

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

Wednesday, June 9, 1971

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

Prayer by the Rev. Mr. Sam Henderson of Norway.

The journal of yesterday was read and approved.

Papers from the Senate Reports of Committees

Ought to Pass in New Draft

Report of the Committee on Taxation on Bill "An Act to Limit the Tax Exemption for Certain Corporations Which Conduct Their Operations Primarily for the Benefit of Nonresidents of the State" (S. P. 395) (L. D. 1173) reported same in a new draft (S. P. 621) (L. D. 1804) under same title and that it "Ought to pass"

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

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

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to pass" on Bill "An Act relating to the Maine Turnpike Authority" (S. P. 507) (L. D. 1489)

Report was signed by the following members:

Messrs. KELLAM of Cumberland
JOHNSON of Somerset
—of the Senate.

Messrs. BARNES of Alton
HALL of Windham
KEYTE of Dexter
DUDLEY of Enfield
LEBEL of Van Buren
—of the House.

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

Report was signed by the following members:

Mr. GREELEY of Waldo
—of the Senate.

Messrs. CROSBY of Kennebunk
McNALLY of Ellsworth
WOOD of Brooks
LEE of Albion
FRASER of Mexico
—of the House.

Came from the Senate with the Minority Report accepted.

In the House: Reports were read.

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

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

The SPEAKER: The gentleman from Brooks, Mr. Wood, moves that the House accept the Minority "Ought not to pass" Report.

The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker and Members of the House: I hope that we do not go along with the Minority "ought not to pass," but I hope that we will go along with the "ought to pass" report on this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think this is more important a bill than might appear on the surface, and I certainly hope that the motion of the gentleman from Brooks, Mr. Wood, will not prevail. And in matters concerning themselves with highway problems, it is of a very very rare time that I oppose him in his thinking.

The Majority Report of the Committee, in my opinion, is a very fine report. When we talk about the Maine Turnpike Authority we are talking about an interest that is owned and controlled, in my opinion, by the First National Bank of Boston. We talk about a program that we don't enjoy the 90—10 monies that we could. We talk about a program now that has intentions of going into an expansion program, which would not benefit my area at least, of over \$60 million. The only thing that benefits my area in this thing here is that for fifteen years, and still now, that we have been able to get a third mode of transportation across the Androscoggin River, we have had to pay from five cents to fifteen cents into the till of the Maine Turnpike Authority, high-salaried hierarchy for fifteen cents. And Lord knows that next week, next month, it might be up to twenty cents.

If you would look at the program as it was indicated so as to how much the replacement of the 24-mile area, it jumps from 1969 right on through 1973, inside of just a very short span of time.

I think personally the bill as was reported out by the Majority Report "ought to pass" is a very fine piece of legislation and it should be put on the books of law in the State of Maine. Somewhere along the line we must have an Authority that the people will have something to say about. But in this particular instance I don't think we do.

It is the second highest toll road in the land. And for some of you who travel over it, it is not necessarily at all times the one that gives us the best of service.

I certainly hope that the motion of the good gentleman from Brooks, Mr. Wood, who I very rarely oppose on measures, will not prevail so that the motion can be made that the Majority Report "Ought to pass" can be accepted. I do hope that you vote against the motion to accept the Minority Report. When the vote is taken, I move it be taken by the yeas and nays.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the motion made by the gentleman, Mr. Wood. To my knowledge, I am of the opinion that this is an efficient and honest administration in the Turnpike Authority. I am of the opinion that there is still outstanding some \$50 million in indebtedness by this Turnpike Authority which would have to be refinanced by the state if we were to dissolve the Authority and take over the road, which I believe is a possibility, but I doubt if it is advisable.

Now if I am suffering from bad information on this I hope someone would straighten me out. But if it is basically true I think we would do well to support the motion before us.

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

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House:

I would concur with Representative Susi in his statement to the effect that the Turnpike Authority is an efficient business. However, because it is the Turnpike Authority it makes us ineligible for federal funding. What our tolls are used for is presently the same thing which federal funding would accomplish, the improvement of the turnpike. If we eliminated the Turnpike Authority we would be, I think, ahead because of the federal funding which this would make us eligible for. I hope you vote against the pending motion.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: In addition to the question of federal funding which has been discussed by prior speakers, I would like to go back to the question, is the Turnpike Authority actually running the State of Maine or, as has been suggested, and it is my opinion, based on a couple of experiences with it, it is not, it is run by a bank in Boston.

I think in addition to making ourselves ineligible for federal funds, it is being paid for unfairly. People that live on one side of Augusta pay one thing, people who live elsewhere don't pay for it and they still get the benefit. The basic problem is that part of the Authority and the sovereignty of our state has been sent to Boston with those bonds, and bankers and lawyers in Boston are telling us what we can and cannot do. Maine has been an independent state from Massachusetts since 1820. I think it is time not only to be independent of the Commonwealth of Massachusetts but to be independent of their banks.

We have had one incident this session. Someone claimed that only the banks in Boston can determine what type safety measures we should have on a road in the State of Maine. I say it is time to stop that type thinking because it is wrong, because the people of Maine are sovereign here, not the banks of Boston.

We have had other times when the Turnpike Authority has gone so far as to tell us that their em-

ployees could not be eligible, and it was beyond the competency of this legislature to make them eligible to participate in the State Employees' Appeals Board. Why? Because of what some bank or bond counsel in Boston said. Again, I think that is wrong, and I think it is time for us to run our own affairs here. We have the federal funds. I think the funding could well be worked out, and I think in the long run it would be worked out as a savings to the general taxpayer in Maine and for the user of the Turnpike. But I think also it is time to bring the authority over this probably our most important road home to Maine and to tell the Boston bankers to mind the banking in Boston and leave our roads to us here.

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

Mr. JALBERT: Mr. Speaker and Members of the House: There might be those who might wonder why I am so interested in the Turnpike Authority. It so happens that I presented a bill many years ago—as a matter of fact in 1947—that would stop the Maine Turnpike Authority. What has happened? What I predicted then would happen has happened. Lawyers and bankers from Massachusetts don't work any different pricewise than lawyers from Maine do, and it is to be expected that they be paid.

And also, a great deal of control has been exercised by the very deep southern end of the county in this area. And the report of the committee in itself would indicate, in my humble opinion, that the State Turnpike Authority, the Maine State Highway Department, with whom I am particularly friendly, have not necessarily faced the realities on this thing.

The report of the majority is strictly a report that is geographically written out, in my opinion, probably. I would take very mild issue with the gentleman from Pittsfield, Mr. Susi. I mean, I am very happy that he has a beautiful 95, toll free, to travel on. I know that once in a while he gets on toll free one, but generally he is free riding and I am happy for him for that.

We have been paying and we would like to have some sort of change in the programming. Because I well remember at the hearing many many moons ago that it was said that within 30 years the State will have taken over this program and the State will have it and it will be under their jurisdiction. Certainly that has not happened. We are now being hit with the possibility of an additional \$60 million, and that means about \$60 million more in interest.

And I repeat myself, I certainly hope the motion of the gentleman from Brooks, Mr. Wood, does not prevail, so that the Majority "Ought to pass" Report will be accepted.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: It is, to say the least, refreshing sometimes to be on the opposite side of the question with the gentleman from Lewiston, Mr. Jalbert, because his arguments are always certainly very convincing.

I am very concerned, and in my concern I think I share the concern of all the citizens of the State of Maine. I think Mr. Jalbert more or less is looking upon it as a local problem. I do not believe at this time that we are in a position financially to take over this much highway that is very well being maintained by the Turnpike Authority, in my opinion. I travel over it and I don't object to paying the toll, at the different times that I travel over it.

I would point out also that the great part of the tolls on this Turnpike are paid by our out-of-state revenues, and in paying that they are doing no different than I do when I go down and go over the New York Thruway or the New Jersey Turnpike. And I certainly do not feel that the State of Maine should lead the parade in eliminating tolls from our highways which are helping tremendously to support our highway program.

I realize—I looked at this bill and I realized that the gentleman from Lewiston is going to say that there is nothing in this that says

anything about the fact that the State has got to remove the tolls. But you and I know that the State Highway Commission is not going to operate a toll road very long. Once the State Highway Commission takes this over the next move is definitely going to be the removal of the tolls. And I am sure I am getting into the area that the Highway Committee can handle very well and probably they should tell me I should keep out of it, but I do feel strongly about and against this move. I just don't think that the State of Maine, the finances of the State of Maine can afford it at this time.

The Turnpike Authority is doing a good job. They emphasize the fact that they can get federal funds. Well, I am sure that the Highway Committee will—if my reasoning is wrong on this they will correct me, but I don't believe that they are talking about anything except the road below Portland. So there are 60 miles of this turnpike that will never be brought into the interstate system, as long as we have an interstate system that comes up through the state in another manner.

So actually we are only talking about the lower 40 miles of the Maine Turnpike when we talk about federal funds if this is taken over by the State.

I guess perhaps I have expressed my position on this as well as I can, but I feel sincerely that it is not in the best interests of the State to make this move at this time.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I just have two very short questions that I would like to ask of anyone that would answer them. The first one is, the amount of bonds that are outstanding at the present time. We know that they are selling at well below par, and if we take them over will these bonds be redeemed at par?

The SPEAKER: The gentleman from Bath, Mr. Ross, poses a question through the Chair to anyone who would care to answer it.

The Chair recognizes the gentleman from Kennebunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker and Members of the House: In answer to the first part of Representative Ross's question, at the present time there are \$52 million worth of outstanding bonds. Now how they are going to be redeemed was never brought up.

To go along with Mr. Bragdon, I think you will find that if the State should take the turnpike over—we are talking about 90-10 money, we are talking about the big bankers in Boston, I think that that is irrelevant. If the State takes over the highway and continues the toll they will not be eligible for any 90-10 federal funds. In order to get the money they would have to take the tolls off.

I am not against the Boston bankers; I don't think that they are running our state. I reported this out as "ought not to pass" for one simple reason. At the present time we have a—well, we will call it a business in the state, that is paying its way, and now we are asking the State to take it over. I think this is poor business. And as Mr. Bragdon said, it is being paid for by those that use it. It is not compulsory that anybody ride on the turnpike.

If the State does take it over, we are going to take it out of the hands of a going business that is paying its way, making improvements. Now it has been forced to pay \$3 million for a center rail guard the full length of it. We are taking it over and instead of those who use it paying for it every one of us in the state is going to pick up our share of the \$52 million—not only paying off the bonds, we are also going to pick up the future maintenance, the future expansion.

At the present time it is planned to widen the road from York—incidentally it is already widened from Kittery to York; from York to Portland will be widened into six lanes. The Turnpike is planning on this. Perhaps they are not going to pay off their bonds as quickly as they thought, but you must consider, too, that in the years that it has been in existence the number of cars on the road has increased tremendously.

So we have got to take that into consideration.

So my feeling is that instead of the whole state paying for this, let those that use it pay for it. I don't think that anybody is getting particularly rich off of it. I don't own any Turnpike bonds; I have no connection with the bonds. I do come from the southern part of the state. No pressure has been put on me to fight for this; I want it made perfectly clear.

So therefore I think that instead of putting this albatross around the neck of the Maine Highway Department we better leave it where it is.

Mr. Jalbert of Lewiston was granted permission to speak a third time.

Mr. JALBERT: Mr. Speaker and Members of the House: I have no thought in my mind that I would want to see the tolls removed until the payment of the bonds is finished, and no such thought has been entertained in my argument. Also if I want to use the turnpike I pay for it; if I don't want to use it I don't pay for it, because I just don't use it.

Also I would like to make this statement here, that we would like to take some sort of—along the line, some sort of advantage of more federal monies or federal monies. I will have to conclude my remarks by saying that as far as I am concerned I am not just going to get up and say that the Maine State Authority is run efficiently, because it wasn't when it started and it isn't run efficiently now. And the proof of my argument is the fantastic amount of accidents, the failure of them to properly maintain the road, particularly in the winter months.

I don't think there is a road in the country that has been handled as poorly as the Maine Turnpike Authority. I don't think there is a road in the country that has more complaints than that road has had. I don't think there is a road in the country that has had more accidents than that highway has had. So anybody that turns around here and says that that highway is conducted efficiently is seeing the world through dark colored glasses.

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

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: There is no question in my mind that this is an efficient organization, private enterprise, and believe me they are milking the public for every dime they can. And I will tell you exactly how.

I happen to come from Biddeford and if you take the toll from Biddeford to the Kittery exit it will cost you 50c for 36 miles. If you take the toll from Biddeford to Westbrook, which is half the distance, it will cost you 50c to take the toll. Generally speaking the tolls between one gate and another, generally speaking it is supposed to be a 15c discrepancy. As it exists presently, for instance, if you are living in South Portland and if you happen to be working in the S. D. Warren mill in Westbrook, which is only about a three-mile stretch, and this should be a safety factor, you will be charged 25c to go from one tollgate to another.

This is outrageous. This means that the workingman that goes to work in that area is paying \$3.00 a week to go to and from work; and in many instances he is forced to do this because the city congested traffic in the South Portland area going into Portland is very bad, especially during the inclement weather.

So I tell you, ladies and gentlemen, the toll structure is very unfair and we are being taken advantage of. I can readily understand that you people in upper state perhaps don't realize this. So much is made about the tourist using the tolls, but believe you me it is these in-between exits with outrageous prices that our own people are paying, to line the pockets of these individuals, that I can't put up with.

I certainly hope that you would go along with the Majority Report and not concur with the Minority Report as suggested by Mr. Wood.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I use the toll road between my home and here five days a week. I have every single day all winter long. I have found that, in fact many times I have thought maybe they had too many people

out working on the roads on the Maine Turnpike. But I also have not only travelled the Maine Turnpike this particular year but many other years, night and day, and all hours of the day; and I have never found yet that I couldn't get up and down the Maine Turnpike in pretty good speed and in safety, especially in the winter time if ever there was a time.

I think for the number of miles that they have and the crew that they have, that they do an excellent job. It costs me 95c to come up here in the morning and 95c to go back at night, and I would just as soon double that, maybe even triple it, just for the sake of not having to drive through some of the cities such as Auburn and Lewiston, Biddeford and what have you, in the congestion that you find in the particular cities.

As for the tourists coming into the state, I would say that the tourists coming into the state, from what I deal with them, would far rather pay the toll, and maybe even a higher toll, for the sake of being able to come into the state, to get in here on a good safe highway, to get into the area without having to come along Route 1. And I would ask that we keep the Maine Turnpike just as it is.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: The first thing I shall do, I shall remove my colored glasses before any statement is made about the Maine Turnpike this morning as suggested by Mr. Jalburt. All the remarks made by the different speakers have some merit, but it seems to me that this is developing into a political issue, because those of the other party from my own party, seem to have the facts and figures pretty well at hand and they are very logical; and their conclusions are sound. The members of my party apparently are trying to make an emotional issue out of this Maine Turnpike Authority, and for that reason I support the Minority Report.

The SPEAKER: The Chair recognizes the gentlewoman from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker and Ladies and Gentlemen of the House: I think it is about time this House used a little common sense. If they looked at this bill maybe it might sink in a little that the date on this is January 1, 1972. You are asking us to take over the Maine Turnpike Authority as of this date and absorb the \$52 million bond that is still owed.

We also just passed a measure in this House to make them put guardrails down this. So if we take over this Authority we are not only taking over the \$52 million, we are also taking over the price of those guardrails. Now you just stop and think about it a little bit and I think it better stay where it is.

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

Mr. LIZOTTE: Mr. Speaker and Members of the House: In answer to the good gentleman from Standish, Mr. Simpson, if he has traveled the Maine Turnpike in the wintertime and if we have any amount of snow whatsoever, the Maine Turnpike closes and they don't let anybody on the Maine Turnpike.

Secondly, if we want to be conservative about this, they have outstanding bonds of \$52 million as it was said. But they are in the process of spending another \$60 million for the section between York and Scarborough and the widening of the turnpike. If we don't take the turnpike now, instead of having the \$52 million bonds, we eventually will be taking it over and we will probably wind up with over a hundred million dollars in bonds.

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

Mr. BARNES: Mr. Speaker and Members of the House: Before I take the liberty of pushing my little button to nay, I want to say that this is, as the gentleman from Ellsworth once remarked, this is one leopard who has changed his spots this morning. I signed the Majority "Ought to pass" Report, but since doing that I have had a change of heart — and it hasn't been because of any pressure that has been brought upon me, it is

just simply that I have seen the light and I am going to go along with the motion to accept the Minority "Ought not to pass" Report.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: If I was a member of the Transportation Committee I would have signed the "Ought to pass" Report. For the simple reason, if you are ever going to get the bills paid on this turnpike you are not going to have it paid through the Authority. They are just going to continue spending and spending down there on different sections of the road and keep that little corporation, that little organization going, and it is never going to be taken off.

I feel for better roads in the State of Maine that we would be better off with the Highway Commission managing it. This is one way we can — they are never going to stop it down there because they have got a little gravy train, they are going to keep it going, and if it was in the Highway Department at least after some time they would reduce these bonds; and like Mr. Lizotte said, they have got \$52 million worth of bonds now, they are anticipating spending 61 or 62 million, I have heard the talk that they are going to build six-lane roads down there and eight lanes.

I don't know, this is just talk I have heard around the House here this morning. But I would like to know, if someone would care to answer, on the 52 million when do they anticipate that these bonds would be paid for without any more construction? When would the 52 million be retired?

Mr. Scott of Wilton then moved the previous question.

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

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

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable for five minutes by any member. The pending question is, shall the main question be put now? All in favor will say aye; those opposed, no.

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

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Brooks, Mr. Wood, that the House accept the Minority "Ought not to pass" Report on Bill "An Act relating to the Maine Turnpike Authority," Senate Paper 507, L. D. 1489, in concurrence. If you are in favor of this motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Berry, P. P.; Birt, Bither, Bragdon, Brown, Bunker, Cail, Carrier, Churchill, Clark, Collins, Cottrell, Crosby, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dow, Dyar, Evans, Faucher, Finemore, Fraser, Gagnon, Hardy, Haskell, Hayes, Henley, Hewes, Hodgdon, Immonen, Jutras, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, Marstaller, McCormick, McNally, Millett, Morrell, Mosher, Norris, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Smith, E. H.; Susi, Theriault, Trask, Webber,

White, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY—Bedard, Bernier, Berube, Binnette, Boudreau, B o u r g o i n , Brawn, Bustin, Carter, Clemente, Conley, Cooney, Cote, Curran, Doyle, Drigotas, Dudley, Emery, D. F.; Emery, E. M.; Farrington, Genest, Gill, Good, Goodwin, Hall, Hancock, Hawkens, Herrick, Jalbert, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lebel, Lessard, Lizotte, Lucas, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Murray, O'Brien, Pontbriand, Santoro, Sheltra, Slane, Smith, D. M.; Starbird, Stillings, Tyndale, Vincent, Wheeler, Whitson.

ABSENT — Carey, Cummings, Fecteau, Gauthier, Hanson, Lund, Orestis, Rocheleau, T a n g u a y , Wight.

Yes, 81, No, 59; Absent, 10.

The SPEAKER: Eighty-one having voted in the affirmative, fifty-nine in the negative, with ten being absent, the motion does prevail.

Non-Concurrent Matter

Bill "An Act relating to Public Intoxication" (S. P. 607) (L. D. 1786) which was passed to be enacted in the House on June 4 and passed to be engrossed on June 2.

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

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

Non-Concurrent Matter

Bill "An Act to Amend the Oil and Gas Conservation and Development Control Act" (H. P. 499) (L. D. 645) which was passed to be engrossed in the House on March 16.

Came from the Senate indefinitely postponed in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act Revising the Air Pollution Laws" (H. P. 1127) (L. D. 1557) which was passed to be engrossed as amended by Committee Amendment "A" in the House on June 1.

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

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

Non-Concurrent Matter

Majority Report of the Committee on Judiciary on Bill "An Act relating to the Housing Needs of People Who Pay Rent" (H. P. 881) (L. D. 1202) reporting same in new draft (H. P. 1386) (L. D. 1809) under same title and that it "Ought to pass" and Minority Report reporting "Ought not to pass" which Reports and Bill were indefinitely postponed in the House on June 4.

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

In the House:

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

Mr. EMERY: Mr. Speaker, I move that we adhere.

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

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

Mr. ROSS: Mr. Speaker, I move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House recede and concur.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: This is the rent escrow bill which was killed in this House last Friday. I naturally oppose the motion to recede and concur. What has happened here, we killed this bill in the House on Friday, it went to the Senate yesterday, and they voted the "Ought to pass" Report with no discussion whatsoever. However, this has not changed my mind about the distasteful thing about this bill.

We are back today facing this bill, L. D. 1809, and I believe it was a wise move on the part of

this House to kill this bill last Friday and I appreciate those that voted and shared my convictions on this bill. I will make it very short this morning because I believe that the people know what this bill is all about and they know it is a no-good bill.

I only wish to say that last Friday I did not get up a second time, because we were cut off on debate, and I think this is all right as far as I was concerned. But I did not get back and answer some of the statements made by certain people here, and I just wish to go on that subject very briefly this morning.

Now there is somebody here that said last week, and it has been repeatedly said, that this bill provides safeguards for the landlord as well as the tenants. Well, one of the things that would provide safeguard is, is that it seems that the safeguard is that the tenant has to be up to date in the payment of his rent before he can bring action. Well this is a very cute situation because they have entered into a contract apparently and the contract calls that they have to pay their rent. So now we are going to give them a little prize, because they do pay their rent when it is supposed to be paid.

I think this is a protection that they are allowed to receive the benefits, they have the use of the rent, and I think that this is an obligation and nobody should be awarded anything for doing what they are supposed to do. But I do think that they should be punished if they don't do what they are supposed to do, and this is what we have laws for.

And I submit to you that the bill also calls in one section, it says here, people have said that this is for the protection of the landlord that they are for that, that the tenant cannot get the escrow account more than twice. Well I submit to you that this is like the old law of the dog can bite once and you let him go but he cannot bite a second time.

Now I don't see why any landlord has to put up with the loss of unpleasantness — not the loss of unpleasantness, but plenty of unpleasantness, in order to keep the

tenant in there. I still suggest to you that if you want to pass this bill, and I hope you don't, but if you want to pass this bill that there should be a clause in there making it mandatory that they get out. I don't think that we are in a position where we should be forced to be with someone that you don't want.

Now it also said here that it hits the landlord where it would hurt the most, right in his pocket-book. Well this is true; I agree with this. But is this why we pass laws, to hurt somebody? I don't believe, I have never heard of such an expression in this House, and I don't believe that the law should be passed to hurt someone. This is just my belief on that particular one.

Somebody else claimed that this is a vehicle, a positive step to keeping satisfactory rent. I claim the opposite. Worse and less rent will be prevailing at higher prices. This is where the demand and control will actually govern in this particular subject. The instrument used as a vehicle. I can only say that this term used connotes somebody is being taken for a ride, and in this case I claim that the landlord is. The tenants will not have any rents, and if you don't think that this is so just take a look around the bigger cities and see the rent situation.

Now another thing that I noticed is we passed here the implied covenant of habitability, but I think that this thing would be in conflict here at a certain point because you guarantee that the rent is livable and yet you turn around and allow these people to sue you even if they have been there for a month. Now when the rent is taken, actually they agree that the thing is in good condition; a week later they bring a cause of action against you. I think this is very unfair.

And I will tell you a little secret, that just for some of you members, we say here, the bill somewhere says that if the thing is not repaired you get a fifty-fifty split. Well let me say to you this, that one of the tricks that can be used — and I think I know a few others, along with we can always hire a

battery of lawyers to think of something. So the rent today, you rent it for \$100 a month. So if this is passed you jack the price up to \$200. So if you don't fix the rent and they use the escrow account, if you don't fix it and the escrow is split, you still get the \$100 that you should have in the first place.

So let's be realistic about this. This is another one of these bills that are pushed by the phonies from the Pine Tree Legal Association, who I see have put a very undigestible piece of paper on your desks this morning, which of course their claim is like the claim that experts use. And I can say to you that these people, and I claim that these people if they were to go out and make a living on their own at their profession that they would starve to death. And it is my contention that the Bar Association who has backed up this type of people, who backed up these bills, very shortly, very shortly — and I hope it is very shortly, that they will come against this type of person.

Now lastly, I want to mention that at the hearing actually the opposition was very great against this bill. There was a great delegation from Lewiston, there was a great delegation from Portland. I just want you people to know, that as you noticed the first report in committee as a matter of fact was 12 to 1 against this bill. I never was contacted to see if I wanted to change my position after the new draft came out and I guess the reason is obvious.

I only suggest to you that you do look at the report, that out of the eight people that signed the "Ought to pass" Report there is six or seven lawyers and the other one is somebody who lives in a twenty-five or thirty thousand dollar neighborhood, which wouldn't affect them anyway, they haven't got any rents in that location.

So I submit to you that this is a bad bill and I just hope that for those of you who have voted with us last Friday to kill this bill, that you will vote against the motion to recede and concur; and for those of you who voted against us last Friday, that you might have a change of heart and see that this is not a good bill.

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

Mr. ROSS: Mr. Speaker and Members of the House: I am sure that the ladies and gentlemen of this House have heard enough about this. I only want to remind them of one thing. The gentleman from Westbrook, Mr. Carrier, said that we indefinitely postponed it Friday. It was on Friday. There were only 132 people here. It was indefinitely postponed by only six votes. I move that when the vote is taken it be taken by the yeas and nays.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: This bill on its last tour in the House, and this time too, seems to engender in many of us a great deal of emotional feeling one way or another. Perhaps I am a member of one of the groups that stands accused. I guess I am a lawyer. I don't work for Pine Tree; although it is a terrible confession to make. I might as well state it in the open. I am on the Board of Directors. Contrary to what the gentleman from Westbrook, Mr. Carrier, has said, based on my own selfish interests, I haven't found that Pine Tree has put me out of business.

I guess, although like all of you assisted by the magnificent salary we receive here, I and I assume Mr. Hewes were able to make some type of a meager living in spite of our meager talents.

First of all, we have a distribution this morning which I read over and it doesn't seem to say Pine Tree to me; it seems to say Representative Richard Hewes. I don't know if Dick may have received some help on the matter, putting it together, but I know him to be a very conscientious and competent attorney and member of the Judiciary Committee. And I know when he puts his signature out on something like the distribution we have, he does it because he believes in it.

Let's look at the bill and what the contents are in the bill. To attempt to recall the words that the gentleman from Westbrook, Mr.

Carrier, there has been something of a philosophy something like this. He doesn't believe that you should be rewarded for obeying the law. He seems to believe, and I agree with him, that you have an obligation to obey the law. But that obligation cuts both ways — landlords, tenants, good landlords and perhaps bad ones, good tenants and perhaps bad ones.

Take a look at the bill. The only thing, as I read it, it says is this. This whole scheme of rent escrow only applies if the landlord is not keeping his home in compliance with the laws passed by his municipality, his town council, or his town meeting. If the landlord complies with the law, if he follows the law as it is his obligation to do, he has absolutely no connection and nothing to fear with this matter. It is only when he does not comply with the law, and when his violation has been certified by the appropriate municipal officials, even then, even though he is in violation of the law, he is given a chance over a reasonable period of time to remedy it.

This is not punitive type legislation. It won't do a great deal of good to actually give a person fifty percent of the rent. It may be a little relief for them for a short period of time, but that is not the object of the bill. The object of the bill is to get housing in conformity with our law and to get it up to snuff and have people live in a halfway decent place.

It seems to me that if we really believe in the law and if we really believe in law and order we would be concerned to have the laws that we already have on the books enforced. If they are not going to be enforced, they are a sham and they should be removed from the books. This is merely a very effective way, by the person who has a primary interest in the housing law, the person that lives in a house, to enforce the law.

But the basic point is this. If the landlord is complying with the law, the bill does not apply to him. If he is not complying with the law, how many crocodile tears does he deserve from us?

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

Mr. CALL: Mr. Speaker and Members of the House: The late Phineas T. Barnum made a fortune in showmanship, but he had nothing on today's lawyers. In order to defeat this bill in the motion of recede and concur we must have a much greater vote than we had the other day. As has been pointed out, the bill was stopped here in the House by only a meager six votes. At this point I beseech each and every one of you to vote against the receding and concurring.

When I go upstairs to these hearings, and I have this one in particular in mind, when L. D. 1202 was heard, I have in mind what the late William Shakespeare is supposed to have said, to wit: "All the world is a stage and the people merely players." I don't think it has been stressed enough about the so-called put-up job that the proponents have in these hearings.

They have people that obviously have been brought in and it is obvious also that lots of times they have rehearsed what they have had to say; and I hate to say it but sometimes it looks like some of the committee members — and I am afraid most of the time this is true of the lawyers on these committees — that their minds are already made up. They are for the bill and no matter if the late William Jennings Bryan could come back and talk at some of these hearings he would get nowhere.

These various bills, like this one, are all part of a nefarious scheme to put the owner of renting property out of business. The proponents of a bill like this actually are obsessed. Again I beg you, please vote against this bill. In this case vote against the motion to recede and concur.

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

Mr. HEWES: Mr. Speaker and Members of the House: If I am obsessed with anything I think it is to upgrade the living conditions of people here in Maine. I think we all agree that there is a lack of adequate decent housing for people. Everybody agrees to that — the proponents and opponents.

I feel that this is one way to upgrade the standards.

In a front page story by Frank Sleeper of the Maine Sunday Telegram last week, he said that Maine needs more units than any other state in New England, even more than Massachusetts which has four or five times as many people as we have here. At the hearing there was testimony that one landlord has dozens of cold water flats. Now this is 1971. I don't think that people ought to be living in cold water flats. This bill will help to improve the conditions, because if the landlord doesn't make the repairs then fifty percent of the rent goes back to the tenant and he can.

I would like to call attention and most important, that this bill doesn't apply to many of the smaller towns. If you will look at the last paragraph, in the last section in this bill, it says that this will not apply to municipalities that don't have municipal housing or sanitation code agencies, or persons charged with full-time enforcement. There has got to be a full-time enforcement officer in order for this bill to apply.

So I submit to you that many of you that are worried about the added expense to your municipality, it doesn't apply except where there is a full-time enforcement officer.

I would like to argue the merits of this bill and not quote Phineas T. Barnum or William Jennings Bryan, or Shakespeare. Let's look at this bill and not just use flowery phrases.

I would like to speak on behalf of one member of the Judiciary Committee, myself. I think that the Pine Tree Legal attorneys are trying to perform a service. Lawyers are retained to represent both sides. I might disagree with Lawyer A on this case and agree with him on the next case, or on this bill or the next bill. It is no nefarious scheme. The attorneys are attempting, the Pine Tree Legal attorneys, are attempting to perform a service as best they can. They are qualified, competent lawyers, having passed the Bar, and I as one — for myself anyway, I apologize for any aspersions

that have been cast upon them in this debate or any other debate on the floor of the House.

In short, I submit that this is a very good bill. Although it is a change in existing law, we shouldn't be against change just because it is a change. Let's see if we have a problem. I think we all agree we have a housing problem and this bill would help solve it. I hope that you will vote to recede and concur.

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

Mrs. BOUDREAU: Mr. Speaker and Ladies and Gentlemen of the House: If anyone had told me when I came down here last January that I would get involved in tenant-landlord bills, I would say that you had rocks in your head. But over the weekend the greater Portland area was deluged with a fairy tale offered by the Apartment Owners Association, in which they state in part that the tenant-landlord bills were sponsored by members from the greater Portland area. Since they have extended our boundaries to York, Kittery, Millinocket, Lewiston and points north, east, south and west, I think it is about time the greater Portland area speaks.

I am a landlord. Ninety-nine percent of the landlords that I know maintain decent rental property. About one percent cause the trouble. But the sad fact is, that one percent owns considerably more than one percent of the rental property.

Not all tenants are ideal; many of them are anything but. And the slum landlord takes advantage of this. Instead of setting ground rules before he rents, he takes advantages of their weaknesses. The slum landlord does a disservice, not only to the tenant but to the city and town involved. One of these structures can cause the whole neighborhood to run down and consequently cause an erosion of your tax base.

Try to buy one of these structures and renovate it. The price will be out of reach. If it is worth this much to the slum landlord, why isn't he taxed on that basis? You and I who maintain our prop-

erty, pay our fair share of taxes, are paying right through the nose for this type of person's profits, and I hope you will recede and concur.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House; We have heard Mr. McTeague mention, and Mr. Hewes, that we have lack of housing; and Mr. McTeague has mentioned that as long as the landlord complies with the law that he will be taken care of. What about the tenants who damage this property, what is going to happen to the landlord? Is he going to be taken care of? And I guarantee you that if you have a lack of housing at the present time, it is going to be worse in the future, if you put the landlords in a knot with a bill such of this kind.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: It seems that we are back in the same boat again. We bring the boat into port and then somebody steals it and takes it away, and we have the trip to make all over again.

A couple of things have been covered; I am not going to deal with personalities. As I said before, I am neither a landlord nor a tenant. I would like to ask Mr. McTeague, though, my friend — I admire him as a lawyer, but he is also quite prominent in labor work, and bills, and legislation. I would like to be quoted somewhere else in industrial relations of any kind, where a person's income can be escrowed for that particular reason and held by a third party of up to a month, for someone to decide whether they shall get their pay or not.

How many times can we legislate laws saying that if a person doesn't do his work just right why his employer can pay his pay to a third person? And if he doesn't correct his working conditions in a month's time, why he will only get half of his pay. If he does correct them he will get it, but he would have to get along without it for a

month. Isn't this rather entering into an area, establishing a precedent?

If we have anything else, the Pine Tree Legal Association or anything else, is it fair for us to legislate that law—that was what I was pounding away at the other day, to make it so that a renter, a person renting property, can pay his rent to a third person and that third party have the right to hold that rent for up to a month, while the situation is being either decided, changed, corrected or otherwise?

As to the Pine Tree Legal Association, as my friend Mr. Hewes states, no doubt the individuals are doing their jobs as they see it. It just seems to me and some of us, that it is just a little bit tough on we, the taxpayers, to have our federal tax dollars spent for attorneys, for service workers, to go in search of ways of prying money out of our pockets. It is like taking money out of both pockets at the same time. That is the only problem I see with that situation. I do not criticize the individuals as individuals or professionally. They must be licensed attorneys or they wouldn't be practicing.

As to housing, housing shortages. I wonder if one of the reasons why we have so many housing shortages in the State of Maine is not because of any restrictive rules and high taxation. It may not entirely be because of the condition of our housing. Why is it that people do not invest in more housing? I still insist, as I said before, that people who had ideas of venturing investments out my way in new housing have held off because of this same rash of restrictive legislation which has been offered. Thanks to some of the Legislature it all hasn't gone through.

I think that the habitability law, which did get through, will take care of any of the problems, the honest problems, that are posed in this particular law. We do not need this one in addition to the habitability law. They will overlap; they will duplicate. Cities that have ordinances on rentals and inspection processes can handle the situation through their own codes. They do not need a state-wide law.

I again urge you, without we hope too much more argument, to defeat the motion to recede and concur so that we can adhere and kill this finally.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise to support the motion to recede and concur. I spoke last week on this bill. I do not personally see anything wrong with this. I think it will help to improve the housing conditions in the state. I don't think it will put any undue difficulty on the landlord or the tenant.

Now going through the bill, if you would read the bill under the term "Unfit for human habitation," it says here that there must be a substantial violation — not just a small violation, but a substantial violation. Now if anybody is living in any property where there is a substantial violation of the plumbing code or any of the other codes, then this property should not be allowed to be inhabited by the people.

Some of the members have stood up and said that this will put the man that has rental property out of business. It will put that man out because that man that is fighting the bill today is the one that is running and is renting substandard housing. It will not put the decent landlord out of business. It will put the ones that are running slum housing in the State of Maine out, and these people should have been out of business twenty years ago. In fact, he should never have been allowed to go into business.

If we can sit here today and say that we can allow this condition to still go on and not do anything about it, then there is something wrong with every one of us. Because the time has come that we have got to say that the people in this state do have a right to have decent housing, even though they pay rent. And just because they can't afford to buy property, this doesn't mean that we can take and lower them down to a third or fourth rate citizen and say you are going to live in the slums for the rest of your life.

When the people that own prop-

erty and rent this out in slum housing, make their money off the people's backs, this is not the right way to do business; this is not a gentleman's way to do business. This is not the way the people of the State of Maine should do business.

This is not a bad bill. This is a good bill and it does not hurt the landlord and it will not hurt the tenant either. And this is something that is merely going to upgrade the housing in the State of Maine, and give these people that rent just a little bit of a chance of having a decent place to live. And I hope you will all go along with the motion to recede and concur.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I refrained from debate on this subject last week because being a landlord myself I had certain reservations as to the ethics involved. However, after witnessing the uninhibited participation of real estate legislators in proposals affecting their areas and the all-out support of teacher legislators in matters pertaining to education, plus the enthusiastic involvement of lawyer legislators in programs designed to benefit that particular profession, and placing all this in context with our recently expressed indignation regarding paid lobbyists, I came to the conclusion that to say nothing about this restrictive legislation was to lie by acquiescence.

Now let us get down to basics and let us for a few moments get away from our "Alice in Wonderland" attitude toward tenants, and let's stop portraying landlords as profiteers who have no regard for their customers and no pride in their property.

The first line in the Statement of Fact on this bill is a masterpiece of gobbledygook. The purpose, it says, is to encourage landlords to update and improve their property. A comparable situation would be to take away the crutches of a cripple on the grounds that to do so would encourage him to walk. In no other type of business

that I ever heard of have such police-state methods been suggested.

Now imagine, if you will, the uproar which would ensue if we were allowed to withhold payment on say clothing, home repairs or automobiles until we were absolutely certain that we were going to be satisfied. This little chestnut has been kicking around for several sessions of the legislature and no one has taken it seriously until now. Perhaps one reason is because landlords as a class are a minority. There are more tenants than landlords. So we can play to the gallery with no unpleasant repercussions come next election time.

So I would say to you in all sincerity this morning, if you have never owned rental property, if you don't know what it means to try and collect rent from deadbeats or to preserve the appearance of dwellings when many of the tenants have absolutely no respect for property or pride in appearances, if you haven't cleaned up a month's accumulation of garbage left by some of these people, if you have never done any of these things, then I suggest that you give the landlord the benefit of the doubt.

This legislature by and large has displayed an overt hostility toward landlords. Many members have gleefully accepted and supported bills which have, in effect, made it more difficult for these people to operate their own business. We express great concern for tenants, but little or no concern for the neo-socialistic methods we propose to help them.

You know, there is an old Indian saying that before you criticize a man you should walk in his moccasins for ten days. And I think this morning if you use that method regarding landlords, there will be no doubt as to the outcome of this piece of legislation.

Mr. Kelleher of Bangor moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question it must have the consent of one third of the members present and voting. All members desiring the previous question

will vote yes; those opposed will vote no.

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

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

The Chair recognizes the gentleman from Caribou, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to debate briefly. I haven't had an opportunity and would welcome that opportunity.

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

A vote of the House was taken. 86 having voted in the affirmative and 34 having voted in the negative, the motion did prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House recede from its former action and concur with the Senate. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House recede from its former action and concur with the Senate on Bill "An Act relating to the Housing Needs of People Who Pay Rent," House Paper 1386, L. D. 1809. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Bartlett, Berry, P. P.; Boudreau, Bourgoin, Brown, Bus-

tin, Carter, Clemente, Conley, Cooney, Curran, Curtis, T. S., Jr.; Dam, Doyle, Drigotas, Emery, D. F.; Farrington, Faucher, Genest, Gill, Goodwin, Hancock, Haskell, Herrick, Hewes, Jalbert, Kelleher, Kelley, P. S.; Kelley, R. P.; Keyte, Lewis, Littlefield, Lizotte, Lucas, Lund, Lynch, Mahany, Marsh, Martin, McCloskey, McTeague, Mills, Morrell, Murray, O'Brien, Payson, Ross, Slane, Smith, D. M.; Smith, E. H.; Stillings, Tyndale, Vincent, Wheeler, White, Whitson, Wood, M. W.; Woodbury.

NAY — Albert, Ault, Bailey, Baker, Barnes, Bedard, Berry, G. W.; Berube, Binnette, Bither, Bragdon, Brawn, Bunker, Call, Carey, Carrier, Churchill, Clark, Collins, Cote, Cottrell, Crosby, Curtis, A. P.; Cyr, Donaghy, Dow, Dudley, Dyar, Emery, E. M.; Evans, Finemore, Fraser, Gauthier, Good, Hall, Hanson, Hardy, Hawkens, Hayes, Henley, Hodgdon, Immonen, Jutras, Kelley, K. F.; Kilroy, Lawry, Lebel, Lee, Lessard, Lewin, Lincoln, MacLeod, Maddox, Manchester, Marsteller, McCormick, McKinnon, McNally, Millett, Mosher, Norris, Page, Parks, Pontbriand, Porter, Pratt, Rand, Rollins, Santoro, Scott, Shaw, Sheltra, Shute, Silverman, Simpson, T. R.; Starbird, Susi, Theriault, Trask, Webber, Wight, Williams, Wood, M. E.

ABSENT — Bernier, Birt, Cummings, Fecteau, Gagnon, Hanson, Orestis, Rocheleau, Simpson, L. E.; Tanguay.

Yes, 58; No, 82; Absent, 10.

The SPEAKER: Fifty-eight having voted in the affirmative and eighty-two having voted in the negative, with ten being absent, the motion does not prevail.

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

Mr. ROSS: Mr. Speaker, I now move we insist on our former action and request a Committee of Conference.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House insist and ask for a Committee of Conference.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: In view of the vote, I

don't think there is much sense in getting into a Committee of Conference. So therefore, all I will say is that I ask for a division and I hope that you vote against the motion to insist and ask for a Committee of Conference.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House insist and ask for a Committee of Conference. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 52 having voted in the affirmative and 82 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to adhere.

From the Senate: The following Order: (S. P. 629)

ORDERED, the House concurring, that the following be recalled from the Governor's Office to the Senate: Bill, "An Act to Provide Mandatory Penalties for Commission of a Crime with a Firearm" (S. P. 332, L. D. 983)

Came from the Senate read and passed.

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

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

Mr. HENLEY: Mr. Speaker, I wanted this tabled for one day. None of us seems to know why this should be recalled.

The SPEAKER: The gentleman from Norway, Mr. Henley, moves that the House reconsider its action whereby this Order received passage in concurrence.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Let me very briefly tell you what I know about the order and perhaps this might solve the question that is posed by the gentleman from Norway.

The Senate Chairman on Judiciary came to me last night and told me that he had been asked by the Attorney General's office to recall the bill from the Governor's office to the Senate and to the House again for reconsider-

ation. The reason, apparently, is that in one of the amendments that was added we delete reference to other particular sections of the law. And so while we in effect provide mandatory penalties for crimes committed with a firearm under certain conditions, under other existing laws we would wipe out the mandatory fine for crimes that are far worse than this bill would call for. And so in order to correct that problem the Attorney General has asked that this bill be recalled so that an amendment can be put on the bill and then at that point it would obviously go back to us and then back to the Governor. And I hope that in view of the fact that we only have the five days here, if the bill is not to be vetoed, then this order ought to pass today.

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

Mr. HENLEY: Mr. Speaker, I wish to withdraw my motion and thank Mr. Martin. I think I will also ball out my Senate Chairman for not getting in touch with his committee on this.

Thereupon, the motion of Mr. Henley of Norway to reconsider was withdrawn.

Orders

Mr. Donaghy of Lubec presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government is directed to report out a bill which will provide for a full time Attorney General. (H. P. 1401)

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

On motion of Mr. Dyar of Strong, it was

ORDERED, that Rev. Russell Chase of Strong be invited to officiate as Chaplain of the House on Thursday, June 17, 1971.

On motion of Mr. Berry of Buxton, it was

ORDERED, that Rev. Donald Smith of Hollis be invited to officiate as Chaplain of the House on Wednesday, June 16, 1971.

House Reports of Committees Leave to Withdraw Covered by Other Legislation

Mr. Gill from the Committee on Appropriations and Financial Affairs on Bill "An Act Adjusting State Employees' Pay" (H. P. 871) (L. D. 1193) reported Leave to Withdraw, as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Starbird from the Committee on State Government on Bill "An Act to Amend Biennial Elections of Penobscot Tribe of Indians" (H. P. 508) (L. D. 653) reported same in a new draft (H. P. 1399) (L. D. 1816) under same title and that it "Ought to pass"

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

Ought to Pass Printed Bill

Mr. Donaghy from same Committee reported "Ought to pass" on Bill "An Act relating to Terms of Department Heads" (H. P. 1101) (L. D. 1507)

Report was read and accepted.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. McLeod.

Mr. MacLEOD: Mr. Speaker, may I direct a question to Mr. Donaghy as to the act relating to terms of department heads? The thing that sticks in my mind here at the moment, and maybe I am wrong, if we get qualified people that are running these departments and we have a change in Governor, are we going to change these department heads? Are these jobs then going to become very fragile and dependent on the whim of whichever party is in power at the time?

Thereupon, the Bill was given its two several readings and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Hanson from the Committee on State Government on Bill "An Act relating to Indian Representa-

tives at the Legislature, Tribal Governors, Lieutenant Governors and Council Members" (H. P. 308) (L. D. 408) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment "A" (H-434) was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bill.

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act relating to Fair Minimum Rate of Wages for Construction of Public Improvements by the State of Maine" (H. P. 1122) (L. D. 1541)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
LEVINE of Kennebec
— of the Senate.
Mr. ROLLINS of Dixfield
Mrs. LINCOLN of Bethel
Messrs. KELLEY of Machias
LEE of Albion
GOOD of Westfield
SIMPSON of Millinocket
— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1398) (L. D. 1815) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. MARCOTTE of York
— of the Senate.
Messrs. BUSTIN of Augusta
MCTEAGUE of Brunswick
BEDARD of Saco
GENEST of Waterville
— of the House.

Reports were read.

(On motion of Mr. Good of Westfield, tabled pending acceptance of either Report and tomorrow assigned.)

Divided Report Tabled and Assigned

Majority Report of the Committee on Taxation on Bill "An Act Providing for Property Tax Relief for the Elderly" (H. P. 920) (L. D. 1272) reporting same in a new draft (H. P. 1400) (L. D. 1817) under title of "An Act to Relieve

Certain Elderly Householders from the Extraordinary Impact of Property Taxes" and that it "Ought to pass"

Report was signed by the following members:

Messrs. WYMAN of Washington
HICHENS of York
— of the Senate.
Messrs. MORRELL of Brunswick
TRASK of Milo
FINEMORE
— of Bridgewater
COLLINS of Caribou
ROSS of Bath
— of the House.

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

Report was signed by the following members:

Mr. FORTIER of Oxford
— of the Senate.
Mr. CYR of Madawaska
— of the House.

Reports were read.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Republican members of the Taxation Committee have been accused of pulling a fast one. We have been accused of trying to induce members of the other party to sign a bill that no one had seen. They all had a chance to read the bill when the Committee Clerk brought it for their signature.

Last week each member received a copy of the bill, also Representative Goodwin. We now have the report but there are only nine signers on it. You all have this bill, 1817, this morning.

But I gather there is going to be a minority report. We want to be fair. If there is any legislation which should be bipartisan this is it.

Last night on television, and also in this morning's paper, I gave credit to Mrs. Goodwin, my colleague from Bath, for putting the real impetus behind this movement. But some of the opposition party, I guess, are still angry with us. So in all fairness I think somebody should table this bill for two legislative days so we can see the other bill.

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

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

The SPEAKER: The gentleman from Skowhegan, Mr. Dam, moves that item 6, L. D. 1817, be tabled and specially assigned for Friday, June 11, pending the acceptance of either Report.

Thereupon, Mrs. Goodwin of Bath requested a division.

The SPEAKER: All in favor of this matter being tabled and specially assigned for Friday, June 11, will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Third Reader

Tabled and Assigned

Bill "An Act relating to Defenses for Holders of a Retail Installment Sale Agreement" (S. P. 616) (L. D. 1801)

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

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

Passed to Be Engrossed

Bill "An Act to Revise the Environmental Improvement Commission Laws" (S. P. 623) (L. D. 1806)

Bill "An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1971" (S. P. 625) (L. D. 1807)

Bill "An Act relating to Constitutional Amendments Printed on Instruction Sheets" (H. P. 1385) (L. D. 1808)

Bill "An Act relating to the Possession and Sale of Certain Hallucinogenic Drugs" (H. P. 1391) (L. D. 1813)

Bill "An Act Defining Certain Terms Used in the Environmental Laws" (H. P. 1392) (L. D. 1814)

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

Amended Bills

Engrossed in Non-Concurrence

Bill "An Act to Provide for New Ferry Landings at Cousin's Island or Littlejohns Island and Chebeague Island" (S. P. 400) (L. D. 1175)

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" in non-concurrence and sent up for concurrence.

Bill "An Act Revising the Maine Land Use Regulation Commission Law" (S. P. 610) (L. D. 1788)

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

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I move that this bill, L. D. 1788, be indefinitely postponed, and I would like to speak very briefly to my motion.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that this Bill be indefinitely postponed.

The gentleman may proceed.

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: There has been a lot of talk about amending this bill to put it in better shape. This bill is an extremely complicated one and in many ways a virtually incomprehensible piece of legislation the way it is now drafted. At this point it has been around several months and the original L. D. has come out in redrafted form. There has been ample opportunity for the proponents of this type of legislation to put it in some kind of reasonable form. This has not been done nor suggested until now, June 9th, which we hope is getting towards the closing hours of this session.

Having read this bill, I don't see that there are any amendments, short of deleting everything after the bill's title, which would substantially improve the legislation.

Last session we enacted the Maine Land Use Regulation Law to zone the areas in the unorganized territory where development pressures were first anticipated. The

Commission has not even started on this task yet.

Now we are asked to zone the entire 10 million acres with a budget estimated at \$125,000 per year and seven staff members. Along with the major landowners, the major losers under this bill will be the many "little people" who have their homes and camps in this area. They are the people who have to file six copies of a plan with the bureaucracy in Augusta and come down for a hearing if the Commission so happens to choose.

They are the ones who are going to lose by restriction of leading subdivisions and road access policies. I implore you, please do not vote for this bill unless you have read it. If you have read it, you will see that it is a complicated, bureaucratic mess.

We should get moving under the present statute. We should get the priority areas zoned with funding we can afford. And we should not accept this planner's paradise.

I therefore hope that you will support our motion to indefinitely postpone.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Never before have I seen so many of my friends, the honorable legislative agents, so active as they are this morning against this bill. They will try to convince you that certain sections will hurt the average small landowners like you and me. They will also say that the wording is not only vague but not even interpretive. I can't understand this logic, since the verbiage used herein is exactly that of an average attorney. Few of them ever put things in simple language. If they did they would not have so many cases to argue.

However, with this prelude let's get down to the merits of this particular bill, L. D. 1788. George Washington once remarked, "Nothing, in my opinion, would contribute more to the welfare of these states than the proper management of our lands." We talk as great exponents of environmentalism. Our intentions are sincere and well motivated. However until now,

when it comes to action, in the vernacular of Shakespeare, we basically are "full of sound and fury signifying nothing."

The other day I spoke in behalf of the sincerity and integrity of our legislative agents. Certainly my opinion of them has not changed. Nevertheless, our wildlands, which are controlled by a handful of big companies and extremely wealthy individuals are considered by many of them as sanctuaries immune from the law.

These major landowners will contend that they are Simon Pure and want to do everything possible to cooperate with the Land Use Commission. Still they never seem to agree with any progressive, protective, or specific suggestions which the Commission would like to see implemented by realistic legislation. The Commission's hands are tied. Their jurisdiction is limited. They have no hearing procedures and finally, there are no proper penalty violations.

Today we have a chance to change all of this with positive action on this particular bill. If we dare to oppose the wishes of the large and mainly out-of-state owners, we can effectively pass a sound and truly progressive law relative to wildland use. This bill is not the end all solution to the problem. But it is a giant step in protecting and preserving our wildlands for generations to come.

We must look to the future to insure that the public interest not be compromised by a handful of powerful individuals. At the present time the Commission has no say about the regulation of approximately 98 per cent of our wildlands. This is not only unfair but an outright perpetration against the rights of the citizens of the State of Maine. We do not ask that the Land Use Commission take steps which would truly be detrimental to the best interests of the owners. We ask only that sound and permanent land use planning be enacted to insure that this great resource is handled in a proper manner for the benefit of all concerned. L. D. 1788 is the best tool presented so far to accomplish this purpose. It is one of the major pieces of legislation to come be-

fore this session and certainly deserves affirmative action by the House of Representatives today.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker, Ladies and Gentlemen of the House: I have no personal vendetta against the paper and pulp industry. I have no personal vendetta against the lobbyists. However, I did take time to read this document. While I don't consider myself to be exceptionally brilliant, I do figure that I have average intelligence, and I would recommend for your reading L. D. 1788. It is fifteen pages long. And after you have read it, if you can explain it to me I would appreciate it.

In the first place, my first reaction to this was that it is giving extreme power to one Commission. We are turning practically 10 million acres of land in the state to one group. This I don't think is right.

There are a few examples that I would like to have explained to me. First, "D. Development districts shall include, but not be limited to, those lands now discernible as relatively homogeneous patterns of intensive residential, recreational, commercial, or industrial use or commercial removal of minerals or natural resources." We are not all lawyers, and I am sure, as has been stated before, this was written by lawyers. So if we are going to understand it perhaps we should have a lawyer explain it to us.

What does this mean? Does it include the single camp or a half dozen camps on a pond or along the road? Does it include a corner store, an isolated gas station?

Under E — This one is really a stickler. "Encourage minimal adverse impact of one use upon the use of surrounding areas by setting standards of performance describing desirable and acceptable levels of operation in connection with any use and its relation to surrounding areas, including provisions for the eventual amelioration of existing adverse impact;" It appears that this is granting unlimited power

to regulate all uses of a man's property.

"5. Considerations, application and exemptions. No land use guidance standard shall deprive any owner or lessee of any interest in real estate of the use to which it is then lawfully devoted at the time of adoption of said standard, except that provisions may be adopted for the elimination of non-conforming uses upon a change in ownership, lessee or land use or for amortization of such uses."

What does that mean? It appears to me that if a man's use of his property is a nonconforming use, then any change in ownership, whether by sale or by descent to his family upon his death will allow the Board to eliminate his use. If an annual lease runs out, the Board can eliminate the use. Won't this bill immediately affect the market value of all property covered?

Under A, B, C, 685 — "No change in a district boundary shall be approved unless substantial evidence shows that:

A. The area is needed for use other than that for which the district in which it is situated is classified;

B. The petitioner has submitted proof that the area is not usable or adaptable for the use in which it is classified;

C. Changes in conditions have made the present classification unreasonable."

How could you prove all three of these requirements, particularly requirement B? Doesn't this amount to putting the entire 10 million acres in a permanent classification?

Under 685-B 1 A—"No structure or part thereof shall be erected, changed, converted, or wholly or partly altered or enlarged in its use or structural form other than normal maintenance or repair, without a permit issued by the commission."

Every alteration or enlargement or change of use of every structure whether it be a fishing camp, a vacation dwelling, a year-round dwelling or any change of use requires an application, six copies of a plan, a fee, and a hearing in Augusta if the Commission sees

fit. What is the purpose and what will it really cost? How many additional state employees?

Under C. "Adequate provision has been made for fitting the proposal harmoniously into the existing natural environment to assure there will be no undue adverse effect on existing uses, scenic character, natural and historic resources or adjoining property values." Doesn't this give the Commission unlimited power over what they will and will not approve?

Under 685-B 7, "Nonconforming uses and nonconforming structures. To achieve the purposes set forth in this chapter, the commission may regulate and prohibit expansion and undue perpetuation of nonconforming uses. Specifically the commission may regulate and prohibit:

A. Changes in nonconforming uses to another nonconforming use;

B. Extension or enlargement of nonconforming uses or nonconforming structures;

C. Resumption of nonconforming uses, by prohibiting such resumption if such use is discontinued for 12 calendar months regardless of intent to resume such use; and

D. Movement or enlargement of a nonconforming structure or of a structure containing a nonconforming use.

The commission may also provide for the termination of nonconforming uses of nonconforming structures by specifying in district land use guidance standards the period or periods in which nonconforming uses shall be terminated and by adjusting such compulsory terminations so as to allow reasonable time for the conversion of such nonconforming uses and reasonable schedules for the amortization of investment." Doesn't this permit the ultimate elimination of any land use which the Commission does not favor?

Finally, "Any use for which a special exception has been granted by the commission, as provided for in section 686, subsection 5, shall not be deemed a nonconforming use, but shall be deemed a conforming use in such district." Since Section 7 of the Act repeals Section 686, isn't this provision meaningless?

I realize that I have been quite long in this, but in reading this I am sure that it is very difficult for the average lay person to understand. But from what I gather out of it, it is giving a great deal of power into the hands of a very few, and that I am against.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: We of this session of the Legislature have been called names—such as "lack-luster" and "do-nothing"—by the news media, our assorted and numerous detractors, and even by each other.

Not having been a member of any previous session, I don't have anything with which to compare our actions, but I do not think we are necessarily deserving of these epithets. I am not ashamed of the record of the 105th right now, and I don't think that I will be when and if we ever go home.

Considering that we are notably stingy with the taxpayers' money and, consequently, have not given birth to any monumental spending legislation in this session, I feel that we are reflecting the views of our constituents quite accurately. I would say that we are working hard to do what we said we would do.

But there are other issues of the day, and the minds of our constituents are not only bent on conserving their cash. During the last campaign, Maine people asked us to stop spending, and we agreed. They also asked us to save our natural resources and I am guessing that most of us nodded just as vigorously when this plea was made to us.

If we are truly interested in keeping that promise as well, we are now faced with an opportunity this morning that could be considered on the Maine scene as significant as the Louisiana Purchase or the admission of Alaska and Hawaii to the Union.

L. D. 1788 would bring the future development of 10 million acres of Maine land under the purview of Maine people. We have here an opportunity to wrest from the absolute control of a small handful of land barons nearly half of this

state, and share that control, while at the same time placing its future development into the hands of all the people, where it belongs.

Despite what is said by the silver-tongued lobbyists, L. D. 1788 is not designed to take away private rights; it was conceived to protect the public rights. It is not aimed at prohibiting development of our wildlands; it is aimed at assuring an orderly and sensible development of this most precious resource.

Some have said that this legislation is not necessary, that the Maine Land Use Regulation Commission already has control in these areas and has not exercised it. The truth is that the existing law allows the Commission to regulate only within 500 feet on both sides of public roads and 500 feet from the shoreline of lakes and ponds which are located within one mile of a public road. In other words, the Commission now has authority over only 94 thousand acres when we are talking about 10 million acres of unorganized territory.

Taken together, we see that the existing law allows the Commission to regulate less than two per cent of the unorganized territory.

The future of Maine clearly involves the availability of land and water resources in quantity and in quality. It is time that we recognize that there is a limit to our land and water, but there is no foreseeable limit to a demand that is increasing at an alarming rate.

We can no longer afford the luxury of inefficient land use. We who live in Maine are exceedingly fortunate. Perhaps it can even be said that our slow development has been a blessing instead of a curse, for we now find that we have the unique benefit of hindsight. We need only to look over this broad land of ours, which was once almost entirely a wilderness, to learn that disorderly and uncontrolled growth spells almost certain disaster.

Take, for an example, the State of Arizona. It, too, had unusual natural resources. During the late 1950's and early 1960's, Arizona thought that the solution to all of its problems would be to open the state to development of any kind.

Without a reasonable plan, they began to promote their state with millions of dollars throughout the United States. "Come to Arizona," they cried, and the people did come, by the thousands. Today, these people are drinking water which is having to be trucked in from out-of-state.

We cannot afford not to use our own natural resources in Maine; neither can we afford to abuse our natural resources. In the light of this hindsight, as we look to the south and west of us, we can make no other reasonable conclusion but to commit ourselves to change, but to orderly change.

We must recognize that there are limits to land use. We must recognize that there are limits to water use. The 10 million acres under question in L. D. 1788 include nearly half of the drainage area of the state's major rivers and more than 1,330, or more than half, of this state's lakes and ponds.

Our hindsight must tell us that as we destroy one site after another by disregarding the natural laws of land and water, we are losing thousands upon thousands of dollars and, even more sobering, we are losing the most precious legacy we can hope to leave to future generations.

The primary purpose of this legislation is to provide the Commission with the appropriate powers and duties to effectively and responsibly plan, guide and direct the broad scope of development in the vast unorganized portions of this great state. Ladies and gentlemen, if we fail to do it, who will do it? If we fail to do it now, when will it be done?

I ask you to oppose the motion on the floor to indefinitely postpone.

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

Mrs. BROWN: Mr. Speaker and Members of the House: I would like to give a little of the history of this legislation to those who may not have had the opportunity to know what has gone on in past years. In 1967 an L. D. was introduced to the 103rd Legislature for consideration. The 103rd Legislature indefinitely postponed this

bill, but it directed the Legislative Research Committee to study the L. D. and report it back with any amendments deemed necessary to the 104th.

The 104th Legislature, on recommendation of the Legislative Research Committee, voted to establish the Maine Land Use Regulation Commission. This proposal to extend the principles of sound planning, zoning and subdivision control to the unorganized areas in our state where there were no town governments to provide the structure to propose land use regulations which would be effective in the protection of this valuable and unique area in our state.

This was, in the end, this L. D. that was passed in the 104th, was a compromise piece of legislation, as those that were here can fully realize. The result as discovered when the Land Use Commission was appointed, was that the existing law is largely unworkable. I would also like to give you, for your information, a history of the Commission and just why perhaps something more hasn't been accomplished. The Commission did not even have a staff or an office until six months ago. The history of the appointment of the Commission and the hiring of the staff and its activities to date is as follows:

In November 1969, the Governor posted his appointments to the Commission and in December 1969 they were confirmed by the Executive Council. After ten months the Personnel Department submitted to the Commission for its consideration the names of three candidates for position as Executive Director. In October 1970, the Commission announced the election of an Executive Director and he assumed his duties in late November. At its December 1970 meeting the Commission discussed the problems of existing legislation and agreed that it was essentially unworkable and did not accomplish the intent for which it was enacted, nor could it effectively achieve the purposes stated. This was because there was such a limited area that was proposed and they were only going to control two percent of this huge area.

In the past, because this whole area has been rather closely held in private ownership as a source of raw wood — and perhaps we can be thankful that it has been — there has been relatively limited development. However, with the concept of multiple use, development has been surely begun, and some of it already to the detriment. There is also the prospect of mineral exploration, proposals for multi-million dollar four-season recreation complexes, second home subdivisions and leasing programs that are being proposed.

Because of this there is urgent need to strengthen the powers and the duties of this Land Use Commission, to fund it properly so it can responsibly coordinate, anticipate, and get a quick scope of development and land use within the wildland portions of our state. This is what L. D. 1788 would do.

I think you should also understand that there is a very interesting concept here. If you will look on page three of the bill, there are four classifications which to me are the real meat of the bill and shouldn't frighten any of us.

The 1A is called a protection district. Then you have management districts, you have holding districts, and you have development districts.

Several weeks ago I placed an article on your desks by Roscoe Drummond from the Christian Science Monitor, entitled "Environmental Report F," for failing. He pointed out that we are not yet winning the battle of the environment. He said we have started earnestly but so far our efforts only merit a grade F — fair but failing. He also said that there is an environmental crisis and it requires a lot bigger thinking than the kind we are getting.

This concept of effective Wildland Use Regulation is a big concept, I am ready to admit. We in this state as residents or legislators have two major choices to make when we look at this bill:

First, to accept the strong possibility of despoiling effects of uncontrolled recreation, residential, commercial and industrial development in our wildlands area.

Or number two, to adopt effective land use regulation policies and planning programs which will insure orderly realization of the environmental potential and capability of these areas, at the same time continuing the economic production of these woodlands.

Maine is in the unique position of finding itself an opportunity of setting basic guidelines of an almost totally undeveloped resource. We can do something before the fact instead of after the fact, which is the way we have been reacting in the past.

I urge you to vote against indefinite postponement of this bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I first would like to thank the gentleman from Brewer who only yesterday called to our attention this mess, this piece of legislation which I hope you have read as I did. And if you did then I have no doubt on what the outcome of this vote this morning will be. I would also like to thank the gentleman from Perham, Mr. Bragdon, for so adequately covering the subject, and also the gentleman, Mr. Crosby. I think they covered it adequately and I only concur with what they say. They only took the words from my mouth as I may have told you.

But let me tell you, with 10 million acres involved and the small bureaucracy here in this State House capitol running it, it would be run very poorly. In my opinion who can run it the best is the people that have owned it down through the years and have paid their good tax dollars, and they involve hundreds of people. I think hundreds of people can do a better job of managing their own property or managing the property wherever it be located rather than a few people in Augusta.

Now it hurts me to put more people on the payroll. My people that I represent here in this House are having a hard time to pay their taxes now. And last time when we started this we put more people on the payroll that have done a very inadequate job, and now they are trying to say it is

on account of the legislation, and they want to put more people on the payroll. This I am opposed to, putting more people on the payroll. They admit they couldn't do the job, and with this piece of legislation there will be more dilemma and they still can't do the job. They will be back for more people next year and so I do hope that you will surely defeat this bill by indefinitely postponing it this morning. I won't bore you with any more conversation. In my opinion it has been adequately covered and if you read it none of us need to say anything, if you just read the bill.

Mr. Susi of Pittsfield offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-441) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: This bill has been attacked rather extensively on the basis of the damage it would do to the affairs of the "little man" in the unorganized territory. The amendment which is before you now for your consideration would remove this effect. It would allow even when it is nonconforming use all existing use in the area by these so-called little people who live in the unorganized territory.

There are some housekeeping provisions in the amendment too which do not have a substantial effect on the bill. As has been said several times this morning, this is one of the big ones before us in this session. I think of it rather simply as an opportunity for us in the 105th Legislature to double the size of the State of Maine. I don't say this facetiously. I honestly sincerely believe it. I believe that half of the land area which is marked out on the maps as a part of the State of Maine has in fact not been in the control of the people of the State of Maine. It has been a separate fiefdom of a comparatively few people who have denied every attempt for state government to intrude in any way on their affairs.

Now the point of this bill isn't to just make life miserable for these few people who own half of the State of Maine, but it is an at-

tempt to recognize a situation which is developing here in our state which has already developed in the states right nearby. In New Hampshire and Vermont they have not to the extent that we have but they do have some wildlands and in very recent years there has been very extensive development of them. They went into this development period without such legislation as we now have the opportunity to adopt and they have run into all sorts of problems.

We in Maine have been commended for our good fortune in having a state that has been comparatively unspoiled and we have an opportunity to take advantage of all the problems and difficulties that our neighbor states have had. We know that we are going into the same problems that they are having. We have an opportunity now before many millions of dollars have been spent — and they are going to be spent in these areas on recreational developments and all, to control it rather than wait until after the damage is done and these extensive developments are made, some of which will for one reason or another be poorly planned and poorly executed, to control it with a bill which is before us now.

The legal approach which is made as an attack against it here this morning rather amused me. If we were to take any one of our Maine statutes and read from it they were all drafted by legal people, and as fast as we read them on the basis that this one is attacked on we would repeal all of them because they are just horrible reading. But don't doubt for a moment that the attack that is being made was engineered by people who are in the legal profession themselves. They understand full well what the provisions of this are, and if there were a real basis for attacking this bill they would be attacking it on the basis of fact and not from the standpoint of how it sounds when you read it.

I personally am of the opinion and have been for a long time that it is an inexcusable fact that this beautiful State of Maine with all of the resources that we have, and I think real good people in it, is

lagging our neighbor states by some several hundreds of dollars per capita income per year. I sincerely believe that it is because we haven't taken control of our state and guided its affairs so as to produce for us the results that this state is capable of producing for us. I think that here is one opportunity for us, to some extent, to take control of our destiny and take our rightful place in the sun. I hope that you will adopt the amendment, defeat the indefinite postponement motion which is now before us, and allow this bill to be passed to be engrossed.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I have no written page. I don't need any. All of the arguments against this bill are listed in the 15 pages of the document.

The language is not vague. It gives to the Commission and spells it out what they can do and then reserves for the Commission almost anything else that the Commission would like to do. Now if you are going to infringe on the rights of a few private owners to allow the people of the State of Maine and the visitors to this state to have access to forest lands, I think you can remove any stigma of being a lackluster legislature by throwing the entire State of Maine open. Much of this is owned by private land owners who have closed off the ponds, the inland waters and much of the coastal waters of the State of Maine. Why don't you do as the document says on page 5, require all landowners "to develop effective and nonintrusive land, air and water traffic movement, routes, parking and loading provisions including requirements with respect to frontage on, or access to, public roads, water safety and other aspects." Why restrict it to a few absentee landlords? Why not throw the entire state open for the use of all of its citizens and all the people that you hope to attract to this State?

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Ladies and Gentlemen of the House: This weekend I received about ten letters and I don't know how many telephone calls on this bill and so I haven't been lobbied by the silver-tongued lobbyists out in the hall, but I have been by my constituents. I would like to read just a couple of paragraphs of one letter from a friend whom I respect very much and if some of you here knew who it was from I am sure you would too.

"Last week when I was in Augusta, I picked up a copy of L. D. 1788 and have studied it this past weekend. I suspect it is similar to a lot of bills introduced, it will strongly affect many thousands of people in the unorganized territories who are not informed well enough to come to Augusta to voice an opinion.

The cost of seven employees is \$125,000. From an economic point, I feel it is unwarranted. Taxes are already high. It seems strange to me that the State would impose zoning on the unorganized territories when the capital city is not zoned.

There are many, many cottage owners who could not convert a wood shed to a garage without a permit from the proposed commission under this bill.

If this bill is passed, no property owner in the unorganized territory will be secure in the use and value of his property, except that the Constitution may protect him against a statute which seems to have no respect for the property right whatsoever."

And I would also like to speak about a commission that they have set up by highly paid people. There is another commission here in the State which has high paid people.

We have a camp lot which we were getting ready to build a camp on and we put in a storage tank. We were advised by contractors unless we put a drainage around that storage tank until it got full enough to hold it in the ground it might pop out of the ground any time, so we put in the tile to drain around the storage tank. There was no pipes whatsoever out of this storage tank. We got word from this department, great department in Augusta here, that we

couldn't drain that tank, it was going towards the pond. You and I all know that you don't drain a septic tank from the bottom. What good would it do? But this fellow from the state department came up and took pictures of the tank and wrote us to the effect that we were draining our tank down towards the pond.

My husband about this time was pretty sore to think that he wasn't getting paid as much as this poor fellow in Augusta was, to tell us this sort of a mess. So he got on the phone and he called this man and he said, well, he would look at it again. So he looked at it again and after taking into consideration that somebody had told him that you don't drain a septic tank from the bottom he decided it was all right. But is this the type of commission that we are going to set up for this? I think that this is a bad bill and I think that we should do something about it.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, let me just tell you a couple of things that come to mind throughout the debate. You remember during the 104th session we passed for the first time a commission that we thought was going to do the job. I couldn't quite figure out why the lobbyists for the paper companies were so happy with us. They were happy because we had passed a bill that satisfied them. At that point I knew that something was wrong, but I wasn't sure what — until I found out what the amendments really meant. It meant for all practical purposes that only 2% of the so-called wildlands area of this State would actually be regulated by this commission. Of course they knew it all along, but they didn't really tell us. They just told us that this was the compromise that was arrived at and it was so great an idea.

I have no intentions of getting led down that path again. The rumor is that all the paper companies are opposed to the bill. There are some that are not, but they are intimidated by those that are from saying anything in favor

of this bill. I know of individuals, executive officers of some of these larger companies, who have told me privately that they support the legislation that is being opposed by Scott and International Paper and a few others. You will also recall at the hearing, those of you that were present, that representatives of Dead River and of Huber Corporation spoke in favor of the bill. And also a representative of Seven Islands Land Company who expressed in part his favor with the concept of zoning in the unorganized territories.

I think there have been a few individuals who have gotten up and argued that these private landowners, many of them controlled by corporations outside this state, have the best interests of Maine in mind. Well let's not kid ourselves, because they don't. I have here a colored map, nothing more than the unorganized territory of the area width of my district, the upper portion of Aroostook and Piscataquis and Somerset Counties. You will notice that it is colored, and it is colored not by ownership but it is colored by which companies literally control the cutting practices and the taking of wood from the Maine wildlands.

I would just like to read a few of these off to you. There are some thirteen or fourteen townships that are either owned or controlled and will be cut starting this fall by K. C. Irving of St. John, New Brunswick. He has just finished constructing a mill a few miles from the very tip of northern Maine across from Escourt. There are then about seven townships that have been given to the Robinson Lumber Company of St. Pontville, Quebec. There are three townships or 3½ townships literally located close to the center of Aroostook County, obviously in the middle of the woods, that have been given to a new corporation called Mabec. And you have guessed it; it is a Canadian corporation.

These are but three, and there are probably five or six other companies that operate the same way. You mean to tell me that these people are operating for the

benefit of the State of Maine? What are we getting from this but the fifteen mills per acre taxes per year? Are we getting any benefits from the wood that is cut there? Are we getting any benefits from the lumber mills that might be operating in the United States?

Two years ago I expressed some of the same concern and I told you then that there was a mill that was trying to get itself located in St. Francis, one of the towns in my legislative district, and we could not and to this day have not received any stumpage permission of sufficient quantity to operate a mill. The stumpage where this would come from is going instead to K. C. Irving of St. John, New Brunswick and the Mabec Corporation also of Quebec.

Now that turns my stomach when I hear the paper companies say that they are doing such a great job for the State of Maine. And from that viewpoint, if I had no other reason today, I would vote for the legislation. But I have many other reasons because I have seen what total unplanned development can do. I haven't been in the Legislature long, but it is my fourth term. For those of you who have been here at least that long, may remember Western Avenue coming into Augusta and you may just think back before it was a gasoline alley. Look at it now, and it is unfortunate that it happened in the capital city.

The gentlewoman from Madison is absolutely correct, that the capital city does not have zoning. But does that mean that because the capital city does not have zoning that we ought not at this point to solve the problem in the unorganized territory before it gets to a stage that is similar to that which exists on Western Avenue in Augusta? Well, you may argue there is no need for it because people aren't going to move into the unorganized territory. I represent unorganized territories, and there are people there. And I can assure the gentlewoman from Madison, after they have been explained the bill that they are in favor of the concept, they are in favor of the development that ought to take place. They realize what can happen.

I represent a small area which is next to the Town of St. Agatha called Sinclair, an unorganized territory. It is the epitome of lack of planning. There was a case of diphtheria a few years ago, and a fear of an epidemic. So much so that Loring Air Force Base came in to try to give mass inoculations to prevent a possible mass epidemic. Why? Because the water that the people were drinking was polluted. We are presently trying to establish a sewer district, and I think we are finally on our way to solve the problem.

But before we get hung up in other areas of the state with some of the things that can happen here, we have to do something. I know that some people attack it because they say that private rights and the rights of ownership are being deprived. If any of you know the history of how the paper companies acquired the land of this state, that leaves something that you ought to consider.

Ought it not to be the right of every citizen of this state to have at least some decision as to what is going to happen to that land? I think we are still citizens, and I think the owners of these companies are still trying to make money. I hope that you do not indefinitely postpone, and I hope that we will enact this piece of legislation which, contrary to some opinion, will, in my personal opinion, be the best legislation that the 105th Legislature can do for the people of all of the state, and not the paper companies.

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

Mr. COLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't happen to wear a white environmental hat, and I am not particularly known to favor restrictive type legislation as it affects business and industry. And yet I find that this particular legislation, in my opinion, is most desirable. I might also add that I am in a small way connected with the lumber industry, and I do appreciate the importance and the economic impact of the paper companies within the state.

However, I should like to relate to you one or two prime examples

of why I think we should adopt this legislation. I happen to have a summer cottage in Township 16, Range 4; namely at Madawaska Lake. And this is, I think, a prime example of overdevelopment, where there has been no controls, and where we are now polluting a beautiful lake. And directly 100 yards behind our camp road we have a cutting operation going on, and two years ago the company involved built an access road onto our private road, and started hauling pulp right next to our cottages.

Up at Cross Lake, which is not very far away, at the present time there is exploratory mining going on. And I suggest to you that the time has come when we must plan properly for the development of all of the unorganized territory. I urge you to defeat the motion for indefinite postponement and to pass this legislation, regardless of how much you object to the language in the act, and the gobbledygook, I suggest that the concept is good and that we give it a try.

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

Mr. DYAR: Mr. Speaker, Members of the House: Up until this morning I was violently opposed to this bill. I represent 25 unorganized townships and four plantations. The distance on the eastern side would be in excess of 80 miles. We are talking a distance of here to Portland, or here to Bangor. There are no controls.

I was concerned over the individuals who I represent in this area, some 1,500 people who live in these unorganized towns. With the amendment that has been placed on your desks this morning, that is facing you now, I am able to go along with this piece of legislation. These 25 unorganized towns, Brown Company of Berlin, New Hampshire owns five complete townships; four are owned by Canadian concerns; International Tel. and Tel. has bought up one township for the use of their employees, their executives to come to Maine to get our sunshine and fresh air and mosquitoes. And I feel that this immense tract of land in my area does need regulation.

It has been mentioned here this morning that the Dead River Company, Huber Corporation, Scott Paper Company are all developers. They are developing in my area. You have the Sugarloaf Mountain Corporation, Saddleback Mountain Corporation, potentially the Bigelow Mountain Corporation, potentially the Snow Mountain Corporation; all major ski areas. If we are going to let out-of-staters come in here and take over this land, I think we, as taxpayers and residents of the State of Maine, should have some say in how they are going to use this land.

Last Tuesday the Environmental Improvement Commission met in the Town of Kingfield to discuss the continuance of building by the Sugarloaf Mountain Corporation. The ownership of the corporation was asked what they had done as far as traffic, parking, sanitation. The Mountain Corporation had looked ahead, and they have taken care of these things. This is written into this piece of legislation.

If the corporations who are working the State of Maine now are trying to carry out this, I think our statutes should spell out that all people should come under this same category. I would like to concur with the thinking and what the gentleman from Eagle Lake, Mr. Martin, has said this morning. Unless you live and are aware of what is going on in these unorganized towns, we don't have bogeymen up there, we don't have lobbyists up there — the lobbyists are down here. But I hope this morning you will pass this amendment, and vote against indefinite postponement of this bill.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I would like to comment briefly on some of the remarks that the gentleman from Eagle Lake made. It seems to me to follow his reasoning through to its logical conclusion, he would probably argue that, we will say, a potato grower, we should well come under some sort of a regulatory agency which would tell us where we would sell our product, whether

we could get twice as much in one place or not as much in another. It seems to me his argument does fall into that category.

He is saying, with regard to these people, that we regulate them with regard to where they sell their products. I am sure under the laws of trade, they are going to sell their product where they can get the most money. And I think the people who believe in the right of private industry certainly will grasp this argument.

If we are going to attempt to regulate every facet of industry in the State of Maine, and tell these people that — have a board that will have life or death authority over everybody as to, if its timber, when they shall cut, where or how they shall sell their product. It seems to me this thing is going too far. I am all probably for some degree of regulation, but I fear that we are going too far with this type of thing.

I don't know, Mr. Speaker, whether the amendment has yet been accepted, or whether it is still before the body. Would you inform me?

The SPEAKER: The Chair would advise the gentleman and the House that the pending question is the adoption of House Amendment "A".

Mr. BRAGDON: Yes, I hope that everybody looked at this amendment. I don't try to digest amendments, generally I read the Statement of Fact and presume that that is the correct analysis of the effect of the amendment.

I notice that one very important thing here they did in this amendment, that I presume somebody may say in regard to the third item in this, that probably the paper companies may have been responsible for the number of copies, we will say, which I believe under the law the number of copies of reports that have to be submitted to this Commission are six. And I notice that Mr. Susi's amendment reduces the number of copies. I presume maybe the people who insisted on the six copies in the first instance may have had some service in the Army, and perhaps decided that six were necessary. And maybe the paper

companies got them to put this in to enhance the size of their business.

I do think that possibly some of the amendments do remove some areas that certain people are objecting to. Possibly the amendments to this would remove the — many of the cottage owner's exemptions, and I am not going to offer any particular — I am not going to make any motion with regard to this amendment. I would just hope you look it over and see what it does.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I am also intensely interested in this bill. In my district I have ten unorganized towns. I am intensely interested in the future of the 243 inhabitants of these towns. If this bill were to pass they would have no future.

Two of these towns are among the oldest settled towns in Aroostook County. At one time they were full-time towns, but changing conditions forced them to deorganize. In the spring of 1970 I took the census in this unorganized area, and visited every inhabitant. Some of these people live in trailers, others in modern homes. Some are retired, others work in Millinocket. Most of their lawns are mowed, and most have gardens and watch birds. They compare favorably with any rural area.

The Township of Molunkus has three nationally advertised so-called sporting camps. They are among the best in the state. Last summer, one spent \$5,000 to install electricity and they are building more camps. They are not cheap. The cost per day is in the neighborhood of \$100. These camps employ local people and local guides.

The chief guide of one of these camps, if you listen to their advertisements, is Molunkus Harry, who was born in 1810 and is still living. So far he has lived free, but under this bill I am afraid he would soon pass on.

I wonder how many of you people here heard of the village of Monarda? This is also an unorganized territory. It is a pleasant

village surrounded by hay and potato fields. Some of these people or their ancestors have farmed this land for 125 years. They are not going to take it kindly when I tell them they must come to Augusta and have a hearing before the Commission before they can repair a fence or make an addition to the henhouse; said hearing to be held within 45 days. If you don't believe it, just read the bill.

Other parts of this territory are really wild. The townships go by numbers and have no permanent settlements. I found one woods camp 18 miles from the blacktop road, and about 40 miles from the railroad. The road in there was private and almost impassable for a car. Is there anyone here who really thinks it is necessary to hold a hearing and get a permit to build an addition to that camp?

If you will look at Section 682 of the bill, Part 3, you will read under buildings that it takes care of any shelter or enclosure for persons, animals, or objects, regardless of the material used. In these wilderness area townships, there are almost countless numbers of woodchucks, coons, foxes, beavers, muskrats and skunks. These animals all have their homes. They are distinctly mentioned in the bill, and it further says — regardless of material.

Now the thing that intrigues me, is some Deputy Commissioner of some state agency under this act supposed to come into my wilderness and supervise the erection of the habitation of every newly married skunk?

Now don't be fooled by this amendment. You can see this morning just how easy it is to propose an amendment. And if this bill should pass, during the next session it would be just as easy to put back in these things that are taken out by the amendment.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen: I am just going to address myself at this time, or try to stay just with the amendment which I think more thoroughly confuses this rather than straightening it out. If you

will read the amendment, it says, "No land use guidance standard shall deprive any owner or lessee of any interest in real estate of the use to which it is then lawfully devoted at the time of adoption of said standard. Occupied year round single family residences and operating farms presently in existence . . ."

This I don't feel covers it, but I would like to go over to 685-B where they strike out nonconforming structures, and they are being very very nice to the people by doing that, because if you go on down further under 7, under A, it states very emphatically that an illegal nonconforming use of the land or structures shall not be validated by the adoption of this subchapter. So I would say that this is rather confusing. They exempt you in one sentence, and then they turn right around and throw you back in the bill by the next.

So I would submit that this amendment does absolutely nothing as far as changing the bill goes. Now even if it did, all of your commercial developments — and I disagree violently with my friend Mr. Dyar, I submit that Squaw Mountain and Sugarloaf, all the motels, hotels, sporting camps and campgrounds would be out of business. They would definitely be out of business under this bill as it is now written. And all the State has to do is to take it under amortization. They take it away from them, and then rent it back to them for a period of five years, or ten years, and then it belongs to the state.

This is really the concept, agreeing with the people on the other side of the hall there, the concept is good, but the bill is terrible. It impugns the rights of the little people in the State of Maine.

Now I haven't been approached by the lobbyists. I read this bill myself, and I don't own any timberlands. I am just scared to death of this legislation. I certainly hope that you go along with the indefinite postponement of it this morning.

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

Mr. HARDY: Mr. Speaker and

Members of the House: I agree wholeheartedly with the words spoken by Mr. Norris about this amendment. I have thrown away my notes, but I was intrigued by this article that has been distributed by the minority group that signed this report, written by the Daily Sun of Lewiston. And I only want to read one paragraph to you, because I know that a lot of us in the House don't bother to read this material that is distributed.

This paragraph that I am going to read says: "The basic raw materials for the state's largest industry, pulp and paper, come from the millions of acres of forestland. While harvesting their trees, the landowners have opened the woods to the public for recreation . . ." And I will interject right here, that we do have all classified waters in these areas, and we have taken control of those areas alongside of our roads in those areas; the public roads and the lakes that are bordered to them. It goes on: "But it remains privately-owned land. Yet there are those who would trample on property rights by ever greater encroachment by governmental controls in the guise of the public interest."

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am surprised that in this debate this morning nobody seems to be interested in the cost of this project. Now I am. In the Part I budget we have just passed recently there was \$126,000 for this Commission, that it seems to be admitted in the House this morning hasn't done anything.

I dread to think what will be in next year's Part I budget if this bill should pass. And my question is, to myself, is all of this expense worth the cost to my people that pay these high taxes?

And now while I am on my feet I must tell you about the Allagash Wilderness which I visited before the state took over; and truly it was an Allagash Wilderness. I enjoyed it.

Then some of these same type of people conned the people of the State of Maine to buying this Alla-

gash Wilderness Park and their big argument at the time was, they were afraid it may be taken over by the federal government. And so this was bad, so they put it out to referendum, got the people to buy it. Now there is no more Allagash Wilderness Park, because every time they graduate a class at the University of Maine that has some students that can't get a job, they send them up there as park rangers, or forest rangers, or they find some other title. So we are building little villages up there, so it is no longer an Allagash Wilderness Park as I knew it in my childhood.

So this, I am just mentioning this in relation to this subject; this is how these monstrosities grow. They grow like this building next door. When I first came here it wasn't here. We bought one across the street. We have just built another one, the Archives Building, which they haven't got occupied completely yet. So if you keep passing this type of legislation, you keep harassing the poor people that are living here that right now can't pay their bills, and instead of making something free and clear and properly regulated, you only make matters worse and cost more money.

I think the Allagash Wilderness Park, which was the Allagash Wilderness Park, is an awful good example of what we are doing. So you employ more people at the tune of about 500 each time this group meets, while the population of the State of Maine remains fairly constant. So the same people living here have got to pay the bills. I submit this can't go on forever.

I hope this bill is indefinitely postponed.

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

Mr. MORRELL: Mr. Speaker and Ladies and Gentlemen of the House: I am in support of L. D. 1788, while at the same time recognizing that it, much like all other legislation, both during its formative stages and unfortunately in its final stages, has imperfections. But I think some of those imperfections have been taken out

this morning, and possibly additional ones can be polished off before it is finally passed.

I would like to express my total agreement with the basic concept and intent of this legislation. It does sound like good business. What we are talking about here is the regulation of the wildlands in this state now and in the future. And this area comprises just about one half of the total land area of the State of Maine.

In this area there is little if any regulation such as we have in many other parts of the State of Maine. Regulation that we should have, not only in the wildlands area, but in the organized. The people of Maine certainly have a stake in this area, and it seems to me consistent with that stake that this legislation gets your approval. I hope you will support it.

Mr. Carey of Waterville moved the previous question.

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

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

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

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I did not have any prepared remarks to offer today, but I was interested to try to respond to some of the arguments that were made by opponents to this legislation. I notice that there are other speakers who apparently have been trying to be recognized and have had difficulty doing so with all the people who are interested in the bill.

I recognize it has had a long debate, but I can't think of a bill we have here this session before

us which has farther, long range impact upon the future of all of us, and I would hope you would not shut off debate at this point.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I have no intention of speaking on the bill, but as the only thing before us at the present time is the amendment, I would hope you go along with the previous question and do away with the amendment, and the other is debatable, as I understand it.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Bridgewater has raised a point I think perhaps we ought to comment about with reference to the previous question. I think the Speaker has ruled earlier today, as he did yesterday, that once the previous question is ruled on an item that it would carry through to enactment. And unless the Speaker has changed his mind, I suspect that the gentleman from Bridgewater is not accurate. I would therefore suggest that you vote against the previous question.

The SPEAKER: The Chair would advise the member and the House that the Speaker has not changed his mind, but it will not carry through to the enactment stage. It will carry through to either indefinite postponement or the engrossment stage.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I think when we are dealing with the future of one half of our state we can spend a little more time than we have so far on this debate. I certainly hope that we will have that opportunity.

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

A vote of the House was taken. 50 having voted in the affirmative and 79 having voted in the nega-

tive, the main question was not ordered.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I think it is well conceded now by everyone in the House that the measure that we have before us is certainly the most far-reaching piece of legislation to come before us in this Legislature, and may well prove to be the most far-reaching and significant piece of legislation to come before any legislature of this decade.

History is going to shortly record our deeds. It has been suggested by many of us here that this Legislature really hasn't come to grips with many of the basic problems facing Maine. I hope that if this is true that this is one piece of legislation that this will not be said about.

I think we should make it very clear that there is a need for immediate action now to protect our very very last frontier. Already we have seen this morning examples of kinds of development and speculation which are going on in the unorganized areas, where there are not the best public controls that are available in the organized areas of the state; be they local zoning and development controls and regulation, or personnel for inspection and investigation of significant recreational and industrial development, whether it be regional planning agencies which attempt to look after the public interest, or state agencies who have some knowledge and understanding of developmental problems in the State of Maine.

The Maine Land Use Regulation Commission is our only hope now of providing any kind of reasonable control of the burgeoning development of the wildlands of Maine. The Commission must be given the power to now begin the task of classification of land, of monitoring the changes that are taking place in it, in providing both the developer and the public with information necessary to help assure the reasonable development of this very very precious resource.

I am not going to question the wisdom of the various development

projects that have been spoken of here this morning whether they be ski areas or cottage developments or proposals for mills. But I think it is clear that we hear almost daily that a new project is either being approved or being considered for this wilderness area. I think it is also clear from the debate here this morning and from the available material, that unless we make at least a very minimum effort to protect the interests of the State of Maine and the citizens of this area, we could lose this resource within a generation and we could lose it forever.

Just in the past week we have seen an example of official concern for unplanned development. The State of Vermont has suggested that all promotional advertisements be stopped which would encourage development and attract further population into that state. They have had enough, and they have not been prepared to deal with the problems that they have incurred in the development of the beautiful State of Vermont. They are trying to put the brakes on. We are not in that desperate stage yet, but if we continue surely our time will come, and we will be in such a state.

Many thoughtful and responsible public officials in states undergoing the type of pressures that are now occurring on our wildlands have looked for a pause, have looked for a moment of consideration of how they are going to absorb the growth and provide for the highest potentiality, the most beneficial use to their people.

I submit to you that we in this state must do this. And the best way of doing it is to provide the State of Maine with the kind of legislation that is being proposed here today. There is not one of us here in this House who can deny that the problem of speculation and exploitation is not occurring now in the Maine wilderness. There is no one who can deny that the entire citizenry has an interest in the wise development and the use of this resource and I believe it would be hard for anyone to deny that this bill would help to provide the kind of proper public guidance, the development of this essentially public

resource, almost half of the State of Maine.

The residents of the state, and we their representatives, have now two major considerations before us.

One, whether we will accept the increasingly despoiling effects of uncontrolled recreation, residential, commercial, industrialized development of unorganized territories in the state; or whether we will adopt and implement effective land use regulation policies and planning programs which will insure the orderly realization of the environmental potential and capability of these areas and the preservation of their significant and unique character. To accept the first alternative even temporarily is to relinquish the second perhaps forever. I ask that we accept and pass this legislation, in the long run interests of the people of Maine now, and those generations in the future.

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

Mr. DAM: Mr. Speaker and Members of the House: I have nothing new to offer on this. The only thing I would like to say is that I too have received a letter from a strong conservationist in the State of Maine asking that I support this, and also pointing out many things that could be said in favor of this bill. I have in the past, as you all know, supported many many environmental issues; and in the last session I sponsored an order for the study of the phasing out of the log driving in the rivers and the inland waters of the State of Maine. This was sponsored this session by a member of the Natural Resources Committee and we have seen it passed and become enacted.

Also we have been referred to sometimes, I have, as recently as the other day, last week, as a starry-eyed environmentalist. Well I feel in many of these things we should protect the people of the State.

However in L. D. 1788, even with the label of a starry-eyed environmentalist, I cannot go along with this bill at all. I think if we were to pass this today that we would be doing more harm to the

majority of people in the State of Maine than we would be doing good for our State. So therefore I urge you all to go along with the motion of the gentleman from Perham, Mr. Bragdon, for the indefinite postponement of this bill.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House. I would like to thank you for your courtesy in giving those of us who hadn't had a chance to talk the opportunity to debate this. I will promise to be as brief as I can.

As has been pointed out by Representative Brown this bill has an interesting history. It has had the full route. Nobody can say that the concept is new or half-baked because the first time it came around it went to study. This is the traditional defense against a bill you don't want; you study it. After the study, last session it was proposed in a basic form, and due to interests in other legislation and rather than getting into a "hair pull" on this bill a compromise amendment was adopted, and we now know how seriously crippling that compromise amendment was.

It is interesting that the editorial in the Lewiston Daily Sun was referred to which says Maine already has gone far enough. Well I seriously question whether the writer of this editorial was aware that going far enough constitutes covering 2% of the area that we are concerned with. I seriously question that the writer of this editorial had the facts before him when he wrote it.

The defense, the opposition to this bill, is concentrated in two or three areas. First of all the opponents say it is extremely complicated and extremely long. It has been pointed out, I think, that if any one of us were to look at the zoning ordinances of our own communities, those that have them, for a relatively few acres in a community, our local zoning ordinance is quite lengthy in our city charter, and when we are covering 10 million acres it understandably ought to be a little bit

longer. I am sure that a couple of competent draftsmen could sit down and write this bill and have it cover about two pages, but I am sure the opponents wouldn't like that any better.

The defense also has concerned itself with the concern about the small property owner. I think the amendment which is being proposed to be adopted would largely take care of that issue. Then it comes down I think to the basic issue of whether we want to have land use controls in this large, large area of the State of Maine. The opponents of the bill would have us believe that the economic self interests of the land owners are the best guide and we should have no regulations here.

The gentleman from Eagle Lake, Mr. Martin, has stolen my thunder in pointing out what happens when you have uncontrolled economic self interests, and Western Avenue is the living example. What Mr. Martin did not point out is that the taxpayers of Augusta and of the State of Maine are footing the bill because if you look at the trees along Western Avenue you will see they are wrapped now preparatory to a widening of the road that is going to be necessary because of this uncontrolled development along Western Avenue, and we are all footing the bill for it.

Many opponents have on several occasions talked feelingly about the problems that are going to be posed to the little property owners in coming down to hearings in Augusta. I would like to ask those of you who have read the bill, particularly the opponents, if they can find anywhere in the bill where it requires that anybody come to Augusta. I suggest that is not the case. I haven't seen it in the bill and I don't think it is there. I think hearings can be held where they are needed in convenient places just like our other agencies do.

In closing I would like to point out that we have another concept before us this season which must go hand in hand with the bill before you. And that is the question of implementing our constitutional change with regard to current use

taxation. If by any mistake this Legislature enacts current use taxation without the accompanying land use controls such as are in this bill, we will be doing nothing more than giving the landowners a license to speculate in this land without any serious tax consequences at all.

So it seems to me that we must face up to these issues together. If we are to enact current use taxation, and I know many of you are interested in this concept, we must have land use controls. I hope you will act favorably upon the pending motion to adopt the offered amendment. I ask for a roll call on that motion.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I come from the eastern end of the State. I am in favor of this bill and I will give you several reasons why. As you all know my territory runs from Eastport up to the Aroostook line. I have been getting letters, complaints for the last three years from wood mill operators in the State of Maine who try to deal in hardwoods alone. They have complained of the rape of northern Maine by the Canadians coming over, cutting this hardwood, shipping it over into Canada where it is formed into furniture and sent back to the United States tax free because it is not put together. That is the only excuse on it. So it comes back down to the prefabricating plants here in the State and it is put together at a nominal cost and it becomes high priced furniture in the United States.

Now K. C. Irving, he is the man who has the contract for the Georgia Pacific Mills on the oil supply up there. They built a big plant up in St. Stephen across the river from Calais. There was a million gallon tank. They intend to build another one up there also. They are supplying Georgia Pacific with their bunker oil. We of the State of Maine do not have this privilege. Across from Eastport on the Canadian side in Bucks Harbor they have set up a plant down there and remove a ledge

where they can bring in oil and refine it there. They bought the land in Eastport which is a piece of wild land and they intend to develop this as a tank station and bring in this refined oil that way.

Now if this L. D. is passed, that is going to stop K. C. Irving from putting a refinery on the Passamaquoddy Bay area. Also they own three-fourths of that area up in New Brunswick, and in order for them to be able to get this pulpwood into Georgia Pacific they have to agree to hire 30% Canadian labor in the mill. When they are paid, they paid at the same rate of pay as what the American worker is. When they go back to Canada on the rate of exchange they are gaining anywhere from six to ten cents on the dollar. This is an unfair thing but it is in the contract and there is nothing that can be done about it. K. C. Irving is also trying to acquire organized territory lands in the State of Maine. The thing of it is that they don't want to be involved in the unorganized territories any longer with the environmental laws that we are passing. I think in my own sense of saying it, that we will be protecting a realm of Maine state labor in the woods, on the road, in the mills, and increase our economy if this bill is passed.

Mr. Ross of Bath moved the previous question.

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

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

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. 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 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 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 adoption of House Amendment "A". All in favor of adopting House Amendment "A" will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Barnes, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Bither, Boudreau, Bourgoin, Brown, Brown, Bustin, Clark, Clemente, Collins, Conley, Cooney, Cottrell, Crosby, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dow, Doyle, Drigotas, Dudley, Dyar, Emery, D. F.; Evans, Farrington, Faucher, Finemore, Fraser, Gagnon, Gauthier, Genest, Gill, Good, Goodwin, Hall, Hancock, Hardy, Haskell, Hayes, Henley, Herrick, Hewes, Immonen, Jalbert, Kelleher, Kelley, K. F.; Kelley, P. S.; Kilroy, Lawry, Lebel, Lee, Lessard, Lewin, Lewis, Littlefield, Lizotte, Lucas, Lund, MacLeod, Maddox, Mahany, Manchester, Marsh, Marsteller, Martin, McCloskey, McCormick, McKinnon, McNally, McTeague, Millett, Mills, Morrell, Mosher, Murray, O'Brien, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rocheleau, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Susi, Trask, Tyndale, Vincent, Webber, Wheeler, Whitson, Wood, M. W.; Wood, M. E.; Woodbury.

NAY—Bailey, Bartlett, Berry, G. W.; Birt, Bragdon, Bunker, Call, Carey, Carrier, Carter, Churchill, Cote, Emery, E. M.; Hawkens, Hodgdon, Jutras, Lincoln, Lynch, Norris, Rollins, Simpson, T. R.; Theriault, White, Wight, Williams.

ABSENT—Cummings Fecteau, Hanson, Kelley, R. P.; Keyte, Orestis, Santoro, Sheltra, Tanguay. Yes, 116.; No, 25; Absent, 9.

The SPEAKER: One hundred and sixteen having voted in the affirmative and twenty-five having voted in the negative, with nine being absent, House Amendment "A" is adopted.

The question now before the House is on the motion of the gentleman from Perham, Mr. Bragdon, that this Bill "An Act Revising the Maine Land Use Regulation Commission Law," Senate Paper 610, L. D. 1788, be indefinitely postponed in non-concurrence. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bailey, Barnes, Bartlett, Bedard, Berry, G. W.; Berube, Binnette, Birt, Boudreau, Bragdon, Brown, Bunker, Call, Carey, Carrier, Carter, Churchill, Clark, Cote, Crosby, Curran, Curtis, A. P.; Dam, Donaghy, Dudley, Emery, E. M.; Evans, Good, Hall, Hancock, Hardy, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Jutras, Kelleher, Lawry, Lee, Lewin, Lincoln, Lynch, Manchester, Marsteller, McCormick, McKinnon, McNally, Millett, Mosher, Norris, Page, Pratt, Rand, Rocheleau, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Theriault, Trask, White, Wight, Williams.

NAY — Baker, Bernier, Berry, P. P.; Bither, Bourgoin, Brown, Bustin, Clemente, Collins, Conley, Cooney, Cottrell, Curtis, T. S., Jr.; Cyr, Dow, Doyle, Drigotas, Dyar, Emery, D. F.; Farrington, Faucher, Finemore, Fraser, Gagnon, Gauthier, Genest, Gill, Goodwin, Haskell, Jalbert, Kelley, K. F.; Kelley, P. S.; Kilroy, Lebel, Lessard, Lewis, Littlefield, Lizotte, Lucas, Lund, MacLeod, Maddox, Mahany, Marsh, Martin, McCloskey, McTeague, Mills, Morrell, Murray, O'Brien, Parks, Payson, Pontbriand, Porter, Ross, Scott, Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Susi, Tyndale, Vincent, Webber, Wheeler, Whitson, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Cummings, Fecteau, Hanson, Kelley, R. P.; Keyte, Orestis, Santoro, Sheltra, Tanguay. Yes, 70; No, 71; Absent, 9.

The **SPEAKER**: Seventy having voted in the affirmative and seventy-one having voted in the negative, with nine being absent, the motion does not prevail.

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

Bond Issue

Tabled and Assigned

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

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

(On motion of Mr. Porter of Lincoln, tabled pending passage to be enacted and specially assigned for Friday, June 11.)

Passed to Be Enacted

An Act Creating a New Business Corporation Act (S. P. 293) (L. D. 1093)

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

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

An Act Restricting Use of Certain Campsites (H. P. 996) (L. D. 1358)

An Act to Appropriate the Amount of \$1,440,000 for Parking Garage Facility for the Capitol Complex at Augusta (H. P. 1341) (L. D. 1760)

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

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

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

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

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.

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

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

On motion of Mrs. Payson of Falmouth, under suspension of the rules, the House reconsidered its action of June 2 whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-437) was read by the Clerk.

The **SPEAKER**: The gentlewoman may proceed.

Mrs. **PAYSON**: Mr. Speaker and Ladies and Gentlemen of the House: This amendment is being presented to you in order to correct an error in the drafting. It changes nothing in the bill itself.

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

Orders of the Day

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

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

Tabled — June 7, by Mr. Hardy of Hope.

Pending — Passage to be enacted.

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

Mr. **SIMPSON**: Mr. Speaker, I move that the rules be suspended for reconsideration whereby this bill was passed to be engrossed.

The **SPEAKER**: The gentleman from Standish, Mr. Simpson, moves that the rules be suspended for the purpose of reconsideration whereby this Bill was passed to be engrossed. Is there objection?

The Chair hears objection.

A two-thirds vote is required for suspension of the rules. All in favor of suspending the rules will vote yes; those opposed will vote no.

A vote of the House was taken.

67 having voted in the affirmative and 37 having voted in the negative, the motion did not prevail.

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

Mr. SIMPSON: Mr. Speaker, I now rise to move that this bill be indefinitely postponed and I would speak to my motion.

The SPEAKER: The gentleman from Standish, Mr. Simpson, now moves this Bill be indefinitely postponed.

The gentleman may proceed.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I was in hopes to have this reconsidered at the point that we could put an amendment on the particular bill, but since we can't, let's talk about the entire bill and its effect upon the people that I hope that all of us are representing here today.

The tourist industry and the recreation industry in this state is approximately a \$500 million industry. We have imposed restrictions on this particular industry by putting in a transient sales tax and rental tax and so forth. We have limited the amount of advertising that this state does as a state by cutting the budget last year some \$100,000, this year by \$130,000. We are finding more and more that local associations and chambers of commerce and so forth are finding it harder to come up with money to advertise their own properties.

We are going to be told here that this bill would apply to the big business, the big industry, the big oil industry and so forth. And I would submit to you that whether it is a sign that is out here along the interstate highway advertising one oil company or not, it is that local businessman, that small businessman that is trying to operate that particular business, the man who is creating a tax structure and hopefully keeping unemployment down in his municipality, that is in business. Now this particular bill is starting to restrict what a person can do on his own land, on his own building, in the way that he wants to advertise.

This particular piece of legislation pertains to primary roads in the State of Maine. Now let's just take a look at some of the primary roads in the State of Maine and let's start talking about tax money and what it represents.

Coming into Augusta this morning on the interstate I just thought for the heck of it I would take a look right at one interchange out here. And as I came in I noticed a gift shop on the left, a very small businessman, I think it was called Rollins' Gift and Antique Shop. He could keep this sign under the present statutes; he would come under the grandfather clause. But yet if this man, after this bill was passed, were to create a new business out here the sign he has there at the present time would be illegal. He is within the 660 feet of the highway, and therefore his sign would be too big, it would be over the 700-foot requirement and it would be more than 25 feet in height.

As I then approached the interchange I noticed a sign for Sunoco and one for Texaco. I didn't see that too offensive. I thought they were real good looking signs. They were a major investment, a lot of money these signs cost. As I said, the people who operate in those businesses are trying to make a living and trying to steer people into their particular area. In the same shopping center I saw a sign on Zayres which would be illegal; Depositors' Trust would have been illegal. These are just an example of the particular types of signs. Take a look at that one interchange out there and look at the tax investment that is invested there in this one municipality alone. And I ask you, should we now start to limit these people in the way that they try to advertise their business?

Most businessmen will tell you that one of the most successful ways to ever do any advertising is through a sign. I agree with the gentlewoman from York, Mrs. Brown, in her billboard advertising, and I commend her on her efforts in this particular area. However, I think that when we start to get on on-premise property — that is my property, your property, your constituents' property — I

think that we are starting to infringe upon rights that we had better get away from, and I would urge that you support me and this bill be killed and we allow these people to advertise so that they can stay in business.

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

Mrs. BROWN: Mr. Speaker and Members of the House: I obviously oppose the motion to indefinitely postpone this bill. As of May 27 this House voted 84 to 48 not to indefinitely postpone this bill. Now actually I will also call to your attention once again that the 104th Legislature gave some foresight and strongly supported legislation to ban billboards within 660 feet except for zoned commercial areas. I fear that some of the area that Mr. Simpson is talking about that would be deprived is in a zoned commercial area and would not be affected.

However, we also had broad public support on this action. We now see, and we are beginning to see it here, that in order to circumvent, when they are not in a commercial area, you have filling stations going up that are below the turnpike who are sticking these high-rise signs up in order to circumvent this very statute which the State of Maine has now received something in the neighborhood of a half a million dollars to help correct the situation that was strongly supported two years ago.

I would also point out to you that you have had in the billboard bill, or advertising statute, on-premise controls ever since the very inception of this law in 1930. These were not corrected in 1967 or changed, they have been there.

I would also like you to take into consideration what I am sure will happen if we don't take some action in this way. I point out to you the southern part of our state. Now I would like to know how many years I have had people come to me and say, "Isn't there something you can do about this horrible approach to the State of Maine, with billboards — that's all we see when we enter?" We are now spending millions of dollars for a new entrance way to the State of Maine,

with a new rotary at Kittery. I propose that if you do not do something to control this you are, in the years to come, going to have a similar entrance to Maine, with all these billboards far back, but high up in the air, with real visual pollution, to welcome our tourists that have come to Maine for something other than to see that.

I would propose to you that the amendment that Mr. Simpson from Standish was trying to amend the bill again was exactly the one that was defeated by the committee, the same intent as the one we defeated the last time here in the House when it was before us, and it was also defeated in the Senate. I see no reason for us to waste the time of the legislature and to have a similar amendment, only worded differently, with the same intent before us, and I urge you to vote against the indefinite postponement of this bill and let's enact a good piece of legislation.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I sometimes ask myself whether maybe half a million dollars in federal money is really worth it when we start to consider maybe the millions of dollars we just might put out in unemployment and businesses that we put out of business and so forth.

Now I can't speak for the gentleman from Kittery, Mr. Hodgdon, and I am not sure exactly how he feels on this matter. But if we want to talk about the multi-million dollar approach into the State of Maine down there — I think that we are considering such an approach — but I also look at a good many businesses that are in business along that highway down there now that are going to be completely cut off by this new approach and maybe they would like to do some advertising to hopefully keep some business in their particular area.

And I am sure that if a man is pulled off a highway in Kittery, say that he stays maybe at the Charter House Motel overnight, that while he is there he just doesn't stay at that hotel or that

motel, and he doesn't spend money in that particular restaurant. He gets out and he buys gasoline. He might go to the local store. He might find that he has got problems, that he has to visit a doctor or a drug store; everybody benefits, no matter what kind of business you are in when a person stays in your area overnight. A dollar that is spent by a tourist is circulated through a municipality four times. And 87% of that dollar eventually stays in that municipality in some form or another.

Now I would submit that when we start talking about \$500 million coming into this state that some of you ought to be very interested in how much of that is staying in your municipality.

I would like to close just by reading one particular part of a paragraph here from a bulletin put out by the Natural Resources Council, which I am sure you all have got, but I don't know if you really digested it in good shape. It says, "The current level of unemployment in the State of Maine is 7.8%. Thirty-one thousand people are out of jobs. This is a totally unacceptable figure which must be corrected. Unemployment is a disease. It strips man of his pride, dignity and self-esteem and environmentalists must recognize that it is a form of pollution more sickening than oil spills or the eutrophication of lakes. If there are conservationists who choose to be concerned only with the subject of ecology and not with the economic situation of their fellow men then perhaps they could be persuaded if they were reminded that ecology and economics are derived from the same Greek word "oikos" meaning house. Economics pertains to the management of one's house while ecology pertains to the mutual relations within the house. It is unfortunate that economists and businessmen and ecologists and conservationists have been at cross purposes for so long. Our environment is our only house. We must work together, particularly here in Maine, where the stakes are very high and the problems severe."

Ladies and gentlemen, when we

talk about real pollution of our air and our waters we can talk about environment and ecology. But if you can tell me that putting a sign up is really going to affect that pollution and that that is pollution, then we are very sick.

Mrs. Brown of York requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that Bill "An Act to Revise Laws Relating to Outdoor Advertising," House Paper 605, L. D. 807, be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Albert, Bailey, Bedard, Berry, G. W.; Binnette, Bragdon, Brawn, Bunker, Call, Carey, Carter, Churchill, Clark, Clemente, Conley, Cote, Curtis, A. P.; Cyr, Dam, Donaghy, Dow, Drigotas, Emery, E. M.; Evans, Faucher, Finemore, Fraser, Gauthier, Good, Hall, Hancock, Hardy, Hawks, Henley, Hewes, Immonen, Jutras, Kelleher, Kelley, R. P.; Keyte, Lee, Lessard, Lewis, Lincoln, Littlefield, Lizotte, Lynch, Manchester, Marstaller, McCormick, Mills, Mosher, Norris, Page, Parks, Rand, Rocheleau, Rollins, Santoro, Shaw, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Theriault, Trask, Wheeler, Wight, Wood, M. E.

NAYS — Ault, Baker, Barnes, Bartlett, Bernier, Berry, P. P.; Berube, Birt, Bither, Boudreau, Bourgoin, Brown, Bustin, Collins, Cooney, Cottrell, Crosby, Curran, Curtis, T. S., Jr.; Doyle, Dudley, Dyar, Emery, D. F.; Farrington, Gagnon, Genest, Gill, Goodwin, Haskell, Hayes, Herrick, Hodgdon, Kelley, K. F.; Kelley, P. S.;

Kilroy, Lebel, Lucas, Lund, MacLeod, Maddox, Mahany, Marsh, Martin, McCloskey, McKinnon, McNally, McTeague, Millett, Morrell, Murray, O'Brien, Payson, Pontbriand, Porter, Ross, Scott, Shute, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Susi, Tyndale, Vincent, Webber, White, Whitson, Wood, M. W.; Woodbury.

ABSENT — Carrier, Cummings, Fecteau, Hanson, Jalbert, Lawry, Lewin, Orestis, Pratt, Sheltra, Tanguay, Williams.

Yes, 69; No, 69; Absent, 12.

The SPEAKER: Sixty-nine having voted in the affirmative and sixty-nine having voted in the negative, with twelve being absent, the motion does not prevail.

The pending question is passage to be enacted. The Chair will order a vote. All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken. 68 voted in the affirmative and 68 voted in the negative.

Whereupon, Mr. Simpson of Standish requested a roll call.

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

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

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen: I think the gentleman from Standish, Mr. Simpson, has not recognized a fact of life. This legislature has embarked on a course of infringing on the rights of people. We had an example of it on the previous Land Use Commission. We have had other examples of it. I think we are intent upon making this state a paradise which would be nice if it were possible.

But people still have to work, they still have to earn a living, and I am sure that if we continue

on the course of action that we are taking now we will have a paradise, we will be able to sit in beautiful surroundings, think beautiful thoughts, and unfortunately starve; but it might be a pleasant way to go.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Anybody that speaks at this point is in a very precarious position, because of the very delicate balance on this vote. I would simply like to remind the members of this House that we supported this legislation before, that the outdoor advertising people appeared before the committee when Mrs. Brown's bill was presented and endorsed the bill, and that the members of this House have agreed previously that this kind of advertising, which is uncontrolled and offensive, is the kind of legislation that the people of Maine are asking for.

The SPEAKER: The pending question is passage to be enacted. A roll call has been ordered. All in favor of this Bill "An Act to Revise Laws Relating to Outdoor Advertising," House Paper 605, L. D. 807, being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Barnes, Bartlett, Bernier, Berry, P. P.; Bither, Boudreau, Bourgoin, Brown, Bustin, Collins, Cooney, Cottrell, Crosby, Curran, Curtis, T. S., Jr.; Doyle, Drigotas, Dudley, Dyar, Emery, D. F.; Farrington, Gagnon, Genest, Gill, Goodwin, Haskell, Hayes, Herrick, Hodgdon, Kelley, K. F.; Kelley, P. S.; Lebel, Lucas, Lund, MacLeod, Maddox, Mahany, Marsh, Martin, McCloskey, McKinnon, McTeague, Millett, Morrell, Murray, O'Brien, Payson, Pontbriand, Porter, Ross, Scott, Shute, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Susi, Tyndale, Vincent, Webber, White, Whitson, Wood, M. W.; Wood, M. E. Woodbury.

NAY — Bailey, Bedard, Berry, G. W.; Berube, Binnette, Birt, Bragdon, Brawn, Bunker, Call, Carey, Carter, Churchill, Clark, Clemente, Conley, Cote, Curtis, A. P.; Cyr,

Dam, Donaghy, Dow, Emery, E. M.; Evans, Faucher, Finemore, Fraser, Gauthier, Good, Hall, Hancock, Hardy, Hawkens, Hewes, Immonen, Jutras, Kelleher, Kelley, R. P.; Keyte, Kilroy, Lee, Lessard, Lewis, Lincoln, Littlefield, Lizotte, Lynch, Manchester, Marstaller, McCormick, McNally, Mills, Mosher, Norris, Page, Parks, Rand, Rocheleau, Rollins, Santoro, Shaw, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Theriault, Trask, Wheeler, Wight.

ABSENT — Carrier, Cummings, Fecteau, Hanson, Jalbert, Lawry, Lewin, Orestis, Pratt, Sheltra, Tanguay, Williams.

Yes, 68; No, 70; Absent, 12.

The SPEAKER: Sixty-eight having voted in the affirmative and seventy having voted in the negative, with twelve being absent, this Bill fails of enactment.

The Chair recognizes the gentleman from Standish, Mr. Simpson. Mr. SIMPSON: Mr. Speaker, I would move we reconsider our action where we failed to enact this piece of legislation and I would ask that you vote against me.

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

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

The SPEAKER: The gentleman from Bath, Mr. Ross, now moves that the motion of the gentleman from Standish, Mr. Simpson, that the House reconsider its action, be tabled for one legislative day. The Chair will order a vote. All in favor of this reconsideration motion being tabled for one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that the House reconsider its action whereby this Bill failed of passage to be enacted. The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken. 65 having voted in the affirmative and 70 having voted in the negative, the motion did not prevail.

Sent to the Senate.

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

An Act to Authorize a Food Stamp Program for Piscataquis County, Sagadahoc County, Aroostook County, Penobscot County, York County, Oxford County and Washington County (H. P. 1143) (L. D. 1584)

Tabled — June 7, by Mrs. White of Guilford.

Pending — Passage to be enacted.

On motion of Mrs. White of Guilford, retabled pending passage to be enacted and specially assigned for Friday, June 11.

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

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

Tabled — June 7, by Mr. Hancock of Casco.

Pending — Passage to be enacted.

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

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

House Amendment "C" (H-436) was read by the Clerk.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I would ask the gentleman if he would explain the effect of the amendment.

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

The Chair recognizes that gentleman.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: If you would look at your bill, on page four under the capital letter "C", 3, Variance, the purpose of my amendment would change this section somewhat. In the bill as it is now written the only way that a planning board would take into consideration that a person's plea that some variance be granted would be if his constitutional rights were being violated. To me this seems to be a little bit unduly restrictive and not flexible enough. So I am replacing it with this amendment which would say that strict application of the ordinance, if it should cause undue hardship to the petitioner, or the strict application of the ordinance is not in the best interest of the community, then the variance should be granted. It would seem to me that this would be reasonable.

If you will notice the title of the bill, it is An Act to Make Municipal Planning Legislation Consistent with Home Rule"—repeat, "Consistent with Home Rule. My amendment makes it a lot more consistent with home rule than the way that the bill is written at the present.

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

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

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

Tabled—June 7, by Mr. Shaw of Chelsea.

Pending — Passage to be enacted.

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

Mr. BRAGDON: Mr. Speaker, I wish to thank the members of the House for allowing me to table this matter from day to day as they have. We have accomplished the purpose to which some members of the Appropriations Com-

mittee looked forward to, and I now move that this bill be passed 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 fifth tabled and today assigned matter:

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

Tabled—June 7, by Mr. Starbird of Kingman Township.

Pending — Passage to be engrossed.

On motion of Mr. Curran of Bangor, retabled pending passage to be engrossed and specially assigned for Friday, June 11.

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

HOUSE JOINT ORDER — Re Furnishing Maine Revised Statutes Annotated to Certain Members and Legal Clerks of the Joint Standing Committees on Judiciary and Legal Affairs.

Tabled—June 8, by Mr. Martin of Eagle Lake.

Pending — Passage.

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

Mr. PORTER: Mr. Speaker, I move this joint order be indefinitely postponed.

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

Thereupon, Mr. Norris of Brewer requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. Porter, that this Joint Order be indefinitely postponed. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

78 having voted in the affirmative and 40 having voted in the negative, the motion did prevail.

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

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

— In Senate, passed to be engrossed as amended by Committee Amendment "A" (237)—In House, Committee Amendment "A" adopted.

Tabled—June 8, by Mr. Dam of Skowhegan.

Pending — Passage to be engrossed.

On motion of Mr. Dam of Skowhegan, retabled pending passage to be engrossed and tomorrow assigned.

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

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

Tabled—June 8, by Mr. Birt of East Millinocket.

Pending — Passage to be enacted.

On motion of Mr. Birt of East Millinocket, under suspension of the rules, the House reconsidered its action of June 4 whereby it receded and concurred with the Senate.

On further motion of the same gentleman, the House voted to recede from passage to be engrossed.

On further motion of same gentleman, the House voted to recede from the adoption of House Amendment "A", and indefinitely postponed same.

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

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

House Amendment "A" to Committee Amendment "A" (H-440) was read by the Clerk and adopted. Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

An Act to Regulate Industrialized Housing under the Maine

State Housing Authority (H. P. 1345) (L. D. 1764)—House, passed to be engrossed as amended by Senate Amendment "A" (S-230).

Tabled—June 8, by Mr. Jalbert of Lewiston.

Pending—Motion of Mr. Carey of Waterville to indefinitely postpone.

On motion of Mr. Carey of Waterville, under suspension of the rules, the House reconsidered its action of June 3 whereby it receded and concurred with the Senate.

On further motion of the same gentleman, the House voted to recede from passage to be engrossed.

Senate Amendment "A" (S-230) was read by the Clerk and adopted in concurrence.

Mr. Carey then offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-435) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. CAREY: Mr. Speaker and Members of the House: I have been asked by some of the members what the amendment does, and what it does, it tells the members of the State Housing Authority that they can either become members on this nonprofit corporation or they can stay as members of the State Housing Authority, but they can't have both. And this removes many of the objections that I found with this bill.

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

The Chair laid before the House the tenth 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 8, by Mr. Marsteller of Freeport.

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

Thereupon, the pending motion prevailed.

Mr. Starbird of Kingman Township offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-439) was read by the Clerk and adopted and the Bill passed to be engrossed as amended and sent to the Senate.

The Chair laid before the House the eleventh 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 a 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 8, by Mrs. Lincoln of Bethel.

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

Thereupon, the pending motion prevailed and the Bill was read twice.

Senate Amendment "A" (S-246) was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

The Chair laid before the House the twelfth tabled and today assigned 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)

Tabled — June 8, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I perhaps got ahead of what I intended to. Still, if I could understand the effect of this amendment that was offered I would have no objection to it being offered.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: For a while I thought the gentleman from Perham had changed his mind and was going to be supporting me and wanted to go first.

I offer House Amendment "A" to L. D. 1802 and move for its passage and would speak briefly.

House Amendment "A" (H-442) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The amendment would do three things to the surplus appropriations for the University of Maine.

1. It would remove from the bill renovations to Corthell Hall, \$100,000, and would add two renovations or additions. One is Augusta, the library class room \$250,000 and second, Presque Isle, emergency library account, \$250,000.

Now let me very briefly tell you a little bit about all of this so that you will have some idea of what we are going to be voting upon. The Appropriations Committee as you will recall reported out this bill with three reports, A, B, and C. We accepted, as I recall it, Report B which called for taking \$1.3 million out of surplus and giving it to the University of Maine in the form of L. D. 1802.

Now basically the problem with it is this. It was the understanding of the trustees and the Chancellor of the University that if surplus was going to be the method that was going to be used to give money to the University, they would then have an opportunity to revise and review the priorities that would be established. For some reason, foolishly I might add, they were led by some people to believe that there was the opportunity to get both the bond issue and surplus account. And of course all of us realize that that is impossible.

What happened, however, when we defeated the Capital Bond Issue we did not go back to the University to find out their priorities and their real serious needs. I repeat, they thought they were getting both. But the reason why Corthell Hall is being eliminated is a very simple one. The renovations that would be done to Corth-

ell Hall would be on the third floor and those renovations would be for basically office space for the professors, and I grant you that they need it at Gorham, but the point is that there are two other projects that are much more needed and are higher in terms of priority to the University than Corthell Hall's renovations.

And so what they have asked in effect is to remove Corthell Hall and replace it with two other programs. One is Augusta. Now here is the problem with Augusta. We went through it two years ago, but let me just relate it to you for those that were not here. For the third year in a row the University of Maine has turned back funds from the federal government from the program called Federal Community College Fund. If the money is not matched this year or at the very latest by the end of this fiscal year, the money that is possible to get for Augusta would lapse. It would mean that when the library is constructed at Augusta that the State would have to absorb the entire cost.

The federal government under this program, and this is the only campus of the University that qualifies for Federal Community College money, would be eligible to receive 40% of its money from the federal government. At the present time Augusta, even though it is the third largest unit within the University system, it does not have an adequate library. Now basically we are talking of 18,000 square feet for \$250,000. In terms of buildings, and I am sure the gentleman from Waterville who has been talking construction costs to us throughout the session realizes that and I am sure would agree that this is a pretty good deal in terms of getting our money's worth.

The second amount that is included in the amendment is \$250,000 for the library at Presque Isle. Let me tell you what the story behind this one is. The library in Presque Isle is presently located within the administration building. The administration building is one of the oldest on campus if not the oldest building on campus. It has a problem. There are too many books in the library al-

ready for that particular structure. Now you may argue let's get rid of the books. Well in order for Presque Isle to qualify and be an accredited college it would have to have a certain number of library books. And so there is no question; you either keep the books or you lose the accreditation. I think we ought to keep that in mind.

Now basically since the bond issue is defeated and there was a library within the bond issue for Presque Isle, this money would be used to in effect enlarge the wall structure within the existing building of the library and move out some of the administrative offices into another building that can be renovated. And so the cost of both of these projects would come to \$250,000.

Before I am attacked again let me say that I am not funding what I am proposing. The difference of course is \$400,000. I have been assured by the budget office, the Legislative Finance Office, that we have not depleted the Surplus Account, and this won't do it. The decision is yours, but I think it is a decision that we have to make. The University has asked us to decide upon their priorities as they requested. If we choose to ignore them that is our prerogative, but at least no one can argue that they have not been brought before us. And so I would ask you to adopt House Amendment "A", and when the vote is taken I request that it be taken by the yeas and nays.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I would like to make some observations from the procedural basis in the introduction of this amendment. We in the 105th Legislature today pretty much follow the procedure whereby appropriations matters have been handled in the Appropriations Committee. I would like to register my personal doubt of this procedure which we are following this moment whereby individual members are offering amendments to appropriation matters which perhaps have already been heard in Appro-

priations and they are not in accordance with the recommendations of the Appropriations Committee. I would hesitate to see our daily sessions here become in effect Appropriations hearings on matters and our attempting to second guess the Appropriations Committee, and I would hope that you would consider this and if it seems to have any merit to you that we back off from this procedure.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I don't want to speak for or against this amendment, but I am just kind of surprised like Mr. Susi that if there was an amendment that was going to be offered, and I know that it is not an uncommon thing for one of us to offer amendments such as this that didn't come from the Appropriations Committee, and I would like to ask some member of the Appropriations Committee, were you approached on this item?

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I would gladly answer the question of the gentleman from Bangor, Mr. Kelleher. So far as I know this never was brought up before the Appropriations Committee. I am kind of slow to grasp, we will say, perhaps the implications of amendments. I was going to ask the gentleman if he had merely substituted so that it did not affect the total amount of the Part II budget but I think he explained that, and if I am wrong he will correct me in saying he does add another \$400,000 to the Part II budget. If I am wrong there you will correct me.

If he is merely substituting, I as a member of the Appropriations Committee am in a very difficult position to oppose his amendment. However, inasmuch as it obviously does take matters that were considered by the Committee on the recommendation of the Trustees of the University of Maine, it does substitute matters from some other

area. I am in a difficult position and I would look to some other member of the Appropriations Committee perhaps to take some position on this. I am definitely opposed to changing at this time the total amount of the Part II budget. If this does this I would have to oppose it on general principles. If other areas where Mr. Martin's amendment does take away from other areas and give them to Presque Isle—this never was brought up before the Appropriations Committee and we have never had a chance to consider it as a committee and this is the problem which I face.

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

Mr. BIRT: Mr. Speaker and Members of the House: I completely agree and support the comments that have been made by the previous speaker and the fact that these were not discussed. At the time that the capital construction program was presented to the Appropriations Committee by the University of Maine there were two large bond issues, one in excess of \$19 million and another one slightly larger of \$27 million for capital construction. The Appropriations Committee — this was referred to in a joint hearing of the Appropriations and Education Committees. The Education Committee did make some recommendations that a smaller bond issue be submitted to the people, which was in actually Report B of the report that came from the Committee. Now this did not come from the Education Committee with a unanimous report, in fact, if I remember right, it was divided almost equally, 7 to 6 in support of this.

The Appropriations Committee considered this and consulted with the University as to what they might want for just general house-keeping that could be funded out of surplus. The recommendation that was submitted to you in the original bill, L. D. 1802, were the recommendations from the University, and I know that there was some support because I have talked with some people from the University that this was a pro-

gram that they thought would be the very minimum program that they would have.

Now as has been pointed out, and this is true, that the items that are listed in the amendment before you were not submitted to the Appropriations Committee, they have not been discussed in the Appropriations Committee, and I think the Appropriations Committee, as has been pointed out and mentioned by the Majority Leader, hope that the Legislature would support our action this year in the efforts that we have recommended to you. And as a result, I would move the indefinite postponement of this amendment and I would ask for a division.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: First in reference to the remarks of the gentleman from Pittsfield, Mr. Susi. I am sure that he is not saying that any member of this House who does choose to put an amendment to a bill loses his prerogative because the bill goes to the Appropriations Committee. I certainly hope that is not the case, even though I have served as a member of that committee. Of course I am not a member of it now. I would hope that we do not give any committee the power to become almighty and that their reports cannot be amended, and I am sure that the members of the committee don't say that this ought to be the case.

If the members of the committee honestly feel that there has not been a communication on the part of the committee with the University, I can understand that. But there is one thing that I want to point out and make very clear. It is my understanding and perhaps I am in error, but that a communication did take place from the University to either the staff or to the members of the committee. I am also under the impression that an agreement had been reached between the staff and the members of the Appropriations Committee, or both, with someone within the University, if the bond issue would not go anywhere that

only the surplus items were to remain "that someone was going to come back to us to review priorities in our surplus account." I choose to include those words in quotes because this is what I was told. If this is in error and you people have not, the people on the Appropriations Committee have not discussed these two items and the new priorities are not ones with which you are familiar, I certainly don't want to cast any shadow of doubt upon the members of the Appropriations Committee nor do I wish to do so upon the University, but merely to say that perhaps someone knew about it. I would suggest that the proper approach to take today might be to table it so that someone from the Appropriations Committee could then talk with the University to see what — if you are going from \$1.3 million — how the University would set up its priority to spend that \$1.3 million or any other amount that the Appropriations Committee would choose to do so.

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

Mr. CAREY: Mr. Speaker and Members of the House: I support the motion to indefinitely postpone this amendment. The amendment would take out a number eight priority item and replace it with an item which had number 14 priority and number 12 priority.

Now, the Appropriations Committee has met several times with the University of Maine. They were given their option, as the gentleman said, to come up with what could be spent out of the surplus, and they have done this. Now whether the gentleman says yes or no makes no difference to me. I sit on that committee. I am well aware that the University, as typical of the University, has had that option, and they have had more options than many of the departments that we have.

I have got a pile of correspondence here from the Finance and Administration, Veterans Services, Indian Affairs, Mental Health and Corrections, Department of Economic Development. They all want a share of this Part II budg-

et, and I am telling you that along with this item, if we continue to add amendments to this thing it will get beyond what we have for resources, and we won't be able to pick up the tab on it.

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

Mr. GILL: Mr. Speaker and Members of the House: I would like to make a correction, I believe I am right, just so this thing won't be confused a bit more, because there seems to be a problem of communication. Several of the speakers have referred to this as a Part II in the budget. I don't believe it is. And I am awful glad at least they are not trying to amend that today. This is what came in originally as a bond issue request. And as you know, the other day we accepted the draft of taking some money from surplus for these things. The gentleman from Eagle Lake, I believe, is speaking in good faith from what he understands it. But to the best of my knowledge, on the Appropriations Committee we were presented by the University what they would like in a bond issue at the bottom of a page; what they would like in their unappropriated surplus if we chose not to give them a bond issue; or if we chose to give them both.

As far as I know, this is all the communication that we had from them. I do know that we have been more than willing to consider priorities in this manner, because of what the overall financial situation in the state is at this time. And so therefore, we made a point to try to listen to what they want.

Therefore, it comes back to the question of communication. For some reason we did not get the word. And as the past speaker stated, we are still getting requests to be included in Part II. And frankly, I am in a little bit of a quandary as to how these items all of a sudden can become a great priority when perhaps two weeks ago they were not. I am confused.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Parks.

Mr. PARKS: Mr. Speaker, I

move this item lie on the table for two legislative days.

The SPEAKER: The gentleman from Presque Isle, Mr. Parks, moves that L. D. 1802 be tabled for two legislative days, pending the motion of the gentleman from East Millinocket, Mr. Birt, that House Amendment "A" be indefinitely postponed.

Whereupon, Mr. Bragdon of Perham requested a division.

The SPEAKER: A division has been requested on the tabling motion. If you are in favor of tabling for two legislative days you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

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

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

Mr. BRAGDON: Mr. Speaker and Members of the House: At this time, and after the debate we have already had on this, I think I am prepared to make a statement which would represent my thinking. I realize that this is a matter that does affect the area which I am closely associated with and I have had requests and telephone calls from two or three people in that area which I have not had time to answer. I think I can just as well make my decision before I answer the telephone calls.

I think that we are getting into a rather dangerous area here when we start shifting these priorities. I see no reason to, if we attempt to correct all the errors, perhaps, that the Appropriations Committee has made. If we attempt to correct them all here in this body, it may extend the session for another week or two, which I wouldn't object to because I am getting good pay.

I think this is a dangerous procedure and I have to go along, in spite of the fact that I do have great sympathy for the people of Aroostook County and all their requests. I do have to go along with the motion, I believe, to indefinitely postpone this amendment.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The point that I think I want to make, if I can't make it any clearer — let me try once more. I am sorry if the Appropriations Committee did not know that these two items had been moved in the list of priorities or were to be moved if the bond issue was defeated here. It is my understanding that they had informed someone related with the Appropriations Committee that if the bond issue did not go, they would like to review the list of priorities.

Now in view of that, since the tabling motion has been defeated,

and obviously this amendment will be defeated, because the members of the Appropriations Committee have spoken against it, and also because I get the feeling that there is not going to be any further communication, I would now withdraw House Amendment "A" and I will vote against the final passage when it comes back.

Mr. Speaker, I withdraw House Amendment "A".

Thereupon, the Bill was passed in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Immonen of West Paris. Adjournment until nine o'clock tomorrow morning.