

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

Monday, February 12, 1973

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

Prayer by the Rev. Mr. Robert Orr of West Gardiner.

The Members stood at attention during the playing of the National Anthem by the Freeport High School Band.

The journal of the previous session was read and approved.

Order Out of Order

Mrs. Clark of Freeport presented the following Joint Order and moved its passage:

WHEREAS, the State of Maine was magnificently represented by the Freeport High School Band at the inauguration of Richard M. Nixon for his second term as President of the United States of America; and

WHEREAS, sentiments of pride and patriotism abundantly flowed from the citizens of Maine as the Freeport High School Band played in a grand moment before the President of the United States and the eyes of the nation during the Inaugural Parade; and

WHEREAS, the march down Pennsylvania Avenue to a stirring rendition of the Maine Stein Song called to mind the tremendous effort of the members themselves, their families, their community and many others who made the trip possible; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the House of Representatives and Senate of the 106th Maine Legislature extend to the combined membership of the Freeport High School Band, its director, George F. Bookataub, and high school principal, Edward S. Ferguson, a message of gratitude for an outstanding accomplishment and wish them continual success in their efforts to bring recognition and honor to our State and Nation; and be it further

ORDERED, that copies of this Joint Order, duly authenticated, be immediately transmitted by the Secretary of the Senate to Mr. George F. Bookataub, Mr. Edward

S. Ferguson, and to each member of the Freeport High School Band in recognition of the band's inspiring performance. (H. P. 661)

The Order was read and passed and sent up for concurrence.

**Papers from the Senate
Tabled and Assigned**

From the Senate: The following Order: (S. P. 254)

ORDERED, the House concurring, that the Legislative Finance Officer be authorized to approve the expenses of his office and accounts for payment.

Came from the Senate read and passed.

In the House, the Order was read.

(On motion of Mr. Bragdon of Perham, tabled pending passage and tomorrow assigned.)

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

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Joint Resolution Memorializing The Honorable Winton M. Blount, Postmaster General and The United States Congress for Restoration of Maine Postal Service (S. P. 83) reporting that the House recede and concur with the Senate in Adopting the Joint Resolution, as amended by Senate Amendment "A" (S-2).

(Signed)

Messrs. ANDERSON of Hancock
MINKOWSKY

of Androscoggin
HUBER of Knox

Committee on the part of Senate.
Messrs. SIMPSON of Standish

KELLEHER of Bangor
Committee on the part of the House.

Came from the Senate with the Report read and accepted.

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

Non-Concurrent Matter

Bill "An Act to Amend the Act Creating the Eastport Public Landing Authority" (H. P. 421) (L. D. 570) (Emergency) which was referred to the Committee on Legal

Affairs in the House on January 31.

Came from the Senate referred to the Committee on Marine Resources in non-concurrence.

In the House: On motion of Mr. Emery of Rockland, the House voted to insist.

Messages and Documents

The following Communication: (H. P. 628)

STATE OF MAINE

Department of
Educational and Cultural Services
Augusta

February 6, 1973

Mrs. E. Louise Lincoln
Clerk, House of Representatives
106th Legislature

Dear Mrs. Lincoln:

Submitted herewith are copies of the Biennial Report of the State Board of Education and the State Department of Education for distribution to members of the 106th Legislature as directed in Sec. 54, Title 20, Maine Revised Statutes Annotated.

Respectfully,

(Signed) CARROLL R. McGARY
Commissioner

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

Petitions, Bills and Resolves Requiring Reference

The following Bills, Resolves and Resolutions were received and, upon recommendation of the Committee of Reference of Bills, were referred to the following Committees:

Fisheries and Wildlife

Bill "An Act Relating to Field Trials for Dogs" (H. P. 609) (Presented by Mr. Garsoe of Cumberland)

The Committee on Reference of Bills suggested the Committee on Agriculture.

On motion of Mr. Garsoe, of Cumberland, referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Providing for Repair, Maintenance and Operation of State-owned Dam on Dead River,

Androscoggin County" (H. P. 578) (Presented by Mr. Ault of Wayne)

Resolve, Providing Funds for Reconstruction of Dam on True's Pond, Waldo County, (H. P. 588) (Presented by Mr. Emery of Rockland)

Bill "An Act Providing Funds for Areawide Health Planning Agencies" (H. P. 601) (Presented by Mr. Dyar of Strong)

Bill "An Act Providing Funds for a Fine Arts Building for the University of Maine at Portland-Gorham" (H. P. 610) (Presented by Mr. Hamblen of Gorham)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Repealing Date for Application as a Public Accountant" (H. P. 582) (Presented by Mr. McNally of Ellsworth)

Bill "An Act Relating to Credit Unions" (H. P. 602) (Presented by Mr. Birt of East Millinocket)

Bill "An Act Relating to the Certification and Regulation of Geologists" (H. P. 608) (Presented by Mr. Ault of Wayne)

(Ordered Printed)

Sent up for concurrence.

Constitutional State Reapportionment

RESOLUTION, Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Single Member Districts, (H. P. 603) (Presented by Mr. Birt of East Millinocket)

RESOLUTION, Proposing an Amendment to the Constitution Relative to Apportionment of the House of Representatives, (H. P. 606) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

County Government

Bill "An Act Relating to Payments to the Hancock County Law Library" (H. P. 580) (Presented by Mr. McNally of Ellsworth)

Bill "An Act Relating to Payments to Penobscot County Law Library" (H. P. 611) (Presented by Mr. McKernan of Bangor)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Recognizing the College Status of the Glen Cove Bible School and Relating to Conferred Degrees" (H. P. 589) (Presented by Mr. Emery of Rockland)

Bill "An Act Relating to Costs for Students from Geographically Isolated Administrative School Units Attending Regional Technical Vocational Centers" (H. P. 595) (Presented by Mr. Faucher of Solon)

Bill "An Act Relating to the Community School District Law" (H. P. 607) (Emergency) (Presented by Mr. Ault of Wayne)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act Relating to State Political Committees to Determine Order of Business at State Conventions" (H. P. 587) (Presented by Mr. Dyar of Strong)

Bill "An Act Relating to Committee Functions at State Political Conventions" (H. P. 599) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Relating to Rehabilitation of Inmates Committed to the State Prison" (H. P. 584) (Presented by Mr. Snowe of Auburn)

Bill "An Act Relating to Duties of Bureau of Corrections, Department of Mental Health and Corrections" (H. P. 585) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

Human Resources

Bill "An Act Relating to Trapping Muskrats and Beaver on Lands of the Passamaquoddy Indian Tribe" (H. P. 612) (Presented by Mr. Mills of Eastport) (Later reconsidered)

Bill "An Act Relating to Compensation of Election Commissioners and Clerks of the Indian Voting Districts" (H. P. 613) (Presented by the same gentleman)

Bill "An Act Relating to Adoption of Persons into the Penobscot Tribe of Indians" (H. P. 614) (Pre-

sented by Mr. Binnette of Old Town)

Resolve Appropriating Funds for Construction of Early Childhood Facility for the Passamaquoddy Tribe at Pleasant Point (H. P. 615) (Presented by Mr. Mills of Eastport)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Providing for Mandatory Sentences for Persons Convicted of Arson" (H. P. 590) (Presented by Mr. Jalbert of Lewiston)

Bill "An Act Relating to Jurisdiction in Subpoena of Judgment Debtor under Enforcement of Money Judgments Law" (H. P. 591) (Presented by Mr. Henley of Norway)

Bill "An Act Relating to Removal of Private Nuisance by Owner or Occupant of Private Property" (H. P. 593) (Presented by the same gentleman)

Bill "An Act Relating to Possession of Marijuana, Peyote or Mesquite" (H. P. 594) (Presented by Mr. Faucher of Solon)

Bill "An Act Relating to Credibility of Witnesses" (H. P. 597) (Presented by Mr. Dunleavy of Presque Isle)

Bill "An Act Relating to Penalties for Violation of Baxter State Park Laws and Regulations" (H. P. 604) (Presented by Mr. Birt of East Millinocket)

Bill "An Act Relating to Control of School Water Supplies" (H. P. 619) (Presented by Mr. Martin of Eagle Lake)

Bill "An Act to Amend the Municipal Official Conflict of Interest Law" (H. P. 620) (Presented by the same gentleman)

Bill "An Act Relating to Application of Prior Private Detective Laws to Watch, Guard or Patrol Agencies" (H. P. 621) (Presented by Mrs. Wheeler of Portland)

Bill "An Act Relating to Conveyance by Release Deed for the Penobscot Tribe of Indians" (H. P. 622) (Presented by Mr. Binnette of Old Town)

Bill "An Act Relating to Forfeiture of All Property Used in Delivering Illegal Drugs" (H. P. 623) (Presented by Mrs. Wheeler of Portland)

Bill "An Act Relating to Personal Recognizances in Violation of Baxter State Park Laws and Regulations" (H. P. 624) (Presented by Mr. Birt of East Millinocket) (Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act Relating to Certain Permanent Impairment Compensation under Workmen's Compensation Law" (H. P. 598) (Presented by Mr. Dunleavy of Presque Isle)

Bill "An Act Extending the Period of Entitlement to Compensation for Partial Incapacity under the Workmen's Compensation Law in Certain Cases" (H. P. 616) (Presented by the same gentleman)

Bill "An Act Repealing Certain Maine Labor Laws as They Relate to Women" (H. P. 617) (Presented by Mr. Farnham of Hampden)

Bill "An Act to Increase Benefits and Reduce the Waiting Period Under Workmen's Compensation" (H. P. 618) (Presented by Mr. Binnette of Old Town) (Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act Relating to Definition of and Licenses of Rectifiers under the Liquor Law" (H. P. 579) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act Relating to Compensation for Members of the Land Use Regulation Commission" (H. P. 626) (Presented by Mr. Martin of Eagle Lake)

Bill "An Act to Amend the Land Use Regulation Commission Law" (H. P. 627) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

State Government

RESOLUTION Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money (H. P. 605) (Presented by Mr. Peterson of Windham)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Removing Carra-basset Valley from the Maine Forestry District" (H. P. 596) (Presented by Mr. Dyar of Strong)

(Ordered Printed)

Sent up for concurrence.

Transportation

Resolve Designating Lewiston-Auburn Bridge as "Leslie E. Jacobs Bridge" (H. P. 583) (Presented by Mr. Snowe of Auburn)

Bill "An Act Providing for Use of Emergency Green and White Lights on Civil Defense and Right of Way for Such Vehicles" (H. P. 592) (Emergency) (Presented by Mr. Cote of Lewiston)

Bill "An Act to Increase Fees for Motor Vehicle Inspection" (H. P. 625) (Presented by Mr. Morton of Farmington)

(Ordered Printed)

Sent up for concurrence.

Veterans and Retirement

Bill "An Act Relating to Veterans Preference in State Employment" (H. P. 581) (Presented by Mr. Ault of Wayne)

Bill "An Act Relating to Restoration of Service under State Retirement System" (H. P. 586) (Presented by Mr. Theriault of Rumford)

Bill "An Act to Extend Accidental Death Benefits to Game Biologists of the Department of Inland Fisheries and Game" (H. P. 600) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)

Sent up for concurrence.

Orders

Tabled and Assigned

Mrs. Berry of Madison presented the following Joint Order and moved its passage:

WHEREAS, effective legislative performance is directly related to the effectiveness of committee performance; and

WHEREAS, the performance of legislative committees would be greatly enhanced with the aid of new staff by providing for interim accounting of legislative appropriations and mandates; and

WHEREAS, only in this fashion can the Legislature equip itself for the necessary independent effort to become the central force in terms of setting policy for the State of Maine; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committees of the Legislature on Education, Health and Institutional Services and Transportation be authorized to examine the operation of the Departments of: Educational and Cultural Services; Health and Welfare; Mental Health and Corrections and Transportation during periods when the Legislature is not in session to ascertain the accountability of said departments as to appropriations and statutes and whether the respective programs provided are conducted in an efficient and effective manner or require modification or elimination, and to report the results of such findings to the next special or regular session of the Legislature; and be it further

ORDERED, that each of said Joint Standing Committees shall have at its disposal one of the newly appointed necessary professional legislature staff to properly discharge the purpose of this Order; and be it further

ORDERED, that all departments and agencies of State Government shall cooperate with the respective committees and are directed to provide such technical and other assistance as each committee deems necessary or desirable to carry out the purposes of this Order including, but not limited to personnel and staff as a part of their regular employment and the study of any subject or matter adjudged by said committees to be relevant or germane to the subject of this accounting or helpful to it in the consummation of their work as ordered, shall be deemed within the scope of said committee's inquiry hereunder; and be it further

ORDERED, that the members of these committees shall be compensated at the rate of \$20 per day while engaged in the performance of its duties and shall be reimbursed for all reasonable expenses actually incurred; and be it further

ORDERED, that \$35,000 be appropriated from the Legislative Account to be divided equally among said committees to carry out the purposes of this Order. (H. P. 657)

The Order was read.

(On motion of Mr. Martin of Eagle Lake, tabled pending passage and tomorrow assigned.)

House Report of Committee Leave to Withdraw

Mr. Walker from the Committee on Fisheries and Wildlife on Bill "An Act Relating to Penalty for Night Hunting" (H. P. 197) (L. D. 270) reporting Leave to Withdraw.

The Report was read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-25) on Bill "An Act Relating to the Control of Dogs" (H. P. 5) (L. D. 5)

Report was signed by the following members:

Messrs. PEABODY of Aroostook
HICHENS of York

— of the Senate.

Messrs. MAHANY of Easton
MORIN of Fort Kent
ALBERT of Limestone
HUNTER of Benton
PRATT of Parsonsfield
COONEY of Sabattus
ROLLINS of Dixfield
EVANS of Freedom

— of the House.

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

Report was signed by the following members:

Mr. CYR of Aroostook

— of the Senate.

Mr. BERRY of Buxton

— of the House.

Reports were read.

On motion of Mr. Evans of Freedom, the Majority Report was accepted.

The Bill was read once and tomorrow assigned.

Consent Calendar

First Day

(H. P. 159) (L. D. 201) Bill "An Act Relating to Possession of Firearm During Open Season on Deer

after Deer Registered" (Committee on Fisheries and Wildlife reporting "Ought to Pass")

(H. P. 198) (L. D. 271) Bill "An Act Relating to Designation of an Official in Absence or Disability of Town Manager" (Committee on Legal Affairs reporting "Ought to Pass")

(H. P. 200) (L. D. 273) Bill "An Act Changing the Name of the Research and Education Trust" (Committee on Legal Affairs reporting "Ought to Pass")

(H. P. 185) (L. D. 227) Bill "An Act Relating to Penalty for Not Having a License Issued under Fish and Game Laws" (Committee on Fisheries and Wildlife reporting "Ought to Pass" with Committee Amendment "A" H-24)

(S. P. 108) (L. D. 253) Resolve Appropriating Funds to the Bath-Brunswick Mental Health Association to Purchase a Facility for a Federally Funded Expanded Program (Emergency) (Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" S-7)

(H. P. 269) (L. D. 376) Resolve Authorizing the Carrying Forward of Appropriation to Aid in Construction of Swimming Pool at Pineland Hospital and Training Center (Emergency) (Committee on Appropriations and Financial Affairs reporting "Ought to Pass")

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

Second Day

(H. P. 62) (L. D. 74) Bill "An Act to Revise Maine Boat Law to Conform with Federal Law"

(H. P. 109) (L. D. 129) Bill "An Act Prohibiting Swimming or Bathing in Upper and Lower Hadlock Ponds, Hancock County" (C. "A" - H-20)

(H. P. 116) (L. D. 136) Bill "An Act Prohibiting Swimming or Bathing in Jordan Pond, Hancock County" (C. "A" - H-21)

(S. P. 57) (L. D. 140) Resolve, Authorizing the State Tax Assessor to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory. (C. "A" - S-6)

(H. P. 120) (L. D. 144) Bill "An Act Relating to Discharges

of Mortgages, Attachments and Liens" (C. "A"-H-22)

(H. P. 142) (L. D. 175) Bill "An Act Prohibiting Pollution of Eagle Lake, Hancock County" (C. "A" - H-23)

(S. P. 80) (L. D. 197) Bill "An Act to Amend the Charter of Bowdoin College" (Emergency)

(S. P. 85) (L. D. 231) Bill "An Act Appropriating Funds for Replacement Volumes of the Revised Statutes"

(S. P. 86) (L. D. 232) Resolve Providing for Purchase of Copies of History of Millinocket

(S. P. 115) (L. D. 260) Resolve Appropriating Funds for the Perambulation of the Maine-New Hampshire Boundary Line

(S. P. 128) (L. D. 305) Bill "An Act Relating to Working Capital of the Bureau of Alcoholic Beverages"

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

Passed to Be Engrossed

Bill "An Act Relating to Regulations Governing Horsepower of Boats on Certain Inland Waters" (S. P. 11) (L. D. 68) (C. "A" - S-4)

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

On motion of Mr. Kelley of Southport, the House reconsidered its action of February 8 whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-26) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

Bill "An Act Relating to Hunting Pheasants" (H. P. 101) (L. D. 121)

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

Mr. Bither of Houlton offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-19) was read by the Clerk and adopted.

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

Mr. BRAWN: Mr. Speaker, Members of the House: I now move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Oakland, Mr. Brawn, moves that this Bill and all it accompanying papers be indefinitely postponed. Is this the pleasure of the House?

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the motion of the gentleman from Oakland, Mr. Brawn. I was one a few days who voted to kill this bill in its entirety, but Mr. Bither, through his good, common sense that I know he possesses, came up with a very agreeable amendment to me and I think an agreeable amendment to you people. He simply put on his bill that they reduce the stamp from \$3 to \$1 and specifically named two years, the years 1973 and 1974.

His arguments were then, and I believe now and I receive them very well, I hope you people do this this afternoon, was to determine the number of pheasant hunters there are in the State of Maine and to try and defray the cost somewhat. I know the dollar is not exactly going to do it but it will determine the number of hunters we have hunting pheasants and whether we should keep this extremely costly program as part of the Fish and Game Program.

I think Mr. Brawn should reconsider his motion and just let us pass this bill this morning — this afternoon — and try to determine how many hunters there are for this great game bird that we have in this state of ours.

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

Mr. BRAWN: Mr. Speaker and Members of the House: I saw it a few years ago, they said if you let us put in fluorescent color here, just test for two years, we will do away with it. I have seen this come up now asking for one dollar. They are taking out of my license to raise these birds. If I don't buy this stamp, I cannot hunt them; and as I told you the other day, they said they wanted to know how many hunt pheasant. I told you then and I will tell you again, every person that sees them hunts them. We don't need to spend this kind of money.

In 1926 I shot probably the first banded pheasant liberated in the State of Maine in the town of Montville. I have the stamp off that pheasant's leg today. They told us then that the pheasant, introducing them here, would be the fastest growing that we had. They would outgrow a partridge. Everyone would flock to the state. It would bring in industry. It has not done it.

It has been a losing apple, all the way. It has been a bad apple, too. Until we do away with the entire program altogether and bring in chukor partridge, something that will grow here, we are throwing away our hunting license money.

Now, in my club of nearly 800 men and women they do not want any more monies put upon them. They say we are paying \$10.50 for our license now. We are paying for everything else extra that we do. Now they want another dollar put on. It is not going to stop with a dollar this year and next year. We will jump back to \$3 a year after and \$5 the year after. Now if this is going to happen, let's reduce everybody's licenses one dollar or let's take everyone in the House and in the Senate that is in favor of voting for this and charge them a dollar a year so we will know they are going to pay it. Let's not have someone that doesn't hunt them make this law.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the

House: I don't think we have got to ring the fire alarm bell this afternoon here. I cannot go back to 1926 and compete with Mr. Brawn in age and if I could, that would not be time enough because he has done more things and seen more things probably than I will ever in my life time.

This bill will be non-existent after 1974, Mr. Brawn and ladies and gentlemen of the House, and if they want to create or put another additional cost on your hunting license, they will have to bring the bill back in. This simply puts the Fish and Game Department in a position where they can determine should this program exist, is it too costly to have as part of their program and to determine the number of hunters. I hope you people pass this bill this morning. I think Mr. Bither has done a pretty good job in bringing it down where we can all agree on it.

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

I hate to belabor this little bill. It seems that we have more important things to do in here but I would like to give you just a few facts:

Now the pheasant is a good bird, a good bird to eat and a good bird to hunt. The pheasant can endure the severe winters we have in the northern part of the state. There is not quite enough food for them in the north due to the heavy snow cover; but with private citizens feeding them, many can pass the winter in the north and a great number can survive in the south. Cold and snow do not bother these birds. Food is the only thing to consider. The pheasant, with the rising cost of labor and the constantly rising grain prices, is a comparatively expensive bird to raise. These are the few facts concerning pheasants and I can prove my statements.

Self-styled experts on everything that pertains to the woods will arise on the floor of this House and spout facts off the top of their hat, and we might be inclined to believe them. Any bill that comes up and may personally cost them a buck they are against. For an excuse they blame the "kids" who

they say will be unable to pay for this fee. Let's not worry about the kids. With a few exceptions our kids are the greatest. They are our leaders of tomorrow and they will pay their way, be glad to do it when they are shown that the fee is worthwhile.

Now the pheasant project may be too expensive and maybe it should be phased out, but how do we know? We do not know how many men hunt pheasants in the state; but if we had a pheasant stamp we would know this. If we sell 500 pheasant stamps, maybe the deal is not practical; but if we sold 20,000 stamps, maybe we should keep the project going. The fee has been amended to one dollar, and the bill will be in effect only for 1973-74. But I believe, and so does the majority of the committee, that we should have a stamp of some kind so we could tell where we are and where we are going with the pheasant project.

I believe in paying as we go, so let's authorize this small stamp for the pheasants. I know it will be a big help to the Research Department of the Inland Fish and Game.

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

Mr. CHURCHILL: Mr. Speaker, Members of the House: I see that the department has done their homework quite well. I request a roll call vote when this is taken.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All 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 Oakland, Mr. Brawn, that this Bill and all accompanying papers be indefinitely postponed. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Brawn, Carey, Carrier, Carter, Churchill, Connolly, Cooney, Cressey, Davis, Deshaies, Dow, Dudley, Dunn, Dyar, Finemore, Genest, Herrick, Hodgdon, Hoffses, Hunter, Immonen, Jacques, Kelley, La Pointe, Littlefield, MacLeod, McCormick, McHenry, McNally, Morton, O'Brien, Perkins, Pontbriand, Rollins, Shaw, Shute, Silverman, Smith, S.; Sproul, Talbot, Trask, Willard, Wood, M. E.

NAY — Ault, Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Briggs, Brown, Bustin, Cameron, Chick, Chonko, Clark, Conley, Cote, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Donaghy, Drigotas, Emery, D. F.; Farley, Farnham, Farrington, Fecteau, Ferris, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Good, Goodwin, K.; Greenlaw, Hancock, Haskell, Henley, Hobbins, Huber, Jalbert, Kelleher, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; Lynch, Madcox, Mahany, Martin, Maxwell, McKernan, McMahon, McFeague, Merrill, Mills, Morin, L.; Morin, V.; Mulkern, Murchison, Murray, Najarian, Parks, Peterson, Pratt, Rolde, Ross, Santoro, Simpson, L. E.; Snowe, Susi, Theriault, Tyndale, Walker, Webber, Wheeler, White.

ABSENT — Albert, Baker, Barnes, Bunker, Dam, Dunleavy, Evans, Faucher, Goodwin, H.; Hamblen, Lewis J.; Norris, Palmer, Ricker, Sheltra, Smith, D. M.; Soulas, Stillings, Tanguay, Tierney, Trumbull, Whitzell.

Yes, 44; No, 83; Absent, 23.

The SPEAKER: Forty-four having voted in the affirmative and eighty-three having voted in the negative, with twenty-three being absent, the motion does not prevail.

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

Passed to Be Enacted

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

An Act Relating to Amount of Property Held by Empire Grove

Campmeeting Association, (H. P. 72) (L. D. 85)

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

On motion of Mr. Mills of Eastport, the House reconsidered its action of earlier in the day whereby Bill "An Act Relating to Trapping Muskrats and Beaver on Lands of the Passamaquoddy Indian Tribe" (H. P. 612) was referred to the Committee on Human Resources.

On further motion by the same gentleman, referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

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

Bill "An Act Relating to Schooling of Indian Children" (H. P. 557)

Tabled — February 8, by Mr. Martin of Eagle Lake.

Pending — Reference

On motion of Mr. Martin of Eagle Lake, referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

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

Bill "An Act to Permit Municipal Regulation of Snowmobiles within Built-up Areas by Ordinance" (H. P. 544)

Tabled — February 8, by Mr. Simpson of Standish.

Pending — Reference

Thereupon, referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

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

Resolve Authorizing Walter G. Thorstad and Richard J. Thorstad to Bring Civil Action Against the State of Maine (H. P. 553)

Tabled — February 8, by Mr. Emery of Rockland.

Pending — Reference.

On motion of Mr. Emery of Rockland, referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

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

Joint Order Relative to Boothbay Harbor Fisheries Research Station (S. P. 255)

Tabled — February 8, by Mr. Martin of Eagle Lake.

Pending — Passage

On motion of Mr. Martin of Eagle Lake, the Joint Order received passage in concurrence.

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

Mr. MARTIN: Mr. Speaker, I would request through the Chair whether the Clerk is in possession of Senate Paper 233, Joint Order Creating a Joint Select Committee on Constitutional State Reapportionment?

The SPEAKER: The Chair would answer in the affirmative.

On motion by the same gentleman, the House reconsidered its action of February 8 whereby the Joint Order received passage in concurrence.

On further motion by the same gentleman, tabled pending passage and tomorrow assigned.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House:

Mr. JALBERT: Mr. Speaker and Members of the House: I know that we are in a moment of sorrow today, however, I find great delight in seeing back with us after an illness the very affable gentleman from Bath, Mr. Ross. It is

particularly pleasing to me to have him here because certain measures are coming up in which I know he and I will enjoy in sometimes lively debate. But I mean a fair opponent I wouldn't want and I don't have and I am sure the House joins me in welcoming back our fine friend, the Representative from Bath, Mr. Ross. (Applause)

Mr. Morton of Farmington was granted unanimous consent to address the House.

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: It occurs to me that today there is special significance, this particular day, this particular February 12, 1973. I am sure we all will remember that it is the birthday of Abraham Lincoln, the Great Emancipator, the President of our great country to whom freedom for all men was paramount, and who with great courage led our country through a great and devastating war to preserve the Union.

Today is also "welcome home day" for the first of our gallant P.O.W.'s to whom the word freedom has a special significance. They too have shown courage and fortitude in carrying out the orders for four great courageous Presidents. Fortitude and perseverance are demonstrated attributes of both Presidents and soldiers particularly P.O.W.'s and I believe it is fitting that we recognize this day in memory of President Lincoln and the gallant men who followed in his footsteps.

On motion by Mr. Simpson of Standish,

Adjourned until ten o'clock tomorrow morning.