

# 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**

Thursday, February 1, 1973

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

Prayer by the Rev. Father Richard P. Rice of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Order: (S. P. 191)

ORDERED, the House concurring, that the officers and employees of the 105th and 106th Legislature be granted retirement benefits under the Maine State Retirement System by the Board of Trustees of the Maine State Retirement System for the full biennium as to the 105th Legislature and the full biennium as to the 106th Legislature or to the date of the resignation or separation for any reason as to the 106th Legislature, and be it further;

ORDERED, that the appropriate appointing authority is authorized to accept resignations and fill any vacancies of personnel during the present biennium.

Came from the Senate read and passed.

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

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

**Non-Concurrent Matter**

Joint Resolution Memorializing the Honorable Winton M. Blount, Postmaster General, and the United States Congress for Restoration of Maine Postal Service, (S. P. 83) which was indefinitely postponed in non-concurrence in the House on January 30.

Came from the Senate with that body voting to insist on its former action whereby the Resolution was adopted as amended by Senate Amendment "A", and asking for a Committee of Conference with the following Conferees appointed on its part:

Messrs. ANDERSON of Hancock  
MINKOWSKY  
of Androscoggin  
HUBER of Knox

In the House: On motion of Mr. Simpson of Standish, the House voted to Insist and join in the Committee of Conference.

The Speaker appointed the following members on the part of the House:

Messrs. SIMPSON of Standish  
KELLEHER of Bangor  
HOFFSES of Camden

**Divided Report**

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1973" (S. P. 40) (L. D. 79) (Emergency) reported same in a new draft (S. P. 190) (L. D. 394) under same title and that it "Ought to pass" in new draft.

Report was signed by the following members:

Messrs. SEWALL of Penobscot  
MORRELL of Cumberland  
CONLEY of Cumberland  
— of the Senate.

Messrs. HASKELL of Houlton  
NORRIS of Brewer  
JALBERT of Lewiston  
CARTER of Winslow  
SMITH of Dover-Foxcroft  
— of the House.

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

Report was signed by the following members:

Messrs. BRAGDON of Perham  
SPOUL of Augusta  
— of the House.

Came from the Senate with the Majority Report accepted, and the Bill passed to be engrossed.

In the House: Reports were read.

On motion of Mr. Haskell of Houlton, the Majority "Ought to pass" Report was accepted and the New Draft read once.

Under suspension of the rules, the New Draft was read the second time and passed to be engrossed.

By unanimous consent, ordered sent forthwith to the Senate.

**Order Out of Order**

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and

Senate adjourn, they adjourn to Tuesday, February 6, at 10 o'clock in the morning. (S. P. 213)

Came from the Senate read and passed.

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

### **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:

#### **Agriculture**

Bill "An Act Relating to Permits to Engage in Business of Propagating Wild Animals or Wild Rabbits" (H. P. 436)

(Presented by Mr. Churchill of Orland)

(Ordered Printed)

Sent up for concurrence.

### **Appropriations and Financial Affairs**

Bill "An Act Providing for Payment of One Hundred Percent of Health Insurance Plans for State Employees" (H. P. 440) (Presented by Mr. Whitzell of Gardiner)

Bill "An Act Appropriating Funds for Replacement of Sea and Shore Enforcement Research Vessels" (H. P. 452) (Presented by Mr. Greenlaw of Stonington)

Bill "An Act to Provide for Night Pay Differential for State Employees" (H. P. 453) (Presented by Mr. Bustin of Augusta)

Bill "An Act to Provide Funds for the Development of an Airport in the Rumford-Mexico Area" (H. P. 462) (Presented by Mr. Fraser of Mexico)

(Ordered Printed)

Sent up for concurrence.

### **Transportation**

Bill "An Act Revising the Motor Vehicle Dealer Licensing Law" (H. P. 478) (Presented by Mr. Keyte of Dexter)

The Committee on Reference of Bills suggested the Committee on Business Legislation.

On motion of Mr. Wood of Brooks, referred to the Committee on Transportation, ordered printed and sent up for concurrence.

The SPEAKER: Will the Sergeant-at-Arms please escort the gentleman from Lewiston, Mr. Cote, to the rostrum to preside as Speaker pro tem.

Thereupon, Mr. Cote assumed the Chair as Speaker pro tem, and Speaker Hewes returned to his seat on the floor of the House.

### **County Government**

Bill "An Act Relating to Charges to Municipalities by Counties for Costs of Food Stamp Programs" (H. P. 432) (Presented by Mr. Flynn of South Portland)

Bill "An Act Increasing Salaries of County Officials of Piscataquis County" (H. P. 435) (Presented by Mrs. White of Guilford)

Bill "An Act Relating to Payments to the Law Library of Androscoggin County" (H. P. 451) (Presented by Mr. Jalbert of Lewiston)

Bill "An Act Increasing Salaries of Certain Sagadahoc County Officers" (H. P. 458) (Presented by Mrs. Goodwin of Bath)

Bill "An Act to Authorize Oxford County to Raise Money for the Development of an Airport in the Rumford-Mexico Area" (H. P. 464) (Presented by Mr. Fraser of Mexico)

Bill "An Act Relating to Salaries of Jury Commissioners, County Officers, Court Messenger of Cumberland Publication of Notices in All Counties" (H. P. 476) (Presented by Mr. LaCharite of Brunswick)

(Ordered Printed)

Sent up for concurrence.

### **Education**

Bill "An Act to Increase Borrowing Capacity of Brewer High School District" (H. P. 466) (Presented by Mr. Norris of Brewer)

(Ordered Printed)

Sent up for concurrence.

Bill "An Act Relating to Registration and Enrollment at a Municipal Caucus" (H. P. 441) (Presented by Mr. Talbot of Portland)

Bill "An Act Relating to Content of Ballots" (H. P. 442) (Presented by Mr. Whitzell of Gardiner)

Bill "An Act to Provide for Uniform Absentee Ballot Deadline"

(H. P. 444) (Presented by Mr. Hobbins of Saco)

Bill "An Act Relating to Notification of Certain Applicants for Voter Registration" (H. P. 445) (Presented by Mr. Talbot of Portland)

(Ordered Printed)

Sent up for concurrence.

#### **Fisheries and Wildlife**

Bill "An Act Relating to Trapping Beaver in West Brook, York County" (H. P. 437) (Presented by Mr. Cressey of North Berwick)

Bill "An Act Creating the Rangeley Plantation Sanctuary" (H. P. 449) (Presented by Mr. Dyar of Strong)

Bill "An Act Creating the Jackson Wildlife Management Area, Waldo County" (H. P. 450) (Presented by Mr. Wood of Brooks)

Bill "An Act to Provide Free Hunting and Fishing Licenses to Maine Indians Excluded from Present Law" (H. P. 456) (Presented by Mr. Haskell of Houlton)

(Ordered Printed)

Sent up for concurrence.

#### **Health and Institutional Services**

Bill "An Act Relating to Administration of Funds for Social Services" (H. P. 434) (Presented by Mrs. White of Guilford)

Bill "An Act Relating to Lead Poisoning Control" (H. P. 474) (Presented by Mrs. Najarian of Portland)

Bill "An Act Appropriating Funds to Provide Vocational Rehabilitation Services to Handicapped Persons" (H. P. 482) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)

Sent up for concurrence.

#### **Judiciary**

Bill "An Act Relating to Penalty for Breaking and Entering in the Daytime" (H. P. 428) (Presented by Mr. Whitzell of Gardiner)

Bill "An Act Relating to Credit for Confinement Within County Jail Prior to Sentencing" (H. P. 433) (Presented by Mrs. White of Guilford)

Bill "An Act to Improve the Efficiency and Fairness of the

Local Welfare System" (H. P. 469) (Presented by Mr. Gahagan of Caribou)

Bill "An Act Relating to Probation and Expungement of Records for First-time Possession of Marijuana Offenders" (H. P. 470) (Presented by Mr. Dunleavy of Presque Isle)

Bill "An Act to Improve the Efficiency and Fairness of the Local Welfare System" (H. P. 477) (Presented by Mr. LaCharite of Brunswick)

(Ordered Printed)

Sent up for concurrence.

#### **Labor**

Bill "An Act to Include Full and Part-time Deputy Sheriffs and Part-time and Reserve Policemen under Workmen's Compensation" (H. P. 475) (Presented by Mr. LaCharite of Brunswick)

(Ordered Printed)

Sent up for concurrence.

#### **Legal Affairs**

Bill "An Act Relating to Beano or Bingo Licensing" (H. P. 431) (Presented by Mr. Flynn of South Portland)

Bill "An Act Relating to Powers of Ogunquit Village Corporation" (H. P. 438) (Presented by Mr. Cressey of North Berwick)

Resolve to Reimburse the Town of Scarborough for Damage to Property by Escapees from the Boys Training Center (H. P. 443) (Presented by Mrs. Knight of Scarborough)

Bill "An Act Relating to Payments of Accounts and Claims Against the State" (H. P. 461) (Presented by Mr. Willard of Bethel)

Bill "An Act to Require Safety Glazing in Hazardous Locations" (H. P. 465) (Presented by Mrs. Lewis of Auburn)

Bill "An Act Revising the Law Relating to Rules and Regulations of the Board of Chiropractic Examination and Registration" (H. P. 468) (Presented by Mr. LaPointe of Portland)

Bill "An Act Establishing the Lewiston-Auburn Airport Authority" (H. P. 473) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

At this point, Speaker Hewes returned to the rostrum.

The SPEAKER: The Chair thanks the gentleman from Lewiston, Mr. Cote, who has done a fine job. I understand that this is your tenth term that you have acted as Speaker pro tem.

Thereupon, the Sergeant-at-Arms escorted Mr. Cote to his seat on the floor, amid the applause of the House, and Speaker Hewes resumed the Chair.

#### **Liquor Control**

Bill "An Act Providing Additional Funds for Maine State American Revolution Bicentennial Commission" (H. P. 484) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)

Sent up for concurrence.

#### **Natural Resources**

Bill "An Act Repealing the Law Regulating Land Subdivisions" (H. P. 429) (Presented by Mr. Flynn of South Portland) (By request)

Resolve Providing Funds for Project on Swan's Island, Hancock County (H. P. 446) (Presented by Mr. Greenlaw of Stonington)

Bill "An Act Relating to Use and Possession of Spray Paint Cans in State Controlled Areas" (H. P. 480) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)

Sent up for concurrence.

#### **Tabled and Assigned**

Bill "An Act Relating to Protection of the Public Water Supply" (H. P. 463) (Presented by Mr. Soulas of Bangor)

The Committee on Reference of Bills suggested the Committee on Natural Resources.

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

Mr. SOULAS: Mr. Speaker, I move that this be referred to the Committee on Health and Institutional Services.

Whereupon, on motion of Mr. Birt of East Millinocket, tabled pending the motion of Mr. Soulas of Bangor that this Bill be referred to the Committee on Health and Institutional Services and specially assigned for Tuesday, February 6.

#### **Public Utilities**

Bill "An Act Enlarging the Territorial Limits of the Madawaska Water District" (H. P. 448) (Presented by Mr. McHenry of Madawaska)

Bill "An Act Providing for Interbasin Transfer of Water by the Aroostook-Prestile Sanitary District" (H. P. 471) (Presented by Mr. Gahagan of Caribou)

Bill "An Act Creating the Monson Utilities District" (H. P. 479) (Presented by Mrs. White of Guilford)

(Ordered Printed)

Sent up for concurrence.

#### **State Government**

Bill "An Act Establishing the Office of Constituent Services" (H. P. 427) (Presented by Mr. Rollins of Dixfield)

Bill "An Act to Provide for Compensation for Commissioners of Housing Authorities" (H. P. 439) (Presented by Mr. Whitzell of Gardiner)

Bill "An Act to Establish a State Mortgage Assistance Program" (H. P. 455) (Presented by Mr. Smith of Exeter)

Bill "An Act to Establish a Revenue Bonded State Flexible Interest Rate Mortgage Program" (H. P. 457) (Presented by the same gentleman)

Bill "An Act Increasing the Compensation of the Governor" (H. P. 460) (Presented by Mrs. Najarian of Portland)

RESOLUTION Proposing an Amendment to the Constitution Providing for the Election of the Attorney General by the Electors (H. P. 467) (Presented by Mr. Jalbert of Lewiston)

Bill "An Act Amending the Laws Relating to Community Mental Health Services" (H. P. 483) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)

Sent up for concurrence.

#### **Taxation**

Bill "An Act to Exempt Sales to Institutionalized Persons from the Sales Tax" (H. P. 426) (Presented by Mr. Talbot of Portland)

(Ordered Printed)

Sent up for concurrence.

### Transportation

Bill "An Act Providing a Full-time Office in Farmington for Registration and Licenses for Operation of Motor Vehicles" (H. P. 425) (Presented by Mr. Morton of Farmington)

Bill "An Act Relating to Weight Regulation for Trucks Conveying Agricultural Products" (H. P. 447) (Presented by Mr. McHenry of Madawaska)

Bill "An Act Relating to Lights on Volunteer Emergency Rescue Squad or Ambulance Service Vehicles" (H. P. 459) (Presented by Mr. Jackson of Yarmouth)

(Ordered Printed)

Sent up for concurrence.

### Veterans and Retirement

Bill "An Act Including Representative of a Council of Governments under State Retirement System" (H. P. 430) (Presented by Mr. Flynn of South Portland)

Bill "An Act Relating to Veterans Preference and Military Service for Employees of State Agencies" (H. P. 454) (Presented by Mr. Gahagan of Caribou)

(Ordered Printed)

Sent up for concurrence.

### Orders

Mrs. Boudreau of Portland presented the following Order and moved its passage:

WHEREAS, the Honorable Thomas LaPointe has taken in marriage for tomorrow and forever the hand of Claire Weeks; and

WHEREAS, this special event occurred on Saturday the 27th day of January, 1973, performed by the Reverend Eugene Gaffey in the company of witnesses; and

WHEREAS, the union which has taken place was shaped by love and has cast tender rays of joy throughout our land; now, therefore, be it

ORDERED, that congratulations and best wishes of friends and colleagues in the Legislature be immediately extended to the Honorable Mr. Thomas and Mrs. Claire LaPointe on the occasion of their wedding; and be it further

ORDERED, that a suitable copy of the Order be transmitted forth-

with to the LaPointes to convey these sentiments.

The Order received passage.

On motion of Mr. Emery of Rockland, it was

ORDERED, that Ezra J. Briggs be excused for the duration of his illness.

### House Report of Committee Ought Not to Pass

Mr. Trask from the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act Relating to Hot and Cold Water in Public Rest Rooms" (H. P. 59) (L. D. 71)

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

### Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Providing Funds for Development of a State Park at Gleason Point, Town of Perry" (H. P. 77) (L. D. 90) (Emergency)

Report was signed by the following members:

Messrs. CONLEY of Cumberland  
MORRILL

of Cumberland  
SEWALL of Penobscot

—of the Senate

Messrs. BRAGDON of Perham

CARTER of Winslow

HASKELL of Houlton

JALBERT of Lewiston

NORRIS of Brewer

SPROUL of Augusta

—of the House

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

Report was signed by the following member:

Mr. SMITH of Dover-Foxcroft

—of the House

Reports were read

On motion of Mr. Haskell of Houlton, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

### Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act Repealing the Prohibition

Against Mobile Home Sales on Sunday" (H. P. 39) (L.D. 46)

Report was signed by the following members:

Messrs. ALDRICH of Oxford  
ROBERTS of York  
JOLY of Kennebec

—of the Senate

Messrs. FECTEAU of Biddeford  
EMERY of Rockland  
BRAWN of Oakland  
COTE of Lewiston  
CAREY of Waterville  
FAUCHER of Solon  
CONNOLLY of Portland

—of the House.

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

Report was signed by the following members:

Messrs. SHUTE  
of Stockton Springs  
SHAW of Chelsea  
DUDLEY of West Enfield  
—of the House

Reports were read.

On motion of Mr. Emery of Rockland, the Majority "Ought to pass" Report was accepted.

The Bill was read once and assigned for second reading the next legislative day.

### Consent Calendar

#### First Day

(H. P. 136) (L. D. 159) Bill "An Act Relating to Manner of Transferring Investment Securities Under Uniform Commercial Code" (Committee on Business Legislation reported "Ought to pass")

(H. P. 137) (L. D. 160) Bill "An Act Relating to the Holding of Securities by Fiduciaries and by Custodians for Fiduciaries" (Committee on Business Legislation reported "Ought to pass")

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

#### Second Day

(H. P. 217) (L. D. 290) Bill "An Act Relating to Interest and Penalties with Respect to Motor Fuel Taxes"

No objection having been noted, the Bill was passed to be engrossed and sent to the Senate.

### Tabled and Assigned

(H. P. 220) (L. D. 293) Bill "An Act Relating to Administration of the State Income Tax"

(On motion of Mr. Carrier of Westbrook, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, February 6.)

### Passed to Be Enacted Emergency Measure

An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 6 (H. P. 43) (L. D. 50)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

### Emergency Measure

An Act Increasing the Borrowing Capacity of Bucksport School District (H. P. 71) (L. D. 84)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

### Emergency Measure

An Act Increasing Compensation of Assistant Secretary of the Senate and the Assistant Clerk of the House of Representatives (H. P. 76) (L. D. 89)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.



**Passed to Be Enacted**

An Act to Change the Name of Gammon Pond, York County to Perry Pond (H. P. 56) (L. D. 66)

**Finally Passed**

Resolve to Reimburse William Rich of Buckfield for Loss of Bee Hives by Bear (H. P. 16) (L. D. 16)

Resolve to Reimburse Merlin Foster of Littleton for Loss of Heifer Destroyed by Dogs (H. P. 40) (L. D. 47)

Resolve Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction (H. P. 65) (L. D. 80)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed. Bill passed to be enacted, Resolves finally passed, 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:

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 31, by Mr. Martin of Eagle Lake.

Pending — Motion of Mr. Susi of Pittsfield to accept Majority Report.

On motion of Mr. Martin of Eagle Lake, retabled pending the motion of Mr. Susi of Pittsfield to accept the Majority Report and specially assigned for Wednesday, February 7.

The Chair laid before the House the second 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 31, by Mr. Simpson of Standish.

Pending — Motion of Mr. Bustin of Augusta to Indefinitely Postpone.

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

Mr. McNALLY: Mr. Speaker, Members of the House: Just so

that I won't be accused by the media of being for corporations only, as I read so many times in the paper about other gentlemen in this country, I would like to tell you how I have become interested in this particular bill.

1942 we built a rural electrification line through northern Hancock County and at that time a lot of the people that worked on the line for my company had small farms, had cattle, did some raising of crops; but since that time, through death and other things, the farms deteriorated, the cattle were sold, no longer did they find it profitable to sell milk and bushes began growing in the fields and they started burning them and when they burned them, they discovered blueberries grew like they did in the big tracts that had been purposely laid out for blueberries.

Well, everything went well until 1963. There was a sales tax imposed for the fuel used to burn blueberries; and at that time, a letter was written December 9, 1963, Knox Brothers, Incorporated, which says, "I apologize for the error and I hope that this corrected notice will reach you in time to prevent too much confusion concerning the taxability of fuel oil used in burning blueberry land. In that letter I said that fuel oil will be subject to sales tax. I find that I was incorrect and for this use, fuel oil is non-taxable."

Then one day after about a year ago, I happened to be sitting in the kitchen of a widow who owns quite an extensive bunch of blueberry land and we were discussing different things and she made the remark, "Why couldn't we have some relief?" She said, "You know since 1971 we have had to pay a sales tax on the fuel we use to burn blueberries." Now she says, "It is a fact that they burn the potato tops up in Aroostook. They put fuel oil with the dinitro and defoliate them. So I began to look into it and obtain information anywhere that I could and I discovered first that Chapter 36, paragraph 1760, item 7 under the exemptions says, "Products used in agricultural production — notice agricultural production — "N.B., sales of feed, hormones, fertilizer, pesti-

cides, insecticides, weed killers, defoliant<sub>s</sub> — they spell it d-e-f-a-l but I think they mean defoliant<sub>s</sub> — litter and medicines used in agricultural productions and sale of bait to commercial fishermen," these are all exempted.

So then I got hold of the Cooperative Extension Service at the University of Maine and they furnished me with the Blueberry News dated November 2nd, 1972 and it says, "Why to burn? Burning low bush blueberry plants is one method of pruning them, an operation that is necessary to encourage new stem growth on which the following year's crop is produced. Pruning by burning eliminates most of the stubs and other undesirable growth which interferes with harvesting the berries. Other methods of pruning have been tried but are not practical at present." And they then go on to say, "A proper burn is important to preserving the organic matter layer on the soil's surface."

Well, then they also sent me "Growing Potatoes in Maine" which I will just read to you four things for top killing. "To insure dead tops at harvest time and prevent the spread of late blight from tops to tubers during the harvest operation; to toughen the skins of tubers so it will be more resistant to skinning and bruising during harvest, to control size and to facilitate harvesting."

So I couldn't see in my mind if the law said that defoliant<sub>s</sub> was exempted, I didn't see any reason why the people, especially the small people with their little, small farms that was eking out money wherever they could to keep themselves off welfare shouldn't receive the exemption of any fuels that they use for burning their lands. Then it was remarked, I guess I asked the question of somebody, "What happens if a big concern, if a canner comes in or a freezing plant and burns your fields?" and they said, "Oh, well, when we deliver our blueberries to their places, we find we have got a bill against us for doing the burning and also on it is included the sales tax for the fuels."

So that is simply what the bill is for. The price of it, according to a letter I have here from the Tax Department is \$10,000.00 for each year, 1973-74 and \$10,000.00 1974-75. That is the cost of it. I don't know of any better way that we could help a good many people, and I don't mean the big people, I mean the little people, than we could passing this bill and I move when the vote is taken that it be by division.

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

Mr. FINEMORE: Mr. Speaker, Members of the House: As the chairman of the Taxation Committee is not present, I would like to mention that this bill was taken up in the Taxation Committee. We had several proponents and no opponents to the bill and everything I find that Mr. McNally has said is true. Up in Aroostook — of course, we are not God's chosen children, a lot of people think we are but we aren't and we are allowed tax free for all propane gas and all fuel oil used in the killing of tops and this is nothing any more than killing of the tops. And the fact that we are unanimous, we passed this bill, I hope you will go along with Mr. McNally when the vote is taken.

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

Mr. BUSTIN: Mr. Speaker, Members of the House: I was sitting here minding my own business in the beginning of the week when this particular L.D. came sailing through the Consent Calendar and asked to have it set aside to look into it, because I wondered whether this was really a kind of exemption for fuel oil or whether it might be tax relief for the big blueberry operator, so I thought I would take a look at it; and the more I look at it, the more I am convinced that that is exactly what it is. And that is why I move to have it indefinitely postponed.

Now, Mr. Finemore is right, they do put the fuel oil on Aroostook County potatoes, but in the case of the blueberries — and this is a minor point and I am not leaning

on this — the defoliant is fire, it is not fuel oil. And that was the reason that they are not exempt at this time.

This bill is going to cost the State \$10,000 in revenue and I think most of us agree it is a little early in the session to start giving away any money.

The gentleman from Ellsworth, Mr. McNally, has made a plea that what we are really going to do if we pass this measure is help out all the small growers down along Hancock and Washington County.

Consider these statistics: The average of the amount of fuel that they put on an acre of blueberry fields when they burn it is fifty gallons, fifty gallons per acre; and the price of that oil is less than twenty cents a gallon. But for the purpose of the statistics that I am going to give you because it multiplies easily, let's use twenty cents per gallon. So a fifty-acre farm — and I understand that the vast majority of those who are not in the blueberry business but just grow the berries are under a hundred acres — so a fifty-acre farm at fifty gallons per acre means they would be using two thousand five hundred gallons at twenty cents a gallon or five hundred dollars worth of fuel oil for a grand total of sales tax of twenty-five dollars.

If, on the other hand, you have a five hundred acre operation, your sales tax will figure on twenty-five thousand gallons of fuel oil at two hundred fifty dollars. And if you happen to be in the category where you are really pushing out blueberries and packing them and have a major operation — and there are about thirteen or fourteen which do control most of this business in the area that the gentleman spoke of — if you had five thousand acres, you would be saving yourself through this L.D. two thousand five hundred dollars in sales tax.

I am sure that this probably would be going too far to suggest that this bill is Maine's answer to the oil depletion allowance, but I must say that this strikes me as a pretty slick piece of legislation. I hope that you will indefinitely postpone this measure.

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

Mr. EMERY: Mr. Speaker and Members of the House: I also come from an area in which blueberries are grown and there are a couple of other facts that I think we ought to mention. First of all, I am in complete agreement with the gentleman from Ellsworth, Mr. McNally.

Many of the very small growers, who also depend on some method of burning their fields, rely on spreading hay and burning the hay. Well in some ways this isn't very efficient. Now in my area we have a very rocky terrain and I think that most blueberry growers would tell you that using the burning method that involves oil is more efficient.

Another thing that I think it would be well to consider at this time is that the money which is saved on sales tax on oil does not necessarily go into the pockets of some big blueberry tycoon from somewhere but would pay the salaries of many high school students and others who depend on harvesting blueberries by hand for summer employment. I did that a few times when I was in high school and even in grade school and this employs a lot of kids in my area raking blueberries. And I know for a fact that because of increased cost of production, many of the blueberry manufacturers have had to consider alternate methods of harvesting their crop, which means cutting down on the number of kids employed during the summer. I think this is something we have to be concerned with.

I was quite surprised to notice that the gentleman from Augusta had set this item aside because I think that it is something that we ought to pass. I can see a lot of merit in it. But I am glad to know that the M. T. A. hasn't gone into the blueberry business.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I come from an area where we don't raise blueberries, and I do feel that this

bill has merit and should pass. I think it is a matter of justice. Now in my area we can use fuel for spraying, spraying bushes if you may, in your pasture to make them die, kill the foliage so to speak, spray potatoes and other things.

I think just because I come from an area where we don't raise blueberries doesn't make me feel that I don't want justice. I think the whole of us here in this House stand for a certain amount of justice, and if we do we should support this bill because this is important to the people in this area as much as burning fuel or spraying or making the spray material in the area from which I come.

I can't see as it would make a great deal of difference to the Members of this House whether we burn this fuel or whether we mix it with some other deterrent and spray it. The fact is that these people are certainly entitled to this mild, little amount of money and before you leave here, ladies and gentlemen, you are going to be spending money by the millions and it is going to be for causes nowhere near as worthy as this. So I suggest that this is like pennies so let's be gentlemen about it and pass the bill and be honest with these people in this particular area. I hope you will go along and pass this minor piece of legislation without further ado.

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

Mr. BRAUN: Mr. Speaker and Members of the House: I am not like Mr. Bustin. I have raised blueberries. I had a 175-acre farm in Montville. I have 46.8 acres up there in the north so I am familiar. This is one more thing I have done. When you take \$45 out of a man's pocket that is raising blueberries, this may not sound like much to you but it is the blueberry man that gets hit. And I do not care if these big tycoons he tells about comes in and does it. They do not suffer this price. They put it back on to that little grower, and I hope you will go along and pass this bill.

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

Mr. BITHER: Mr. Speaker and members of the House: I do not always agree with the gentleman from Oakland, Mr. Brawn, especially on pheasants, but I will agree with him on blueberries. I would like to just add one little thing that has not been mentioned here. And I would like to say even though from Aroostook that I know something about blueberries because I grow blueberries. I actually grow blueberries. I have three acres of blueberry land down in Jonesport and I have supplied one of the members of the committee, I know this did not have anything to do with his decision, but I supplied him with some blueberries.

Now I would like to add this, Mr. Speaker, this one point, that these big growers, many many of these big growers may own much of their land and I know some of them do. I could perhaps name two but most of that land that those growers are growing blueberries on is just a management proposition. The land is owned by someone else and they are managing them completely. They pick the blueberries, they burn the blueberries and I have been around that area down there enough to know that this growing of blueberries is not a very profitable business. There is no great profit in it. You want to remember that once you burn this land it does not produce that year at all — the next year I mean. That year when that is burned in the spring it does not produce at all. It will not produce until the next year so every other year, or every third year your land is not in production at all. They are not making a vast amount of money. I go along wholeheartedly with this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, that this Bill and all accompanying papers be indefinitely postponed. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

16 having voted in the affirmative and 102 having voted in the negative, the motion did not prevail.

Thereupon, the "Ought to pass" Report was accepted. The Bill was read once and assigned for second reading the next legislative day.

On motion of Mr. Simpson of Standish,  
Adjourned until Tuesday,  
February 6, at ten o'clock in the  
morning