

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

Index

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

HOUSE

Friday, March 3, 1972

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

Prayer by the Rev. Canon Roger S. Smith of Augusta.

The journal of yesterday was read and approved.

Order Out of Order

Mr. Carter of Winslow presented the following Order and moved its passage:

ORDERED, that Lee Michael Carter of Winslow 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 Joint Resolution:

WHEREAS, there lies on the west branch of the Mattawamkeag River, beneath May Mountain and centered in falls, a small island surrounded by an active community appropriately called Island Falls; and

WHEREAS, the citizens of this proud northern community are enthusiastically celebrating this, their hundredth anniversary of incorporation of the Town of Island Falls; and

WHEREAS, a centennial committee with the cooperation of all the citizens of the town and its neighbors have arranged many appropriate activities commencing in February and climaxing the first four days in July; and

WHEREAS, the citizens of the State of Maine firmly join hands with the inhabitants of Island Falls for the purposes of the celebration to commemorate not only a rich past but a bright and challenging future; now, therefore, be it

RESOLVED, that We, the Members of the Senate and House of Representatives of the One Hundred and Fifth Legislature of the State of Maine now assembled in Special Session, do hereby take this opportunity to extend congratulations and best wishes to the citizens of Island Falls as they observe their hundredth year of incorporation; and be it further

RESOLVED, as a token of our future support and encouragement that the Secretary of State be directed to transmit forthwith to the people of Island Falls through its Town Manager, Roland V. Webb, an engrossed copy of this resolution duly authenticated by the Secretary of State and bearing the Great Seal of the State of Maine to commemorate this memorable occasion. (S. P. 780)

Came from the Senate read and adopted.

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

Divided Report Tabled Later in Day

Report "A" of the Committee on State Government on Bill "An Act Implementing the Reorganization of the Department of Natural Resources" (S. P. 727) (L. D. 2005) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. CLIFFORD

of Androscoggin

JOHNSON of Somerset

- of the Senate.

Messrs. COONEY of Webster

BUSTIN of Augusta

Mrs. GOODWIN of Bath

Mr. FARRINGTON

of Old Orchard Beach

- of the House.

Report "B" of same Committee on same Bill reporting same in a new draft (S. P. 778) (L. D. 2057) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. CURTIS of Orono

SHAW of Chelsea

STILLINGS of Berwick

MARSTALLER

of Freeport

- of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington

- of the Senate.

Messrs. SILVERMAN of Calais

HODGDON of Kittery

DONAGHY of Lubec

- of the House.

Came from the Senate with Report "C" accepted.

In the House: Reports were read.

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

Mr. DONAGHY: Mr. Speaker, I would move the concurrence with the Senate on Report "C".

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Like the oriental water torture, a single drop is hardly felt. But day after day a person eventually is driven insane. We have swallowed these so-called reorganization bills one by one, like drops of water. Few have even been debated or explained to this body. So far I doubt if they have been of any real consequence. In fact I think most of them have been pretty innocuous. Nevertheless, if they please the press and the Governor, I think that is dandy.

I for one hate to fool people. In the long run, in my opinion, they will not lead to greater efficiency, nor will they save money. As a matter of fact, the extra tear cannot but help to increase the costs. However, we are now coming to the drops that begin to cause real damage. We cannot knuckle under to the press on the really important items and if the voters realized all the facts they would not want us to.

I do not only refer to this bill, but I refer to Business Regulation which would combine Banks and Banking and Insurance. I refer to Human Services, which would combine the Department of Health and Welfare with the Department of Mental Health and Corrections. And probably there are others that we haven't even seen yet. In my opinion we would be derelict in our duty to just go along for change sake, parading under the guise of efficiency. And I concur with Report "C".

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

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

Whereupon, Mr. Silverman of Calais requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin that this matter be tabled until later in today's session pending the motion of the gentleman from Lubec, Mr. Donaghy that the House accept Report "C" in concurrence. All in favor of the motion to table will vote yes; those opposed will vote no.

A vote of the House was taken.

89 having voted in the affirmative and 17 having voted in the negative, the motion did prevail.

Non-Concurrent Matter

Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws" (H. P. 1468) (L. D. 1911) which was passed to be engrossed as amended by Committee Amendment "A" and House Amendments "A", "B", "C", "D", and "F" in the House on February 29.

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

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

Non-Concurrent Matter

Bill "An Act Implementing the Reorganization of the Department of Finance and Administration" (H. P. 1546) (L. D. 2002) which was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and House Amendment "C" in the House on March 2.

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

In the House:

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

Mr. VINCENT: Mr. Speaker, I move that we insist on our former action.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

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

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

A vote of the House was taken.

65 having voted in the affirmative and 37 having voted in the negative, the motion did prevail.

Orders

On motion of Mr. Cooney of Webster, the House reconsidered its action of yesterday whereby Bill "An Act Implementing the Reorganization of the Department of Environmental Protection." Senate Paper 772, L. D. 2051, was passed to be engrossed as amended by Senate Amendment "A".

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

House Amendment "A" (H-594) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to explain something that we have done in one of these reorganization bills to give you the opportunity to make the decision which the committee made, and I think there were some misgivings on the part of many members of the committee when we made the decision. And that concerns on page three of L. D. 2051, in Section 361, that has to do with the membership of the Board of Environmental Protection or the Environmental Improvement Commission as you know it presently.

Now we were under pressure last week to get these bills out. Certain lobbying groups were asking that we change the membership on the Environmental Improvement Commission to specifically include their vested interest. Well the pressures of the lobbyists and the pressures on us to get these bills out forced us to make a change increasing the membership of the manufacturing interests by one

member, making the board rather than ten members eleven members, with three specifically representing manufacturing rather than two.

Now I know someone is going to get up and say that it is a little inconsistent for me who asked you two days ago to change the Board of Education, to now stand before you and ask you keep the Environmental Improvement Board, but I will sacrifice my inconsistency if you will just be consistent.

So this is what we have done. I think it is an important thing to consider and I did want to offer this amendment to the House today, so that you rather than just the committee would have the opportunity to decide what you want the makeup of the Environmental Improvement Commission to be.

My own personal opinion, although I did go along with the majority of the committee, is that we probably have a board here which is new, which has worked fairly well so far, and I don't see any reason why we want to tamper with the makeup of it. So I would move the adoption of this amendment.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I think that you deserve a little bit more explanation on this. It wasn't entirely the lobbyists as such, but it was brought out that as far as mining is concerned, and we do have such things as limestone, which is considered mining; as a matter of fact there are several things that are becoming big industries that are considered as mining.

We closed out as part of the reorganization the Mining Board, and it seemed only fair to some of us that this Mining Board should be represented, plus the fact that if you have ten men you could have a standoff and if you had eleven men it is easier to come to a decision. So these are a couple of other factors that were in here. It wasn't simply that we had

yielded to pressures of the lobbyists.

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

Mr. CURTIS: Mr. Speaker, I would like to speak in behalf of accepting the amendment. My reason is that I too felt that as we abolished the mining commission, we ought to have something else to replace it, but on examination of the makeup of the Mining Commission, it seemed to be a relatively similar makeup to that of the EIC. That is there were public members as well as members from the industry. And it seems to me that the logical solution was for whoever is Governor to appoint people under the category of manufacturing who included both people from what we ordinarily think of manufacturing industries and also perhaps those from the mining interests. So I would like to support the motion.

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

Mr. LUND: Mr. Speaker, as I understand the issue, it is a question of whether we want to change the present makeup in the Environmental Improvement Commission from ten to eleven. It seems to me that the commission has done a pretty good job on the whole, thus far, and I would hope we could leave the number unchanged so I would, you would, support the pending amendment.

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

Mr. JALBERT: Mr. Speaker, I recall when the Research Committee studied this and worked on the makeup of the recommendation for the makeup of the numbers of the Environmental Improvement Commission. I mean, an odd number seemed to be more preferred than an even number.

I am not taking issue with the amendment as presented by the individual, I just would like to have somebody answer the question for me. Let's assume that the Environmental Commission which is made up of ten people, let's assume that a major problem arises before them and they are deadlocked at

five and five, who breaks that deadlock? If there is no way to break the deadlock, what happens? I mean if it is five and five and it can certainly happen on more than one occasion, who breaks the tie?

I would like to have somebody answer me that question before I vote on this amendment.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen: I cannot answer it with any great authority except I assume that it is the same as if we have a tie in this body here, that the pending motion or the pending action fails passage.

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

Mr. JALBERT: Mr. Speaker, we can have a tie on a bill here, but we have a presiding officer that can break the tie, number one, if he hasn't voted. Number Two, I mean our makeup of the Legislature is not even numbered. The makeup of the Legislature is 151. So, if 151 are present, it is impossible to have a tie for permanency.

The makeup of the Environmental Improvement Commission is ten members. If there are ten members on the Board and they have an important issue that comes before them, and a tie persists in being made up of ten people, the Commissioner, in this particular instance, cannot vote. The commission is made up of ten people including the Chairman.

Now, on that basis, I still ask the question, who breaks the tie?

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

Mr. McTEAGUE: Mr. Speaker, in an attempt to answer the gentleman from Lewiston, Mr. Jalbert, I believe the law on the EIC is the same as on our Supreme Judicial Court which has six members, also an even number.

And the rule there and the rule that I believe prevails with the EIC, is when there is a three-three or in the case of EIC, a five-five vote, the question pending before the commission, let's say an appli-

cation for a license for a discharge, is not granted.

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

Mr. DONAGHY: Mr. Speaker, Members of the House: I think the answer to the question is under the bill.

The Chairman, who is an ex-officio member of the board, does have the tie breaking authority. I just want to point out to you that these are the typical problems the State Government Committee has been faced with many, many times. This is the end of the session and we are throwing one back to you.

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

Mr. COONEY: I did just check with the attorney for the committee. He verified the fact that in the case of a tie, the Chairman of the Environmental Improvement Commission would break the tie. He is now an ex-officio eleventh member and he would break the tie, if there is a tie. I hope that answers the question, I did get it from a good authority.

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

Mr. LEE: Mr. Speaker, Ladies and Gentlemen of the House: I don't know all the answers to these things and I am not that familiar with the reorganization. But speaking for the construction industry, I expect I should make my views known. I think the construction industry probably would be in favor of having this extra member; therefore, I would have to be against the amendment.

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

Mr. HANCOCK: Mr. Speaker, may I pose a question through the Chair to the gentleman from Webster, Mr. Cooney. Mr. Cooney said that he had just checked with the attorney for the committee. Could I inquire who the attorney is?

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

The Chair recognizes that gentleman.

Mr. COONEY: The gentleman's name is Michael Healy.

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

Mr. JALBERT: Mr. Speaker, I would like to ask a further question, if I may. Does the law say the ex-officio member has a vote or does not have a vote. I mean, if the chairman of the Commission is an ex-officio member, or the commissioner is an ex-officio member, and the law doesn't say that he has a vote, then how can he break a tie? How can he even vote?

Even if he has a vote, we actually have an 11-member board. If he does not have a vote under the law, how can, where does it say in the bill that he does have one and that he does have the right to break a tie?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a further question through the Chair to anyone who may answer if they choose.

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

Mr. DONAGHY: Mr. Speaker, the law reads, speaking of the Commissioner of Environmental Protection, "He shall be ex-officio a member of the Board of Environmental Protection and its Chairman." And it continues, "He shall have the right to vote only in the case of a tie vote." I am not the attorney but I think this is official.

The SPEAKER: The pending question is the adoption of House Amendment "A". All in favor of the adoption of House Amendment "A" will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

On motion of Mr. Hodgdon of Kittery, the House reconsidered its action of yesterday whereby it vot-

ed to recede and concur on Bill "An Act Reallocating Funds for Professional Contractual Employees for the Joint Standing Committees of the Legislature and a Pay Raise for Members of the Legislature," House Paper 1450, L. D. 1893.

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

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

Senate Amendment "A" to Committee Amendment "A" (S-378) was read by the Clerk and adopted in concurrence.

Senate Amendment "B" to Committee Amendment "A" (S-380) was read by the Clerk and adopted in concurrence.

Mr. Hodgdon of Kittery then offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-624) was read by the Clerk.

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

Mr. HODGDON: Mr. Speaker and Ladies and Gentlemen of the House: As you all know, at the present time the Executive Council receives the same pay as that of the legislature. If the present pay bill should pass, unless this amendment is adopted, they would not receive the pay. It is as simple as that. This just amends to make the compensation of the Executive Council consistent with that of the legislature.

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

Mr. DAM: Mr. Speaker and Members of the House: The gentleman that just spoke, I believe I understood him to say that this would make it consistent with the legislature. I do not think it does. I think it gives them a little more edge than it gives us because for them, they would receive \$20 for each session, and actual expenses. We do not receive actual expenses. We are limited.

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Hodg-

don, that House Amendment "B" to Committee Amendment "A" be adopted. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 26 in the negative, the motion did prevail.

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

Mr. SUSI: May I make a parliamentary inquiry?

The SPEAKER: The gentleman may pose his inquiry.

Mr. SUSI: I would like to know whether the actions that we just took accomplished anything beyond the adoption of House Amendment "B"?

The SPEAKER: That is the only action that we have taken. We have adopted all of the Senate amendments and now we have adopted House Amendment "B" to Committee Amendment "A" thereto.

Thereupon, Committee Amendment "A" as amended by House Amendments "A" and "B" and Senate Amendments "A" and "B" thereto was adopted in non-concurrence.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

On motion of Mr. Bunker of Gouldsboro, it was

ORDERED, that Cindy and Heath Norris of Brewer be appointed to serve as Honorary Pages for today.

On motion of Mr. Trask of Milo, it was

ORDERED, that Mr. Page of Fryeburg be excused from attendance during this Special Session for the remainder of his illness and that Mr. McNally of Ellsworth be excused because of business.

Mr. Millett of Dixmont presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the moratorium placed on the construction of new regional technical vocational cen-

ters by the passage of House Paper 1447 on June 24, 1971 is hereby lifted for the purpose of authorizing the necessary planning needed to establish new proposed regions for vocational education as outlined in the report on vocational education presented to the 105th Legislature in special session dated January 14, 1972 and that it is the intent of this Order that the moratorium on the construction of new facilities for vocational education at regional centers remain in effect; and be it further

ORDERED, that the Commissioner of Education, with the full cooperation of local governing school bodies and in widespread consultation with teachers and lay citizens, enter into a planning program to provide vocational education opportunities for all high school students in the State of Maine; and be it further

ORDERED, that the planning shall make maximum use of existing facilities, extend vocational programs to areas of the State not now covered, develop career oriented training where the students are and minimize the requirement of pupil transportation; and be it further

ORDERED, that only federal funds may be expended for purposes of this Order; and be it further

ORDERED, that the commissioner is directed to summarize results of his findings and submit a full and complete report to the 106th Legislature in January of 1973 to include proposed legislation, program recommendations and appropriations needed; and be it further

ORDERED, upon passage in concurrence, that a copy of this Order be transmitted forthwith to said Commissioner of Education as notice of this legislative directive. (H. P. 1604)

The Joint Order was read.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. MILLETT: Mr. Speaker, Ladies and Gentlemen of the House: I realize this order has just come upon your desks, and for that reason I am in no real hurry to see it passed today. I would, however, like to attempt to explain

what it does do, and if there are questions and anyone wants to table it, I would not feel opposed to that action at all.

Maybe you will remember that for the last two regular sessions we have established a moratorium, through the joint order route, upon future regional technical vocational centers. Now these are the secondary level centers, not the VTI's. At the last regular session we did the same thing and we brought three centers in under the moratorium which are not actually operative.

This order proposes to lift the moratorium only for the purposes of authorizing planning to orderly develop the rest of the state not presently covered by these regional centers. In other words, it would only authorize some planning, with no state funds, to develop plans to present to the next session to propose regions not currently covered by these regional centers.

It also incorporates some new ideas, one of which is a sharing of facilities currently in operation and a decision to stray away from the idea of building new facilities in each region. I think there are many worthwhile proposals included in the tentative study, which has already been done and has been presented to you here at this special session.

I want to emphasize, however, that there is no commitment whatsoever in this order. You will note in the fourth paragraph that only federal funds may be utilized. We have been told that there is a limited amount of federal money available to do some planning and to come to the 106th Legislature with some comprehensive plans.

I am not trying to force this upon you at this point in time, merely to explain it, and if there is any lack of understanding there is no reason why this could not be tabled until later next week.

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

Third Reader Tabled and Assigned

Bill "An Act to Revise the Site Location of Development Law" (S. P. 767) (L. D. 2045)

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

Mr. Marstaller of Freeport offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-620) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentleman of the House: The present site location law is being applied to real estate developers who develop more than 20 acres of land. It is not being applied to people who develop less than 20 acres of land. They are free to develop 19 or less acres without going to the E.I.C.

The purpose of this bill, as reported out by the committee, is not to change this application of the law, but just to make it clear that real estate subdivisions are covered. Section 3 of the bill, on page 2, in its present form, does not make this clear.

If we adopt the present Section 3 of the bill, a man owning a farm could not sell or give to his children more than two small lots without having to go to the E.I.C. for approval. This is not what the present site location law is intended to do.

The purpose of this amendment is to change Section 3 and define a real estate subdivision, which is covered by the site location law, by saying that it must be at least 20 acres of land, which is being offered for sale to the public, during a five-year period of time.

What it means, is that the farmer or the landowner, who wants to sell some lots, won't have to go to the E.I.C., unless he wants to sell more than 20 acres worth of lots. He can still sell all the lots his town will allow him to, as long as these lots don't aggregate more than 20 acres, which is where the site location law starts. It means that a person selling woodlots of more than 10 acres doesn't have to go to the E.I.C. It means that a person selling less than five lots, even if they take up more than 20 acres, doesn't have to go to the E.I.C. But what it does mean, is that the commer-

cial real estate developer, who is subdividing a piece of land, and is selling more than 20 acres to the general public, is covered by the site location law, and has to go to the E.I.C. for approval.

I have checked out this amendment with the environmentalists, and the landowners, and the home builders, and they are all in agreement with it. We have also checked this with several members of the Natural Resources Committee. I represent an area, as many of you do, where there are farmers or small landowners who desperately need to sell some of their land in order to preserve the rest for themselves and their families. Speaking for them, I offer this amendment and hope you adopt it.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen: I would like to ask a question in regard to this. He said that a divider cannot have only so many lots, fine. What is going to stop me, under this amendment, if I have a 20-acre lot, to say to my seatmate here, Mr. Faucher, "I will sell you 10 acres of this." I divide mine, Mr. Faucher takes his, he gives 5 acres to one man, he takes the five that he has left, he is a different individual altogether, he subdivides his, the next man takes his and he divides his. I think there is a big loophole in this amendment. If I am wrong I would like to have his opinion.

The SPEAKER: The gentleman from Oakland, Mr. Brawn, poses a question through the Chair to anyone who may answer if they choose.

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

Mrs. BROWN: Mr. Speaker, I will try to answer this. I believe that you are talking under 20 acres. These types of subdivisions would come under any planning regulations that you have in your community.

You also have under the state law subdivisions of 20,000 square feet, that would have to come under state law. You are protected on your community planning laws under this if there are certain subdivisions.

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

Mr. LUND: Mr. Speaker and Members of the House: It would appear to me, in looking at this amendment, that a person could sell 19 lots of one acre apiece and not be within the control of the statute, since the lots would not make up an aggregate of more than 20 acres. Perhaps I misinterpret this, but as I read it it would seem to allow a person to sell 19 one-acre lots to the public without being within the coverage of the law. And if this is the interpretation, it seems to me it would be a bad amendment.

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

Mr. BRAWN: Mr. Speaker and Members of the House: Mr. Lund has just explained what I was trying to get at. And another thing I would like to say, for the benefit of Mrs. Brown, many towns have no ordinances whatever, so the only thing in the world that you can enforce is this 20,000 square feet. In other words, this hundred on the frontage which this says you must have, 200 back. Other than that you could give them more but not less.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I had negotiated or consulted, or I am not sure what, with members of the conservation group, and they accepted the amendment as being an accurate one and a needed one. But at this point I think the best thing might be to table it for one day until we find out what the amendment does or doesn't do. And so I would suggest that someone move that it be tabled.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: I am not going to table it, but when I get through if somebody would like to, fine.

What we are talking about, we are talking about two definitions of subdivision. And in this particu-

lar definition you are talking about the site location law which deals with the E.I.C. controls on large lots. The subdivision regulation that would apply to Mr. Lund, under 20 acres, was taken care of in, I think it is Chapter 545, last time, which then defined that subdivisions of less than 20 acres in the three parcels or more would then be controlled by local ordinances and backed by the statutes that we have put in under that bill.

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

Mr. HANCOCK: Mr. Speaker and Members of the House: I am confused this morning. I don't know if I am for this amendment or not. But the question that I have in my mind, and perhaps someone can answer it, I think I know the answer, but it seems to me, I am quite sure that there is now a case pending in court defining this word "commercial" in the original act. And if this has not been settled and as far as I know it has not been settled, I am just asking the question, are we presuming on a court's privilege here?

The amendment itself and what Mr. Marsteller is trying to do I agree with wholeheartedly. I just question the advisability of us fooling with this until the courts have come to some decision.

Thereupon, on motion of Mr. Smith of Dover-Foxcroft, tabled pending the adoption of House Amendment "A" and specially assigned for Monday, March 6.

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, March 6, at one o'clock in the afternoon. (S. P. 785)

Came from the Senate read and passed.

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

Orders of the Day

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

Bill "An Act Implementing the Reorganization of the Department of Natural Resources," (S. P. 727) (L. D. 2005)

Pending — Motion of Mr. Donaghy of Lubec to accept Report "C" "Ought not to pass" in concurrence.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: I think that with all the discussion and newspaper publicity that has surrounded this particular reorganization measure, that there really isn't an awful lot of point in debating this issue this morning. I am going to say a couple of things and I am going to ask at the end of my remarks if someone would consider tabling this measure for one legislative day.

What we are talking about in this reorganization bill is a savings of \$400,000 per year. This is four percent of the total departmental budget. In fact, this may be a conservative estimate, because the State of Delaware recently formed a similar department of Natural Resources and the savings that they experienced was six percent in the first year.

One of the issues that has been mentioned is the matter of the dedicated revenues which may be threatened by this bill. I personally would not support the bill if I felt that the dedicated revenues for the Fish and Game Department or any other bureau were, in fact, threatened. I think that the Fish and Game Department is well administered, and there is no reason why their dedicated revenue should be tampered with.

Ladies and gentlemen of the House, even freshmen members of this body learn that you have to make political compromises. So I think that we ought to recognize the political realities here this morning. The other body has adopted Report "C". I think that we can now, if people want to be reasonable, arrive at a measure which will proceed with reorganization and still keep many people happy.

So I would ask if someone would move to table this matter for one legislative day, so that I may prepare an amendment to take the Fish and Game Department out of this bill, and we can then proceed

with the reorganization to save the taxpayers of this state a minimum of \$400,000 a year.

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

Mr. PORTER: Mr. Speaker, Ladies and Gentlemen: The Minority Floor Leader and I had a conference on this thing before the session this morning. He wanted it tabled; naturally I didn't want to. But we did compromise and allowed him to table it until later in today's session, with the understanding that it would be decided today. I am willing to sit here and listen to the arguments, if you wish, but I am anxious to get this thing settled today and I will be opposed to any tabling.

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

Mr. NORRIS: Mr. Speaker and Members of the House: I have the amendment prepared in case anything other than Report "C" is accepted. So I now move that the House accept Report "C".

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that the House accept Report "C".

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

Mr. CURTIS: Mr. Speaker and Members of the House: I think it is important that the members of this House understand that the savings projected of \$400,000 could entirely or largely be achieved without creating the new Department of Natural Resources.

At the very lengthy hearing that was held at the Armory on this proposal, Commissioner Stuart appeared twice. The first time he appeared he explained, among other things, some of the savings that could be achieved. At the end of the session, after it became evident that there would be a great deal of opposition to the creation of the new department, after it also became evident that many people had spent much work and a good deal of time to develop the proposal to work out some of the difficulties to try to figure out what programs could be analyzed and coordinated to save

some money, I asked Commissioner Stuart if it would be necessary to create the new department in order to achieve a savings. His answer was "No, not entirely," and that most of these savings could be achieved either by executive order of the Governor or by simple cooperation among the department heads.

It is for that reason that I worked hard to try to come up with a proposal, a separate report which appears on your calendar as Report "B", which would achieve those same savings without running into all of the political difficulties of creating a super department.

I am not going to offer Report "B" as an alternative at this time, but in the event that Report "C" is accepted by this House, I think we can still achieve most, perhaps all, of the savings involved by cooperation among those departments, and I would be prepared to offer in another session an order to achieve that.

Just as one example, ladies and gentlemen, we would like to point out that, as I understand it, the Department of Fish and Game had been purchasing gasoline on the open market at costs of up to 50 cents a gallon in some parts of the state. The day after the hearing at the Armory, either somebody realized what could be achieved and the savings that other departments were having, or they realized the importance and the interest of this Legislature in achieving savings, and as I understand it, the Department of Fish and Game is now purchasing its gasoline from the supply dumps provided by the Highway Commission at a price of about 21 cents a gallon.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

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

The SPEAKER: The gentlewoman from Bath, Mrs. Goodwin, moves that this matter be tabled for one legislative day, pending the motion of Mr. Donaghy of Lubec to accept Report "C".

Mr. Porter of Lincoln requested a vote on the tabling motion.

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

A vote of the House was taken.

47 having voted in the affirmative and 80 having voted in the negative, the motion did not prevail.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I would like to urge this House to accept Report "C". I think the other body in this case used good judgment. I also think we could use this probably for a talking piece for a couple of days, but I think we should be running out of talk at this time, and I am sure we would expedite matters. I hope you in your good judgment will accept Report "C".

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: We seem to be hearing an awful lot lately about the fact that this Legislature is knuckling under to the press. But if we are knuckling under to anybody during this session it has been the private interests.

I think that the State Government Committee has compromised and been compromised more in this session than a kept woman, and I am getting a little bit tired of it. We have done everything in this bill to try to please the people in Fish and Game. We have protected dedicated revenue. We have brought their wardens back from Public Safety and put them back in the Natural Resources. We have made sure that the Director will come up through the ranks and be a career man. We have put snowmobiles back into the department.

We originally planned to hold the hearing in 105, but we were assured by the gentleman from Lincoln that the sportsmen would be coming out of the walls and we would have to go to the Armory, and finally our chairman gave in.

I remember just a year ago I pleaded and pleaded and pleaded for the Armory so that senior citizens could sit down during the property tax relief hearing, but no one would listen to me. I read in the paper this morning that sportsmen had come by plane and cars and buses and even on snowshoes to this hearing. Well they must have gotten lost because they didn't end up at the Armory. There were no more than 250 people at that hearing.

I haven't received one letter or one phone call opposing this department. I would say that within the next 5 years this department is going to be coming to us for money from the General Fund, and unless they are a part of the Department of Natural Resources, I for one will think long and hard before I give them one cent.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Lincoln, Mr. Porter and I have been debating, I guess, and discussing and trying to work out something on this particular issue for many a month, because I think all of us are fully aware of the tremendous amount of I suppose interest that the various groups that represent sportsmen around the state have on this type of legislation.

The unfortunate part, I suspect, is that at this time and in this legislative session not being in a position to arrive at a compromise to work out something that might be workable in the long run.

I would like to relate a couple of things to you, not really to try to change one vote, because I suspect that is not really possible because I think all of us have already made up our minds as to how we are going to vote. There is no sense really getting emotional about it because I think we all know right now what the final vote is probably going to be.

A couple of thoughts come to mind which I think you might be interested in. One of the real problems, in my own mind, is that those people who have been involved in the sportsman leadership

around the state have really failed to give an adequate picture of what this legislation would do or would not do.

I met with an individual who represented the sportsman's club in the Bangor area who told me that federal funds would be lost. Of course he had forgotten to mention the fact that dedicated revenue was now going to stay in the department. He implied that he had received a letter from Congressman Hathaway saying that federal funds were going to be lost, and so I called Congressman Hathaway's office and got a copy of his letter and found that it didn't say that but really said the opposite of what he had told me.

That type of information was passed on to all the sportsmen around the state and so they had that as evidence to express their opposition to the Natural Resources Department. This is one example of what transpired. That bothered me because I felt that sportsmen were not getting the necessary words of truth that they ought to be receiving.

Two days after the hearing on this bill I went to St. Francis to address the Allagash-St. John Sportsman's Club. As you might suspect, I come from an area that has a great many sportsmen's clubs around my own district. As a matter of fact, there are four in my legislative district. But in all the years that I have been here I have made an attempt to try to keep them abreast of what was going on here, to try to get their views and to try to find out whether or not they were in favor of one issue or another. And so I went there with a desire of finding out the reasons for their opposition, the reasons why certain people in Augusta were promoting the development of the Natural Resources Department.

One main issue that they had was that sportsmen do not have a voice in the Department of Fish and Game to their satisfaction today, and they felt that the possible consolidation of Fish and Game into a new department might literally give them no voice at all.

After roughly three hours of discussion, one member who was

presentation suggested a sort of possible solution to the problem. He said, "Well, I guess we really haven't been happy with the Department of Fish and Game over the years. I suspect that whatever you do, it probably won't matter that much since we haven't had a voice anyway."

However, he says I do have one suggestion. How about the possibility of having sportsmen having something to say about the policy within the department? Needless to say, I was somewhat surprised because, as you know, there is an advisory committee presently within the department. But the sportsmen are not necessarily happy with the way it operates. He suggested the possibility to me of establishing a group of sportsmen elected by the sportsmen to act on policy within the department. In speaking to someone this morning, I suggested that it would be very much like the school board we adopted yesterday, with the Department of Education and Cultural Affairs.

I don't think I could get that many votes for this type of amendment even if I would present it. But I do think it is interesting to see the sportsmen make this type of a suggestion to me and telling me this. I will agree, and they told me, they were very frank about it, that they would agree to supporting reorganization provided that this type of a structure were put into the Bureau of the Fish and Game reorganization under a Department of Natural Resources.

I suspect that some of us have really never thought about this. At least I never had until that time. I think it is an interesting approach and one that maybe can do the job, if we agree that sportsmen really don't have a voice.

On the other hand, of course, I think it is important to remember that the Fish and Game Department is not only the voice of the sportsmen, but is also the voice of the rest of the people of Maine to protect natural resources. And in that sense, the Fish and Game Department ought to be responsible to the entire state and not just to the sportsmen.

It is unfortunate, I suspect, that at this time and place today, that the Department of Natural Resources, for all practical purposes, is dead. I don't necessarily agree with the remarks made by the gentleman from Bath, Mr. Ross, saying that we have been led down a path of evil and all these bills that are now coming are leading us further into the devil's path and perhaps even into damnation, as he would wish governmental reorganization to imply. Now, of course, I am sure that one of the reasons that he is arguing this way is because I understand the banks are a little bit unhappy. But you know, every now and then I like to be on the other side of the banks; I owe them money, I guess, that's maybe one reason for it.

Now, as far as I am personally concerned this morning, I am going to vote against the pending motion, knowing full well that my vote will not mean the difference as to what finally happens here today. But I think and I hope and I pray that a job in the future is going to have to be done with the Department of Natural Resources, if we have any hopes at all of trying to save some money.

I don't know how many of you have ever bothered to or ever had the time to really look at the number of people that do things within each department. I would just like to throw one of them out to you because it does illustrate one point, and that is finances. As you well know, everyone has to have a check at the end of the week from the state that they are working for and I suspect that they wouldn't work very long if they didn't get that check. Each department operates on the basis of having its own people do the payroll and handle the books. And I would just like to mention to you the number of people that do this for the various departments.

There are twelve people that handle finances in Fish and Game, there are six in Forestry, there are four in Parks and Recreation and there are four in Sea and Shore. Now you can add all of those together and you have got a lot of people. That is one area where I think money can be saved.

I do think that the remarks made by the gentleman from Orono, Mr. Curtis, are accurate, that if we take a stand we can still save some money on our own without perhaps consolidation taking place. It would be, of course, easier if it did take place.

The other interesting fact, that I would just like to mention briefly, is the question of the number of things that are around. Every now and then, we complain about all the state cars we see along the way. And just imagine, these four departments have a total of 1330 cars and trucks, 207 snowmobiles, 670 boats and canoes, 500 outboard motors and 23 planes.

I guess maybe there is no hope for cutting down any of these because obviously reorganization isn't going to take place. But I just think that the State of Maine is not that big that we can afford all of this. And I think what is going to happen and what scares me more than any other as being a part-time sportsman, I guess, is that eventually, next trip around, in order for the Department of Fish and Game to survive at its existing level, they are going to have to come in and ask for another license increase.

I don't know what the people in your area are saying, but the people in my area are saying licenses are high enough. I think the only way we have got to go, or can go next time, will be to take money from the General Fund and give it to the Department of Fish and Game. Because otherwise, I don't see how else the average Maine citizen, who doesn't make that much money, is going to be able to afford a Maine license. As you know, licenses have increased twice in the past three years. Since I have been here, I guess, in eight years, I think they may have gone through four license increases, at least three that I can recall, and maybe it is four. And I don't think the average Maine citizen is going to be willing to accept another one in the near future.

I frankly hope that we don't necessarily get involved in a great deal of words, even though perhaps I have said a lot at this point.

I only hope that at the next session, or at a special session, that something can be done in this field because I really feel that something ought to be done. Considering, of course, the feeling of the sportsmen at the same time, I do feel that we can respect their wishes and still do a job.

And so, the only thing I would ask at this point, Mr. Speaker, is that when the vote is taken it be taken by the yeas and nays.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: There have been several things that the gentleman from Eagle Lake has said and the good lady from Bath, and I must agree with them on some of these things.

But, I am not going to address myself in any way to the Fish and Game section. Natural Resources consisted of five parts. Sea and Shore Fisheries, Parks, Forestry and the Fish and Game. Now, the point is this, that Sea and Shore Fisheries has come under increasing pressures from outside the state. As a matter of fact, they are international pressures. Our parks are being pressed from outside the State of Maine and they are growing and you people in your good judgment last spring, passed a bill that put the Park Department into a more autonomous position than it had been in the past. It had been governed, not only by commissioners, but representatives of the Fish and Game Department, the Forestry Department and the Sea and Shore Fisheries. In other words, they had to go to other departments to find out how to run their own.

Now, we are talking about many people that are involved in these things. Taxpayers of ours, other pressure groups other than the Inland Fish and Game. For instance, most of you come from rural areas as I do. If you are on the coast, you don't only have the Sea and Shore Fisheries, the clams, the bloodworms, the shrimp, the groundfish, but you also have some small woodlot owners that are represented here. All forests in the State of Maine

are not owned by timber companies or large landowners.

It seems as though more time should be taken to tie this thing together in a package that will be more meaningful than the present bill, and that is the reason that I am asking you to vote against this bill. Not because snowsleds are having problems or the size of trout should be looked into. There are far more important things involved in this and as far as this Report "B", this is already in the records and on the books.

Governor Reed set up a council to take care of the very thing that Report "B" does. As a matter of fact, I understand, and I cannot speak for him, but I understand that our present Governor agreed to use this council. But to the best of my knowledge, it has never met. Now this is where your savings can be made and I have said this before, many of these things in these reorganization bills are actually decisions of the Executive and the responsibilities of the Executive.

Legislature should not have to get in there and tell them how to save money on gasoline or duplicating trips between the Forestry and the Parks for instance, going to the same lake with two different sea planes at the same time, and one passenger get out of each plane. These things can be handled by the Executive and should be.

The things that we should be concerned with here in the legislature are far more basic things as far as the policies of the departments and how they should be tied together. But these are pretty administrative things that add into thousands, perhaps millions of dollars over the years, are actually the babies of the Executive.

Now I hope that you will go along and kill this bill and perhaps between now and the next session we can come up with some different ideas here.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am in favor of accepting Report "C". Recently, it has been

mentioned on the House floor, the lack of contact the sportsmen have with the Fish and Game Department. In our last regular session, we set up a procedure whereby the Department goes out and meets with sportsmen all over the state to set our seasons and limits on small game, on trapping.

A few years ago, we set up the same procedure on fishing. In the last regular session, we set up a procedure whereby the regulations of outboard motors and inboard motors on lakes have been set up so that the people from this Department go to the people, meet with them in their own locality, and find out their wishes. So the Department and the people interested have recognized that the people at home want to be heard and procedures have been set up to help them.

I could talk for hours on this subject, I am not going to, but I do want to say that from my own personal knowledge the sportsmen in the State of Delaware are very sick of the bargain they got when they coordinated all these departments down there. You will find the same thing is true in Massachusetts and Maryland and most every state where they have set up a Natural Resources Problem Department. It has not worked out to the best interest of the sportsmen.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I intend to vote for Report "A" and I know that I am going to be on the losing side.

I think, however, that a great deal, and I am happy that the gentleman from Lubec, Mr. Donaghy, said in his remarks, and I can agree in great part with the remarks as made by the gentleman from Bath, Mrs. Goodwin, and the gentleman from Eagle Lake, Mr. Martin.

I happen to be one of those who apparently do not come into a great deal of contact with people who are fishermen or hunters, because I can honestly say that I haven't had a soul speak to me

about this piece of legislation, not one single soul, nor have I had a letter or a card.

Also, with due deference to the gentleman from Lincoln, Mr. Porter, it must be said that I expected that the Armory would be loaded like the Armory was loaded on the gun bill at the last session of the legislature. But apparently, this has not happened; but by the same token, what did happen was this. Because I am on the Research Committee and because I am also a frequent visitor in the State House, I know how much work has been done in all of these bills.

I think we have probably now struck an area where possibly not as much thinking might have been put on this one as could have been on some of the others that had clearer sailing. Possibly, also, the reason is because the program is so complex.

I am sure that we would all have to agree that somewhere along the line that these departments would indicate in some areas, some sort of duplication. Realizing that I am going to be on the losing side, realizing also that you can't have everything in this world, what I would like to do is to have the committee — and they have done a fantastic job on all of these measures, to study these 13 measures, to have the bills drafted and discuss them, to have their open public meetings, to have their executive sessions and finally come up with something in the way they have come up with so very few divided reports, would indicate that this entire committee has done a stupendous job in the work that they were assigned to do.

I think what I would like to see them do is continue this work, if this is not to become law. I would like to see them continue their work and go one step further than having meetings in Augusta. I would like to see them, for instance, have a meeting in Presque Isle, in Bangor — they meet in Augusta anyway, in Lewiston, in Portland, even in Biddeford, even in Freeport if they want to. In any event and certainly I would not want them to forget Washington County, but I thought

that they could work themselves into the Bangor meeting.

I found when I was chairman of a subcommittee that having regional meetings on a very very important problem made it possible for us to come up with something because we got different thinking of different people who could not come to hearings otherwise. Most of our hearings were held at night. I mean, I think that this thing here, very definitely, should not just be killed today. I don't think that is the intention of those who spawned the "ought not to pass" report.

I think this ought to be very definitely be referred — ask that the committee keep on their work and be referred with the possible idea of a compromise as one of the signers of the "ought not to pass" report in the other branch indicated in his remarks yesterday, which were in the press today, that possibly there could be an area of compromise. If this were done, I think we would be far better off.

I think we have had a splendid debate today. I have learned some things about the measure that I didn't know, but I think frankly that any long debate on it would be futile and I don't think we could change too many votes. I would hope that regardless of the outcome of the bill, which I think I know, that the committee would agree to keep on their study with the thought in mind, in a reasonable manner, with the thought in mind of a possible compromise comes to subsequent special session, which I hope does not happen, or the next regular session.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Members of the House: There have been several things said here today that I wish a more accurate account should be said. Number 1, being a member of the committee, not spoken too much on this subject, there has been the statement there is \$400,000 worth of savings by going into a Department of Natural Resources.

Now, I am a freshman here as a legislator and I do have a busi-

ness approach. I sat on that committee and in no way did I see any indications, did I see any papers presented to us of surveys, of studies and so forth, where there would be \$400,000 worth of savings. In other words, it is more or less an up in the air approach. And when you take this type of approach, it is very likely that \$400,000 worth of savings could turn around and be \$400,000 worth of extra expenditures.

So, when you talk savings, even though you can say there were savings in gasoline and possibly savings in some smaller duplications, very likely. But when we are here dealing with government and governmental reorganization, we also are considering the future of Maine government, its cost to the people of the State of Maine, and its produce or service that the people in the State of Maine are going to receive.

This comes into another point, that of all these reorganization bills, and I realize coming from Washington County, I did have a tremendous number of local people tell me they were against placing this department in a large department. So therefore, representing their thoughts, I took the stand of the "ought not to pass" report. But one thing I think you should understand too, that in the Department of Fish and Game, in this era where government has grown and grown and grown, in the past six years, there are 270 full-time employees. Six years ago, there were approximately this number, and this year, 1972, there is this number. The department, in many ways, is probably a very efficient department.

Secondly, when it comes to the folks back home, it is very easy for slippery tongue legislators to preach discontent. But many many people in this state, especially back in the woods, the hunters, the fishermen, the sportsmen, are very pleased with their Maine State Department of Fish and Game. They are very pleased with the way it has been operated and the natural resource of our hunting and fishing and lakes, sportsmen areas and so forth, which it has provided.

Therefore, if you have got a good thing going — and yes, it can be

improved, I will say that by saying "ought not to pass" in this report, you might be benefitting the State of Maine, benefitting the sportsmen and the people who are in the hunting and fishing business as well as the people who are in hunting and fishing.

Therefore, I hope you will vote on the "ought not to pass" report.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen: I don't know of anything in my entire district that has raised more controversy than this type of bill.

The people in my district were perfectly willing to go along with the rest of the composition as long as they didn't have the Department of Fish and Game included. Now when you start talking about the investment these people have in some of the camps as Grand Lake Stream, which is one of the major tax structures of the county, you are dealing with something that is a business. There is such a thing—it is dangerous to meddle with it, you can lose it. That has been known to happen in my county quite often through too much meddling from the legislature.

So to sum this all down short and sweet, I am voting for the motion made by Representative Donaghy.

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

Mr. BOURGOIN: Mr. Speaker, Members of the House: I would like to bring to your attention something that we had federally, fifty years ago, and it is on again today.

We had both the Customs and Immigration Service federally, at the border points. When you are appointed to a Customs, and paid by the Department of Customs, subsequently, within a month, you get an appointment as an Immigration Officer, without pay. Vice versa, on the Immigration person. So, a Customs officer is both a Customs and Immigration officer.

It certainly would help if the Forestry Department, Fish and Game and the Parks and Recreation, if the appointments would be

made to Inland Fish and Game. He would subsequently be appointed to Forestry. So he would.

I know we have a bunch of pickups up in our northern section that a Forestry patrolman goes by an infraction of Inland Fisheries and Game, and he doesn't even turn his head to it. The other way around, it is the same way. The and Fish and Game patrolmen see an infraction in the Forestry Department, and he doesn't take care of it.

I would like to see that the subsequent appointments would be made between various departments, so that it would take only about half of the patrolmen in those three departments than what it is taking today, that would be an immense saving.

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 Lubec, Mr. Donaghy that the House accept Report "C" "Ought not to pass" on Bill "An Act Implementing the Reorganization of the Department of Natural Resources." Senate Paper 727, L. D. 2005. 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, Bragdon, Brawn, Brown, Bunker, Call, Carey, Carrier, Churchill, Clark, Collins, Cote, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Dam, Donaghy, Doyle, Dudley, Dyar, Emery, E. M.; Evans, Faucher, Finemore, Gagnon, Gill, Good, Hall, Hancock, Hardy, Hawkens, Henley, Herrick, Hodgdon, Immonen, Jalbert, Kelleher, Kelley, K. F.; Kelley, R. P.;

Keyte, Lawry, Lee, Lewin, Lincoln, Littlefield, Lizotte, MacLeod, Maddox, Manchester, Marstaller, McCormick, Millett, Mills, Mosher, Murchison, Norris, Parks, Payson, Porter, Rand, Rocheleau, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Theriault, Trask, Tyndale, Vincent, White, Whitson, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Albert, Berry, P. P.; Binnette, Boudreau, Bourgoin, Bustin, Carter, Clemente, Conley, Cooney, Cottrell, Dow, Farrington, Fecteau, Fraser, Gauthier, Goodwin, Hewes, Jutras, Kelley, P. S.; Kilroy, Lebel, Lund, Lynch, Mahany, Marsh, Martin, McKinnon, McTeague, Morrill, Murray, O'Brien, Orestis, Pontbriand, Santoro, Slane, Smith, D. M.; Tanguay, Wheeler, Whitzell.

ABSENT — Bedard, Bernier, Crosby, Cummings, Cyr, Drigotas, Emery, D. F.; Genest, Haskell, Hayes, Lessard, Lewis, Lucas, McCloskey, McNally, Page, Pratt, Sheltra, Smith, E. H.; Webber.

Yes, 90; No, 40; Absent, 20.

The SPEAKER: Ninety having voted in the affirmative, forty in the negative, with twenty being absent, the motion does prevail in concurrence with the Senate.

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

Mr. DONAGHY: Mr. Speaker, I would ask reconsideration and hope when the vote is taken that everyone will vote against me.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy moves that the House reconsider its action whereby it accepted Report "C" "Ought not to pass." All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

37 having voted in the affirmative and 81 having voted in the negative, the motion to reconsider did not prevail.

On motion of Mr. Porter of Lincoln,

Adjourned until Monday, March 6, at one o'clock in the afternoon.