

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, June 15, 1971

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

Prayer by the Rev. Mr. Lawrence Merckens of Hallowell.

The journal of yesterday was read and approved.

On request of Mr. Susi of Pittsfield, by unanimous consent, unless previous notice is given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk be authorized today to send to the Senate, thirty minutes after the House recesses for lunch and also thirty minutes after the House adjourns for the day, all matter passed to be engrossed in concurrence and all matters that require Senate concurrence: and that after such matters have been so sent to the Senate by the Clerk, no motion to reconsider shall be in order.

Conference Committee Report

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

Bill "An Act Increasing Minimum Salaries for Teachers" (S. P. 162) (L. D. 484) reporting that they are unable to agree.

Signed:

BITHER of Houlton
LUCAS of Portland
TYNDALE of Kennebunkport

— Committee on part of House.

KATZ of Kennebec
GREELEY of Waldo
DUNN of Oxford

— Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

Papers from the Senate**Non-Concurrent Matter**

An Act to Create the Maine Historic Preservation Commission (S. P. 159) (L. D. 428) which was passed to be enacted in the House on April 13 and passed to be engrossed as amended by Committee Amendment "A" on April 8.

Came from the Senate passed to be engrossed as amended by

Committee Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Ross of Bath, the House voted to recede and concur.

Non-Concurrent Matter

An Act relating to Defenses for Holders of a Retail Installment Sale Agreement (S. P. 616) (L. D. 1801) which was passed to be enacted in the House on June 14 and passed to be engrossed on June 10.

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

In the House: On motion of Mr. Carter of Winslow, the House voted to recede and concur.

Non-Concurrent Matter

Majority Report of the Committee on State Government on Bill "An Act to Create the Office of Ombudsman" (H. P. 139) (L. D. 194) reporting same in a new draft (H. P. 1405) (L. D. 1825) under title of "An Act Establishing the Office of Legislative Liaison" and that it "Ought to pass" and Minority Report reporting "Ought not to pass" on which the House accepted the Majority Report and passed the Bill to be engrossed on June 14.

Came from the Senate with the Minority Report accepted in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

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

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

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

Mr. BIRT: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that the House recede and concur.

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

Mr. ROSS: Mr. Speaker and Members of the House: I oppose the motion to recede and concur. I think this would be a very valuable tool for the legislators in this House. If we had some one person we could go to to solve all the various individual problems we get back home, it certainly would save us many trips here to Augusta. I would hate to be the man to take the job because it would be a most difficult job. But I hope we vote against the motion to recede and concur and that we vote along with the motion to insist and request a Committee of Conference.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have no particular qualms with the bill or with the redraft, but before we vote we ought to keep in mind that we are no longer talking about the office of the ombudsman. We are now talking about adding two individuals within the Legislative Research to become legislative liaison officers. Anything that will give us more staff I am going to buy, and so I am going to vote against the motion of the gentleman from East Millinocket, Mr. Birt.

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

Mr. BIRT: Mr. Speaker and Members of the House: There are a couple of points in this bill that bother me a great deal. If this bill were primarily set up to set up a liaison officer for contact it might look altogether different to me. But in section three there is set up a public relations officer of the Legislature to convey information regarding activities of the Legislature to the people of the state via the various news media in accordance with policies established by the Legislative Research Committee. I am afraid that we are getting into an area there in which we are setting up a public relations director for the Legislature to just send out information to the press. I think this is going a long ways from just a liaison officer.

I feel personally that this is a

serious mistake. I think that it is an area that we do not want to get into. And I would hope that you would recede and concur with the Senate.

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

Mr. ROSS: Mr. Speaker and Members of the House: In relation to the last remarks of the gentleman from East Millinocket, Mr. Birt, I think if there is anything this Legislature does need it is a public relations officer to let the people know how hard the people in this Legislature work and what we do to accomplish the wishes of the people back home. I firmly support the bill, and I am against the motion.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I feel that this is a good bill. It came out of the State Government Committee, after a lot of research, 12 to 1 "ought to pass." And when the vote is taken I would ask for a roll call.

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

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: This bill came out of the State Government Committee after a lot of thought and discussion, and it seems to me that Mr. Birt's question about the one phase of it doesn't mean that the whole idea is bad. I think we have talked about strengthening the Legislature and strengthening the staff of the Legislature and here is an opportunity to do it. And if the part that Mr. Birt objects to is written improperly, it certainly can be corrected in a Committee of Conference. I hope you will vote against the motion.

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

Mr. GILL: Mr. Speaker and Members of the House: I rise to support the passage of this document. I would simply say that the fact that we might retain a public relations officer, or this would be one of the duties, would be some-

thing that would be good, because I would point out that even the 105th has passed some legislation that is good. However, from reading the press you would not be aware of this.

I would also point out that not only do our department heads have an extensive amount of staff for research, but there are some that employ public relations people themselves. And certainly if these bureaus, who are constantly trying to snow us under, and I might include the University of Maine, then I would point out that if they are entitled to someone to get their story across I certainly believe that we are.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: It looks to me as though we are trying to go two ways at the same time. We are involved in attempting to reorganize state government; we are faced with over 200 departments already; every little while we are fighting someone who wants to organize a new commission, a new department, and here we are starting something that can mushroom into a tremendous department. I say we don't need it. If we need someone to serve this purpose under the Legislative Research group, let us put someone in there and not give them a new department which this would make itself into.

By looking on page two, paragraph 2, Citizen liaison, how long do you think one or two people would be able to take care of all of the requests that would come from the citizenry of a million people in the State of Maine relative to state government? We would have a department there very shortly that would be as big as any of our administrative departments in the state. And I believe that this is the wrong approach entirely. Of course it also goes along with the fact that I have always opposed the ombudsman idea anyway.

But in the first place, as Mr. Ross has so eloquently stated, the only person who could qualify for this was crucified two thousand

years ago, and we don't have anybody who can fill that category. I think that it should be somebody, just an additional staff member, who can do this work and do it under our present setup, without setting up another department. And I surely agree and will go along with Mr. Birt's motion to recede and concur.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen: I want to assure you that at least one member of the State Government Committee is not up tight about this, but I do think that there is a little bit of misconception of what we are trying to do here. In the first place, this is not truly an ombudsman; we are the ombudsmen. This is what we are sent here for by our people. We are the ones that should take our people's part between the bureaucrats and the rest of the public and this sort of thing — look up the laws for them; try to help them with their problems.

But it is most difficult when I get home to do this without running back to Augusta. And for instance, in my case I have about 180 miles to run back to get here and another 180 miles to go home. Now it would be nice if I could call someone on the phone and tell them the problem and get that someone here to go over to the bureau or department and find out what the trouble seems to be and report back to me.

Now the public relations is another part of it. I do think that the legislature does need some public relations, but primarily I think that this is something to assist us in taking care of some of the little problems that we have after we get out of session. We can do it pretty well while we are here, but when we go home it is quite difficult in many instances to take care of even a simple matter. This is something for you to consider and vote on. We think it is good; we hope you will think it is good.

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 East Millinocket, Mr. Birt, that the House recede from its former action and concur with the Senate in accepting the Minority "Ought not to pass" Report on Bill "An Act to Create the Office of Ombudsman," House Paper 139, L. D. 194. If you are in favor of receding and concurring you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Barnes, Bartlett, Birt, Boudreau, Bragdon, Brawn, Bunker, Call, Carey, Carrier, Churchill, Crosby, Cummings, Cyr, Evans, Hall, Henley, Hewes, Jutras, Lee, MacLeod, McNally, Mosher, Page, Payson, Porter, Rocheleau, Shute, Simpson, T. R.; Trask, Wheeler, Williams, Woodbury.

NAY — Albert, Bailey, Baker, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Bither, Bourgoin, Brown, Bustin, Carter, Clark, Clemente, Collins, Cooney, Cote, Cottrell, Curran, Curtis, T. S., Jr.; Dam, Donaghy, Dow, Doyle, Dyar, Emery, D. F.; Farrington, Faucher, Fecteau, Finemore, Fraser, Gauthier, Genest, Gill, Good, Goodwin, Hancock, Haskell, Hawkens, Hayes, Herrick, Hodgdon, Immonen, Jalbert, Kellerher, Kelley, R. P.; Keyte, Kilroy, Lebel, Lessard, Lewin, Littlefield, Lizotte, Lucas, Lynch, Maddox, Mahany, Marsh, Marstaller, Martin, McCloskey, McCormick, McKinnon, McTeague, Millett, Mills, Murray, Norris, Parks, Rand, Rollins, Ross, Scott, Shaw, Silverman, Simpson, L. E.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Theriault, Tyndale, Vincent, Webber, White, Whitson, Wood, M. W.; Wood, M. E.

ABSENT — Conley, Curtis, A. P.; Drigotas, Dudley, Emery, E.

M.; Gagnon, Hanson, Hardy, Kelley, K. F.; Kelley, P. S.; Lawry, Lewis, Lincoln, Lund, Manchester, Morrell, O'Brien, Orestis, Pontbriand, Pratt, Santoro, Sheltra, Starbird, Tanguay, Wight.

Yes, 34; No, 91; Absent, 25.

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

Thereupon, the motion of Mr. Rollins of Dixfield that the House insist and ask for a Committee of Conference did prevail.

Non-Concurrent Matter

An Act to Revise Laws Relating to Outdoor Advertising (H. P. 605) (L. D. 807) which failed passage to be enacted in the House on June 9 and which was passed to be engrossed on May 27.

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

In the House:

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

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

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker, moves that the House recede from its former action and concur with the Senate.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I suppose if you want to really pull a good parliamentary maneuver one of the best things to do is to try to get an amendment onto a bill in this body that would try to solve a compromise and try to do something that would help everybody and not be able to do so and have it defeated. And then you have to come back and take on the whole bill, and this is just exactly what we did do and the bill was killed here in this particular body, and then it was sent to the other body, where an amendment was attached to it, and I suppose as I said that one of the best ways to make a good parliamentary maneuver is to put

an amendment on that means nothing but hopefully think that the members of this body will look at it and say, "Well that amendment tried to accomplish what was hoped to be done here."

What I would ask you to do is to look at the amendment that was put on in the Senate and then take a look at Section 6 in the bill that we have before us, and all it is it is just a rewording and a change of clauses and a change of phrases, and it has done nothing to the bill other than just turn it around so that we can debate it here again.

You know this morning I had the opportunity to drive the turnpike once more and I got on at Gray and I saw one particular sign that would come under this particular bill. Then I drove something like sixty miles, or fifty-five miles; and over that fifty-five miles stretch I saw some real beauty that we think about when we are in Maine. I saw good rural fields, a lot of woods, a lot of green. I had my windows open and I could breathe good fresh air. And then when I approached Augusta I saw probably a quarter of a mile stretch that I would say was commercialized. Now I wonder if we start talking about a quarter mile stretch out of a fifty-five mile stretch of road, that that quarter mile stretch is certainly to be looked upon as being bad for the State of Maine.

Now I know that there are people, especially the garden clubs in this state, since this bill was originally taken on that have called a lot of you, have written a lot of you and everything, and they are using the arguments of billboards. Well we are not talking billboards here, and as I said the other day that I am opposed to billboards myself. What we are talking about here are on-premise signs, and on-premise signs are signs that are on my property, your property if you are in business, or anybody else's property. I think there is a big difference when we start talking about how I can advertise to entice people to come into my place, into your place, or into your constituents' business.

I am reminded of a story that

somebody told me here on the House floor, that when somebody from a garden club called them and asked them about a particular billboard issue that is before you which is not a billboard issue, that that person asked the woman, "Do you have a fence around your house?" And she said, "Oh, yes." And he asked her why. And she said, "Well, because it adds to the beauty of my house." And he said, "Did you ever stop to think that that fence might be offensive to the man next door?" And she said, "Oh, no."

So I think it comes down to what is offensive and what is reasonable and what makes sense. I don't think these on-premise signs are costing us \$50 million to take and clean up, such as some of our waterways, and such as some of our air and so forth. I don't look on these signs as pollution; I look at them as a means of a man making a living.

Now we heard yesterday that this state relies on a seasonal business, a very short seasonal business, and these people have to make a living in a very short season and in a hurry.

I would also remind you that people have told you that these signs are put up by the big money interests. I don't care who puts the sign up. That man that is running that motel, that hotel, that restaurant or that filling station, or any other business is a businessman who is either running that or buying it on a franchise or something, but he is a local man employing local people and paying local taxes and he wants to stay in business. I don't know as this body ought to be in the position of trying to put him out of business.

Maine is built on small businesses. We have some large businesses, but you just take a look around this state as to how many small businessmen you have in this state and stop to think what we are doing. Now we are talking primary roads. I will submit to you that this bill will be in here this time for primary roads and next time it will be in here for secondary roads and all the other roads in the State of Maine.

Now if we want to deal with a problem such as this, let's let it deal at the local level through our local zoning ordinances and if a town doesn't want a zoning ordinance then that's the price they will have to pay. I don't feel that we should start to regulate now state-wide signs that are going to pertain to some little local problem that they can solve themselves and offer a variance if they had to. There is no variance in here; a man complies with it or he doesn't.

Ladies and gentlemen, I hope you will stick with your actions of the other day. I hope you will protect the small businessmen in this state, and I hope you will look upon this as sensible legislation — and if you remember rightly, I quoted the other day from the Maine Environmental Bulletin put out by a man by the name of Marshall Burke, who is Executive Secretary, who in that bulletin said that we have to get along with the economic interests in this state as well as the environmentalists in this state, only the next day to have the headlines in the Kennebec Journal rip this legislature from stem to stern because of a lack of passage of good solid legislation which would be in his mind and his eyes only.

Ladies and gentlemen, turn down this motion. Let's adhere to our problems and not start throwing these things back and forth and lengthen our session.

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

Mrs. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: I would point out once more that this proposed legislation allows all businesses to advertise on their own property, for the most part, just as they have been doing. The 25-foot high provision for on-premise signs is the same height provision that is in our present statute for off-premise signs. This seems reasonable and fair.

Senate Amendment "B" clarifies the fact that business establishments are permitted to have signs 25 feet in height from ground level, which in 99 per cent of the cases is approximately the same as the road level on which

the businesses are located. They are also permitted signs to advertise ten feet above the roof of the building. They are permitted ten other signs on their property, they may have one 50 feet away.

Thus, a large majority of our business establishments have no need for 60, 70 and 80 foot signs and under this proposal can well advertise their business. This creates no hardship for these small merchants that are off the Maine turnpike.

However, this legislation would provide a special advantage being given to a favored few wealthy and, for the most part, out-of-state interests who can afford to buy property adjacent to the interchanges on our interstate and who in turn, because the land is below the only elevated road we have in the state, erect these 60, 80 and 90 foot signs.

These high-rise signs are a calculated attempt to circumvent the federal and state law that we passed in 1969 to protect the scenic quality along our interstate and primary highways. I would call to Mr. Simpson's attention that the reason he had fifty-five miles of land that he could look at and view is because we have passed these laws as far back as '58.

Anyone can see that this present proposal would really only affect a few segments of some 300 or 400 miles of our interstate — a very small portion of our highway system and a very small portion of our business interests. Anyone can also see that if we continue to allow this type of sign to proliferate we will be taking a backward step. If this proposed legislation is not implemented, nothing is to prevent 20 or 30 or even more of these high-rise monstrosities at every intersection, which we see in other parts of the country.

Actually, this new type of advertising is a product, for the most part at present, of our big oil companies. They are the ones who have lobbied against this bill. The State Highway Commission has provided information which they put on the exit signs saying there is fuel, lodging, restaurants and so forth. At most of the interchanges you can find all kinds

of gasoline competing for the traveler's dollar.

I speak for the thousands of Maine citizens and property owners who live in your towns and pay the gas tax to build our roads and who have objected in the past and object strenuously now to any further blight being created along our interstate and primary roads. They realize that tourists are attracted to Maine by its particular scenic beauty and not because of signs. As citizens of Maine they want the privilege of traveling themselves and viewing the Maine scene without objectional signs.

I ask you to support the motion to recede and concur and when the vote is taken I request a roll call.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to support the gentleman from Standish, Mr. Simpson. I shall give you one experience that I have had with those high signs. A short while ago I was in Boston, Mass. and had to leave Boston, Mass. to go to Berlin, New Hampshire, and I took Route 93 which I had never travelled before, and I kept on going along. I couldn't find any filling stations and it was getting dark — in fact it was dark. And all of a sudden I saw one of these high rise signs, and I needed gas badly or I would have been stuck on that road and I don't know for how long. So I drove off the road, got my gas, got back on the road and kept on going. And if it wasn't for one of those high rise signs I probably would have been stranded there half the night.

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

Mrs. BOUDREAU: Mr. Speaker and Members of the House: I don't usually get involved in this type of legislation, but I would like to read a section of a letter from the City Manager in Portland. He says, — "The City of Portland is presently faced with a very unhappy situation which I think this Bill would have remedied had

the law been in existence. This particular situation results in a Zoning Board of Appeals granting to Sun Oil Company approval to erect a sign approximately 80' in height near Exit 8 of the turnpike. This particular location has become quite unsightly with a variety of signs, each one in competition of another for a preferred location and height."

I would hope that something could be worked out as a compromise so that this whole bill would not be killed.

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

Mr. MORRELL: Mr. Speaker and Members of the House: I rise in support of Mrs. Brown of York. I do not think that this kind of legislation would be harmful to the small businessman. I think that all businessmen would have a clearer shot at the passing public on the interstate highway through the use of directory advertising, rather than permitting those relatively small number of small businessmen allied with the larger national concerns, who put up the signs, giving them I think a somewhat unfair advantage.

I would hope that we would pass this legislation and then we would make a real effort to perhaps develop more finely a directory type of advertising on the interstate which would favor all businessmen, little, large and what have you.

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

Mr. CURRAN: Mr. Speaker and Members of the House: I would like to endorse the statements of Mrs. Brown and Mr. Morrell. Those are my statements and I won't add to them.

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 gentlewoman from Orrington, Mrs. Baker, that the House recede from its former action and concur with the Senate on An Act to Revise Laws Relating to Outdoor Advertising, House Paper 605, L. D. 807. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Baker, Bartlett, Bernier, Berry, P. P.; Binnette, Birt, Bither, Boudreau, Bourgoin, Brawn, Brown, Bustin, Clark, Collins, Cooney, Cottrell, Crosby, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Doyle, Dudley, Emery, D. F.; Evans, Farrington, Fecteau, Finemore, Gagnon, Genest, Gill, Good, Goodwin, Hall, Hancock, Hardy, Haskell, Hawens, Hayes, Hodgdon, Immonen, Jalbert, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Lawry, Lebel, Lewin, Littlefield, Lizotte, Lucas, Lund, Lynch, MacLeod, Maddox, Mahany, Marsh, Martin, McCloskey, McKinnon, McNally, McTeague, Millett, Morrell, Mosher, Murray, O'Brien, Page, Payson, Porter, Ross, Scott, Shute, Silverman, Smith, D. M.; Smith, E. H.; Stillings, Susi, Theriault, Tyndale, Vincent, White, Whitson, Wood, M. W.; Woodbury.

NAY — Albert, Bailey, Barnes, Berry, G. W.; Berube, Bragdon, Bunker, Call, Carey, Carrier, Carter, Churchill, Clemente, Cote, Cyr, Dam, Donaghy, Dow, Dyar, Faucher, Fraser, Gauthier, Henley, Hewes, Jutras, Kilroy, Lee, Lessard, Manchester, Marstaller, McCormick, Mills, Norris, Parks, Rand, Rocheleau, Rollins, Shaw, Simpson, L. E.; Simpson, T. R.; Slane, Trask, Webber, Wheeler, Williams, Wood, M. E.

ABSENT — Bedard, Conley, Drigotas, Emery, E. M.; Hanson, Herrick, Kelley, P. S.; Lewis, Lincoln, Orestis, Pontbriand, Pratt, Santoro, Sheltra, Starbird, Tanguay, Wight.

Yes, 87; No, 46; Absent, 17.

The SPEAKER: Eighty-seven having voted in the affirmative, forty-six in the negative, with

seventeen being absent, the motion to recede and concur does prevail.

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

Mrs. BROWN: Mr. Speaker, I would now ask that we reconsider our action where we voted to recede and concur, and that you vote against me.

The SPEAKER: The gentlewoman from York, Mrs. Brown moves that the House reconsider its action whereby it receded and concurred. All in favor of reconsideration say aye; those opposed say no.

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

Non-Concurrent Matter

Bill "An Act Increasing the Gasoline Tax" (H. P. 403) (L. D. 516) on which the House accepted the Minority "Ought not to pass" Report of the Committee on Taxation on June 2.

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

In the House:

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

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

The SPEAKER: The gentleman from Caribou, Mr. Collins, moves that the House recede from its former action and concur with the Senate.

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

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen of the House: I would hope that you would reject the pending motion on the floor here, so that we might adhere to our former action and kill this bill which is on the gasoline tax. When the vote is taken I would request that it be taken by the yeas and nays.

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

Mr. BARNES: Mr. Speaker and Members of the House: I want to support the motion of the gentleman to recede and concur.

The legislation as proposed in L. D. 516 provides for a one-cent

increase in the present 8-cent per gallon tax. This proposal would provide a very significant portion of the funds that are needed to continue the highway construction program in this state.

I served on the Highway Study Committee that was created by the last session of the Legislature. The Committee inquired at great length into all of the matters relating to highway operations, one of which was a review of existing revenues that are available to the Highway Department. The Highway Study Committee prepared a report that stated the following: "The Committee reviewed existing revenues available to the Department and feels that if additional revenues are needed in future bienniums, the major source would have to be an increase in the Motor Fuel Tax."

This proposal would help to place the highway program on a pay-as-you-go basis and I believe that this proposal in conjunction with the other items of legislation that are proposed to finance the highway program for the next two years is a responsible method of establishing a highway financing package for the 1972-73 biennium.

There has been considerable controversy over the idea of increasing the gas tax to the 9-cent level because it has been stated that this would make the tax in the State of Maine the highest in this part of the country. This idea is no longer valid since the State of Vermont has increased its motor-fuel tax to 9 cents per gallon and at least one legislative body in the State of New Hampshire has already approved the 9-cent level. This proposal, therefore, would place Maine's motor-fuel tax at the same rate as its neighboring States.

The Highway Commission is faced with a formidable task in meeting the maintenance and construction obligations on the many miles of highway that they must maintain and try to improve. Rapidly rising prices and increased demands for service severely restrict efforts to carry out a reasonable program.

One of the more important acti-

vities being done by the Highway Department is the thin overlay or resurfacing program and a significant amount of money is included in the highway program for the next two years to continue this program. Nearly 500 miles per year will be improved and I am sure that we are all aware of some of the improved roadway surfaces that have resulted from the thin overlay resurfacing program. This surfacing program not only provides a smooth ride but it restores pavement life and protects the money invested in our highways.

I would also like to note at this time the fact that nearly one-third of the total program for highways during the next two years is for Town Aid programs which have been enacted by the 105th Legislature and preceding Legislatures. These programs involve State-Aid construction funds, the town road improvement program, and a considerable amount of funds to help pay for snow removal costs. The Town Aid programs, in effect, provide considerable relief from additional taxation of local property owners.

Therefore, based upon the extensive opportunities that I have had to review highway financing by serving on the Highway Study Committee and by serving on the Transportation Committee of this Legislature, I urge that each of the members of the House give favorable consideration to this equitable method of providing funds for financing a reasonable highway program.

I hope that you will support the motion to go along with the Senate.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I hope you recognize me this morning as not a former employee of the Highway Commission; I am not an employee. And for that reason I don't have a canned speech. I am just going to tell you just how it is, as best I can.

Now about this overlay program that they speak of, we have always, ever since I was a boy, tarred the roads. I remember when I was a

small boy, I used to get tar on my feet and the machine sprayed it on in those days, and they called it tarring the road. They have a new method now that supersedes this, called an overlay system, where they mix the tar before it is put on. So the system isn't a great deal different, except that it is put on all mixed instead of putting it on and mulched. So the program is no different than it ever was, except the method.

Now let me tell you first of all that some people would lead you to believe that this department was going broke, and this is really not the case. What I would like to point out to you, one of the major things, is that this gas tax brought in from the pockets of my taxpayers and yours \$56 million last year. Now the difference between us and some of our neighboring states is if they do raise theirs to 9 cents, that is their business. But let me tell you we also have quite a high registration fee that these other states don't have. We pay \$14 million in registration fees in this state. So this adds together \$70 million.

Just comprehend that for a minute in your mind; \$70 million where I come from is an awful lot of cash and it should do an awful lot of good. I am sure that the construction program is doing some good, but the maintenance department is costing us a lot more money than there is any need of, and quite a few millions of dollars can be saved in that one department.

Now another thing, that these people that are driving automobiles, an awful lot of them are not driving automobiles for pleasure. Perhaps in your neighborhood they are, but in my neighborhood they are driving automobiles of necessity, to get to work, and very little pleasure.

So this is a major tax. Now this House stood quite firm the other day in voting this down. We have stood quite firm against major taxes. As a matter of fact, quite a lot of us have promised the people back home that we wouldn't go along with a major tax. Let me tell you, ladies and gentlemen of this House, this is a major tax. It

is a major tax to the people that have to get to work.

Now these same people that you are taxing this gasoline tax, they pay a tax on a lot of other items, because we have a tax on accessories, tires and tubes, lubricating oil, and many other taxes that these people that are driving automobiles pay. I don't know of another group of people, people that are running automobiles, that are taxed as many times as they are on an automobile. They are taxed and taxed and retaxed.

Now if we recede and concur this morning, which is the motion before the House, we will be giving them the business to another tune of nearly \$5 million — some over \$4 million to be sure. And the way it is going up, that is the gasoline sales, it is certainly getting close to \$5 million per year. I have no doubt in my mind but the Highway Department could spend four or five million, or even fifteen and twenty million, and some of the projects would be quite worthy. Our problem is, can our taxpayers at this time warrant and stand another tax this soon? We only raised it just the last time we met, we raised it a cent.

Let me tell you that right up to now, and the year hasn't started, we are pretty near \$500,000 ahead of last year; that is we have collected \$500,000 nearly, it is four hundred and some odd thousand, close to \$500,000 more than we did at this same time a year ago. That points out to me, with the good months ahead of us — June, July, August and September, that we are going to get close to \$2 million more from gas tax this year than we got last year. Now this is going to take care of quite a lot of little extra expenditures, because I view \$2 million, or a million nine hundred thousand dollars, as quite a lot of money. Now I don't know if you people do or not and apparently the Highway Department doesn't, but I for one feel that is a lot of money.

So I won't bore you with a whole lot of conversation and I am sorry that I didn't have a canned speech, but I got here a little late this morning and I didn't even have time to make a few notes. But I

think you have got the message. The message that I am trying to get to you is not to recede and concur, and stand firm as we did the other day and insist on our former action or adhere; and I think adhere would be even better.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: Just a few days ago when this bill was first on the calendar I passed out an editorial, and I look around and watch my seat-mates file these things in the wastebasket and I begin to wonder whether they are read and digested. Just for your information I would like to read just a couple of excerpts here that seem to make an awful lot of sense.

This came out of the Portland Press Herald on the 31st of May, and it is entitled "Backing Into a Corner."

It says — "Now that the Maine Legislature has gone on record as opposing any increase in either the income or sales tax this year we wonder what justification it will find should it elect to boost the present state gasoline tax by a penny a gallon?"

The claim is often made that the gasoline tax is in a somehow different category, because it is a 'user fee' paid only by those persons who use Maine highways.

That argument has always failed to impress us, although it apparently has a substantial number of adherents since legislators have consistently managed to increase the gasoline tax over the years with only a minimum of breast-beating or nail-biting.

For who does not use Maine highways today? The automobile is a necessity, not a luxury, for the average working man. With little public transportation available the vast majority of workers depend upon an automobile to take them both to and from their jobs.

What's more, the gasoline tax is fully as regressive as is the sales tax the legislature has sworn not to increase. A gallon of gas costs as much for a lobsterman and a lawyer, no more for a financier than a farmer."

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: Just because I want it to go on record, would the Clerk please read the committee report, or has it been? I came in late also, as Mr. Dudley did. The committee report on the gasoline tax.

Thereupon, the Committee Report was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. DRIGOTAS: Mr. Speaker and Members of the House: Thank you. I wanted to make it perfectly clear to the people here in this House and also as a matter of record that I am supporting this tax increase. I am wondering if anybody has detoured themselves to perhaps California or Virginia because they thought the gasoline tax was 8 cents or 5 cents or 9 cents. One hundred percent I support this tax.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to ask the Highway Transportation Committee a question. How much are you people anticipating that the bond issue for highways is going to come out of there, out of your committee, how much would the bond issue be? And if this gas tax failed of enactment, how much would it be then? I know there is going to be a bond issue anyway, even if this passes, so I would just like to know what the amount of money would be that you are anticipating.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, poses a question through the Chair to the Transportation Committee, any member who may answer if they wish.

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

Mr. WOOD: Mr. Speaker and Members of the House: We signed out a bond issue the other day on the assumption that if the gas tax passes we will sign out a bond issue of about \$10.4 million. If it doesn't pass it has got to be taken back and revised upwards to

somewhere around \$16.6 million, I think.

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

Mr. DAM: Mr. Speaker and Members of the House: I was one of the signers of the Minority "Ought not to pass" Report on this. And I think last week I stated my reasons for signing it, not because I was against any further expense of the highways of the state, but I felt by signing this, and speak on it, it might put a little bug in the ear of the Highway Department that some of the people in the State of Maine are tired of the way they operate their system and waste the money that they are wasting.

I explained to you about the business of running to Augusta from my area to buy a fuel pump for a truck and tying up two mechanics and two men in the truck. This is happening in other areas also, because I have checked into this. Now I do not feel that in my mind I could vote for a one cent tax increase today in the gasoline unless the Highway Commission were to make some changes in their operating policy. At the same time I stated also that coming down the freeway when you see these trucks with the two men in them and a couple men out working and three or four men looking on, this is a tremendous waste of money. So if the Highway Department were to clean house, it wouldn't take much cleaning to pick up two or three million dollars and to go along with the increase in the gasoline consumption that we are going to have in the state, and they would have the \$5 million that they need.

Now I don't think that anybody in this body needs to be reminded of how the people in Maine feel about any passage of any major tax in this session of the legislature. We all know how they feel, and to me this is a major tax. I think the people have had excessive taxation just about as much as they can stand, and to put another burden on them this would be utterly ridiculous.

Now it was mentioned about the people using their cars to go back

and forth to work. This is true; and again you are putting another burden right on the people that are working as a wage earner in the State of Maine when you increase the gas tax, because this is the only means of transportation they have. Some of them drive quite a distance to work in order to work and stay off fare. And if we are going to increase this gas tax again, it might be almost better for some of these people, when they sit down and analyze the situation, not to drive so far to go to work but just to apply for the welfare. And I would hope that you people would go along with the motion not to recede and concur.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I am not going to warm over the long debate that we had on this matter June 2, just about two weeks ago. I would just remind you that at that time we defeated the motion to increase the tax 84 to 61. I haven't changed my opinion since, and I hope that others haven't either.

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 take just a minute to sort of make some observations on the general subject of our Highway budget and its financing. I believe that compared to the budget breakdown of the average state around the country in the past few years, we have expended an inordinately high percentage of our budget here in Maine on its highways. In my opinion this has been necessarily done, and the results that we have obtained by following this policy have been worthwhile.

Today we are mainly, through our interstate system, firmly united with the other states of the United States, and in my opinion this is to our great benefit. I believe that Maine has moved forward on account of it. Our highway system at the present time is our only dependable link with the outside world. In my opinion we should sustain

this link and maintain the standards that we have set for ourselves in the last few years.

In the matter of Highway budget we have several fields that we spend our funds on. And I think from remarks that have been made in the past several sessions on the floor of the House here, our concern is very apt to be with the roads in the immediate area of our homes that we travel day in and day out and our constituents travel day in and day out; and mainly these roads are built and maintained with a hundred percent local money.

I believe that if our highway expenditures were to be cut during this session due to our failing to furnish the revenue to the Highway Department for them to sustain their activities, that not through any vile purpose on the part of the Commission or the administration but through pure logic, we would be hurt most in the area where we have the greatest concern.

If you or I were on the Commission or a highway administrator and we were faced with a cut in funds, I doubt that we could afford to knock out money which was going to be matched on a 90-10 basis or a 70-30 basis or a 50-50 basis. It just wouldn't stand the test of common sense, not because we didn't like the folks back home but because it just wouldn't make sense to let money return to Washington which was rightfully ours for the lack of a few dollars of state money. And I think this is apt to be what we will have if we deny the funds to the department which would enable it to continue on a normal activity basis.

I hope that you will give favorable consideration to the motion now before us to recede and concur and allow our Highway Department to have something resembling a normal budget for the next two years.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am not going to make any long remarks, lengthy remarks today to justify my position for voting for this tax. And it is well noted that I started in the very first day of the

session a movement against major taxes wherein it concerned itself with the General Fund. This concerns itself with the Dedicated Fund. I stated two years ago that I would vote for a one cent increase in gasoline tax at this session, and I would vote for a one cent gasoline tax at the 105th session of the Legislature.

Because I am unable this morning to give my reasons at length because I hope I will be able to within the next two or three days, I certainly hope we go along with the motion to recede and concur so that I can prove at least justifiably to you and to possibly other members within my own area that this tax is a justifiable one. It is really one, as far as I am concerned, of meeting an obligation without any loss of programs or duties within the department.

I certainly hope that the motion to recede and concur this morning will prevail. So that there will be no thinking that as far as I am concerned I would feel that I would be shirking any thought of wanting to avoid an issue, unless the motion for a roll call has been made I will make a motion that when we vote we vote by the yeas and nays. And I hope I will have an opportunity later on, within the next day or two when this comes back to us, hopefully, to speak at length on the measure.

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 motion for 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 Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I think by the looks of the board that there were several that felt that this very important issue should be discussed more. So I would feel that the various for's and against should still be allowed to discuss it at greater length.

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

Mr. FRASER: Mr. Speaker and Members of the House: I find that by trying to be courteous and let other people say what they have to say and wait your turn, sometimes you get held up by this motion. I hope it won't carry.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I have already said what I want to say, but I do think that the others ought to be heard. And I would like to honestly answer the gentleman from Bangor, Mr. Kelleher, and I didn't get a chance to. For that reason I hope we will give these people a chance to be heard and I would like to answer his question.

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

Mr. ROSS: Mr. Speaker and Members of the House: My microphone was also up; nevertheless, I think we have had time enough to debate this. I doubt if anything new is coming out, and I do favor the motion before the House.

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

A vote of the House was taken.

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

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Collins, that the House recede and concur. 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 Caribou, Mr. Collins, the the House recede from its former action and concur with the Senate on Bill "An Act Increasing the Gasoline Tax" House Paper 403, L. D. 516. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bailey, Baker, Barnes, Bedard, Binnette, Bither, Bourgoin, Bragdon, Brown, Bunker, Call, Carrier, Carter, Collins, Cote, Crosby, Curran, Curtis, A. P.; Cyr, Donaghy, Dow, Driogtas, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Gill, Good, Hall, Hardy, Haskell, Hawkens, Hewes, Jalbert, Kelley, K. F.; Kelley, R. P.; Keyte, Lebel, Lee, Lincoln, Lucas, Lund, MacLeod, Maddox, Mahany, Marsh, Marstaller, Martin, McKinnon, McNally, McTeague, Millett, Mills, Murray, Norris, O'Brien, Page, Payson, Porter, Rollins, Ross, Santoro, Scott, Shaw, Shute, Silverman, Susi, Theriault, Webber, White, Wight, Williams, Wood, M. W.; Wood, M. E.

NAY — Bartlett, Bernier, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Brawn, Bustin, Carey, Churchill, Clark, Clemente, Cooney, Cottrell, Cummings, Curtis, T. S., Jr.; Dam, Doyle, Dudley, Dyar, Emery, D. F.; Evans, Farrington, Faucher, Genest, Hancock, Hayes, Henley, Herrick, Hodgdon, Immonen, Jutras, Kelleher, Kilroy, Lawry, Lessard, Lewin, Littlefield, Lizotte, Lynch, Manchester, McCormick, Morrell, Mosher, Parks, Rand, Rocheleau, Sheltra, Simpson, L. E.; Simpson, T. R.; Slane, Smith, E. H.; Stillings, Trask, Tyndale, Vincent, Wheeler, Whitson, Woodbury.

ABSENT — Ault, Conley, Emery, E. M.; Goodwin, Hanson, Kelley, P. S.; Lewis, McCloskey, Orestis,

Pontbriand, Pratt, Smith, D. M.; Starbird, Tanguay.

Yes, 76; No, 60; Absent, 14.

The SPEAKER: Seventy - six having voted in the affirmative and sixty in the negative, with fourteen being absent, the motion does prevail.

The Bill was read twice and later today assigned.

Orders

On motion of Mr. Manchester of Mechanic Falls, it was

ORDERED, that Darleen Piper and Jackie Harriman of Mechanic Falls be appointed to serve as Honorary Pages for today.

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

Mr. MARSTALLER: Mr. Speaker, I would ask if House Paper 918, L. D. 1264 is in the possession of the House?

The SPEAKER: The answer is in the affirmative, Bill "An Act relating to Public Utility Transmission Lines" House Paper 918, L. D. 1264, which was passed to be engrossed as amended by Conference Committee Amendment "A" yesterday.

Mr. MARSTALLER: Mr. Speaker, I move that the House reconsider its action of yesterday whereby this bill was passed to be engrossed as amended by Conference Committee Amendment "A" and would speak to my motion.

The SPEAKER: The gentleman from Freeport, Mr. Marstaller, moves that the House reconsider its action of yesterday whereby it passed this bill to be engrossed as amended by Conference Committee Amendment "A", and the gentleman may proceed.

Mr. MARSTALLER: Mr. Speaker and Members of the House: Yesterday item one on our calendar was this Conference Committee Report, and the amendment which came with the report was passed out just before we voted on it and we had very little time to study its real meaning. The original bill, L. D. 1264 was reported out almost unanimously "ought to pass" by the Committee on Public Utilities. The House accepted the Majority "Ought to

pass" Report and the other body indefinitely postponed it.

Now the Conference Committee Report strikes out everything after the title. It substitutes a new bill which you will read in House Amendment H-453. The original bill related to utility transmission lines and would have kept the power companies from exercising their power of eminent domain against individuals until the PUC held a public hearing to determine whether the proposed transmission line made sense, whether it was in a sensible location, and the power company had tried to reduce its environmental impact.

At the hearing both the power companies and the environmental lobbyists appeared in favor of this bill. The Conference Committee Report changes all this, and instead they limit the bill to the control of only large transmission lines, and they add generating facilities which was in a bill that was previously defeated by this Legislature. I think we have a very completely different report before us from this Conference Committee.

I would hope that you would go along with the reconsideration, and then I would make the motion so that we could come up with a new Committee of Conference to try to straighten this matter out.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: I would oppose the motion to reconsider, and I would like to give my reasons. It seems to me that at this stage of the game it is almost too late to start in over again on this bill.

This bill was brought into the committee to give some sort of supervision to transmission lines and plant sites for electricity. Now these people have the right of eminent domain, and it seemed to the Public Utilities Committee that someone should have a supervisory power over them and it was a hard job to write a bill that would be fair to all parties. I think this amendment is fair. This amendment gives the PUC power to examine the power structure

and transmission lines, and after that the EIC power to approve on the basis of environmental effort. It is the best compromise we could come up with. After all, if this state is to progress, at times new utility lines are necessary.

Who is better equipped to supervise them than the PUC? They have had years of experience; they have the knowhow and the personnel for the job. On the other side, I don't think the EIC has any of this. I hope that we do not reconsider.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I reviewed the Conference Committee Amendment at the request of the gentleman from Freeport, and I support his motion for reconsideration. I think everything he says is correct, that his original bill was completely abandoned by the amendment, and I think it is in order to give the gentleman from Freeport another shot at a Committee of Conference. I hope you will support his motion.

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

Mr. MARTIN: Mr. Speaker and Members of the House: We are finding strange alliances, I guess, this morning. I rise to support the gentleman from Hodgdon, Mr. Williams. I do so for two reasons. One, it is late in the session; and two, if those six gentlemen that I see listed with different views on the Committee of Conference can come out with one bill that they all agree with, I am going to support it. And so I would ask you not to reconsider.

The SPEAKER: The pending question is on the motion of the gentleman from Freeport, Mr. Marsteller, that the House reconsider its action of yesterday whereby the Bill was passed to be engrossed as amended by Conference Committee Amendment "A." The Chair will order a vote. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

24 having voted in the affirmative and 84 having voted in the

negative, the motion did not prevail.

On motion of Mr. Bailey of Woolwich, it was

ORDERED, that Rev. Clyde Bailey of Portland be invited to officiate as Chaplain of the House on Friday, June 18, 1971.

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

Mr. Donaghy from the Committee on State Government on Bill "An Act relating to the Parks and Recreation Department" (H. P. 1102) (L. D. 1508) reported same in a new draft (H. P. 1415) (L. D. 1838) under same title and that it "Ought to pass"

Mr. Hodgdon from same Committee on Bill "An Act relating to a Department of Community and Economic Development" (H. P. 1187) (L. D. 1638) reported same in a new draft (H. P. 1416) (L. D. 1839) under title of "An Act relating to a Department of Commerce and Industry" and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and later today assigned.

Indefinitely Postponed

Mr. Stillings from the Committee on State Government on Bill "An Act relating to Establishment of a State Building Code by the State Housing Authority" (H. P. 826) (L. D. 1116) reported same in a new draft (H. P. 1417) (L. D. 1836) under title of "An Act relating to Establishment of a State Building Code" and that it "Ought to pass"

Report was read.

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

Mr. HEWES: Mr. Speaker and Members of the House: In reference to this matter which is L. D. 1836, I have got the draft in my hands, and it seems to me difficult to understand. Apparently this is to be a state-wide building code to apply throughout the state whether there is already a building code in a municipality or not.

In the Statement of Fact I noticed that there is the statement that no appropriation is necessary,

and yet in the body of the bill it says that in the event a municipality has no building inspector the municipality may request the State Housing Authority to enforce this subparagraph. I must plead ignorance in this field and make reference to a BOCA code, to certain sections, 210.2 and 210.3 or group L2, L3 structures. But I just call your attention to L. D. 333 which we had before Judiciary Committee and which came out unanimously "ought not to pass" a couple of months ago. We also had a State Board of Zoning Appeals bill which came out unanimous "ought not to pass."

I personally am reluctant to order the State Housing Authority to issue certain rules and regulations that would apply all over the state, when it well could be that it would apply to private property or farms on which it is hoped that buildings will take place. In other words, I am reluctant to go along with this bill, and at this point I move indefinite postponement of this bill, its reports and all accompanying papers.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves that this Bill and all accompanying papers be indefinitely postponed.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: It is a rather unusual situation when I will get up and defend the Housing Authority. However, I think that the bill hasn't been read thoroughly, the redraft. I think that this is a complete change from what the Judiciary or the Legal Committee, whichever it was that heard it, had before them. And it is quite different from the one that was originally presented to us. It is simply a first step towards trying to have a uniform code for the State of Maine.

Now this so-called BOCA code which is proposed will not supersede anything that is more stringent than any locality might have. A locality that has a building inspector does not have to — will be able to continue and use at least this BOCA code or something more stringent. If the local com-

munity does not want to enforce this they don't have to. There is nothing that requires them to enforce this law. As I say, this is a first step trying to get people to have a definite building code all over the State of Maine that will be the same, so that a carpenter that doesn't know the building — for instance, in Ellsworth today and up in Bangor tomorrow, we will not be worried about whether he is complying with the codes in that particular area or not. This seems to be a reasonable step.

Now the part about the State Housing Authority, they tell us that because of other things that they have, and they are asking for this actually, because we are trying to get low income housing around the State of Maine. I don't think that there is anyone who is against the concept. They may be against the way it is being gone about, but at least the concept is quite acceptable to most people, that we should have housing for our lower income people. And through this the Housing Authority does have an inspection section, and these may be used if the locality requests it. But if the locality doesn't request it, then nothing has to happen.

This, as I say, is simply a first step. If you find that somewhere in a later session someone tries to push to make it far more stringent, then I think this is time enough to step on it and put it in the form that you would like to have it in. But this seemed to be a way of getting a standard code that is used all over the United States by builders. As a matter of fact, I think there are two, and we would listen to quite a few things. None of us are experts on building, but this seemed to be the most reasonable code to standardize on as far as the State of Maine is concerned.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I concur with the motion of Mr. Hewes from Cape Elizabeth for indefinite postponement of this bill for many reasons. This bill is a very danger-

ous bill. We had a similar bill in the Judiciary Committee which was filed two months ahead of this one, and I just wondered all through this session what is the reason that many of the bills, controversial bills that we have in here are filed in duplicate and triplicate. And this bill is about the same as the one we had in Judiciary which we came out with a unanimous "ought not to pass." It all boils down to the fact that do you want to actually be subjected to the rules of the state, the rules of the federal government, federal codes, especially this nice thing that they have on here, "HUD."

Now I submit to you, as I did before, that most communities can take care of their own problems and that that is where it should be taken care of. It says here that the local municipalities don't have to enforce this particular legislation. Well I say to you that if they don't have to enforce this, why put it as law?

The bill itself is a redraft of the other bill, and I would just like to see somebody explain to me where it says, about the middle of the bill, that "the rules and regulations, as far as practicable shall formulate the standards and requirements for housing in terms of performance objectives." Now I would like them to state in there what the objectives are.

It also says that the Authority shall delegate to local enforcement agencies the inspection functions. Well I submit to you that no matter where you live in this state that the local people, the local inspectors and the local members of the board that are elected and the selectmen, they are the ones that should make the rules for that particular locality. I think they understand and they know the desires of the people in their community and I believe that they are the ones that should set these standards according to the wishes of the people in that community.

Therefore, I totally support the motion for the indefinite postponement of this bill.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: May I answer a couple of points on this? This is not a housing code. It is not the same bill that was heard before in the Judiciary. I am not sure that will be any great help after some of the things that have happened in the last few days. The Maine Municipal Association does endorse this bill as redrafted. It doesn't take any authority away from the local authorities.

It is a building code, not a housing code. In other words, most of us are familiar with what they call stick building. When you put this house together you are supposed to put the wiring in a certain way and the plumbing in a certain way. This will standardize it instead of having to worry about how it is put together in the various towns. It will actually lower the cost because the contractor from the start or the builder from the start will know what he is supposed to do.

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

Mr. CALL: Mr. Speaker and Members of the House: I am for the indefinite postponement of this bill. I concur wholeheartedly with what Mr. Hewes and Mr. Carrier have had to say. This is a bad bill; it should be defeated.

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

Mr. HENLEY: Mr. Speaker and Members of the House: Just briefly, because I also oppose the code bill that we had in the Judiciary. I feel that this bill isn't too much different. It has a few different words they substituted, but I feel that it is unnecessary. It is a dangerous bill and also, this policy of defeating a bill and then putting in a bill almost identical in another committee seems dangerous. I feel that this bill should be defeated, and I will go along with Mr. Hewes.

Mr. Ross of Bath 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 motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? All in favor will say aye; those opposed will say no.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that both Report and Bill "An Act relating to Establishment of a State Building Code by the State Housing Authority" House Paper 826, L. D. 1116, be indefinitely postponed.

Mr. Vincent of Portland 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 Cape Elizabeth, Mr. Hewes, that both Report and Bill be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bailey, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Brawn, Bunker, Call, Carey, Carrier, Churchill, Clark, Collins, Cote, Curran, Curtis, A. P.; Cyr, Dam, Drigotas, Dyar, Emery, D. F.; Faucher, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Good, Hall, Hancock, Haskell,

Henley, Herrick, Hewes, Immonen, Jutras, Kelley, K. F.; Keyte, Lebel, Lee, Lessard, Lewin, Lincoln, Lizotte, MacLeod, Mahany, Manchester, McCormick, McKinnon, McNally, Mosher, Page, Rocheleau, Rollins, Shaw, Sheltra, Shute, Silverman, Simpson, T. R.; Smith, E. H.; Theriault, Trask, White, Wight, Williams, Woodbury.

NAY — Ault, Baker, Boudreau, Bourgoin, Brown, Bustin, Carter, Clemente, Cooney, Cottrell, Crosby, Curtis, T. S., Jr.; Donaghy, Dow, Doyle, Dudley, Evans, Farrington, Genest, Gill, Goodwin, Hardy, Hawkins, Hayes, Hodgdon, Jalbert, Kelleher, Kilroy, Lawry, Littlefield, Lucas, L u n d , Lynch, Maddox, Marsh, Marsteller, Martin, McCloskey, McTeague, Millett, Mills, Morrell, Murray, Norris, O'Brien, Parks, Payson, Porter, Rand, Ross, Santoro, Scott, Simpson, L. E.; Slane, Smith, D. M.; Stillings, Susi, Tyndale, Vincent, Webber, Wheeler, Whitson, Wood, M. W.; Wood, M. E.

ABSENT—Bragdon, Conley, Cummings, Emery, E. M.; Hanson, Kelley, P. S.; Kelley, R. P.; Lewis, Orestis, Pontbriand, Pratt, Starbird, Tanguay.

Yes, 73; No, 64; Absent, 13.

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

Sent up for concurrence.

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

Mr. ROSS: Mr. Speaker, I move we reconsider our action on this and I would hope that somebody would table this until later in today's session.

The SPEAKER: The Chair would advise the gentleman that his motion is not in order. (Later Reconsidered)

Divided Report

Majority Report of the Committee on Taxation on Bill "An Act Providing for the Taxation and Preservation of Farm, Forest and Open Space Land" (H. P. 14) (L. D. 14) reporting same in a new draft (H. P. 1418) (L. D. 1834) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. WYMAN of Washington
 HICHENS of York
 FORTIER of Oxford
 — of the Senate.

Messrs. MORRELL of Brunswick
 ROSS of Bath
 COLLINS of Caribou
 McCLOSKEY of Bangor
 CYR of Madawaska
 DAM of Skowhegan
 DRIGOTAS of Auburn
 TRASK of Milo
 COTTRELL of Portland
 — of the House.

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

Report was signed by the following member:

Mr. FINEMORE
 of Bridgewater
 — of the House.

Reports were read.

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

Mr. ROSS: Mr. Speaker, I question through the Clerk the committee report. Our calendar shows that twelve people signed "ought to pass," and then later on it says the minority also signed "ought to pass."

The SPEAKER: The Chair would advise the gentleman that the Majority Report is on the New Draft.

Mr. ROSS: Mr. Speaker, I move that the House accept the Majority Report and would speak briefly to it.

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

The gentleman may proceed.

Mr. ROSS: Mr. Speaker and Members of the House: This is a redraft of L. D. 14, sponsored by Mr. Evans. This was a bill to implement the constitutional amendment that the people overwhelmingly approved, that land prices would be based on current use and not the highest value that they might be used for, mainly by high flying developers from out of state.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I am not going to debate this bill at this time. I am in favor of the original bill of Mr. Evans of Freedom, but

I would like to wait until the third reading, and I hope it isn't debated. Then we will see what amendments come in on this bill before I undertake to debate it.

Thereupon, the Majority "Ought to pass" Report was accepted, the New Draft read twice and later today assigned.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to pass" on Resolve to Reimburse Ripley & Fletcher Co. of South Paris for Gasoline Shrinkage (H. P. 369) (L. D. 476)

Report was signed by the following members:

Messrs. HICHENS of York
 WYMAN of Washington
 FORTIER of Oxford
 — of the Senate.

Messrs. MORRELL of Brunswick
 TRASK of Milo
 FINEMORE

of Bridgewater
 ROSS of Bath
 COTTRELL of Portland
 COLLINS of Caribou
 DAM of Skowhegan
 McCLOSKEY of Bangor
 — of the House.

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

Report was signed by the following members:

Messrs. CYR of Madawaska
 DRIGOTAS of Auburn
 — of the House.

Reports were read.

On motion of Mr. Collins of Caribou, the Majority "Ought to pass" Report was accepted.

The Resolve was read once and later today assigned.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to pass" on Bill "An Act Increasing State Tax in Unorganized Territory" (H. P. 440) (L. D. 575)

Report was signed by the following members:

Messrs. HICHENS of York
 FORTIER of Oxford
 — of the Senate.

Messrs. MORRELL of Brunswick
 ROSS of Bath
 COTTRELL of Portland
 DRIGOTAS of Auburn

CYR of Madawaska
McCLOSKEY of Bangor
COLLINS of Caribou
—of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington
—of the Senate
Messrs. FINEMORE
of Bridgewater
TRASK of Milo
DAM of Skowhegan
—of the House.

Reports were read.

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

Mr. MORRELL: Mr. Speaker and Ladies and Gentlemen of the House: One of the responsibilities of all legislative bodies is to assure that the various sources of state revenue have been fairly determined, that no one such source be out of line in paying its fair share. It is the feeling of many that the present 15 mill rate in the unorganized territories is seriously below this level.

The average tax per acre in the unorganized land of the State of Maine is 35 cents per acre. There are 8½ million acres in the unorganized territory. The total property taxes paid on all of this property is approximately \$3.2 million a year. This land area comprises one half of the total area of the State of Maine. The proposal to increase the wildlands mill rate tax from 15 to 25 would increase the per acre tax by 10 cents.

Two nights ago I had a long chat with a friend of mine, a paper company executive, and asked for and got a frank answer to two questions. And I won't quote him certainly.

1. Do you think that in all honesty the State tax in the unorganized territory is fair in relation to the amount of the land involved and the amount of the tax that others pay for similar land elsewhere?

His answer was no.

2. Do you feel an increase of 10

mills would cause any of the paper companies to seriously consider moving out of the State of Maine or curtailing their operations in the State of Maine?

His answer was no.

Now some might say that an increase from 15 to 25 mills is an unreasonable increase in one year. And this might be true if the present rate of taxation were deemed to be adequate and fair, but it would be difficult to be persuaded that this is so. One half of the State of Maine producing tax revenues of \$3.5 million our total budget for the State of Maine will be in excess of \$350 million, and I am sure that you can see some slight inequity.

The 10 mill rate would produce for the General Fund something under \$2 million for the biennium. If sometime in the future a more logical basis for taxing the unorganized lands can be devised which would produce revenue at the 25 mill rate then I think perhaps this would be a good idea. There are several proposals to do this this year at a lower rate, but so far they involve so many unknowns that I for one would be timid in adopting them for fear that the actual state revenues would drop substantially.

In conclusion, Mr. Speaker and ladies and gentlemen of the House, I feel that a 10 mill rate increase, an increase of 10 cents an acre, is fair and that a 45 cent per average acre tax levy is not unreasonable. I would hope that all of you would give this proposal serious consideration and I ask for your support.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I would like to, as a member of the Taxation Committee, give you a few comments that I made in the 104th Legislature. Some would call this a canned speech, but it is only half canned. Half is this year's and half was last year's.

We have already increased the wildlands tax from 15 mills to 20 mills in our Part II budget. That is a five mill increase. That is what I signed in this report. The

signers of this report, the Minority signers, signed a five cent tax rather than a ten. We were in agreement with the five, but that has already been put in the Part II budget.

The assessed valuations in the unorganized territory increased by more than 20 percent in the last two years, so from a combination of these effects, the property owner in the unorganized territories has had his tax burden increased by 50 percent. Another 5 mills just doesn't make sense at this time.

We must remember that these taxes fall not only on the major land owners, but also upon all of the approximately 12,000 property owners in the unorganized territories. Some of these townships have a combined tax burden as high as 90 to 110 mills.

You must remember that we are in real danger of pricing the wood from this area right out of the market. Wood in the mill door in Maine costs approximately \$4.50 more per cord than in the South. Wood from the unorganized territory is more expensive than wood from the organized area near the mills because of transportation costs. So you can see that this is a real consideration.

People say that the wildland owner does not pay enough taxes. With the Part II increase, the wildland owner pays the State 20 mills and the owner in the organized area pays the State nothing. To be sure, the owner in the organized area typically pays a higher tax but the money goes to the municipality which in turn provides services such as schools, roads and security, and so forth.

This subject was studied thoroughly by the Legislative Research Committee — and I hope you will pay attention to these names and you will find that they are all qualified men. I believe. Representatives Dennett, Durgin, Kennedy and Wheeler and Senators Duquette, MacLeod, Sewall and Moore. Please read their report. The Committee concluded that an increase in the rate of tax for wildlands was not called for. The Committee did recommend that funds be appropriated to the Bureau of Taxation

for a more thorough assessment of property in the unorganized territory, and that is being done. The Committee also recommended the repeal of the property tax exemption for tree farms and that has already been enacted.

We must remember that in addition to the State Property Tax or so-called wildlands tax the property owner in the unorganized area pays the Forestry District Tax or equivalent Forest Fire tax, County Tax, School Operating Tax, School Capital Tax, Road Tax, Fire Protection Tax and Public Service Tax. These additional taxes of course provide the limited services rendered to the unorganized territory.

This is no time to make an arbitrary and emotional tax against our woodland industry without proper regard for its economic consequences.

Last session we enacted an income tax of four per cent on this group, and with these taxes now they have about a 67 per cent tax in the last two years.

The Legislative Research Committee inquired extensively into the rate of return on Maine forest lands. The testimony indicated that it was a very poor rate of return.

There will be coming from the Taxation Committee shortly a redraft of L. D. 1667 which would tax all forest land in the state on a productivity basis. This would increase revenues from the unorganized area and would generally approximate revenues from the organized areas, but in any event it would relate the property tax burden to the productivity of the forest.

I was willing to go along with a five cent tax, but I don't believe that we could stand a ten cent tax at this time. I know people here in this House believe I am all for wildlands and the pulp companies. And that is not altogether true. I have trouble with Great Northern every once in a while. We all do. But I do believe we have justly taxed them, and I believe this would be an unjust tax now. I hope you will go along with my motion to indefinitely postpone this L. D. and all its accompanying papers.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: The large landowners have been getting away with legalized tax rape for years. They are not assuming their fair share of the overall operation of our entire state services. They are leaving the brunt of this burden to the average citizen and small home owner.

In Part II we went along with an increase of 5 mills. In the Taxation Committee nine of us favored 10 mills. Here in my mind is a logical way to pass a popular tax. I won't suggest that it is to take care of L. D.'s, but it will set up a little overlay which certainly is desirable. You will have no opposition on this tax from the little folks back home. The only opposition you will have is from the large, mainly out-of-state landowners and their loyal, dedicated, honest employees, our friendly legislative agents, sometimes called lobbyists.

I certainly hope you will vote against the motion to indefinitely postpone and I move that the vote be taken by the yeas and nays.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise to wholeheartedly concur with my good friend Mr. Finemore from Bridgewater. In the last session of the legislature I did favor a wildlands tax increase. I favor one now. I feel that we do have to be fair with these large landowners, so-called. And as the good gentleman from Bath, Mr. Ross, has said, this would be a popular tax with the folks back home.

Well as Mr. Finemore says he doesn't feel this is the time to be emotional and because many of the people are against the large companies that we should increase the tax to 10 mills. To me this is not being realistic in any manner.

Now before the Taxation Committee we have had many of the representatives of the paper companies appear and as the representatives from any company ap-

pear to speak on their bills, of course, they give you the hardships of the companies. But in my mind I felt that the lobbyists, so-called, or the people that appeared at the Committee did speak the truth. I checked into this, and it seems maybe kind of strange for me to be standing up here defending what might be labeled fat cats. But I do not at this time wish to impose any more burdens on the paper companies in the State of Maine than we have imposed on them in other areas; and now to go up on the tax 10 mills, increase it five beyond what we have already done once in this session, to up it again is not the right thing to do.

Now all of the paper companies in the State of Maine are not enjoying prosperity. There have been many lay-offs. There have been a lot of people put out of work due to these lay-offs. A lot of the companies have cut back on their production, cut down their work week and to impose another 5 mill tax on them might make them only turn and look to some other area of the country to locate. Now also in the State of Maine it does cost—the wood does not grow as fast in the State of Maine as it does in the south. They can gain more crops off the same land in a shorter period of time than they can in Maine and I would hope that the House today in their good judgment would go along with the motion of the gentleman from Bridgewater on the indefinite postponement of this bill. Then on this next one coming up on the calendar I think it would do a lot maybe to help the tax situation instead of just putting an arbitrary figure of 10 mills on these paper companies.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: We have several bills, they happen to have come all together here in our calendar today, and they are all dealing with wildlands taxation methods and level of taxation. I would hope that we could accept these Majority Reports and keep these bills available to us as means to deal with this very important

problem of taxation in the unorganized territory. So I would ask you to support the Majority Report, the acceptance of it, and keep these bills alive so that we will have them available to us to deal with these important problems.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I am sorry to differ so greatly with my friend Mr. Ross from Bath. In the first place, I don't think he knows what he is talking about. He does not in fact represent any of the people in the unorganized townships. There are roughly 12,000 of these people, and when he wants to rape five or six paper companies this is one thing, but when he starts making an orgy out of it and including my 12,000 people, the ones that I represent, I want no part of it. This is what he is trying to do.

Just saying that the paper companies are behind this is not the truth, and I would hope that you would go along with this indefinite postponement. These people, as you have been told by Mr. Fine-more, are taxed as high as 90 mills, and actually over 90 mills. I think that this is pretty high. You figure what you pay in your area.

If there is a problem in valuation, then the problem is over in the Taxation Department who sets this value. And if you want to do something about that, that is something else again. But I know of one case where you can't very well say that they were undervalued, because I had a man down here that testified before the Research Committee, and we showed through bills that this man had built a milking parlor and barn, and had actually, because it was a loan proposition, had actually kept — had all the bills on the thing. It had cost him \$11,000 to build.

Then the State says that they value this at 50 percent. Well, they had valued this at \$15,000. Now this is \$4,000 more than the actual cost, and about — let's see — I am not quick with this arithmetic standing here on my feet — but any-

way, it is almost double what the value was rather than half.

Now if they do this all around the unorganized townships with these 12,000 people, I think it is wrong. I think that Mr. Rodney Ross is on the wrong track.

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

Mr. DYAR: Mr. Speaker and Members of the House: I think the gentleman, Mr. Donaghy, has talked about two horses, one black and one white. What we are talking about here this morning is wildlands. You have heard the figure 35 cents which I wouldn't tend to dispute, not knowing what basis this was taken on. The 1970 state evaluation is not available to the members of this body, and the only think I can assume and speak on is the 1968 evaluation.

I would challenge any member of this House to show me any block of land over 1,000 acres in 1968 evaluation that was assessed at over \$8.80 an acre, which at 15 mills would produce 13 cents taxation.

Mr. Donaghy has spoken about the people in the unorganized townships who are property owners, who have tillable land and buildings, who operate as farmers and businessmen. They agree that they are getting it right through the nose. But if you take 1968 evaluation, which is the only thing that I can find that is current — the 1971 probably will come out after we adjourn — you will find that the wildlands tax on wildlands runs from \$3.30 an acre evaluation to \$8.80. And I don't feel that a ten mill increase on this land is going to hurt anybody.

If you go into the organized towns, these people are paying forestry district tax, the plantations are paying forestry district tax; the people that I represent in the Sugarloaf area are paying school tax, road tax and so forth. It comes to 38 mills. Until we solve the problem of the valuation of what an acre of this land in this state is worth we are going to have problems. We can have 50 mills or 100 mills tax on some of this land and they still won't be overpaying. Some of my consti-

tments are paying as high as \$4 an acre tax on woodlands in my district, which I think is extremely high compared to 13 cents taxation.

I hope that when the vote is taken you people will vote for the Majority Report on this bill. To me, item 7 comes along with this in the same category; we are going to tax land on productivity. Now this is going to be a real gem. We are worried about Health and Welfare getting away with murder, but I would like to know how this House, or any branch of government, would collect a tax on pulpwood cut by Canadian corporations, cut with Canadian labor, Canadian equipment, hauled to Canada in Canadian trucks. You would have to have a scale on every logging operation in the State of Maine. Now this would probably create 1,500, 1,800 new jobs. If this is what we want, possibly we should put another ten mills on top of this ten.

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

Mr. BRAGDON: Mr. Speaker, Members of the House: I have available to me some figures that are somewhat different than some I have heard. I don't know whether I would dare to reveal them to you here in the House or not. However, I think I will take the chance.

I want to say in the beginning that I feel that to double the tax on the wildlands in one year is unrealistic, and I question somewhat whether you will get a two-thirds vote of this Legislature to do just that. And so for that reason I go along with the Minority Report of the committee, as explained by Mr. Finemore, which does increase this tax a million dollars instead of two, and which I think is much more realistic in one year than the majority proposal.

The figures that I would be tempted to give you — and I was amazed when I heard the gentleman from Strong — over the weekend I had occasion — I had heard rumors of the fact that there were outside interests buying land in the State of Maine. I have heard this for some time. And I have commented that I felt perhaps

that this was the real factor in some parts of the state, but that I didn't think it had gotten into our area. However, I went home over the weekend, and I found I was sadly mistaken. I have absolute statistics, which if anyone wants them, which I can verify any statements that I am about to make in regard to this.

The facts are that there are firms that have bought recently, and this is not — don't get me wrong, this is not on the unorganized territory; this cutover land in the organized territory, and these things that I reveal are in towns that I am presently representing in the legislature. A New York firm, or a New York outfit we will say, located somewhere in Long Island — I do not have the address — bought one parcel of 335 acres only recently in my town. There were 50 acres of cropland on it. The balance was completely cutover land. They bought this for the magnificent sum of \$6,000; which figures somewhere in the area of \$12 an acre. Now you compare this with 35 cents an acre tax, we will say. I am talking — on the other hand, I am giving you the best one.

They also bought the piece of land from a widow woman, 300 acres, completely cutover land, and they gave her \$3,000 for this. This is, my friend, \$10 an acre. Another firm from Boston bought another piece of land, 160 acres of cutover land for the magnificent sum of \$5 an acre. What does 35 cents an acre tax figure on those prices?

Now I know you are going to say that there must be two ends to the state; that there must be two prices of land. But these are actual facts, sir, that I am giving you. And I feel that to raise this tax — now I don't — to go further, I really can't understand, we will say, this widow woman that I refer to naturally was glad to get her \$3,000 for her 300 acres of cutover land, because she, like yours truly, could not expect to live long enough — which would require some 50 years — to reap another crop off from this cutover land she had. This, gentlemen, is the length of time that we

are talking when we talk about forest land. You only cut a crop on it once in 50 years.

So this thing really, I think, makes you stop and think when you talk about how much you can tax, reasonably tax, forest land. I agree that I don't think the gentleman from Bath has the true picture. And again, I say, I do go along with the gentleman from Bridgewater, Mr. Finemore, I think he knows what he is talking about. And I think that raising the tax on the wildland in this one biennium by a million dollars is much more realistic than attempting to practically double it, which the other figure will practically double it.

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

Mr. COTTRELL: Mr. Speaker, Members of the House: Sometimes I get frustrated with our legislative procedures. I am firmly convinced that the organization of Congress and our organization is about the best that our democracy can provide with its committee system where committees, when you have — Congress has 20,000 bills, we have 1,800. You have to have a committee system to really handle them.

I think it is necessary for committee members to talk on these things. I probably will not talk with much unity here, but I hope that I will have some clarity. I have been on the Taxation Committee, as I said before, five sessions. And I have sat in the committee hearings for many hours and tried to understand this unorganized tax situation and valuation system.

I did vote for the ten percent mill increase as a bargaining position, hopefully that we would have five. And we did this before our budget was arranged, and our funding. So I will go along, at this time, with the Minority Report of five mills, because I think that is in the picture and that is where we are going to arrive finally.

While I am up here, I want to give just a little summary from the taxation report of this year, from the Taxation Bureau. We have, as we know, in the State of

Maine 33,000 square miles of land, 3,000 of which are lakes and rivers; water. We are told that Maine has within its boundaries more fresh water than any other state. We are going to have land use coming up, and I am going to get my one pitch in here for land use control and taxation of wildlands.

Here on page 35 of your Taxation Bureau report this year it gives you the facts. Now facts are pretty stubborn. There are 8,425,724 acres of wildland. When you divide that by 640 acres, which is the number of acres in a square mile, you find that there are 13,160 square miles. Now that is almost half our state.

Now right here you look at the valuation — 50 percent valuation is figured at \$126,765,977. Now this is at 50 percent. You double that, and that is about \$250 million. In other words, 13,000 square miles, almost half our state, is valued at \$250 million. I think I could form a corporation to buy it for that amount, really. I don't think the owners of that land would sell it for \$250 million. But that is what it is valued at.

Now no one of fair mind wants to penalize our great industry. In fact, we should do everything to encourage it, to favor it, to give it a break. I don't know how to give it a break, because I don't think we have any sound value. In Taxation we tried to talk about severance taxes and these mill taxes. Now we have a productivity tax coming up, and I don't think that is going to give us the right valuation either.

It is our great industry, the paper industry. And woods are our great natural resource. Now we are going to have a melding as the population pressure comes up with our resort business. That is our second largest business. And there is no doubt that the population is going to try to get into our wilderness. And if we can't pass a land control use bill right now, I think we are making one of the most horrible mistakes. In fact sometimes in my wildest dreams and thinking — and I think we are up here to think, try to think — I think sometimes we ought to form

a big land trust and have the recreational, the industrial, develop together and try to have some central control.

I would like to see our wildland preserved forever, like our Yellowstone National Park. I think those of you who have studied history can be most thankful that we had a Theodore Roosevelt, who at the turn of the century became the great conservationist. It put so many acres of ours into parks and orderly development to save it from despoilation, which none of us want.

So again I say, we have got to protect our great industry, treat it favorably. We have got to recognize that our great resource of lakes and woods should also be preserved, and I think the first step is to pass this land use control act, and secondly, somehow we have got to arrive more soundly at a valuation of our wildlands.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I will do my best not to be too windy. I know that I am probably windy too, but I do happen to come from up in the woods, so to speak, where this land is and I do feel as though I know something about it. And it is such a long subject that it is hard to be brief.

Now first of all I think we should start from the other end of the subject, and that is a ton of paper delivered in New York or to the market in Philadelphia, which is worth approximately — we will use a round figure of \$90 a ton. Let us assume for a minute that it was like cutting a cake; the cake is only so big and it involves \$90 per ton of paper. Now if we cut that cake so the paper makers are going to get so much an hour, the woodcutters are going to get so much an hour, we can actually cut the cake so that they can shut the mill down, because our mills have to compete with southern mills, which has already been told to you it is at least \$4 a cord cheaper in the south to get a cord of wood to the mill.

Our transportation is terrible, our cost of electricity is terrible.

So our mills at this time are nearly priced out of the business at the present time. If we didn't tax them at all, they are not making a profit. And there is nobody in this House that can show me a paper company in this state that is making any exorbitant profit. This is a fact and nobody can prove otherwise.

If these outfits were making a lot of money, I would be the first one to want to clip them; but they are not. It looks as though we are going to pass a bill that is going to tell them that we are going to manage the wildlands, and if we keep passing legislation of this type I am certain that if I was one of these owners I would say take the land and you own it. And then we would be like Newfoundland. Newfoundland owns all their land and they found it advantageous to get the wood to the mill at a price, because they want to keep their mills.

So let's assume for a minute that we take all this land; we might as well, we are nibbling away each year, taking at them. So let's assume for a minute that we take them, they give them to us. Are we going to sit idly by and let these mills go flat if they say we have got to have this wood to the mills for so many dollars a cord? Well I don't believe we are. So I think it is better to leave it the way it is.

I was speaking about the little people. I represent a lot of little people; as a matter of fact, I don't represent any millionaires that I know of — they are all little people, and most of them have got a job, a lot of them in a paper mill. And they are intelligent enough to know that bills like this, their job depends on it. If we put this mill out of business, this little people that you are trying to help is not going to have any job.

This is the meaty-buttoy of the subject that we are getting down to now. This is a matter of fact. And for these reasons, and I am not going to bore you because I promised not to be too windy, I am going to go along with the gentleman that made the motion to indefinitely postpone, and I think it is the proper thing to do to this bill.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: Now I don't come from either the City of Portland or the City of Bath, but I do come from a wilderness district. In my district I have townships that are completely unorganized, they are unorganized territory and there are no inhabitants at all. But I also have townships, two in particular, that have about a hundred each inhabitants. Now those inhabitants last year had their taxes doubled and these people are paying more taxes than most of the towns are and this is due to school taxes.

If you have got a wild township, there are no children to educate, there are no roads to be built; but these other towns well they haven't got much for schools — they have to send their children somewhere else. There are no churches, no stores, nothing in most of them, but still they have to educate their children and they have to educate them with busses and it costs them a lot of money.

I would be very chary about putting more—they are still an unorganized territory, and putting more taxes on those people, because they can't seem to stand it.

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

Mr. MORRELL: Mr. Speaker and Members of the House: I hope you would vote against the motion to indefinitely postpone. Not only do I think that Mr. Ross painted a good picture, an honest picture, but I think he painted a Rembrandt.

I would remind you again that the average tax rate in the wildlands area is 35 cents an acre, and I think the way for the paper companies to survive and prosper is not for the people of Maine to be asked to make the kind of sacrifice which permits an area half the State of Maine to pay less than one per cent of the revenue that is needed to run the State of Maine. I hope very seriously that you will vote against the motion to indefinitely postpone.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: Very very briefly, I would like to say that in 1969 the average tax on wildland was 38 8/10 cents per acre — 39 cents per acre, and with other increases it has gone along a little higher.

I would like to say one thing here and maybe it is improper to say it on the floor, but I think our Floorleader, Mr. Susi, was very unfair in making the statement to go along with these bills, the "Ought to pass" Report on the next three bills, until they reach the third reader or whatever his statement was. Because the next two bills are both "ought not to pass." I would say go along with the Majority Report rather than the Minority Report. I think it was very unfair and I hope he didn't say it as Floorleader; I hope he said it as an individual.

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

Mr. LAWRY: Mr. Speaker and Members of the House: I will be brief. I have always been under the impression that Rembrandts are quite expensive, and I think if we go along and double the increase on the paper companies we could be a very sad body. I certainly hope that we will support the motion of my friend from Bridgewater, Mr. Finemore, to indefinitely postpone this bill.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: Very briefly, Rembrandt or Toulouse-Lautrec, or whoever you will, we have a mill in Brewer that has just been given 30 days to reconsider a decision on the sewage treatment plant. The mill in Brewer, the Eastern mill, is in trouble again, and they employ 385 people in Brewer. Now if you keep going up on the price — this is an outfit, as you know, that makes pulp, it is just going to compound this felony of unemployment all across the State of Maine.

So I would hope this morning—and I am speaking now for the jobs that I am concerned about in Brewer — that you go along with Mr. Finemore and indefinitely postpone this.

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 Bridgewater, Mr. Finemore, that both Reports and Bill "An Act Increasing State Tax in Unorganized Territory," House Paper 440, L. D. 575, be indefinitely postponed. If you are in favor of this motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA—Ault, Bailey, Baker, Beard, Berry, G. W.; Berube, Binnette, Birt, Bither, Bragdon, Brown, Bunker, Call, Carey, Carrier, Carter, Churchill, Clark, Clemente, Cote, Cottrell, Crosby, Curran, Curtis, A. P.; Dam, Donaghy, Dudley, Dyar, Evans, Finemore, Fraser, Gagnon, Gill, Hall, Hancock, Hanson, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hodgdon, Immonen, Jalbert, Kelleher, Kelley, R. P.; Lawry, Lebel, Lee, Lewin, Lincoln, Littlefield, Lynch, MacLeod, Maddox, Manchester, Marstaller, Martin, McNally, Millett, Mills, Mosher, Norris, Page, Parks, Payson, Rand, Rollins, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Theriault, Webber, White, Williams, Wood, M. E.

NAY—Albert, Barnes, Bartlett, Bernier, Berry, P. P.; Boudreau, Bourgoin, Bustin, Collins, Cooney, Cummings Curtis, T. S., Jr.; Cyr, Dow, Doyle, Drigotas, Emery, D. F.; Faucher, Fecteau, Gauthier, Genest, Good, Goodwin, Hewes, Jutras, Kelley, K. F.; Kilroy, Lessard, Lucas, Lund, Mahany, Marsh, McCloskey, McCormick, McKinnon, McTeague, Mor-

rell, Murray, O'Brien, Orestis, Ross, Smith, D. M.; Smith, E. H.; Susi, Trask, Tyndale, Vincent, Wheeler, Whitson, Wight, Wood, M. W.; Woodbury.

ABSENT—Brown, Conley, Emery, E. M.; Farrington, Kelley, P. S.; Keyte, Lewis, Lizotte, Pontbriand, Porter, Pratt, Rocheleau, Santoro, Sheltra, Starbird, Stillings, Tanguay.

Yes, 81; No, 52; Absent, 17.

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

Sent up for concurrence.

Divided Report

Tabled Later in the Day
Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act to Encourage Improvement in Forest Growth by Creating a Method of Taxation Based Upon the Productivity of Various Classes of Forest Lands" (H. P. 1192) (L. D. 1667)

Report was signed by the following members:

Mr. FORTIER of Oxford
—of the Senate.

Messrs. FINEMORE
—of Bridgewater
MORRELL of Brunswick
COLLINS of Caribou
McCLOSKEY of Bangor
CYR of Madawaska
DAM of Skowhegan
DRIGOTAS of Auburn
COTTRELL of Portland
—of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1419) (L. D. 1837) under same title and that it "Ought to pass".

Report was signed by the following members:

Messrs. WYMAN of Washington
HICHENS of York
—of the Senate.

Messrs. ROSS of Bath
TRASK of Milo
—of the House.

Reports were read.

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

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

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

The gentleman may proceed.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I am sure that a great many people would agree with the gentleman from Lubec, Mr. Donaghy, that I don't know what I am talking about. However, my shoulders are broad and I have been called lots worse things, including publicly being called a murderer. Words never hurt me. In reverse I was delighted to have painted a Rembrandt in words this morning. I didn't realize I was doing that certainly.

In the last debate the gentleman from Bridgewater, Mr. Finemore, said that he hoped that sometime we would change the method of taxing wildlands. Now here is a chance. It is a very complicated bill. It has already been thoroughly studied. A very best estimate says that it will be a fairer method of taxing wildlands and probably will bring in in excess of \$500,000 more per year. If you will notice the bill, it will not go into effect until 1973. It would have no bearing of course, on the 5 mill increase that we passed the other day in the Part II budget.

Whereupon, on motion of Mr. Trask of Milo, tabled pending the motion of Mr. Ross of Bath that the House accept the Minority "Ought to pass" Report and later today assigned.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act to Provide One Property Tax Rate for the Unorganized Territory" (H. P. 1317) (L. D. 1732)

Report was signed by the following members:

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

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

Report was signed by the following members:

Mr. FORTIER of Oxford
— of the Senate.
Messrs. McCLOSKEY of Bangor
CYR of Madawaska
DAM of Skowhegan
DRIGOTAS of Auburn
COTTRELL of Portland
— of the House.

Reports were read.

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

Third Readers

Tabled Later in the Day

Bill "An Act relating to a Department of Consumer Protection" (S. P. 637) (L. D. 1830)

Bill "An Act to Create the Department of Environmental Protection" (S. P. 638) (L. D. 1831)

Bill "An Act relating to the Department of Agriculture" (S. P. 639) (L. D. 1832)

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

(On motion of Mr. Susi of Pittsfield, the foregoing items were tabled pending passage to be engrossed and later today assigned.)

Passed to Be Engrossed

Resolve to Apportion Representatives to Congress (S. P. 634) (L. D. 1822)

Resolve Dividing the State of Maine into Councillor Districts (S. P. 635) (L. D. 1823)

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

Amended Bill

Tabled and Assigned

Bill "An Act Revising the Implied Consent Law for Operators of Motor Vehicles" (H. P. 1027) (L. D. 1422)

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

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, I move that this bill and its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Casco, Mr. Hancock, moves that L. D. 1422 be indefinitely postponed.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: First of all I would like to thank Mr. Hancock for his courtesy in letting me know earlier today that he might make a motion of this sort. It did give me a chance to collect my thoughts and I appreciate his courtesy.

I would like to simply mention very briefly what this bill does, together with the amendment which has been attached to it. The bill reinstates breath testing as a procedure under the Implied Consent Law. Breath testing used to be admissible evidence in Maine, but the last session of the legislature, in connection with establishing the Implied Consent feature, took out the breath testing provision. Breath testing to determine the percentage of alcohol in the blood has been recognized for many years as an accurate method for determining the amount of alcohol in your blood and it also is less expensive and can be conducted by people not as fully trained as regular laboratory analyses.

The last session of the legislature, when they enacted the Implied Consent Law, overlooked a little loophole which resulted in the fact that if a person refused to take a blood test the suspension which he received because of his refusing ran at the same time as the suspension which he received for his conviction. This meant that there was relatively little incentive for him to consent to the breath test. This problem is also resolved in the bill.

The penalties are somewhat strengthened and the procedures are improved, and the procedures established under which the Department of Health and Welfare will certify people who will be withdrawing blood for blood tests or conducting the breath tests for those who elect the breath test.

I would simply like to say that both from my own experience in working in this field and from the statistics that I have read, I can tell the members of the House that at least fifty percent of the fatal accidents in this state involve use of alcohol on one of the parties involved in the accident. I can say this from my own experience because in this county we established a practice of withdrawing blood from the drivers in fatal accidents, and we know what the results were.

You won't read it in the papers, however, because it generally is considered to be doing a disservice to the families of a decedent if you print in the paper the fact that the reason the car went off the road late at night was that the operator was drinking. I can assure you that this is the case and is borne out by national statistics, and I think this measure which was supported by all of the people who spoke at the hearing, I don't think anybody appeared against it, this measure I think represents a concrete step forward in dealing with the serious problem of the drinking driver.

I hope you will vote against the pending motion, and I ask for a roll call.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: If there were a cruel, monstrous, unjust, unfair, punitive, degrading and discouraging bill introduced in this 105th Maine Legislature, it is L. D. 1422 as amended by House Amendment 460, An Act Revising the Implied Consent Law for Operators of Motor Vehicles. The good, humane, fair and efficient 104th Legislature has passed an Implied Consent Law which is doing very well, and to use a nautical expression — please do not rock the boat; or another cliché — let the sleeping dog lie.

This horrible L. D. 1422 would drive a wage earner not only to drink but to insanity or to an early grave, in hoping for death were its provisions carried out as spelled out by its directives.

I shall not emasculate this bill piece by piece in an endeavor to

point to you the nefarious pitfalls one falls into if a police officer ever decided to have any technician smell your breath before or after having driven an automobile vehicle.

A convicted person under this bill would be better off to put in for a transportation request either to Alcatraz or to the Devil's Island, an old French penal colony in the Pacific, and both of these institutions are now vacant. In some cases suicide would be preferable to a second conviction under this act.

Finally, the administrative cost of about a half a million dollars and the consequential fiscal or financial problems generated by this bill — because about one half of the population would have to go on welfare, thus adding hundreds of millions of dollars to our meager budget — directs that you vote against this monstrosity. In using these harsh words, I am not directing them at the sponsor of this bill. He is a too learned and respected attorney in this city and within these halls. But I cannot conceive why this harsh, inhuman measure was ever introduced, and I am sure that he is not alone in this affair.

Mr. Speaker and ladies and gentlemen of the House, I concur with the motion made by the good gentleman from Casco and hope for the 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 will try not to be too harsh, but I do notice that this increases the penalty considerably from three months to six on the amendment, and I think this is a bit harsh.

I was talking to a judge that says that if we make the penalties too harsh, for some reason they fail to convict. And presently the law, it seems to me, is working pretty good. They are convicting quite a few. They are being punished for three months. The most of them are trying to behave themselves afterwards.

Now I don't have to get too concerned about this bill because I

don't use liquor. But I was told by a prominent doctor, "You could get hooked too, Mr. Dudley, because," he says, "it is possible just making love, this breath test business." He says, "If you just happen to be making love with somebody and you got your breath taken a little while later, under this bill you could get convicted." So for this reason I started to be a little shaky. I will go along with the gentleman from Casco. I will go along with the gentleman from Casco because I think that what we have got for a law now is working pretty good.

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

Mr. GAGNON: Mr. Speaker and Ladies and Gentlemen: We had some adjectives used describing this bill today. I think they would more appropriately apply to the situation we got with the drunken driver. I don't know of a more ghastly or hazardous situation than the present one we have which takes almost 300 lives a year in the State of Maine. Connecticut has a similar law that they have had since 1956 and it has worked real well. In their Complicated Consent Law on refusal it is an automatic suspension for a year.

I worked with this, as you know, for a number of years, and I know how difficult it is, especially some ten years ago to fifteen years ago, to get a conviction in court with the evidence requirements that our lawmakers seem bound and determined to put upon the law enforcement people we have. I have every bit of confidence in these people we have, and if we are earnestly going to do something about this drastic problem we have on drunken driving, we have to start using our heads in giving the enforcement people we have some reasonable tools to work with.

I have no doubt in my mind whatsoever that these tools will be used properly. I have no doubt in my mind that the courts will use the rules that we give them. It is not going to inhibit the courts in any way. But for heaven's sake, if we are going to get these drunken drivers off the road, let's do

it. We can't wish them off the road. I can't understand some of the attitudes up here knowing the situation that we have. These people are our biggest hazards, without a doubt. They are certainly going to take many more lives if we don't stop them now.

And if you want to take this person that is continually drinking and driving, that is continually being picked up — and I have seen many cases where the repetitions run three and four and five times. They get a slap on the hand, they are back on the road and in a number of instances I have seen where they have come back and killed another person. I hope in heaven's sake we can get this piece of legislation through. I think it will help and I think will show a good amount of responsibility up here and I hope that you won't vote against it because you might become involved.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: Having worked on this bill for two previous sessions, being responsible or being the sponsor of the present law that is on the books I certainly should make some comments on this one.

The law that is presently on the books last year was diluted somewhat in order to assure passage. The results of this, from what I can find from law enforcement people is that it has worked out fairly well. There is room for improvement on it. I think many of the arguments that you hear are the same arguments that you heard two years ago when they said that they should not pass the implied consent law at all. From what I understand the Highway Safety Committee has done an excellent job of selling and explaining this to the people of the State, the law enforcement people. It has not been badly abused. I think that the implied consent concept is excellent. I do think there is need of upgrading the law, particularly in the methods of testing and I think that this law — and I have reviewed it over, I reviewed it at the time it was introduced, and I

have looked at the changes and it appears to me to be a good law. It is an excellent highway safety measure. It is badly needed and I hope you will support it.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: As in the prior session of the legislature, this type of legislation seems to be capable of generating very considerable degrees of variance between the members. I think there are some portions at least in this bill which perhaps are desirable and are improvements.

I agree with the statistic and I believe in the statistic cited by the gentleman from Augusta, Mr. Lund, that roughly half of the automobile fatalities involve alcohol. Although our fatalities over this year have been less than they have been in the past, they have recently shown an upsurge. Of course one fatality is one too many.

I would like to comment on something said by the gentleman from Enfield, Mr. Dudley, regarding his conversation with a member of the Judiciary, about if you make the penalty too severe, and the penalty that we are talking about here really is the license suspension more so than the fine. If we make the penalty too severe there is a genuine reluctance on the part of juries to convict. I think from my conversations with him that Mr. Lund would agree with this overall position, that is if the penalties are too severe it is really self-defeating because you reduce the percentage of convictions. However, we may differ as to what would be too severe a penalty.

I think we both would agree that the prior penalty under the old law, which was a license revocation for two years, was inordinately severe and there was a great reluctance on the part of juries to convict.

Some of the parts of the bill, which I find to be worthwhile and improvements, are the idea of a consecutive rather than a concurrent suspension for a refusal to submit to the test. I find that that makes sense if the whole idea

of implied consent makes any sense, regardless of our personal views on it; both our law court in Maine and the U. S. Supreme Court have upheld it. If you believe in implied consent you should put at least some teeth in it along those lines, and I think the consecutive suspension does make some sense.

You can argue regarding the penalty period and the range of 3 to 6 months. I think we all will agree that a penalty let us say of 1 week for driving while intoxicated or impaired by the use of intoxicants would be inadequate and a penalty period of suspension of 1 or 2 years would be too long.

The breath test, and I was very interested in the description as I know we all were, again, of the gentleman from Enfield, Mr. Dudley, regarding the breath test, I had some personal reservations about this. From what I have been able to read in publications, for example the one by the American Medical Association, it does appear to be a reliable test. There are certain advantages to it, as Mr. Lund has mentioned. It is more economical to administer, it can be done on the spot and, not the least, it can be done with less interference with the person, the defendant. That is, there are some people who find it objectionable to have a needle inserted in their arm. It would be perhaps less objectionable to have to breath into a machine.

It is true that the urine test which this law does away with has proven in most cases to be unsatisfactory and not entirely reliable. But there are at least two features of this bill as amended, at least as I understand it, and I know the gentleman from Augusta will correct me if I am wrong, that I find both unnecessary and from my view unwise.

Number one, as I understand the bill as amended, the option in our current law for a defendant to choose his own physician to take the test is abolished. If that is the case, I think it is unfortunate. I have confidence in the integrity of the physicians. I don't think it is a matter in the State of Maine of a man calling his family doctor

to draw the sample and then it becomes accidentally or intentionally polluted, I don't think that goes on.

I do think it is an excellent safeguard against too much power in the state that when a man is required to take a test that he have the right to reasonably choose, if available and so on, his own physician rather than an employee of the state or a law enforcement officer.

I recognize that under some circumstances, in remote areas and in late hours at night, that may pose some difficulty. But I am not certain that it couldn't be worked out with language like if his own doctor is reasonably available, to protect the right of the man to have, in the case of a blood sample at least, to have it drawn by his own physician. And admittedly this does not apply in the case of a breath test.

The other thing that really disturbs me about this law, and I have had the opportunity to speak to the gentleman from Augusta, Mr. Lund, and he has been very courteous and explained the whole matter to me. But this I find really to be a portion of the bill which I think is both unnecessary and I find personally obnoxious; and that is the part that changes our whole concept of the law regarding probable cause arrest in misdemeanor cases. This I think is a very dangerous business; it is contrary to our traditions of almost a thousand years. I think it is dangerous in two directions, not only to the alleged violator of the statute but as well to the law enforcement officer.

Those two little words, probable cause, probably fill four or five volumes down in Edith Hary's law library. That is a very intricate and ever changing subject. And if a law enforcement officer were to make a probable cause arrest on the scene, with the level of education and experience he had, and two months or two years later the court, with plenty of time to study it and check the law and look at all the books and be dispassionate, were to disagree that that arrest was made on probable cause, and when they find that it

was made without probable cause it is my understanding that the police officer involved would be liable to a civil suit for false arrest.

I think that is dangerous business. I think when you start incarcerating people, physically restricting their liberties, it is dangerous from the point of view of the man restricted and it is dangerous from the point of view of the officer, because he can be sued.

Now admittedly sometimes you have to take risk in the interest of an important goal of society. But I don't think in the context of this law it is necessary to go into this probable cause arrest business. I would hazard a prediction, perhaps one of the many in this session, and we will see in further sessions whether it is true or not. But I think if we pass this law with the probable cause arrest portion in it, there will be many people coming back to this Legislature — and I am not talking about potential offenders, potential drunk drivers. I am talking about law enforcement officers, who some day will ask us to remove that provision because they will find that it is an extremely hazardous one from their point of view.

The police already are under a very great difficulty because of expanded court decisions. Their job is difficult and is subject to much criticism. They do have a growing concern about false arrests to consider, and it would be my opinion that asking this policeman on the beat, in his patrol car, to have the same sophistication and learning and opportunity to study a particular case that a judge has when he finally calls whether it was probable cause or not, is very hazardous for the police officer.

I also think it is undesirable from the point of view of the member of the public that may be detained under this probable cause because we are going towards the idea, particularly with misdemeanors, that unless that man is a danger to himself, like a plain drunk who is, or a danger to other members of society, then he should not be restricted in his

liberty. We are trying to let more people out on personal recognizance in the small misdemeanor cases. This applies directly in the face of that. This means that the man sits in jail until someone rouses the bail commissioner out in the middle of the night and bail is made, and we all don't carry two or three hundred dollars in our pocket or all don't have bail readily available. It may well mean that the man sits in jail overnight.

This man that sits in jail overnight that can't arrange bail is the same type of fellow that is going to be mad as a wet hen if that officer, who thought he had probable cause arrested him, didn't have probable cause. The man is very likely, after having spent a night in jail, be mad enough to sue the officer for false arrest.

I would hope that someone, and I know that we have debated the bill at length today and we are all anxious to get out of here, but because there are some good portions in the bill like the breatholizer, which you really can't argue against unless you have the eloquence of the gentleman from Enfield, Mr. Dudley, but because there are what I feel are some dangerous portions in the bill, I would hope that perhaps the sponsor or some other member might consider tabling the matter to see if we can work out a bill, which will be broadly acceptable, which would contain the good parts that this bill has in it; for example, the breatholizer and the consecutive suspension for failure to take the test, but which would deal with these problems of depriving a man, according to my understanding at least, his right to choose his own physician and this probable cause arrest situation which is a two-edged sword both against the liberty of the citizen and possibly the financial security of the police officer.

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

Mr. HEWES: Mr. Speaker and Members of the House: I personally would not be opposed to tabling after we dispose of the motion which I understand is to indefinitely postpone the bill. I am

in favor of improving the Implied Consent bill, which as you know passed the legislature last session.

I was very pleased to hear the comments of the good gentleman from Sanford, Mr. Jutras, a few moments ago, praising the bill which we passed in the 104th, because I have in my hand a Legislative Record, page 3616 of June 13 of two years ago wherein the same gentleman said, "I believe this is a very bad bill." And a few pages later he voted against the bill which he today says was a very fine bill. He described in glowing adjectives the bill that we passed two years ago, whereas two years ago he thought it was a bad bill. So I submit to you that his comments of today wherein he feels that the proposed bill of Mr. Lund's that we are debating right now is not a good bill must be considered in the light of his change of opinion over two years ago.

I hope you defeat the pending motion to indefinitely postpone, and I would then not be opposed to tabling to let other amendments be proposed.

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

Mr. CALL: Mr. Speaker and Members of the House: There is no menace on the highway or anywhere else worse than that created by the presence of the drunk driver or a driver so much under the influence that a precarious situation is prevalent. Something must be done to curb the problem created by the drinking driver.

Nobody has shouted long and loud against vicious bills more than I have this session, but I do not call this bill harsh.

There is nothing more successful in the law than deterrent action. Something that Mr. Dudley said about penalties reminds me of something. When penalties are more severe than they have been previously for certain crimes there is punishment of a sort; to wit, the respondent tries harder to get out of his mess because he doesn't want to go to prison, we will say, for three months. So he hires a lawyer. The real punishment comes

when the winning respondent, assuming that the lawyer gets him out, he actually is not a winner because his wife berates him harshly with the following soliloquy. "You, the children and I were planning to go to the sea shore for a month. Now instead of us going away for a nice vacation it is going to be a lawyer and his family who will take a trip." The real winner will be the lawyers. But that is all right if we can curb the horrendous problem of drunk driving. For those of you who feel that the penalties are too harsh please remember that judges and members of the Secretary of State's office can use leniency when they feel it is warranted. As I said before, something must be done to curb the drinking driver.

However, I am confident that justice shall be as lenient as possible if this bill becomes law. I urge passage of L. D. 1422.

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 Casco, Mr. Hancock, that Bill "An Act Revising the Implied Consent Law for Operators of Motor Vehicles," House Paper 1027, L. D. 1422, be indefinitely postponed. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Berry, P. P.; Binnette, Bourgoin, Bunker, Carey, Carter, Cote, Cottrell, Drigotas, Faucher, Gauthier, Hancock, Jutras, Kelleher, Keyte, Lebel, Lizotte, Manchester, McNally, Mills, Norris, O'Brien, Rand, Sheltra, Tanguay, Vincent.

NAY — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berube,

Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bustin, Call, Carrier, Churchill, Clark, Clemente, Collins, Cooney, Crosby, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dow, Doyle, Dudley, Dyar, Emery, D. F.; Evans, Farrington, Fecteau, Finemore, Fraser, Gagnon, Genest, Gill, Goodwin, Hall, Hanson, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Jalbert, Kelley, K. F.; Kelley, R. P.; Kilroy, Lawry, Lee, Lessard, Lewin, Lewis, Lincoln, Littlefield, Lucas, Lund, Lynch, MacLeod, Maddox, Mahany, Marsh, Marsteller, Martin, McCloskey, McCormick, McTeague, Millett, Morrell, Mosher, Murray, Orestis, Page, Parks, Payson, Porter, Rocheleau, Rollins, Ross, Santoro, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M. Smith, E. H.; Stillings, Susi, Theriault, Trask, Tyndale, Webber, Wheeler, White, Whitson, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Conley, Emery, E. M.; Good, Kelley, P. S.; McKinnon, Pontbriand, Pratt, Starbird.

Yes, 26; No, 116; Absent, 8.

The **SPEAKER**: Twenty - six having voted in the affirmative, one hundred sixteen in the negative, with eight being absent, the motion does not prevail.

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

Mr. **HEWES**: Mr. Speaker and Members of the House: It seems to me that we want to try to get as fine a bill as we can and not have to come back next session or two years from now for a flood of improvements and I would appreciate it if someone would table the bill so that any amendments that want to be submitted could be submitted at this time, and we can debate those and then eventually I hope pass a fine bill.

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

Mr. **DUDLEY**: Mr. Speaker, I ask that this be tabled for one legislative day.

Whereupon, Mrs. Baker of Or-

ington requested a division on the tabling motion.

The **SPEAKER**: The gentleman from Enfield, Mr. Dudley, now moves that L. D. 1422 be tabled until tomorrow pending passage to be engrossed. All in favor of tabling until tomorrow will vote yes; those opposed will vote no.

A vote of the House was taken.

108 having voted in the affirmative and 25 having voted in the negative, the motion to table did prevail.

On motion of Mr. Susi of Pittsfield,

Recessed until two o'clock in the afternoon.

After Recess 2:00 P. M.

The House was called to order by the Speaker.

Passed to Be Enacted Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 99 voted in favor of same and 14 against.

Whereupon, Mr. Birt of East Millinocket 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 enactment. This being an emergency measure, it requires a two-thirds affirmative vote of the entire elected membership of the House. All in favor of its enactment as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brown, Brown, Bustin, Call, Carey, Carter, Churchill, Clark, Collins, Cottrell, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dow, Doyle, Drigotas, Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Genest, Gill, Good, Goodwin, Hall, Hancock, Hanson, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Jalbert, Kelleher, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lebel, Lewin, Lewis, Littlefield, Lizotte, Lucas, Lund, Lynch, MacLeod, Maddox, Mahany, Marsh, Marsteller, Martin, McCloskey, Millett, Mills, Morrell, Murray, O'Brien, Page, Parks, Payson, Porter, Rand, Rocheleau, Ross, Santoro, Scott, Shaw, Shute, Silverman, Simpson, T. R.; Smith, D. M.; Starbird, Stillings, Susi, Theriault, Trask, Tyndale, Vincent, Webber, Wheeler, White, Wood, M. W.; Wood, M. E.; The Speaker.

NAY — Bunker, Carrier, Clemente, Cooney, Cote, Crosby, Dam, Dyar, Emery, D. F.; Lawry, Lee, Lessard, Manchester, McCormick, McNally, Mosher, Norris, Orestis, Rollins, Simpson, L. E.; Slane, Smith, E. H.; Williams, Woodbury.

ABSENT — Bourgoin, Conley, Donaghy, Dudley, Emery, E. M.; Evans, Jutras, Lincoln, McKinnon, McTeague, Pontbriand, Pratt, Sheltra, Tanguay, Whitson, Wight.

Yes, 111; No, 24; Absent, 16.

The **SPEAKER**: One hundred eleven having voted in the affirmative, twenty-four in the negative, with fifteen being absent, the Bill is passed to be enacted as an emergency measure. It will be signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Incorporate the Jackman Water District (H. P. 1372) (L. D. 1794)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-

thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

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

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

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

Mr. SUSI: Mr. Speaker and Members of the House: This bill has been one of our more controversial bills. I for one happen to believe that this is a bill that is very important to the future of the State of Maine. I hope that here today we will have the opportunity and will debate this completely, the pros and cons of it. We do have conflicting viewpoints on it.

If we follow this procedure I feel that we will have served our purpose here in the Legislature and served the people of the State of Maine well. If at any time should there be any procedures introduced relative to this bill which seem strange to you, or which you don't understand, I hope that you would be on the alert. I believe that attempts may be made to kill this bill in many different ways.

So again I would ask that you be vigilant along with the rest of us; and at this time I would move that this bill be enacted, and when the vote is taken it be taken by roll call.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I rise to concur with the remarks of the gentleman from Pittsfield, Mr. Susi, that this bill has a great deal of merit, that it ought to be enacted by us today. At this point, however, I rise not particularly to give the merits of the bill, but to relate an experience to you that some of you have also had.

Earlier this morning it was brought to my attention that a member of the lobby — and of course I give them every right to be here, and they have that prerogative as being citizens of this state to tell us their feelings and their viewpoints on this bill or any other bill. I was informed by a member of my party that the lobbyist had approached him and told him that we had made it a party issue. Without knowledge that anything was going on within the Republican party caucus, I made a point to mention it at the Democratic caucus. And I would like to relate to you what I said, and to make it perfectly clear now and forever what it was.

I have never brought up the subject of the Maine Land Use Regulation Commission bill in caucus, nor have I asked members of my party to make a party issue of it. What I said in caucus was a very simple thing. And I said, and I will repeat for the benefit of everyone, that whoever had said it and if anyone had said it, that they were lying. Obviously they were referring, and by they I mean the lobbyists, who have now disappeared from the rear of the hall of the House — that the Governor of this state had sent a memorandum to the Democratic members of this Legislature, and I am going to read that memorandum to you to make sure that everyone understands what it was that took place. It is important to note what I said in caucus this afternoon without knowledge that apparently the Republicans had also discussed it, that I had, number one, not made it a party issue; that, number two, it had never been brought up in

the caucus; and number three, I was bringing it up in the caucus this afternoon to emphasize one point, and I am going to make that point now.

I have a sneaking suspicion, and of course I don't know how they got ahold of the memorandum from the Governor, and I don't particularly care because there is nothing in it that I think they ought not to hear. But I do resent them from Xeroxing enough papers, enough copies of this memorandum to run their mill for one day. They had no need to try to produce enough copies of it to make us look as if, or the Governor look as if he was out of his mind, or anyone else.

The memorandum of the Governor of Maine to the Democratic members was one that he was making in his position as Governor because he believes in the legislation. I don't think any of us here would deny the right of any Governor, whether he be a Republican or a Democrat, the right to communicate with the members of his party. I deny and I resent the accusations that have been made by at least one member of the lobby. I have never been as indignant as I am now, because I resent the implications. And I will read it to you so that you will know exactly what was said. It is addressed to the Democratic House members, House of Representatives, dated June 14, from Kenneth M. Curtis, Governor, Executive Department.

"I urge you to vote favorably on the enactment of L. D. 1788, An Act Revising the Maine Land Use Regulation Commission Law. This is the most important environmental bill facing the legislative session. Its enactment is essential for the protection of our vast wildlands territory. Your support would be greatly appreciated." That is all it says, no more and no less.

If they deny me or the Governor a choice of the method he may use to speak to the members of his party, I resent their implications.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak very briefly in support of enactment of this legislation and tell you of an incident that may, for those of you who have not yet decided to support this legislation, shed some light on what I feel is one of the serious problems facing the state. One of the reasons that some of us feel so reluctant to support this bill is that traditionally and for many years the owners of these wildlands have had a genuine concern for the welfare of the State of Maine and for the use of the wildlands by the inhabitants of our state in addition to their money making capacity as revenue producing assets.

Last weekend I was fortunate enough to be able to get away and go trout fishing with three of my youngsters to Tim Pond Camps in Franklin County. This is wildland, and on the road in there was a sign proudly announcing that this facility, this land, was made available by Brown Company for multiple use under a lease program. I learned sometime subsequent to my trip — not from the proprietor, but I have since called him back and talked to him — I have found out that the lease rental currently being charged for this land is \$500. The proprietor at Tim Pond Camps has been told that negotiations are now opened for the lease for the coming year, and Brown Company is asking for a lease rental for this same property, \$10,000. Now for those of us who are quick with figures, that represents a 20-fold increase over what the rental is now being charged.

Tim Pond Camps are very pleasant. We had good trout fishing, and many people from Maine and elsewhere enjoy the facilities there. If the Brown Company persists in its present course, it will probably leave no alternative to this man but to close business and go elsewhere. It will be bad news to those of us who enjoy the trout fishing there and bad news, I think, to all of us in the State of Maine for an even greater reason, because this indicates to me that the day is over when we can

count on the ownership of this land to have the best interest of all of us at heart. It seems to me that we must recognize that the companies which once owned many of these lands are now owned by conglomerates, as is the case, I understand, with Brown Company, and these companies are going to look upon these as money making assets, and they are quite likely to produce the best revenue from them that they can. I think this kind of instance provides us with the very best reason why it is in our best interest to look elsewhere than just to the landowners for future protection of this land.

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

Mr. DYAR: Mr. Speaker, Members of the House: I am glad the gentleman from Augusta, Mr. Lund, brought this out. I mentioned the other day, I represent 25 unorganized towns, and I have to correct that — I represent 26, of which Tim Pond is one.

This House passed a bill here a short time ago which adds more to these people's power, this easement right-of-way bill, possibly two years from now Mr. Lund could be on that same road and be told he could not use it because they had registered in the Register of Deeds office in Farmington in Franklin County that this road was a private road, even though there were no trespassing signs up.

I mentioned the other day that Brown Company, Berlin, New Hampshire owns five of these townships in my district. Mr. Lund mentioned that they want \$10,000 for the lease of Tim Pond Camps this coming year. I do not have the figures, as they are not available, but I would wager that the five townships that Brown Company owns in my district, they do not pay \$10,000 in taxes.

Item 12 on enactors today was one of my bills. In fact there were two bills, 1640 and 1641 that pertain to public lots where the State of Maine owns the surface rights. Scott Paper Company and Sugarloaf and Huber Corporation and Wyman own the timber and grass rights. I can visualize that ten

years ago possibly the tax value of these lands were below the \$3.80 an acre I mentioned this morning.

Scott Paper Company, Recreational Division, Skylark Corporation, sent letters to the people holding leases at Sugarloaf, telling them that this land was available to be bought by them, that the leases in some cases would not be renewed; and I would like to quote to this Legislature that they wanted 25 cents a square foot to sell this land.

Now there is in excess of 41,000 square feet per acre, which puts that cost up to \$11,000 an acre. The resolve we enacted today is considerably less than that; it is down to the \$2,500 figure. Now this is what we are facing in the unorganized towns in the State of Maine. We voted down the increase in the wildlands tax this morning. You heard 35 cents an acre being paid, which in my mind this six or eight cents was the correct figure when we talk about wildlands. I am not talking about the unorganized townships where we have farmers who are tilling the land, milking the cows and so forth. But the true figure is closer to eight cents than it is 35.

I realize 1788 is an extremely restrictive bill. I think the time has come when we have got to take some real restrictive acts if we are going to protect what was given. It has been said that the lobbyists have been heavy on 1788; they were also heavy on L. D. 919, which was my bill on the forest cutting act, wherein I was trying to protect our forests. This act probably covers that, and protects our interests in our natural resources even further.

I can see nothing partisan about this bill. I have people in my district who will be paying extra taxes this year who will be restricted by this law, but I hope that we can enact this law today, and if we are too restrictive that we can come back in the special session or the 106th and take care of the people who we have over restricted. But if out-of-state corporations want to come into this state and speculate with this land, let them meet the conditions that we set and let them pay just taxes.

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

Mr. GILL: Mr. Speaker and Members of the House: I don't usually become involved in legislation of this type, and there probably is no point even to mention a few things which I had understood that some of the proponents had felt that it could be changed without causing any great amount of problems to this bill. I understand that under this act, if you do own a camp in the wildland area, and you do own it, and you want to sell it you have to require permission and apply to the EIC.

I also understood by both proponents and opponents that there was a mistake that would be corrected by Mr. Bragdon's amendment in changing the number of the subsection. I have also noticed there is a Section "B" under Section 685-B, "No person shall commence development of or construction on any subdivision or sell or offer for sale" — in other words, a person can't even put up a for sale sign on their camp or cottage.

I had also been led to believe by proponents of this legislation that they would be willing to accept an amendment where now I believe the amendment would cover all single family dwellings, camps presently in existence. And this would be covered if they were occupied on a year-round basis; and I understood that they felt that if they were just occupied on a part-time basis that they should be exempt.

I had even heard it said by the sponsor that this is a good bill, but it should have a lot of changes. I had been told by a lobbyist for the environmental group that there were parts of this they wanted to change in the wrap-up bill. In other words, there were parts of this bill that they did not even want to become law. And if I am wrong in this I would like to be corrected. I mean I have no intention in trying to kill the entire bill, but it is a little bit concerning that when these things are brought to your attention that just because you bring them up they claim you are a pawn of the paper companies. And this isn't

so. I use paper, Kleenex, and various other types in the roll around the house. But that is about all I know about paper. But if I am wrong on any of these statements I have made, I would like to know sincerely.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Sometime soon, when it comes from the other body, I will be debating a bill relative to salmon fishing in Washington County. I will tell you then how the paper companies have frozen out the average Canadian citizen by buying up all the land on the salmon rivers there. I have fished Tim Pond, but I shall not expound on that as Mr. Lund has already said so.

I spoke in favor of this in the engrossment stage. We have already debated it more than two hours. I will speak again briefly, and repeat my reasons. The opponents say only that we are infringing on the rights of the individuals and they claim that we put too much power in the hands of a few people. I will repeat what I said the other day. I would rather have this power in the hands of a few qualified State of Mainers, who have the interest of our state at heart, rather than it is now when it is in the hands of a few who, in the main, are wealthy out-of-state landowners who do not really have the best interests in our state and our people.

I will also repeat in my opinion that this is one of the most important pieces of legislation that I have seen in my sixteen years here. Its passage would well justify our entire work in this Legislature.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry the second time to follow Mr. Ross and think that he has been a little bit misled here. I don't think we want any Hitlers and Mussolinis here, whether they are Mainers or not. We had some boys around here with white hats on. If you look under them they

have got a swastika on the arm, or whatever the Black Shirts wore. I don't remember; I just know that we had them.

It seems odd that all of a sudden the executive is moving over here. I am glad that the gentleman from Eagle Lake read the orders from headquarters. It was also interesting to note that the chairman of the Democratic party has been hired by the lobbyists for this bill. You would think from reading the papers and what we have been hearing around here that the only lobbyists were for the paper companies. Well, you and I better be the lobbyists for some of these people that are going to have their property rights taken away from them, because they are not here, and they can't afford to hire lobbyists.

I understand that the NRC has a \$100,000 war chest for this. Now this is running into real money. You have a couple of lobbyists that we think a lot of; they are very nice fellows. One is named Hildreth and the other is named Richardson. They are both very powerful and articulate young men. But to say that all the silver tongued lobbyists are on the side of the paper companies is sort of an exaggeration.

I am just going to make a little prediction. Mr. D. gets up every once in a while and tells what he has said was going to happen. I am going to say to you that right now, today, and on this bill, we are seeing one giant stride toward the State taking over the property owners' rights in the State of Maine. When we have to go to the Land Use Board and get permission to sell our property — it is bad enough to have to ask them how we are going to use it, but when we have to go there and the Register of Deeds is told to hold up that deed until you get permission from Augusta, and get a rubber stamp on there, this means that we have lost our property rights.

And not only that, it means that the lands that we have worked for and paid good money for have lost value. Who in the world will want to buy land that they can't use or sell again? This is one of the natural things in this society that

we have had, that a man has the right to work and build up something, and own it, and use it as long as he isn't becoming a nuisance to his neighbor.

But we have 12,000 of these people that live in these unorganized townships, and you are taking their property rights away from them. I got a no no here, so I will go on to something else.

It seems interesting the other day that the gentleman from Eagle Lake also mentioned the fact that the Dead River Company was for this. They thought it would be fine. I think I can give you an idea of why it is possible that they are for this. I understand that this is divided up into districts, that one Mr. Chris Hutchins, who is the vice president in charge of recreation for the Dead River Company, is on this Board. So if I wanted to sell a piece of land that he was involved in, I would have to write for permission from him to get this deed approved. In the meantime, if someone wants to step in and sell other land or change the buyer's mind, it could be very well done.

I also understand that there are roads under water and troubles with a certain Carrabassett Village, and this would be a good way, first step to help the state bail out the water off of these roads is to have this Land Improvement Commission here, or Land Use Commission do just that.

I feel that we have gone far enough, and I simply will sit down after saying I think that we are watching, or seeing and being a part of the taking over of property rights in the State of Maine in the name of the State. Now I for one am not about to wear a swastika on my arm or wear a black shirt, even though I have a white hat on my head.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: My good friend, Mr. Gill of South Portland, raised some questions and I think he deserves some answers. I think the proponents of the bill, to answer his questions, will accept the bill as

it is written. I think that if there are some numbered sections that are wrong, or the numbers are wrong on the bill, that they would want to change it in the Omnibus bill.

But I refer to the other changes that are in amendments that aren't even before us. I don't think these satisfy the objections of the opponents. I don't think it is accurate to say that the proponents would like to change the bill; I think they like it the way it is. The opponents of this legislation have cried that it infringes upon individual rights, and so with Representative Susi's amendment we have exempted the residents of the wildland, but the opposition still hangs its argument on the point of individual rights.

I believe it was Justice Holmes who said that a man's individual rights extend the length of his arm, as far as he can reach, stopping just short of another man's nose.

This bill does not take away individual rights; it guarantees the rights of all. L. D. 1788 gives this state, for the first time, the appropriate powers and duties to effectively and responsibly plan and guide for the future development of 10 million acres. It allows a man to do what he wants with his own land, to swing his arms all he wants, as long as he stops short of someone else's nose.

All we have to do is look back over our shoulders at the rest of this country and then consider the increasing numbers of developers who are entering this state with plenty of cash and sometimes very little conscience, to realize that now is the time to seize this opportunity to protect Maine land for Maine people. And I encourage my colleagues in this House to vote for the enactment of this bill.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I can't help but remark on my young friend Mr. Smith's statement that reminds me of Henry Ford one time said that — told all the dealers they could have any color they want as long as they are black. In other words, you are telling these people that they can

do anything they want to with the land except what we tell them they can't do.

Now I haven't spoken against this bill before, even though I voted against it. I think it is a monstrosity, but if it was amended so that some of the worst of the rough corners were taken off, then it wouldn't cower my stomach quite so much. I know that you have been bored with the quoting of subparagraph 3 on page 2 until you are probably sick of it. But I have read it over and over and over until I am sick of it. And that is the interpretation of a structure. "Buildings shall mean any structure having a roof, partial roof, supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or whatever." And that is one of the things that I object to; unless that is amended out, or unless it is softened, it seems to me it is a ridiculous bill.

That would mean that not only amongst the big Brown Company and the big companies, but I have friends and relatives who own quite a bit of property in unorganized towns, small timber lots and old farms. If they want to build a pole shelter for their tractor, they have got to get permission. Now if that isn't ridiculous, I don't know what is. Talk about rights.

And what about "C" on page 8: "No person shall commence any construction or operation of any development without a permit issued by the commission." And then it goes on to tell you, you have got to have six copies of the request. Bottom of page 10: "A registrar of deeds shall not record any plat or any document purporting to convey or subdivide land. . . ." Now I understand that one of the amendments proposed would change that. But as it so stands, convey — if you wanted to sell a piece of land 100 by 200, you have got to get the permission to do so, and state why and so on.

Now with all of our consideration of rights, it seems to me it is a two-handed sword; it should work both ways. Owners of property have rights. What if we object? I know it is objectionable, sometimes it is terrible that some of our big out-of-state money men

come in and buy some choice property that we wish we had the money enough to buy, and we don't. But is it any reason to concoct a law saying that they can't do what they want to with the land after they buy it?

This is a free country. It was conceived on freedom, and the greatness of this country is not necessarily with some of these tighter and tighter laws which are going to make a police state out of it. But it still is on freedom; and the freedom to make money, the freedom to have big corporations, if you will, the freedom to work and strive and use your initiative without being hamstrung at every turn.

Now I have been accused of being against all conservation environmental bills. It is not so. If they will make this bill reasonable I will buy it; until then I shall oppose it.

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

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to get down to some of the practical aspects of this Land Use Commission. A very fine report on the Commission was given by the lady, Mrs. Brown, last week; but she didn't quite finish it. And we passed this bill two years ago to set this Regulation Commission up. In the first year we gave them \$27,340 to operate on. The members of the Commission, who are very busy men, spent \$30.87 and lapsed \$27,209 to the General Fund. They didn't manage to find the executive secretary they needed for the Commission until November of last year, and he has been operating on a \$29,373 appropriation that will end at the end of this month.

The Governor's budget requested \$29,180 for the first year of the biennium and \$29,951 for the second year. The budget was drawn up by members of the Commission before they got their executive secretary there, and they didn't know just what their expenses were going to be, so it was a token budget.

The executive secretary came into the Appropriations Committee

and requested 13 people and a budget for the first year of \$215,000; second year \$188,909. These 13 people were to be split up into a General Administration Division, a Planning and Research Division, and a Land Use Regulation Division. That Planning and Research Division is probably about the 15th or 16th that we are financing in various departments throughout the state.

In the Part I budget — and it came out — we appropriated a total of \$59,131; in the Part II we added \$126,550, and gave him a total of six people to operate with, or a total budget of \$185,681. And this is to start the Commission operating on two per cent of the territory. I have a pretty good idea what he will want two years from now to operate on 100 percent of the territory.

Personally I would like to see what he does with the two percent and \$185,000, before I give him 100 percent of the million dollars to work with.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: Today marks perhaps the end of an era which began way back when land barons first acquired about half of the State of Maine and all of the power that goes with this ownership. We are probably closer right this moment than ever before in the history of the State of Maine to being able to participate in forming the destiny of half of the State of Maine.

The need to do this, in my opinion, due to the great pressure of outside interests becoming interested in our state, to participate in our states affairs in one way or another, is very great. So many times people from other states who are as concerned with their states and their affairs as we are with ours, have commented to you and to me, "How fortunate you are in Maine that you have had the opportunity to see the mistakes that we in these other states have made where we have made such horrible messes." And they are going to have to be cleaned up at such great cost in

order to attain any sort of a quality of life.

In my little home town of Pittsfield there are three real estate dealers who are nationally affiliated, and each weekend the yards around their homes, you would think there was a ball game or something going on, cars from states from all over. And they are people who are fleeing these horrible conditions in other states and want to come to Maine to live or get a piece of land, some relief from the horrors that they have in their states. To a large degree I am convinced more than for any other reason it is due to the fact that they have had unregulated recreational and industrial and commercial development in their own states.

Now we have the opportunity to look at the experience of these other states, and we still have a good, clean state here, and we can save it. And today we can take the biggest step in that direction that we have ever had the opportunity to do before.

I, along with many of you, had the opportunity either directly or indirectly to have watched and heard of a fellow by the name of Senator Jim Briggs who was down here 15 or 20 years ago. And he was telling people then that the amount of water pollution that was taking place in the State of Maine was a mistake, and it should be corrected, that it was a wrong thing to allow here in this State of Maine.

He not only was not heeded, he was scorned. People laughed and made circles beside their heads when Jim Briggs walked by. And today we are spending in federal and state and municipal money hundreds of millions of dollars to clean up the messes that Jim Briggs told us about back then.

We had the opportunity to do something about it, but no, it was smart to follow the leadership of the same forces that are trying to stop this legislation here today. They were around then, and they were using the same talk.

At home about 20 years ago I was Chairman of the Planning Board, and we were one of the first communities — and I am very

proud of this — we were one of the first communities to have zoning in the State of Maine. And any arguments that are going to be used against this here on the floor today are tame compared to the arguments that were given against zoning in Pittsfield 20 years ago. And I am going to tell you that people could hardly say a sentence without swear words, they felt so strongly about this. And we voted and revoted and revoted, and we got it through by just a squeaker. And today I don't think you could find ten percent of the people in the Town of Pittsfield who would indicate any reluctance concerning zoning in their town.

It is still true what they said then, that they did lose some private rights; but the benefits to the public were so great that they were willing to accept this, even those who had had their wings clipped a little bit in the intervening 20 years.

The current issue of Forbes Magazine, the last one, which is on the newsstands right now, has a picture on the front page of it of a four-strand barbed wire fence with some cattle behind it, captioned to the effect of "Where are they going now?" And they are comparing the cattle to industry and recreational developers. Then there is a lengthy feature article on the subject — and it seems that a great many states around the United States now have shut out industrial development and recreational development. They just don't want them any more. They in effect say, "We are glad to have you come and visit us for a few days, but please go home, we don't want you."

Now this is a fact, and it is so contrary to what our experience has been. Our experience has been, "Oh, if we could only get some industry up here; if we could only get some rich folks up here." And we are still thinking this way and practically it is understandable. But if we will just recognize that it is getting to the point where there is practically no other place that these people can go. They are going to be coming here, and they are going to be coming here in

droves. And we had better be ready for them with some sort of ground rules, or I believe we are going to have the same sort of mess that one after another of our states around the Union have had.

This bill that is before you is designed to deal with just such problems as I believe are beginning to exist and will expand as time passes. I believe that basically the day has passed when just the possession of a deed or a piece of paper to a property, and an opportunity to profit by a particular situation, are the only criteria that are required to set the course of action in the definition or in the disposition of earth's natural resources. Now if I made that sound complicated, I didn't intend to.

As long as we had all the water we wanted, and all the earth we wanted and everything we moved pretty freely. You get your deed and you could just go ahead and make up any sort of deal you want to. Chop her up, make any sorts of trades, and if you came out with a profit you were a pretty smart guy; and if there was a little mess left there wasn't that much harm done. But it has been pretty well established around the country that you just can't operate that way any more and have any sort of a life left for your people. It is just no fun living all on hottop with no clean water, and filth and corruption all around you.

It also has been indicated that if we were to allow this to become law, and this Land Use Regulation Commission had this authority, that they would pounce on these landowners, and oh, they would just put them right plumb out of business, and do horrible things to them.

I would like to point out what has been hinted at as to the membership of this seven-man Commission. There is a Mr. Bachram who is associated with Great Northern — I understand he has left their employ, but he probably will be replaced by another industry representative. A Mr. Hutchins of Dead River Company, which is also another landowner. Mr. Wilkins of the Forestry Department. Mr. Stuart of Parks and Recreation.

Now these people are all well acquainted with, and I think the record shows that they have been very considerate of the interests of the landowners. And I can't for the life of me picture that given any authority they are going to abuse the landowners of the unorganized territory of the State of Maine.

A few years ago here in this Maine State Legislature, our beautiful State of Maine was described as a "sleeping giant"; I think perhaps many of you were down here when this expression was used, I think quite accurately, too. I believe the potential of the State of Maine is great. We are within a day's drive of 50 million people, and more and more of those people are getting to visit us and like what we have here. I hope that you will join with me here today in striking the shackles from this beautiful giant and letting Maine become the state that it can become. It is a real opportunity, it is an opportunity in a lifetime and I hope that you will come.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: You have heard from both corners. Now let's listen to the middle. I steadfastly have voted against this bill since it has been presented. But because of the arguments I heard on the floor of this House, I was convinced this afternoon; one by the gentleman from Augusta, Mr. Lund, the other by the gentleman from Bath, Mr. Ross, that we must protect what we have at all costs.

I feel that today we have that opportunity, and I am going to go along with both leaders and vote for this bill, because I think that if we don't protect ourselves now that in the future we will be very sorry.

I can remember a few years back on the floor of this House where I came up with an argument against the Super U, saying it was going to ruin us. We are spending millions of dollars at the Super U, but we are doing nothing to help ourselves elsewhere. The gentleman from Chelsea, Mr.

Shaw, brought out the budget of what this will cost, and I think it is a very very little price to pay for the protection that we are going to get for the future.

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

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: No one can disagree with the good purposes of this bill, but I think many of you question the methods of this bill. And I think if we pass this bill the result will be that only the rich that can hire lawyers to get through the red tape will ever be able to do anything in these lands we are talking about.

I would like to read a little quotation on the role of government which I think applies to this bill. And this is from Health and Welfare Secretary Elliot Richardson.

"The pursuit of life, liberty, and happiness on one's own terms is still the best statement of private aspirations. Government is an instrument with which we peel away impediments to these aspirations — an instrument we use together because the impediments are common to us all. Government is essentially a problem-solving apparatus — not for all problems, but for those whose solution depends upon mutual coercion. Government cannot define what is the good life, nor define the conditions of liberty and happiness, but it can be used to minimize the obstacles to them. When it is used to lay out their specifications, it is at best inept, and at worst despotic."

Now when we think about the methods in this bill, I think the last section certainly applies, that we are setting up a Commission that will be all powerful. I hope you will vote against this bill so we will be in non-concurrence, and maybe a Committee of Conference can make it more consistent with our democratic process. And if any of you think that some lobbyist wrote this speech for me, I would like to say that the lobbyists that have seen me have been on the other side, and one suggested just recently that I might be late to this session.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I would like to concur with what the Republican leader has said here, Mr. Susi, a few minutes ago. I was at the Rotary Club last summer, and one of these big wealthy persons came in and gave us quite a speech. And in his talk — I think he is the gentleman some of you people in York County might know who bought a section of — I think it is Parsonsfield, and he has renovated the city in the old fashioned as it was years ago. He spent quite a lot of money; he spent over \$300,000—some-odd to half a million dollars. And he says, if the State of Maine is going to be spoiled, and he says the people of the State of Maine are going to be a sorry lot if they let these people come over here and take their rights away like Mr. Lund and Mr. Ross have said a few minutes ago. I couldn't help not getting up and tell you about this.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I shall be brief. I rise to thank the gentleman from Waterville, Mr. Smith, for his very kind remarks in answering the questions that I posed. And I believe entirely that he is a proponent of this bill. And that is his version, and perhaps I should have spoken to him before instead of a proponent that I did.

I simply rise, frankly, to change my position. I had said that if these changes cannot be made I will support this bill, because I have had a lot of correspondence, a lot of people from my community — and the last time I spoke that I did — I gave the impression that I would support it. But frankly, because of these various things that have been brought up about it, I am going to vote for the indefinite postponement, and I would so move. I will take my chances with all my good environmentalists in the Greater Portland area; I am going to take them home a batch of these, and if they are all

shook up, just ask them to read the entire thing, and to see if they could support it.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: I will be brief. I have done some research on this bill. I hate to stand here this afternoon against both corners, and the Governor. It makes you feel a little cold, and apparently be spouting a black hat and horns. But there are some sections of this bill from my correspondence with the Attorney General's office, in their opinion anyway, that are unconstitutional.

I am not going to go into them because we did have a n amendment. But apparently there is going to be no effort made, and probably can't because of the parliamentary procedure, to put it in. But this amendment would correct some of those. And for that fact, if nothing more than to get it back in non-concurrence, I am going to go for the indefinite postponement.

Apparently the proponents of this bill — and they look at it, I feel, like a horse with blinders — there is no compromise at all; they are not interested. There is only one way to go and that is in a straight line, and have everything they want. And if they can't have everything they want then they don't want anything.

So until a different time comes, and I will close in saying that if this legislation doesn't pass, if this piece of legislation does not pass this afternoon, the State of Maine will be here tomorrow morning; the sun will come up and the wind will blow, and the water will still go on our purification course, and so forth and so on. It will not be the end of the world.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am not going to make any remarks at length anyway, with regard to this bill. I am going to vote for indefinite postponement, because I believe it is unwise legislation.

I have heard various philosophies, we will say, expressed with regard to private rights. And I certainly am going to read with a great deal of interest the remarks of the gentleman from Pittsfield, Mr. Susi, with regard to what he said about a deed. If I understood him correctly, I think he said that it didn't amount to anything. I somewhat feel if someone moved in on Mr. Susi's front lawn he might modify the statement that he made.

I still think there is in the State of Maine such a thing as the rights that we may be given under deeds to our property, and I am not going to enlarge further on the remarks of the gentleman from Pittsfield until I have an opportunity to read clearly how his remarks appear upon the record.

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

Mr. LUND: Mr. Speaker and Members of the House: I would just like to answer very briefly the point that was raised by the gentleman from Lubec, Mr. Donaghy, in which he suggested that individual property owners would not be able to put a for sale sign up on their property in order to sell it. Now I have looked the bill over, and I don't find any provision that has that effect.

I do find a provision — and this is on page 8 of the bill. Section-685-B — which provides that no person may commence development of any construction of a subdivision or offer for sale something in a subdivision. This I think is in the bill, and I think there is a good reason for this.

And we here in Kennebec County know all too well the reason for it. Here in Kennebec County we have a man who is now under indictment in Portland by the name of Charles Geotis, who we have been trying unsuccessfully to keep from selling property for some time, and the difficult thing was that he continued to offer for sale these pieces of property after the attempt was made to stop it. I think there is every good reason for putting restrictions on the sale of land in subdivisions, but I find

nothing in this bill that would apply this provision to the individual property owners.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: This bill 1788, has been debated quite thoroughly on two previous occasions. However, I would like to call your attention to a few observations I have made over the decade I have had both the good fortune and privilege to serve in these hallowed halls.

I have no vexations as far as the timber lobby is concerned. They are hired guns to protect certain private interests, and they certainly do their job well. I should know; I served two terms in the Third House myself.

To my firm consideration, 1788 is legislation in the best interest of all of the people of Maine. It is a giant step to protect our great natural resources, the wildlands in unorganized territories. It seems almost amusing to me to hear the same familiar speeches by the opponents of the legislation that would affect the small minority who own these vast acres of land, probably not more than seven in number. I would ask them, how was this land acquired over the years? The answer to this question might indeed be interesting.

I can recall the same when the first wildlands tax bills were introduced in the House, and I think they were in the 100th and 101st. What a roar of resentment echoed through the halls. "Preposterous" was the cry. "Don't intrude" was added to these lands consisting of the most beautiful areas of the state, with countless lakes, ponds, streams, valuable timber and glorious country, beauty beyond imagination. And you may make note of this fact, that in the future will be in a capital investment making the owners riches in capital investment a thousand and more times the small amount needed to acquire these lands. "Don't touch" was the cry, "it is all ours."

But they forget, by owning this vast area which is practically almost half of the State of Maine,

they have a direct obligation to all the people of Maine, a responsibility as far as the development and usage of this land is concerned. And I say this about every landowner. You become a part of the public interest just as soon as you acquire any great plot of land. And this goes for my acreage down near the sea which I open every year for fishing and for every other purpose of recreation.

So strong was the feeling of our beloved great benefactor Governor Baxter on this point that he contributed the wonderful Baxter State Park for eternal use of all the people who love natural beauty. He knew very well that under the State Parks direction it would be preserved in all its wonders.

One of the arguments brought forth by the opponents was the present unemployment rate, which anybody knows is caused by economic adjustment from the boom years caused by the wars. "It will affect the little people" is another cry by the statement of the opponents. The Susi amendment that Mr. Lund said to you — and I do not doubt his word for one moment — there is no part of the bill which makes this possible.

If great stretches of land throughout the state had been protected under regulatory practice, we would not be in the state of environment we are now trying to overcome. I was glad to hear Jim Briggs' name brought up today, because to my feeling he was one of the greatest statesmen that ever existed in the State of Maine; because he loved this state beyond words.

I urge you to enact this document. I feel it is a most important piece of legislation to be introduced to this House in more than a decade. I have been around here more than a decade, and I think I am as knowledgeable on wildlands as any man in this House.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to the good gentleman from Kennebunkport,

Mr. Tyndale. I agree with him, we have got a beautiful state, and we are looking into this document here. How did it survive over so many years without this? I would like to know that.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, poses a question through the Chair to the gentleman from Kennebunkport, Mr. Tyndale, who may answer if he chooses; and the Chair recognizes that gentleman.

Mr. TYNDALE: Mr. Speaker and Members of the House: I would like to answer the question, because I like talking to Ed Kelleher; he is a very good friend of mine. But do you honestly believe, sincerely in your heart, that the state has been protected in environment over this last decade? Look at your streams. Look at your rivers. Look at everything else as far as that is concerned. It seems to me that the people of the State of Maine are demanding this protection, and I for one — who have travelled this state far and wide over these years — have observed that we are endeavoring to protect it. And this goes for the paper companies too. I really do think that they are doing a job that they can do the best that they know how. But I do think that these practices are needed in order to preserve these lands for eternity.

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

Mr. LUCAS: Mr. Speaker, Members of the House: I rise reluctantly to speak on this bill, being a city boy and not travelling perhaps to the greater parts of our state. I would relate to you very briefly that my great grandfather came from Sweden and settled here in Maine and became a logger, as he was in the old country. My other great grandfather came from Ireland and he too went into the business of timber products in the southern part of our state.

I have, through connections in bonds of marriage, become acquainted with Aroostook County, and very proudly so. I have travelled the state somewhat, and I have seen areas, and I would agree with Mr. Tyndale, some areas of our state are most beauti-

ful, and if we travel from Kittery to Fort Kent and from the New Hampshire border to Eastport, we do have quite a magnificent state.

I would like just simply to give you the impression that I feel to adopt these Land Use Regulation policies we are simply going to insure the orderly realization of our state — orderly. Now I think Mr. Susi pointed out properly that the other states, and certain parts of our country, have disorderly developed. And I would contend that the problem here, while the **rights of the landowners must be protected**, we here are faced with a decision to make land use decisions that will protect both the **public and the landowner at the same time**.

I don't believe that this piece of legislation is as extreme as the opponents make it, and I certainly will vote against indefinite postponement.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: When this bill first came around I voted for the indefinite postponement when that motion was made. Then I had a chance to go back to my town and I talked with quite a few of the people, in fact there was about twenty or twenty-three in the group, and they practically at that time convinced me I was wrong, so when it came up to reconsider the engrossment stage I voted against that motion.

Since then I have talked to maybe seventy-five or eighty right in my town and a small town nearby and we discussed this, and I admit that the first time it came out I was not one hundred percent in favor of it and I am not one hundred percent in favor of it now. But I am convinced that this is the most nearly perfect thing that we can get on the books right now. So for that reason I do oppose the indefinite postponement of this bill.

Now we did over the years we allowed the rivers of the State of Maine to become polluted. We spent millions of dollars to clean this mess up. It is going to cost millions more, many millions, and it is going to take many years before the rivers become clean again.

So I feel that now, today, is the time we should enact something to stop this ravaging of the unorganized lands in the State of Maine.

Also, the top management of these corporations that control this land, they have very little or no interest in the State of Maine. Their only loyalty is to their pocketbook and to the financial interests of the corporations that they work for. Now only if the State adopts something that is reasonable in the form of regulations to control the decisions made in other parts of the country — **n a m e l y**, Chicago, Pennsylvania, New York, can we control our future here in the State of Maine. And I would hope that today we would not vote against the indefinite postponement of this bill, but we would allow it to go on its way.

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

Mr. ROSS: Mr. Speaker, I just have but one question, have the yeas and nays been ordered on the present motion?

The SPEAKER: They have not been ordered; they have been requested.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: I had delivered on my desk a few minutes ago a small article, 6-15-71, and in defense of those three or four large paper companies I wanted to read it to you. It will only take a minute; I have thrown away four or five pages of prelude which I prepared.

"Great Northern Paper Co., a division of Great Northern Nekoosa Corp., has received an 'Environmental Honor Award' from The Environmental Monthly magazine.

Presented to Robert A. Hask, president of GNP, the award recognizes Great Northern's Mgo . . . plant at Millinocket.

Since its dedication in March 1970" — and I was there as a member of the Natural Resources Committee, "the Mgo plant has reduced the BOD . . ." oxygen demand of the water in Penobscot River by 85 percent.

Every one of these big big bad boys are doing it. Every one of these big big bad boys are cleaning up their waters. It is the people of the State of Maine that are dirtying the waters. Only in yesterday's paper we had Yellowstone, we had Bar Harbor, the people are wearing it out. Now they say the Allagash is a darn mess. Okay, let's open up the rest of it.

I have got five or six pages here left and I am not going to go through five or six pages, because everybody else has. I have a few notes on the margin of a paragraph that I am going to read.

We do have a land use organization and here are the 64 pages of form you have got to fill out, for the gentleman from Augusta, Mr. Lund's information. It is in existence now. It is rather interesting. This bill came before us and the Commissioner came down. It came before my committee. I have been listening to this thing and living with this thing all winter. And I thought it was kind of cute. I didn't even know him the day he came before the committee because it was just for this little housekeeping bill to clean up the existing bill. He took off his whiskers to make it look nice and soft and easy.

And as far as the lobby goes I am House chairman of the Natural Resources and let me tell you ladies and gentlemen of the House, I have suffered the torments of hell this weekend, and it wasn't the industrial lobby that did it either. And I still am going to vote for the indefinite postponement of this bill because I can justify it.

This paragraph, and I am going to show you a little piece of blue paper, I have got it right here. One of the greatest hoaxes you ever saw can come from one of these pieces of blue paper and the gentleman in the corner from Pittsfield, Mr. Susi has authored it. Those of you with constituents in the unorganized territory who may think the problems have been solved by House Amendment "A" just take a look at Section 686B, subsection 7, the amendment only provides that occupied year-round

single family residence and operated farms are exempt from the land use guidance standards. And that no land use guidance standards can deprive an owner of real estate of the use to which it is then lawfully put.

Section 686B, subsection 7, however, turns right around and any land, any property that you may own, that you may be living in, that falls within the zoned area, if it is zoned for timberland then she is gone tomorrow.

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

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: This bill was presented to the committee on which I have served, and I must say it was probably the hardest on which to sign the report. On the one hand I strongly support the idea of conserving these very unique lands providing for the orderly development; on the other hand I have great difficulty in giving the government such control over lands that have been bought and paid for and are owned by private individuals.

Ultimately I signed the "Ought not to pass" Report and what swung me was the fact that I have many constituents in my area and I know there are many other people in this state who own camps in the unorganized territories, and they are going to be required in order to "erect, change, convert or wholly or partly alter, or enlarge in its use or structural form in any way." they have got to pay a fee and get permission from this Commission.

I cannot support this bill as long as this is in it, and therefore I am forced to vote for indefinite postponement.

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 South Portland, Mr. Gill, that Senate Paper 610, L. D. 1788, An Act Revising the Maine Land Use Regulation Commission Law, be indefinitely postponed. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Berry, G. W.; Birt, Bragdon, Brawn, Bunker, Carrier, Churchill, Clark, Crosby, Curtis, A. P.; Donaghy, Evans, Finemore, Fraser, Gill, Hall, Hancock, Hanson, Hardy, Hawkens, Henley, Herrick, Hodgdon, Immonen, Kelleher, Kelley, K. F.; Kelley, R. P.; Lee, Lincoln, Lynch, Maddox, Marstaller, Mc Nally, Mosher, Norris, Page, Rand, Rocheleau, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Trask, White, Williams.

NAY — Albert, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Bither, Bourgoin, Brown, Bustin, Call, Carey, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Cummings, Curran, Curtis, T. S., Jr.; Cyr, Dam, Dow, Doyle, Drigotas, Dyar, Emery, D. F.; Farrington, Faucher, Fecteau, Gagnon, Gauthier, Genest, Good, Goodwin, Haskell, Hayes, Hewes, Jalbert, Kelley, P. S.; Keyte, Kilroy, Lebel, Lessard, Lewin, Lewis, Littlefield, Lizotte, Lucas, Lund, MacLeod, Mahany, Marsh, Martin, McCloskey, McCormick, Millett, Morrell, Murray, Orestis, Parks, Payson, Porter, Ross, Santoro, Scott, Slane, Smith, D. M.; Smith, E. H.; Starbird, Susi, Theriault, Tyndale, Vincent, Webber, Wheeler, Wight, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Boudreau, Carter, Dudley, Emery, E. M.; Jutras, L awry, Manchester, McKinnon, McTeague, Mills, O'Brien, Pontbriand, Pratt, Sheltra, Tanguay, Whitson.

Yes, 50; No, 84; Absent, 16.

The SPEAKER: Fifty having voted in the affirmative, eighty-four in the negative, with sixteen

being absent, the motion does not prevail.

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

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

Mr. MARTIN: Mr. Speaker, I now move that we reconsider our action whereby this bill was passed to be enacted, and I would ask you to vote against my motion.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, now moves that the House reconsider its action whereby this Bill was passed to be enacted. All in favor say aye; those opposed say no.

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

An Act Revising the Laws Relating to Real Estate Brokers and Salesmen (H. P. 838) (L. D. 1161)

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

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker and Members of the House: I do not rise in opposition to this bill, but only for clarification. Where there have been questions raised in that part of the Committee Amendment which takes out Section 3 of this bill, I want to merely state that this is our intention to leave the law as it presently is and has been operating for some number of years.

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

An Act relating to Validation of Certain Instruments and Recording of Plats of Subdivisions of Land in Municipalities (H. P. 1028) (L. D. 1415)

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

Enactor

Tabled Later in the Day

An Act Clarifying the Statute

Relating to Realty Subdivisions (H. P. 1034) (L. D. 1425)

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and later today assigned.)

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

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

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

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

Finally Passed

Resolve Authorizing the Forest Commissioner to Convey the State's Interest in Certain Lots in Franklin County (H. P. 1190) (L. D. 1640)

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

Orders of the Day

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

Mr. COTE: Mr. Speaker, I would ask if the House is in possession of H. P. 826, L. D. 1116, Bill "An Act relating to Establishment of a State Building Code by the State Housing Authority"?

The SPEAKER: The answer is in the affirmative. The Report and Bill were indefinitely postponed earlier in the day.

Mr. COTE: I move that we reconsider our action of earlier in the day whereby the Report and Bill were indefinitely postponed.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, moves that the House reconsider its action of earlier in the day whereby the Report and Bill were indefinitely postponed.

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

Mr. CARRIER: Mr. Speaker and Members of the House: Very briefly, this bill here we killed four or five hours ago and I think we went through it pretty well, covered it pretty well. I think the bill is just no good and I hope that you vote against reconsideration.

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

Mr. MARTIN: Mr. Speaker and Members of the House: This morning I am not sure really what was in the bill myself. I voted against the motion to indefinitely postpone this morning, not really knowing what was in it. I spent a little bit of time between the session this morning and the session this afternoon. I think the gentleman from Cape Elizabeth had indicated to us that this is similar to legislation that his committee had already killed, and I understand that this bill came out of State Government. I also understand that this bill has nothing to do with existing buildings. It merely would describe the manner in which a residential dwelling would have to be constructed to provide for public health and safety.

Now I don't know, maybe there is something basically wrong with the bill, but I think at this point I will have to go with the members of the State Government Committee and see whether or not arrangements can be made to accept the unanimous report.

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

Mr. ROSS: Mr. Speaker and Members of the House: Really this bill only provides that those persons buying, building, or regulating the construction of housing will be subject to the same set of rules that the housing is factory built or custom built. It is a bill that we probably should pass and I certainly favor the reconsideration.

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

A vote of the House was taken.

64 having voted in the affirmative and 53 having voted in the negative, the motion to reconsider did prevail.

The SPEAKER: The pending question is indefinite postponement. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, the "Ought to pass" in New Draft Report was accepted, the New Draft read twice and tomorrow assigned.

Mr. Birt of East Millinocket presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the following be recalled from the Governor's Office to the House: Bill, "An Act Restricting Use of Certain Campsites." (H. P. 996, L. D. 1358) (H. P. 1420)

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

By unanimous consent, ordered sent forthwith.

Mrs. Hanson of Gardiner presented the following Joint Order and moved its passage.

WHEREAS, Wayne Nelson, son of Mr. and Mrs. Freeland R. Nelson of Gardiner, has acquired the more stringent disciplines required for championship golf; and

WHEREAS, as captain of the University of Maine golf team at Farmington, this 22-year-old junior has demonstrated repeatedly his outstanding ability; and

WHEREAS, on the basis of such performances he has been chosen to compete in the NCAA's ninth annual College Division National Tournament on June 15-18 at Chico, California; and

WHEREAS, he is the second Maine collegian ever to be selected to compete in a national golf tournament sponsored by the National Association of Interscholastic Athletics; now, therefore, be it

ORDERED, the Senate concurring, that Wayne Nelson is hereby commended for his outstanding achievements in the field of sports and his exceptional display of professional talent and dedication which should serve as an inspiration to the young citizens of Maine; and be it further

ORDERED, that Wayne Nelson is extended the best wishes of this Legislature in the forthcoming National Association of Interscholastic Athletic competition; and be it further

ORDERED, that a copy of this Joint Order, signed by the Speaker of the House and President of the Senate, with the great seal of the State of Maine attached, be presented to Mr. Nelson in token of our admiration and support. (H. P. 1421)

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

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

Bill "An Act relating to Fair Minimum Rate of Wages for Construction of Public Improvements by the State of Maine" (H. P. 1398) (L. D. 1815)

Tabled — June 11, by Mr. Donaghy of Lubec.

Pending — Passage to be engrossed.

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

Mr. GOOD: Mr. Speaker, Ladies and Gentlemen of the House: This L. D. 1815 in my estimation is a bad bill. It is just one of the many many labor bills this year that I cannot go along with. I have been informed by Miss Martin, the Commissioner of Labor and Industry that this bill would be almost impossible to administer.

I have inquired in the Highway Department just what effect this would have on their department, and I was told that it would undoubtedly raise all their state contracts from 1½ to 3 percent. I think this bill is not practical, I think it is untimely, and I move for the indefinite postponement of this bill and all its papers.

The SPEAKER: The gentleman from Westfield, Mr. Good, moves that this Bill and all accompanying papers be indefinitely postponed.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen: I have been asked to table this for one day. I have now debated it so would someone else please table this for one day, or ask that it be tabled for one day.

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

Mr. KELLEHER: Mr. Speaker, I move that this lie on the table for one day, please.

Mr. Good of Westfield requested a division on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this Bill be tabled until tomorrow, pending the motion of Mr. Good of Westfield that this Bill and all accompanying papers be indefinitely postponed. A division has been requested on the tabling motion. All in favor of tabling for one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am sure many of us at some point have gotten up and not realized or not known what we were going to say, and that is exactly where I at this point am. My labor expert is unavoidably out. He had to go to the law court. Apparently they decided that he ought to practice a little bit of law rather than be here this afternoon. The gentleman from Lubec, Mr. Donaghy had agreed to retable it for one day, and I am frankly at a loss. All I can tell you is that from what I know of the bill, it was a bill which we originally have already passed, and frankly I would hope that someone would now make the motion to table it for one day.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: As a Republican I have always been considered a liberal when it came to labor matters. I didn't consider myself that; I considered myself as just being equally fair to management and labor. But on this particular bill I wholeheartedly agree with Mr. Good. It is not a good labor bill. It would be a very expensive bill. It would not help that many working men and people, and I think it ought to be indefinitely postponed and indefinitely postponed now.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: It seems rather odd that the State Highway Commission says that they don't want this bill and it is going to make it more costly for them to construct roads, and here we are raising the gasoline tax for roads. And if Miss Marion Martin, the Commissioner of Labor, says it isn't workable, I don't know why we want to waste our time and work with it today. I hope we go along with the indefinite postponement.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen: I think an explanation is due. I didn't ask that this be tabled. I did it as a courtesy for the Assistant Minority Floor Leader. I too am going to vote against this bill.

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

A vote of the House was taken.

76 voted in the affirmative and 30 voted in the negative.

Whereupon, Mr. Martin of Eagle Lake requested a roll call vote.

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

Mr. GILL: Mr. Speaker, I move that the request for a roll call be tabled for one legislative day.

The SPEAKER: The Chair will decide whether a roll call is ordered prior to the tabling motion.

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 in favor of 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.

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

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Gill, that this matter be tabled for one legislative day, pending the motion of the gentleman from Westfield, Mr. Good that it be indefinitely postponed, a roll call having been ordered. If you are in favor of tabling you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

46 having voted in the affirmative and 69 having voted in the negative, the motion did not prevail.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Here goes nothing. Let me very briefly tell you what I know of the bill. The bill is sponsored by my seatmate, the gentleman from Brunswick, Mr. McTeague. It calls for minimum wage of rates for construction of public improvements for the State of Maine. As I understand it, what it says is — and I am sure someone from the Labor Committee can either defend or crucify me when I get through. At the present time, as I understand it, such items as medical or hospital care benefits, etcetera, are not included within the items that are counted as fair minimum wage rate of wages. And this bill would require that those

items be included within that section.

I have often felt that this has stirred up, your negotiating for this type of thing. I don't disagree with the remarks of the gentleman from Westfield that it might increase the cost a little bit, because obviously if the employer is going to provide some benefits which he does not now provide it is going to cost someone something, and we ought to believe that.

I do think, however, for those people that would be covered by this bill that it makes sense. And so I would ask you therefore to vote against the motion of indefinite postponement of the gentleman from Westfield, Mr. Good.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: This bill has nothing whatever to do with minimum wages. It is an attempt to insert into the contracts with the various municipalities, who may use state funds, a package of fringe benefits. And is nothing more or less than this. My opposition to this bill, which I expressed when it was first debated, is very simple. Fringe benefit packages should be negotiated directly under the pertinent legislation. This is an attempt to substitute legislation for negotiation, and for that reason I am opposed to it.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: It seems kind of strange to me that for the past six months we have been extending courtesies to any member here that wasn't here on a bill, if he happened not to be present in this body, he or her. My good friend from Brunswick, Mr. McTeague, is the sponsor of this bill. I feel that we should pass it to be engrossed. If you have got any reservations about it, if you want to kill it, you can do anything you want to with it — make a reconsideration motion and then bring it back and

let the man debate his bill. I don't think it is very fair.

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

Mr. GOOD: Mr. Speaker and Members of the House: I don't think my good friend, Mr. McTeague from Brunswick, is very strong for this bill anyway. He knew that I was going to make this motion, and if he wanted this tabled he should have spoken to me. I didn't know anything about this.

This bill is impossible to administer. We have talked it over several times. It is one of those bills that Representative McTeague was threatening to compromise on so that he could get another one passed. He just isn't that strong for it.

If I had known that he was going to make any objection I would have probably taken different action, but I still think that this bill should be settled today and now.

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

Mrs. LINCOLN: Mr. Speaker and Members of the House: For the benefit of those who might be interested, this bill came out of committee a unanimous "ought not to pass" by eight and "ought to pass" five.

The SPEAKER: The pending question is on the motion of the gentleman from Westfield, Mr. Good, that Bill "An Act relating to Fair Minimum Rate of Wages for Construction of Public Improvements by the State of Maine," House Paper 1398, L. D. 1815, be indefinitely postponed. A roll call has been ordered. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Call, Carey, Collins, Cottrell, Crosby, Cummings, Curtis, A. B.; Curtis, T. S., Jr.; Cyr, Donaghy, Dyar, Emery, D. F.; Evans, Finemore, Gagnon, Good, Hall, Hanson, Haskell, Hawkens, Hayes, Henley, Hewes, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Lessard, Lewin, Lewis, Lincoln,

Littlefield, Lund, MacLeod, Maddox, Mahany, Marsh, Marsteller, McCormick, McNally, Millett, Morrell, Mosher, Norris, Page, Parks, Payson, Porter, R. A. D., Ross, Scott, Shaw, Silverman, Simpson, L. E., Simpson, T. R., Trask, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Albert, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Rustin, Carrier, Carter, Clemente, Conley, Cooney, Cote, Curran, Dam, Dow, Doyle, Drigotas, Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Gill, Goodwin, Hancock, Herrick, Jalbert, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lebel, Lizotte, Lucas, Lynch, Martin, McCloskey, Mills, Murray, O'Brien, Rocheleau, Shute, Slane, Smith, D. M.; Starbird, Theriault, Tyndale, Vincent, Webber, Wheeler.

ABSENT — Churchill, Clark, Dudley, Emery, E. M.; Hardy, Jutras, Manchester, McKinnon, McTeague, Orestis, Ponthriand, Pratt, Rollins, Santoro, Sheltra, Smith, E. H.; Stillings, Susi, Tanguay, Whitson.

Yes, 76; No, 54; Absent, 20.

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

Sent up for concurrence.

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

Bill "An Act Revising the Laws Relating to Baxter State Park" (H. P. 1402) (L. D. 1820)

Tabled — June 11, by Mr. Dudley of Enfield.

Pending — Passage to be engrossed.

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

The Chair laid before the House the third 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 11, by Mrs. White of Guilford.

Pending — Passage to be enacted.

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

Mrs. WHITE: Mr. Speaker and Members of the House: I am hopeful that before too long we will be able to take Piscataquis County and others off the table, but today I would be very grateful if some kind person would table this item for one more day.

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

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

Bill "An Act to Relieve Certain Elderly Householders from the Extraordinary Impact of Property Taxes" (H. P. 1400) (L. D. 1817)

Tabled — June 14, by Mr. Collins of Caribou.

Pending — Passage to be engrossed.

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

Mr. COLLINS: Mr. Speaker, Ladies and Gentlemen: There is still a lot of unfinished business in connection with this bill. Amendments are being prepared and there is some legal work being done on it which is not yet complete, and I would hope that someone would table it for another day.

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

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

An Act relating to Service Retirement of Teachers under State Retirement System (H. P. 1329) (L. D. 1743)

Tabled — June 14, by Mr. Porter of Lincoln.

Pending — Passage to be enacted.

On motion of Mrs. Lincoln of Bethel, under suspension of the

rules, the House reconsidered its action of June 10 whereby the Bill was passed to be engrossed.

On further motion of the same gentlewoman, under suspension of the rules, the House reconsidered its action of June 9 whereby Senate Amendment "A" was adopted, and the amendment was indefinitely postponed in non-concurrence.

Mrs. Lincoln of Bethel then offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-467) was read by the Clerk.

The SPEAKER: The gentlewoman may proceed.

Mrs. LINCOLN: Mr. Speaker and Members of the House: For those who might be interested in knowing what we are doing, this bill is the same, seven tenths of one per cent has been added, as it was before. The only thing we have done, we have put another bill on it, L. D. 704, which was on the Appropriation table, and it is a disability bill, which a very fine one, and there is enough money under this 5.7 that will also cover this disability bill.

Thereupon, House Amendment "A" 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 sixth tabled and today assigned matter:

Majority Report of the Committee on Natural Resources on Bill "An Act to Encourage Aquaculture in Maine's Marine Waters" (S. P. 408) (L. D. 1242) reporting "Ought to pass" as amended by Committee Amendment "A" (S-221) and Minority Report reporting "Ought not to pass" — In House, Reports and Bill indefinitely postponed in non-concurrence. — In Senate, passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" (S-243) in non-concurrence.

Tabled — June 14, by Mr. Porter of Lincoln.

Pending — Further consideration.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker and Ladies and Gentlemen of the House: There are some details that are being worked out on this bill to provide an amendment. And I was hoping someone would table it for one day until this detail is worked out.

Whereupon, on motion of Mr. Smith of Waterville, r e t a b l e d pending further consideration and tomorrow assigned.

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

Bill "An Act relating to Indian Tribal Governors, L i e u t e n a n t Governors and Council Members" (H. P. 308) (L. D. 408) — In House, adoption of Committee Amendment "A" (H-434) reconsidered.

Tabled — June 14, by Mr. Donaghy of Lubec.

Pending — Adoption of House Amendment "A" to Committee Amendment "A" (H-454)

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen: First I would like to correct a statement that I made the other day on this amendment. I stated that this sum was in the phase two part of the budget when it isn't. This is corrective legislation. The purpose of the amendment here is to set up an appropriation that will take care of this thing on the Indian Tribal Governors, L i e u t e n a n t Governors and Council members. That has been passed into law; this simply adds on the appropriation.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: The reason why that I objected to this amendment is the fact that I think at the present time perhaps many of you are not aware of the fact that the representatives from these various tribes are receiving a very good compensation. In fact, the representative from the Eastport area so far this year has received \$133 for meals, \$27 for mileage in lieu of the use, \$615 for mileage,

\$18.90 for lodging, and his salary is \$650, which he will receive, making a total of \$1,443.90.

Now this amendment does not pertain to the representative, but it does pertain to the Governors and the Lieutenant Governors. At the present time the Governors are being paid \$25 a month and the Lieutenant Governors are being paid \$10 a month. The Council members are not being paid by the state, but in my area my Reservation has received \$4,000 for that purpose, for their meetings together. So I don't think that we need to give the Governors and Lieutenant Governors the same privileges as we are giving our representatives of that area. So therefore I move for indefinite postponement of this amendment.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, moves the indefinite postponement of House Amendment "A" to Committee Amendment "A".

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

Mr. STARBIRD: Mr. Speaker and Members of the House: As the good gentleman from Old Town has told you, the present officials of the tribes receive a small stipend from the Indian Affairs Department appropriation. This bill received a unanimous report from the Committee on State Government, knocking off, as has been related I am sure, the Indian representatives who are paid from the legislative appropriation in sums outlined by Mr. Binnette a few minutes ago. The reason, of course, that we removed the Indian representatives from this bill by amendment was the fact that the present law covers them quite adequately.

I was made aware last week that this bill should have an appropriation on it, and Mr. Mills said that he would amend it to do this. Apparently he has. I am not aware of where he received his figures or where he got them. I am not aware of exactly what the breakdown would be, since my arithmetic, as you know, has failed miserably in the past. I won't even attempt to break it down. But I think probably he has received

some notification, possibly from the Attorney General's office or somewhere, that there should be some appropriation.

Now the appropriation, if we agree with the principle of the thing — and they are receiving small stipend amounts now, if we agree with the principle that there should be some additional compensation, then all we are disagreeing on, and perhaps I am not disagreeing on, a smaller amount. I am not aware as to what this would break down monthly or yearly to. But I am sure that you all know that this thing if we pass it here today will merely proceed to the Appropriations table and be decided on its merits, good or ill, the last night of the legislature anyway. In all likelihood, if the powers that be feel that the amount stated in this amendment is too much they will lower it or they will get rid of it altogether. I feel it does have some merit, and therefore I urge you to vote for passage.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen: These figures were taken from the Legislative Finance, Mr. Garside's department. It was his information that gave me these figures. They were supposed to have been included in the Department of Indian Affairs but were not included in the budget figures. That was the cause of these figures being determined as they are.

The SPEAKER: The pending question is on the motion of the gentleman from Old Town, Mr. Binnette, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. If you are in favor of this motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

49 voted in the affirmative and 33 voted in the negative.

Mr. Mills of Eastport requested a roll call vote.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll

call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Old Town, Mr. Binnette, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Bartlett, Bedard, Berry, G. W.; Berube, Binnette, Birt, Bither, Bragdon, Brown, Bunker, Carey, Carter, Conley, Cottrell, Crosby, Cummings, Curtis, A. P.; Drigotas, Gauthier, Gill, Hall, Hanson, Haskell, Henley, Hodgdon, Immonen, Kelleher, Kelley, K. F.; Keyte, Kilroy, Lawry, Lee, Lewin, Lincoln, Littlefield, Lizotte, Lund, MacLeod, Maddox, Millett, Mosher, Parks, Payson, Porter, R and, Shaw, Shute, Silverman, Simpson, T. R.; Susi, Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Woodbury.

NAY — Albert, Barnes, Bernier, Berry, P. P.; Boudreau, Bourgoin, Brawn, Bustin, Call, Clemente, Collins, Cooney, Curran, Curtis, T. S., Jr.; Dow, Doyle, Dyar, Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Genest, Good, Goodwin, Hancock, Hardy, Hawkins, Hayes, Herrick, Hewes, Kelley, P. S.; Kelley, R. P.; Lebel, Lessard, Lewis, Lucas, Lynch, Mahany, Marsh, Martin, McCloskey, McCormick, Mills, Morrell, Murray, Norris, Orestis, Rollins, Scott, Simpson, L. E.; Slane, Smith, D. M.; Starbird, Theriault, Vincent, Webber, Wheeler, Wood, M. F.

ABSENT — Carrier, Churchill, Clark, Cote, Cyr, Dam, Donaghy, Dudley, Emery, D. F.; Emery, E. M., Evans, Jalbert, Jutras, Manchester, Marstaller, McKinnon, McNally, McTeague, O'Brien, Page, Pontbriand, Pratt, Rocheleau, Ross, Santoro, Sheltra, Smith, E. H.; Stillings, Tanguay, Whitson.

Yes, 60; No, 60; Absent, 30.

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

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted. Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

Mr. GILL: Mr. Speaker and Members of the House: I just thought I would like to stand up and give your arm a rest from that gavel, respectfully.

I never like to stand up to oppose any kind of appropriations for our brothers on the Reservation, our red brothers. However, I would like to suggest that I don't feel this would be one of the strongest priority items upon the Appropriations table. I would ask you to oppose the passage of this legislation, and I would request a division.

The SPEAKER: The pending question is passage to be engrossed as amended by Committee Amendment as amended by House Amendment "A" thereto. A vote has been requested. All in favor of this Bill being passed to be engrossed as amended will vote yes; those opposed will vote no.

A vote of the House was taken.

65 having voted in the affirmative and 59 having voted in the negative, the motion did prevail.

Sent to the Senate.

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

Bill "An Act relating to Certain Laws Relative to Great Ponds" (H. P. 1374) (L. D. 1791) — In Senate, indefinitely postponed in non-concurrence. — In House, receded from passage to be engrossed.

Tabled—June 14, by Mrs. Brown of York.

Pending — Adoption of House Amendment "A" (H-431)

Thereupon, Mr. Hardy of Hope withdrew House Amendment "A".

Mr. Lund of Augusta offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-458) was read by the Clerk.

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

House Amendment "A" to House Amendment "C" (H-464) was read by the Clerk and adopted. House Amendment "C" as amended by House Amendment "A" thereto was adopted.

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

Mr. NORRIS: Mr. Speaker and Members of the House: Could the gentleman from Augusta, Mr. Lund, just explain very briefly to us what this does, please?

The SPEAKER: The gentleman from Brewer, Mr. Norris, poses a question through the Chair to the gentleman from Augusta, Mr. Lund, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. LUND: Mr. Speaker and Ladies and Gentlemen: The present law relating to Great Ponds also applies to regulation to tributaries to great ponds. The two amendments together limit the application of the law to those tributaries which are capable of being floated, and also exempts the application of the law to public works projects to the extent of 200 feet along the shore of the tributary and private ways crossing tributaries to the extent of 100 feet. And this concerns this prohibition against bulldozing.

The two amendments, I think, substantially embody the thoughts that were presented earlier but move the bill forward.

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

Mr. BRAUN: Mr. Speaker, I would like to ask a question through the Chair to Mr. Lund. He said this was floated. Did he mean floated or flooded?

The SPEAKER: The gentleman from Oakland, Mr. Brawn, poses a question through the Chair to the gentleman from Augusta, Mr. Lund, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. LUND: Mr. Speaker and Ladies and Gentlemen: I will try to find the language within the amendment. On page three of House Amendment "C", "For the purposes of this section tributary rivers or streams shall mean those tributary rivers or streams that are capable of floating watercraft."

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

Mr. MARSTALLER: Mr. Speaker, a question to Mr. Lund or anyone who can answer it. This bill as now amended, if a person has a cottage on a pond and he has a little beach there and he hauls a load of sand there every now and then to keep this beach in good shape, does he now have to pay a fee and get permission to put another load of sand in?

The SPEAKER: The gentleman from Freeport, Mr. Marstaller, poses a question through the Chair to the gentleman from Augusta, Mr. Lund, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. LUND: Mr. Speaker and Members of the House: It is difficult to answer a question such as this offhand, but I think the answer is no. But if the answer is yes, then that is so under the present law, and this amendment does not change that. This amendment doesn't establish a control over the great ponds which was not there before. There is presently control over the great ponds. This bill was designed to establish guidelines under which the Forestry Commissioner could grant or deny the approval, and this bill does not extend control with respect to the shore of the great ponds where it did not exist prior to the enactment of this bill.

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

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

HOUSE DIVIDED REPORT — Majority (9) "Ought to pass" with Committee Amendment "A" (H-

389) — Minority (4) Ought not to pass" — Committee on Judiciary on Bill "An Act Providing for a Full-time County Attorney for Cumberland County" (H. P. 194) (L. D. 332)

Tabled — June 14, by Mr. Hewes of Cape Elizabeth.

Pending — Acceptance of either Report.

On motion of Mr. Hewes of Cape Elizabeth, retabled pending acceptance of either Report and tomorrow assigned.

The Chair laid before the House the tenth 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" (S-237) — In House, Committee Amendment "A" adopted.

Tabled — June 14, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

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

Mr. MARTIN: Mr. Speaker and Members of the House: If you will recall, this item had been tabled two days ago by the gentleman from Lewiston, Mr. Jalbert, retabled yesterday because he was absent. Before he left this afternoon I spoke to him and he indicated to me that there was no problem, and I would therefore move passage to be engrossed.

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

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

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

Tabled — June 14, by Mr. Parks of Presque Isle.

Pending — Passage to be engrossed.

Mr. Evans of Freedom offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-421) was read by the Clerk and adopted.

Mr. Curran of Bangor offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-449) was read by the Clerk and adopted.

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

Mr. LEE: Mr. Speaker, Ladies and Gentlemen of the House: I have sat idly by here listening to all the speeches about taking away people's rights and one thing and another. I don't know exactly what these amendments have done, but this bill itself, if I wanted to sell you a corner off of my farm that makes me a developer. I don't know why it makes me a developer but it says right in here, it doesn't make any difference the way they have rewritten the law.

Originally this thing said, "which may substantially affect local environment" — which substantially affects local environment, that is a pretty good phrase. They have crossed that out. It doesn't make any difference if it substantially affects anything or not.

Now I don't know much about what these amendments do. Perhaps the gentleman that just offered them would explain them to me.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: In section two there was a change and they put in, "if they are beneficially owned by the same person." That is immediately before the word 'a' in line twelve of subsection 2. And amends section 3 of the bill by adding the word "development" immediately after the word 'subdivision' in line one of subsection 5.

And then in section 3 of the bill, by deleting the figure 2 and inserting the figure 3. Then the bill was amended in section 3 by adding the words "when said subdivision development meets the criteria set forth in subsection 2 herein," immediately after the word 'land' in line four of subsection 5. And in section 7 by adding "a per-

formance bond, acceptable to the commission, shall be deemed to constitute reasonable assurance herein," immediately after the first sentence in 484-A. And in section 9, the bill was amended by adding the words "nor to the extension of a development exempt hereby, when that extension itself falls within the meaning of development."

Now this bill doesn't cover anything 20 acres or less.

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: I was hoping some of these things would take out this subdivision. This whole section 5 has been added. "Subdivision means a parcel or tract," and this changes it from two to three parcels, "any 5-year period, whether this division is accomplished by platting the land or by a sale of the land by metes and bounds."

On down in the next section where it has done away with "substantially affect local environment" it describes persons. "Person means any person, firm, corporation, association, partnership," most of them are new, "municipal or other local governmental entity, quasi-municipal entity, state agency, educational or charitable organization or institution or other legal entity." It includes everybody in the State of Maine that wants to sell a piece of property.

I move this bill be indefinitely postponed.

The SPEAKER: The gentleman from Albion, Mr. Lee, now moves that L. D. 1790 be indefinitely postponed.

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

Mrs. CUMMINGS: Mr. Speaker and Members of the House: I think that the Maine Legislature can be proud in the number of laws of real value that they have passed, particularly in the field of regulating and restricting the harmful effects of commercial and industrial growth and development. The Site Location Law, for instance, is the one that prevented

Maine Clean Fuels from unilaterally starting construction of a refinery at Sears Island in Penobscot Bay long before now.

But section 3 resolves a problem of interpreting the law. This bill, actually the whole bill is to make it easier for the Environmental Improvement Commission to interpret the law as it now stands, and particularly in the one when a developer attempts to circumvent the law by taking a 30 acre piece of land and dividing it in half **with a 100 foot strip and calling it two separate 15 acre developments.** This amendment of this new bill **would still allow such a developer to avoid the law,** but he would have to sacrifice a thousand feet of land to do so. This definition would be very helpful to many developers by defining their rights as well as being helpful to the Environmental Improvement Commission.

A further thought, if there is a building with 60,000 square feet, this has been commented upon as going too far. But actually the building of a structure of just under **60,000 square feet, if it is on the ground we can realize that it would be a rather large edifice and could cause a great change in the environment.** But if you assume a ten-story apartment building with 50,000 square feet per floor you would have an environmental impact equal to as many as 500 single **family homes in a subdivision** as regards water needs, sewage effluent, traffic, as well as many of the other complications.

This would be true of a 250 two-floor town house units set in clusters on less than 20 acres. In any case we would have no control under current rules. The more common case would be that of an office, commercial or industrial building which might well cover less than 60,000 square feet on the ground and less than 20 acres, but would generate traffic and effluent equal to a very large housing tract during business hours.

I really and truly believe that this will help the developers and clarify the thinking of those who were interested in developing things in the State of Maine as well as giving us clearer rules.

The SPEAKER: The Chair rec-

ognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: There were quite a few parts of this bill that I was not particularly in favor of and there are still some sections that I don't totally agree with. However, I believe that the entire bill should not be scrapped because there are many parts to this bill that are very good, and I know I have worked with Mr. Curran in helping to draft his amendment to the point that we took out some of the vagueness and also to try to define subdivision.

As I look at subdivision and as we have seen it in some of the bills that have come before us so far, and 1800 has gone through and been passed and enacted and had a subdivision or division into three more parcels, and the amendment would do the same here. But we have changed this bill, not for just the word subdivision but one of overall words, subdivision development. And the way the EIC then would interpret this particular piece of legislation in a subdivision development would be a parcel of land at least 20 acres or more.

So therefore we are not talking here now of a subdivision to the point that a man divides out just one little acre or half acre. It is when it is subdivided into a subdivision development of 20 acres or more.

The other objection I had was that the way the particular bill was originally written that anybody could own that thousand foot strip between two developments and we would be saying in essence that the development was contiguous. By taking the thousand feet out and putting the words in that if the thousand feet are owned by the same person that the two developments would be contiguous.

I would be in hopes that you would support the legislation through.

Whereupon, Mr. Lund of Augusta requested a roll call vote.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen: It is getting late in the day and late in the session, but because this matter has been opened up I will have to read the letter I received from the Maine Association of Real Estate Boards, 16 Dana Avenue, Auburn, Maine, and it reads — "Dear Legislator: Our Association is solidly opposed to LD-1970," which of course is a redraft of LD-710. And it goes on to name the number of sections of the bill they are opposed to. There are several of them. I am not going to go into it.

It simply says —

"The Site Selection Law as passed in the last special session of the Legislature has not had time to work itself out and these changes are coming too much and too fast. There is sufficient protection for environment as the law now stands, therefore we ask you to oppose LD-1790, which we feel is an **encumbrance to our faltering Real Estate and Home Building Industry.**

The Natural Resource Council in their last bulletin states that the worst pollution in our State is joblessness. What can our two industries do toward supplying new jobs and building the needed housing if we have no place to put them?

We ask your careful study and hard opposition to LD-1790.

Sincerely,

Executive Secretary
Marion E. Baraby
Maine Association
of Real Estate
Boards"

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 Albion, Mr. Lee, that Bill "An Act to Revise the Site Location of Development

Law," House Paper 1373, L. D. 1790, be indefinitely postponed. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Bragdon, Bunker, Call, Carey, Carrier, Clark, Cyr, Donaghy, Dyar, Fecteau, Finemore, Good, Hall, Hancock, Hanson, Hardy, Hawkens, Hayes, Henley, Immonen, Kelleher, Kelley, K. F.; Kilroy, Lee, Lesnard, Lincoln, Littlefield, Lizotte, MacLeod, Marstaller, McCormick, McNally, Mosher, Norris, O'Brien, Page, Porter, Rand, Rocheleau, Rollins, Scott, Shaw, Trask, White, Wight, William, Wood, M. W.; Woodbury.

NAY — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Brawn, Brown, Bustin, Carter, Clemente, Collins, Conley, Cooney, Cottrell, Crosby, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Dam, Dow, Doyle, Drigotas, Emery, D. F.; Evans, Farrington, Faucher, Gagnon, Genest, Gill, Goodwin, Haskell, Herrick, Hewes, Hodgdon, Kelley, P. S.; Kelley, R. P.; Keyte, Lawry, Lebel, Lewin, Lewis, Lucas, Lund, Lynch, Maddox, Mahany, Marsh, Martin, Millett, Mills, Morrell, Murray, Orestis, Payson, Ross, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Starbird, Stillings, Theriault, Tyndale, Vincent, Weber, Wheeler, Wood, M. E.

ABSENT—Churchill, Cote, Dudley, Emery, E. M.; Fraser, Gauthier, Jalbert, Jutras, Manchester, McCloskey, McKinnon, McTeague, Parks, Pontbriand, Pratt, Santoro, Sheltra, Smith, D. M.; Smith, E. H.; Susi, Tanguay, Whitson.

Yes, 54; No, 74; Absent, 22.

The SPEAKER: Fifty-four having voted in the affirmative, seventy-four in the negative, with twenty-two being absent, the motion does not prevail.

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

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

Bill "An Act relating to Terms of Department Heads" (H. P. 1101) (L. D. 1507)

Tabled—June 14, by Mr. Shaw of Chelsea.

Pending — Passage to be engrossed.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I ask your indulgence and assistance. The Majority Leader is not here and I would like to see that items 12, 13, 14 and 15 are passed along so that we could debate and work on them all at the same time this part of the reorganization plan.

Mr. Woodbury of Gray then offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-445) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. WOODBURY. This is a simple amendment and I believe its purpose is clearly defined in the Statement of Fact. Since this amendment was passed to you last Thursday you may have lost it, and I will read the Statement of Fact.

"The purpose of this amendment is to continue the current statute relating to the appointment of the Commissioner of Education until the decision is reached relative to government reorganization."

The method of appointment of the Commissioner of Education and the length of his term of office, coterminous with the term of office of the Governor who will appoint him under this bill, can have a far-reaching and I believe a negative effect on proper supervision and control of public education in Maine. I would like these two decisions to be made at a time when we are considering a specific reorganization bill, and only following unlimited debate.

I hope you will support this amendment which will help to make this possible.

Whereupon, on motion of Mr. Donaghy of Lubec, tabled pending adoption of House Amendment "A" and tomorrow assigned.

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

Bill "An Act to Reorganize the Department of Finance and Administration" (H. P. 1410) (L. D. 1827)

Tabled—June 14, by Mr. Stillings of Berwick.

Pending — Passage to be engrossed.

On motion of Mr. Donaghy of Lubec, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act to Create the Department of Transportation" (H. P. 1411) (L. D. 1828)

Tabled—June 14, by Mr. Porter of Lincoln.

Pending — Passage to be engrossed.

Mr. Hodgdon of Kittery offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-463) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. HODGDON: Mr. Speaker and Ladies and Gentlemen of the House: State Government, continuing its work on this reorganization, have found that the Motor Vehicle Advisory and Review Board as set by statute must come under the Secretary of State.

Thereupon, House Amendment "A" was adopted.

An motion of Mr. Donaghy of Lubec, tabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act to Create the Department of Human Services" (H. P. 1412) (L. D. 1829)

Tabled — June 14, by Mr. Porter of Lincoln.

Pending — Passage to be engrossed.

On motion of Mr. Donaghy of Lubec, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act to Provide a Minimum Wage for Students Employed at Summer Camps" (H. P. 569) (L. D. 745) — In House, Committee Amendment "A" (H-455) adopted.

Tabled—June 14, by Mr. Bedard of Saco.

Pending — Passage to be engrossed.

On motion of Mr. Simpson of Standish, the House reconsidered its action of yesterday whereby Committee Amendment "A" was adopted; and on further motion of the same gentleman, Committee Amendment "A" was indefinitely postponed.

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

House Amendment "A" (H-459) was read by the Clerk and adopted and the Bill was passed to be engrossed as amended and sent to the Senate.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought not to pass" — Minority (6) "Ought to pass" in New Draft — Committee on State Government on Bill "An Act Creating the Municipal Assessment Appeals Board (S. P. 493) (L. D. 1441) — New Draft (S. P. 630) (L. D. 1818) under same title.

Tabled — June 14, by Mr. Porter of Lincoln.

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

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

Mr. BERNIER: Mr. Speaker and Members of the House: It seems that there was a little confusion about this bill yesterday. Not being here, I did not have a chance to speak on it. I hope you will be patient with me for a bit. All this does actually is just replace the commissioners as an appeal for a tax abatement.

The way the original bill was I believe that came up, according to the horseblanket, I think I be-

lieve that was the question. The only difference between this original bill, this redraft — not the original, and the original is that in the original bill if you had a Municipal Appeals Board this did not take effect.

Under the new redraft, under the redraft if you wish, this replaces all the Municipal Appeals, assessors, or if you do have an Appeals Board then ordinarily you would appeal to the commissioners.

Now the commissioners are not necessarily well versed in assessment or property values. So the man, the complainant, is not being assured of proper treatment by the commissioners, and by their own avowal, admission, they do not feel able to act as referees in this case. So this would merely replace the commissioners by a Board appointed by the Governor and approved by the commissioners so that you will have a Board where you will have someone who actually knows what he is doing.

In other words, a board of experts, so that if you are not happy with your municipal assessment you may make appeal to men who are experts in the field, men appointed by the Governor and the Council.

So there is, as you know, a bill attached to it. It is not being done for nothing. But I think that to receive proper treatment, proper expert treatment, the men — the people paying these property taxes, Lord knows they are high enough, expensive enough — he should receive proper treatment so that if he is not satisfied on the municipal basis he should have one place where he can appeal to receive just treatment.

Now I think it was brought up, as I was reading — as I say, the report from yesterday, it was brought up that the people would not come to Augusta to receive just treatment for a matter of a few dollars. Well, according to this bill, the commissioners, or the people on this board, the Municipal Assessments Appeals Board, would go to the people. And the chairman of this Municipal Assessments Appeals Board would appoint three mem-

bers of this committee — three of the 15, the closer to the place of complaint, so that there would be very little time lost.

From then on, as far as the rest of the appeal is concerned, there is no change. You can still appeal to the court if you are not happy with the replacement of the commissioners, which would be this Municipal Assessment Appeals Board. It does not change anything locally.

I hope I am not confusing you. As far as the local assessors and appeals board, if you have one, in some municipalities they do have a Municipal Appeals Board. If you have one, it does not change anything. It only replaces the commissioners as tax abatement appeal board. They do not want this job any further; they do not feel qualified to act as — what would you say? — as a certain board to correct inequities in municipal taxation. I hope I have clarified the matter to a certain degree.

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

Mr. FINEMORE: Mr. Speaker, Members of the House: Yesterday when I spoke on this bill I was sure I knew of an answer for this, but I didn't like to quote it until I made sure today. At the present time if you need an Appeal Board over and above your county commissioners and your local assessors, all you have to do is call Ernest Johnson's office, either the municipal officers or an individual, and a State Assessor will be sent. And I believe a State Assessor is much more acquainted with the different counties and their valuation than an Appeal Board would be. Someone who may be from Washington County wouldn't know Aroostook, and someone from Penobscot wouldn't know Aroostook, and vice versa. This is a bad piece of legislation. I hope you go along with the indefinite postponement.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I was confused after the gentleman from Westbrook got

through, because I can't recall of any county commissioner saying that he didn't feel that he was able to do this, or didn't care to do it any more. This is part of the appeals procedure. It can go from there to the Superior Court.

As I recall the testimony, it seems as though we were taking one lay group and saying that you are not qualified to do this job. You live in the locality, you don't know what you are talking about. And starting up another lay group working out of Augusta, but still a local — the ones living nearest to this locality still being lay people, would come in here and try to resolve the situation.

I think our county commissioners have done a pretty good job on this. I think that we should allow them to continue to, and I hope you will indefinitely postpone this bill.

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

Mr. BERNIER: Mr. Speaker and Members of the House: The members of this Appeals Board, the membership of the Board shall be persons knowledgeable and experienced concerning either the Maine property tax law or property appraisal. These people will have to be approved by the state. These will be professional men who have passed the examination, not just any citizen that wished to appear on the Board.

I do not believe that it is a requirement of the commissioner's office now to be either knowledgeable and experienced concerning either the Maine property tax law or property appraisal.

Now if you want a bunch of rank amateurs dealing with your complaints concerning your property tax evaluation, then it is perfectly all right. But I consider my property — and all the properties that I have had, I have had many in the past — I consider that that is a serious situation. Frankly this is not my bill, and I am just trying to explain the situation to you. If you want to continue having amateurs, I mean, dealing with something as important as the taxation of your property, you go right ahead and do it. But if you want experts who have been licensed in this matter,

then you will vote for this bill. That is all there is to it.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that Bill "An Act Creating the Municipal Assessment Appeals Board," Senate Paper 493, L. D. 1441, 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.

A vote of the House was taken.

87 having voted in the affirmative and 26 having voted in the negative, the motion did prevail.

Sent up for concurrence.

The Chair laid before the House the following matters that were later today assigned for third reading.

Passed to Be Engrossed

Bill "An Act Increasing the Gasoline Tax" (H. P. 403) (L. D. 516)

Bill "An Act relating to the Parks and Recreation Department" (H. P. 1415) (L. D. 1838)

Bill "An Act relating to a Department of Commerce and Industry" (H. P. 1416) (L. D. 1839)

Bill "An Act Providing for the Taxation and Preservation of Farm, Forest and Open Space Land" (H. P. 1418) (L. D. 1834)

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

Third Reader Amended

Resolve to Reimburse Ripley & Fletcher Co. of South Paris for Gasoline Shrinkage (H. P. 369) (L. D. 476)

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

Mr. Carey of Waterville offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-469) was read by the Clerk and adopted.

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

The Chair laid before the House

the first tabled and later today assigned matter:

HOUSE DIVIDED REPORT — Majority (9) "Ought not to pass" — Minority (4) "Ought to pass" in New Draft — Committee on Taxation on Bill "An Act to Encourage Improvement in Forest Growth by Creating a Method of Taxation Based Upon the Productivity of Various Classes of Forest Lands" (H. P. 1192) (L. D. 1667) — New Draft (H. P. 1419) (L. D. 1837) under same title.

Tabled earlier in the day and later today assigned, pending the motion of Mr. Ross of Bath to accept the Minority Report.

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

Mr. ROSS: Mr. Speaker and Members of the House: This is a very complicated redraft of two bills. It would completely change the concept of the taxation of wildlands which many people have wanted to do for a great many years. But I think that the members of this House should have at least one more day to study this before we take action upon it. I therefore would trust that somebody would table it for one day.

Thereupon, on motion of Mr. Finemore of Bridgewater, retabled pending the motion of Mr. Ross of Bath to accept the Minority Report and tomorrow assigned.

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

Bill "An Act relating to a Department of Consumer Protection" (S. P. 637) (L. D. 1830) — In Senate, passed to be engrossed.

Tabled earlier in the day and later today assigned, pending passage to be engrossed.

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

Mr. DONAGHY: Mr. Speaker, I am sorry. This has just been passed to me, and I would like to have some help so we can get this all in the same line with the other bills. That is all. Can you tell me where these stand? Should we table it now, or table it later?

Thereupon, on motion of Mr. Finemore of Bridgewater, retabled

pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act to Create the Department of Environmental Protection" (S. P. 638) (L. D. 1831) — In Senate, passed to be engrossed.

Tabled earlier in the day and later today assigned, pending passage to be engrossed.

On motion of Mr. Marstaller of Freeport, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act relating to the Department of Agriculture" (S. P. 639) (L. D. 1832) — In Senate, passed to be engrossed.

Tabled earlier in the day and later today assigned, pending passage to be engrossed.

On motion of Mr. Marstaller of Freeport, retabled pending passage to be engrossed and tomorrow assigned.

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

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

Which was tabled earlier in the day and later today assigned, pending passage to be enacted.

On motion of Mr. Martin of Eagle Lake, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

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On motion of Mr. Lee of Albion, Adjourned until nine o'clock tomorrow morning.