

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth*

*Legislature*

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL  
AUGUSTA, MAINE

## HOUSE

Wednesday, January 31, 1973

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

Prayer by the Rev. Father Harold Piascik of Waterville.

The journal of yesterday was read and approved.

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

Bill "An Act to Annex Certain Territories to the Town of Howland" (H. P. 231) (L. D. 311) which was referred to the Committee on Judiciary in the House on January 23.

Comes from the Senate referred to the Committee on Legal Affairs in non-concurrence.

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

Bills from the Senate requiring reference were disposed of in concurrence.

### **Messages and Documents**

The following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA

January 30, 1973

Mrs. E. Louise Lincoln  
Clerk  
House of Representatives  
State House  
Augusta, Maine

Dear Mrs. Lincoln:

Submitted herewith are copies of the report of the House Apportionment Commission to be distributed to members of the 106th Legislature as directed by Joint Order No. 1618, dated March 9, 1972, passed at a Special Session of the 105th Legislature. (H. P. 481)

Respectfully,

(Signed)

WALTER A. BIRT  
Chairman

The Communication was read and with accompanying papers ordered placed on file.

Sent to the Senate.

### **Petitions, Bills and Resolves Requiring Reference**

The following Bills, Resolves and Resolution were received and, upon

recommendation of the Committee on Reference of Bills, were referred to the following Committees:

### **Appropriations and Financial Affairs**

Bill "An Act Relating to Committees on Status of Women, Children and Youth, and the Aged" (H. P. 392) (Presented by Mrs. Kilroy of Portland)

Resolve Providing for Purchase of Copies of History of Livermore (H. P. 393) (Presented by Mr. Lynch of Livermore Falls)

Resolve to Provide Funds for Purchase of Aerial Ladder Fire Truck for State Buildings in Augusta (H. P. 416) (Presented by Mr. Brown of Augusta)

Bill "An Act Making Additional Appropriations for the Department of Health and Welfare for the Next Biennium" (H. P. 422) (Presented by Mr. Pontbriand of Auburn)

(Ordered Printed)

Sent up for concurrence.

### **Business Legislation**

Bill "An Act Relating to Real Estate Brokers' Trust Accounts" (H. P. 372) (Presented by Mrs. Kilroy of Portland)

(Bill "An Act Relating to Per Diem Compensation for Members of the Real Estate Commission" (H. P. 373) (Presented by the same gentlewoman)

Bill "An Act to Clarify the Barber Law and Increase Certain Fees" (H. P. 387) (Presented by Mr. Dyar of Strong)

Bill "An Act Relating to Schools Teaching Real Estate Subjects" (H. P. 388) (Presented by Mrs. Kilroy of Portland)

Bill "An Act Relating to Outside Signs at Offices of and Increasing Fees of Change of Location of Real Estate Brokers" (H. P. 389) (Presented by the same gentlewoman)

Bill "An Act Relating to Definition of Real Estate Broker" (H. P. 390) (Presented by the same gentlewoman)

Bill "An Act Relating to Savings Banks Investing in Service Corporations" (H. P. 395) (Presented by Mr. Donaghy of Lubec)

Bill "An Act to Regulate Insurance Premium Finance Com-

panies" (H. P. 399) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

### County Government

Bill "An Act Increasing Salary of Register of Deeds of Cumberland County" (H. P. 378) (Presented by Mr. Hewes of Cape Elizabeth)

Bill "An Act Authorizing Use of County Funds for Child and Family Services in Piscataquis County" (H. P. 381) (Presented by Mr. Smith of Dover-Foxcroft)

Bill "An Act Creating Oxford County Commissioner Districts" (H. P. 405) (Presented by Mr. Trumbull of Fryeburg)

Bill "An Act Increasing Compensation of Full-time Deputy Sheriffs in all Counties" (H. P. 415) (Presented by Mrs. Boudreau of Portland)

Bill "An Act Increasing Bond of Register of Probate in Cumberland County" (H. P. 417) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

### Education

Bill "An Act Relating to Borrowing Capacity of Community School District Consisting of the Towns of Crystal, Dyer Brook, Island Falls, Merrill and Smyrna" (H. P. 380) (Presented by Mr. Walker of Island Falls)

Bill "An Act Providing Funds for Elementary School Guidance Counsellors" (H. P. 384) (Presented by Mr. Murray of Bangor)

Resolution Proposing an Amendment to the Constitution Pledging Credit of the State for Revenue Bonds to be Issued by the Maine School Building Authority for Public and Private Institutions of Higher Education and for Public Post-Secondary Business, Trade, Vocational and Technical Schools (H. P. 391) (Presented by Mr. Bither of Houlton)

Bill "An Act Relating to Educational Assistance for Widows, Wives and Children of Veterans and Wives and Children of Prisoners of War" (H. P. 404) (Presented by Mr. Mulkern of Portland)

(Ordered Printed)

Sent up for concurrence.

### Election Laws

Bill "An Act Relating to Persons Ineligible to Serve as Election Officials" (H. P. 411) (Presented by Mrs. Boudreau of Portland)

Bill "An Act Relating to Notice in New Voter Registration Applications" (H. P. 414) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

### Fisheries and Wildlife

Bill "An Act Regulating the Use of Power Boats on Trafton Lake, Aroostook County" (H. P. 374) (Presented by Mr. Albert of Limestone)

Bill "An Act Relating to Trapping for Beaver" (H. P. 396) (Presented by Mr. Barnes of Alton)

Bill "An Act Relating to Hunting with Muzzle-loading Rifles" (H. P. 397) (Presented by Mr. Hancock of Casco)

Bill "An Act Establishing the Lowell E. Barnes Wildlife Management Area, Oxford County" (H. P. 407) (Presented by Mr. Trumbull of Fryeburg)

Bill "An Act Prohibiting the Hunting of Bear with Dogs" (H. P. 408) (Presented by Mr. Crommett of Millinocket)

(Ordered Printed)

Sent up for concurrence.

### Human Resources

Bill "An Act to Establish Within the Department of Indian Affairs a Bureau of Indian Police" (H. P. 377) (Presented by Mr. Hewes of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

### Judiciary

Bill "An Act Repealing the Prohibition against Hitchhiking" (H. P. 385) (Presented by Mr. Murray of Bangor)

Bill "An Act Clarifying the Laws Relating to Corporations Without Capital Stock" (H. P. 394) (Presented by Mr. Bunker of Gouldsboro)

Bill "An Act Relating to Court Jurisdiction under Uniform Reciprocal Enforcement of Support Act and Uniform Civil Liability for

Support Act" (H. P. 400)  
(Presented by Mrs. Wheeler of  
Portland)

Bill "An Act to Prohibit Contra-  
band in County Jails" (H. P. 401)  
(Presented by the same gentle-  
woman)

(Ordered Printed)

Sent up for concurrence.

### Labor

Bill "An Act to Permit Associa-  
tions for the Promotion of the  
Pulpwood Industry" (H. P. 423)  
(Presented by Mr. Cooney of  
Sabattus)

(Ordered Printed)

Sent up for concurrence.

### Legal Affairs

Bill "An Act to Amend the  
Organization of Penobscot Bar  
Library Association" (H. P. 376)  
(Presented by Mr. Kelleher of  
Bangor)

Resolve to Reimburse Otis Smith  
of Kittery for Motor Vehicle  
Damage Due to Highway  
Maintenance (H. P. 398) (Pre-  
sented by Mr. Hodgdon of Kittery)

Bill "An Act Changing Name of  
the Region 12 Coordinating  
Committee, Inc." (H. P. 406)  
(Presented by Mr. Trumbull of  
Fryeburg)

Bill "An Act Relating to Holding  
Property by Children's Aid Society  
of Maine" (H. P. 409) (Presented  
by Mr. Webber of Belfast)

Bill "An Act to Amend the Act  
Creating the Eastport Public Land-  
ing Authority" (H. P. 421)  
(Presented by Mr. Mills of East-  
port)

(Ordered Printed)

Sent up for concurrence.

### Liquor Control

Bill "An Act Authorizing the  
Town of New Portland to Vote on  
Certain Liquor Local Option Ques-  
tions" (H. P. 402) (Presented by  
Mr. Faucher of Solon)

Bill "An Act Requiring Liquor  
Inspectors to Wear Uniforms While  
on Duty" (H. P. 412) (Presented  
by Mr. Ricker of Lewiston)

Bill "An Act Relating to Liquor  
Licenses at Augusta Civic Center"  
(H. P. 413) (Presented by Mr.  
Brown of Augusta)

(Ordered Printed)

Sent up for concurrence.

### Marine Resources

Bill "An Act to Redefine the  
Legal Standard of Time for Haul-  
ing of Lobster Traps" (H. P. 375)  
(Presented by Mr. Kelley of South-  
port)

Bill "An Act Providing Funds for  
a Fishway at West Harbor Pond  
in Boothbay Harbor" (H. P. 383)  
(Presented by the same gentle-  
man)

(Ordered Printed)

Sent up for concurrence.

### Natural Resources

Bill "An Act Relating to Disposal  
of Septic Tank or Cesspool Waste"  
(H. P. 418) (Presented by Mr.  
Rolde of York)

(Ordered Printed)

Sent up for concurrence.

### Public Utilities

Bill "An Act Increasing Number  
of Trustees of Belfast Water Dis-  
trict" (H. P. 410) (Presented by  
Mr. Webber of Belfast)

Bill "An Act to Amend the  
Charter of the Portland Water Dis-  
trict" (H. P. 419) (Presented by  
Mr. Conley of South Portland)

Bill "An Act to Validate Portland  
Water District's Actions" (H. P.  
420) (Presented by the same  
gentleman)

(Ordered Printed)

Sent up for concurrence.

### State Government

Bill "An Act Creating a Second  
Assistant County Attorney for  
Somerset County" (H. P. 403)  
(Presented by Mr. Faucher of  
Solon)

(Ordered Printed)

Sent up for concurrence.

### Taxation

Bill "An Act Exempting Gas for  
Cooking and Heating in Homes  
from Sales Tax" (H. P. 379)  
(Presented by Mr. Parks of  
Presque Isle)

(Ordered Printed)

Sent up for concurrence.

### Transportation

Bill "An Act Relating to Student  
Rates for Ferry Service for North  
Haven, Vinalhaven, Islesboro,  
Swan's Island and Long Island  
Plantation" (H. P. 382) (Presented  
by Mr. Maddox of Vinalhaven)

Bill "An Act Relating to Exemption of Fire Trucks from Motor Vehicle Inspection" (H. P. 424) (Presented by Mr. Theriault of Rumford)

(Ordered Printed)

Sent up for concurrence.

#### **Veterans and Retirement**

Bill "An Act Relating to Group Life Insurance for Judges and Justices of the Courts" (H. P. 371) (Presented by Mr. McNally of Ellsworth)

Bill "An Act Relating to Retirement Benefit from Accrued Sick Leave of State Employees" (H. P. 386) (Presented by Mr. Murray of Bangor)

(Ordered Printed)

Sent up for concurrence.

#### **House Reports of Committees Ought Not to Pass**

Mr. Gahagan from the Committee on Education reported "Ought not to pass" on Bill "An Act Relating to Compliance with Rules of School Administrative Units by Pupils who Attain the Age of 18 years" (H. P. 135) (L. D. 158)

Mr. Mills from the Committee on Fisheries and Wildlife reported same on Bill "An Act Decreasing License Fees for Guides" (H. P. 103) (L. D. 123)

In accordance with Joint Rule 17-A, were placed in the legislative files and sent to the Senate.

#### **Divided Report**

Majority Report of the Committee on Fisheries and Wildlife reported "Ought not to pass" on Bill "An Act Providing for a Bounty on Eastern Coyotes" (H. P. 23) (L. D. 23) Report was signed by the following members:

Messrs. ANDERSON of Hancock  
GRAFFAM

of Cumberland  
— of the Senate.

Messrs. CAMERON of Lincoln  
CHURCHILL of Oxford  
DOW of West Gardiner  
GOOD of Westfield  
KELLEY of Southport  
MORIN of Fort Kent  
PARKS of Presque Isle  
WALKER of Island Falls  
— of the House.

Minority Report of the same Committee reported "Ought to

pass" on same Bill. Report was signed by the following members:

Mr. ALDRICH of Oxford

— of the Senate.

Mr. MILLS of Eastport

— of the House.

Reports were read.

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

Mr. GOOD: Mr. Speaker, I move we accept the majority report, "ought not to pass."

The SPEAKER: The gentleman from Westfield, Mr. Good, moves that the House accept the Majority "Ought not to pass" Report.

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

Mr. DYAR: Mr. Speaker and Members of the House: I hate to take the time this morning to defend the bill before you at this time. I feel that I am obligated, as a representative of my people, to state a few facts on this legislation.

The hearing was held last week. In my mind, the opposition was a farce. Probably no piece of legislation presented thus far in this session has been attacked by a biased press more than this piece of legislation. The public has been harassed by misinformation and outright lies.

It is interesting to note that at the hearing last week, the gentleman representing the federal government, the U.S. Fish and Wildlife Service, testified as an opponent to this bill. It is ironic that last fall my constituents were having sheep killed and could get no help from the Department of Inland Fish and Game, the Department of Agriculture or the U.S. Wildlife Service. Now this gentleman stated that he was available to take care of problems such as coyotes, but I questioned him — where was he?

This is a local problem. It is prevalent in northern Oxford, Franklin and Somerset counties. The coyote is moving east in the Piscataquis, Penobscot, Aroostook, Washington and Hancock counties. Now we have the opportunity here this morning to allow this predator to continue his migration, his increase of the coyote population

here in the State, or we have the opportunity to put a curb on his being here in this State.

Now this animal, as I testified last week before the committee, will probably never be seen in the City of Portland and Deering Park, will probably never be seen on Lisbon Street in Lewiston or in Bangor, but this animal is raising havoc with the deer, the fox, the partridge and the rabbit and practically anything that lives in the northern Maine woods. He kills for the sake of killing.

The Maine Times has quoted me as being a blood-thirsty individual, a brother of Satan and so forth; they have openly attacked the integrity of members of this House, and to me this is very disappointing. I feel the people of the State of Maine should have the facts on any item that is presented to this body.

Now possibly this John Cole, who has been the major contributor to the distortion of facts, could have gone further to get logical information on what is happening, but to my knowledge he has not contacted people who are aware of the problem. He has made headlines. The anti-people — when I say anti I mean they aren't anti-war, they aren't anti-motherhood, anti-work, and you name it, they are all against this legislation.

It would seem to me there has been a lot of pressure put on the Committee of Inland Fish and Game. I appreciate their feelings. But I stand here today and tell you that the Department of Inland Fish and Game at the present time have retired wardens in the woods on snowshoes trying to find out what the coyote is doing. I would also surmise that within the next six months or a year we will be spending some fifty to one hundred thousand dollars to study the mating habits and so forth of the eastern coyote.

It would seem logical to me that we have men in the Maine woods who are trappers and hunters by profession or choice who are willing for a fee to go out and eliminate this predator, that we should give them the advantage of doing so.

Now the gentleman from the Federal Wildlife Service stated that he would bring in professional hunters to do this job. Now he stated these professional hunters with the department were here in Maine, but I will submit that very possibly these professional hunters will be coming from the far west and they are not going to work on a basis of \$50 for a coyote. Now professional trappers I know in my district have spent three and four days tracking a coyote and have yet to run across it, have yet to get within a distance where they could take a shot at this animal. It is probably one of the most elusive animals in our woods.

Now we have many choices here today. We can let the bureaucracy take over and spend, as I say, hundreds of thousands of dollars to make studies of this animal or we can place it in the hands of the people.

Once again I want to state that this is a local problem. It is a rural problem that runs from Bryant Pond in Bethel over in Oxford County, through to the Canadian border in Aroostook. It is not, I hope it never becomes, an urban or a metropolitan problem. So I would respectfully ask for a division on this report, hoping that you would have the opportunity to check the facts, just have a chance to separate the fact from fiction and allow it to go to the other body so they can have the same opportunity, and I would ask for a division on this, Mr. Speaker.

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

Mr. FRASER: Mr. Speaker, Members of the House: I have to go along with the gentleman from Strong, Mr. Dyar. I had a call about two weeks ago from a farmer in my area who said he lost eighteen sheep and they were about to harass his cows when they came along and drove them away. I believe this is a good bill; it should pass.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker and Members of the House: I have

to defend my position on this for the simple reason that just a few sessions ago you removed the bounty from the black bear in the State of Maine and there are just as many bear or more, a great deal more bear in this state than there are coyotes. Also they kill sheep in large numbers and you have several bills before you, damage that bear have done throughout the state. If they wish to place a bounty on these animals, then they should include bear as well.

Also this fee is too large. A coyote pelt is claimed to be worth \$15 or more, which many trappers will go out and hunt for and trap; yet the bear is practically useless as far as the fur is concerned. So I say, and I hope that you will go along with this Chairman of the Fisheries and Wildlife, Mr. Good, and move for indefinite postponement of this bill.

The SPEAKER: The pending questions is the motion of the gentleman from Westfield, Mr. Good, that the Majority "Ought not to pass" Report be accepted.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I voted to put that bounty on the coyote for the very simple reason that around twenty-two years ago the State of Massachusetts, where I belonged to an affiliated gun and sports club down there, in the area between Georgetown, Boxford and Damas-Middleton area, it is a big wooded area, very sandy soil out there. Well about the only thing we had for gunning out there was jack rabbits, a few deer, and those were hard to find.

Now during the winter season down there some of the boys were seeing these big tracks in the snow that looked like a dog's paw and it was much too big. They couldn't define what it was. Later on in the spring of the year a fellow coming out of Boxford went out in that area and he found what he thought was a dog pup out there and he didn't have any inclination to go any further in. It is really hard going in that section, and he took this back to his hometown and he raised this thing and trained

it and he thought he was raising a dog. Well when that thing was full grown he used to walk it down through town on a leash and he walked it down and he parked it out in front of the A & P store and tied it to a post there. The leash had about twelve feet of rope on it. Everybody knew the animal, nobody was afraid of it, but now let's see what happened. A woman comes down with a perambulator and a little baby in the perambulator, parked it on the sidewalk to go in and make a purchase. Her first alarm was when people in the street commenced to scream. These people were trying to get what they thought was a dog out of the perambulator that was eating the baby's face. Now when the game wardens came and the dog was killed and analyzed, it was found to be a coyote. That was the first we knew that we had any in the State of Massachusetts and within a week's time, all the gunners of the area from the surrounding towns picked a certain day, on a Saturday morning, they surrounded that wooded area and worked their way in through and shot eighty-seven of these coyote dogs.

Now, if you can tell me any good reason why we, the people of the State of Maine, should allow this type of animal to roam through our forests, through our suburbs where we have children, school children, I can't see it. I know as of last week that a coyote has been shot twenty miles from my home in Eastport, Maine.

Now they say that we should protect these animals. Well who's going to protect the farmers, the chicken raisers, the rest from the damage these animals can do?

I have seen pictures submitted by people who have trailed these coyotes on the western side of our state and they testified there before committee that they went in and followed the trail. There were four deer down in the yard. They followed it still further and there were two more down, just plain chewed to pieces, two more beyond that and one in the last. That was a complete wipeout of that small herd of deer.



I don't think that we should pass up the opportunity to place this bounty on coyote. It is the only way we are going to interest the trappers to really pick up fifty bucks, if they can get it, because this is one of the most elusive animals that we have now roaming the Maine woods.

There is no question in my mind that it is the most savage animal we have got. They will destroy any other animal in our woods.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning because I am familiar with this animal. As I testified in the hearing room in Kansas, I saw the coyote out there and in that state they do call it "coyot" rather than coyote. It is the same animal. But here in the East the animal is bred with the dog. It is a much larger animal. It goes anywhere from thirty to sixty, seventy pounds. It will kill a deer regardless. It doesn't take just the sick and the crippled. It will kill any kind of a deer. It will hamstring them. When I say hamstringing, I mean it grabs them from the rear quarters and throws them; it mangles them.

I was surprised to read in the paper the editor's slamming report. I thought our editors were supposed to give a fair assessment of testimony, but I didn't think this was the way it was done.

Now we say we took off the bounty on bear. Yes, we did. I am on Legal Affairs Committee. We have a bill coming before us of nearly \$1,500 for the beehives they have killed. Gentlemen, if these bills keep coming in here on the things that you take the bounties off of, you're going to wish you put it back.

Let's go up to Baker Pond in Maine. You may be familiar with it. This isn't beyond Moose River, in off the Buckston. Five years ago you could go in a seven and a half mile area there and you could see four hundred deer track in less than seven miles and a half. Last fall I was in there on the snow and the coyotes have got in there

and there was just one deer track. No one took deer out of there.

As I testified before the other committee, I was hunting in Jerusalem. I did see an animal which cut in ahead of me on a deer track on the new snow. I thought it was a German Shepherd dog, a smaller one. He did not make any noise. I cut across and when he came by I could see it was a coyote. As I testified there, I pulled up to fire but as I threw up the safety from my gun he jumped and I did not hit him.

Now these animals, if we do not start eliminating them, they will clean out your deer herd. They will do much damage. And I talked with a warden the other night. In fact I talked with two that were at the Fish and Game Association meeting and they told us that their area has many coyotes in it and they find the same problem on deer that I found up there.

Now I hope that you will go along with Representative Dyar.

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

Mr. GOOD: Mr. Speaker, Members of the House: I don't have any fight with these good gentlemen who talked on elimination of the coyote. I think some of their information about the numbers of them may be a little bit exaggerated. As far as the damage done in the woods being coyote and dogs, dogs are much more, but I don't think they would go for a bounty on dogs.

If there is a local condition on coyotes infesting the State of Maine, I think the Fish and Game people should drag the wardens in and hunt them out like Brother Mills said they did down in Eastport.

It is hard to tell a coyote from a dog. The only way you can do it is send it to the University, boil its head, measure the skull and try to tell that way.

Now if we have this \$50 bounty on coyotes, you would have dozens and dozens of German police dogs sent to the University every few days trying to get their \$50 out of that. I think this is a bad bill. I think it should be not passed.

The SPEAKER: The pending question is on the motion of the gentleman from Westfield, Mr. Good, that the Majority "Ought not to pass" Report be accepted. A vote has been requested on the motion. All those in favor of the motion will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 55 having voted in the negative, the motion did prevail.

Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Fisheries and Wildlife reported "Ought to pass" on "Bill 'An Act Relating to Hunting Pheasants' (H. P. 101) (L. D. 121)

Report was signed by the following members:

Messrs. ALDRICH of Oxford

ANDERSON of Hancock

GRAFFAM

of Cumberland

— of the Senate.

Messrs. CAMERON of Lincoln

GOOD of Westfield

KELLEY of Southport

MILLS of Eastport

MORIN of Fort Kent

PARKS of Presque Isle

WALKER of Island Falls

— of the House.

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

Report was signed by the following members:

Messrs. CHURCHILL of Orland

DOW of West Gardiner

— of the House.

Reports were read.

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

Mr. GOOD: I move that we accept the ought to pass report.

The SPEAKER: The gentleman from Westfield, Mr. Good moves that we accept the Majority "Ought to pass" Report. The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker and Members of the House: This bill is only imposing a hardship on the working class and the low income people that buy hunting licenses and it is my contention that this is not necessary at this

time. The Department has stated that the cost of grain has increased considerably and they want this three dollar stamp for pheasant hunting to offset the rise in cost of grain. Now last year it has been reported that the Fish and Game Department operated in the black. It was only last session that we increased the hunting license fee considerably. And it seems quite unnecessary at this time that we increase this and give them more money this soon after the increase in that license fee. I don't think that the many of the young people hunting or very few people could tell the difference between a pheasant, a hen pheasant with the tail feathers gone and a partridge running or a grouse. I really believe that this is imposing a hardship on everyone and I move for indefinite postponement of this bill and all of the accompanying papers.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I agree one hundred per cent with the gentleman from Orland, Mr. Churchill for the simple reason that just in the last session we raised the fees considerably. It wasn't a small raise, it was a big one. Now we are paying ten dollars and a half for a combination license. I agree with him one hundred per cent, you can't tell a female pheasant from a partridge which is a real, real hard job.

Another thing, they are not a migrating bird. Now as I understand it less than three per cent survive the winter and those are ones that are usually fed by some farmer outside his house but if he stops feeding them for a week they disappear and once they disappear they have gone. I think it is ridiculous at this time to allow this to be done. Of course some people enjoy pheasant much more than others. Because they are dumped out in one hundred or one hundred and fifty in a lot in some field, the game warden picks out the good gentlemen that he knows are hunters and he will tell them what field they are dropped in. They will

immediately rush to that field and take advantage of it, and get their limit the first day and maybe their limit the second day and so on. So there is very few people who get the chance to take advantage of a pheasant. Once they are started by shooting into the flock, or I suppose you should call it covey, they are much more hard to hit now than they were before. Once they get going they are a very, very smart game bird. They become a dog bird then. In other words, you have to have dogs to get them. And there are so many people today that can't have a dog and aren't able to afford a dog to chase them out. Therefore they are paying three dollars extra for something like this. While the small amount that winters and gets by, it seems like a shame to put another three dollars on them and maybe leave another hundred or a hundred and fifty birds in some farm and them not even wintered. I believe that at some time or other this is going to phase out because it is getting to be expensive for the State and we aren't getting too much out of it. I hope you will go along with the indefinite postponement of this bill.

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

Mr. BITHER: Mr. Speaker and Members of the House: This is my bill and I presented this bill at the request of the Southern Aroostook Fish and Game Club. It is just a couple of jumps from where Mr. Finemore of Bridgewater lives. This is not anything presented by myself personally although I believe in it. I did not present this because of any game warden association or the Fish and Game Department of the State of Maine at all. This is directly from the Southern Aroostook Fish and Game Club. I would like to state a few facts about these pheasants.

I think Mr. Finemore has given some good arguments why you should have a three dollar stamp. Very few of them are wintered over. This is an exotic bird not native to Maine at all. This is a wholly subsidized program. These pheasants are raised by the Department in the game farm

down in Gray, I believe; and as I said, once they are released there are very few of them that probably hold over for the next year. There may be a few thousand, probably most of those in the southern part of Maine. Now is this program worthwhile? Somebody has said, the gentleman from Bridgewater has said that few people kill all the pheasants. He may know how many people kill pheasants but no one else seems to know. The Fish and Game Department do not know. How many pheasant hunters do we have. We do not know. Now if there are two or three thousand pheasant hunters, it is not worthwhile. And I am sure, I am quite certain, that the program will be phased out. It will be closed. If, however, we find out there are twenty thousand pheasant hunters, the program will continue because it is going to be a worthwhile program. But right at this minute we do not know.

Someone questioned me only this morning, why don't they send out a questionnaire. Well, you know what happens to questionnaires and petitions. People sign petitions but they never sign a questionnaire. So you are not going to get anywhere. Let's find out then how many pheasant hunters there are and this stamp will do just that very thing. Now I want to state, too, right here and now that the Fish and Game Department is very much interested in this stamp program. I didn't take this up with them beforehand at all, but they are very much interested because this is a costly program. I have the figures and these are very recent figures. It cost today \$3.35 per bird to raise these pheasants at Gray. Now this is not counting the pheasants that is raised by the game clubs and I know the gentleman from Westfield, Mr. Good, has raised them and he pays for the feed or the game people up there pay for it. Now that is not included. Three dollars and thirty seven cents per bird and this was in last year.

Now in this year, the cost of feed is so great that they have already gone two hundred dollars — this was over a week ago — but they have already gone two

hundred dollars over their budget for feed. They think that the budget this year for raising these pheasants is going to be six thousand dollars. The cost of feed in 1967-68 was sixty cents per bird. The cost of feed in 1970-71 is eighty-four cents a bird and Lord knows what it is going to cost this year. Now that is an argument, of course, for discontinuing the program and I will admit it. We may discontinue the program, but at least let's let the people who hunt pheasants. Now these people who find a flock of pheasants that some game warden has told them where they are and they go out — in fact I have been told by one gentleman that he shoots them out his kitchen window with a .22. Let's let him at least pay for one of those birds anyway with a three dollar stamp. Also at the same time let's find out how many pheasant hunters there are.

I have never hunted pheasants. I don't intend to because you should require people with a dog to hunt pheasants. These birds are let out and they are tamed. It is just like shooting hens at the beginning. Of course, they do get a little wilder later on. Their wings are weak. They cannot fly very well. One of my friends tells me that he went out one morning with a dog and within half an hour he and his friend had their limit in birds and never fired a shot. The dog brought in either wounded birds or birds that could not fly. Now that is the type of program that we have got. Let's either cut it out or let's have the sportsmen who are hunting it pay for some of the costs. If the program is no good, I say cut it out; but this is a good bill. This is a very good bill. There is no politics in it. There is no loss of revenue in it. It is not going to hurt anyone very much. These fellows with their .22's out the kitchen window, they shoot a dozen birds. Three dollars isn't too high a price to pay for a bird that costs itself three dollars and a half. I say let's not go along with this motion to indefinitely postpone but go ahead and accept the report of the committee.

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

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: I have just listened to the gentleman here, Representative Bither, wanted to sent out letters which would be an expense to find out how many people hunt pheasant. Let me tell you so to save us this amount of money any way. Everyone that is out with a gun sees one shoots it. Now they all do. So this would eliminate this. In response to his "weak wings" on a pheasant, I can see that he has never hunted a pheasant. They are definitely a very fast bird, and if he thinks that he can go out here with a dog and he will bring him in ten or fifteen, I have never had a dog that good and I have had some pretty good dogs.

Now gentlemen, this is the only thing that I can see, taxation without representation. They take my money from my hunting and fishing license to run this game farm. If they put a three dollar tax on this — you can call it a tax, you can call it a permit, you can call it anything you want to — I must pay this or I can't get anything back out of this money that I have already paid.

Before I left home this morning I looked at the side of my bed and there is a license that I bought in 1926 for twenty-five cents. It said, "This license is legal for the bona fide holder as long as he is a bona fide resident of the State of Maine to hunt, fish, or trap in the State of Maine". Now I have never ceased to be a citizen of this State, nor a bona fide resident. Since this time, gentlemen, just let me tell you what has happened. You raised it here a year ago from \$7.50 to \$10.50 and they didn't sell as near as many licenses as they did before so they didn't have the revenue. So this didn't pan out. We are now paying five dollars for a duck stamp. We have to pay to track beaver. We have to pay to track fisher, and you cannot trap muskrat or beaver unless you have a trapping license. You can't do that on your hunting license. If a friend comes and wants to

go out hunting with you and he wants to give you a gift, you can be arrested for not having a guide's license so you have to buy a guide's license. If you shoot a deer you have to pay twenty-five cents to have him tagged. Now I could go on and on and on here. So you don't get \$10.50 as they said that they need. This only hurts the little, small fellow in the country.

The law now clearly states that any man or woman, the owner of property or a legal resident of that property where he is actually domiciled and the property is used for agricultural purposes can hunt, fish and trap on that land without a license.

Now let me ask you one question. If this here went through, you could not take pheasant off your own land. You have to have a stamp to get them, three dollars. You could not hunt them on your own land without a license unless you bought this stamp. This is just like taking beaver off your land now. You can't take them off unless you get a special trapper's license and that may be doing damage to your license. Now I go along with the gentleman for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: I believe the other member of the committee that signed the bill "ought not to pass", I ought to say a few remarks on it. One of the speakers said that it wasn't costing much money. I had a person call me the other night that does hunt quite a lot in the State of Maine, they hunt pheasants. There are four of them in the family, two of them in college. They pay \$10.50 for their hunting license apiece and then add \$3 more apiece. I don't think it is needed at this time.

I asked the Fish and Game if they would eliminate the pheasant and their answer was no, the program would continue without the \$3. They said they really were trying to get an idea of how many were doing the hunting. I think

they can do it a lot cheaper than \$3 apiece.

I would like to have, when the vote is taken, that it be taken by roll call, please.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I signed the "ought to pass" on this bill. I have been a pheasant hunter and a bird hunter for a great many years. I have also had a lot of experience farming.

Now, you've heard part of the story, you haven't heard it all. The State raises a lot of pheasants and liberates them. They have changed their methods of liberation so that they are releasing them in small quantities at many times rather than dumping them all out a few days before the season opens.

You also have many clubs that have been working on a matching program and they take small pheasants and raise them. These are the ones you find crowded around the back doorstep looking for something to eat because they have not properly been environmentally conditioned. Research is coming up with some great deals on this type of thing and we are finding, as with the ducks, that by environmentally conditioning the birds they are much more wild.

Pheasants will survive and will breed in the State of Maine, and we have some doing it. One of the problems is winters. Now that we have a great deal more field corn being grown in the State of Maine, winter feed is available. The biggest loss on the herds that survive the hunting season is induced lead poisoning in the spring of the year and this is a question. The wardens do the best they can but each warden has something like 480 square miles to cover. They can't be everywhere all the time and people shoot a lot of pheasants in the spring. They come to where there is feed and flower gardens with some flower seeds and all this type of thing make natural feed for the pheasants.

Some of the clubs are giving up their cooperation in raising birds

partially because of the cost and partially because of the problem that they have had with people shooting the birds before the season opens, shooting over limits with a bunch of tame birds that these clubs have raised and everybody is parted. I say keep the pheasant program going for a few years.

The idea of a pheasant stamp is nothing new. If you study the game laws of all of our states, you will find that stamps to cover different species of game are a very common thing. We have a bill coming before us shortly on the state duck stamp with the money set aside for buying wetlands.

If we are going to take care of the increasing number of hunters, more and more we have got to go to game farming. This program has been through many years of experimentation. There are a great many hopes in the future if we can keep it going and the old story, if a man wants to dance, he's got to pay the fiddler, here is an exotic species that we are trying to get in the State of Maine. We have had a great deal of fun with the pheasants we have. There has been a great deal of abuse by some of the hungry hunters and I hope that you would accept the majority "ought to pass" report.

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

Mr. BRAUN: Mr. Speaker, Members of the House: I was very surprised just now to hear a gentleman say those that dance must pay the fiddler. But when I just read the Maine State law a few minutes ago, I don't think these dancers are paying the fiddler.

If we give away, or we can give away, five hundred free licenses every year and who do these go to? Newspapermen, magazine writers, photographers, radio and television writers and others who assist in the publication of the State of Maine. Visiting dignitaries from the state or the national or the international importance. Persons qualifying to receive these licenses shall be passed upon by the committee composed of the Inland Fish and Game, the

Commission of the Economics Development and members of the department who shall designate a member by the Governor. Now look, I am a photographer, and if he wants to designate me, I can get it free.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Churchill that this Bill and all accompanying papers be indefinitely postponed. A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those 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 Orland, Mr. Churchill, that this Bill be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Baker, Barnes, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Boudreau, Brawn, Brown, Bunker, Carey, Carrier, Carter, Churchill, Clark, Conley, Cooney, Cote, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Dunn, Dyar, Emery, D. F.; Evans, Farrington, Faucher, Fecteau, Finemore, Gahagan, Garsoe, Gauthier, Genest, Greenlaw, Hamblen, Henley, Herrick, Hobbins, Hodgdon, Hoffses, Hunter, Immonen, Jacques, J. Albert, Kelleher, Kelley, Keyte, Knight, LaCharite, Lawry, Lewis, J.; Littlefield, Lynch, MacLeod, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McNally, McTeague, Morton, Murray, Norris, O'Brien, Perkins, Pontbriand, Ricker, Rolde, Rollins, Shaw, Sheltra, Shute, Silverman, Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Tanguay, Theriault, Trask, Trumbull, Tyndale, Wheeler, Whitzell, Willard, Wood, M. E.

**NAY** — Bither, Bragdon, Bustin, Cameron, Chick, Chonko, Connolly, Cressey, Crommett, C u r r a n , Drigotas, Dunleavy, Farley, Farnham, Ferris, Flynn, Fraser, Good, Goodwin, H.; Goodwin, K.; Haskell, Huber, Jackson, Kelley, R. P.; LaPointe, Lewis, E.; Maddox, McMahon, Merrill, Mills, Morin, V.; Mulkern, Murchison, Najarian, Palmer, Parks, Pratt, Santoro, Simpson, L. E.; Talbot, Walker, Webber, White.

**ABSENT** — Briggs, Cottrell, Dudley, Hancock, Kilroy, Morin, L.; Peterson, Ross, Susi, Tierney.

Yes, 96; No, 43; Absent, 10.

The **SPEAKER**: Ninety-six having voted in the affirmative and forth-three in the negative, with ten being absent, the motion does prevail.

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

Mr. **BRAWN**: Mr. Speaker, I now move for reconsideration and I hope everyone votes against my motion.

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

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

Sent to the Senate.

#### **Divided Report Tabled and Assigned**

Majority Report of the Committee on Fisheries and Wildlife on Bill "An Act Permitting Municipalities to Regulate Bicycle Traffic by Ordinance" (H. P. 107) (L. D. 127) reported "Ought to pass" as amended by Committee Amendment "A" (H-10) submitted therewith.

Report was signed by the following members:

Messrs. **ALDRICH** of Oxford  
**JOLY** of Kennebec  
**ROBERTS** of York  
 — of the Senate.  
 Messrs. **CONNOLLY** of Portland  
**EMERY** of Rockland  
**FAUCHER** of Solon  
**SHUTE**

of Stockton Springs  
 — of the House.

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

Report was signed by the following members:

Messrs. **BRAWN** of Oakland  
**CAREY** of Waterville  
**COTE** of Lewiston  
**DUDLEY** of West Enfield  
**FECTEAU** of Biddeford  
**SHAW** of Chelsea

— of the House.

Reports were read.

(On motion of Mr. Simpson of Standish, tabled pending acceptance of either Report and specially assigned for Tuesday, February 6.)

#### **Consent Calendar First Day**

(H. P. 217) (L. D. 290) Bill "An Act Relating to Interest and Penalties with Respect to Motor Fuel Taxes" (Committee on Taxation reported "Ought to pass")

(H. P. 220) (L. D. 293) Bill "An Act Relating to Administration of the State Income Tax" (Committee on Taxation reported "Ought to pass")

No objection having been noted, were assigned to the Consent Calendar's Second Day list.

#### **Second Day**

(H. P. 30) (L. D. 37) Bill "An Act Exempting Prosthetic Devices from Sales Tax"

(S. P. 38) (L. D. 95) Bill "An Act Changing Name of Promote Recreation and Industry Down East, Inc."

No objection having been noted, the Bills were passed to be engrossed and sent to the Senate.

#### **Passed to be Engrossed**

Bill "An Act Relating to Amount of Property Held by Empire Grove Campmeeting Association" (H. P. 72) (L. D. 85)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mr. Finemore of Bridgewater offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-9) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent to the Senate.

### Passed to Be Enacted

An Act Authorizing Use of the Name Friends of Maine Medical Center (S. P. 6) (L. D. 33)

An Act Changing Name of Dance, Incorporated (S. P. 8) (L. D. 61)

An Act Changing Name of Family Planning Association of the Pine Tree State, Inc. (S. P. 9) (L. D. 62)

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.

### Orders of the Day

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

Joint Order reimbursing Secretary of Senate. (S. P. 145)

Tabled — January 30, by Mr. Simpson of Standish.

Pending — Passage.

Thereupon, the Joint Order received passage in concurrence.

The Chair laid before the House the second 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 Exempting Clothing from the Sales Tax" (H. P. 21) (L. D. 21)

Tabled — January 30, by Mr. Finemore of Bridgewater.

Pending — Motion by Mr. Susi of Pittsfield to accept Majority "Ought not to pass" report.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Yesterday, and I make no excuses for it because if you are in your seat, fine, but if you are not it is your own fault. By the same token, I would like to thank the gentleman from Bridgewater, Mr. Finemore. And I also, out of respect for the House chairman of the committee, Mr. Susi, who made the motion that the report "ought not to pass" be accepted, and it is against my bill, out of respect for him I would ask that this bill be tabled for one legislative day.

Whereupon,, on motion of Mr. Martin of Eagle Lake, retabled

pending the motion of Mr. Susi of Pittsfield to accept the Majority "Ought not to pass" Report and tomorrow assigned.

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

Bill "An Act Exempting Fuels to Burn Blueberry Fields from the Sales Tax" (H. P. 86) (L. D. 106)

Tabled — January 30, by Mr. Bustin of Augusta.

Pending — Acceptance of Report.

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

Mr. BUSTIN: Mr. Speaker, I move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, moves the indefinite postponement of L. D. 106.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Bustin of Augusta to indefinitely postpone and tomorrow assigned.

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

Joint Resolution Memorializing Richard M. Nixon, President of the United States of America, to Lift the 18-Month Moratorium on Federal Housing Programs. (H. P. 339)

Tabled — January 30, by Mr. Martin of Eagle Lake.

Pending — Adoption.

On motion of Mr. Martin of Eagle Lake, retabled pending adoption and specially assigned for Tuesday, February 6.

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

Bill "An Act Governing Disclosure of School Records" (S. P. 89) (L. D. 235)

Tabled — January 30, by Mr. Simpson of Standish.

Pending — Reference.

On motion of Mr. Henley of Norway, referred to the Committee on Education in non-concurrence and sent up for concurrence.

At this point, the Speaker announced the appointment of



William Pieske as temporary  
House Reporter.

The Speaker also appointed  
Lorin Arnold as temporary Document  
Clerk.

On motion by Mr. Birt of East  
Millinocket,

Adjourned until 1:30 p.m. tomorrow  
afternoon.