSENT — Brown, Dyar, Good, Hodgdon, Mosher, Porter, Stillings, Wight

Yes, 78; No, 64; Absent, 8.

The SPEAKER: Seventy-eight having voted in the affirmative, sixty-four in the negative, with eight being absent, the motion to indefinitely postpone does prevail in non-concurrence.

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

Mr. JALBERT: Mr. Speaker, I move that we reconsider our action whereby we indefinitely postponed this bill, and when you vote, vote against my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves the House reconsider its action whereby we indefinitely postponed this Bill. The Chair will order a vote. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 32 having voted in the affirmative and 65 having voted in the negative, the motion did not prevail.

#### Passed to Be Enacted (Cont'd.)

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

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

An Act relating to the Payment of Dues to Grower Organizations by Handlers and Processors of Farm Products (H. P. 927) (L. D. 1281)

An Act to Provide for Coastal Island Trusts (H. P. 972) (L. D. 1333)

An Act Appropriating Funds for the Construction of a General Activities Building and Dormitory Building for Female Offenders on Property at Stevens School (H. P. 1327) (L. D. 1741)

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

#### Enactor

#### Tabled and Assigned

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

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

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: I am opposed to this legislation and will attempt to explain to the members of the House my reasoning.

Two years ago the State Housing Authority had local building inspectors visit one of the type of housing in question down in Brunswick. Waterville's building inspector went down and during his tour of the building found several violations of plumbing and electrical codes. I would point out here that the City of Waterville, as most communities have, has adopted the State Plumbing Code and the National Electrical Code as established by Underwriters Laboratories. Improper venting of plumbing fixtures and wiring not carrying the approval of Underwriters Laboratories were major objections; as a matter of fact some of the wiring came from Japan.

This bill, in Section 4774, says that industrialized housing shall be deemed to comply with the requirements of all laws, ordinances and regulations enacted by the state and local government which govern the matters within the 'scope of approval.'

But the catch phrase is in the next sentence which says, the scope of approval shall be determined by the Authority. And another which says that industrialized housing which is not approved by the Authority shall not be exempt from laws, so what we are saying here is the Authority will be exempt from laws.

So we are asked to enact today a bill which would have the Authority exempt from local laws because of the amendment put on by the other body, but they would have to comply with the State laws.

I don't believe that this is what this House wants. Section 4775 says that the Authority shall within six months issue and enforce rules and regulations necessary to carry out the provisions of this Act. I say that if they abided by state law they would be going a long ways. Why should every other builder in the state have to comply with state and local laws while the Authority is not? This certainly smells of favoritism and there are other sections that do the same.

Like the section that allows the Authority to set its own fees in connection with administration and enforcement of this act. And the section that would allow the Authority to set qualifications and compensation for state inspectors to carry out this act. The power to hire is vested in the executive secretary who is a political appointee. Why not the personnel board? And the section that would give the Authority power to require training of local enforcement agencies? Our enforcement agents in Waterville are well trained, but what of the smaller communities, those that have building inspectors and housing code enforcement officers on a part-time basis?

And the section that would have the Authority hear appeals on its own rules and regulations. Why



not an appeals board as we have locally over planning boards?

But probably the most danger if this bill passes is the possibility of collusion. Chapter 470 of the Public Laws of 1969 creating the State Housing Authority had a section 4603 which dealt with conflict of interest. This section said:

"During his tenure, and for one year thereafter neither the executive director nor any employee of any authority shall voluntarily acquire any interest in any project or in any property included or planned to be included, nor shall any commissioner knowingly acquire any interest in any real estate connected with any housing construction project."

In 1970, a bill which contained just a small section which said simply:

"Title 30 section 4603. This section shall not be applicable to membership in a corporation organized under title 13 chapter 81." These are the non-profit corporations.

So in 1969 we repealed the section on conflict of interest and replaced it with a stiffer one, and in 1970, by a simple little change, unnoticed by many if not all of us, further changes were made in this extremely important fundamentally sound section.

I hold in my hand a copy of a Certificate of Organization of a little corporation called State Housing Development Corporation. This corporation was duly organized on August 3, 1970, shortly after the conflict of interest section was changed to suit the needs of the Authority.

Let me read to you the officers of that corporation and their relationship to the State Housing Authority.

The President of this corporation is Eben Elwell, who happens to be the Chairman of the Authority, and its Executive Director. The Vice President of the corporation happens to be Hadley Chandler, who is a member of the State Housing Authority. The Secretary of this corporation happens to be Gerald Kinney, who is also a member of the State Housing Authority. Treasurer of the cor-

poration is Scott Hutchinson, who is also a member of the State Housing Authority. Along with the other officers who are trustees, there is a gentleman, Lawrence Christiansen, who is a former employee of the Authority.

I wonder if the State Government Committee was aware of this fact when they reported this bill out.

A little phrase in the papers of incorporation reads, "This shall be a nonprofit corporation, and any net income" and I repeat, net income—"of which shall not inure to the benefit of any private individual."

For those of you that are familiar with corporations I would tell you that salaries come out of the gross so you can see that the profits could go into salaries and on the surface there would be no profits.

While the law would have allowed individual membership in a non-profit corporation by the members of the State Housing Authority, I doubt very much it was intended to have the Authority as a body, form a corporation that could contract with the Authority for development of properties. The Authority has got the power to contract with non-profit corporations for the development of property throughout the entire state. And it certainly appears to me to be collusion.

So the issue before us has become quite clear. Are we to further allow the Authority to exempt itself from local laws while others do not have that right? Is the Authority to have the power to contract with itself, acting as another body, to erect what could be substandard housing, ungoverned by anything but their own rules? And when we ask our legislators, local government officials and other appointed officials to stay away from conflicts of interest, are we to add to the wide range of conflicts the Authority already has?

At the proper time and in the proper bill, I will ask for repeal of the 1970 law which granted the Housing Authority immunity from conflict. A conflict that can line their pockets at the expense of the State and at the expense of

the very people we are trying to help.

I move indefinite postponement of this bill and all accompanying papers.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I missed a couple of the points that the gentleman from Waterville made. If there are legitimate problems with the bill I would suggest perhaps that it be tabled by someone and they try to be resolved. I think, however, that the whole bill ought not to be killed for just one particular section or one particular problem. What I might suggest therefore is that someone might table this for a day so that we could work out some agreement that might satisfy the gentleman from Waterville and probably everyone else.

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

Mr. VINCENT: Mr. Speaker, I would request this bill lie on the tabled one legislative day.

Mr. Porter of Lincoln requested a division.

The SPEAKER: The gentleman from Portland, Mr. Vincent, moves that L. D. 1764 be tabled pending the motion of the gentlemen from Waterville, Mr. Carey, to indefinitely postpone, and assigned for the next legislative day.

A division has been requested. All in favor of tabling this matter for one legislative day will vote yes; those opposed will vote no.

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

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

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I listened with great interest to the analysis by the gentleman from Waterville, Mr. Carey, regarding

the possible conflict of interest situation. It strikes me that he may well have something that should be changed and we could improve.

I am certain that the gentleman from Waterville was not aware of this matter at an earlier time or he could have offered an amendment at third reading to take care of it. I would suggest that this is a House bill and, unfortunately a tabling motion having been voted down, we are faced now with one of two alternatives.

Either number one, we can let this bill go down to the Senate where perhaps they will have a chance to put on an amendment to strike any possibility of conflict of interest, or we can kill the bill here today. If we kill the bill today we are basically striking down the possibility of industrial housing, of housing mass produced at lower rates for the State of Maine at least for the next two years, until the next legislative session.

I think if you think about it you will see that it is very difficult in the case of industrialized housing, which is to a great extent pre-assembled at the factory, to have local building inspectors enforce this. We have over 400 towns in Maine; I don't know the exact number with the building code, but I would guess it is 150 or 200. Even if these structures are being assembled in factories in Maine, which fortunately they are, and by the way it is a business that will come no matter what we may do and I would hope that we would be able to take advantage of it by having some of the construction of it in the State of Maine and having some of the jobs created in the State of Maine. But you cannot send building inspectors from every town to the factory where these things are assembled. The rational way to approach it is to approach it on the state level, where you could have one set of standards, and where you could have one means of enforcement.

If we vote this down today what we are actually saying is that we cannot have industrialized, that is mass produced, factory produced, housing in Maine. There will be housing. There will be housing at lower cost than conventional hous-

ing can be built, because very many of our people just do not have the money to pay \$16,000 or \$18,000, or \$20,000 for a home. This is an attempt to produce decent, good housing at a cost that our people can afford.

I hope, therefore, that the Members of the House will vote for enactment of the bill today even if they share the reservations that I have regarding the conflict of interests situation. Because the matter can go down to the Senate and now, due to the diligence of the gentleman from Waterville, Mr. Carey, there is the possibility in the Senate of placing an amendment on there to strike out the portion of the law which he finds objectionable.

I hope that you will vote to keep this alive because if you vote to kill it today you are hurting, number one, jobs in the State of Maine, currently existing factories to assemble industrialized housing; and number two, and I think more importantly, you would be contributing to the already desperate housing situation we have. Not only for low income or welfare people, but for middle income, working people, who make \$100 or \$120 or \$130 a week, because they just can't afford the price of the conventionally constructed house.

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

Mr. JALBERT: Mr. Speaker, I move this item lie on the table until tomorrow.

Mr. Donaghy of Lubec requested a division.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that L. D. 1764 be tabled until the next legislative day pending the motion of the gentleman from Waterville, Mr. Carey, to indefinitely postpone.

A division has been requested. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken. 65 having voted in the affirmative and 64 having voted in the negative, the motion did prevail.

Was 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

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

ORDERED, the Senate concurring, that we, the Members of the One Hundred and Fifth Legislature of the State of Maine, being ever mindful of certain administrative responsibilities which are prerequisite to establishing an adequate system of compensation, recommend and urge that the Board of Trustees of the University of Maine take immediate and appropriate action to adopt for classified employees under their jurisdiction both a pay plan and wage levels equal and comparable to the State minimum wage for classified employees. (H. P. 1396)

The Order was received out of order by unanimous consent and read.

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

Mr. GILL: Mr. Speaker, Ladies and Gentlemen of the House: I offer this order as a strong direction to the Trustees of the University of the State of Maine. I am very mindful of a plight of the classified employees. I am also very mindful of a plight of the taxpayers. I am also very mindful of a fact that the University of the State of Maine can adopt the necessary plans, salary schedules, for these classified employees which will put them in a better light than they are with state employees.

I would point out that in my opinion the professional staff at the higher level are in excess of our state employees. So therefore, I feel that if we can pass this Joint Legislative Order we will be telling the Trustees that we would appreciate it if they would assume their responsibilities. They seem to be quite concerned about this group, according to the last twenty-four hours, according to the communications I have received, so therefore I feel that it is necessary

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

for them to exert their good faith, which I feel they have got the ability to do, they have the means to do it, in order to implement a proper pay scale for classified employees.

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

Mr. HEWES: Mr. Speaker and Members of the House: I would pose a question to the gentleman from South Portland, Mr. Gill. I have in my hands two orders signed by Mr. Gill of South Portland, both dated today, and one has a second paragraph and the other only has one paragraph. Might I ask — the Clerk didn't read the full order — might I ask which one you have submitted?

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, poses a question through the Chair to the gentleman from South Portland, Mr. Gill, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. GILL: Mr. Speaker and Members of the House: Mr. Hewes can depend upon my word, as I told you in the Clerk's office, I would submit the one that had removed the last paragraph. And you would still be my choice for the beauty queen of Cape Elizabeth.

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

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

HOUSE REPORT — "Ought to pass" in New Draft — 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) — New Draft (H. P. 1385) (L. D. 1808) under new title "An Act relating to Constitutional Amendments, Printed on Instruction Sheets"

Tabled — June 4, by Mr. Starbird of Kingman Township.

Pending — Acceptance.

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

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

HOUSE DIVIDED REPORT — Majority (8) "Ought to pass" with Committee Amendment "A" (H-413) — Minority (5) "Ought not to pass" — Committee on Natural Resources on Bill "An Act relating to Water Quality Standards" (H. P. 971) (L. D. 1331)

Tabled — June 4, by Mr. Bragdon of Perham.

Pending — Acceptance of either report.

On motion of Mr. Herrick of Harmony, retabled pending acceptance of either Report and specially assigned for Thursday, June 10.

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

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

Tabled — June 4, by Mr. Shaw of Chelsea.

Pending — Passage to be enacted.

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

The Chair laid before the House the fourth 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 4, by Mr. Starbird of Kingman Township.

Pending — His motion to reconsider passage to be engrossed.

On motion of Mr. Marsteller of Freeport, retabled pending the motion of Mr. Starbird of Kingman Township that the House reconsider passage to be engrossed and tomorrow signed.

The Chair laid before the House the fifth 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 4, by Mr. Hewes of Cape Elizabeth.

Pending — Acceptance of either report.

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

Mr. HEWES: Mr. Speaker and Members of the House: I appreciate this being tabled as it has for the last few days, the reason being that there is a companion bill, or a bill in another committee, State Government, I believe, relative to full-time county attorneys generally, and we were hoping to keep this bill in reserve until the other bill was disposed of. If of course the full-time county attorney bill passes and is signed by the Governor, then there is no need for this one. Otherwise, we would like to keep this one on the table for a while, and I would appreciate it if somebody would table it for two days.

Thereupon, on motion of Mr. Lund of Augusta, retabled pending acceptance of either Report and specially assigned for Thursday, June 10.

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

SENATE JOINT ORDER — Re Establishing a Special Committee on Legislative Rules and Procedures (S. P. 626)

Tabled — June 7, by Mr. Stillings of Berwick.

Pending — Passage in concurrence.

Mr. Stillings of Berwick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-433) was read by the Clerk and adopted and the Order received passage as amended in non-concurrence and sent up for concurrence.

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

Bill "An Act relating to the Operation of Motor Vehicles" (H. P. 828) (L. D. 1119) — In House, passed to be engrossed as amended by House Amendments "A" (H-

362) and "B" (H-369) in non-concurrence. — In the Senate, passed to be engrossed as amended by House Amendment "A" and House Amendment "B" as amended by Senate Amendment "A" (S-249) thereto in non-concurrence.

Tabled — June 7, by Mr. Porter of Lincoln.

Pending — Further consideration.

Thereupon, the House voted to recede and concur.

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

Report of the Committee on Veterans and Retirement on Bill "An Act relating to Service Retirement of Teachers under State Retirement System" (H. P. 625) (L. D. 835) reporting same in new draft (H. P. 1329) (L. D. 1743) under same title and that it "Ought to pass" — In House, Bill substituted for the Report, passed to be engrossed as amended by House Amendment "B" (H-388). — In Senate, Report accepted, passed to be engrossed as amended by Senate Amendment "A" (S-246) in non-concurrence.

Tabled — June 7, by Mr. Susi of Pittsfield.

Pending — Motion of Mr. Millett of Dixmont to recede and concur.

On motion of Mrs. Lincoln of Bethel, retabled pending the motion of Mr. Millett of Dixmont that the House recede and concur and tomorrow assigned.

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

Bill "An Act Empowering the Environmental Improvement Commission to Conduct Studies Relating to Noise Pollution" (S. P. 407) (L. D. 1223) — In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-220). — In House, Committee Amendment "A" adopted.

Tabled — June 7, by Mr. Smith of Waterville.

Pending — Passage to be engrossed.

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

House Amendment "A" (H-429) was read by the Clerk.

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

Mr. McTEAGUE: Mr. Speaker, is it in order to discuss House Amendment "A" at this time?

The SPEAKER: The gentleman may proceed.

Mr. McTEAGUE: Mr. Speaker, I would pose a question to the gentleman from Hope, Mr. Hardy, and ask if he would be able to explain the amendment?

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, poses a question through the Chair to the gentleman from Hope, Mr. Hardy, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment merely says that those industries who are under the federal act of noise pollution do not come under the study as will be carried out by the Commission. Now the Commission wanted a much broader study, and this one is merely a compilation of material, mostly by mail from other states and from other industries, and this only — they can go to the industries and get the federal reports that have already been carried on under the Walsh-Healey Act.

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

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

Bill "An Act Revising the Laws Relating to Real Estate Brokers and Salesmen" (H. P. 838) (L. D. 1161) — In House Committee Amendment "A" (H-411) adopted.

Tabled — June 7, by Mr. Jalbert of Lewiston.

Pending — Passage to be engrossed.

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

House Amendment "A" (H-430) was read by the Clerk and adopted.

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

Mr. DONAGHY: Mr. Speaker, I am sorry I am late. I would like to have an explanation.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves that the House reconsider its action whereby it adopted House Amendment "A".

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

Mr. SCOTT: Mr. Speaker and Members of the House: In reply to the gentleman from Lubec, this is merely a corrective matter. The Committee Amendment removed the whole section, which wasn't intentional.

Thereupon, Mr. Donaghy, of Lubec withdrew his motion to reconsider the adoption of House Amendment "A".

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

Mr. Curtis of Orono presented the following Joint Resolution and moved its adoption:

We, your Memorialists, the Senate and House of Representatives of the State of Maine assembled in the regular session of the One Hundred and Fifth Maine Legislature, do respectfully represent that.

WHEREAS, the Governments of the United States and North Vietnam are parties to the Geneva Convention; and

WHEREAS, it is the intent of the Geneva Convention that the high contracting parties to the convention insure the proper and humanitarian treatment of prisoners; and

WHEREAS, the Government of North Vietnam has not conformed its actions to the terms of the Geneva Convention and has shown a blatant disregard for the feelings of the families of prisoners held; now, therefore, be it

RESOLVED: That we, your Memorialists, speaking for and on behalf of the people of the State of Maine, recommend and urge

that the Congress of the United States take all possible steps to gain the release of names, addresses and state of health of every captive American; repatriate or remove to a neutral country all sick and wounded prisoners; permit the International Red Cross or some other humanitarian organization to monitor the prison camps and help minister to the needs of the captives; and abide by the Geneva Convention, which they have signed, in the sending and receiving of prisoner mail, including shipments of food, clothing, medical supplies and educational and recreational materials and to bring the weight of world public opinion to bear on the Government of North Vietnam to require them to live up to the terms of the Geneva Convention which our government has signed in good faith and with which we are conforming; and be it further

**RESOLVED:** That copies of this resolution, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Honorable Richard M. Nixon, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to the members of said Senate and House of Representatives from this State; and be it further

**RESOLVED:** That the Maine Legislature also express, on behalf of the people of Maine, our sympathy, moral support and great respect for the unflinching courage of our Americans who are prisoners of war or missing in action and their patient and courageous families. (H. P. 1397)

The Joint Resolution was received out of order by unanimous consent, read and adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Resolution Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature (H.

P. 1041) (L. D. 1099) — In House, failed of final passage.

Tabled — June 7, by Mr. Porter of Lincoln.

Pending — Motion of Mr. Emery of Rockland to reconsider.

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

Mr. EMERY: Mr. Speaker and Members of the House: I would merely point out that the motion to reconsider was made in the hope that you would all vote against that motion. We killed this yesterday by a vote of 70 to 55 whereby it did not get the necessary two-thirds. I hope that you will sustain that previous action today by voting against reconsideration.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I rise to support the motion of the gentleman from Rockland, Mr. Emery, and ask you to support his request for reconsideration.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I rise to oppose the reconsideration motion, I hope that the House stands by its action as of yesterday and we kill it, we fail to pass it. In my community in the past few years our property tax rates soared higher and higher every year, and this is just an example where if we do pass this we could maybe more or less put ourselves in the position to put the people in my area that do pay property taxes, and it is a considerable amount of money believe me, in the position where they would be paying more. This is one way that we can curb unreasonable and unwarranted spending, so I oppose the reconsideration motion.

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

Mr. LUCAS: Mr. Speaker and Members of the House: The passage of this bill is of critical importance to the City of Portland. I dislike to say it is a city bill because I realize the connotation

that might have. I don't believe it will affect the rural areas.

It simply says that if a community has reached its debt limit and would like to increase it for necessary expenditures they could come to the legislature to prove their case. Now for example under the current 7½ per cent debt limit we in Portland are capable of borrowing up to \$25 million. Currently, over the past few decades, we have found it necessary to float loans up to \$20 million. So that leaves the major city of the State of Maine with a debt margin of but \$5 million.

I don't know how many of you have traveled through the City of Portland in recent months. But if you have I am sure you have noticed the tremendous need for repairs and replacement.

The City Council met last evening until the early hours of this morning to discuss the funding of a Capitol Improvement Project to improve some of the critical needs existing. These critical needs include a Police and Fire Station for the protection and safety of our people. These critical needs include a sewage treatment facility to aid in improving the sanitary system and likewise to assist in nonpolluting the Portland Harbor, a major inlet of Casco Bay.

It also includes the construction of schools to replace buildings in our city which are 60 and 70 and some of them 100 years old; to improve the situations in which we send our children to learn, 13,000 children in the schools now.

If you have traveled through the City of Portland I am sure you have recognized the tremendous need for replacement of the roads. And let me say that the roads were not destroyed simply by Portland people. They were destroyed in many situations by trucks rolling through creating the Interstate Highway System.

I am asking you today to consider the fact that all you are doing really would be allowing a community to come to the legislature and ask that they be allowed to go up to 15% instead of the current 7½%.

If this bill does not pass we in the City of Portland will have to declare a moratorium on the future construction of these items that I have just mentioned to you, and they are of critical importance. I ask your support to reconsider this bill.

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

Mr. BIRT: Mr. Speaker and Members of the House: It has taken me quite a while to come to the realization of the value and the intent of this particular piece of legislation. It does allow the legislature to establish standards for regulating debt. Throughout the State, and we have many bills and we have had them every session and we have had them in this session of the Legislature, one in particular that I am aware of is one to allow a water district in a town in the northern part of Somerset County.

Now this town presently has a 7½% municipal debt. It is in a school district which allows it to gain another 12½% on top of that; and it is requesting the authority for additional borrowing capacity. Now it is possible that this town should have this additional borrowing capacity. It is possible that it shouldn't. But with the various bills that are allowed to come through the Legislature establishing districts and also staying within the municipal debt limit, it is very possible that they are exceeding their debt. I think the intent of this bill is, as I understand it, is that if this constitutional amendment is adopted then there will be standards established to regulate the borrowing capacity of the individual communities relative to their ability to pay.

I do believe that this does make a good deal of sense. I think that it is a step in the right direction. It is probably one that is long overdue and I hope that you will vote to reconsider, so that we can give this further consideration and possibly consider enacting it.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the



**House:** If this bill is to be enacted we are going to bankrupt our small towns with interest rates alone. I am in favor of the representative from Rockland, Mr. Emery. I agree with him wholeheartedly and I hope when this comes up for reconsideration you will all vote against it.

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

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: This bill came before my committee and I am concerned about it. I do not think that in its present form it is adequate for our needs. What it will do, as the speakers have said, and this perhaps is a good idea, is raise the municipal debt limit from 7½ to 15%. That is a doubling. As Mr. Norris told you yesterday you can borrow money, or a municipality can borrow money cheaper than say a water district or a sewer district or an SAD.

In order to get around needs for more money municipalities have set up these districts and it has cost them more money. So every one is right here when they say it would be to our advantage to extend the debt limit. But there are some problems in that there is no setting of a total debt limit for communities. We would still allow them, if we allow this to pass, to set up a school district or water district or a sewerage district, or whatever other districts they could come up with, which as I understand it would only have the limits of a bonding company on them. And then still borrow to the 15% capacity.

Now there are those who would say that each town must come to the legislature to receive permission to borrow the money. But it is my understanding that the legislature could pass a bill simply raising the state debt limit to 15% which would allow all municipalities to borrow up to that amount plus what they would borrow under school administrative districts or sewerage districts and water districts.

Now I really think if we are going to do this thing right we must set some kind of a responsible

total debt limit for all the different districts and borrowing capacities that municipalities would have.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: The more I listen to the debate on this bill the more concerned I get with regard to how it will work. Obviously it is everybody's guess here what the next session of the Legislature will do in regard to setting up the rules under which we will operate should we pass this constitutional amendment. Some definitely say that each community will obviously be considered individually. Others say that the next Legislature will obviously set up some kind of a guideline which will apply equally to Portland and Perham, which I think is almost impossible.

So I am very reluctant somehow or other to see us take this step blindly at this time. If we could know before we vote for the constitutional amendment, if we knew what the feeling of this Legislature was with regard to how this is going to be handled I am sure we could all vote more intelligently. We are guessing. If we pass this constitutional amendment we are guessing what the attitude of the next Legislature is going to be. We don't know anything about it.

I still persist in my position that I took yesterday. I believe it is a dangerous step and I hope we don't take it at this time.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I hope that perhaps I can explain away some of the misconceptions that we have been laboring under the last two days concerning this constitutional amendment.

Originally it was submitted by the gentleman from Cape Elizabeth, Mr. Hewes, as a simple amendment in the present constitutional provision of limiting municipal indebtedness to 7½%; he wished to raise it to 15%.

If you will turn in your L. D. booklets to L. D. 1099 which we are now discussing, you will find

that it is the redraft that the State Government Committee turned out. This redraft was what was resubmitted to the Committee, to the Legal Affairs Committee, and reported out again. This is the redraft that we have before us today. It says simply that, "Municipal Indebtedness: The Legislature may pass laws regulating the borrowing power of municipal corporations of the State." Now mind you it says may pass laws. It doesn't have to. And it is my understanding that the Attorney General's office has ruled that the present 7½% limit would continue to hold until the legislature did pass laws setting a different limit.

Now I find no fault in this. It is better to have such regulatory things in the statutes than burdening the Constitution which only should deal with the general matters.

We felt that it was a good way to do this in the State Government Committee. Apparently at least the majority of the Legal Affairs Committee did also. I don't know the exact report on this at the moment. I continue to feel that it is a good thing to do.

Now as to the matter as to whether this Legislature or the next Legislature will be or will not be passing these laws, I think if you will notice in the part where it mentions the form of question and date when amendment shall be voted on it says about two-thirds of the way down, "at the next general election or special state-wide election." Now this amendment may very well go to the people this fall, since we have many matters that probably will go to the people this fall. In that event the next special session of the Legislature, this Legislature will be the one that will be making those laws regulating municipal indebtedness if this Legislature so desires, and this Legislature may decide to keep the present 7½% limit.

It may decide to go to 9% or 10%; it needn't go to 15%, or it might even set a lower percentage. It might decide, as the gentleman from Webster, Mr. Cooney, suggests, that all of our special districts should be included in the regulatory agencies. I think that

they may justly go that far. But of course the Attorney General or the courts would have to interpret this section to mean that if they did. There is some doubt in my mind the way this reads as to whether this is limited only to municipal corporations or not also perhaps to the quasi-municipal corporations that they have formed to get around the present provision in the Constitution.

I feel that this constitutional amendment should pass and I hope you will vote with me in doing so.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: This debate has gone on too long now but I do think that we should answer some of the questions since it has been brought up about what went on in State Government Committee. We tried first to set an overall debt limit that would be reduced as each one of these quasi-municipal corporations were added. In other words if you had a sewer district, this would reduce the remaining debt limit. We thought at first to 15%, and then reducing it accruals of about 3% for each new corporation that they set up, so that there would not be a great overall debt limit. And this bill hopefully will go to the people and come back and this will be followed through. There is no guarantee, but hopefully there would be able legislators following us in the 106th that would follow through on this same line of thinking.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: When this bill came before the Legal Affairs Committee I was opposed to it because I thought that it would take off the limitation of 7½%, but it doesn't until the next legislature so wishes. I hope that we can reconsider this this morning, pass this bill, and let the 106th Legislature write out such rules as not to let the debt limit get away from us or from any municipality. It would only do

so after a referendum in a community demanding or asking the legislature to change the debt limit to such and such a limit. Then this legislature or the 106th could act on this bill. I think it is some type of a home rule bill, and if the community wishes to hike its debt limit within reasonable bounds I think the Legislature should act upon it, if acted upon in their own community in referendum.

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

Mr. BIRT: Mr. Speaker and Members of the House: Just briefly to clarify one other point. The problem that we are faced with in making any of these constitutional changes — and we ran into a very similar situation in changing the home rule, and we also ran into a similar situation in establishing our method of taxing lands whether they are at their highest and best use or at their current use. And that is that the — and the Attorney General I understand has ruled this several years ago, not during the term of the present Attorney General, that the enabling legislation to put a constitutional amendment into operation cannot be passed until after the people have made a decision on it. Now I think this is the problem that we are faced with right now as to one of them.

I know we would all like to see the enabling legislation to know what it is so that we would know where we are going, but we cannot do that. I think that if we do feel that there is a problem in municipal indebtedness, as apparently there is, and we have to pass this, send it out to the people; and after the people okay it, then the following legislature will have to adopt the enabling legislation to make this effective.

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

Mr. COONEY: Mr. Speaker and Members of the House: I would like to make a correction in what I said. We have been talking about a 15% limit and the proposal before us is, it simply reads: "The Legislature may pass laws regulat-

ing the borrowing power of municipal corporations in the State." In other words perhaps they could regulate it even higher.

In watching the way some important measures trot through this House I wonder if, when we are talking about the Constitution, we should not set these limits down very carefully so they cannot in the future mistakenly or intentionally be abused.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: I have been doing a little figuring here and if my figures are correct, \$9,450,000 which is the amount that my town is worth according to this new valuation state book that I have before me, we are allowed at  $7\frac{1}{2}\%$  \$66,150. The school at  $12\frac{1}{2}\%$  is allowed \$118,125; which they are indebted now so that we have to pay \$147,000 of interest. If we are to double this, which there will be many groups that would like to be indebted to the hilt, this will make that we will have the right to be indebted \$368,550, or an interest rate of \$294,000 for my municipality. And the good Lord knows we will go through bankruptcy. It cannot be done, and I hope that you vote against the motion.

Mr. Lizotte of Biddeford moved the previous question.

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

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

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

in favor say aye; those opposed say no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Rockland, Mr. Emery, that the House reconsider its action of yesterday whereby this Resolution failed of final passage. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 54 having voted in the negative, the motion did prevail.

The SPEAKER: The pending question is final passage. Pursuant to the provisions of the Constitution, Section 14, Article IX, a two-thirds affirmative vote of the members present and voting is required for its final passage.

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

Mr. LUND: Mr. Speaker, I move this item be tabled until the next legislative day.

Mr. Emery of Rockland requested a division.

The SPEAKER: The gentleman from Augusta, Mr. Lund, moves that L. D. 1099 be tabled for one legislative day pending final passage.

A division has been requested. All in favor of tabling for one day will vote yes; those opposed will vote no.

A vote of the House was taken.

51 having voted in the affirmative and 88 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is final passage of this Resolution.

Whereupon, Mr. Emery of Rockland requested a roll call vote.

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

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

The SPEAKER: The pending question is final passage of Resolution Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature, House Paper 1041, L. D. 1099. This being a Constitutional Amendment, a two-thirds vote of the House is necessary for its final passage. All in favor of its final passage will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ault, Bernier, Birt, Bither, Boudreau, Bourgoin, Bustin, Carey, Clemente, Collins, Conley, Cote, Cottrell, Cummings, Curran, Curtis, T. S., Jr.; Dam, Donaghy, Dow, Doyle, Drigotas, Farrington, Faucher, Fecteau, Fraser, Gagnon, Genest, Gill, Goodwin, Hancock, Hanson, Hardy, Hayes, Herrick, Hewes, Hodgdon, Immonen, Jalbert, Jutras, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Kilroy, Lebel, Lessard, Lewin, Lizotte, Lucas, Lynch, MacLeod, Maddox, Mahany, Marsh, Marstaller, Martin, McCloskey, McKinnon, McTeague, Millett, Mills, Morrell, Murray, Norris, O'Brien, Orestis, Payson, Pontbriand, Porter, Pratt, Ross, Santoro, Sheltra, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Susi, Tangway, Trask, Tyndale, Vincent, Wheeler, White, Whitson, Wood, M. W.

NAY — Bailey, Baker, Barnes, Bartlett, Bedard, Berry, G. W.; Berry, P. P.; Berube, Binnette, Bragdon, Brawn, Bunker, Call, Carrier, Carter, Churchill, Clark, Cooney, Crosby, Curtis, A. P.; Cyr, Dyar, Emery, D. F.; Emery, E. M.; Evans, Finemore, Gauthier, Hall, Haskell, Hawkens, Henley, Kelleher, Keyte, Lawry, Lee, Lewis, Lincoln, Littlefield, Lund, Manchester, McCormick, McNally, Mosher, Page, Parks, Rand, Rocheleau, Scott, Shaw, Shute, Silverman, Theriault, Webber, Wight, Williams, Wood, M. E.; Woodbury.

ABSENT—Albert, Brown, Dudley, Good, Rollins.

Yes, 88; No, 57; Absent, 5.

The SPEAKER: Eighty-eight having voted in the affirmative and fifty-seven in the negative, with five being absent, eighty-

eight not being two thirds, this Resolution fails of final passage.

Sent to the Senate.

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

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

Tabled — June 7, by Mr. Bartlett of South Berwick.

Pending — Passage to be enacted.

On motion of Mr. Evans of Freedom, under suspension of the rules, the House reconsidered its action of May 27 whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of May 27 whereby House Amendment "A" was adopted, and the Amendment was indefinitely postponed in non-concurrence.

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

House Amendment "B" (H-428) was read by the Clerk and adopted, and the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Authorize Surplus Appropriation for the University of Maine for Renovations, Expansion and Land Acquisition" (S. P. 617) (L. D. 1802) which was tabled earlier in the day and later today assigned, pending passage to be engrossed.

On motion of Mr. Martin of Eagle Lake, retabled pending passage to be engrossed and tomorrow assigned.

(Off Recent Remarks)

On motion of Mr. Hayes of Windsor.

Adjourned until nine o'clock tomorrow morning.