

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

Monday, June 21, 1971

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

Prayer by the Rev. Mr. Frederick A. Carrigan of Gardiner.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session 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 requires 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.

Orders Out of Order

Mr. Rollins of Dixfield presented the following Order and moved its passage:

ORDERED, that Lyle Bailey of Woolwich be appointed to serve as Honorary Page for today.

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

Mr. Collins of Caribou presented the following Order and moved its passage:

ORDERED, that Betsy Morrell and Barbara Zamore of Brunswick be appointed to serve as Honorary Pages for today.

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

Mr. Dyar of Strong presented the following Order out of order and moved its passage:

ORDERED, that Christopher McCormick of Union be appointed to serve as Honorary Page for today.

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

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the Legislative Finance Officer, William H. Garside, be and hereby is authorized, during the current biennium to attend the conferences of the National Legislative Conference, and that he be reimbursed for his necessary traveling expenses (S. P. 671)

Came from the Senate read and passed.

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

Report of Committee Ought to Pass

Report of the Committee on Agriculture, acting in accordance with Joint Order (S. P. 664), reporting a Bill (S. P. 669) (L. D. 1860) "An Act Broadening the Scope of the Uniform Agricultural Cooperative Association Act" and that it "Ought to pass"

Came from the Senate with the Bill substituted for the Report and referred to the 106th Legislature.

In the House, the Report was read.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker, I move that we accept the "Ought to pass" Report, and I would like to speak briefly on my motion.

The SPEAKER: The gentleman from Freedom, Mr. Evans, moves that the House accept the "Ought to pass" Report.

The gentleman may proceed.

Mr. EVANS: Mr. Speaker, Ladies and Gentlemen of the House: You received a little flier that I distributed earlier this morning telling why we need this bill. We are sorry that we couldn't have had it in before, but it was last Wednesday that the Court decided that the contract growers could not join a cooperative. And all this bill does is to give us the authority to join cooperatives the same as any other farmer.

You will see in there it says that this law is not a compulsory bargaining statute. Now you will be told by a great many that this requires them to bargain with us and so forth and so on, and it does not. This just gives us a right to

join together in a cooperative. And I would ask all of you to read this flier completely, from end to end, because this explains all of this bill.

All this bill does, it adds on to the statute right now that we have on the books the right for us to join a cooperative. Right now we have no way of being represented whatsoever, only as individuals, and will explain why we would like to be represented.

Along about March 28 — I happen to be a broiler grower, which you probably all know — I received a contract from the company I grow for which stated that as of March 1 we were going to be paid on a square footage basis. Birds that died while we had them, and less what were thrown out by the inspection on the lines — half of the inspections, rather — so that where before on our contract we were paid on a bird basis, and I have figured out exactly what the difference was in my pay check for this last batch of chickens.

I received a settlement check of \$485.28 on this new contract. On the old contract I would have received \$893. Now you can see what the difference is between the two; yet I have no recourse. I cannot bargain with them. They say they will talk with me if I come down there, but I cannot bring anybody with me; I have to come alone. They are not under the same restrictions, and there are a number of other things. And this is one reason why we figure that we need somebody to help us in our talk with the processors. And I ask you all to vote with me on this bill.

Of course you will hear a lot of talk about it, it does this and it does that, to confuse the issue, but it does not.

Thereupon, the Report was accepted in non-concurrence, the Bill read twice and later today assigned.

Non-Concurrent Matter

Bill "An Act to Correct Errors and Inconsistencies in the Education Laws" (S. P. 277) (L. D. 860) which was passed to be enacted in the House on June 17 and passed to be engrossed as amended by Committee Amendment "A" on June 15,

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

In the House:

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

Mr. MILLETT: Mr. Speaker, I move the House insist, and I would like to speak briefly to my motion.

The SPEAKER: The gentleman from Dixmont, Mr. Millett, moves that the House insist.

The gentleman may proceed.

Mr. MILLETT: Mr. Speaker and Members of the House: Last Friday an amendment was offered in the other body on what the sponsor felt was to correct an error in Errors and Inconsistencies Bill, which he felt was not technical and was substantive. I have talked with the sponsor and I think I have convinced him that the section which he struck in his amendment is necessary to retain in the bill. And I have been assured that if we insist and send it back in non-concurrence, that the other body would go along with the bill in its present form.

Thereupon, the House voted to insist.

Non-Concurrent Matter

An Act to Authorize a Food Stamp Program for Piscataquis County, Sagadahoc County, Aroostook County, Penobscot County, York County, Oxford County and Washington County (H. P. 1143) (L. D. 1584) which was passed to be enacted in the House on June 16, and passed to be engrossed as amended by House Amendments "A", "B", "C", and "D" and Senate Amendments "A" and "B" on June 1.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mrs. WHITE: Mr. Speaker, I move that we recede and concur with the Senate, and I would speak very briefly to my motion.

The SPEAKER: The gentlewoman from Guilford, Mrs. White, moves that the House recede from

its former action and concur with the Senate.

The gentleman may proceed. Mrs. WHITE: Mr. Speaker and Members of the House: In view of the fact that the Governor has signed the State-wide Food Stamp Program bill, I believe sponsored by Mr. Jalbert, I am very glad to be able to make this motion. I hope you will go along with the motion.

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

Mr. ROSS: Mr. Speaker and Members of the House: Since Sagadahoc County was in this same bill that Mrs. White mentioned, I would go along with her in the recede and concur motion. But I do want the counties to realize that this is going to be county financed and not federally financed from now on.

Thereupon, the House voted to recede and concur.

Non-Concurrent Matter

An Act to Create a Commission to Prepare a Revision of the Criminal Laws (H. P. 1211) (L. D. 1658) which was passed to be enacted in the House on June 1 and passed to be engrossed as amended by Committee Amendment "A" on May 25.

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

In the House: On motion of Mr. Lund of Augusta, the House voted to recede and concur.

Non-Concurrent Matter

An Act Providing for the Protection of Coastal Wetlands (H. P. 1299) (L. D. 1704) which was passed to be enacted in the House on May 19 and passed to be engrossed as amended by House Amendment "B" on May 13.

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 Mr. Ault of Wayne, the House voted to recede and concur.

Non-Concurrent Matter Tabled Later in the Day

An Act to Revise the Site Location of Development Law (H. P. 1373) (L. D. 1790) which failed passage to be enacted in the House on June 18 and which passed to be engrossed as amended by House Amendments "A" and "C" on June 15.

Came from the Senate passed to be enacted in non-concurrence.

In the House:

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

Mr. NORRIS: Mr. Speaker, I move the House adhere.

Whereupon, on motion of Mrs. Brown of York, tabled pending the motion of Mr. Norris of Brewer that the House adhere and later today assigned.

Non-Concurrent Matter

Bill "An Act relating to Certain Laws Relative to Great Ponds" (H. P. 1374) (L. D. 1791) which was passed to be engrossed as amended by House Amendment "C" as amended by House Amendment "A" thereto in non-concurrence in the House on June 15.

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

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

Messages and Documents

The following Communication:

THE SENATE OF MAINE

Augusta, Maine

June 18, 1971

Hon. Bertha W. Johnson

Clerk of the House

105th Legislature

Dear Madam Clerk:

The Governor having returned to the Senate: Bill, An Act Relating to the Regulation of Private Detectives, (S. P. 344) (L. D. 984) together with his objections to the same. The Senate proceeded to vote on the question: Shall the bill become a law notwithstanding the objections of the Governor?

According to the provisions of the Constitution, a yea and nay

vote was taken. 20 Senators having voted in the affirmative and 11 Senators having voted in the negative, the Bill accordingly failed to become law, and the veto was sustained.

Respectfully,
(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

Mr. Finemore of Bridgewater was granted unanimous consent to address the House.

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I just want to read you a little piece out of the New Hampshire Legislature to show you that we haven't used our state employees too badly. The heading is "Employees Get Job Notices." "A spokesman for the governor put the matter this way: 'A certain amount of discretion was left to agency heads.' The House-passed budget eliminated 602 positions from those presently authorized. According to Roy Y. Lang, director of personnel, 404 of the eliminated positions are currently filled."

It says, "At worst, we felt that there would be funds to keep the institutional jobs open a few more weeks."

"The administration indicated that the policy was 'where there was some basis in fact which gave us some reasonable expectation a job could be saved, we didn't send out a dismissal notice.' . . . 'This whole thing is so distasteful and so painful that wherever possible we tried to soften the blow.'"

"The Monitor survey showed two persons were to leave the governor's office today and the legislative counsel and one more staff member at the end of the fiscal year, June 30."

"We're cut pretty bad," Hoik said."

"A spokesman for the Dept. of Health and Welfare said most of the 350 filled positions that would be eliminated under the House budget in his agency were not made public."

I would like to also add here that their budget is \$156 million. They tried to pass a 10 cent beer tax, which was turned down for the reason that ours is always turned down — only just the opposite, I should say. This is because they didn't want to be as high as the State of Maine, and ours because we didn't want to be higher than the State of New Hampshire.

And they also in this session eliminated the head tax; then turned around where they had a \$4.00 head tax before, they put on a \$10.00 head tax on every man and woman of the age that had to pay poll tax, with no exceptions whatsoever. This is right straight across the board. Maybe we handled our head tax very poorly; I hope not. I thank you for listening.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen: Is the House in possession of L. D. 1425?

The SPEAKER: The answer is in the affirmative. Bill "An Act Clarifying the Statute Relating to Realty Subdivisions," House Paper 1034, L. D. 1425, is in the possession of the House.

Mr. EMERY: Mr. Speaker, I ask for reconsideration whereby we voted to recede and concur.

The SPEAKER: The gentleman from Auburn, Mr. Emery, moves that the House reconsider its action of June 18 whereby it voted to recede and concur.

Whereupon, Mr. Lee of Albion requested a division.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Emery, that the House reconsider its action of June 18 whereby it voted to recede and concur. A division has been requested. All in favor of the motion to reconsider will vote yes; those opposed will vote no.

A vote of the House was taken. 44 having voted in the affirmative and 59 having voted in the negative, the motion to reconsider did not prevail.

**Passed to Be Enacted
Emergency Measure**

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Bond Issue

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IV of the Constitution a two-thirds vote of the House being necessary, a total was taken. 120 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Transferring Duties of the Art Commission to the Commission on the Arts and Humanities and the State Museum (S. P. 633) (L. D. 1821)

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

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

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

An Act relating to a Department of Natural Resources (S. P. 645) (L. D. 1840)

An Act relating to Vacation of Certain Employees of Highway Department (H. P. 1063) (L. D. 1454)

An Act relating to Closed Season and Minimum Size of Coho Salmon (H. P. 1328) (L. D. 1742)

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

An Act Regulating Roadside Clear Cutting Practices (H. P. 1354) (L. D. 1770)

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

The SPEAKER: The Chair recognizes the gentleman from West Paris, Mr. Immonen.

Mr. IMMONEN: Mr. Speaker, I move indefinite postponement of L. D. 1770 and would speak to my motion.

The SPEAKER: The gentleman from West Paris, Mr. Immonen, moves that L. D. 1770 be indefinitely postponed.

The gentleman may proceed.

Mr. IMMONEN: Mr. Speaker and Ladies and Gentlemen of the House: I am not an ecologist or a beauty expert. Somehow this bill refers to such matters. However, I have had some experience in environmental problems of woodlot operations, both as an operator and in many contacts with other woodlot owners and operators during the years I was a pulpwood buyer.

Because this bill seems to create a confusion with the present law on roadside cutting practices, I feel I must speak for the many small woodlot owners and operators in my home area.

I respect the gentleman from Belfast, Mr. Webber, as a fellow legislator in presenting a bill apparently at the request of some citizens of his area. In his presentation he mentioned the Palermo incident, where some woods operators had done some total cutting in a woodlot and had left it unsightly. This is always possible in lands where timber has reached the full marketable growth and prime or past prime for cutting.

I believe that most operators prefer so-called selective cutting, but slash is usually created by leaving smaller trees after good cutting practices have been fol-

lowed and breakoff after some of these strong windstorms. This Palermo incident did not seem to be a reason for new regulation for roadside cutting. I cannot follow that reasoning.

Now the present law in Title XII, Section 1552, it says "Whoever, as stumpage owner, operator, landowner or agent, cuts, causes or permits to be cut any forest growth on lands which are within or border upon the right-of-way of any public highway within the State shall dispose of the slash in the manner described: All slash resulting from such cutting of forest growth shall not remain on the ground within the right-of-way or within fifty feet of the nearer side of the wrought portion of such right-of-way."

This is usually called the brush law with the idea of fire prevention. I know of several who have been warned when they have not taken care of the brush, but I recall only one person who was taken to court to pay a fine.

I believe most of you, as well as I, have seen new saplings growing the next year after a woodlot has been cut, and even the telephone companies and electric companies have to cut every few years on the new growth on the highways or use inhibiting sprays.

This new bill we are considering extends the control of roadside selective cutting some 70 to 100 feet beyond the present law, as it seeks to control 100 feet beyond the right-of-way.

An amendment by the gentleman from Hope, Mr. Hardy, makes this bill apply to only numbered highways. So it does not apply now on any woodland that I happen to own. Who is to state how a woodlot operator is to make use of these two systems? This is confusion I would not like to see imposed on any woodlot owner in any part of the state.

I believe this proposed bill would extend to the 190 miles of Interstate from Augusta to Houlton and some 40 miles of the Turnpike south of Portland, as they are numbered, I believe, as number 95 Interstate. In this Interstate area the 100 foot area extends 100 feet beyond the fence enclosure on both sides of the road. If you believe,

one third of the mileage of the Interstate goes through woodlands, this involves an area of some 1500 to 1700 acres adjacent to these Interstate sections. How many acres are involved in the other areas of the state I could not estimate.

If rights are to be taken away there should be compensation. If the State is allowed to make claims on property for scenic beauty, there should be tax concession or inducements, but this bill does not provide for it.

Instead, there is a possibility of a fine of up to \$1,000 for malpractice. It is a great infringement on small woodland owners, who rarely have as much as a half mile adjoining the road.

The small pulpwood operators have a high cost of operating, and their chance for profit is very small. You recall the information given by Mr. Martin of Eagle Lake last week as he compared the pulpwood costs the large pulpwood corporations pay for their own wood to be operated and what they pay for the deliveries from the small woodlot operations. It is about 50% less than that price. And I believe the small woodlot owners usually pay a higher property tax.

Is this a way of creating parkways along the sides of our roads? If we wish to implement that we should provide the funds on our Highway schedule.

Based on much travel in my area, I don't think there is even a one per cent abuse of roadside cutting along our main highways, and I do not believe this bill is warranted. I move for the indefinite postponement of this bill and all its accompanying papers.

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

Mr. WEBBER: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to debate this but very briefly this morning. But first I would like to go back and refresh your minds on this bill. That in the Natural Resources Committee — it came out of there 9 to 3 "ought to pass." One of the minority signers in the other body, since that time has changed his position. He now supports this legislation. When we had it in the House on third read-

ing we debated quite thoroughly, and it had a 35 to 78 favorable vote. It went to the other body and one amendment was added to it there which I approved of; I think it was a fine amendment, and it came out with a 23 to 9 favorable vote there.

So ladies and gentlemen, I ask you to vote along with me and move this in an enactment stage, and I ask for a division.

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

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion for indefinite postponement. I think this bill under its present setup could be classified as highway robbery.

When the state decided to have an Allagash Wilderness Waterway, the state purchased the land on both sides of the river. In this bill we propose to have a wilderness area on each side of our highways, yet there is no appropriation on this bill for the state to buy the trees which they wish to have remain on this private property. So I think without any appropriation on this bill, that this act is really taking private property from public use. And as we have had before, an opinion from the Attorney General's office questioning the constitutionality of this bill — it has been amended since then, supposedly to make it constitutional, but I think it is still questionable. I hope you will go along with the indefinite postponement.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I guess maybe at the end of the session we get a little bit overtaken by ourselves; I know I have. I am sure that the nine original members who signed this report "ought to pass" couldn't be classified as highway robbers no more than the tenth one — I mean that if the tenth one came in, it was just another carpetbagger that we are so prone to inherit around here in the last few weeks.

I happen to know for a fact that the measure that was sent back to the Attorney General's office—

and it was just by chance that I happened to be there, because I know no more about this bill than I know anything about a saw that would cut wood. And believe me, I am not in the learning stage either. I am willing to stay as I am. But I happened to be down around the Attorney General's office when the constitutionality of this thing was questioned, and the amendments that were put on, and the wording that was put in did make this thing constitutional.

So if we are going to say in one breath that there was a question of constitutionality and it was supposed to have been straightened out, I am assuming that it was straightened out. I am taking the word of the Attorney General's office, at their word and their good doing, and I certainly hope that the motion to indefinitely postpone does not prevail so that we can go on to enact this measure.

The SPEAKER: The Chair recognizes the gentleman from Windsor, Mr. Hayes.

Mr. HAYES: Mr. Speaker and Members of the House: In view of the fact that this bill is my wife's pet bill, I respectfully ask for a roll call.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I am going to cite just two reasons why I am going to vote for the indefinite postponement of this bill. When they bring in the Palermo cutting, that was cut mainly because the road is going to go, right down through there and there is no knowledge just exactly where it is going. Another thing, the most of that cutting was made up of old growth hemlock which was at the point where that if it wasn't cut it would have soon been gone and been no good for anything.

Now the other thing is, the Highway Commission, along with Public Utilities, have the habit of spraying all along each side of the road. There is only a matter of a few more weeks before we are going to have a brown roadside on each side for the people who come in to see the beautiful State of Maine. For those two reasons I am going

to vote for the indefinite postponement of this bill.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I am rising this morning to oppose the motion of indefinite postponement. I think that I too can speak for the small woodlot owner in the State of Maine because the Smiths of Dover-Foxcroft have gotten their livelihood out of small woodlots now for quite a number of years.

I can remember one of the very first things when I started going around with my father twenty years ago or so, one of the first things I can remember him saying is, "You know, we ought to do something about this rape of the land next to the roadside." I can remember him saying several times that he wished that somebody would prohibit the slaughter of land right next to the roads.

Recently the New England Lumbermen's Association passed a resolution supporting the very type of legislation which is now being indefinitely postponed. I would like to read part of the paper which came out which cited the resolution, out of the New England Lumbermen's Association.

"The New England Lumbermen's Association recommends that forest cuttings within two hundred feet of lakes and ponds, streams navigable by canoe, and roads regularly used by the general public, be restricted as follows:

Generally the harvesting of commercially merchantable trees should be by selective cutting in a manner which would be approved by the State or County Forester, with no more than 50% of the merchantable timber volume to be removed. Exceptions should be made only with the concurrence of the State or County Forester. These would generally be limited to such unusual circumstances as the elimination of disease or the creation of desirable view strips."

This resolution is longer than that, but generally it is much stronger than what Mr. Webber has proposed here. And for those who have doubts that you can't

touch that land at all along the road strip, I would ask them to please read the bill before they make speeches, because you can cut up to 40% of the volume of the wood along these strips, and you can harvest the wood which is old or which is diseased and which is going to waste anyway. So this bill is a very reasonable bill. I hope that we enact it this morning and I hope that you vote against the motion to indefinitely postpone.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen: I have debated this this morning for quite a while, and I thought first I was going to vote for indefinite postponement. But now I have changed my mind, after I heard the gentleman up in the back here speak in regards to this cutting in Palermo. He said this needed to be cut because the road is going through there. Ladies and gentlemen, I was born right there where this road is going through, so I am probably as familiar as any living man in this House with that piece of road.

This was not cut off to put the road through there. The road is back farther where it is going than this piece that we are speaking about that has been slaughtered right to the road. Where this straightens out to go across the bridge is going to remain right there where the Sheepscot bridge is now; as far as I know; no one has told me any different. And if there has been further information, I would like to know about it.

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

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

The SPEAKER. The pending question is on the motion of the gentleman from West Paris, Mr. Immonen, that An Act Regulating

Roadside Clear Cutting Practices, House Paper 1354, L. D. 1770, be indefinitely postponed. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Bailey, Berry, G. W.; Bither, Bunker, Carey, Churchill, Clark, Crosby, Curtis, A. P.; Donaghy, Dudley, Finemore, Fraser, Hall, Hanson, Herrick, Hodgdon, Immonen, Kelleher, Kelley, R. P.; Lee, Lincoln, Manchester, Marstaller, McNally, Millett, Mosher, Norris, Page, Parks, Pratt, Rand, Rollins, Shaw, Simpson, L. E.; Simpson, T. R.; Trask, White, Williams.

NAY — Albert, Ault, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Brawn, Brown, Call, Carter, Clemente, Collins, Conley Cooney, Cote, Cottrell, Cummings, Curtis, T. S., Jr.; Cyr, Dam, Dow, Doyle, Drigotas, Dyar, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fecteau, Gagnon, Gauthier, Good, Goodwin, Hancock, Hardy, Haskell, Hawken, Hayes, Hewes, Jalbert, Kelley, K. F.; Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lessard, Lewin, Lewis, Littlefield, Lizotte, Lucas, Lund, Lynch, MacLeod, Maddox, Mahany, Marsh, Martin, McCormick, McKinnon, McTeague, Mills, Morrell, Murray, O'Brien, Orestis, Porter, Ross, Scott, Shute, Silverman, Slane, Smith, D. M., Smith, E. H.; Starbird, Susi, Theriault, Tyndale, Vincent, Webber, Wheeler, Whitson, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Bustin, Carrier, Curran, Evans, Genest, Gill, Henley, Jutras, McCloskey, Payson, Pontbriand, Rocheleau, Santoro, Sheltra, Stillings, Tanguay, Wight.

Yes, 39; No, 94; Absent, 17.

The SPEAKER: Thirty-nine having voted in the affirmative and ninety-four in the negative, with seventeen being absent, the motion does not prevail.

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

Orders of the Day

The Chair laid before the House

the first tabled and today assigned matter:

SENATE JOINT ORDER — Re Creation of Joint Interim Committee to study financial impact upon State of Maine of (S. P. 524) (L. D. 1519) "An Act relating to Payment of Expenses of Supreme Judicial Court and the Superior Court by the State." (S. P. 667)

Tabled — June 18, by Mr. Jalbert of Lewiston.

Pending — Passage in concurrence.

On motion of Mr. Porter of Lincoln, retabled pending passage in concurrence and tomorrow assigned.

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

SENATE JOINT ORDER — Re 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) — In Senate, read and passed. — In House, passed as amended by House Amendment "A" (H-470) in non-concurrence.

Tabled — June 18, by Mr. Hodgdon of Kittery.

Pending — Further consideration.

On motion of Mr. Porter of Lincoln, retabled pending further consideration and tomorrow assigned.

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

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) — In Senate, passed to be engrossed.

Tabled — June 18, by Mr. Wood of Brooks.

Pending — Passage to be engrossed.

On motion of Mr. Wood of Brooks, the Bill was passed to be engrossed and sent to the Senate.

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

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) — In Senate, passed to be engrossed.

Tabled — June 18, by Mr. Wood of Brooks.

Pending — Passage to be engrossed.

The SPEAKER: Is it now the pleasure of the House that this be passed to be engrossed?

(Cries of "Yes" and "No")

The SPEAKER: The Chair will order a vote. All in favor of this bill being passed to be engrossed will vote yes; those opposed will vote no.

A vote of the House was taken.

77 having voted in the affirmative and 39 having voted in the negative, the motion did prevail.

Sent to the Senate.

The Chair laid before the House the fifth 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 18, by Mr. Porter of Lincoln.

Pending — Passage in concurrence.

On motion of Mr. Porter of Lincoln, retabled pending passage in concurrence and tomorrow assigned.

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

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

Tabled — June 18, 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 tomorrow assigned.

The Chair laid before the House the seventh 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 18, by Mr. Bragdon of Perham.

Pending — Passage to be engrossed.

Mr. Ross of Bath offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-493) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This is the bill which entirely changes the method of taxation of wildlands, something that the legislature has been trying to do for years. There are those who want to kill the bill or suggest further study, or suggest that it be referred to the next legislature. In my opinion, it has been studied to death already. Most recently it was a recommendation of the Governor's latest Task Force Committee.

The original bill, 1667, was presented by the gentleman from Perham, Mr. Bragdon. The idea contained therein was considered sound, but we could see in the Taxation Committee that it did need changes. So several persons spent a great deal of time before the Taxation Committee came out with L. D. 1837.

Now last Friday I mentioned that our Tax Assessor, Mr. Ernest Johnson, after a thorough study of this redraft, found several technical errors or conflict with other laws. This amendment, though it is long, does just that, and nothing more. And the Statement of Fact is self-explanatory. I move that it be adopted.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have no qualm with the arguments of the gentleman from Bath, Mr. Ross, saying that these are technical amendments. I recall two years ago when we were working on the Land Use Regulation bill that we adopted technical amendments. When we got through with the amendment we found that we were going to regulate through the

Land Use Regulation bill or commission two per cent of the forest land of this state.

Until I have someone look at this amendment, I have no intentions of supporting it. And I certainly hope that someone might table it until later in today's session.

I note, for example, that one of the amendments says that one of the laws passed in 1967 is repealed. Now I don't even know what that is and I don't know if anyone here can explain it. But I can assure the gentleman from Bath that I have no intentions of supporting this amendment at this time.

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

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

Whereupon, Mr. Susi of Pittsfield requested a division.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that L. D. 1837 be tabled until later in today's session, pending the adoption of House Amendment "A." A division has been requested. All in favor of tabling this matter until later in today's session will vote yes; those opposed will vote no.

A vote of the House was taken.

67 having voted in the affirmative and 46 having voted in the negative, the motion to table did prevail.

The Chair laid before the House the eighth 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 18, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I am never sure how I get myself involved in some of these things. Last week, as you recall, we were arguing this bill and the gentleman from Brunswick, Mr.

McTeague, suggested some amendments. On the day that this was supposed to arise, that was one of the problems that we had, as you recall, debating whether or not we were going to take it up on that day; and we did not.

I finally ended up preparing the amendments under my name in order to make sure that they would be in a position to be introduced. The gentleman from Brunswick is here but the amendments are still under my name, so I would now offer House Amendment "F" and if anyone wants an explanation they can ask the gentleman from Brunswick.

House Amendment "F" (H-486) was read by the Clerk.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: The purpose of House Amendment "F" is to provide that when a blood test is used that the person arrested should have the right to choose his own physician to make the blood test if his physician he is choosing is reasonably available. This is a provision which is in our current law.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I have looked at House Amendment "F" and it appears to me to be a reasonable provision and one which will not hinder or hamper the administration of the law, and I plan to vote in favor of the adoption of House Amendment "F".

Thereupon, House Amendment "F" was adopted.

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

Mr. MARTIN: Mr. Speaker, for reasons previously stated and those being the same, I now offer House Amendment "E" to L. D. 1422.

House Amendment "E" (H-485) was read by the Clerk.

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

Mr. LUND: Mr. Speaker and Members of the House: I hope that some proponent of the bill will

speak and discuss the merits of House Amendment "E". I anticipate I will oppose it.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: This is called leading with your chin. The purpose of House Amendment "E" is to change the bill as it came out of the committee in the following manner.

As the bill came out of committee and as it stands in its posture before us today, it is possible under some circumstances for a law enforcement officer to arrest a person for the misdemeanor of operating while impaired, even though this misdemeanor did not occur in the presence of the officer. This is contrary to our traditional means of handling things; indeed there is only one cause that I am aware of where we allow an arrest without warrant where the misdemeanor was not committed in the presence of the officer.

So this is unusual to begin with. I think perhaps in an attempt to cut back on possible criticism of this arrest without warrant feature for misdemeanors, the sponsor of the bill, or those working with him, has attempted to restrict this arrest without warrant situation to those circumstances under which the individual has been involved in a traffic accident. So if the officer came along, seeing that an accident had happened and seeing a man who has been in an accident, his car has been damaged, perhaps he is in the car, perhaps he is on the side of the road, could then arrest him and then he would apply the implied consent law by giving him a blood or a breath test.

There are two purposes really behind the amendment and they are both stated in the Statement of Fact. The first one is "To protect the citizenry from 'arrest without warrant' in misdemeanor cases unless the alleged misdemeanor is committed in the presence of the law enforcement officer." This is our tradition, a tradition that has come down to us from England, and I think the basis for the tradition is something like this.

A misdemeanor is not nearly as serious or heinous offense against the public as a felony. I don't want to encourage law enforcement officers to go around making arrests just on their own thought. We want them, unless it is a serious matter like a felony, to check it out with a judicial official. It could be a district court judge or one of the part-time judicial officials available, or a magistrate available for this purpose.

This business of arrest without warrant is a double-edged sword and here is why. If the officer at the scene makes an arrest without a warrant because he believes there is probable cause, that is probable cause to believe that the offense suspected has been committed, and the person that he is going to arrest has committed the offense; and he makes that some night, let's say two o'clock in the morning when he is out on patrol, and he doesn't carry a portable law library with him in his squad car. So three or four months later the individual who has been arrested without warrant may feel that the arrest was not with probable cause.

He then has recourse against the law enforcement officer, he then has the right to sue for civil damages the law enforcement officer, because if the arrest was not made with probable cause it is a false arrest for which the law enforcement officer is—unless we have changed the law in this session, individually liable. Which means that you could attach and if you succeeded eventually, if you succeeded in obtaining judgment and eventually levy an execution on the law enforcement officer's personal property — for example, his home.

I have talked this matter over with Mr. Lund and I think our understanding of the facts is basically the same, but we place a somewhat different emphasis on it. Mr. Lund believes that most of our law enforcement officers would be cautious, conservative, prudently cautious in the use of this arrest without warrant procedure. And I believe many of them would too.

But whenever you are dealing with a large group of people you are dealing with some who may tend to carry things a bit too far, or you may deal with the new inexperienced police officer or the one who just doesn't understand the law. It doesn't seem to me that it is quite realistic or fair to expect the law enforcement officer on the beat to be able to deal with the complicated matter of probable cause with the same ability and the same high percentage of being right that the Supreme Court ultimately deals with these same cases.

There have been volumes and volumes written on these two little words, 'probable cause', and yet in a sense when the officer would arrest under these circumstances he would arrest at his peril.

Now in an attempt to limit the probable cause arrest, they talk about the accident situation. Well you can't generally arrest for probable cause under the bill as it stand now but only if there has been an accident. But I think this attempt to deal with what admittedly is a sensitive situation leads us into another and perhaps even more difficult situation.

I think that if an officer comes upon an accident and he sees the individual who is injured, stunned or whatever, and perhaps his first thought very naturally and properly will not be, "Gee, there is an accident. Let me think probable cause, I can arrest this fellow and have some blood drawn or give him a breath test." I think rather and very naturally and properly his thoughts will be, particularly if the man is injured, "Let's get this man to a doctor or a hospital for medical treatment."

Again, if you do arrest one of these people for probable cause, and because if you have arrested him and because you have had him submit, as he is obliged to under the law, to one of these blood or breath tests, and if you would have a delay in getting the man to a hospital because of this, where you have a man that has been injured to any degree, this is the type of fellow that is going to be mad as a wet hen the next morning or a week or two

later and he is going to see if he can possibly file a lawsuit for civil damages against the officer.

It is true that under the current law there is a problem and that this is an attempt, I am certain a good faith attempt to deal with that problem. But I think by attempting to deal with the problem it just gets into it deeper, and my own suspicion is that if we enact this implied consent law—which by the way I voted to keep alive and I voted for the original bill last session — but I think if we enact this bill today without the amendment on it that we are going to have two things happen.

Number one, we are going to have at least some lawsuits, and some successful lawsuits against law enforcement officers because we have given them an almost impossible task. And number two, at the next session of the legislature we are going to have a number of people in here, including representatives of law enforcement officers, saying to us, "Why did you ever enact this bill in such a manner that it was a trap to us? Please repeal that portion of it."

The other features of the bill, the use of the breathalyzer test, increasing the penalty, the commission of the offense, the matter of consecutive rather than concurrent suspension for a conviction of the violation as well as failure to take a test—all of these things I view as reasonable and sound improvements in our law. I view this matter of probable cause arrest to be a genuine attempt to deal with the problem, but I rather suspect that it is a problem that can't be dealt with well. And I think this is the reason why for almost a thousand years we have had it in our history, that there is no probable cause arrest for a misdemeanor violation unless it occurs in the presence of the law enforcement officer.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I would move indefinite postponement of House Amendment "E"

and explain my reason for making the motion. I would ask for a roll call on the vote, please.

I would look upon House Amendment "E" under filing number H-485 as being not a serious weakening amendment, but a minor weakening amendment to the main thrust of this bill. And while the question of when an officer may arrest and when he may not arrest is a complicated one, and it is a difficult one to explain on a warm morning in June when we are all trying to get out of here as fast as we can, I think I would like to try to, by an example at least, make the purpose of this amendment very clear.

At the present time our law is in almost all cases that if an officer is to arrest for a misdemeanor, the misdemeanor must have been committed in the presence of the officer. For instance, if an officer observes reckless driving, he can stop the car, he can arrest the person, and require the person to make bail conditioned upon his appearance in court. Similarly, if an officer observes a person driving a motor vehicle in a strange fashion, he then stops him, and he learns that the man is under the influence, he can then arrest him for driving while under the influence.

But in one situation, which causes problems, he may not make this arrest. And that is the situation where, as all too frequently happens, when a person has been driving under the influence, the person gets involved in an accident. Let's assume the driver runs off the road on a remote road where there is no house nearby and there is nobody too close to it. So the officer receives a report of an accident and he comes upon the scene. And the man is standing beside his car, the engine is warm, there is nobody else in sight. The officer goes and he asks the man who is the operator of the car, and the man says that he is the operator of the car.

Now perhaps on a remote road the fact that the officer cannot make an arrest in that situation is not a serious problem, but on a heavily travelled road it may be. If this man is simply under the in-

fluence, and not badly intoxicated, the officer has in that situation no legal basis upon which to make the arrest, because he didn't see the man operate.

Oftentimes the members of the travelling public would like to know why our police aren't doing a better job. So if another car drives by and the officer has not arrested this man or taken him into custody, the reaction is, "Well, the officer isn't doing his job if he isn't prosecuting this offense." Under our present law the officer would have to himself go and get a warrant, find himself a judge or a bail commissioner; get a warrant and come back and make the arrest. That isn't a very practical way to deal with the situation.

What the present bill before you would allow would be in that situation alone where there is an accident, where the officer has probable cause to believe that the man was the operator, and he is under the influence, would allow him to make the arrest.

My only reaction is that it makes good sense in that situation to allow the arrest. If this amendment is adopted you would remove that authority from the present bill. I therefore would suggest that we vote in favor of the motion for the indefinite postponement of this amendment.

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

Mr. GAGNON: Mr. Speaker, Ladies and Gentlemen of the House: I see here a very large loophole in what appears to be a very good bill. There were a number of times in years past when similar situations occurred to me directly. When you would come upon an accident scene, and quite often on a deserted road late at night, there would be one gentleman in the car, he would be so drunk he couldn't stand up. And because you didn't see him operate, you had to believe any thoughts of arresting him for drunken driving.

I think I can also say that no officer is going to stick his neck out far enough to get a civil suit on evidence that he wouldn't think was reasonable to be presented before a magistrate. I firmly believe that this appears to me to be a

loophole in the law, and if you are going to water down a good bill like this so as to create an ineffective situation, you might just as well kill the whole bill. I think this is reasonable. I would hope you would postpone this amendment and pass the bill in its present form. I think the only ones that are going to come out good on this are the general public.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I thank the gentleman from Augusta, Mr. Lund, for his very candid admission that, if I wrote it down correctly, that probable cause is a complicated and difficult area. I would respectfully suggest to the gentleman from Scarborough, Mr. Gagnon, having been the excellent police officer that I know he was, that if the individual driving the car that you come upon on a deserted road late at night is "so drunk that he can't stand up," the solution is very simple. He has committed the misdemeanor of what we call plain drunk in your presence; you arrest him and there is no problem.

I still say that although many police officers would be intelligent enough, have enough foresight and training to be able to differentiate between what is legal probable cause and what is not, that we have so many police officers in this state, and at least some of them are going to get stung, and stung hard unless we pass this amendment.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: I would vote for indefinite postponement on this item. I feel that this bill as it is is a good bill, and it reinforces the police officer. And any time a police officer makes an arrest he takes a chance, he is open to suit many times. He has to make these decisions in a split second, and I don't think that this would be any different than any other. I certainly would want this to be indefinitely postponed.

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 East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Having been deeply involved with the passage of the original bill on implied consent I have followed the actions of how this was handled and how it worked out by law enforcement people throughout the state, I think, as I may have said previously—I know I did at the hearing and I may have said on the floor, that the Highway Safety Committee did an excellent job in indoctrinating and training people in the application of this law.

To the best of my knowledge it has been well handled. I think now that we have seen the experience from it, it is an adequate time to try to pass a reasonably good bill. I think that the amendment that is present before us does appear to me from listening and thinking it over myself, and listening to the discussion that has been made on the floor, would weaken the bill quite somewhat. I feel very confident that if any changes are made in the bill that the Highway Safety Committee will continue to do the excellent job of indoctrinating and selling people on the proper application of this.

I would hope that the indefinite postponement motion does not succeed, because I think now that with the problems that we have with drinking on the highways, and the number of accidents and the increasing accident rate that we have had in the last two or three months, that we need the best bill that can possibly be drafted to handle drinking on the highway.

The SPEAKER: The Chair rec-

ognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker and Members of the House: The indefinite postponement motion is on the amendment, not on the bill itself. And as to any police officers getting in trouble for arresting indiscriminately, practically all the arresting officers I know of are bonded, and they will be well taken care of if they do make a mistake.

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

Mr. BIRT: Mr. Speaker and Members of the House: I understand after sitting down that I put my words together wrong. I would support the indefinite postponement of this, because I don't think it is necessary to change the bill.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Lund, that House Amendment "E" be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Berube, Birt, Bither, Boudreau, Bragdon, Brown, Bunker, Bustin, Call, Carey, Carrier, Churchill, Clark, Collins, Cooney, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dow, Doyle, Dudley, Dyar, Emery, D. F.; Evans, Farrington, Finemore, Gaenon, Gauthier, Gill, Good, Hall, Hanson, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lucas, Lund, Lynch, MacLeod, Maddox, Mahany, Marsh, Marsteller, McCormick, Millett, Morrell, Mosher, Murray, O'Brien, Parks, Porter, Rand, Rocheleau, Rollins, Ross, Scott, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Smith, E. H.; Starbird, Susi, Theriault, Trask, Tyndale, Wheeler, White, Whitson, Williams, Wood, M. E.; Woodbury.

NAY — Albert, Bedard, Bernier, Berry, P. P.; Binnette, Brawn,

Carter, Clemente, Conley Cote, Cottrell, Drigotas, Emery, E. M.; Faucher, Fecteau, Fraser, Hancock, Jalbert, Kelleher, Kelley, P. S.; Keyte, Kilroy, Label, Manchester, Martin, McKinnon, McNally, McTeague, Mills, Norris, Orestis, Slane, Smith, D. M.; Tanguay, Vincent, Webber.

ABSENT — Bourgoin, Curran, Genest, Goodwin, Jutras, Lessard, McCloskey, Page, Payson, Pontbriand, Pratt, Santoro, Stillings, Wight.

Yes, 100; No, 36; Absent, 14.

The SPEAKER: One hundred having voted in the affirmative, thirty-six in the negative, with fourteen being absent, the motion does prevail.

Thereupon, Mr. Orestis of Lewiston offered House Amendment "D" and moved it adoption.

House Amendment "D" (H-480) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. ORESTIS: Mr. Speaker and Ladies and Gentlemen of the House: House Amendment "D" deals with the suspension provision under the suspension of a person's operators license for failure to take the blood test. And what House Amendment "D" does is provide that the hearing will be provided to the person before the suspension takes effect.

The way the bill is written now, a person automatically loses his license for not taking a blood test, without hearing. My amendment reverses the order of the hearing, gives the person an opportunity to have the hearing before the suspension actually begins.

Most people, when they are charged with not taking a blood test, if they feel they are properly in violation of the statute, want the suspension to start immediately any way. In fact I have even had carried licenses to Augusta to begin the suspension earlier. However, those people that feel they are being discriminated against, or they are not in violation of this section would prefer to have the hearing before the suspension starts.

The way the bill is written now, a person could be delayed quite

some time before he had his hearing, and in effect lose his license for a great period of time for no good reason. If in fact he did not really refuse to take the blood test, if in fact there is a mistake involved, then he should have the opportunity of having the hearing before the suspension takes place. I don't think this amendment weakens the bill. I don't think the Secretary of State's office will be greatly overburdened by this since they already have this in the law now. I believe that this will provide a more equitable solution to the problem of hearings for the people who are charged with offenses of this particular section of the statute.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I would move indefinite postponement of House Amendment "D" and explain the reason. It appears to me that this would be an undesirable amendment, not because it would seriously hamper the enforcement of the laws, but because it would impose some serious burdens upon an already overburdened hearing staff in the Secretary of State's Motor Vehicle Division.

The way this amendment would work is this. At the present time there is not a heavy load of hearings with regard to refusals. There is not a heavy load of hearings with regard to people who have refused to take a blood test, because if they are convicted the suspension for refusal runs at the same time as the suspension for their conviction. And so there are not many people who are holding hearings on their refusal unless they succeeded in being found not guilty.

However, with the bill in the form it is now going through, if a person refuses a blood test and then is tried and convicted, the suspension for refusal will be tacked onto the end of the suspension for conviction.

Now we inquired of the Secretary of State's people in the committee to ask how long would it take for a person to have a hearing if he requested a hearing on his suspension for refusal to take a blood

test. And we were told that if the person could come to Augusta where hearings are being held regularly, he could have a hearing within 24 hours or so. However, if he wanted to have the hearing at some point further from the State House, hearings are scheduled from time to time and it would take longer.

Now the issues in this hearing — let's make it very clear. The hearing that we are talking about is the hearing on whether or not the operator was arrested and did refuse to take the blood or breath test. And it was the feeling of the committee that in most cases there isn't any serious question about that, and that his reason be fair for the Secretary of State to suspend the license upon the receipt of a statement under oath from the officer that these facts took place. If the operator feels aggrieved, he can request the hearing and if he can come to Augusta he can, as was stated, have it within 24 hours.

If this amendment is adopted it will impose the requirement of hearings in every case of suspension for refusal, and I think it will impose a substantial burden upon the Secretary of State's office, without really very good cause for those hearings. So I would suggest that you vote in favor of the motion to indefinitely postpone this amendment, and I ask for a roll call again.

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 Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I am not one of the learned barristers in this House, but I do favor this amendment, and I favor it for a reason that actually happened in

the City of Bath. A former colleague and legislator's wife of mine was arrested for being under the influence and they asked her if she wanted to take a blood test and her husband insisted no, she shouldn't. So she did not take the blood test. The case went to court and she was found not guilty. But she still is losing her license for three months. I don't consider that is at all fair.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am not a member of the legal profession and I don't intend to join it at this stage of the game. But people do write you letters. I have right here a letter that was sent to me this morning from someone who was arrested for driving while under the influence, and this individual refused to take a blood test. But after this individual was released he did take a urine test of his own to his doctor who found that he was not intoxicated.

The case has gone to court. He is being drawn to a hearing on the 24th and his license will automatically be suspended for 90 days because he refused to take the blood test; yet the court found him not guilty. And I don't care to have anybody riding around our highways with a load of booze inside of him.

Now there are those who might say that in years past I might have done my share of imbibing. As a matter of fact, enough to launch a destroyer, but I never did it when — I was always under the philosophy that gasoline and alcohol did not mix. But somewhere along the line there should be a sense of fairness, and here is the proof of it right here for anyone who wants to read it, as well as the proof as was given to you by the gentleman from Bath, Mr. Ross.

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

Mr. GAGNON: Mr. Speaker, Ladies and Gentlemen: I know there is quite a bit of apprehension in some people's mind as to the past two speakers' statements. How-

ever, the best protection a person has if he isn't under the influence is to take the test. This will definitely show he wasn't and will automatically rule him out of any court proceedings. To me, this is going to cause undue delay and is going to allow many persons who are under the influence the right to use our roads until these hearings can be held. And the Secretary of State at this time is overburdened with hearings of many other natures. To me this is going to cause delays and allow many operators, who definitely were under the influence, to continue to operate that much longer.

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

Mr. JALBERT: Mr. Speaker and Members of the House: You know, I mean there must be a time when you have got to fish or cut a little bait.

Now is the gentleman from Scarborough speaking as a legislator or a retired state trooper?

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

Mr. PARKS: Mr. Speaker and Members of the House: I was one of those law enforcement officers for twelve years, and I know what it is to chase drunken drivers and to pick them up. I also know what it is to take a man in and lock him up for drunken driving and take him into court and have a court turn him loose.

Today it is almost impossible to impanel a jury of twelve men and women without someone on that panel, on that jury, who haven't had a brush with either the state troopers, the sheriff's department or some police department.

Now just because the court finds the man not guilty does not necessarily mean that that man wasn't driving, or that person wasn't driving under the influence of liquor. So don't be misled by some of these people trying to tell you that because the fellow was found not guilty in court that he definitely was not under the influence while he was driving. And I support the indefinite postponement of these amendment. You want to remember, these amend-

ments are drawn up by some attorneys, and they are putting these amendments in to help themselves, not the general public.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen: The gentleman from Lewiston, Mr. Jalbert, and the gentleman from Bath, Mr. Ross, have raised a couple of points which I think we ought to deal with. In the first place, the gentleman from Lewiston refers to the urine test, and I would point out to you that the urine test has been considered a very difficult one to administer. And for this reason this bill eliminates any provisions dealing with the urine test, and that will no longer be used and never was used to any great extent.

I am more concerned about the point raised by Mr. Ross because he apparently doesn't understand the main thrust of this bill. The hearings that we are talking about and the hearings that are referred to in House Amendment "D", which I hope we will indefinitely postpone, are not hearings on whether or not the man was under the influence when he was arrested, they are simply hearings on whether or not he was arrested and whether or not he refused.

And if Mr. Ross feels that a person who is found not guilty ought not to have a suspension when he refused to take the breath test, then he should vote against the bill itself, because that is the main feature of the bill. The bill is designed to encourage the people who are arrested to consent to a breath test or a blood test so that the court may have the benefit of this evidence. So I assume that Mr. Ross is going to vote against the bill itself because it doesn't concern this amendment.

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

Mr. HENLEY: Mr. Speaker and Members of the House: Inasmuch as I am a member of the committee and I am quite concerned with this bill, I think it is a good bill; I hope we don't endanger it. I think there is something that

perhaps some of us have lost sight of, and that is the very foundation of implied consent. Implied consent is an implied contract, because when we buy a license we are, in other words, guaranteeing or contracting that we will allow a test if we are arrested for intoxication while driving. And as I see it, if we refuse that test, this suspension of the license is a sort of punishment for that particular violation of that contract. The amendment merely would hold it up to the extent that a lot of it would lose its value. As Mr. Lund has definitely explained, it has nothing to do with the final charge of whether the person is in fact intoxicated.

But the implied consent, which they are using all over the country, and which it took us two sessions, or rather three, counting a special session, to put across, does exactly that. Because there was so much drunkenness and so much drunken driving, we wanted to help take them off the highways. So it is a law of the state, it is an implied contract when we buy our license that we will allow a test, and by refusing that we are breaking a contract. So it seems to me the little inconvenience involved in suspending the license until such time as we can have a hearing, and as Mr. Lund stated, it can be within 24 hours if we wanted to put ourselves out that much.

Now as I stated before, I am not a teetotaler. If I get caught, why it is just too bad for me, that's all. I haven't, and I don't do much driving and drinking. But I think the law is good as it is, and I hope that you will go along with the indefinite postponement of amendment "D".

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Lund, that House Amendment "D" be indefinitely postponed. The yeas and nays have been ordered. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Berube, Birt, Bither, Boudreau,

Bragdon, Brawn, Brown, Bunker, Bustin, Call, Carrier, Churchill, Clark, Collins, Cooney, Cottrell, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Dam, Donaghy, Dow, Doyle, Drigotas, Dudley, Evans, Farrington, Faucher, Fecteau, Finemore, Gagnon, Good, Goodwin, Hall, Hanson, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Kilroy, Lawry, Lebel, Lee, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lucas, Lund, Lynch, MacLeod, Mad-dox, Mahany, Manchester, Marsh, Marsteller, Martin, McKinnon, Millett, Morrell, Mosher, Murray, Norris, Parks, Pontbriand, Porter, Pratt, Rand, Rocheleau, Rollins, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Smith, D. M.; Starbird, Susi, Theriault, Trask, Tyndale, Wheeler, White, Whitson, Williams, Wood, M. W.; Wood, M. E.; Wood-bury.

NAY—Berry, P. P.; Binnette, Bourgoin, Carter, Clemente, Conley, Cote, Emery, D. F.; Emery, E. M.; Fraser, Gauthier, Hancock, Hardy, Jalbert, Kelley, P. S.; Keyte, Lessard, McCormick, McNally, McTeague Mills, O'Brien, Orestis, Ross, Sheltra,* Slane, Smith, E. H.; Tanguay, Vincent, Webber.

ABSENT—Albert, Bedard, Bernier, Carey, Curran, Cyr, Dyar, Genest, Gill, Jutras, Kelleher, McCloskey, Page, Payson, Santoro, Stillings, Wight.

Yes, 103; No, 30; Absent, 17.

The SPEAKER: One hundred and three having voted in the affirmative and thirty in the negative, with seventeen being absent, the motion does prevail.

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

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

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

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

Tabled—June 18, by Mr. Carrier of Westbrook

Pending—Acceptance of either Report.

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

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

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

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I would ask for a division on that and I would speak to my motion. Last week we had the opportunity of going along and having a compromise bill on these county attorneys. We asked for six full-time county attorneys. You turned it down, so let's be consistent and turn this down.

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

Mr. ORESTIS: Mr. Speaker and Members of the House: I agree with Mr. Donaghy, and I move the indefinite postponement of this bill.

The SPEAKER: The gentleman from Lewiston, Mr. Orestis, now moves the indefinite postponement of both Reports and Bill.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: This bill came before the counties committee. There was no question of what the work load down there as shown to the county committee by the judge who appeared, various officials of that county who appeared, and police enforcement officers from that county. And in Cumberland County alone they have the necessity for this bill. And I am opposed to any indefinite postponement of this bill and believe in the passage of the bill.

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

Mr. ORESTIS: Mr. Speaker and Ladies and Gentlemen of the House: I would have been interested in attending the hearing in County Government on this bill since it was before Judiciary and I am not sure how the people got it both places. The problem with this bill is the same problem that we had with the bill last week. It doesn't provide the kind of solution that the counties need for the full-time county attorney problem.

What is not good for the rest of the state is not good for Cumberland either and I don't think that we should start a piecemeal solution of the full-time prosecutor's problem and I believe that we should look at the problem as a whole and not one county at a time. Therefore I urge you to indefinitely postpone this bill.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I am very pleased to support the gentleman from Lewiston, Mr. Orestis, in his motion.

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

Mr. HEWES: Mr. Speaker and Members of the House: I feel that there is a problem in Cumberland County. As of January 1, 1971 there were about 395 criminal cases backed up for trial — 395 cases in the Cumberland Superior Court. Now they had two judges in during January and February and they worked full time. As you probably know, last session's minority leader, Joseph Brennan, is now a county attorney in Cumberland County. They worked hard, they managed to dispose of 240 cases in those two months. However, during the spring, or late winter and early spring, another 250 more cases were added to the docket and they are being added at the rate of about 60 new cases per month, so that at the time of the hearing there were then backed up 405 cases.

Now it is the belief that a full-time county attorney could dispose of perhaps 100 cases per month, but as I have said, there are about 60 new ones being added

each month. As you probably know, the present county attorney is a part-time county attorney, an able man, of course, but he has his own law practice too to carry on besides; and if he were full-time, that means no other duties, just attending to the county attorney's work, I feel he could get the criminal docket back in line in Cumberland County and we wouldn't have people who are accused of crimes either having a trial hanging over their heads or if they are criminals being loose on the streets.

I understand that the good lady from Portland, Mrs. Boudreau sponsored a bill relating to bailable offenses. Apparently the individual who broke into her home, or they believe broke into her home, was out on bail from a previous charge. We have got to keep the criminal dockets moving along or we are going to have criminals out on the street or the people who are not guilty having a trial hanging over their heads.

This is supported by the law enforcement people down in Cumberland County. The reason that we have had this bill hanging in the background we were waiting for the other bill to be disposed of. The bare fact that they don't need a full-time county attorney in any of the other five counties that were in the bill of last week, we'll say Penobscot, Aroostook or Androscoggin, doesn't mean they don't in Cumberland.

You have read about the backlog of cases in the other states. We are getting that problem in Cumberland County and I think that this bill will cure that and I certainly hope that you will vote for it.

I call your attention that it is to go into effect January 1, 1973, so that the present county attorney's tenure is not affected.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I rise to support the indefinite postponement of this bill. As Mr. Orestis stated we killed a bill that concerned six counties and I don't think Cumberland is

any different. They talk about the 395 cases that are on the case load and I know we all know how the attorneys work. They are very clever people, but at times they like to postpone cases. They postpone them because age is a great healer and I think that in some instances this may be the case.

I am quite sure that in Cumberland County if I remember correctly, their budget, seeing it before this House here, that they have got more than just a county attorney. I think they have got three assistants. We don't have three assistants in my county and we may be in a similar position as far as case loads are concerned. Once in a while when they make these remarks about the case loads, don't let the impression get too much because at times they do like to postpone them and postpone them and they use that old technique, age is a great healer, and I support the indefinite postponement of this bill.

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

Mr. GILL: Mr. Speaker and Members of the House: I would oppose the motion to indefinitely postpone. I would like to thank the gentleman from Bangor who was in the outer office and I said to him, "Come on in, I need a little bit of support." And as they always say, he did one half of what I asked him to. He came in.

But I would point out it is not only the law enforcement officers down in Cumberland County that want a man to spend his full time, it is the general taxpayers of Cumberland County. Our county attorney is doing as good a job as he can on a part-time affair. However, in Cumberland County if you were to go into the county attorney's office, just once, you would be aware that they need someone there all of the time and on a full-time basis.

Then the gentleman from Bangor stated that we have some part-time assistant county attorneys, and this is true. He wonders what our problem is. Our problem is that maybe we have a little bit more crime down in our area than perhaps they do up there. But I

would like to thank the gentleman for coming into the Hall of the House at least.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I rise to oppose the motion for indefinite postponement. The fact that we made the mistake of killing the bill for the full-time county attorneys for the other five counties as well as Cumberland does not mean that we cannot try to solve this problem on a piecemeal basis if we can do it no other way. We who went for the full-time county attorney bill on the State Government Committee felt that it was a good solution to the problems in that area. I think that most of us still do. I know that indeed I do. And I feel that if we have to do it on a county by county basis then this is as good a place to start as any.

I am from Penobscot County, as you know, as the gentleman from Bangor is. I was disappointed that my county has to be left out in the cold in this respect because I feel our problems are nearly as great, if not as great, as Cumberland. But since it appears that we cannot do this I am willing to go along with a partial solution at this time in hopes that we can have a full solution at some future time.

I urge you to vote against indefinite postponement.

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

Mrs. WHEELER: Mr. Speaker and Members of the House: Contrary to the statements made by the opponents of this bill there is a great, crying need for a full-time county attorney in Cumberland County. As for the three assistants that we have, we also cover Bridgton, Westbrook, Brunswick, and Portland, so you see that they are spread out quite thin and I hope you vote against the motion.

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

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

House: I must apologize for being on my feet so often today but sometimes you can't pick and choose your occasion.

I too am going to vote, as I indicated, for indefinite postponement of this bill but not because I am not aware that there is a problem. There is a serious problem but it is not localized only in Cumberland County, and we have it not only in the six more populous counties, we have the problem all over the State. I fervently hope that if we cannot do it at this session, that at a special session we will be able to establish some type of a state-wide system so that we can not only have full-time people but we can make sure that they have some training from time to time as our police officers do and accomplish some of the other advantages in having a system rather than a piecemeal, patchwork approach to the problem.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to ask two questions on this bill. First, does it call for four-year terms? And second, how has the county delegation voted for this extra man?

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, I think that there is a great problem here. I think we have the problem in Penobscot County as well as Cumberland County. We did defeat the motion the other day, but I would suggest the Penobscot County delegation go along and then we will try to amend Penobscot County in on this bill because I think we definitely need it. I know we need it in Penobscot County.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I concur with the sentiments expressed by the gentleman from Brewer, Mr. Norris, and I hope that we in Cumberland are fortunate enough

to get some support from Penobscot and the other counties on this bill. If this is to be a Cumberland County bill against the other fifteen counties in the state, the results will be obvious. I hope you don't view it that way.

It seems to me that this House has obtained a reputation, and in the main I think properly so, for being a law and order body, a body that is concerned with law and order. Those aren't bad words; they are good ones. I think if you analyze them they are words that we all believe in, from conservative to moderate to liberal.

We can pass all the laws we want. We can make our statutes books longer than the arms can reach. We can have excellent police officers, yet ultimately it all comes down to getting the convictions. In getting convictions when you have at least some professional criminals, professional defense counsel requires professional and that means full-time prosecution.

There are many, many cases where the defense prevails because either the defense counsel is perhaps more experienced than the prosecutor or, more likely, he has much more time to spend in the preparation of the case.

Now I know that the gentleman from Augusta, Mr. Lund, has a plan for district attorneys or assistant attorney generals, full-time prosecutors to cover the whole state. I agree with his statement that this is not merely a problem in Cumberland County. It is a problem in at least all of the populous counties in the State and I think realistically it is a problem throughout the whole state. But the fact that we may not be able to get everything, that we may not be able to have full-time prosecution everywhere, is no reason not to have it in our most populous county where the difficulty is at its height.

When we have part-time prosecution as we do now, there just is not adequate time to do the job. Inadequate time means inadequate preparation by the prosecutor and this in at least some cases means that there will be acquittals in cases where there should be convictions.

Now it is easy, very easy, for any of us to say we stand for law and order and to vote for all kinds of new statutes, new crimes and new ways of dealing with them. But this is the time where if we really believe in law and order to bite the bullet and to prove it. Without full-time competent, professional prosecution all the laws we pass will not be meaningfully enforced. Mr. Speaker, if it has not yet been requested, I would ask that when the vote is taken on this matter it be by a roll call.

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

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: I can't for the life of me understand the reasoning of those who want this bill. They claim it is a tremendous bill and yet last Thursday or Friday I believe a bill that would have helped the six most populous counties was turned down by a vote of 97-9, and these other five counties are just as needy for a fast enforcement prosecution of the law as Cumberland, yet the vote in the House again, 97-9. Where were these people from Cumberland supporting a bill that would help the other five counties that are in the same mess that Cumberland is in today?

So I ask you to vote against this bill until such time as we can get together and resolve this problem much more logically and not piecemeal as this bill would do.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This measure here was first, as I understand it, looked into by the Committee on County Government and then was shifted to another committee. Several attempts have been made halfheartedly to study this measure, and they have failed. One of the major reasons they have failed is because the proposal was plunged into partisan politics for the last four years in the first place.

Now I would thoroughly agree with the gentleman from Old Orchard, Mr. Farrington, that the proof of the pudding that there is not

much good to this measure was in the vote as taken last week. Now I wouldn't be so facetious as to ask the gentleman from Brunswick, Mr. McTeague if he would take this job at \$17,500 for four years in Cumberland County. And just further I wouldn't be facetious enough to ask him just what he would think would happen to his practice after four years if he wound up out of a job.

This measure for Cumberland County on a full-time basis is as needed in Cumberland as it is in Androscoggin, as it is in Penobscot, as it is in any county, providing, however, that it is done properly, providing that some sort of security is given to the one who has the job, providing he has as much of a salary as the judge that he would be serving with for the safeguards that are very very obvious.

I hope, Mr. Speaker, the motion for indefinite postponement has been made, and if it has not been made I would make it; and when the vote is taken I move it be taken by the yeas and nays. Certainly if a measure once could be discussed and studied thoroughly by the Research Committee and studies come up on a nonpartisan basis, I think we could succeed in doing it in the interim of a special session or a regular session.

We have been harpooned on this bill for four years for political reasons. We came out in one way in one chamber two years ago; we came out in another way after arguing in this chamber a few days later. As it stands now, this bill is just as bad as the bill that we defeated so overwhelmingly on Friday last.

Mr. Hewes of Cape Elizabeth was granted permission to speak a third time.

Mr. HEWES: Mr. Speaker and Members of the House: In answer to the gentleman from Lewiston, Mr. Cote's question, I don't recall any opposition from the Cumberland County delegation to this. I submit that the problems can be different in other counties. I feel that we have different problems in Cumberland County than the people of Aroostook or Knox County or Franklin. And one of our problems apparently is there is more crime. As you know, it is the

largest county, 180-odd thousand people. We are three or four or five times larger than some of the counties, such as Lincoln, Sagadahoc, Piscataquis, and I think there are different problems in Cumberland that warrant a full-time county attorney.

Now we would like to have the laws enforced in Cumberland County. We would like to wipe crime off the streets, so to speak. I think this is a step in that direction. People, even at the hearings, have complained that judges were not being stern enough in sentencing people, and perhaps part of the problem is that there isn't enough preparation given the trying of cases. And I hopefully request that you will vote against the pending motion to indefinitely postpone so that we can proceed with the bill. **And if any amendments should go on it to help other counties, all well and good, but I hope you will vote against the pending motion.**

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

Mr. CARRIER: Mr. Speaker and Members of the House: There have been many questions or things said here about this bill. In the first place, I oppose the motion for indefinite postponement. When I first saw the bill my natural reaction I think was that I would have been against the bill, in the respect that I thought that this would be a four-year term. And I fully realize, and I am aware of the fact that some of the county attorneys we have had in Cumberland County could have been a little better.

This is why at one time I was against the four-year limitation which the other bill carried. But I checked on this bill and this bill does not say four years or two years. But on the other hand, for those who have asked the question, it is on statute that it is a two-year affair and that is why the reason that there was no amendment put on to change the bill. This was my first objection.

The second objection was the fact as to how much money we were to pay these people, which was \$18,000. I thought \$18,000 was a lot of money in my area, and I thought this was quite a lot of

dough and I still do. My only solution, except that the fact is that with a two year — that they have to be elected every two years, that if they don't do their job, that I will be one of the first ones to help to get them out of there regardless of what party they are in.

Now it has been said here that why did the Cumberland County delegation, or why did we vote for the indefinite postponement of the other bill last week. Well I am one of them that voted for the indefinite postponement of the other bill because we heard it in committee and I came out "ought not to pass" with the majority of the committee and I stuck with my convictions.

The reason that Cumberland County has put in another bill, I just call it a matter of foresight. I have no objection that if any other county would have put in their own bill that I would support it. This is why that I claim at all times that what is good — that it is very dangerous to pass certain laws that will cover the whole state, because the demands of different counties up north are not the same as the demands of Cumberland County.

Now this is the third day of summer and if you think it is hot in here, you should go down to the courthouse in Cumberland County and see how hot it is down there for those who have worked all day and they have to go back the next day and all that stuff.

We are very fortunate this term. We have a very good county attorney. But I can almost assure you that whether we raise the money or not, we are going to lose him, and I think that the solution to the problem is, probably this is the solution, I don't know. But I can only say that I will support this legislation, and I can also assure you that if this passes and we don't get the performance that we expect in Cumberland County, I will be one of the first ones in the next session either to introduce bills, or else if I am not here, to have somebody introduce bills to do away with this legislation. I think we need it in Cumberland County, and I hope you vote against the indefinite postponement.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question to my good friend from South Portland, Mr. Gill, and I will go half way on it. I will ask it and perhaps he can answer. Do they have courts down there twelve months a year?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, poses a question through the Chair to the gentleman from South Portland, Mr. Gill, who may answer if he chooses. He not being in his seat is not able to answer.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I might make comment that by the time the gentleman from Westbrook, my dear friend Mr. Carrier, changes his mind and comes back here and changes this law back to where it is now, you are still harpooned with a bad county attorney for another couple of years.

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 Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: I recognize that the gentleman from Lewiston, Mr. Jalbert, was facetious, and Mr. Jalbert, I assure you that I will not be a candidate the next time for county attorney in Cumberland County either for \$12,000 or the other figure.

Secondly, in response to the question raised by the gentleman from Bangor, Mr. Kelleher, I think I can tell him that the county attorney's office in Cumberland County is a twelve month operation. You have three district courts with a total of five district court

judges going just about every day of the week in Brunswick, in Portland and in Bridgton. You have a Superior Court criminal docket being either in trials or in motions active at least ten months of the year and probably only July and August out, and during the months of July and August you have the county attorney working on cases that have been appealed to the law court.

One of the effects that we—leaving the Superior Court and coming to the District Court, is that we get very little support, although it has improved tremendously under our present county attorney, but we get very little support in the district court from the county attorney's office. They just don't have time, they are in the Superior Court fixing the cases that get messed up down below in the District Court and sometimes unable to be retrieved.

When you vote today, if you vote to indefinitely postpone this matter, recognizing that your motives may be very excellent, however, the practical effect of indefinitely postponing this matter would be to continue the current high rate of acquittals. If you vote today against this bill you are voting to increase the number of acquittals, some of them without a basis in the County of Cumberland.

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 members desiring the Chair to entertain the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one third of the members present having expressed a desire for the previous question, the 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 will say no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Orestis, that both Reports and Bill "An Act Providing for a Full-time County Attorney for Cumberland County," House Paper 194, L. D. 332, be indefinitely postponed. A roll call has been ordered. All in favor of the motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Bartlett, Bedard, Berry, G. W.; Berube, Binnette, Bither, Brown, Brown, Bustin, Call, Carey, Carter, Cooney, Cote, Crosby, Curtis, T. S., Jr.; Cyr, Dam, Emery, E. M.; Farrington, Finemore, Gauthier, Good, Goodwin, Hanson, Hardy, Haskell, Hayes, Herrick, Hodgdon, Jalbert, Kelleher, Kelley, K.F.; Keyte, Lawry, Lee, Lincoln, Littlefield, Lizotte, Lund, Maddox, Orestis, Parks, Porter, Rocheleau, Ross, Scott, Shaw, Sheltra, Silverman, Simpson, T. R.; Susi, Tanguay, Tyndale, Wood, M. W.

NAY — Albert, Ault, Bailey, Barnes, Bernier, Berry, P. P.; Boudreau, Bourgoin, Bunker, Carrier, Churchill, Clark, Clemente, Collins, Conley, Cottrell, Cummings, Curtis, A. P.; Dow, Doyle, Drigotas, Dudley, Dyar, Emery, D. F.; Evans, Faucher, Fecteau, Fraser, Gagnon, Gill, Hall, Hancock, Hawkens, Henley, Hewes, Immonen, Kelley, P. S.; Kelley, R. P.; Kilroy, Lebel, Lessard, Lewin, Lewis, Lucas, Lynch, MacLeod, Mahany, Manchester, Marsh, Marstaller, Martin, McCormick, McTeague, Millett, Mills, Morrell, Mosher, Murray, Norris, O'Brien, Pratt, Rand, Rollins, Shute, Simpson, L. E.; Slane, Smith, E. H.; Starbird, Theriault, Trask, Vincent, Webber, Wheeler, White, Whitson, Wood, M. E.; Woodbury.

ABSENT — Birt, Bragdon, Curran, Donaghy, Genest, Jutras, McCloskey, McKinnon, McNally, Page, Payson, Pontbriand, Santoro, Smith, D. M.; Stillings, Wight, Williams.

Yes, 56; No, 77; Absent, 17.

The SPEAKER: Fifty-six having voted in the affirmative and sev-

enty-seven in the negative, with seventeen being absent, the motion does not prevail.

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

Committee Amendment "A" (H-389) was read by the Clerk and adopted, and the Bill assigned for third reading later in today's session.

The Chair laid before the House the tenth 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 18, by Mr. Bragdon of Perham.

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

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: We voted to indefinitely postpone this bill some weeks ago. It came back from the Senate in non-concurrence. It really does only part of what we proposed under item seven, which you tabled until later in today's session, and we can discuss all of the merits then, at that time, so I now move that we vote on my motion to adhere.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I do not necessarily disagree with the gentleman from Bath. I have one suggestion and I hope you will go along with me. I would move that we insist and perhaps if nothing happens to the other bill, then this one might still be in a position where something could be done. I don't think we are going to change the vote at all either way. So if this is agreeable I am sure that this might solve the problem.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that the House insist. The Chair will order a vote. All in favor of insisting will vote yes; those opposed will vote no.

A vote of the House was taken. 88 having voted in the affirmative and 25 having voted in the negative, the motion did prevail.

The Chair laid before the House the eleventh 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 18, by Mr. Bragdon of Perham.

Pending — Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker and Members of the House: I am having an amendment prepared for this bill, and I would like to have it tabled until tomorrow so that I can get this amendment out and it could be studied by the members of the House.

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

(Off Record Remarks)

On motion of Mr. Susi of Pittsfield,

Recessed until two-thirty o'clock this afternoon.

After Recess
2:30 P.M.

The House was called to order by the Speaker.

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

ORDERED, that Kathleen Alward of Westport, Connecticut and Patricia Binnette of Everett, Washington be appointed to serve as Honorary Pages for today.

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

The following papers were taken up out of order by unanimous consent.

Non-Concurrent Matter

An Act Appropriating Funds to Provide Services for Handicapped Persons in Rehabilitation Centers (H. P. 254) (L. D. 336) which was passed to be enacted in the House on May 24 and passed to be engrossed on May 18.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-302) in non-concurrence.

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

Non-Concurrent Matter

An Act Establishing a Human Rights Commission (H. P. 507) (L. D. 659) which was passed to be enacted in the House on May 25 and passed to be engrossed as amended by Committee Amendment "A" on May 12.

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

In the House:

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

Mr. KELLEY: Mr. Speaker, I move the indefinite postponement of this amendment and would speak briefly to my motion.

The SPEAKER: The Chair would advise the gentleman that the only motions available to him is to recede and concur, insist or adhere, this being a non-concurrent matter.

Mr. KELLEY: Then I move that we adhere.

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

The gentleman may proceed.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: As you will notice from your amendment, this has cut the original estimate for this bill by approximately 50%, and I wonder what has happened to — why we should cut this.

In the first place, it doesn't seem possible to me that the five

member commission, plus the executive secretary and the clerk stenographer, could operate on these meager funds. I suspect that this is merely a soft sell to get this on the books and then it will be, of course, beefed up and become a part of the Part I budget during the next legislature.

I think that this would be an excellent time for us to put this back where it was in the first place, and I for one would fervently hope that the price attached would be such that on the last night of the legislature this bill would receive its just dues, which in my opinion would be to postpone it. Therefore, I move that we adhere.

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

Mr. MARTIN: Mr. Speaker, I would move that we recede and concur and would speak to my motion.

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

The gentleman may proceed.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think the question posed by the gentleman from Machias should indeed be answered. You will note that the money that is being proposed in the amendment by Senate Amendment "A" is really the same amount of money that has been proposed in the original bill that is presently on the Appropriations table.

In reviewing the need for enactment of this bill, it became obvious that it could not be possible to implement a bill in its fullest extent during the first year of the biennium. Obviously this legislation would become effective 91 days after we adjourn and also keeping in mind that the Bureau of Personnel would not be in a position to hire someone as quickly as all of that because the law would not become effective for at least three months. It would take another three or perhaps eight months in order to hire anyone at all, and that of course is the purpose of the amendment, to delete the appropriation for the first year of the biennium,

because there won't be any need for the money.

I repeat, the money for the second year of the biennium is the same as the money that had been proposed in the original L. D.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I have spoken at two different times in this session of the legislature in favor of this particular bill on human rights, and I certainly think that we should go along with the gentleman from Eagle Lake, Mr. Martin, to recede and concur with the Senate.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I oppose the motion to recede and concur. Initially, in the past two sessions I have opposed this bill in its form and contents. In this particular session, on the day that this was apparently passed in the House, I was absent, much to my sorrow, because I did not have a chance to actually give some of the facts about this bill.

I will not go into detail about the bill today. I have opposed this bill on the grounds of subchapter 4 which is the housing part of it, which in effect stops you from having anybody tell you anything about somebody else, or old statements. It also will stop them if you are the cause of them telling you anything. And of course it goes on that if you do discriminate or they think you have discriminated, they can attach all your property and all this stuff.

Now this bill is not, in my opinion, especially this time — this bill has been passed and I don't know how come it got so far, but it did, and it was passed to satisfy three persons at the hearing. And out of these three persons, I can tell you that some of them are of very disreputable character. Some of them I happen to know; I know of their doings. So actually for this House to pass a bill to satisfy three persons in this whole state, I think is ridiculous.

The Fair Housing Act which was passed back in 1965 was a failure,

and this bill attempts to actually repeal this act. I claim now, as I have told you before, that this will be a failure. I think that the document itself is of no good. I think that they wanted the fair housing, and we will let them live with it. And I think that if they take you to court, they can fine you; well fine you if that's what they want. I think that attacking the bill morally on moral grounds and on conciliation, and if you are the defendant, I can just picture you going to a round table for a round table discussion and trying to come out with some solution. After they have hurt you, this isn't the time to get you at the table. I submit to you that this bill is no good, and I hope you vote along for the indefinite postponement of Amendment "A".

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I happen to have the Senate Amendment in my hand, and it is to me somewhat confusing. Representative Martin from Eagle Lake explained it that this does cut down the original appropriation which was for two years. Obviously it does that. In the number of personnel mentioned in the Senate Amendment, it says two at \$18,242, and that is for the year 1972 and '73.

Below in the amendment, if you happen to have it, it says, "provides funds for the establishment of a five-member Human Rights Commission, one executive secretary, one clerk stenographer, with funds for legal counsel and related operating expenses." Obviously they are not providing that kind of money, and apparently they are setting up more than five positions, whereas the amendment as we normally look at it in our budget document it only calls for two. At least I will say that at best anyway we are only half financing this. We are only setting it up for one year, and the contingent cost will definitely be doubled what is mentioned in this amendment.

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

Mr. McTEAGUE: Mr. Speaker

and Members of the House: I would like to attempt to address myself to the comments just made by the gentleman from Perham, Mr. Bragdon. The amendment which is Senate Amendment "A", under filing number — it is not on the bottom of it, Mr. Speaker, at least on the bottom of my copy — but it is Senate Amendment "A" just distributed to us this afternoon, has under personnel services the amount slightly over \$18,000, and the two employees mentioned by Mr. Bragdon, these are two full-time employees, basically the executive director and the stenographer type secretary. The five member commission, Mr. Bragdon, will not be composed of full-time state employees, but rather citizens selected through the Governor and Council procedure, and that doesn't show up in the two.

I would like to concur generally under finances with what has been mentioned, with Mr. Martin. The bill could not go into effect before approximately October, if we are lucky enough to adjourn this week. It would take some time to go through the Governor and Council process to select the five members of the commission, and then it would be their obligation, working through the personnel law, to select an executive director.

So I don't view what the Senate has done to this as really being a handicap to it. The amount of funds were cut about in half, but the period of coverage was cut from two years to one year. I had a chance to speak to the chairman of the Appropriations Committee on it, and he explained it along this basis, and I personally find it a reasonable amendment. I hope you will go along with receding and concurring on this bill.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen: Very briefly. I noticed that this amendment was put on by Senator Dunn of Oxford, and in the short while I have been here I have never seen him try to increase spending on anything.

The SPEAKER: The Chair

would advise the gentleman to be cautious in criticizing members of the other body and its action.

Mr. NORRIS: It wasn't intended sir, I simply wanted to say that I don't feel that this is any intention at all to spend more money, but to spend less money. So I would certainly hope that the members of the House would go along and recede and concur today.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am sure that the gentleman from Brewer is incorrect in his assumption. Senator Dunn's amendment simply sets it up for one year. And the true facts of the case are, this is going to cost just double this to continue it beyond that one year.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House recede and concur on An Act Establishing a Human Rights Commission, House Paper 507, L. D. 659. The Chair will order a vote. All in favor of the motion will vote yes; those opposed will vote no.

A vote of the House was taken, 76 having voted in the affirmative, and 33 having voted in the negative, the motion did prevail.

Non-Concurrent Matter

An Act Authorizing the Bureau of Public Improvements to Assist Municipalities and School Administrative Districts in the Construction of School Buildings (H. P. 1115) (L. D. 1534) which was passed to be enacted in the House on May 3 and passed to be engrossed as amended by Committee Amendment "A" on April 22.

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

In the House: On motion of Mr. Dam of Skowhegan, the House voted to recede and concur.

Non-Concurrent Matter Tabled and Assigned

An Act relating to the Board of

Registration in Medicine (H. P. 1378) (L. D. 1798) which was passed to be enacted in the House on June 15 and passed to be engrossed as amended by House Amendment "A" on June 9.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Gill of South Portland, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act relating to Establishment of a State Building Code" (H. P. 1417) (L. D. 1836) on which the House voted to insist on June 18 on its action whereby the Bill was passed to be engrossed.

Came from the Senate with that body voting to adhere to its action whereby the Bill was 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 Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, I 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 Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: This is another bill which was in front of us here last week. This is a bill that on the first round we killed 73 to 64, and then eventually we tried to recede and concur and insist, and then we did insist and so now it comes back today in this form here, which is just the opposite of the form that we wanted before and which we rejected in this House.

Now this bill, as I said before, is a building code for the whole state. I don't believe in this area, that you can legislate for the needs of the people up north as well as the people down south. I think that this building code would set up the power to be—I don't know just where it would be right now, because the Senate Amendment takes it out of the Housing Authority, and of course it deletes HUD

out of there, and just where the actual enforcement would be, I don't know.

But I submit to you that I think we have different demands in different towns. I believe, I have said the last time, that the people in the town itself, the selectmen and whatever officials you have in there, can know best to determine what the needs are as far as their building codes are concerned. I don't think that this particular bill, if you read it, would do anything great for this state, except of course a lot of confusion and I am actually against the motion, and I ask you to vote against the motion to recede and concur so we can adhere.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House recede and concur. The Chair will order a vote. As many as are in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken. 55 voted in the affirmative and 47 voted in the negative.

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

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

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

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I am not at all familiar with every portion of this bill. It was referred to the Committee on State Government and came out in a redraft unanimously. It was amended in the other body, and I have been informed that it took care of the problems. And that of course is the reason why I made the motion to recede and concur. And so I would ask you, therefore, to vote in behalf of that motion.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House recede and concur. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bartlett, Bernier, Berry, P. P.; Binnette, Birt, Boudreau, Bourgoin, Carter, Clemente, Cote, Cottrell, Cummings, Curtis, T. S., Jr.; Cyr, Donaghy, Dow, Doyle, Drigotas, Emery, D. F.; Farrington, Fraser, Gauthier, Goodwin, Haskell, Hayes, Jalbert, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lebel, Lewin, Littlefield, Lucas, Lund, Lynch, Maddox, Mahany, Marsh, Marsteller, Martin, McKinnon, McTeague, Mills, Murray, Norris, O'Brien, Orestis, Parks, Porter, Rollins, Ross, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Susi, Tanguay, Theriault, Webber, Wheeler, Wood, M. W.

NAY — Bailey, Baker, Barnes, Berry, G. W.; Berube, Bither, Bragdon, Brawn, Brown, Bunker, Call, Carey, Carrier, Churchill, Clark, Collins, Crosby, Curtis, A. P.; Dam, Dyar, Evans, Faucher, Fecteau, Finemore, Good, Hall, Hancock, Hardy, Hawkens, Henley, Herrick, Hewes, Hodgdon, Immonen, Jutras, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Lewis, Lincoln, Lizotte, MacLeod, Manchester, McCormick, McNally, Millett, Morrell, Mosher, Pratt, Rand, Scott, Shaw, Sheltra, Shute, Silverman, Trask, Tyndale, White, Williams, Wood, M. E.; Woodbury.

ABSENT — Bedard, Bustin, Conley, Cooney, Curran, Dudley, Emery, E. M.; Gagnon, Genest, Gill, Hanson, Lessard, McCloskey, Page, Payson, Pontbriand, Rocheleau, Santoro, Stillings, Vincent, Whitson, Wight.

Yes, 66; No, 62; Absent, 22.

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

Enactor

Tabled and Assigned

An Act to Establish Stepparents

Responsibility to Support Stepchildren (S. P. 640) (L. D. 1833)

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

(On motion of Mr. Shaw of Chelsea, tabled pending passage to be enacted and tomorrow assigned.)

Passed to Be Enacted

An Act to Create the Department of Human Services (H. P. 1412) (L. D. 1829)

An Act to Create the Department of Military and Civil Defense (H. P. 1422) (L. D. 1847)

An Act to Reorganize the Department of Education (H. P. 1423) (L. D. 1848)

An Act Providing for a Full-time Attorney General (H. P. 1424) (L. D. 1849)

An Act relating to the Secretary of State (H. P. 1425) (L. D. 1850)

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.

Final Report

Final Report of the following Joint Standing Committee:

State Government

Came from the Senate read and accepted.

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

Passed to Be Engrossed

Bill "An Act Broadening the Scope of the Uniform Agricultural Cooperative Association Act" (S. P. 669) (L. D. 1860)

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

Third Reader

Tabled and Assigned

Bill "An Act Providing for a Full-time County Attorney for Cumberland County" (H. P. 194) (L. D. 332)

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

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

House Amendment "A" (H-495) was read by the Clerk.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: For those of us who agree that there is a serious problem regarding the present state of our prosecution system, I think there is yet hope in the form of the other bill that we had before us the other day, and I have reason to believe that we may have the other bill back before us in a posture so that we can vote in favor of establishing a state-wide system of prosecution. As long as there is that possibility I would hope that someone might table this item until we have the opportunity to see if we are going to have a chance to vote on a state-wide system.

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

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

Whereupon, Mr. Jalbert of Lewiston requested a division.

The SPEAKER: The pending question is on the motion of Mr. Birt of East Millinocket that this Bill to be tabled for one legislative day pending the adoption of House Amendment "A". All in favor of the motion will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 24 having voted in the negative, the motion did prevail.

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

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

Pending — Motion of Mr. Norris of Brewer to adhere.

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

Mrs. CUMMINGS: Mr. Speaker, I move that this lie upon the table for one legislative day.

The SPEAKER: The gentlewoman from Newport, Mrs. Cummings, moves this matter be tabled for one legislative day, pending the motion of the gentleman from Brewer, Mr. Norris,

that the House adhere. The Chair will order a vote. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

37 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

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

Mrs. CUMMINGS: Mr. Speaker and Ladies and Gentlemen of the House: The reason why I asked to have this tabled, there are two amendments coming to take out of this bill the restrictions on the 60,000 square foot building. In the bill it said one or more buildings, or structures I guess was the word. This would be removed so that only one structure of 60,000 feet would have to come under the EIC.

The other amendment was going to remove from the bill the restriction so that the EIC would be involved with any traffic regulations so that those two would not have to be something that they would be involved with. I think it does clarify some of the problems that those of you have voted against another time, and I am sorry that you can't wait for those amendments to be here. But I would hope perhaps that you would let this go through now as it is and then the amendments could be put on perhaps in the Senate.

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

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

The SPEAKER: The gentlewoman from York, Mrs. Brown, now moves the House insist and ask for a Committee of Conference.

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

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

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that this matter be tabled until later in today's session, pending the motion of Mrs. Brown of

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

A vote of the House was taken.

57 having voted in the affirmative and 58 having voted in the negative, the motion did not prevail.

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

Mrs. BROWN: Mr. Speaker and Members of the House: I am not certain of my parliamentary procedure. I would like to move that we recede and concur and speak to my motion.

The SPEAKER: The gentlewoman from York, Mrs. Brown, moves that the House recede and concur with the Senate.

The gentlewoman may proceed.

Mrs. BROWN: Mr. Speaker and Members of the House: I realize full well that you have debated this. I read the debate on Friday when I was not here. I still feel a great many of you have not a clear understanding of some of the facts about this bill. I would like to read to you what is presently in the statutes that was passed two years ago on the purpose of this legislation.

"The Legislature finds that the economic and social well-being of the citizens of the State of Maine depends upon the location of commercial and industrial developments with respect to the natural environment of the State, and that many developments, because of their size and nature, are capable of causing irreparable damage to the people and the environment in their surroundings. The location of such development is too important to be left only to the determination of the owners of the developments, and the discretion must be vested in the State authority to regulate the location of these developments."

Now the Natural Resources Committee spent many hours working on this statute to clarify the original intent of the law that was passed by the 104th to provide the necessary language to make it more understandable to the public as well as those who are endeavoring

oring to implement the bill. The intent was to regulate developments which may substantially affect environment; this was landmark legislation.

We are constantly calling for more efficient government. What business would have to wait two years to correct the ways of trying to carry out an operation that they wanted to implement as we have had to do here, and then find that we are now postponing again for another two years the problems which have been found in trying to implement the intent of the law?

One very important reason for reconsidering this and trying to understand what is going on is that development in Maine has been drastically increasing and problems arising from the development must be considered very seriously.

Although such industries as **Maine Fuel get headlines as far as the site location law goes, the real impact on Maine is the growing development of recreational areas, summer and second homes—the day by day pressure is residential projects. This is not to prohibit development, it attempts to provide orderly guidelines so that serious community and environmental problems that could develop without these guidelines won't end up years from now with ordinary citizens having to pay the bill. Please remember, this is for development over 20 acres.**

I would also call to your attention that under the present law, the Environmental Commission under the Site Development Law has had 102 applications processed through them. Of these, 76% involve housing, including mobile homes and apartments; 61% involve subdivisions. Of the 102, two have been denied; one of these has been a subdivision. So subdivisions have already been a major consideration in your administration of the Site Law, and from these permits being issued, certainly no one has been stopping the developments; they have only been trying to guide them.

I urge you to support the motion to recede and concur.

The SPEAKER: The Chair would understand that the gentleman from York, Mrs. Brown, withdrew her motion to insist and request a Committee of Conference, and offered instead the motion to recede and concur.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I certainly would not call myself an archconservationist, and I certainly would not call myself a proponent of pollution. I can pick up a headline here way back in 1945 when I put in the first major anti-pollution amendment to a bill that was offered in this House.

But you know, reading the newspapers over the weekend about this meeting that was held of archconservationists, I didn't see too many of my own people in the shoe shops, in the mills, and working with their ten fingers. Somewhere along the line somebody is going to have to be given the right to breathe. And I think that I want to see some sort of industry come into this state. I don't want to see the conversation I hear throughout the development fields, whether it be on the state level or on the local level, that they are becoming scared of Maine. I think we have done a great deal, and I think it is just about time that we pull up, and the only way that we can pull up is start right here and right now, and that is to kill the motion to recede and concur so that I can get up and make a motion that we adhere. And I am not afraid of the archconservationists printing my name in their periodicals; it is perfectly all right with me.

My people are drawing unemployment on the basis of 4,600 a week in my area. We are one of the largest areas of unemployment in New England. Somewhere along the line I think they are willing to stand a little stench and get a paycheck so they can support their families. And the time to start, and start to pull up a half is right here and right now. And I hope the motion of the lady from York, Mrs. Brown, does not prevail and we do not recede and concur; and when the vote is taken, I hope that the

vote will be taken by the yeas and nays. And then I shall turn around and make a motion that we adhere, and I will make that yeas and nays also.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: My good friend Mr. Jalbert, I think is suggesting some regressive action on the part of this House in the area of environmental legislation, and I think he is trying to accomplish this by throwing a red herring. I don't think that the purpose of this legislation has anything to do with putting people out of work, if it did I wouldn't be on my feet.

The purpose of this bill is to provide practical means by which the state, acting through the EIC and consultation with other state departments, may exercise the political power of the state as granted by this Legislature to control the location of developments substantially affecting the environment in order to insure that such developments will be located in a manner which will have minimal adverse impact on the natural environment of their surroundings. Now I ask you, is there anything wrong with that?

1790 has thirteen changes and corrections to the Site Location Law under Title 38; thirteen changes which the EIC has found necessary in the practice of implementing the laws this Legislature has passed.

Now two people in this House have introduced amendments. My friend, the gentleman from Freedom, Mr. Evans, and my friend, the gentleman from Bangor, Mr. Curran, which have been adopted and attached to this bill. I plead with this House not to kill this bill. There is some concern about the 60,000 square feet. I would remind the people in this House that that is a structure 200 by 300 feet, and I suggest that if somebody is going to build a Cape Cod home with 60,000 square feet, someone ought to look into how they are going to affect the environment. That is a half acre of floor space.

We all know what has happened

under the present Site Selection Law where we require 20 acres, and developers have been dividing their plots into 19 acre plots. I would remind you that the law does not prohibit development; it simply says that if you are going to build something with 60,000 square feet, the EIC wants a look.

There are twelve other items in this bill, changes which the EIC and the Natural Resources Committee feel should be enacted in order to effectively control the location of large developments which will substantially affect the environment. I think it is unfortunate that we have not had an opportunity to introduce the two amendments which would, I think, make the bill more palatable to some members of this House. Perhaps this will be possible before we are done, but I urge you at the moment to recede and concur.

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

Mr. FARRINGTON: Mr. Speaker, I wonder if I could direct a question to the gentlewoman from York, Mrs. Brown.

The SPEAKER: The gentleman may pose his question.

Mr. FARRINGTON: Mrs. Brown, to satisfy some of my interests in Old Orchard, and I had a call at seven this morning on this same thing. The person who called, the Clement Wight Agency, was complaining about the whole bill, but I think there is some merit, good parts to the bill.

The question is, in Section 2, Revised Statutes, Title 38, 482 subsection 2, page two, did the amendment satisfy their demands for a change here? Could you explain some of those amendments because I think if we satisfy some of these objections, there are three here, that I am going to go along with the bill.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Farrington, poses a question through the Chair to the gentlewoman from York, Mrs. Brown, who may answer if she chooses.

The Chair recognizes that gentlewoman.

Mrs. BROWN: Mr. Speaker and Members of the House: I am not

the sponsor of this bill, unfortunately Representative Curran is, which is another reason why we wanted it tabled. We have spent a good deal of time with this. You have the amendments before you just as I do. I believe that we tried to satisfy your objection and we corrected that under the amendment; Mr. Curran did. But I am not certain of this.

I feel that this is important enough. If there are these problems, we have seen other things tabled here for a day, that we be allowed to table this so that we can correct some of these things to have it satisfactory to certain people.

Whereupon, Mr. Susi of Pittsfield moved that the matter be tabled until tomorrow and requested a division.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that this matter be tabled until tomorrow pending the motion of the gentlewoman from York, Mrs. Brown, that the House recede and concur. All in favor of this matter being tabled will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 29 having voted in the negative, the motion to table did prevail.

The Chair laid before the House the second tabled and later 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)

Pending — Adoption of House Amendment "A."

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I am sure, as you all know, this is the bill which would change the wildland tax situation that we have now. The gentleman from Eagle Lake, Mr. Martin, questioned the amendment that was presented because he had not had time to study it.

I will go into the amendment now. The first part is concerned

with divided ownership. This has always been a stipulation under the present method of taxation that we have, called ad valorem tax. It was left out inadvertently. Most of the balance of the amendment refer to proper references to allow the one tax situation instead of the many that we have now.

Mr. Martin specifically mentions Section 9, which repeals Section 4 of 271 of 1967. This law required the Tax Assessor to set up the county tax separately on his list, and since this bill does away with all these special taxes we have to do that. 1145 again refers to these special taxes. 1146 refers to the forest fire tax, which is a special tax. 1147 is in Section 8 of the committee report, but it had to be relocated in the newest draft.

Section 13, the one tax provision will not become effective until January 1, 1973. In there you see one exception to Section 6. In Section 6 it is the trade growth tax law. This will allow the State Tax Assessor, Mr. Johnson, to make plans now for the eventual single fair tax. I assure him that nobody in the lobbyist agent group is trying to pull a fast one on us this time. If they were I would be the first one up here against them.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I don't propose to speak either for or against the amendment. I don't have any more information on it than you do, perhaps not as much. However, after we have voted on the amendment, I do propose to move the indefinite postponement to the bill and all of its accompanying papers and hope at that time to be able to make some comments on the entire bill.

Thereupon, House Amendment "A" was adopted.

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

Mr. SUSI: Mr. Speaker, I move the indefinite postponement of the bill and all its accompanying papers and when the vote is taken I ask that it be taken by a roll call, and I would speak to my motion.

The SPEAKER: The gentleman

from Pittsfield, Mr. Susi, moves the indefinite postponement of L. D. 1837. The gentleman may proceed.

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: We have just had an assurance that everything is on the up and up this time. I sincerely wish I could believe it. This morning in debate, I believe on this bill, it was mentioned that a bill was put through here last time and one of these nice little amendments came along, and after the Legislature had adjourned we learned that this harmless little amendment took away 98 per cent of the effect of the bill which we had passed.

Also this morning, in fact one of our fellow legislators here mentioned the Allagash Authority. I was down here when that was formed and these same people were involved in that. I can remember legislators standing and making statements on the floor here like statements that are being made in connection with this bill too, in effect what great guys we were, what smart fellows we were, and how we really put it over on them this time in setting up this Allagash Authority, and when the chips were all in a year or two later it turned out that we gave these owners \$120 an acre for **taxes which we had on the books** at \$14 an acre, and they reserved all the cutting rights and staffed the committee that was going to run the thing.

Now we are really pretty sharp characters down here to be dealing with these people. So if it seems that I am a little mistrustful I hope you will forgive me because I have been this route before.

To be a little more specific, I object to this bill because it doesn't provide for the portion of value in wildlands which would be represented by its potential as **recreational land**. In this connection, last Friday the Bangor paper in a considerable section on the front page referred to a land purchase that had been made in 1965 for land in the unorganized territory, I believe the purchase price was \$94,000. I think the amount of acreage was 3,700 acres. And tracing it down to 1971

the article commented that today a conservative value of this land, which was bought in 1965 for \$94,000, would be 700 and some odd thousand. This is a conservative value of it.

Now there has been no increase in the value of the wood growing on this land today, or practically none; today they have assessed it at around \$111,000 for the land and the wood, just as producing woodland. But the other some **\$300,000** would be valued as recreational land. Well now in effect if we adopt this thing, we will be excluding from consideration in the assessment of half of the State of Maine any value which may be accruing to the owners from its potential for recreational purposes.

It does look to me right now as though the owners of these lands have recognized that we are focusing attention upon the inequity of wildlands taxation in Maine and that there is a movement afoot and they are building a backfire against this by coming forward with this proposal, which may be a good proposal — I don't know. But I don't think any of us know really, because I don't think any of us — well we haven't drawn this, and no one has denied that it was drawn specifically and exactly by the people who own the lands.

In that connection I would like to comment further. Just recently the State of Maine received some publicity in connection with the visit by the Nader Research group, and as I understand them they are financed by a fund which they gather from the public; and I understand that they have rather limited resources and so they have to pick their targets and they operate throughout the United States. And they were of the opinion that here in the State of Maine was a situation which warranted their attention.

Their specific observations were to the effect that, first off, the wildlands owners had an inordinate effect on the proceedings of the State of Maine legislature, and secondly that these same people did not carry their fair share of the tax load in the State of Maine.

Now I concur with others who have come to the conclusion that

they did a lousy job on their report; I think they did. But I further believe that there was a basis for them to come here and study this. Now if you would agree with me that there was occasion for them to be concerned — and I think that we could further believe that if there is reason for them to be concerned there is reason for us to be concerned — then basically we would be turning over to those who are potentially the offenders in this situation the responsibility for making the corrections. And they have come back to us with a bill and said, "Okay, perhaps there is a problem here and this is what we propose as a solution and we are looking now to your endorsement for it."

It is so outrageous that I just had to speak to this today, because I feel that we would be abdicating our responsibility as legislators completely to accept from these people who have been identified as potential offenders in this situation as to those to whom we are looking today for a solution.

Just the other day one of the representatives of one of these companies came into my office and we talked about this and I made an observation to the effect of what I have just said, and this person said to me, "Well Roosevelt, there isn't anybody in state government who is truly qualified to prepare a tax program for the unorganized territory." And I said, "Stop right, I agree with you, there isn't. This has been your province completely. You folks have always run your own show and just set up the whole thing. We have just rubber stamped it in this Legislature, and I think it is time that we began to recognize our responsibilities in connection with one half of the State of Maine."

To summarize I would put it this way. If you can honestly here today say to yourselves, "I understand this bill, I understand what the impact of this bill is going to be on the State of Maine, the people in the State of Maine, that it will be to the benefit of the State of Maine," then I suggest that you vote for it. If you don't know, and I don't see how

you can because admittedly there is no one in state government who has been involved in this, then I think that you better take a good close look.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Cyr.

Mr. CYR: Mr. Speaker, Ladies and Gentlemen: Last week when we debated these items I told you what happened at the hearing. I fully endorsed the remarks made by Mr. Susi, and what has been troubling me about this bill is not the productivity formula on which this is based. I think probably we are heading the right way by using this productivity formula. However, at the hearing we had two bills on productivity. One was prepared by the Governor's Task Force, which was turned out unanimous "ought not to pass" by the committee. And then this one here which was prepared by industry.

Now the two bills, both bills, used the same productivity formula. Both bills used the same rate. However, the Governor's Task Force bill uses 100% valuation, while this bill reduces the valuation to 50%. Now I mentioned before in the debate that there are two things that can happen. Either the Governor's Task Force bill was overtaxing these people, or else this industry bill is asking for a tax exemption on their land. Now this is what is disturbing me, and I will vote for the indefinite postponement of the bill.

The other item that I brought to your attention in the debate last week was the fact that in this same bill they use 100% valuation for forest land in organized territory, but they drop it to 50% for the unorganized territory. I have been trying to find the reason why, and so far I haven't. Now figure it out for yourselves; this bill is presented to us by industry, and they ask us to cut the valuation down on unorganized territory which is their land, while they still maintain 100% valuation on organized forest land in organized territory. Figure it out for yourself.

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

Mr. DYAR: Mr. Speaker and Members of the House: During the past several days there have been comments to my unjustified concern over this piece of legislation. On page seven, under Section 583, Construction, I think we have one of the gems of the session as far as the vocabulary of bills. It states: "This subchapter shall be broadly construed to achieve its purpose. The invalidity of any provision shall be deemed not to affect the validity of other provisions."

Now what we are saying here, if there is one section in this law that isn't valid, that it doesn't make any other sections invalid. Now this is a pretty good tool in my mind to run a piece of legislation, once it became law, run it any way you want it to run.

Under this bill, under the powers and duties of the State Tax Assessor, it says, the rate shall be determined after passage of this subchapter, which refers to subchapter 576, after we pass this into law the State Tax Assessor shall determine the rates. I believe that he shall also, he and his staff shall also determine the valuation. It does give the public protection on the fact that the State Tax Assessor shall hold one or more public hearings.

I have been challenged on figures that I have quoted previously here in this session. But in the 1963 edition of the Report on Public Reserve Lands, you will find that there are 12,832,000 acres would come under this act. This is land owned by holders of more than 100 acres. This is owned by approximately 15,500 people. The 62,000 land owners with 100 acres or less can come under this act if they elect to come under it. I feel that there has been criticism of other bills before this House as far as restrictions are concerned. But when you get a bill that says the State Tax Assessor shall set the rate, and then says the Assessors shall determine whether the land is subject to taxation hereunder and shall classify such land as to forest type.

Now the bill also states that forest products will be set under four or five classifications: hardwood,

softwood, mixed wood, and unproductive lands. It also says it can be based on 16 counties. Well, 16 times four gives you a lot of classifications. Nowhere in this bill can I find any appropriation money attached. Now I believe in order for some 75 or 80 classifications to be set up by the State Tax Assessor's office it is going to take people to do this, and these people are going to request salaries. I don't think it would be voluntary. I certainly wouldn't like the people being taxed to send in their own resume of what they have as far as land is concerned, and the productivity of this land.

The lobbyists also told me that there will be some distinguishing feature between lands as far as the altitude of the land is concerned, because we find that heavier timber production will be growing at low altitude than it will be at high altitude. There will also be productivity based on the physical characteristics of the soil, where these forestry products are growing. So you have got a lot of features to be brought in, and I don't believe any ten men, 20 men, or 100 men in this state in two years can classify this land in the state as to productivity.

I have also been told that, say at Clayton Lake, if you have got rock maple stumpage growing up there where there is not much demand, that this rock maple stumpage might be assessed at \$2 a cord; where in my area it might be assessed at \$15 a cord. I believe that is a conflict of interest as far as the rate of stumpage is concerned. I think if you read through this seven or eight or nine page document here that you would find quite a bit of conflict of interest in one statement against another.

Now you have already heard that the unorganized towns will be based on 50% of the valuation, the neighboring organized towns will be based on 100%. This bill does repeal all existing laws as far as taxation is concerned in the unorganized towns pertaining to school districts, roads, bridges, unorganized town dumps, and also eliminates the forestry district tax. When this is set up, if it ever

gets set up and gets going, I understand the monies will be paid by the people taxed into the General Fund, and then the General Fund will reimburse the Forest Commissioner of the counties for whatever they have to do to them as far as the forestry district tax and school tax and so forth are concerned.

But I just wonder what the problem will be if we have an underestimate for the value of this land and there is a net loss. Are we going to ask the taxpayers of the State of Maine to come up with the additional money? Or are we going to cut back and not pay the Forestry Commissioner or the counties the rightful amount due? I feel there needs to be something done to give equity to the taxation of the wildland tax.

Possibly those of you here this afternoon are thinking that maybe I do not justifiably have the right to be on my feet. But I do represent a considerable acreage of wildlands in my district of which Brown Company, as I said the other day, owns 142,000 acres. I would like to bring to your attention a little incident that happened this weekend. Of course, it is hearsay, but two of my constituents did come in, they had been to King & Bartlett this last weekend, which is an unorganized township over in Representative Faucher's district. This township to my knowledge has been bought by IT&T as a recreational center for their employees.

One of the better fishing ponds in my district is Baker Pond. These people were in there fishing this past week and were told to be out by sunset and not come back. Now to my mind, Baker Pond is a great pond and should be available to access by the citizens of this state. They have also threatened to bulldoze up their roads and chain them off to keep people out.

Whether or not this bill is going to take care of this and lower their taxes where they can let these people in or not I don't know. But I hope this afternoon where this bill seems to be very inconclusive as to the problem at hand, I hope you will go along with the indefinite postponement.

The SPEAKER: The Chair rec-

ognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: As I stated the other day, the owner, if he does not request to be taxed on the productivity basis, you cannot tax this land. They have the say on how it shall be taxed; not the assessors. This appears on page eight, paragraph six, line four.

Now gentlemen, if they see a chance that their taxes can be reduced, the remaining taxpayer in that municipality or in that county must pay this tax. When you appropriate so much money for a county or a town to pay, it must be paid by those remaining taxpayers. This could be very bad on those paying. And this afternoon because of this I hope you go along with Mr. Susi.

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

Mr. COTTRELL: Mr. Speaker, Members of the House: I feel that as a member of the Taxation Committee, I must explain my thinking. I think this is a bill that has great possibility. It is a very revolutionary bill. It has been tried out in part of Minnesota. That is about the only state that has ever tried it out.

We on the Taxation Committee were very intrigued about it, but we felt that the budget this year was going to include a five mill tax in the funding, and we voted against both bills, because we felt that they had not been thoroughly understood with all their implications. Now I see that from the standpoint of taxing forest land, I see it along with the American Forestry Service, that the productivity basis for taxing is the most sound thing that you can get.

On the other hand, we are going to have two developing kinds of valuation, as our revolutionary world here and our country too unfolds, we are going to have the pressure of the recreational business. And it seems to me that any tax today that simply says, "We will value land today and we won't value it again for ten years under any conditions," and have just one base, the forest base for valu-

ation, it seems to me needs a little more study.

Now we have also introduced and accepted the Land Use Regulation. Now it seems to me there are going to be complexities in getting these two ideas together. While I am for the fundamental principle of productivity taxation in our forest land, I certainly think that it is the wrong time to bring it up at the end of the session when we really haven't had time to assimilate all the implications. Especially when we have to value now, and then have no future valuation for ten years.

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

Mr. MORRELL: Mr. Speaker and Members of the House: It is with some reluctance that I cannot support this legislation. I think it does make an effort of sorts towards solving a problem that we all recognize. I think the Taxation Committee made a serious error, as Mr. Cyr said, in too quickly killing 1666, which was a direct product of the research committee. I think it is possible very frequently on the Floor of the House, or outside of committees specifically, to at times amend very properly bills. But I think that when we are working in as complicated an area as this is that you have every right to expect that your committee charged with looking at a bill like this do the homework in revamping it. And I am here to tell you that we didn't.

Now I am not overly critical of those who have worked on the bill, because I think they have made an effort. But I frankly think that we are getting — we have recognized the problem, we perhaps are moving a little bit toward its solution. But I think the proper thing for us to do would be to support the motion of Mr. Susi with the definite thought in mind that either the Taxation Committee or some other group be specifically charged on behalf of the House, or the Legislature, in polishing off a proper bill that all of us can pass and be proud of.

I hope this afternoon that you will vote in favor of the motion to indefinitely postpone, not to forget

the problem, but really as a re-dedication to go back and work a little harder to find the solution.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen: The gentleman in the corner made a brief reference to the Nader report, and I think if you have read and examined the Nader report you will find that they are designed specifically for the most attention. They move into an area where they are going to get the greatest exposure. The report is given not in complete detail, but just enough inconsistency to stir up headlines.

That was done in Maine; it has been done in other areas of the country. I would like to read something to you. "It is in the public interest for the public benefit and for the good order of the people of this state to encourage the well managed multiple use of the privately owned forest land and timber resources and to encourage opening of these lands to the residents of Maine."

That was from the Maine Land Use Regulation Commission bill which you passed recently. In that same document: "It shall require landowners to develop effective and non-obtrusive land, air and water traffic movement, to develop effective routes, parking and loading provisions, including requirements with respect to frontage on or access to public roads, water, safety and other aspects." So you have already imposed upon the owners of the forest lands harsh and restrictive measures.

Now to be consistent, the document under consideration, 1837, is to encourage improvement in forest growth by creating a method of taxation based upon the productivity of various classes of forest lands. How inconsistent can you get? First you require almost the impossible from the land owners, you are not willing to accept their formula for taxation. How harsh do you want to get? This is not a perfect bill. I don't believe this Legislature has passed many perfect bills. But certainly it is a start. It can be modified, can be altered,

and hopefully would be of great benefit to the State of Maine.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: There has been quite a bit said here today, and in the prior debate, about the influence that the large land owners have had on this legislation. If my memory serves me correctly, the Governor's Task Force that studied this situation was composed of 20 people, and that only three of these people represented the large landowners; 17 did not.

Now I don't want to say out and out that this is correct. But if I am incorrect, I wish someone who had factual knowledge would stand up and explain to us the makeup of the Task Force that the Governor appointed for this study.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: Perhaps someone is fortunate enough to have the report of the study committee before it which lists the members of the committee and their occupations. I had the privilege of serving as one member of that committee, and I will be frank to say that my feeling on it was in the minority when it came to the method of taxation.

That committee came up with a report, one portion of which we recommended, that not taxation but land use control was the way to preserve our wildlands. Some very good friends on that committee got very enamoured with the idea of a productivity tax. And perhaps that is the best approach to it. But listening today during the debate to Mr. Cottrell, for example, talking about evaluation once during ten years, and then not evaluating again, and it would be evaluation upwards, of course, or it should be I expect, with inflation going on, sounds to me as senseless and like a gift to the large landowners.

I would like to call the attention of the House to a bill that we did pass last session in the 104th that to me takes care of the problem

which is the fundamental reason why I cannot vote for this bill today. Under a law we passed in the 104th when you considered market value — and ordinarily that is talking about the highest value, highest and best use — you may only consider legally permissible uses if these areas are zoned so that the only — or there is another form of land use control applied so that the only form of economic productivity possible on the land is growing trees, then they can only be valued for growing trees. In reality, we have under our current law productivity taxation by that indirect route now.

But I want to mention more in response to the question of Representative Hancock that there was, I thought, a division to some extent, on the bill between those people who had forestry orientation — this was on the committee rather — and those people who were concerned and had a concern for forestry taxation but also the taxation of the ordinary people, similar to a 15 or a 12, or a \$20,000 Cape Cod in Portland or Bangor or Brunswick. And those of us that took that view did not think that productivity taxation with the particular provisions, and Mr. Cottrell has described one of them, was any good or worthwhile idea. So that report from that committee I want to make clear was very far from unanimous. I think there are about six pages of dissents on it.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I do have that report. If it seems worthwhile I will try to answer Mr. Hancock's question. I am not sure I can pronounce the names, but one was first a Dr. John D. Coupe, Chairman of the Department of Economics at the University of Maine; Orlando E. Delogu, Professor of Law at the University of Maine; Madeleine R. Freeman, League of Women Voters, Orono; Ernest H. Johnson, State Tax Assessor; Vladek Kolman, President, Kolman Timberland Consultants — I happen to know he is a surveyor up in Bangor; James K. Martin, Senator,

from District 23, Guilford; Patrick N. McTeague, Representative from Brunswick; Robert G. Mohlar, M.D. of Augusta; Albert D. Nutting, Director, School of Forest Resources, University of Maine; Harold C. Pachios, Attorney at Law, Portland; Thomas S. Pinkham, Owner, Pinkham Lumber Company, Ashland; John L. Salisbury, Executive Secretary of the **M a i n e** Municipal Association, Hallowell; Phillip M. Savage, Director, State Planning Office, Augusta; Dr. William D. Shipman, Chairman of the Department of Economics, Bowdoin College, Brunswick; John G. Sinclair, Vice President and Manager, Seven Islands Land Company, Bangor; Rand N. Stowell, Jr., President, Timberlands, Inc., Dixfield; Robert S. Stuart, Senator from District 11, Brunswick; Elmer H. Violette, Senator, District 24, Van Buren; Dr. Harry J. Waters, Executive Director, ESCO Research Inc., Portland; Morris R. Wing, Regional Manager, International Paper Company, Livermore Falls. With consultants, Ellis T. Williams, Division of Forest Economics and Marketing Research, United States Department of Forest Service, Washington, D. C.; Charles F. Conlon, Executive Director, National Association of Tax Administrators, Chicago, Illinois; Zebulon White, Professor, School of Forestry, Yale University, New Haven, Connecticut.

Now Mr. Speaker and ladies and gentlemen, the opponents have been standing up here and admitting that we have a problem, that things are wrong with our taxation of our wildlands. They tell us that the valuation is inadequate and the method of taxation is poor. But they have assessed their own lack of knowledge of the problem, and yet they ask you to dig in your heels and do the same old erroneous method, or carry on with the same old erroneous method that we are presently carrying on with.

Now this doesn't seem to have very much logic to me. I am not going to tell you I am an expert in this field, but I do know that some of my constituents do have a problem. And at least one of

these problems can be solved through the fact that there will be seven taxes that are currently assessed against people who live in unorganized townships. These will be eliminated now if this productivity tax goes into effect.

I think that we can look back at this Task Force, any of you who bothered to stand up in the Taxation Committee heard Professor White of Yale University make quite a pitch for this type of thing, and I think we ought to go along with it.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Lubec has raised a point that ought to be answered. The bill that came out of the Governor's Committee on Wildland Taxes was sponsored by me. That bill received a unanimous "ought not to pass" from the Taxation Committee. The bill that we are presently discussing is the bill introduced by the gentleman from Perham, Mr. Bragdon, that was written by the industry. And they are willing to admit that. They have told me themselves.

While I have answered that question posed really by the gentleman from Casco, and while I am on my feet, I would add a few things perhaps to shed some light on the problem. Some of the background to this takes me back to the Allagash Wilderness Waterway Act, also two years ago, to wildland zoning. It has always bothered me for some time that the only information that we can get about the value of land has come from the landowners themselves.

I was involved in the Allagash Wilderness Waterway Study Committee that was created in 1966 in a special session. And I recall meeting with the landowners in Bangor, and their refusing to set a value on the land. Three years later, when we were arguing on taking over the land and trying to do it within the \$3 million that we had allocated to us, \$1.5 million from State funds and \$1.5 million in Federal funds, I can recall that hell broke loose when we tried

to suggest a price; and they said that we were giving them much less than what the land was worth.

Then it was suggested probably that they could go to court, and that the courts would then determine what the true value of that land was. For some very strange reason they withdrew from the court battle because, I think, they feared — and maybe I am wrong — but I think they feared that the courts were going to set a higher value on land than the State was willing to pay them under the Allagash Waterway Act.

Now I know that frankly I ought to perhaps say that I am in favor of the concept of productivity, and I have been since I have known anything about what it was. But there are a few points that I think ought to be added when we talk about this bill or any bill that deals with the wildlands.

One thing that has always bothered me has been the lobbying of the paper industry. And I am not saying that all of it has been bad or all of it has been good either way. Someone brought to my attention and said, "Are you arguing against them only because there are no Democrats that are lobbyists representing the paper industry?" Well, I certainly hope that I am not quite that narrow minded. I think maybe it would help, but I think that many of us every now and then stop and look at the number and who they are, and I think this bothers many people. I think the methods that are used also have bothered individuals.

The gentleman from Pittsfield, Mr. Susi, raised the point which also ought to be answered, or attempted to be answered, and this is the question of the staff. It is sad really that we have to rely on any industry, whether it is this one or the potato industry or any industry of this state when we have to rely on them to draft our legislation; we have to rely on them to do the redraft, and then we have to rely on them to even do the amendment.

Now obviously this is not a criticism aimed at the industry simply because they made the amendment, but really is a

criticism that ought to be aimed at us in good shape. Because we failed to do the job of really staffing ourselves to find out what is going on.

One of the questions that I had asked more than a month ago was really for comparisons of what would happen if we did impose a productivity tax. I got it this morning. It was given to me by one of the land operators of the state, and for that I am thankful. I have not had the opportunity to really review that as much as I would like. But one of the problems again is that we have not had the adequate information that we ought to have had.

The gentleman from Bath, Mr. Ross, said that this bill referred only to unorganized territory, and of course the bill does not. It applies to both organized and unorganized. And so one of the questions that I raised this morning was one of whether or not the effect would be so great on the small towns that tax wildlands, or forest lands as we call it, whether or not there would be a loss of revenue within those communities. And that question ought to be answered.

One other question that has been brought to the floor is one of staff within the Bureau of Taxation. Will there be adequate staff to do the job if we are going to change the system? I have a memorandum from the State Tax Assessor saying that he hopes he can do the job. But that is it. To be frank with you, I think that if we are going to pass this bill and if we are going to do a job of seeing that we are going to approximately reach a level where a true assessment could be made of the land in question, we ought to add staff to do the job. If we don't do that, then we are getting ourselves deeper and deeper in trouble.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: In answer to one question that the gentleman from Eagle Lake has brought up that I would disagree with; I will agree that the unorganized towns are going

to go along with this value plus the state rate. But in the organized towns he stated it would be differently — it wouldn't be any different. But it is. In the organized town we will take their valuation, which will be greater than any town has now, but we would still hold our own town rate. We would make our own town rate, and we would — that is the rate that would be used. It wouldn't be the state rate whatsoever. In other words, the towns stand to gain under the taxation of this system than they do to lose.

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

Mr. ROSS: Mr. Speaker, Members of the House: First of all this is not a bill presented by industry, no matter what anybody says. It just implements the bill of the gentleman from Eagle Lake, Mr. Martin. It is a redraft of the bill from the gentleman from Perham, Mr. Bragdon, at the request of the Taxation Committee. We are trying to accomplish the objectives of our opponents.

I have been one of the outspoken opponents of the large landowners during this entire session. This is neither for nor against the paper companies. It is a fair approach to a new method of wildlands taxation. I hold no brief for the paper companies; I don't listen to the hue and cry of their lobby when they plead poverty, because this is not so.

Over the weekend, just for the interest of it, I looked up the net income for 1970 of some of these companies. International Paper Company, \$107 million; Scott Paper Company, \$63 million; Great Northern Paper Company, \$20 million; St. Regis, \$30 million. So I certainly am not pleading their case. I only want to straighten out an unfair taxation of our wildlands for the future generation of our children in the State of Maine.

If we adopt this one fair tax concept we will expect the paper companies to pay a higher and more equitable tax to relieve the average taxpayer in the State of Maine.

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

Mr. SUSI: Mr. Speaker and Members of the House: I just want to go on record as supporting and agreeing completely with the gentleman from Bath, Mr. Ross, in his objectives. However, I believe that in order to straighten the record out we ought to check with some of these people who represent some of the paper companies who claim this bill as being theirs, and I think they might have their feelings hurt a little bit to deny this.

At times it has seemed that those of us who were opposing the bill are opposing the concept of productivity, and I for one would like to endorse the concept of productivity as a major criteria in the formation of any tax program for wildlands, forest lands. I think this should be probably the top consideration. So I don't have any argument with the idea of productivity as one of the major considerations.

I do believe this, and perhaps you can draw a comparison with me. Considering that possibly we may have in this State of Maine, very possibly within a few years, a major oil industry with an investment of many many hundreds of millions of dollars, and if this were to take place, for us in this Legislature to accept from this industry and their people a tax program for the industry at a time when we had no one in our own administration capable or so inclined to draft one for us, then I would think that we would be extremely lax. And basically that is the position we are in with relation to this industry. The industry has drawn the tax program; they have offered it to us, and it is here now for us to dispose of.

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

Mr. BRAGDON: Mr. Speaker, Members of the House: Many of the questions that have been raised with regard to this bill I somehow feel are hardly worth answering. They are the doubts, we will say, of different individuals with regard to what will happen and so forth. And with regard to the amount of revenue, Mr. Martin has

repeatedly worried about the loss of revenue to municipalities under this. I assured him and I assured others in the debate the other day that I had seen some tests that had been run on various towns. And I satisfied myself that the municipalities in the overall are going to gain money. And so I am not looking for any gripes from the municipal officers in the organized towns regarding loss of revenue. I think they are going to get more revenue than they have been previously.

I suppose you would have to run a test for every town in the state perhaps to really satisfy Mr. Martin and some of these others. However, the tests that I have seen satisfy me. And I would not have put my name on the bill had I not been assured that this thing that Mr. Martin fears would not have happened, because I know what the repercussions would be to a legislator. And every town that I represent does have forest land in its organized territory. And I know what would happen to me if it really mattered if these towns all lost revenue out of this bill. I have been satisfied that they will not.

With regard to a matter that Representative Cyr seems to keep bringing up, I don't know — I am not an expert in taxation matters the same as Mr. Cyr is, but it seems to me that he is bringing up a question whether or not perhaps the land in the unorganized territory where they have no schools, no roads — I might say no nothing — such as they have in the organized territory to provide for, if we are saying that the unorganized territories should provide for these police facilities, these roads, these schools, these everything in the organized towns. I don't think the most of us feel that this would be just taxation on wildlands. I think that is the question he is raising. I am not going to go into it any further, but I personally feel that this is a very fair bill.

Now with regard to pride of authorship, we will say, much has been said. I didn't happen to have the report of the Governor's Task Force when Mr. Hancock of Casco

raised the question with regard to the makeup of the Task Force. I went out and got this, and it has already been given to you.

Now with regard to authorship I would say this. This is my firm belief, that the landowners have no pride in authorship, we will say, in their bill as such. I think that they bought the thinking probably pretty much in toto of the findings of the Governor's Task Force. Obviously they may have made some corrections between their bill and the bill that came out of the Task Force and was sponsored by Mr. Martin. Also other changes were made as Mr. Ross has called attention to the fact that the Taxation Committee also has a part in the authorship of this bill.

So this bill is the combined efforts of, we will say, three groups: the Governor's Task Force, the wildland people and Ernest Johnson, knowledgeable in taxation matters. I am going to have to say four, and the Taxation Committee. So I agree with what they all say, we have needed this.

You fellows are opposing it, we all say we need this very thing. I think we have made a comprehensive study of it when we go back to the Governor's Task Force for the two years preceding this Legislature, a lot of work has been done on it. I trust the men — these men whose names are on this Task Force; I trust many of these men that I have seen here today who represent the timber interests in the state. I don't feel that they are trying to put anything over on you; they are just trying to come up with what you are all saying was something we needed, a good honest to goodness method of taxing the wildlands. I believe you have it in this bill.

It never can be accomplished perhaps when you come up with something new like this that everybody is going to be completely satisfied with every item in it is completely right. And I suspect there may be further changes made on this. But I believe it is a sincere, honest, and a well studied effort on the part of many groups of people interested in a common cause; namely the preservation of our forest lands,

and arriving at a sufficient and honest amount of revenue related to the revenues and the needs of the state. I hope you will — I don't know, I have always been told that you have to take some things on faith. I hope that you will do this with this bill, and go along and give it the passage which I feel it well deserves.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I think the criticism in all of this debate is directed in the wrong direction. You are criticizing the paper companies for offering to sponsor or to offer a bill taxing the forest lands. It is a problem, and why? I think the criticism should be directed back towards this legislature and the preceding legislatures. You have not adequately staffed, nor have you adequately funded the Tax Assessor's office, and until you do so you have no alternative for taxing forest lands.

I think you have to recognize that you have to put some muscle instead of a lot of words.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Cyr.

Mr. CYR: Mr. Speaker, I would like to pose a question through the was aware of the Governor's Task Chair to the sponsor of this bill. I would like to know if the industry Force, and if so, why have they introduced a bill which was similar to the Governor's Task Force bill?

The SPEAKER: The gentleman from Madawaska, Mr. Cyr, poses a question through the Chair to the gentleman from Perham, Mr. Bragdon, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. BRAGDON: Mr. Speaker and Members of the House: They must have been aware of the study of the Task Force. I think we all were, to answer that part of the question. Perhaps the answer to the other part of it would be that they felt maybe along with the study of the Task Force that perhaps in the long combination of the findings of this group and the recommendations of this group, along with the knowledge which

they possessed with regard to the matters that were being discussed, I think could be very well used as a reason why they came up with another bill rather than perhaps attempting to implement any changes in, we will say, the bill that came out of the Governor's Task Force. They are very similar. There are very few changes. Mr. Martin himself will admit to that. And I don't know as I can answer your question any better than that.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I have always felt it is an awesome responsibility to put your mouth up in front of one of these microphones on this floor, because as you have mentioned in the past, Mr. Speaker, every word we say is going down in history. And I have a sense of history in my bones.

But I want to say this. The Taxation Committee as a whole was not involved in this bill at all. We passed it out "ought not to pass." And the next thing we knew, in a very quick Executive Session, Representative Ross said, "I have a redraft, I am going to take it up to the Appropriations Committee." And we didn't even know what the redraft was and we have never discussed it, and that is a fact.

Now I would say this to you, Mr. Speaker, and to everybody in this House, I think for the record, this legislature could afford to have a tape recorder at our committee hearings. If you are not going to believe what the Taxation Committee members say at a Taxation Committee hearing, and what is reported, I guess we are in trouble. It would be very easy to run a recorder, have Mr. White, the Forestry professor at Yale, when questions were asked of him about the revenue involved, you would hear his answer. None of us can say — Representative Bragdon was asked that question. No one could tell us what the revenue possibilities with changes would be. And while we all agreed that the productivity tax was a great principle, we would have bought

a pig in a poke if we had come out and said let's pass it at this time.

Now I am for this measure, but not at this time. And I could say a lot more. I am getting to be a senior in this House, and I am not afraid to state my opinion before anyone. And I want to just graciously say that I have no vendetta against the paper companies, or their leaders, or their brains, or the great contribution that they are making to this state.

As I said before on the Floor of this House, I hope we can always favor them and give them the greatest break possible. But in my own humble little opinion, as a coach who has been mousetrapped in football many times, I am not going to be mouse-trapped on this little bill at this late period in our session. And if we can't act with more deliberation, and to me, judgment, and common sense and avoid the influences of this or that, if we haven't got guts enough to stand up here with our intelligence that God gave us and make up our own minds, God help our country and our state.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Cyr.

Mr. CYR: Mr. Speaker and Ladies and Gentlemen: All of us on Taxation tried to probe and tried to get questions in regards to this. I will accept the explanation of the sponsor of this bill, Mr. Bragdon, that both bills, the Governor's Task Force bill and this one are quite similar. And I mentioned that a while ago in my presentation.

There is only one difference, and that difference I would like to bring out to you because it is very significant. The Task Force called for a 100 per cent valuation to be applied to this productivity law as well as to the tax rate, which was similar for both bills. While this bill in question from the industry called to reduce this valuation to 50 per cent. Now I say this, the ingredients are good to make a good cake, but I say it is only half baked. Let's send it back to Legislative Research and finish the baking.

Mr. Norris of Brewer moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question it must have the consent of one third of the members present and voting. All members 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 will say no.

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

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those 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 Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: In my capacity as vice president of Smith Timberlands, I believe I have a direct personal conflict of interest, private right as distinct from public interest is immediately involved.

The SPEAKER: The gentleman from Dover-Foxcroft requests permission to refrain from voting because of personal conflict under the rules. Is this the please of the House?

It is a vote.

The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that 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," House Paper 1419, L. D. 1837, be indefinitely postponed. The yeas and nays have been ordered. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Barnes, Bernier, Berry, P. P.; Binnette, Bourgoin, Brawn, Brown, Bustin, Call, Carter, Clark, Clemente, Cottrell, Curtis, A. P.; Cyr, Dow, Doyle, Drigotas, Dyar, Farrington, Faucher, Fecteau, Gauthier, Goodwin, Hall, Haskell, Hayes, Kelley K. F.; Kelley, P. S.; Lebel, Lewis, Littlefield, Lucas, Lund, Mahany, Marsh, Martin, McCormick, McTeague, Mills, Morrell, Orestis, Parks, Porter, Scott, Slane, Smith E. H.; Starbird, Susi, Theriault, Tyndale, Wheeler.

NAY — Ault, Bailey, Baker, Bartlett, Berry, G. W.; Berube, Birt, Bither, Boudreau, Bragdon, Bunker, Carey, Churchill, Collins, Conley, Cote, Crosby, Cummings, Curtis, T. S., Jr.; Dam, Donaghy, Emery, D. F.; Evans, Finemore, Fraser, Gill, Good, Hancock, Hardy, Hawken, Henley, Herrick, Hewes, Hodgdon, Immonen, Jalbert, Jutras, Kelleher, Kelley, R. P.; Keyte, Kilroy, Lawry, Lee, Lincoln, Lizotte, Lynch, MacLeod, Maddox, Manchester, Marstaller, McKinnon, McNally, Millett, Mosher, Murray, Norris, O'Brien, Pratt, Rand, Rollins, Ross, Santoro, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Tanguay, Trask, Webber, White, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Bedard, Carrier, Cooney, Curran, Dudley, Emery, E. M.; Gagnon, Genest, Hanson, Lessard, Lewin, McCloskey, Page, Payson, Pontbriand, Rocheleau, Smith, D. M.; Stillings, Vincent, Whitson, Wight.

Yes, 53; No, 76; Absent, 21.

The S P E A K E R : Fifty-three having voted in the affirmative and seventy-six having voted in the negative, with twenty-one being absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by

House Amendment "A" and sent to the Senate.

From the Senate: The following Joint Resolution:

WHEREAS, the One Hundred and Fiftieth Anniversary of the State of Maine, commemorated during the past year, has passed into history; and

WHEREAS, the unqualified success of the year-long observance is a high tribute to the imagination, resourcefulness and dedication of the Maine State Sesquicentennial Commission which coordinated the efforts of the many different organizations and persons which worked so harmoniously with such complete success; and

WHEREAS, the spirit of the sesquicentennial celebration will live and grow through the many activities which it sponsored to inspire and benefit the people of Maine; now, therefore, be it

RESOLVED, that the Senate and the House of Representatives of the One Hundred and Fifth Legislature of the State of Maine extend their appreciation to the members of the Maine State Sesquicentennial Commission for their dedicated services in recalling the momentous events of Statehood and the history of the State which have already meant so much to the people of Maine and which will continue to inspire them with a deeper understanding and devotion to the State of Maine and its ideals; and be it further

RESOLVED, that an engrossed copy of this Resolution, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the chairman and to each member of the commission. (S-673).

Came from the Senate read and adopted.

In the House, the Joint Resolution was read and adopted in concurrence.

Tabled and Assigned

From the Senate: The following Order:

WHEREAS, in order to provide an orderly method for the Legislature to exercise its constitutional authority under Article IV, Part Third, Section 1 of the Constitution of Maine, to convene upon the call

of the President of the Senate and the Speaker of the House, with the consent of a majority of the members of the Legislature of each political party, all members of the Legislature having first been polled; now, therefore, be it

ORDERED, the House concurring, that the joint rules of the Senate and the House of Representatives be and hereby are amended by inserting after Rule 26 the following rule:

27. Special Sessions. The President of the Senate and the Speaker of the House, during a recess of the Legislature, if they deem it necessary that the Legislature be convened in special session pursuant to Article IV, Part Third, Section 1 of the Constitution of Maine, shall first poll all members of the Legislature in order to determine whether their call should be issued.

In such event, they shall notify all members of the respective branches, in writing or by the most efficient means necessary, that in their judgment it is necessary for the Legislature to convene, stating the necessity for such convention and direct the members of the respective branches to assemble at the State House in Augusta at an hour and on a date to be specified by them in said notice. The notice shall bear the signature of the President of the Senate and Speaker of the House.

When the members of the respective branches are so assembled pursuant to said notice they shall first take up the question of the necessity of convening in special session and shall vote upon the question of whether to give their consent to the issuance of a call by the President of the Senate and Speaker of the House for the convention of the Legislature in special session.

1. If any member of the respective branches of the Legislature shall not appear pursuant to the notice of the President of the Senate and the Speaker of the

House for reasons of physical inability to attend or otherwise, the President of the Senate and the Speaker of the House shall direct the Secretary of the Senate or the Clerk of the House as appropriate to poll the member by the most efficient means possible or shall accept the member's proxy on the question.

2. If the member cannot be polled or does not respond, he shall be deemed not to have consented to the convening of the Legislature.

If a majority of the members of the Legislature of each political party consent to convene and it appears that all members of the Legislature have been polled on the question, the President of the Senate and the Speaker of the House shall issue their call for the convening of the Legislature in special session, directing the Secretary of the Senate and the Clerk of the House to give notice of the call to members of the respective branches by the most efficient means necessary. The call shall bear the signature of the President of the Senate and the Speaker of the House and state the date and time of such convening.

When the Legislature is assembled pursuant to the call of the President of the Senate and the Speaker of the House, the Legislature shall complete its organization as a special session and proceed to the consideration of matters properly before it. (S. 674)

Came from the Senate read and passed.

In the House, the Order was read.

Pursuant to the rules, tabled for one day pending passage in concurrence.

(Off Record Remarks)

On motion of Mr. McNally of Ellsworth,

Adjourned until nine o'clock tomorrow morning.