

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

June 16, 1971 to June 24, 1971

Index

1st Special Session

January 24, 1972 to March 10, 1972

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**KENNEBEC JOURNAL
AUGUSTA, MAINE**

HOUSE

Friday, June 18, 1971

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

Prayer by the Rev. Mr. Clyde Bailey of Portland.

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 matters 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.

Papers from the Senate Amended

From the Senate: The following Order:

ORDERED, the House concurring, that the Clerk of the House, when the House is not in session, be and hereby is authorized to employ whatever members of her staff as may be necessary to complete the records of the House and conduct the business of the House office and payment for same to be approved by the Clerk and the Speaker; and be it further

ORDERED, the House concurring, that the Secretary of the Senate, when the Senate is not in session, be and hereby is authorized to employ whatever members of his staff as may be necessary to complete the records of the Senate and conduct the business of the Senate office and payment for same to be approved by the Secretary and the President. (S. P. 665)

Came from the Senate read and passed.

In the House, the Order was read.

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

House Amendment "A" (H-491) was read by the Clerk and adopted,

and the Order was passed as amended in non-concurrence and sent up for concurrence.

Tabled and Assigned

From the Senate: The following Order:

ORDERED, the House concurring, that there is created a Joint Interim Committee to consist of 2 Senators to be appointed by the President of the Senate, 3 Representatives to be appointed by the Speaker of the House, the Director of the Bureau of Public Improvements and the Legislative Finance Officer; the Committee to elect its own chairman; and be it further

ORDERED, that this Committee is directed to study the financial impact upon the State of Maine of Senate Paper 524, L. D. 1519, "AN ACT Relating to Payment of Expenses of Supreme Judicial Court and the Superior Court by the State"; and be it further

ORDERED, that the Committee shall report the results of its study and any findings it may make to a special session of the 105th Legislature or the 106th Legislature; and be it further

ORDERED, that the members of the Committee shall serve without compensation but shall be reimbursed for their actual expenses incurred in the performance of their duties under this Order; such sums to be paid out of the Legislative Account; and be it further

ORDERED, that the Committee shall have the authority to employ professional and clerical assistance within the limits of funds provided; and be it further

ORDERED, that there is allocated to the Committee from the Legislative Account the sum of \$3,000 to carry out the purposes of this Order; and be it further

ORDERED, that Joint Senate Order (S. P. 566) relating to the same subject matter is repealed. (S. P. 667)

Came from the Senate read and passed.

In the House, the Order was read.

(On motion of Mr. Jalbert of Lewiston, tabled pending passage in concurrence and specially assigned for Monday, June 21.)

From the Senate: The following Order:

ORDERED, the House concurring, that the Committee on Appropriations and Financial Affairs report out a bill that will provide funds to make effective the Acts and Resolves which have been passed to be enacted and to make corrections in appropriation Acts as passed and make additional appropriations for the operations of State Government (S. P. 668)

Came from the Senate read and passed.

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

Interim Report

Interim Report of the Special Joint Select Committee of Inquiry Department of Health and Welfare (S. P. 666)

Came from the Senate read and ordered placed on file.

In the House, the Report was read and ordered placed on file in concurrence.

(Full text of Report has been reproduced and distributed to the member's desks. Complete report will appear in the Legislative Record, Senate proceedings of June 17, 1971.)

Divided Report

Majority Report of the Committee on State Government on Bill "An Act to Create the Department of Manpower Affairs" (S. P. 494) (L. D. 1421) reporting same in a new draft (S. P. 659) (L. D. 1854) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. WYMAN of Washington
JOHNSON of Somerset
- of the Senate.

Messrs. HANSON of Gardiner
DONAGHY of Lubec
CURTIS of Orono

Mrs. GOODWIN of Bath

Messrs. FARRINGTON
of Old Orchard Beach
MARSTALLER

of Freeport
HODGDON of Kittery
STILLINGS of Berwick
- of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (S. P. 660) (L. D. 1855) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. COONEY of Webster

STARBIRD

of Kingman Township

- of the House.

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

In the House: Reports were read.

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

Mr. DONAGHY: Mr. Speaker I move the acceptance of the Majority Report.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves the acceptance of the Majority "Ought to pass" Report.

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

Mr. MARTIN: Mr. Speaker and Members of the House: As I understand the Majority Report, some divisions are left out. I wonder if the gentleman from Lubec could explain the Majority Report to us?

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

The Chair recognizes that gentleman.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen: We couldn't seem to get a complete—it is the only one of the bills on reorganization that we couldn't get unanimous agreement on. In this one it was felt by the majority that the Maine Unemployment Compensation Commission in many of its works were quasi judicial—in other words, they have to have hearings on appeals, and it is set up on the basis of a representative of the public, a representative of the employers, and a representative of labor, and it didn't seem to fit in with the rest of the group, so we left it out, at least for the time being.

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

Under suspension of the rules, the New Draft was given its third

reading, passed to be engrossed and sent to the Senate.

Final Report

Final Report of the following Joint Standing Committee:

Transportation

Came from the Senate read and accepted.

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

Non-Concurrent Matter

An Act Clarifying the Statute Relating to Realty Subdivisions (H. P. 1034) (L. D. 1425) which was passed to be enacted in the House on June 15 and passed to be engrossed as amended by House Amendments "A" and "D" on June 3.

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

In the House:

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

Mr. NORRIS: Mr. Speaker, I move that the House adhere to its former action.

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves that the House adhere.

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

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

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin moves that the House recede and concur.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: Due to the fact that we have zoned wildlands in this session and have made zoning mandatory for all towns, I think in order to preserve our concept of home rule, seeing as we have laid down stringent guidelines in this field, in all areas, I would now move the indefinite postponement of this bill and all its reports.

The SPEAKER: The Chair would

advise the gentleman that such a motion is not in order.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill came about because of — first of all, because of my position on my local planning board and some of the inequities that were in the law that was passed pertaining to the so-called 20,000 square foot statute during this last session of the legislature. Many of the provisions in the statute were very unclear and so forth and couldn't be enforced. And therefore I know as one planning board member, I wrote to the Attorney General's office and asked for some help, and when I came up here I asked them if they had done anything to the point of clarifying this, and they said yes, and this is the particular document that they had put together and I presented for them.

Now this bill went before the Natural Resources Committee and had no opposition there. It came out unanimous "ought to pass" and went through this body and the other body and got back here to the enactment stage, at which time I was advised that certain individuals would like to take the bill on and kill the whole entire bill. And basically it came about because of one particular section which said that any lot that did not have public sewerage must have 20,000 square feet and at least a minimum front footage of 100 feet.

So I agreed to back the bill off, and we did. We put an amendment on that would change this 100-foot frontage to 75 feet, and I was assured at that time — at least I thought I was — that the bill then would be satisfactory. Well, from there a good many amendments came on your desk and different things were done to it. It had been back to the other body, back here, back and forth, and went to the other body, and that particular amendment that is on it right now I am in total agreement with. It puts it back to 100 feet, but it allows a variance to the point that if a lot that has less than a hundred feet on it can meet all the

percolation tests and requirements of the local plumbing inspector and so forth, then the Department of Health and Welfare may offer a variance.

I would urge that you support the bill, that we recede and concur, and that we keep the bill as it is, as the entire bill is a bill that is very much in need of your municipalities if they are going to comply with the statutes as they are.

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

Mr. NORRIS: Mr. Speaker and Members of the House: I would simply reiterate that under the home rule concept, that if they want to change the zoning laws in Standish it is perfectly all right for them to do so. If we want to change them in Brewer, that is fine. The unorganized territory is now under strict regulations, so I see no reason for this. Any city or town — and everyone has to be zoned under the law we passed the other day. Let's preserve the concept of home rule that we have all fought so hard for.

I hope you go against this and then we can make the motion to adhere.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House recede and concur with the Senate. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 73 having voted in the affirmative and 30 having voted in the negative, the motion did prevail.

Non-Concurrent Matter

Bill "An Act relating to Terms of Department Heads" (H. P. 1101) (L. D. 1507) which was passed to be engrossed as amended by House Amendment "A" in the House on June 16.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Bragdon of Perham, the House voted to recede and concur.

Non-Concurrent Matter

Resolve Providing Minimum Retirement Benefits for Certain

Teachers (H. P. 1361) (L. D. 1776) which was finally passed in the House on June 4 and passed to be engrossed as amended by House Amendment "B" on May 28.

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

In the House: On motion of Mrs. Lincoln of Bethel, the House voted to recede and concur.

Non-Concurrent Matter Tabled Later in the Day

An Act to Amend Biennial Elections of Penobscot Tribe of Indians (H. P. 1399) (L. D. 1816) which was passed to be enacted in the House on June 16 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:

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: There is an amendment on here and I don't believe it is passed out yet, so I would kind of like to have someone table this until later on in the day's session, until we see what the amendment is.

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

Mr. MILLS: Mr. Speaker and Members of the House: For the knowledge of the House, this Senate amendment, which we haven't got on our desk, and I have checked on it, is a clarification that is recommended by the Attorney General's office, through Sam Slosberg, to rectify the language that was in there and clarify that motion.

Thereupon, on motion of Mr. Binnette of Old Town, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act relating to Establishment of a State Building Code" (H. P. 1417) (L. D. 1836) which was passed to be engrossed in the House on June 16.

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

In the House:

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

Mr. CARRIER: Mr. Speaker and Members of the House: This bill here, first, we killed it in the House the other day, and then through an oversight we did not make the motion to recede and concur. So it came back three or four hours later, and on a straight majority vote, as a matter of fact, on an even vote, it passed. Well I submit to you today that I feel just as strong as I did then. And I think that this bill is no good and it still wasn't good then and it is no good now.

I don't see why any citizen of this state should be straddled again with one of the numerous codes that we have on the books which, in effect, will not do any better than what we have now.

This bill suggests — and I am talking simply about the amendments now which you have in front of you, and if you think that this fixes the bill, it does not. In the first place, for those of you who truly believe that there is such a thing as discrimination, there is in this particular amendment that is presented, this is discriminatory. And I don't like to talk this way because I never have before. But I wish to say to you that I don't see why the bill should not apply to all municipalities, if it will apply at all. This does not apply. This tends to say that the ones that have no building inspectors don't need to enforce this law, which is true, this is what the bill says. But the ones, we will say, that are fortunate or unfortunate enough to have building inspectors, then we would have to come under this proposal that we have here.

I submit to you that this proposal is not good. I say the same as I said the other day, that each town, each community knows what they want in their community. They know if a certain plumbing code, a certain electrical code should be stricter up north than it is down south. They know, and the people

should know — they are elected representatives, they are elected, for the local municipality knows what the people want in their vicinity, and I think that this comes again under the old home rule. Let the people decide in their own communities what they want, and I don't believe that the State should again dictate to the people of the state as to how, when and where they will build a house.

I submit to you that this bill is no good, and I move for the indefinite postponement of this bill.

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

Mr. ROSS: Mr. Speaker, I move that the House recede from its former action and concur with the Senate.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House recede and concur. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

50 having voted in the affirmative and 63 having voted in the negative, the motion did not prevail.

On motion of Mr. Carrier of Westbrook, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act Proposing a Salary Adjustment for Certain Unclassified State Officials" (H. P. 1427) (L. D. 1853) which was passed to be engrossed in the House on June 16.

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

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

Non-Concurrent Matter Tabled and Assigned

Joint Order relative to Speaker of House and not exceeding 4 members of the House, President of Senate and not exceeding 4 members of the Senate; also Law and Legislative Reference Librarian, Edith L. Hary, attend conferences of National Legislative Conference during 1971 calendar

year (S. P. 648) which was passed as amended by House Amendment "A" in non-concurrence in the House on June 16.

Came from the Senate with that body voting to insist on its former action whereby the Order was passed without Amendment, and asking for a Committee of Conference with the following Conferees appointed on its part:

Messrs. MACLEOD of Penobscot
BERRY of Cumberland
VIOLETTE of Aroostook

In the House: On motion of Mr. Hodgdon of Kittery, tabled pending further consideration and specially assigned for Monday, June 21.

Messages and Documents

The following Communication:

The Senate of Maine
Augusta, Maine
June 17, 1971

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

Dear Madam Clerk:

The Senate today voted to reject the Conference Committee Report on Bill "An Act relating to Legislative Service under the State Retirement System" (H. P. 633) (L. D. 863) and to adhere to its action whereby on May 17 it indefinitely postponed the Bill and Reports in non-concurrence.

Respectfully,

(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage:

WHEREAS, the University of Maine complex now virtually encompasses all areas of the State of Maine; and

WHEREAS, the University of Maine biennial budget exceeds \$53,000,000; and

WHEREAS, the biennial requests for additional millions of dollars continues to come before the Legislature; and

WHEREAS, the Legislature without question will be faced with

additional, mounting requests for funds for administration, capital construction and various and sundry university-conceived programs; and

WHEREAS, the Legislature is the governmental body that must solve not only the University of Maine's budgetary problems but those of the entire State Government as well; and

WHEREAS, the Legislature, by statute, has no budgetary control whatsoever over the actual expenditures of the University of Maine; and

WHEREAS, the Legislature additionally has no defined, factual knowledge of the fiscal administrative policies of the University of Maine; now, therefore, be it

ORDERED, the Senate concurring, that the 105th Maine Legislature direct the Legislative Research Committee to study, in depth, the policies, programs, planning and administrative procedures now in practice by the university's trustees and executive-administrative officers and staff; and be it further

ORDERED, that the Legislative Research Committee be empowered and authorized to employ such research, statistical and legal staff as is necessary in order to meet the objectives of this Joint Order; and be it further

ORDERED, that the Legislative Research Committee report its findings and recommendations to the next special session of the 105th Legislature. (H. P. 1429)

The Joint Order was read.

The SPEAKER: The gentleman may proceed.

Mr. JALBERT: Mr. Speaker and Members of the House: I hope you have had an opportunity to read this order which requests in substance that the Legislative Research Committee study the budgetary problems, the programs, the policies, the administrative procedures now in practice at the University of Maine, wherein this House and Senate invests the sum of \$53 million and where we, in my opinion, should know a little more than we do know about the programming.

Of particular interest to me is going back to the Record of the Legislature of January 22, 1947,

the remarks that were made by the late Edward Chase, who was the then Majority Floor Leader, and he was also the chairman of the Legislative Research Committee when he came to his untimely death. And if I had to name the number one statesman of the legislature in the years that I have served, I would place him near the top of the list.

I would quote briefly from his lengthy remarks. "Now the University of Maine, in common with all public institutions, has one thing the matter with it. It was formed by the State long ago for a particular purpose, and the people who were in charge of its early operation were imbued with that purpose; but, like all public institutions, as it grew old it acquired a purpose of its own. It became an organism, like all departments of the State government, and, as it grew up, naturally enough and humanly enough, it tended to create a purpose of its own; it tended to present its strong points to the public and to hide such weaknesses as it might have. That is a habit of institutions, particularly institutions of long standing."

Another paragraph. "Now as the University of Maine has grown, like all institutions, it has tended to build a fence around itself, and as the circle widens it becomes more and more difficult for one looking over the fence to see what really is going on in the middle. This is characteristic of any institution which ought not to be criticized or condemned, but it is a tendency which should be controlled, and it was for the purpose of exercising this control, of course, that the board of trustees was instituted."

It might be in passing interest to note, that while he was making his remarks as chairman of the Majority Party he was also serving as chairman of the board of trustees, and resigned the next day.

Mr. Speaker and members of the House, I hope this order has passage.

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

Mr. Simpson of Standish present-

ed the following Joint Resolution and moved its adoption;

WHEREAS, the vacation-travel industry is an integral and productive segment of the economy of the State of Maine; and

WHEREAS, this industry produces considerable new money and jobs for Maine people and creates a favorable influence on all businesses within the State; and

WHEREAS, the State of Maine Publicity Bureau has been organized since 1921 and has established and developed a cooperative promotional program utilizing private and public funds for the promotion of the State's vacation-travel industry and general economy of Maine; and

WHEREAS, this being the first and only program of like continuity and magnitude in the United States carried out for the common good of the peoples of a state; now, therefore, be it

RESOLVED, by the Senate and House of Representatives of the One Hundred and Fifth Legislature, now assembled, that the State of Maine Publicity Bureau be recognized and commended on this its 50th anniversary since its founding for the outstanding contribution made by the Bureau over the years to the business climate of the State of Maine; and be it further

RESOLVED, that a suitable copy of this Resolution be transmitted forthwith to said Bureau inscribing these sentiments in honor of the occasion. (H. P. 1430)

The Joint Resolution was adopted and sent up for concurrence.

Mr. Lizotte of Biddeford presented the following Joint Order and moved its passage:

WHEREAS, Camp Waban at Sanford is operated on a private, non-profit, open door basis for retarded and handicapped children from throughout the State; and

WHEREAS, in addition to earlier grants, S. Judson Dunaway, an Ogunquit philanthropist, has paid off a \$38,700 mortgage on the camp; and

WHEREAS, the intent of his generosity is that monthly mortgage payments might better be used for the benefit of the children of Camp Waban; and

WHEREAS, he expressed hope that his gift might influence others to increase their support of the camp; and

WHEREAS, thanks to his compassion, Camp Waban will open its sixth season on June 28th, having enrolled over 250 campers with a new life and hope; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the One Hundred and Fifth Legislature, now assembled, join to convey for and on behalf of the people of the State of Maine our sincere thanks for this exceptional act of kindness, and to acknowledge and pay tribute to S. Judson Dunaway, a great humanitarian, who has a compelling desire to see his money spent on worthwhile charities while he is alive, especially the formerly forgotten ones; and be it further

ORDERED, that a suitable copy of the Order be transmitted forthwith to Mr. Dunaway in token of the gratitude expressed herein. (H. P. 1431)

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

Third Readers

Tabled and Assigned

Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1972 and June 30, 1973" (S. P. 661) (L. D. 1856)

Bill "An Act to Authorize the Issuance of Bonds in the Amount of Ten Million Three Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways" (S. P. 662) (L. D. 1857)

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

(On motion of Mr. Wood of Brooks, the foregoing two items were tabled pending passage to be engrossed and specially assigned for Monday, June 21.)

Passed to Be Engrossed

Bill "An Act to Amend the Employment Security Law to Conform to Federal Requirements" (S. P. 663) (L. D. 1858)

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

Amended Bills

Bill "An Act to Create the Winterport Sewerage District" (H. P. 1409) (L. D. 1851)

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

Third Reader

Indefinitely Postponed

Bill "An Act to Regulate Surficial Mining under the Maine Mining Commission" (S. P. 631) (L. D. 1819)

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

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: The other day we resoundingly defeated this bill. It went over to the other body and came back with an amendment on it which purported to cure all the ills; and I said yesterday, and I will repeat today, this did not cure all the ills.

It seems to be the impression of a lot of people that this amendment took out the regulations concerning gravel to municipalities and that sort of thing. This isn't the fact. It had nothing to do with the paragraph concerning that. At this time I want to make a motion to indefinitely postpone this bill and when the vote is taken I request a roll call.

The SPEAKER: The gentleman from Albion, Mr. Lee, moves that L. D. 1819 be indefinitely postponed.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: This measure has been debated fully at least two time previously, perhaps three, and I don't propose to take much of your time this morning. I realize that the opponents of the bill have been out lobbying during the period since yesterday.

The basic issue, it seems to me, is whether we want to require that pits used for sand and gravel

should be restored to productive use in the State of Maine. If we just look around ourselves in the state I think we can see that in most cases, with the notable exception of a few, the present owners of those pits are not prepared to do this on their own.

So then we come to the question of whether we feel it is reasonable that the cost of restoring these pits to productive use is a reasonable cost to be included in the price of the product that the pit produces. So I think that most of you will agree that this is a reasonable approach. The present amendments leave out most of the smaller cases where it would prove a hardship to a small operator to file plans that are required and would leave the problem to dealing with the larger pits, which is what this bill seeks to do.

If you feel that it is a reasonable thing to expect to include the cost of reclaiming the pits as part of the cost of the product of the pit, then I hope you will vote against the pending motion for indefinite postponement.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am sure that I didn't intend to get into this debate on this bill again either. However, I do feel that I should answer the explanation that the gentleman from Augusta, Mr. Lund, has just made to the bill with my own observations.

I am sure that the idea as he expressed it in this bill is a desirable thing to attain. However, I did point out yesterday that I did not think it was practical to close these pits up until they have been completely exhausted; in other words, to attempt to close them while they were still year by year producing gravel to construct our highways. If we are talking about that, that definitely as far as I am concerned is out of the picture.

What he wishes to attain is, we will say, desirable with regard to pits that have been completely exhausted. However, it is not nearly as practical as it is desirable. In order to bring these pits back into productive use there is obviously

no way to do this except to take bulldozers and bucket loaders and what have you and go out on an adjoining surface of land and take off the top soil from that land to make the pit productive again.

Then I point out to you when you do this you have continued the evil; you have continued and you have made another piece of land unproductive. So while the idealism of Mr. Lund is entirely desirable, it is not impossible — but let me point out to you, for these reasons it is not very practical either.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen: After I got home last night I had a telephone call from a gentleman who has just bought a big pit. There have been millions of yards taken out of this pit; there are millions more there now. He posed the question to me, "Have I got to fill this pit that someone has taken out of for years?" He says, "I cannot possibly do it. If I had known this I never would have bought this pit."

So I would like to ask through the Chair to Mr. Lund, who is going to pay this bill when this pit has got to be filled?

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 the gentleman from Augusta, Mr. Lund.

Mr. LUND: First I would like to answer the question that was posed by the gentleman from Perham, Mr. Bragdon. We are talking in this bill about the new pits. Now a gravel pit before it is opened up has got topsoil on it. That is part of the reason for filing a plan, is to get the owner thinking about what to do with the top soil that is over the pit before it is opened. If the owner takes care to push the topsoil aside, he has some loam. Then when he slopes off the pit afterwards he can take the loam that he has stockpiled and cover the pit with that. And I would just suggest that this is a practical approach,

and part of the purpose of the bill is to start the owner thinking about reclamation before he opens the pit.

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

Mr. LEBEL: Mr. Speaker and Ladies and Gentlemen of the House: I think that Mr. Lund doesn't know what is a gravel pit and what the guy that works with a gravel pit does. When we buy a gravel pit, we clean the top of it and we put the loam on the side, yes. But we do sell the loam because the loam sells for a better price than the gravel. And under the loam there is some fill, some other soil that we call fill. We put it aside and we sell it for fill. And then we sell the gravel.

In the case of my gravel pit, I am on the clay right now, half of my pit. The other half, when the gravel is out, I will be on clay. I won't have any loam to put back because I sold my loam. That is the only way to get a living. Then, to do it the way the bill asks for, I will have to go somewhere else and dig another hole to bring some loam on it so I can reseed it. So I don't see that we are doing any good with this bill. I do hope that we bury this bill today.

And I have got the bill right here and what I am going to do, if we kill it today, I am going to bring it on my gravel pit and I am going to bury it in the clay.

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

Mr. BRAUN: Mr. Speaker, do I understand through Mr. Lund that this does not affect old pits that are still being used and making bigger and bigger all the time?

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Bailey.

Mr. BAILEY: Mr. Speaker and Ladies and Gentlemen: I haven't spoken on this bill before, but I do think I would like to bring out the fact that many times on these small pits, say five or six thousand yards, the price of the material generally — from the State Highway Department if you can get 10 cents a yard you're lucky. I think it would be not too much

of an effort to figure what would be the income at this price for this much yardage.

After someone who has taken the time and expense of clearing the topsoil with the bulldozers, many times this area is covered with stumps and rubble and the time we have spent and the cost to push this back we have already spent half of what we are going to realize from the material. And if we have to hire this equipment to replace it, then this would be something to me that I wouldn't know how to replace it after you had used all there was there, without as has been mentioned going and digging a new hole, I just can't see how it is possible that we could pass this bill. I sometimes wonder if maybe when we come back in the 106th there may be a bill in here we will have to get a permit here to even plow our garden.

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 preface my remarks concerning this bill by pleading self interest. I have a gravel pit and strangely enough this bill, if it were enacted, so far as I can interpret it, would be of great benefit to me. This is a sizeable business, and it has been a continuous operation for over 40 years. As I interpret the bill currently we would pick up business from all the small pits around the area who wouldn't feel that it was worth their while to go through the administration involved in the small sales that they make.

Now these small sales are ordinarily for town roads and I think that probably they would be coming 10, 12, 15, 20 miles to haul the gravel, because we would probably wind up as the pit in operation in the area. I think this would happen across the state. So it is to my selfish advantage to see this passed, because I am sure that it would increase the revenue considerably from this pit.

But I would like to see it killed for conservation reasons. I think that the gentleman from Houlton, Mr. Bither made the point the other day, that once you put dirt over

a pit you are out of business in that pit. Gravel doesn't have dirt in it; that is why it can be used in roads, and it won't muddy up. And this so-called reclamation of a pit is destruction of a pit. You put dirt over it and it can't be used.

Now I described a pit that has been in use 40 years; this isn't unusual for pits to be in operation for 40 or more years. At any particular stage of history people will say, this is an abandoned pit. Well as standards change they go back and take lower grade material from these same pits and they keep working them and keep working them. But once you cover this area with dirt, this is lost to society.

I am not pleading for the owner of the pit. I am saying for society, you are going to wind up hauling gravel 30 to 40 miles. And you say, "what's wrong with that?" Well it is the arithmetic—it just doesn't make sense. Stumpage is—well the figure has been used of 10 cents; well, 10 or 20 cents. But it costs 10 or 12 cents to move it, move a yard a mile. So every mile that you move it you are paying the stumpage right over again; and when you go hauling it 20 or 30 miles it puts a tremendous burden on these communities. It increases the cost of reconstructing roads almost beyond the reach of the ability of a community to do it.

I think that the main purpose behind this bill is to make these areas attractive environmentally, and this is certainly desirable. And when a pit reaches the point, as Mr. Lebel says, it is clay or it's to ledge, or it's gone below water as far as they reasonably can, then it's truly an abandoned pit and should be reclaimed by the process that they are describing. But it is very difficult to define an abandoned pit, because what was abandoned 40 years ago, they are still using from because the materials keep getting scarcer.

I know this is rather a complex subject, but again I think that Mr. Bither described the one overwhelming consideration in this matter; once you put dirt on a gravel pit you no longer have a gravel pit, and we can't afford to do without them. So I hope that you don't kill the bill.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen: I am in full agreement with what the Majority Floorleader has said and I am in favor of the indefinite postponement of this bill. To my mind, the way I see it, these gravel pits have different grades of gravel. They have the boney, they have the pin gravel, and the fine gravel, which is excellent on cement work and so forth. In my mind, to enforce such a thing as this is to destroy part of the economy of the State of Maine, and I am for the indefinite postponement.

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

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise just briefly to bring to your attention the fact that there is a gravel pit, an old closed out gravel pit, in my neighborhood in Portland, and it has taken the life of at least one child because it wasn't contoured, because this bill wasn't in effect.

And I would further point out to you ladies and gentlemen of the House, that I am sure if you took a ride through the midwest, through Indiana, through Illinois, and saw what strip mining operations can do to the countryside, that you would all vote in support of this bill. I urge your support.

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

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

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

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: Mr. Brawn asked a question that I don't believe was answered, and he will find his answer on page three of this bill at the

bottom, which says "An operator shall not be required to provide, in a mining plan, for the reclamation of land affected by mining operations prior to April 1, 1971."

And another error in the people's thinking, I believe, is that they have to fill these pits. They don't have to fill these pits to reclaim them, they can just be rounded off and seeded over, or as was mentioned yesterday, they can be made into ponds. And I don't understand Mr. Susi's remark about filling the pit if it has still got gravel in it, what would you want to close it up for when you can still work it?

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

Mr. BARNES: Mr. Speaker and Members of the House: I just wanted to state that up until about five minutes ago I had practically decided to help kill this bill. But some of the misleading statements that I have heard here have changed my mind, and I am going to vote against indefinite postponement.

The SPEAKER: The pending question is on the motion of the gentleman from Albion, Mr. Lee, that Bill "An Act to Regulate Surficial Mining under the Maine Mining Commission," Senate Paper 631, L. D. 1819, be indefinitely postponed in non-concurrence. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS — Albert, Bailey, Bartlett, Bedard, Binnette, Bither, Boudreau, Bourgoin, Bragdon, Brawn, Bunker, Call, Carey, Carrier, Churchill, Clark, Collins, Crosby, Curran, Curtis, A. P.; Cyr, Donaghy, Emery, E. M.; Evans, Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Genest, Gill, Good, Hall, Hancock, Hanson, Haskell, Hawkens, Hayes, Hodgdon, Immonen, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Lebel, Lee, Lessard, Lewis, Lincoln, Littlefield, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Marsteller, McCormick, McKinnon, McNally, Mills, Mosher, Murray, Norris, Page, Parks, Payson, Porter,

Pratt, Rand, Rocheleau, Rollins, Ross, Scott, Shaw, Sheltra, Simpson, T. R.; Susi, Theriault, Trask, Webber, Wight, Williams, Wood, M. E.; Woodbury.

NAYS — Ault, Baker, Barnes, Bernier, Berry, G. W.; Berry, P. P.; Berube, Birt, Bustin, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Cummings, Curtis, T. S., Jr.; Dam, Dow, Doyle, Drigotas, D y a r, Emery, D. F.; Goodwin, Hardy, Henley, Herrick, Jalbert, Jutras, Kelley, P. S.; Kilroy, Lawry, Lewin, Lizotte, Lucas, Lund, Martin, McCloskey, McTeague, Millett, Morrell, O'Brien, Orestis, Pontbriand, Santoro, Shute, Simpson, L. E.; Slane, Smith, E. H.; Starbird, Stillings, Tyndale, Wheeler, White, Whitson, Wood, M. W.

ABSENT — Brown, Dudley, Hewes, Silverman, Smith, D. M.; Tanguay, Vincent.

Yes, 87; No, 56; Absent, 7.

The SPEAKER: Eighty-seven having voted in the affirmative, fifty-six in the negative, with seven being absent, the motion to indefinitely postpone does prevail.

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

Mr. LEBEL: Mr. Speaker, I move that we reconsider our action whereby we just indefinitely postponed this Bill, and I hope that you vote against me.

The SPEAKER: The gentleman from Van Buren, Mr. Lebel, moves that we reconsider our action whereby this Bill was indefinitely postponed. If you are in favor of reconsideration you will say aye; those opposed say no.

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

Passed to Be Enacted

An Act relating to Indian Tribal Governors, Lieutenant Governors and Council Members (H. P. 308) (L. D. 408)

An Act relating to Conversion of Leased or Rented Goods (H. P. 963) (L. D. 1324)

An Act relating to Service Retirement of Teachers under State Retirement System (H. P. 1329) (L. D. 1743)

Were reported by the Committee on Engrossed Bills as truly and

strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor
Indefinitely Postponed

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

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

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

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

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves the indefinite postponement of L. D. 1790.

The gentleman may proceed.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I am going to be extremely brief. This is just another encroachment on the property rights of the taxpayers of the State of Maine. We have been worrying about our Indian brothers and their tribal lands. We are not in as good shape as the Indians. They are taking all our lands away from us, all our privileges, but making us pay taxes. The Indians don't have to do that.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I would simply very briefly remind the House of its previous position on this very important bill, and without belaboring the point I would simply ask that they uphold their previous position and the position of the Natural Resources Committee, and I would ask for a division.

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

Mr. LEE: Mr. Speaker and Members of the House: The other day I made this same motion on this same bill and after I look it over I see it is worse than I thought it was. You figure in a 60,000 square feet in an area there and you have got two floors on

your house and figure your cellar, you haven't got to have a very big building to be under this Act.

But the one thing that bothers me more than anything else, if you sell a piece of property or divide it into three pieces, under the amendment, you're a developer. Not only you are a developer, but the people who bought the land are developers. I know who this is supposed to hit, and perhaps there is some need for it, but why we should include everybody in the State of Maine under this Act I haven't the faintest notion.

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

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen of the House: We have had, as you all know, a vast series of environmental bills here. This is one of them. I would like to make this comment. We have seen them pass time after time after time. I think we are going much too far, much too fast. I think we have got to hold the line somewhere, and this is one bill that is going to affect each and every one of us and each and every citizen of the State of Maine. I hope that the motion to indefinitely postpone does prevail.

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

Mr. CURRAN: Mr. Speaker and Members of the House: In reply to Representative Lee on that 60,000 square feet. If you do not put in a floor space, you can have a ten-story building, with I don't know how many apartments, and by doing that you would overload your sewer system, your water system and your school system. I don't know why Mr. Lee is worried about it. It would affect just the big cities, including Bangor, and I haven't had anybody from Bangor, city manager or the council tell me they are not in favor of this bill.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen: For what it is worth, I was talking to a very prominent attorney here in Augusta

last night and this came up in the discussion. His words were, "It is not necessary; it can be done under any city or town ordinance."

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that An Act to Revise the Site Location of Development Law, House Paper 1373, L. D. 1790, be indefinitely postponed. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

67 voted in the affirmative and 32 voted in the negative.

Whereupon, Mr. Smith of Waterville requested a roll call vote.

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

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

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The opponents have risen and indicated that they are opposed to the bill, not really giving any reason why they are specifically opposed to the passage, saying that we are going too fast, too quickly and we ought to slow down a bit. Perhaps realizing that this is a unanimous committee report from the Natural Resources Committee, and fully realizing that some of the members of the Natural Resources Committee are not necessarily wide-eyed, ultra liberal conservationists — with opened eyes or closed eyes, whichever way you look at it — this would lead me to believe that the bill isn't all that bad. And so I would suggest that you vote against the motion of the gentleman for indefinite postponement.

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

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief in reply to Mr. Mills' statement concerning his conversation with a prominent lawyer. I have learned that we in this House oftentimes distrust Philadelphia lawyers, but this shouldn't be reflected in our vote today. However, I will point out that what the lawyer apparently said was that this bill does nothing that an individual municipality could not do on its own. Well this would be fine if the individual municipalities did it on their own. However, we have found that planning boards, zoning boards, have been very lenient and neglect at times in their duties.

It is my belief that to be consistent with the philosophy which we seem to be arriving at, that the environment of the state is the property of the entire citizenry, that we shouldn't allow a patchwork quilt of development in this state.

We had a similar program before the Natural Resources Committee concerning the Saco River. The opponents of the bill — and the bill would have made a uniform Saco River Development Corridor Committee, and it passed by a large vote. The opponents of the bill maintain that the committee would interfere with the rights of the individual municipalities in the Saco River corridor to zone their own territory.

However, we in the Natural Resources Committee, and evidently the members of this House and the other body felt that the Saco River corridor was bigger than the individual municipalities. The sum total of the Saco River corridor was something more than the individual municipalities as a group. The Saco River corridor belonged to the people of the state, and the environment of each individual municipality and its repercussions on the environment should not be left to that municipality, and this is what the bill would do. It would be to create a uniform system of development throughout the state to protect the rights of all of our citizens. So I hope you vote in favor of this bill.

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

Mr. FARRINGTON; Mr. Speaker, Ladies and Gentlemen of the House: I was initially opposed to this bill because of some flak I had from real estate people in Old Orchard Beach, a Mr. Russell Durand and others. I have been working with Mr. Curran and Mrs. Brown, and they have taken out all the objections, and apparently my real estate people, although they haven't seen the final bill, the final amendment, it seems to satisfy all of their demands.

I urge you not to vote against this bill.

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

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Portland, Mr. Whitson, has just made the comment — I probably cannot quote him exactly, but to the effect that the land in this state belongs to all the citizens. I will go along with that. I will go along with that as long as the State is going to take the property rights away. The people who have these property rights now should be compensated.

I will go along with the fact that **this property, this beauty that we have** does in some respects belong to all of the people. But if our rights are going to be taken away, there should be compensation.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen: The last legislature, the 104th, we passed a home rule bill here. Today if this bill is passed, we are going to override it, and somewhere along the line it goes against the grain.

A lot of us people in here saw World War II, we saw Korea, we saw a few other wars, to give the individual the right to own property and do with it what he wanted, and this bill is taking it away.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I don't think it is right for the gentleman

from Eagle Lake to say that we haven't told him what is wrong with the bill. He certainly isn't telling us what is right with it. As a matter of fact, if you read the Statement of Fact I don't think you will find very much right with it.

As far as the young gentleman from Portland, I think it probably could better be called a non-development bill because, for instance—just to be specific — in the first place, they don't want any home rule. They are going to pull in under this. If you look at the very first sentence of the Statement of Fact, it is going to include state, municipal, quasi-municipal, education and charitable developments.

In other words, it certainly doesn't look as though you are taking into consideration any home rule, any zoning that is already in effect, plus the fact that originally they started talking about 20 acres, and they are down now to 60,000 square feet. Well with these current houses that we have today of the ranch house type or even capes, it isn't unusual to find one that has a square footage on the ground, just an individual house, of anywhere from fifteen to twenty thousand square feet. This is just going too far too fast, as Mr. Hancock said.

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

Mr. MARTIN: Mr. Speaker and Members of the House: One of the reasons why I stood up originally was to point out that the bill did come out of Natural Resources Committee with a unanimous "ought to pass" report. I am not saying that I knew necessarily what was in or out of the bill.

I would hope that perhaps some member of the Natural Resources Committee, and preferably the chairman, who obviously must have supported the bill, would explain the bill to the members of the House so that obviously us who are not aware of which position we ought to take would at least know where we ought to go.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: If you will recall back when this bill came before the House, I was not too happy with my position on the bill, and I indicated to you people who live in the cities of the State of Maine, that perhaps you should take a second look at this 60,000 square feet, which had been changed from the 60,000 ground cover to a total of 60,000 square feet.

I didn't intend to speak on the bill because since that time I have been a little more concerned with the fact that my house, which is a simple little cape, but it does cover in total — and you have to count the cellar which has a floor in it, you have to count the garage which has a floor in it, the main floor and the second floor in the main house, and this comprises something around 15,000 square feet. Well if you put the 15,000 square feet into my little house and then look at the 20 acres, maybe it should be looked at; I take no position on the bill. As the gentleman from Fort Kent pointed out, it did have a unanimous "ought to pass." I think that in many cases the EIC has been extremely valuable in this area, but I am a little concerned about the way the bill is written.

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

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: In my mind, by having a unanimous report come out of the Natural Resources Committee, Mr. Hardy did take a position on the bill.

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

Mrs. CUMMINGS: Mr. Speaker and Members of the House: I think that is often the case, some of these bills that were passed in the 104th were not as well done as they should have been. And this is actually a bill to clarify.

If you will refer to the Statement of Fact you will find that five times the phrase is used, "to make it clear;" once, "to define;" once, "to more clearly define;" and once the phrase is used, "to make it

more consistent." Then the final statement in the Statement of Fact is, "to make certain language changes in the law and to make it more consistent." I am firmly convinced that this is not only going to help the people of the State of Maine, but also the developers and those interested in real estate.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen: Very briefly. I think Mrs. Cummings has hit the nail on the head. We passed the bill in the previous legislature, and this is going to be the cure-all. We are not going to take any more of your rights, and we are going to make the world a beautiful place to live in. And every one of these bills that we passed in the last session have come back with more stringent regulations. And if these are passed, two years from now or a year from now you will be back with more stringent regulations until the little fellow is strangled and dead.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: To answer my very good friend Mr. Whitson on the statement that he made, that he found that in his committee that the people along in the other municipalities and cities outside of Augusta had not found sufficient reason to enact any such thing. I submit that there is no such urgency here in the State House this morning to enact any such thing when the cities and towns haven't seen fit to do so.

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

Mr. CURRAN: Mr. Speaker and Members of the House: I would like to clear up something regarding the 60,000 square feet. The building of a structure just under 60,000 square feet of ground space, but having a number of stories, could have substantial more impact on the environment than some very large subdivisions. If you assume a 10-story apartment

building with 50,000 square feet of floor, you could have an environmental impact equal to as many as 500 single family houses in the subdivisions as regards water needs, sewage effluent, traffic and so forth. The same would be true of 250 2-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 generate traffic and effluent equal to a very large housing tract during business hours.

Whereupon, Mr. Sheltra of Biddeford moved the previous question.

The SPEAKER: For the Chair to entertain the motion for the previous question it must have the consent of one third of the members present and voting. All those 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 for five minutes by any one member. Is it the pleasure of the House that the main question be put now? Those in favor say aye; those opposed, no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that An Act to Revise the Site Location of Development Law, House Paper 1373, L. D. 1790, be indefinitely postponed in non-concurrence. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Bailey, Bedard, Berry, G. W.; Berube, Birt, Bither, Boud-

reau, Bourgoin, Bragdon, Brawn, Bunker, Call, Carrier, Churchill, Clark, Conley, Cote, Crosby, Curtis, A. P.; Cyr, Dam, Donaghy, Dyar, Emery, E. M.; Evans, Faucher, Fecteau, Finemore, Genest, Gill, Good, Hall, Hancock, Hanson, Hawkins, Hayes, Henley, Hodgdon, Immonen, Jalbert, Jutras, Kelley, R. P.; Kilroy, Lawry, Lebel, Lee, Lessard, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lynch, Maddox, Manchester, Marstaller, McCormick, McKinnon, McNally, Mills, Mosher, Norris, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rocheleau, Rollins, Ross, Scott, Shaw, Sheltra, Simpson, L. E.; Simpson, T. R.; Theriault, Trask, Webber, Wheeler, White, Wight, Williams, Wood, M. E.

NAY — Albert, Ault, Baker, Barnes, Bartlett, Bernier, Berry, P. P.; Binnette, Bustin, Carter, Clemente, Collins, Cooney, Cottrell, Cummings, Curran, Curtis, T. S.; Jr.; Dow, Drigotas, Emery, D. F.; Farrington, Fraser, Gagnon, Gauthier, Goodwin, Hardy, Haskell, Herrick, Kelleher, Kelley, K. F.; Kelley, P. S.; Keyte, Lucas, Lund, MacLeod, Mahany, Marsh, Martin, McCloskey, McTeague, Millett, Morrell, Murray, O'Brien, Orestis, Shute, Slane, Smith, E. H.; Starbird, Stillings, Susi, Tyndale, Whitson, Wood, M. W.; Woodbury.

ABSENT — Brown, Carey, Doyle, Dudley, Hewes, Santoro, Silverman, Smith, D. M.; Tanguay, Vincent.

Yes, 85; No, 55; Absent, 10.

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

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

Mr. ROSS: Mr. Speaker, I move we reconsider our action whereby this bill was indefinitely postponed, and I hope everyone votes against my motion.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House reconsider its action whereby this Bill was indefinitely postponed. All in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

Finally Passed

Resolve to Reimburse Ripley & Fletcher Co. of South Paris for Gasoline Shrinkage (H. P. 369) (L. D. 476)

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

Order Out of Order Indefinitely Postponed

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

WHEREAS, Pinecap, Inc., is a federally funded organization designed to train hardcore unemployed for jobs and is providing a service to the people of Maine; and

WHEREAS, the local executive director in the State of Maine has been twice fired by the local board of directors and subsequently reinstated in nonconcurrence by the Department of Labor's regional office in Boston; and

WHEREAS, at least 10% of the local program's employees are picketing the Pinecap office in Yarmouth, Maine in protest over this continued reinstatement of the executive director; and

WHEREAS, these managerial and staff difficulties disrupt the services which Pinecap is providing to the State of Maine; now, therefore, be it

ORDERED, the Senate concurring, that we, the Members of the House and Senate of the 105th Legislature respectfully recommend and urge that the Members of the United States Congress from the State of Maine promptly inquire into the validity of the charges leveled against the executive director of Pinecap, Inc., and the causes which have led to the disruption of services in this State and take all practical remedial federal action possible; and be it further

ORDERED, that duly attested copies of this Order, signed by the President of the Senate and the Speaker of the House, be immediately transmitted by the Secretary of the Senate to each Senator and Representative from Maine in the Congress of the United States.

The Joint Order was received out of order by unanimous consent.

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

Mr. SIMPSON: Mr. Speaker, I move the indefinite postponement of this order.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the indefinite postponement of this Order.

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

Mr. WHITSON: Mr. Speaker, Ladies and Gentlemen of the House: Although this order concerns a federal program in this state I believe that because of serious managerial and staff problems and the resultant disruption in service to the people of our state, that the subject is deserving of at least our brief attention.

On the front page of last week's Maine Sunday Telegram was a headline reading, "Twice Fired Boss Back: Staff Revolts." This headline is a brief synopsis of the disruption which has struck a \$2,-250,000 federal program to aid the hardcore unemployed of this state. Essentially what happened was, the local board of directors of Pinecap Incorporated suspended the executive director and appointed an acting director as the result of several charges having been leveled against the executive director. The Department of Labor's regional office in Boston reinstated the deposed director. Things were quieted down for several months until further charges resulted in a no confidence vote being leveled by the local board of directors against the executive director.

A month later the local board of directors, with a documented list of charges against the executive director, fired him from his post.

Again the regional Labor Office in Boston reinstated the deposed executive director — however, this time fully 10% to 20% of the staff of Pinecap refused to return to work under the twice deposed director. With this controversy came a serious disruption in the services of a \$2.25 million program in the

State of Maine, designed to annually reach 1,000 hardcore unemployed Maine workers.

I spoke with the striking staff workers, and the charges which they level against their boss are serious. But whether they are substantiated or not is irrelevant. What is of paramount importance is the disruption and possible misdirection of a federal program which offered hope to 1,000 hardcore unemployed Maine citizens annually. Something is wrong in this program if the staff or a large percentage of the staff refuses to work under the executive director, and since it is a federal program, the impetus for correction must come from our delegation in Washington to make inquiries. And since it affects this state so deeply, I felt that we as the legislative body being responsive to the problems of the people are not only justified in petitioning our delegation in Washington but are perhaps obligated to do so.

I level no charges at either side in this dispute, but obviously there is a problem in that program and perhaps our action today may be a positive step in remedying it. I urge you to vote against indefinite postponement of this resolution.

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 indefinite postponement of this order. I agree with the general consensus I got from the gentleman from Portland, that this is a federal program and it is in a mess. Thank God this is one mess that this Legislature did not create. We do enough; and I don't feel we can straighten out the problems of these programs that are passed in Washington. This order simply would bring to the attention of our congressional people in Washington that there is a problem that exists. I believe they feel 100% there must be a problem that exists, because if they read the papers in Portland they would be aware of it. And I still think our Congressmen are in this close touch with us and that they do read the papers from back home.

I do not feel this is a thing for us to take a position on and you notice he says, 10% of the local programs' employees. I might buy it if it was closer to a majority, but I am not going to stick my neck out and try to straighten out a federal program when it is only that number that are not content and happy with their boss. I would hate to take a poll in my organization and find out the number that would like to get rid of me. I think it might run greater than that.

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

Mr. ROSS: Mr. Speaker, I move that a vote be taken on this question.

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

A vote of the House was taken.

87 having voted in the affirmative and 20 having voted in the negative, the motion did prevail.

Orders of the Day

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

JOINT ORDER — Re Secretary of Senate's duties and responsibilities when Senate is not in session. (S. P. 654) — In Senate, passed.

Tabled — June 17, by Mr. Porter of Lincoln.

Pending — Passage in concurrence.

On motion of Mr. Porter of Lincoln, retabled pending passage in concurrence and specially assigned for Monday, June 21.

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

JOINT ORDER — Re Interim telephone privileges (S. P. 655) — In Senate, passed.

Tabled — June 17, by Mr. Martin of Eagle Lake.

Pending — His motion to reconsider passage.

On motion of Mr. Martin of Eagle Lake, retabled pending his motion to reconsider passage and specially assigned for Monday, June 21.

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

Bill "An Act to Provide for Full-time County Attorneys in Certain Counties and Four-year Terms for all County Attorneys" (S. P. 657) (L. D. 1845)—In Senate, passed to be engrossed.

Tabled — June 17, by Mr. Lund of Augusta.

Pending — Passage to be engrossed.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I move indefinite postponement of this bill and its accompanying papers and I will speak to my motion.

The SPEAKER: The gentleman from Augusta, Mr. Lund, moves that item 3, L. D. 1845, be indefinitely postponed.

The gentleman may proceed.

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I make this motion with a good deal of sadness because this bill in its original form was totally different from the bill that you now see before you by title. The original bill is L. D. 701 and I invite you to take a look at it if you would like to. It was sponsored by Wakine Tanous, and it made an attempt to deal with our present prosecutor system in a comprehensive fashion. One of our serious problems in law enforcement in Maine today is the problem of prosecution in our District and Superior Courts.

The original bill attempted to deal with this problem by establishing a state-wide system under the direction of the Attorney General. Perhaps I might be accused of being concerned with this because I was in the past a candidate for this office. I have, nevertheless, a concern about the welfare of this aspect of our law enforcement system.

The original bill would have dealt

with the problem on a state-wide basis, and it is indeed unfortunate that L. D. 701 could not have come out of the Committee before this late date. Instead, we have before us now a bill which would give all of the county attorneys who would be elected at the next election a four year term.

Now there may be differing opinions as to the wisdom of a four year term, but I would just suggest to you that we have in the electoral process, it is not a perfect process, but sometimes the people make a wise choice; sometimes they do not. In the event that they do not make a wise choice and the man who is elected does not happen to be a good trial attorney, it may be four years before a replacement can be gotten into office.

In the second place, this bill in its present form would make the county attorneys in the six more populous counties full time. Now this may deal with some of the problems in these six counties, but it does nothing to deal with the problems in the other counties. And more serious in my mind, this represents I think a patchwork solution to a far more serious problem that we have in the state. I think if the Legislature makes the move in this direction, we are probably taking a road from which there is no return. The problem is a deeper one and merits more careful consideration and the only thing I can suggest is that we indefinitely postpone this bill and perhaps take this up, when we have a little more opportunity to do so, in an atmosphere that is more conducive to constructive reform at the special session. So I hope you will vote in favor of the motion for indefinite postponement.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: For once I happen to be in accordance with Representative Lund. I have opposed him several times. This time I heartily support what he has told the House this morning.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Some of you may have heard me remark that in 1957 I sponsored a four-year term for governor. I have been sorry ever since and so I agree with the gentleman from Augusta, Mr. Lund, to indefinitely postpone this bill.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I know you have heard too from me already this morning, but since this is a State Government bill I feel that in fairness to the people that worked on it I should tell a little bit about what happened and why, and I think it is completely irrelevant and irresponsible for Mr. Ross to make such a statement as he has just made.

This bill originally when it came out called for what some of us felt were carpetbaggers out of Augusta going out and taking over the County Attorney system that we have had for years in the state. It not only would be that but it would be very costly. In the first place, we didn't feel that the State at this time could afford such a system as was proposed. So we have a very good attorney on the committee who has been a County Attorney, just as we did last time. I am not sure that last time we had a County Attorney but we had a very able attorney on the State Government Committee. And both of these men felt that as a compromise that this is something we could live with.

In the last session it was put in effect in the regular session and then killed in the special session. But the reason it was killed in the special session, we made a mistake in drafting the bill so we didn't have the right date on it, and some of the people that had been elected at one salary on the basis of not being full-time found themselves boxed into a full-time job that they did not want. And so therefore in fairness to these people we repealed this full-time job in the very larger counties where they do have more of a problem in getting their cases out in the District Courts.

This is not going to cost a great deal of money. It should be some alleviation of the problem. It may not be ideal but it is a far better solution than just saying indefinitely postponing it.

There is another political side of this thing. In many counties the County Attorney sort of helps hold the county organization together whether it be Republican or Democrat, and you are doing away with one of the bulwarks of county government.

So I just wanted to point this out to you. It may be a good thing or a bad thing in your mind, but before you vote I think you should consider that this is a compromise. It is something that we feel would be better than what we have, and also the political implications.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from Lubec, Mr. Donaghy, mentions that one of the members of the County Government was a former County Attorney and a good attorney. I would agree with him on that. But as far as I am concerned, the very first section of this bill says Androscoggin County. Speaking for myself, and I think the majority of the members of the Androscoggin County delegation, and I mentioned the majority; but at least speaking for myself, I want no part of this bill and when the vote is taken I hope it will be taken by division. This is several times now that this measure has been tried to be harpooned upon us without us having anything to say about it. I knew nothing about this bill any more than I knew anything about the last one a couple of years ago. I didn't nibble two years ago and I am not nibbling now. I am certainly with Mr. Lund.

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

Mr. GAGNON: Mr. Speaker and Ladies and Gentlemen of the House: I was quite in favor of the original bill in its original form. It was certainly something that this state has needed for a good

many years, having a full-time district attorney system, so to speak.

However, I think the way this has come out to us here, I have got to agree with Mr. Lund, that this is not the answer. This would simply aggravate the problem that we have now by extending these to four-way terms. Having worked with this problem for a number of years, I never felt that we could get the people we needed in these county attorney positions by election. The only way we are going to get highly qualified people with real interest in what they are doing is to have these people appointed by the Attorney General's office.

I would hope that we could go along with the indefinite postponement until such time as we can develop a more profound study on this matter and get a real effective measure in.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I spent some time working on this bill, and unfortunately the one executive session of the Committee on State Government that I missed was the one where this was signed out. I had hoped to send out an amendment to the original L. D. 701. I am opposed to the present bill before us and I hope it is indefinitely postponed, and perhaps sometime in the future I feel certain that another legislature, or another session of this Legislature, will be able to provide a good solid system of court arrangements.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Augusta, Mr. Lund, that Bill "An Act to Provide for Full-time County Attorneys in Certain Counties and Four-year Terms for all County Attorneys," Senate Paper 657, L. D. 1845 be indefinitely postponed in non-concurrence. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken. 97 having voted in the affirmative and 9 having voted in the negative, the motion did prevail.

Sent up for concurrence.

By unanimous consent, the two items that were passed to be engrossed and the four items that were passed to be enacted were ordered sent forthwith.

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

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. 1419) (L. D. 1837)

Tabled — June 17, by Mr. Susi of Pittsfield.

Pending — Passage to be engrossed.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: First of all I want to remind you that I am in favor of this bill changing the method of taxing wildlands.

Wednesday the House passed it in its first two readings. The State Tax Assessor, Mr. Ernest Johnson, when he realized that we were indeed serious in our intention, found that he had to have several very important minor amendments. These are being prepared now and I would suggest that somebody table this for one legislative day.

Thereupon, on motion of Mr. Bragdon of Perham, retabled pending passage to be engrossed and specially assigned for Monday, June 21.

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

An Act Increasing the Gasoline Tax (H. P. 403) (L. D. 516)

Tabled — June 17, by Mr. Susi of Pittsfield.

Pending — His motion to reconsider failure of passage to be enacted.

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

Mr. COLLINS: Mr. Speaker and Members of the House: I hope that you would reconsider whereby this

failed of enactment, keeping in mind that if we are to have a gasoline tax it is extremely important that we take advantage of the current summer months.

I know that we have debated this to great lengths and I have nothing new to add and I suspect that the opponents have nothing new either. I would just remind you that we have passed this with a majority vote, and it seems rather a shame to me that we cannot take advantage of the emergency factor and make this into law so that we may immediately derive the revenue from it. I hope that you will reconsider.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Could I enlarge just a little bit on what the gentleman from Caribou, Mr. Collins, has said? He stopped short of what I thought he ought to say and I am going to say this. I think he is saying obviously you people who do oppose the passage of the gas tax are probably aware of the fact that we can pass it without the emergency clause. I presume that this may be attempted if we fail.

So what he is saying I believe is that if you are good practical citizens you are going to take advantage of getting as many dollars out of our tourist trade this summer in view of the fact that this thing is inevitable anyway, one way or the other. This might cause some of you who are reluctant to go along on the passage as an emergency measure to change your thinking. I believe he intended to add that to his remarks.

Whereupon, Mr. Ross of Bath requested a roll call.

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

Mr. GAGNON: Mr. Speaker and Members of the House: I hate to talk again so soon but I feel I have to. I have been against this gas tax measure right from the start. Over the past several days I have been really wrestling with the problem to try and decide what I was going to do with it at this stage. I just

can't bring myself to increase my people's taxes again. I may watch this thing go through without the emergency clause.

I realize the consideration of the people that are proponents on this measure that we should bring in the summer trade to get more revenue. But aside from that I can't help but still feel that if we put this in on emergency clause we are still asking our people to pay for this the other nine months of the year along with the three summer months. I feel that this is not the time to again increase our gasoline tax. It is going to hurt our people that are of limited income, as well as those that can afford it.

I am going to have to stick with my vote against this measure. I would hope that possibly enough of the people that might have been on the fence like I was as to conceding that there may be a majority, and that we should possibly pass it rather than lose the emergency; but I cannot accept this at this time and I am going to have to stick with my original decision.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoin.

Mr. BOURGOIN: Mr. Speaker and Members of the House: I would like to bring to your attention that it is not only the three summer months that we have out-of-state people, we have them year round. At Christmas and New Years we have a lot of visitors from Connecticut, Massachusetts and other states. At Easter we have the same thing, and it is a year-round proposition of our having outside the state people help us to build roads for them and us.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I have thought this over very, very carefully and long. I have in my own mind five hard reasons for not going along with this gas tax at this time and I have not been able to change my opinion.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Mrs. Doyle.

Mrs. DOYLE: Mr. Speaker and Ladies and Gentlemen of the

House: I have been consistently opposed to this tax and shall continue to vote against it. In this session of the Legislature there has been a great deal of criticism of the Department of Health and Welfare. Most of this criticism has been justified but unfortunately much of it has been directed at welfare recipients rather than at the administration of the Department. We have created a monster in the Department of Health and Welfare, and have been attempting through piece-meal legislation to solve the overwhelming problems therein, such as deficit spending to the tune of some \$5 million.

This monster was not created overnight. It does appear that we are well on our way to creating an even greater monster in the Highway Department. The general feeling of this body has been to cut people programs in order to serve notice on the Department of Health and Welfare so that they will clean house.

It is high time that we served notice on the Highway Department to do the same. If we are to hold the line on irresponsible spending in the coming biennium, it is far preferable to curtail bricks and mortar spending than to have children go hungry or to go without proper medical care.

Although I am a freshman legislator I have been following the governmental process in the State of Maine for a period of time. The problems of the Department of Health and Welfare have been gradually creeping up on us.

The members of this body would do well to keep in mind the fact that the current Commissioner of the Highway Department was the immediate predecessor of the present Commissioner of the Department of Health and Welfare.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: It has been interesting to me in viewing the roll calls on this gas tax to date that there seems to be a pattern that has pretty much developed. Those living in areas that currently have excellent roads seem to be in opposition to this in-

crease in the gas tax, while those of us who live in extreme corners of the state where we do see the need for a great deal of increased road construction and improvement in the highway system, I think if you will examine the roll calls you will find that we are voting consistently in favor of the additional taxation.

Now I am sure that we share with many of you the concern for the apparently inefficiencies in some areas in the maintenance activity of the Highway Department. But we are also realistic enough to know that withholding of funds which are going to result in the curtailment of necessary highway construction and maintenance is probably not the way to get at it.

I think that the point that has been made by Mr. Collins and by Mr. Bragdon is extremely important. I think all of you at this juncture must realize that an increase in the gas tax is going to take place. The question that remains at this juncture is whether it is going to be passed on an emergency basis or not. And it would be extremely shortsighted, it seems to me, for those of you who recognize the facts of life to withhold your votes at this juncture from emergency enactment, and by this method forego the very substantial amount of money that would be coming into the state as increased revenue because of the great volume of gas purchases that take place here during the summer months. So that I hope the body is realistic this morning, and that they do give the votes necessary for emergency enactment.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I will be very very brief this morning. I still maintain the same position I have from the beginning. I am still opposed to the increase in the gas tax. I do disagree with Mr. Bragdon when he says that it is inevitable that we are going to get this tax anyway.

I also would like to point out to the good gentleman, Mr. Haskell,

to take a closer look at this roll call, and he will see that I have been consistently against this tax. And if Mr. Haskell has not been up in the Skowhegan area, I invite him to come up. We do not have any good roads in that area, and this is not why I am opposed to the tax, because we don't have. I am opposed because of the inefficiency of the Highway Department.

Now I told you people of a couple incidents that happened in the Highway Department, and the reason for this was, I thought this might get back over, they might send a note over and say that they could remedy these situations, and that they were going to attempt to try to stop the waste that I brought out. If this had been done, I might have been able to go the other way. But now I do not care; if they sent a hundred notes I would not shift.

So one more incident I will bring out only for the record so it can go back to the Highway Department in case they do read the horse-blanket. I live 40 miles, approximately, from Augusta. Bingham is approximately 23 miles north of me. This makes it 63 miles. And when you send a two-ton truck down to Augusta to get spark plugs for another vehicle, then I say this is pretty expensive for the spark plugs. Because the difference in what the state pays for the spark plugs and what you can buy them in an automotive store is only three cents apiece. If the truck has eight cylinders, this would be a saving of 24 cents, and an expenditure of \$118. This to me is gross waste and gross mismanagement.

This is another reason why I oppose this increase, as I did yesterday, for the department heads — because I consider a lot of them fat cats too, and I consider that these people and these fat cats have no concern for the taxpayers of the State of Maine any longer. I say we shouldn't give these people any more money to waste.

The most effective way to cut out waste is to cut out the funding. This is what we should do today. And let's be consistent and stick with our vote and deny this monstrosity that has been created

over here in the Highway Department — let's deny them their funds so that they will sit down and take a closer look. And if we deny the funds we are not cutting off road construction, because they will say, "Let's cut out the waste so we can still build the roads." But if we give them this money, it is almost a mandate to say, "You go ahead and continually waste the taxpayers' money." And I am not for this now and I will never be for this.

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

Mr. KELLEY: Mr. Speaker and Members of the House: It seems to make a difference what part of the state you come from how you feel about this tax. Route 1 in the coastal area east of Bath is the life line of our economy. There were days in July and August last summer driving from Bath trying to get to the turnoff for Boothbay Harbor, all the way from Bath to Wiscasset it was bumper to bumper, start and stop, start and stop. We do not have adequate highways there to take care of our summer business.

In addition, if anybody wants to come down and look this summer and check, they will find many times that nine out of ten cars are out-of-state cars. And these people, I am sure, are willing to pay the extra cent to be able to travel our roads a little faster. I hope you will vote for this tax on an emergency basis.

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

Mr. EMERY: Mr. Speaker, I would like to pose a parliamentary inquiry, please.

The SPEAKER: The gentleman may pose his question.

Mr. EMERY: Mr. Speaker, I understand that in order to remove the emergency clause we would have to reconsider passage to be engrossed. And would that not require a two-thirds vote of this body?

The SPEAKER: The Chair would advise the gentleman, if this fails of passage to be enacted it will go to the Senate.

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

Mr. JALBERT: **Mr. Speaker,** Members of the House: Very briefly, I will just comment on the distribution of an editorial in the Portland Evening Express that would say that we were about ready to pass a \$16 million bond issue. This editorial is not correct, and the date, of course, would indicate so; because the date of editorial is February 3, 1971. In that I would vote for this gasoline tax, I have no intention whatever of voting for anything along the line of a bond issue beyond eight or ten million dollars.

My reasons, as I have stated yesterday, are the same for voting for this program. They are reasons of economy. We will have to have an additional bond issue, and I can appreciate the good gentleman from Skowhegan, Mr. Dam's comments, and I hope that some day the sparkplug program will be straightened out in his area. And if it isn't, I am going to climb over on the fourth floor of the Highway Department and help him to do it, because the point has sunk in as far as I am concerned. I have heard it more than once, and I can appreciate his thinking.

However, this is one program here whereby we would have to have an additional sum of money for bonds if we do not pass this program. If, for instance, it was in the area of the loss of the penny on gasoline which would be \$10 million, it would mean that we would have to repay the \$10 million on the bonds, and an additional \$10 million in interest. It is as simple as that.

However, if we pass this program now it means that half of the money at least will be paid by out of staters. As has been stated so aptly by the gentleman from Eastport, Mr. Mills, we to a certain degree are a state that depends on wheels — tourists' wheels. If we would remove the emergency, and we could remove the emergency and pass this bill, it would just cost us about \$2.5 million from now until about October or November, until the season of hunting is over, let alone that re-

freshing tourist business that we enjoy.

If we pass this measure as it is now, compared to the taxpayers of Maine possibly being harpooned with having to repay \$20 million, they will have to pay no more than \$5 million for the benefits of federal funds amounting to \$35 million to \$40 million.

The gentleman from Eagle Lake, Mr. Martin, was talking yesterday about the prices of gasoline in his area. And the gentleman from Ellsworth, Mr. McNally was talking about the same area of prices of gasoline. Well, let me tell you just how unimportant obviously the prices of gasoline are. If you will take a turn to Manchester, Maine, just three miles below here, as I did on my way up this morning, you will see on one corner a great big sign, gasoline 37.9 a gallon; 50 feet — not over 50 feet further you will see another sign, gasoline 33.9 a gallon. So what are we arguing about?

We are arguing about only one thing. We are arguing about the fact, do we want the people of Maine to pay back a bond issue of \$10 million plus interest of \$10 million? Or have the tourists pay half of this \$10 million, of a gas tax, and we pay half of the price of the \$10 million, which is only \$5 million.

The gentleman from Perham, Mr. Bragdon, yesterday said he was happy that I have seen the light. If Mr. Bragdon will check back the record, he will check back that I have been a pay as you go individual ever since I have been here. I have abhorred for years voting for programs that were of a continuing nature out of surpluses, and I have stated so. There have been times when we have had to do it. We did it this time at this session. I objected to it; I did it reluctantly. I still do it when I do, when the occasion arises to do it, I do it very reluctantly.

So I have not needed to have seen any light, because the light has existed of paying as you go for a long time. It has done well for me personally.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I was one of those people, and still am, in Mr. Jalbert's army, so to speak, and today I may be busted. I was one of those who circulated a petition for him against major tax increases. I tell you when you get a increase of 12.5 percent in a measure, it is a major tax increase.

As for the comments made that we will strip the emergency off of this thing, this is an attempted blackmail, and it still doesn't make the bill any better. We have had the corners mention several times about the lobbying that has been going on throughout this session. You ought to be hanging around the corner office today and you would find out what lobbying has been going on, if you wonder what lobbying is.

I tell you one thing too, that we are down here to represent those people that live here 12 months out of the year, not those people who come down here two weeks a year.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I assure you of one thing, my very dear friend, and I mean that, from Waterville, that he need have no fear of being busted.

But in any event, the position that I took on taxation was on the General Fund program that concerned itself with the personal income tax, corporate income tax, sales tax, and trade-in tax. And I would join him in this effort here, if I were not so convinced — and I am convinced that there are those, because some people have come to me and have told me that I was right, that this is a losing proposition for us.

It is a bad losing proposition for us. No one has lobbied me on the program, and I have discussed it at length with Mr. Dam, and I have discussed it at length with Mr. Carey. And I assure you of one thing, it has no infringement on our friendship. I say this — that if we do not have this program, and we do have to have a curtailment, it will cost us nearly \$30

million in federal funds. And if we do have to have an additional \$10 million, if we do not want a cut-back, it will then cost us double the amount of money, which means in my opinion a spending program versus what I go along with now, which is a savings program. And that and that only is my reason for voting for this package.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen: As a first term member of this House I am slightly amused at the political thinking that is going on. I am sure that most of the people are trying to get as much mileage out of this proposition as they can. I am sure that many of them will go home and point with pride to their opposition to a gasoline tax, and not bother to explain that they have cut off their nose to spite their face, that they are willing to forego federal funds.

And I am sure they will not point with pride to many of the environmental issues that have been passed in this House, many of the issues that have gone contrary to the law that has existed over the years in regard to private ownership. But I am sure they cannot escape it in the 106th, in the 107th. Many of the laws that you have passed will come back to roost. And future sessions will have to amend some of the damage that you have done.

I am going to vote for the gasoline tax because I think it is in the best interests of the people of the state. I will vote against the bond issue.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: No one in this body needs to be reminded of how the people of Maine feel about the passage of a major tax in this session of the legislature. We all know exactly how they feel. They have had it with excessive taxation.

The people who own and operate motor vehicles are by far the most heavily taxed residents of Maine.

They pay all the general taxes that all other citizens pay — the sales tax, excise taxes, property taxes, income taxes, cigarette and liquor taxes, etc., etc., etc.

In addition, however, they pay a special series of highway user taxes for the privilege of owning and operating cars, buses, and trucks. A group of citizens already bearing such a disproportionate special tax burden should not be asked to pay any more.

It is not as though we don't have a good highway system in Maine. We have roads here that will take us to the beach, to the mountains, the lakes and even the deserts. As a matter of fact, I can't think of any place I can't go by car today in the State of Maine.

Defeat of this one-cent increase in the gasoline tax is not going to mean that all our roads will go to rack and ruin. I can't buy that, and neither can my constituents.

This tax will be most burdensome on the low income family. The man in the low income bracket buys his gas to fuel his car to take him back and forth to work. The motor vehicle is, to him, an integral part of everyday living. It's not a luxury, and the fuel that propels it should not be hit with a tax which is becoming as high as some kind of luxury tax.

The gasoline tax was increased in the very last legislative session. We now have one of the highest in the country. It's time to give the Maine motorist a break.

I would like to remind the House that the vote yesterday failed 84 to 60, and I really would appreciate some consistency in this House.

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

Mrs. McCORMICK: Mr. Speaker and Members of the House: Mr. Carey, I must say, has used most of my arguments. But I am going to stand on my feet anyhow. If you will look at the record I have also voted against the gas tax, and I intend to continue to do so.

I must agree with the remarks made by Mr. Dam of Skowhegan, and disagree with the ones made by Mr. Kelley of Southport. It doesn't make any difference wheth-

er we increase this gas tax or not, Route 1 has been in a deplorable situation for the past 30 years, and they are not going to change it by a one cent gas tax. I stay away from Route 1 in the summer because I know the situation there. I will go 30 miles out of my way not to have to ride on it.

But to tell us that if we don't vote for this with the emergency clause that it will be passed anyway, as Mr. Carey said, is nothing more than blackmail, and I hope that when it comes up without the emergency clause that we will still vote against it.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise sometimes on the floor with almost an inferiority complex, and a feeling of inadequacy. I do that at this time because I would like to admit to the House that I do not feel in some areas that I am as well educated as the good gentleman from Lewiston, Mr. Jalbert. He has a wonderful way of putting the knife into someone, or cutting down the remarks that they have made to where those remarks become meaningless. I am sure that the good gentleman from Lewiston, being as intelligent as he is, and I say this in all sincerity, realizes that when I mentioned the word spark plug today that this is not the only area in which I am concerned.

If I wanted to bore the House with a list of over 200 different times that the people's money of Maine has wasted, I could do this. These incidents that I have brought out were only brought out as an example of gross mismanagement.

Now I am not opposing this tax to gain anything for my area because there is nothing slated for my area. Neither am I opposing this tax to gain any mileage, as was stated by the good gentleman, Mr. Haskell. And it has been said about federal funds, how much we are going to lose. Well, I have read three papers this morning, parts of them, and I would hope that all the members would read the same, referring to another department of

the State of Maine, that has been under quite a lot of fire recently by the legislature for increasing their caseloads, and the costs of operating that department.

One article I read this morning — and it has been in three papers — the same head of that department stressed the fact that we were going to lose federal funds, and that the people of the State of Maine going on welfare and costing the taxpayers' money was an asset to the State of Maine because it was expanding our economy. It was bringing in federal funds.

Now my good people, I am not, and I never have and never will stand in front of any public body or any body of people in the State of Maine and claim that I am an intelligent man, because I do not consider myself that way. I consider myself a man of common sense. And if anyone here can tell me that increasing the tax on the people of this state and spending yourself into debt will bring prosperity, I can't see it.

The federal government has followed this philosophy for about 40-odd years, and where are we now? We are in debt deeper than we will ever get out. We will never see the light of day. It is time that we become concerned with the waste, not only in one department in the state, but all departments. And maybe if in the State of Maine, using the motto of the State of Maine, "We Lead," this might spread in time; maybe not in our generation, but in the generation of your children it might spread over the United States where the people would be fed up with this waste and rise up and say, "We don't want any more waste, we want to bring all our departments of government into line with some degree of efficiency."

I hope you people will stick today on this, and oppose this gas tax.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I have supported this proposal from the start. I shall be mercifully brief this morning, but

I would like to point out to you people, first of all that we will lose some \$2 million in taxes which could be collected during the tourist season. And that the loss in federal funds has been variously estimated anywhere from ten to thirty-two million dollars.

Now if we talk half of that, say \$15 million as a median figure and take the \$2 million lost in taxes during the summer months collected from tourists, we come up with \$17 million.

So here is perhaps another unique way of looking at it. Yesterday this proposal fell 17 votes short of the necessary 101 votes. So my remarks are addressed to 17 people here who voted against this proposal yesterday. I would remind you, with some logic, that by voting yes today each of your votes is worth, say, a million dollars to the State of Maine; the people of the State of Maine. You have an opportunity this morning to press the button for a million dollar vote, each of you 17.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen: I did not expect to speak on this this morning. I had a gentleman come to me this morning and say, "I hope you don't speak on it." But seeing he spoke twice, I think then I should have a chance to speak also.

I am against this gas tax. And when I see a gentleman stand here this morning and fight on this floor for a gas tax, and he does not even drive a car or own a car, this is again a man who wants another fellow to pay a tax that he is not going to be hit with himself.

And when I hear another man stand up in the back of the room and tell me how much money we are going to lose, ladies and gentlemen, I have been taught through my life you couldn't lose something you did not have. I cannot believe it. And when I hear the people say, "Let's take these summer people," gentlemen, you can take these summer people, but they are going to get sick of getting taken after a while.

Now you will go to other states also. Let's treat our brother as

we want to be treated ourselves. I have seen the hunting and fishing licenses go up here. That is good. Let's catch the out-of-state fellow. How can we expect the out-of-state fellow to use us right if we are going to rob him of every cent he has got when he comes into our state?

I stand with Mr. Dam and I stand with all the people in my community. Now I haven't called anybody in my community asking them in regards to this gas tax. But I have had plenty of them call me and they said, "How can you stand there, you fellows in the legislature, and tell us that you don't want to raise any taxes, and then every day you raise a tax? I shall watch for your vote, and I shall see how you vote, and if you don't vote against this tax you never will get my vote again."

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am sorely tempted really to shift over if my vote is worth a million dollars. That is really going some. Before it was called blackmail; now it is almost bribery. I don't know — a million dollars is quite a lot for a vote.

Nevertheless, in all seriousness, I don't feel, no matter what figures are quoted, it seems to me a bit of an unfair advantage. We have our convictions. If we feel that we are opposed to increasing the tax, I don't think that anything that could be said about, "Well, we should go along with them because they will pass it anyway." I really don't feel that is a very fair argument. And I certainly for one am not going to change my mind just because it might be passed over my objections.

Now it has been said that we have taken exception to the activities of several of our state departments. I will agree with that statement. And I feel that the Highway Department is no sacred cow, as I have said before. Mr. Stevens notwithstanding. I have talked with Mr. Stevens, he is very capable, and I don't think that everything is his fault. I do agree that there is a tremendous

amount of inefficiency, and I feel that the only approach we have to it is the purse strings.

I was approached yesterday and accused of opposing this gas tax. They said, "Why?" I said, "Can you tell me what other way we have got of curbing inefficiency in these huge departments?" Just one way that we have got. We just have no other way, ladies and gentlemen. The only way we have got is the purse strings.

And another thing, these dire threats as someone else stated, these highways that we have got, if we do not pass this gas tax or if we do not get a huge bond issue, these roads are not going to curl up and roll away over night. They are still here.

This money that we are talking about is not going to make much difference this summer, or probably next summer. This is for future planning. And it seems to me that if the Highway Department gets the good word that they are going to have to bring in a little bit more efficiency because the purse strings have been closed, we may see a little bit more efficiency.

I agree with Mr. Dam. I could quote several cases of this inefficiency, and probably you all can. I did one yesterday, but I won't any more today. I have got them though if anybody is interested. So again today I urge those that opposed this tax yesterday to continue to oppose it, and stick by their guns.

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

Mr. SHELTRA: Mr. Speaker and Ladies and Gentlemen of the House: On my way up to this session this morning my car radio blatted out the fact that an \$8 million additional amount of revenue had been received statistically by us. Now I can tell you this, all our citizens are hearing this — this surplus amount of money, the millions that are coming in entirely responsible from the income tax. Now you might tell me that, perhaps righteously so, that your gasoline tax is dedicated revenue. But my constituency doesn't understand this. My constituency has a ter-

rible time understanding the income tax thus far. And if you want to see this income tax go down to defeat your vote for this gas tax.

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

Mr. BERNIER: Mr. Speaker and Ladies and Gentlemen of the House: When I was first elected to the legislature I was somewhat amazed, although pleased to see on my mail the name honorable, Honorable Odilon J. Bernier. I am sure you were all a little bit taken aback by the same title. As time goes on you get used to it. Today I am afraid that many of you have forgotten what honorable means.

We have made a pledge. I did not make the pledge, but nevertheless here the majority rules and I feel bound by the pledge that we here in the House have made. We have no right to discuss this, ladies and gentlemen. We have told the people home — with some I know it was just a brave act to tell the people, "Listen to me I am looking for your interests." Today they are speaking out of the other side of their mouths. Today they are raising the tax and this is a great, great increase of tax. Someone said this is not a major tax. I say \$20 million is a major tax. You can do what you want. I know I will not change one vote in this House, but you will not change me.

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

Mr. TYNDALE: Mr. Speaker and Ladies and Gentlemen of the House: I know that there has been a great deal of arm twisting on this issue, but I would like to bring a few points to your attention at this time before you vote on this momentous question.

First of all I am thoroughly convinced and agreeing with the preceding speaker that this is a major tax and I don't think you can out explain that. The last minute legislative tactic of saying if you don't pass this you will miss out on some pennies taken from the tourists. There is no reason

whatsoever of responsibility to pass a major tax.

Number two, there is no financial catastrophe going to happen to the Highway Department if we don't pass this tax. I have supported the Highway Department over the years, have very nice associations with them, but this isn't the issue at hand. The issue at hand is a major tax which we are imposing upon the people today if you vote for this bill.

Now I looked at this little folder which was passed around on my desk yesterday which said "in the same period, state gas tax revenues were some \$800,000 higher," I also checked out the federal impact of this tax, and the Federal Highway Act of 1970 provides for a change in the matching ratio for funding primary, secondary and urban highways and on July 1, 1973 that 50-50 matching ratio will change to 70% federal and 30% state. This will result in the lessening of Maine' matching requirements of about \$10 million.

There is one issue at stake, gentlemen. The issue is whether this is a propitious time to put upon the State an additional major tax.

I went home to speak to a graduating class last night and I was approached by more than 20 or 30 people. "You are not going to vote for this tax, Monty." It isn't a question that I considered this because I have voted for taxes over the objection of some of my constituents at various times. But this tax is really not needed, and I would debate the Highway Department on that question. I know that they have matching funds in need of maintenance, and on that question I can show you one highway that was being rebuilt recently by my house. And I would like to have you come down and look at it sometime. It certainly wasn't what we expected it to be.

So, gentlemen, I would hope that you would not change your position today and defeat this tax.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I remind you again, there are many others that have spoken

today and stated that this is a 12.5% increase on the present tax. Two years ago the increase was 14.27%. Now we are wondering about what is going to happen to the income tax. I am going to tell you what is going to happen to it. I went down through the factories and shops in the past few weeks in my area and the little people down there said, "We have got enough."

And they are going to vote against this tax, the income tax I am speaking of. If there was 35,000 signatures collected against the income tax, there can be 35,000 or 40,000 collected against this tax. And I certainly will be one of them that goes down and helps them do it too.

They talk about the little man here and what we are going to do for the little man. I will tell you what they are doing for the little man, they are putting him out of business. He needs an automobile; an automobile is no longer a luxury, it is a necessity. There are people in this House here today that talk for the little guy and, "I am going to vote for you, I am going to bring you home the bacon." They are bringing home the bacon all right. They are putting another tax on his back.

There are people in this House that are in various industries connected with the construction field who have lobbied for this tax. You talk of propaganda, I thought the German army had a propaganda machine. The biggest propaganda machine in this state is the Maine State Highway Department.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: After hearing a lot of comments this morning with regard to the increase in the gasoline tax, I am somewhat amazed at the statements that are being made and the comparisons that are being leveled at other departments. There may be some inefficiency in other departments. There may be some in this Highway Department. I do not know, but I really believe that as I have looked about me and when I can see some people who

are in my class that are called ultra conservatives, and I am looking right at one now — in this instance here they talk about common sense. Your vote has shown recently that there are enough votes in here to pass this tax, but we need a few more to make it as an emergency measure. So doing we will take in a lot of extra money which is being brought in by our tourists. I fail to see where they say we haven't got any common sense; I think common sense prevails in that area.

I don't want to compare this with the income tax. Moreover we passed an increase in the gas tax last session. I am wondering how many in this House here has had a lot of repercussion with regard to that. I have never had a bit. In fact, I never had a one as yet tell me do not support this tax, because I think they realize that you have got to have money to build roads, and we all appreciate good roads and I certainly hope that some of you people will support this measure.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I hope that with as dull a knife as I have in my menage I can answer the gentleman from Kennebunkport, Mr. Tyndale.

Now he speaks about we do not need this tax. I will tell you one tax that we didn't need that I voted for. We didn't need to lower the liquor store tax in his area and leave the two liquor stores in my area at their present rate. That is going to cost my area a great deal of money.

Coupled with the fact that if you go into the gentleman from Kennebunkport's area and you look at the price of gasoline you will find it anywhere from an average of four to eight cents a gallon cheaper than my area. Of course I have been here enough semesters to know the record of the voting of certain people right near the coastline of New Hampshire. And it is great to enjoy the pleasantries of voting for spending all bills and not picking up the tab.

But as far as I am concerned,

my area is loaded with programs and I feel duty-bound to go along with it. It is somewhat aggravating to see me and my people in my area's prices for the liquor stay the same, but in his area he can go out and get himself as much as a 40% markdown, coupled with the fact that the gasoline will cost him in the area of four to eight cents, and I repeat myself, per gallon.

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

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

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

Mr. TYNDALE: Mr. Speaker, I was wondering what the legislative procedure would be, do we first vote for reconsideration?

The SPEAKER: The gentleman is correct. The question now is reconsideration of whereby this failed of enactment, and this only requires a majority vote.

All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

86 having voted in the affirmative and 50 having voted in the negative, the motion did prevail.

Mr. Ross of Bath requested a roll call vote.

The SPEAKER: The pending question is passage to be enacted. 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 passage to be enacted of An Act Increasing the Gasoline Tax, House Paper 403, L. D. 516. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bailey, Baker, Barnes, Bedard, Binnette, Birt, Bither, Boudreau, Bourgoin, Bragdon, Bunker, Bustin, Call, Carter, Clark, Collins, Conley, Cote, Crosby, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Donaghy, Dow, Drigotas, Fecteau, Finemore, Fraser, Gagnon, Gill, Good, Goodwin, Hall, Hardy, Haskell, Hawkens, Hayes, Immonen, Jalbert, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lebel, Lee, Lewin, Lewis, Lincoln, Lucas, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Marsteller, Martin, McCloskey, McKinnon, McNally, McTeague, Millett, Mills, Morrell, Murray, Norris, O'Brien, Orestis, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rollins, Ross, Santoro, Scott, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Susi, Tanguay, Theriault, Webber, Wheeler, White, Wight, Williams, Wood, W. M.; Wood, M. E.; The Speaker.

NAY — Bartlett, Bernier, Berry, G. W.; Berry, P. P.; Berube, Brawn, Carey, Carrier, Churchill, Clemente, Cooney, Cottrell, Cummings, Dam, Doyle, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans, Farrington, Faucher, Genest, Hancock, Hanson, Henley, Herrick, Hodgdon, Kelleher, Lawry, Lessard, Littlefield, Lizotte, Lund, McCormick, Mosher, Rand, Rocheleau, Sheltra, Trask, Tyndale, Woodbury.

ABSENT — Brown, Gauthier, Hewes, Jutras, Silverman, Vincent, Whitson.

Yes, 102; No, 42; Absent, 7.

The SPEAKER: One hundred and two having voted in the affirmative and forty-two having voted in the negative, with seven being absent, the motion does prevail.

The Bill was signed by the Speaker and sent to the Senate.

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

Mr. ROSS: Mr. Speaker, I move that we reconsider our action whereby we enacted this bill, and I hope they vote against me.

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

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

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

Bill "An Act Revising the Implied Consent Law for Operators of Motor Vehicles" (H. P. 1027) (L. D. 1422) — In House, Committee Amendment "A" (H-460) adopted.

Tabled — June 17, by Mr. Orestis of Lewiston.

Pending — Passage to be engrossed.

On motion of Mr. Martin of Eagle Lake, retabled pending passage to be engrossed and specially assigned for Monday, June 21.

By unanimous consent, the previous six tabled and today assigned matters were sent forthwith to the Senate.

The Chair laid before the House the seventh 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 17, by Mr. Hewes of Cape Elizabeth.

Pending — Acceptance of either Report.

On motion of Mr. Carrier of Westbrook, retabled pending acceptance of either Report and specially assigned for Monday, June 21.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought not to pass" — Minority (6) "Ought to pass" — Committee on Taxation on Bill "An Act to Provide One Property Tax Rate for the Unorganized Territory" (H. P. 1317) (L. D. 1732) — In House, Reports and Bill indefinitely postponed. In Senate, Minority Report accepted and the Bill passed to be engrossed in non-concurrence.

Tabled — June 17, by Mr. Martin of Eagle Lake.

Pending — Motion of Mr. Ross of Bath to adhere.

On motion of Mr. Bragdon of Perham, retabled pending the motion of Mr. Ross of Bath to adhere and specially assigned for Monday, June 21.

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

An Act Providing for the Taxation and Preservation of Farm, Forest and Open Space Land (H. P. 1418) (L. D. 1834)

Tabled — June 17, by Mr. Ross of Bath.

Pending — Passage to be enacted.

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

Mr. MARTIN: Mr. Speaker, and Members of the House: I am going to ask that this item be tabled, and I would like to explain what the story is so that everyone will be aware of what the problems are and perhaps we can all attempt to work at it.

The problem is a very simple one. The bill in the present form conflicts with the Land Use Regulation Commission in the unorganized territory, since decisions will have to be made to determine whether or not they are farms or forests. The decision has to be made by either the Tax Assessor or the Forest Commissioner under

this bill. However, the Land Use Regulation bill provides that the Commission shall decide whether or not it is a farm or a woodland. That is problem number one.

Problem number two is a problem that we will have to solve relative to valuation. Problem number three, we are looking at the Valuation Committee in determining whether or not there is a constitutional problem with this. And finally, the last problem is the one of the recapturing provision which makes it impossible to administer presently in the Assessor's office. So if we have any hope at all during this session to pass this bill which many of us feel is an important bill, we are going to have to spend an awful lot of time and we are going to have to really get down to business.

I certainly hope that this is not one of these things that will eventually tie us up in adjournment. However, it is so important that I am going to ask that it be tabled rather than indefinitely postponing the bill.

Whereupon, on motion of Mr. BRAGDON of Perham, retabled pending passage to be enacted and specially assigned for Monday, June 21.

The Chair laid before the House the following matter, which was tabled earlier in the day and later today assigned:

An Act to Amend Biennial Elections of Penobscot Tribe of Indians (H. P. 1399) (L. D. 1816) which was passed to be enacted in the House on June 16 and passed to be engrossed on June 10.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-293) in non-concurrence.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen: You now have this Senate Amendment "A" to House Paper 1399, L. D. 1816, An Act to Amend Biennial Elections of Penobscot Tribe of Indians. This is now in approval by our Election Division in the Secretary of State's office, and is in fact a

very good changeover from what we had in the previous bill.

Thereupon, the House voted to recede and concur.

The following paper was taken up out of order by unanimous consent.

Non-Concurrent Matter

Bill "An Act to Provide Mandatory Penalties for Commission of a Crime with a Firearm" (S. P. 332) (L. D. 983) which was passed to be engrossed as amended by Senate Amendment "A" (S-218) in the House on June 1.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" and Senate Amendment "B" (S-279) in non-concurrence.

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

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

Bill "An Act Creating the Municipal Assessment Appeals Board" (S. P. 493) (L. D. 1441) the Speaker appointed the following Conferees on the part of the House: Messrs. GILL of South Portland CAREY of Waterville FARRINGTON

of Old Orchard Beach

(Off Record Remarks)

Mr. Kelleher of Bangor was granted unanimous consent to address the House.

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: We have been talking about an effective lobby in this House for the past six months. I think this morning you could have witnessed the most effective lobby we ever saw; a lobby where the people of the State of Maine were put in kind of a difficult position; and I am talking now particularly about the gas tax. I didn't hear any one of my good friends from either one of the corners complain about the lobby that was administered out in the hallways down in the corner office and what have you.

It disturbs me to no end to feel that we come down here to represent our own constituents, and we get our arms twisted or our necks

pulled to vote for issues for department heads, or even for the wishes of the corner office. It burns me to no end to see members of a committee, when they sign out a report, turn around and then desert the report that they signed out. I often wonder who

they represent and why they are down here.

(Off Record Remarks)

On motion of Mr. Porter of Lincoln,

Adjourned until Monday, June 21, at ten o'clock in the morning.