

# 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

Tuesday, February 13, 1973

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

Prayer by the Rev. Mr. D. R. Collins of Portland.

The journal of yesterday was read and approved.

The SPEAKER: The Chair is pleased to note in the rear of the House, the Senior Senator from Maine, former Governor, Senator Edmund S. Muskie. Will the Sergeant-at-Arms kindly escort him to the rostrum.

Thereupon the Sergeant-at-Arms escorted Senator Muskie to the rostrum amid the applause of the House, the members rising, and he addressed the House as follows:

SENATOR MUSKIE: Mr. Speaker, thank you very much for this unexpected opportunity and I promise not to filibuster, a habit I never saw develop here in the Legislature. I must say that you are much more impressively served by your facilities than I was here.

As I stood here this morning I couldn't help but think of a lot of things from the past. My first instinct was to find the seat that I occupied as a member of this body. It was 151 and I was next to the Indian seat, which I guess is where Democrats belonged in those days. But as I said this morning, I took seat 151, bearing in mind that old Biblical story that if you seated yourself at the foot of the table somebody would place you at a higher place. And you see it worked.

But my most vivid memory is of the time that I took the oath of office as Governor. Now as you all recall this is a traditional and conventional ceremony and all of the forms are carefully followed inauguration after inauguration. But because Republicans had occupied the office for so long, people had not really focused on the ceremony and what was said, but they did that day. There was one part of it that really generated a gasp on the part of the audience and I will recall it to you. After the Governor takes the oath, the

President of the Senate administers it, when that is done, the Secretary of State turns to the audience and says: "God save the State of Maine". There were many people in the audience who thought that poor Harold Goss had said that only because I was a Democrat taking the office for the first time. So I always remember that.

I would like to say just one serious thing and I will not take more than a minute or two. This morning I had the pleasure and privilege of having breakfast with the Legislative Leadership of both sides of the aisle at the Governor's home and yesterday I had an opportunity to talk to the Governor. It seems to me that we have an unprecedented and unusual problem in the area of federal, state and local relationships this year, as a result of the impact of the President's budget. Now obviously there is going to be a struggle between the White House and the Congress over that budget, what programs ought to be cut and which ones not and I don't want to get into that here this morning. But whatever the final result, it is going to require a readjustment on a program basis and maybe on an overall fiscal basis in the relationships between state government, the federal government, and the local government. So I have been talking to the Governor about developing more structured relationships between state government and the Legislature and the Congressional delegation in Washington so that we can work more effectively at working out these relationships.

Now when I took office as Governor, the General Fund budget was much different than it is today. As a matter of fact, as I looked at the figures, the General Fund budget now is eight and a half times what it was when I took office, if you want to get some order of magnitude, and the number of federal dollars that are administered by state agencies have grown astronomically. In fact, state government handles, I gather, counting state and federal government, something like a billion every biennium now, administering to serve the needs of our people.

And so when I talk about cutting budgets and rearranging priorities and changing programs, we are not just talking about dollars, we are talking about people. So we have got to make this adjustment very carefully and I think with as much wisdom and precision as we can, and that is the principal reason I am here in Augusta today.

I didn't come just to indulge in nostalgia, pleasant as that has been, but because I would like to see the process of developing closer and more effective relationships develop. The Governor is receptive. I gather the Legislative Leadership is, and I know that the Congressional delegation is.

So with that, thank you very much for letting me intrude for a few moments. It was a very bright spot in a busy day and I am delighted. Thank you very much.

Thereupon the Sergeant-at-Arms escorted Senator Muskie from the hall of the House amid applause, the members rising.

#### **Order Out of Order**

Mr. Conley of South Portland presented the following Order and moved its passage:

ORDERED, that Thomas James of South Portland be appointed to serve as Honorary Page for today.

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

#### **Papers from the Senate**

From the Senate: The following Communication: (S. P. 268)

State of Maine  
SENATE CHAMBER

February, 8, 1973

Joint Special Sea and Shore Fisheries Interim Study Committee to the Members of the 160th Legislature:

Forwarded herewith is the report of the "Special Sea and Shore Fisheries Interim Study Committee" prepared pursuant to joint order of the 105th Legislature.

Sincerely,

(Signed)

RICHARD N. BERRY  
Chairman

Came from the Senate read and with accompanying papers ordered placed on file.

In the House, the Communication was read and with accompanying papers ordered placed on file in concurrence.

#### **Reports of Committee Ought Not to Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Relating to Authorized Equipment Purchases for Maine State Prison" (S. P. 157) (L. D. 391)

Report of the same Committee reporting same on Bill "An Act Appropriating Funds for Additional Staff at the Maine State Prison" (S. P. 158) (L. D. 392)

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

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

The SPEAKER: The Chair requests the Sergeant - at - Arms to escort the gentleman from East Millinocket, Mr. Birt, to the rostrum for the purpose of presiding as Speaker pro tem.

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

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

The following Bills and Resolves 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 Providing Funds to Supplement Needs of Disabled Children" (H. P. 634) (Presented by Mr. Murray of Bangor)

Resolve Providing Funds for the Purchase of Copies of the "History of Winthrop, Evolution of a Maine Community" (H. P. 640) (Presented by Mr. Ault of Wayne)

Bill "An Act Appropriating Funds for Drug Rehabilitation in York County" (H. P. 649) (Presented by Mr. Hobbins of Saco)

(Ordered Printed)  
Sent up for concurrence.

#### County Government

"Bill "An Act Providing Fire Protection, Dump Services and Cemetery Maintenance in Certain Unorganized Territory of Piscataquis County" (H. P. 638) (Presented by Mrs. White of Guilford)

Bill "An Act to Provide Copies of Public Documents Filed with the County" (H. P. 641) (Presented by Mr. Ault of Wayne)

(Ordered Printed)  
Sent up for concurrence.

#### Education

Bill "An Act Relating to Conveyance of Secondary Pupils" (H. P. 633) (Presented by Mr. Murray of Bangor)

(Ordered Printed)  
Sent up for concurrence.

#### Election Laws

Bill "An Act to Change the Date of the Primary Election" (H. P. 645) (Presented by Mrs. Knight of Scarborough)

(Ordered Printed)  
Sent up for concurrence.

#### Health and Institutional Services

Bill "An Act to Establish Information and Referral Service in the Department of Health and Welfare" (H. P. 642) (Presented by Mrs. White of Guilford)

(Ordered Printed)  
Sent up for concurrence.

#### Judiciary

Bill "An Act Relating to Token Compensation for Work Performed by Residents of State Penal and Correctional Institutions" (H. P. 644) (Presented by Mrs. White of Guilford)

Bill "An Act to Impose a Fee for Waiving the Waiting Period before Marriage" (H. P. 646) (Presented by Mrs. Baker of Orrington)

Bill "An Act Relating to Record of Plans by Registers of Deeds" (H. P. 662) (Presented by Mr. Smith of Dover-Foxcroft)

(Ordered Printed)  
Sent up for concurrence.

#### Legal Affairs

Bill "An Act Relating to Membership of Municipal Conservation Commissions" (H. P. 629) (Presented by Mr. Huber of Falmouth)

(Ordered Printed)  
Sent up for concurrence.

#### Marine Resources

Bill "An Act to Authorize the Commissioner of Sea and Shore Fisheries to enter into an Agreement to Lease the Land, Buildings and Facilities of the National Marine Fisheries Service Biological Laboratory at Boothbay Harbor" (H. P. 648) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)  
Sent up for concurrence.

#### Natural Resources

Bill "An Act to Amend the Minimum Lot Size Law" (H. P. 630) (Presented by Mr. Huber of Falmouth)

Bill "An Act Authorizing the Department of Environmental Protection to Make Planning Grants to Municipalities for Solid Waste Disposal" (H. P. 631) (Presented by the same gentleman)

(Ordered Printed)  
Sent up for concurrence.

#### Tabled and Assigned

Bill "An Act Limiting the Size of Rings Used in Scallop Drags in Certain Waters" (H. P. 636) (Presented by Mr. Greenlaw of Stonington)

Committee on Reference of Bills suggest the Committee on Natural Resources.

(On motion of Mr. McTeague of Brunswick, tabled pending reference and tomorrow assigned.)

#### Tabled and Assigned

Bill "An Act to Change the Open Season for the Taking of Scallops" (H. P. 639) (Presented by the same gentleman)

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

(On motion of Mr. McTeague of Brunswick, tabled pending reference and tomorrow assigned.)

Bill "An Act to Revise the Law Prohibiting the Location of Dumps within 300 Feet of Classified Bodies

of Water" (H. P. 643) (Presented by Mrs. Berube of Lewiston)  
(Ordered Printed)  
Sent up for concurrence.

#### State Government

Bill "An Act to Correct Certain Errors and Inconsistencies in the Salary Provisions for Certain Unclassified State Officials" (H. P. 635) (Presented by Mr. Murray of Bangor) (Emergency)  
(Ordered Printed)  
Sent up for concurrence.

#### Taxation

Bill "An Act Relating to Property Tax and Rent Relief for Disabled Persons" (H. P. 632) (Presented by Mrs. Baker of Orrington)

Bill "An Act Increasing the Gasoline Tax" (Emergency) (H. P. 647) (Presented by Mr. Susi of Pittsfield)

Bill "An Act to Extend Sales Tax Exemption to New Machinery" (H. P. 637) (Presented by Mr. Henley of Norway)  
(Ordered Printed)  
Sent up for concurrence.

#### Veterans and Retirement

Bill "An Act Including Teacher Aides under Retirement System" (H. P. 650) (Presented by Mr. Churchill of Orland)  
(Ordered Printed)  
Sent up for concurrence.

At this point, Speaker Hewes returned to the rostrum.

**SPEAKER HEWES:** The Chair thanks the gentleman and commends him on an excellent job.

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

#### Orders

Mr. Stillings of Berwick presented the following Joint Order and moved its passage:

WHEREAS, the median compensation paid to state legislators in the 50 states is in excess of \$14,500 per biennium; and

WHEREAS, Maine's biennial compensation of \$3,500 ranks forty-third in the nation, far below the national average; and

WHEREAS, Maine Legislators should be compensated for their services to the People of the State of Maine in a fair, just and reasonable manner; and

WHEREAS, legislative salaries ought not be so low as to discourage citizens from seeking office nor so high as to give sole reason for that pursuit; and

WHEREAS, determination of what is fair, just and reasonable compensation for the Legislature is a difficult task which ought to be resolved by a group of citizens independent of the Legislature; now, therefore, be it

**ORDERED,** the Senate concurring, that there is created a Legislative Compensation Commission consisting of 9 public members, all residents of the State, chosen from the public at large without regard to political affiliation in the following manner; 3 to be appointed by the President of the Senate; 3 to be appointed by the Speaker of the House of Representatives and 3 to be appointed by the Governor. No members of the commission shall be an officer or employee of the federal, state, county, municipal or other unit of government, to which government funds are appropriated. Vacancies shall be filled in the same manner as the original appointments for the unexpired term and the commission shall elect one of its members chairman; and be it further

**ORDERED,** that it shall be the purpose of the commission, among any others, that the commission may determine pursuant to the terms of this Order to

a. Review and evaluate the work done by the Members of the Maine State Legislature and compare the level of work performed and compensation received with other policy-makers within the State, including, but not limited to, heads of state departments, businessmen, executives and others charged with the responsibility of determining policies for large organizations;

b. Consult with recognized authorities in the area of legislative compensation, such as other state governments, The Council of State Governments and other service organizations for the purpose of drawing upon their experiences;

c. Recommend to the Legislature compensation which it deems fair and equitable in view of the services rendered to the People of the State;

d. Make a recommendation concerning the compensation for expenses for legislative officers;

e. And for the purpose of this inquiry, any subject or matter adjudged by the commission to be relevant or germane to the subjects of its study or helpful to it in the consummation of the work hereunder shall be deemed within the scope of the commission's inquiry hereunder; and be it further

ORDERED, that the commission shall report the results of its investigation and study to the next special session of the 106th Legislature; and be it further

ORDERED, that all state departments and agencies are respectfully requested to provide the commission to the extent possible with any needed information and assistance and make available to the commission, as needed, the services of persons knowledgeable in the field, and be it further

ORDERED, that the members of the commission be compensated for time spent in attendance of meetings and when engaged in performance of duties under instructions of the commission and authorization by its chairman at the rate of \$25 per day and actual expenses incurred in the performance of their duties under this Order, such sums to be paid out of the Legislative Account; and be it further

ORDERED, that the commission shall have the authority to employ professional and clerical assistance within the limits of funds provided; and be it further

ORDERED, that there is allocated to the committee from the Legislative Account the sum of \$5,000 to carry out the purposes of this Order. (H. P. 665)

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

Mr. Kelleher of Bangor presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the State Controller sup-

ply for the use of the Legislature 200 copies of a list of state employees, including a list of officers and employees of the University of Maine to be obtained by the State Controller from the University of Maine, with their salaries paid as of January 1, 1973, 160 of the said copies to be deposited in the Office of the Secretary of the Senate; and be it further

ORDERED, that said list be distributed one to each Member of the House of Representatives and Senate and the balance to the Clerk of the House and Secretary of the Senate for such distribution as they may see fit. (H. P. 664)

The Joint Order was read.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This order that I presented before you this morning is the directory of all state employees and the salaries that they earn. Some people call it a "snoop book," I call it a very helpful item as a legislator. I think you people as legislators, particularly you freshmen, will enjoy having this book. It will become very helpful to you when some people in your area, particularly state employees in your area call up maybe complaining about the salaries they are getting and the working hours. All you have to do is look at this little directory like you would be looking at your telephone book for telephone numbers to see exactly what they are getting and what they are receiving.

You are going to be asked later on in the session to approve salary increases on these various state agencies, and this also includes the University, and this may be a guide to help you consider any adjustments that will be made in the future.

There have been opponents in the past claim this is snooping and that we shouldn't be involved in this. I disagree with them because all one has to do if one can take the time is come down here and go to these various agencies and ask for the salaries. If you have this item at your home it will save you driving many, many miles. It

is public information. These people are being paid by the taxpayers of the state. I think the information should be readily available to us as legislators so we can make intelligent decisions concerning salary adjustments or complaints. I hope the House supports and passes this order this morning.

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

Mr. BIRT: Mr. Speaker and Members of the House: Last session I opposed this order very strongly. I still personally disagree with it. I am not in agreement of the value of the book. In fact, actually the booklet and this list of salaries was not distributed to the legislature until the adjournment of the regular session last year. So I think we made reasonably intelligent decisions without the use of it. I think that the availability of a salary list in the Legislative Finance Office, if we need to find it, would suffice.

I am not going to go into an extensive debate on this. I would like to point out that it is not as necessary an item as one might believe it to be, and I would ask for a division on the motion.

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

Mr. CURTIS: Mr. Speaker, I would like to direct a question to the gentleman from Bangor, Mr. Kelleher, if he would care to answer it. I would like to inquire what the cost is of this proposal and the printing costs.

The SPEAKER: The gentleman from Orono, Mr. Curtis, poses a question through the Chair to the gentleman from Bangor, Mr. Kelleher, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: It is very very minor from what I understand, Representative Curtis, and there is no great hardship on the state for the cost of the printing. It comes out of our legislative account. That is the reason there is no appropriation on it.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I am very much in favor of this. I have been here for three sessions. When we adjourn and go home, for that next year and a half you are going to be asked questions as a member of this House, or a member of the Legislature, about certain people and certain jobs and what they pay.

I find I have graduates of our colleges who are qualified to take examinations to work for the state who have been discriminated against because they haven't had six or eight years of experience after graduation. I have had one of those cases from the Maine Maritime Academy where a young fellow was graduated as an engineer with a chief's rating. He applied to the federal government, got a license for all seas, and was refused employment with the State of Maine because he hadn't had eight years of experience.

I have another one that graduated from Husson College with a B.S. degree, and he also was refused employment by the state because he hadn't had these years of experience. It is a qualification that I consider as discrimination. But nevertheless, this type of book is very important to every member of the legislature to be able to answer the questions these young college graduates are giving us and want to know what these jobs pay, whether it is worth their while to try for these jobs. I am very much in favor this order.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I would just like to briefly state that I am in favor of this order. I thought I would back up my friend Mr. Kelleher. I feel that this is actually public information. These people, as we, are paid by the taxpayers' dollars. I see no reason whatsoever why we in the position here of okaying those same taxpayers' dollars over a period of two years, there is no reason under the sun



why we should not have this information.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I find that the book is useful for me, and I hope that it won't be held up as long as it was last time.

I also call attention to a lot of the legislators that some committees are not as well staffed as others, with the new staff that is in session now, and I think that it is a very cheap way of finding out information that you very much need to know if you are going to vote intelligently when it comes along in the last days of the session.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this Joint Order receive passage. A vote has been requested on the motion. All those in favor of passage will vote yes; those opposed will vote no.

A vote of the House was taken. 117 having voted in the affirmative and 17 having voted in the negative, the motion did prevail.

Sent up for concurrence.

### Consent Calendar

#### First Day

(S. P. 5) (L. D. 32) Resolve to Reimburse Aviation Oil Company for Tax Paid for Shrinkage of Motor Fuel (Committee on Taxation reporting "Ought to pass")

(S. P. 59) (L. D. 164) Bill "An Act Relating to the Preparation of List of Prospective Jurors" (Committee on Judiciary reporting Ought to pass as amended by Committee Amendment "A")

(S. P. 72) (L. D. 189) Bill "An Act Relating to the Renewal of Maine Sales or Use Tax and Income Tax Warrants" (Committee on Judiciary reporting "Ought to pass")

(H. P. 171) (L. D. 213) Mr. Briggs from the Committee on Natural Resources on Bill "An Act Classifying Pleasant Lake, Aroostook County" reporting "Ought to pass" in new draft (H. P. 663) (L. D. 765)

(S. P. 114) (L. D. 259) Bill "An Act Relating to Construction of

State Aid Bridges" (Committee on Transportation reporting "Ought to pass")

(S. P. 116) (L. D. 261) Bill "An Act Authorizing Department of Transportation to Make Advance Replacement Housing Allowance Payments Under the Relocation Assistance Act" (Committee on Transportation reporting "Ought to pass")

(S. P. 117) (L. D. 262) Bill "An Act Repealing the Limited User Highway Law" (Committee on Transportation reporting "Ought to pass")

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

### Consent Calendar

#### Second Day

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

Objection was noted.

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

Mr. HENLEY: Mr. Speaker, an inquiry of the Chair. Is this bill in a status whereby it can be debated or killed?

The SPEAKER: The status of this bill is exactly where a bill would be when we are accepting the Committee Report, as though it was a divided report and we are accepting the report, or as it was in past sessions when we accepted the Committee Report. The question right now is the acceptance of the unanimous "Ought to pass" report. Amendments cannot be put on at this time, except Committee Amendments.

Mr. HENLEY: What about indefinite postponement?

The SPEAKER: A motion for indefinite postponement is in order and the matter may be debated.

Mr. HENLEY: Mr. Speaker, I move that this bill be indefinitely postponed and I would like to speak briefly to it.

The SPEAKER: The gentleman from Norway, Mr. Henley, moves that this Bill and Report be indefinitely postponed.

The Chair recognizes that gentleman.

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I realize the intent of this bill and possibly the seriousness of implementing some control in that line, but I feel personally that we are encroaching upon the rights of citizens under our own Constitution, Section 16, every citizen has the right to keep and to bear arms for the common defense, but they have contributed that to mean that he can bear arms and he can go hunting and he can carry arms as long as he doesn't carry them concealed at practically any time.

Now I can actually recognize many situations, even though I am not a hunter — in fact it is the non-hunter who might want to have a rifle in the woods in the deer season, and he still may not be the least bit interested in shooting a deer. There is a lot of game in the woods besides deer.

I feel that this bill is really taking advantage of the rights of the individual and his right to use his gun or to carry it. Anybody who will say that if you are in the woods in the deer season, you have got a rifle, that you are guilty of a crime. I think it is a bit ridiculous and so I move for indefinite postponement of this bill.

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I also rise in opposition to this bill, for if this bill is passed it would prevent a man who has bagged a deer from re-entering the woods with anything stronger than birdshot during the deer hunting season.

Now there are many workingmen who have but one week in the fall to go hunting. They look forward to this and they plan for it annually. These men also enjoy hunting for bear and other game as well as deer when the opportunity presents itself. Now if a man should bag a deer on the first day of his vacation, he would be prevented from entering the woods again with anything stronger than No. 6 birdshot. If he wants to go bear hunting, he is out of luck, he could not use his rifle. He could use birdshot, but as a practical

matter I wouldn't recommend it on bear.

This man buys a hunting license for the right to hunt game during open season, and this bill is a denial of his rights. It is an abuse of power under the guise of correcting an enforcement problem.

The Commissioner of Inland Fisheries and Game has more power than ever before, and if there is an over kill on deer, he can and has closed the season as a conservation measure.

This bill discriminates against the workingman and is unnecessary.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am the author of this bill and I would like to defend it. In the first place, this bill is necessary because of the problem that we have in the State of Maine. If you will talk with your wardens, they will tell you that over 60 percent of the people that they meet in the woods the last week of deer season have punched licenses. So in other words, they have already tagged a deer. It means that these fellows that are hunting for deer are poachers or would-be poachers. The poacher is nothing but a thief and that thief is stealing from you and me and every man who has bought a license to go in the woods and hunt deer.

I, myself, checking hunters on my own land have found a group hunting in the woods of seven men with six punched licenses. This is pretty rough on a man who wants to go hunting the last few days of the season that hasn't had an opportunity to hunt before and to find a crew of men in the woods that are crowding him.

If you get into a constitutional question, we have on our books a law which prohibits the hunting of deer with a normal .22 rimfire rifle, and this is not a question of the constitutional right to own arms. It simply says that you cannot hunt deer with it.

If you check the records — I have many here — there are five counties in the State of Maine

where last year there was not a single solitary bear killed. The bear season opens the first day of June and runs through December. This gives a man a great opportunity to hunt bear if he wishes to.

I will be the first to admit that No. 6 shot is not ideal size shot to hunt bear with. On the other hand, if it becomes a question of defending a man's person against attack by any critter that walks in the woods in the State of Maine, I assure you that a shotgun loaded with No. 6 shot at close range is about as deadly a firearm as you can carry in the woods.

I am not going to quote the foot pounds of energy or all this sort of thing, but with a bear charging you, it is far more effective than hitting him with three 30.06 hollow point .180 grain bullets all at the same time.

I, as well as many others of you here, are employing about 140 men in the woods to try to save and enforce the hunting laws, trying to save our deer population. Now we all know that the deer's greatest enemy is two-legged man. We know that there are coyotes that are said by many to chase the deer and eat deer, kill deer, bobcats, and our real pal, the dog, is a real problem in the woods. They are trying to take care of most of these problems, but the biggest problem of all is the poacher. We have got our night hunters and we have got people who are out hunting in the daytime, too. Now a lot of these people are shooting deer for their friends, they are shooting deer to sell and there are many people; and I am sure most of you know one or more people who make it a habit of endeavoring and many of them succeeding in shooting five, some of them ten deer, a fall in the woods. This is the best idea that any of us have been able to come up with to control to a certain extent the man from hunting deer who has already killed and tagged one.

The wardens tell me that when they meet a group of men in the woods and they start checking their licenses and there are two, three, four in the group with tagged licenses, and they look at them and

the guy smiles and says, "Well, I have got my 30.06 rifle here and I am just practicing with it, I am barking chipmunks and red squirrels, or I am hunting for bear." Let me point out, there are over five counties in the state where there has not been a bear killed for two, three, four years.

Most of your bear are killed earlier in the season than during the open deer season; and if a man wants to go late bear hunting, he doesn't have to shoot his deer first. It will work a hardship, as far as bear hunting is concerned, on the individual who has already shot and tagged his deer. But if we are going to have deer in the woods of the State of Maine in the next five, ten and fifteen years, we have got to cut down on the illegal kill; and this, in the belief of many of us, would help tremendously in saving deer from illegal killings.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to concur with the first two gentlemen, the gentleman from Norway and the gentleman from Westbrook. Now the gentleman from Southport, Mr. Kelley, has just given you his opinion on his area. I would suggest that under this bill you could use No. 6, No. 7½ and No. 8 shot. Now No. 7½ and No. 8 shot is normally used for target practice. No. 6 shot is used early in the season for birds when they don't have the heavy abundance of feathers.

You have No. 4, a heavier load, you have .00 buck and you have .0 buck and you have the slug. Now, many duck hunters will use No. 4 shot. Hunters for geese will use No. 4 shot. In fact, some hunters of geese will use .00 buck.

I am very pleased the gentleman mentioned the coyote. I would recommend if you are hunting for coyote, you use .00 buck.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: As I read over this L.D. here, it is another bill for one man's

privilege. It says here that this shall not apply to persons hunting waterfowl from boats, blinds or in connection with waterfowl decoys. When we had the fluorescent bill this same man didn't want this to affect him. Let's have a law that affects us all.

Now all you gentlemen have got to do if you want to hunt after you have already shot your deer, go out here and buy a couple of these rubber ducks. It says in conjunction with, take them with you in the woods. Buy yourself a duck stamp and you can hunt. That is what it says right here.

Now the reason that I am against this bill is No. 6 shot, just everyone will shoot at them. They will become wounded. They will mature. They will die a terrible death, a deer will. I do not want to see them hunting with these.

I have here this morning four shells with me, which I showed to Mr. Kelley before we came in. These are live shells. These shells come from four different boxes. I will guarantee there is not a living man or woman in this House that can tell what is in those shells, unless they cut them open or open them, because they are not marked. I did not load these shells. These shells come from Remington-Peters. You can buy them everywhere. Now if a warden comes to me and I have already shot a deer, I have a shotgun all the time as it happens. He said to me, I would like to check this gun. I point it in the air and I fire it. I give him that empty shell. How is he going to prove what I was shooting with or what I had this gun loaded with?

Now when the gentleman says these bird hunters on the water, a waterfowl, I know down in Washington County — I hunt down there a lot around Pocomoonshine and all over the place — we use canoes. There is no law says you can't hunt deer out of a canoe. After I have shot a deer, all I have to do is go down there and I can hunt with anything I want to.

Now suppose that I buy my license and moose season opens and I pay \$25 or \$50 for a moose license and I have got my deer, I cannot hunt moose. I will be barred from it. Is the State going to give me back my money? No, I am stuck. I do not think this is right whatever.

Now I think that we had better have a law here that is honest with everybody, not just a few. He says that more people, more women, will be tagging deer. They will that is for sure. I tagged a deer every year other than the year I was in the army and the year that I laid in the hospital from the army, since 1927. I have been lucky to shoot a deer. Now, it is nothing to me to tag a deer or to shoot a deer. Gentlemen, now if I pay \$10 and a half for a license the warden better walk with me all the time.

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

Mr. DESHAIES: Mr. Speaker and Ladies and Gentlemen of the House: I have a lot of respect for the gentleman from Southport. For those who know him he is obviously a duck hunter, and I wonder what kind of reaction I would get, or anyone would get, if we were to introduce a bill that would prevent a duck hunter from remaining in his duck blind to hunt geese after he had shot his limit of ducks for the day? Ridiculous? Of course it is ridiculous, but there is no end to this sort of thing. A working man buys a hunting license, and the Lord knows it is high enough, now he must pay an additional \$5 for a duck stamp to hunt ducks and probably next year a dollar to hunt pheasants and now this bill will prevent him from hunting other game animals after he has bagged a deer. I say it is time to put a stop to this sort of thing and give the workingman a break.

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

Mr. PARKS: Mr. Speaker and Ladies and Gentlemen of the House: I arise to oppose the indefinite postponement of this bill.

You have just heard our ex-game warden of two months and seventeen days over here tell you that you can't go in the woods after you have shot your deer and shoot a moose. Well, he hadn't better be caught in the woods hunting moose because the moose season, if it does come, will be before the deer season opens.

Now this is a good bill. I see it had a majority report in the committee. It is a conservation measure and it is a bill that will help the game wardens immensely in catching these poachers. Now, we have heard a lot about the coyote dog and pet dogs and so forth killing our deer, one thing and another, but the biggest predator that we have is man himself.

Now it is a known fact that we do have a lot of these hunters who have shot their deer and have had their tag punched and then they will go back into the woods to try to get one for a friend or somebody else, and that is what this bill will prevent. It will help prevent. It is not a cure-all by any means but at least it will be a measure that will help conserve our deer herd that is fast, very fast dwindling here in the state. So I oppose this motion to indefinitely postpone this bill.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I rise again because amongst all of this discussion, amongst our expert Daniel Boones, I think that a lot of us perhaps are losing sight of the fact that we here are trying desperately session after session to preserve the rights of the majority of the people, and I still contend that the majority of the men in the State of Maine are not particularly interested in hunting. I know in my area, probably about one man in fifty is interested in hunting. Must we impose more restrictions upon a million people in the State of Maine so that 10,000 can hunt as they see fit, so that their particular sport can be preserved? Sometimes I get sick and

tired of the accent put on to the rights of the hunters.

I have stayed inside my doors and my wife has been scared of her life week after week during hunting season. Neither one of us hunt but we go out in the backyard in the garden and we are shot at. We have put up with those things because the hunter must hunt and he must use a gun.

Now, just because there seems to be a possibility that the law cannot contend with our rules on poaching within the million people in the State of Maine must suffer restrictions. I still say that the bill is ridiculous and we are just taking away more rights. I have stood up for people's rights in all my sessions here and I shall continue to. I think that the rights of the mass of the people should be considered and when you say that I cannot take a rifle and go in the woods next door to my home through three weeks or two weeks or whatever the case may be, the hunting season, whether I have got a deer or whether I have got one previously or not, it is really stepping on my rights. And that was the reason that I got up again, is because I am a non-hunter in this group and I still feel that we are stepping on the rights of the non-hunter by passing it and I certainly hope that we will kill it for good.

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

Mr. PERKINS: Mr. Speaker and members of the House: One small observation and that is that a good many hunters go into the woods for a period of a week as a vacation. A good many of these camps are deep in the woods and would suggest that if every hunter in the woods for a week's vacation has tagged his deer and sought to move out of their camp at the end of the week, he would be in violation of the statute. For that reason I can't possibly see, while it would be helpful perhaps in getting to some of the poachers, I would be more concerned that good, innocent people — regardless of the fact that they hunted after they got the first deer or not — would

suddenly be found guilty of an offense for which they had not technically committed.

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

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to make one observation. At this hearing this bill was presented by Mr. Kelley. It was endorsed by camp owners. It was endorsed by the President of the Maine Association of Fish and Game Clubs. It was endorsed by the President of a fish and game club with 42 members, another one with 325 members and several other people, guides and sportcamp owners and sportsmen.

Now, we would make it a lot easier on the committee — of course you would not have such a grand stand to play for — but if you would come to the committee and oppose these bills at the committee hearing — we have absolutely nobody speaking against this bill at all — but what actions you think the committee should take on a bill with people who represent several thousand people of — appear for a bill and not a soul appears against it. I think that if you boys have strong feelings on this fish and game bill, the place to voice your opposition would be in the hearing on the bill.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: As far as taking away any rights from a person, the only person affected by this bill would be the person who has already killed one deer and tagged him. This means he is a licensed hunter and somebody that is not deer hunting, who hasn't killed a deer, can do just as they please until they tag the deer. The law for many years has said that you were allowed to shoot only one deer in the State of Maine.

There has been reference made to the waterfowl hunter and this does have a clause in it which does not prohibit a waterfowl hunter who is limited to shotgun only to

use a coarser shot than normally you would use on deer — I mean that you would use on small birds.

This is not a new idea. There are many of our states that have similar provisions and if you were to check the laws of other states, you will find that in many states they close the woods to all hunting with the exception of deer, have a short deer season and deer are the only thing you can hunt. This I would hate to see happen in the State of Maine. This bill is a compromise to allow as many legitimate hunters in the woods as we can. It is intended to stop the man who has already killed a deer from shooting another deer himself and I hope that you will recognize the handwriting on the wall when you study the figures and the reports on the number of deer that we have in Maine today; that we had five years ago, ten years ago, and recognize that the illegal hunting has got to be stopped.

When you start talking about hunting bear and, as I mentioned before there are five counties with no record of bear kill in the last two years, there are many other counties where the record of bear kill is relatively light. It is the areas where the heavy concentration of deer hunters are found; and then if you start studying the time that the bear are killed, you will find that there are relatively few bear killed the last two or three or four weeks of the deer season, and people use bear hunting, red squirrel hunting, chipmunk hunting, and all the rest of it as an excuse to stay in the woods to hunt with a rifle.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I think probably I am very familiar with hunting, as I started in pretty young. I remember father telling me one year in the fall when I was about five or six years old that there was new snow. He opened the door and there was a rabbit track. He said, "Son, there is your breakfast." I have been hunting ever since. The thing I see mostly wrong with this bill, maybe it can be fixed over, but

I don't know, is the fact that you cannot carry any firearms. Now you take a trapper. About all the trappers carry sidearms and this bill will eliminate them from carrying sidearms just the same as it will from carrying rifles. And then again there is a lot of people who hunt partridge with rifles who cannot have both a rifle and a shot gun so they have got a rifle. So I say this is discriminating against the people and I hope you will vote for indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I am not a hunter, but I have been listening very carefully this morning to discussion from both sides. I come from Indian country up there where they do a lot of hunting and I would hate to say otherwise that there is at least one hunter out of every ten people up in that area, and I know that they don't all go out and shoot more than one deer. They are lucky if they get one. And when I heard my good friend from Southport say that some of these people have killed five or ten deer, I think that they are negligent in their duty in not reporting those same people to the proper authorities and have them taken care of, because I really believe our deer herd is being depleted by a lot of these illegal hunters. I believe that there is a lot of them that like to hunt more at night than they do in the daytime.

As a matter of fact, we have quite a few on that reservation of ours, they are not headhunters but they like to kill deer, and many of them are being picked up for poaching. I have no sympathy for them at all but I think this measure is not called for. If we want to protect our deer herd, why don't we declare a moratorium for a year or two years and give the deer a chance to rejuvenate.

Now if a hunter has shot a deer on the first day of the season, he is at a loss for the investment he has put in and the sport he enjoys. There are a lot of other animals in the woods that you would not

want to face with a shotgun. I know that if I had a shotgun and I met a bear, I think I would drop the gun and run. I would have to have a cannon in order to stand up in front of him and I do not believe a shotgun would stop him from coming at me. So not being a killer, not believing in it, but I do believe that we should kill this bill.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: I was at the hearing and I would have been an opponent to the bill when it was heard before the committee meeting, but I was presenting a bill in another committee. I did notice that there were many people from other clubs and what not but I think maybe what we are doing is, we are missing the point of this bill. We are all talking about people who hunt for the purpose of killing and for the most part, I have hunted for several years in Maine, and I didn't hunt at all next year, but killing the deer is not anywhere near as important to me as the social aspects of hunting.

The people that you choose to hunt with are usually your trusted friends and you hunt as a social activity and not as a bent activity on killing animals. I do not know any of the people in my group that at the end of a week of hunting, that any of us really care about the fact that we, neither of us nor any of us ever got a deer. For the last three years we have been skunked, and this five people that hunt almost religiously five days.

I have hunted in other groups. Last year I hunted with a group of people that yes, the game warden came and checked them, four of those people that were at the same camp had already gotten their deer, had punched licenses. But these men, they are not killers, they are not out to see how many deer they can wipe out of the wood, but as a group activity these men love to hunt, and they are completely cut out of the sport of hunting which is stalking the game and not killing the game. If the game appeared I am sure

that the person without the tag would have shot anyway, but again, they are not really concerned about the number of deer that they kill.

Killing the deer is no fun, as any hunter will know. From that moment on it is all work and the further you are into the woods the dirtier the work and the harder the work, so certainly the hunters that I hunt with, and the hunters that I am acquainted with are not killers. We do it as a social sport. We enjoy going back and talking about the noise we heard and the territory that we covered and the beauty of the woods. I would like to see this bill killed.

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

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: I heard the gentleman here a few minutes ago, said the fellow that was the warden for two months or something. This is far wrong and let me tell you now just how this was so you won't get the wrong impression.

I took this job the first of March. During this time I took a Civil Service job to carry the U.S. mail. I have taken five Civil Service jobs and I got every job. I left this job to carry mail and I was there the last of June. Now if that is two months, I don't figure right. Now I don't want you people to think that I left because of any other reason, because this is the reason I left.

And another thing I want to say, when the gentleman says that moose season will not be in deer season. I have hunted every moose season that I have ever lived in Kennebec County and I got a moose every year that it was on our farm. It was during deer season. Now I want to ask this man where he got his information from, that it is not going to be during deer season. It always has been.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: It was pointed out to me by my seat-mate that I made an inconsistent

statement, one that I did hunt last year and then I said when I was hunting last year. I meant it was in 1971 that I didn't hunt. Last year I did hunt one day.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Trumbull:

Mr. TRUMBULL: Mr. Speaker and Ladies and Gentlemen of the House: I am not a hunter because of choice and for no other reason. I am interested in hunting. I come from an area where everybody whether they hunt or not is interested. I would have supported this bill and introduced it if Representative Kelley had not. I appeared before the committee and testified in favor of it. I have talked to everybody that hunts up our way that I consider a true sportsman. They are all in favor of it and it gets right back down to the simple point of what are these individuals doing back in the woods with a rifle after they have got the deer. They are back there for one reason and for one reason only, they are back there to poach.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Ladies and Gentlemen of the House: I started in hunting when I was nine years old and I have hunted ever since. I have never seen a game warden in the woods during my hunting time. I doubt very much at the present time if they would dare to go in the woods. And if this bill passes — I have been married 43 years, my wife enjoys hunting very much and one season, I don't remember about them all but one of them she got her deer at 7:15 in the morning the first day. She enjoys the rest of the month hunting and this would bar her from the woods during that time. I am not in favor of the bill.

The SPEAKER: The Chair recognizes the gentleman from South China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: I have several woodlots and I like the privilege after shooting my deer to go in these woodlots and clean out the porcupine in the hemlock trees. If I see a coyote



I probably would shoot the coyote, other animals, otters, whatever you can think of that you would use a rifle on. Certainly if I saw a dog chewing up a deer I would probably be tempted to shoot the dog. I would hate to lose the privilege of carrying my rifle after I have shot a deer, so I would be opposed to this measure.

The SPEAKER: The pending question is on the motion of the gentleman from Norway, Mr. Henley, that both Report and Bill "An Act Relating to Possession of Firearm During Open Season on Deer after Deer Registered" House Paper 159, L. D. 201, be indefinitely postponed. All in favor of this motion will vote yes; those opposed will vote no.

A vote of the House was taken.

89 having voted in the affirmative and 45 having voted in the negative, the motion did prevail.

Sent up for concurrence.

#### **Consent Calendar cont'd.**

(H. P. 198) (L. D. 271) Bill "An Act Relating to Designation of an Official in Absence or Disability of Town Manager"

(H. P. 200) (L. D. 273) Bill "An Act Changing the Name of the Research and Education Trust"

(H. P. 185) (L. D. 227) Bill "An Act Relating to Penalty for Not Having a License Issued under Fish and Game Laws (C. "A" - H-24)

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

(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) (C. "A" - S-7)

Objection was noted.

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

Mr. HASKELL: Mr. Speaker and Members of the House: I hope the committee report will be accepted. My purpose in setting this aside is so that when the bill is in proper position to offer an amendment. So I hope the committee report will be accepted.

Thereupon, the Committee Report was accepted, the Bill read once and tomorrow assigned.

(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)

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

#### **Passed to Be Engrossed**

Bill "An Act Relating to the Control of Dogs" (H. P. 5) (L. D. 5) (C. "A" H-25)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent to the Senate.

#### **Passed to Be Enacted 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 a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 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.

An Act Appropriating Funds for the Maine Commission on Drug Abuse (S. P. 51) (L. D. 105)

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. 127 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.

#### **Passed to Be Enacted**

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

An Act Relating to Collection of the Blueberry Tax (S. P. 74) (L. D. 191)

An Act Relating to the Holding of Securities by Fiduciaries and by Custodians for Fiduciaries (H. P. 137) (L. D. 160)

An Act Relating to Manner of Transferring Investment Securities under Uniform Commercial Code (H. P. 136) (L. D. 159)

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

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

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

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I move that this particular L. D. be indefinitely postponed and when the vote is taken, I ask that it be taken by division. I let the thing go previously after my first attempt on it. Number one, the margin was so wide I figured that I wouldn't take another shot at it again until enactment. Probably the margin will be similarly wide today, but I think we at least ought to try it.

I have done a little more research on this matter. One of the things that you can't find out, however, is who controls how much land or how many acres the big blueberry growers own. But the fact of the matter is, the remarks of the gentleman from Ellsworth notwithstanding, that this bill will fundamentally benefit the big growers. The larger the grower, the larger the saving on the sales tax on the fuel.

I was tempted to try to put in an amendment at the appropriate time to remove the small growers from the bill. But now I have found out that that wouldn't do any good, they are going to get it in the end anyway, because the people who do the burning are the big operators. They come in and sign contracts with the small growers and bill them for their services. This is part of it, including the buying of the blueberries. It is sort

of like the old slogan, I guess, or saying, that "the small people here owe their souls to the company store."

Now the gentleman from Ellsworth indicated the last time around on this bill that the chief beneficiaries and the major reason, the major thrust for his putting in this piece of legislation was that it was going to help out the small growers. And we heard the remarks about how all these people are going to go on welfare if they have to pay that \$25 sales tax on a 50-acre plot. I think that is ridiculous.

One of the things I have found out in trying to cast around and find out who the big blueberry barons are, is that three of the major operators come from Ellsworth and the rest, of course, are very, very close to that area. You probably know who a lot of these people are. I don't know some of the individuals involved, of course. One of the biggest operators, I understand, is called A. L. Stewart and Son; there is another one called Jasper Wyman and Son, Northeast Packing Company, Medomak Canning Company, Herick's, Merrill's, G. N. Allen. There aren't very many of them, actually. But it still stands to reason, if you run or control 5,000 acres of blueberry fields you are going to save yourself \$2,500 on this bill in one year, \$5,000 for the biennium. This is a \$20,000 giveaway, and I think a lot of the conservatives in the House ought to be a little concerned about that.

This is their bill, they can pay their taxes and they ought to.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, moves the indefinite postponement of this Bill.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I won't bore you too long with this, but just let me read the law to you. Chapter 36, paragraph 1760, item 7:

"Products used in agricultural production and bait, sales of feeds, hormones, fertilizer, pesticides, insecticides, weed killers, defoliants, litter and medicines

used in agricultural productions and sales of bait to commercial fishermen are exempt." Now this is just simply the fact that from the years of 1963 to 1971, the fuels used to burn blueberries were defoliants and they still are defoliants. But after that, when Robert Vickery questioned as to whether since they were made into fire, the fuel oil was made into fire to defoliate, that it shouldn't be considered, there has been a tax placed on the fuel.

Now it is just as simple as that. If it is a defoliant it should not be taxed according to the law, the present law. If it isn't a defoliant, then that is up to you people.

The SPEAKER: The Chair recognizes the gentlewoman from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker and Members of the House: I would just like to set Mr. Bustin straight, that all of them don't come from Ellsworth that he listed, as he stated, A. L. Stewart and Medomak happens to come from the coastal area.

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. The Chair will order a vote. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

44 having voted in the affirmative and 84 having voted in the negative, the motion did not prevail.

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

An Act Repealing the Prohibition Against Mobile Home Sales on Sunday (H. P. 39) (L. D. 46)

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

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. SHAW.

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: When this bill was heard before committee, one of the people who runs a sales area in my neighborhood appeared against the bill. Another

one called me and told me if this passes it will cause him more trouble than it will do him good. He could do business enough in six days without running over into Sunday. So when this vote is taken, I would request a roll call on it.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: A couple of weeks ago we heard this bill in Legal Affairs committee and there was a divided report, the gentleman from Chelsea being on the minority side.

I would only like to state the position of the committee. As you know, real estate agents have been able to sell homes on Sunday which put them, some feel, at kind of an advantage over the people that sell mobile homes because they are not even allowed to show their product on Sunday.

So it was the feeling of the committee, after consideration of this matter, that since we are dealing with housing, which is in itself an item, we thought it would be fair and equitable if both types of housing, real estate and mobile homes, could be sold under the same law and indeed on Sunday. It was a question of equity in our judgment.

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

Mr. LACHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I am asking for the repeal of that statute prohibiting the sale of mobile homes on Sunday for many reasons.

A mobile home today no longer has the same reputation as it had many years ago and it should not longer be considered in the same class as the motor vehicle. With the housing shortage in the State of Maine, the mobile home industry has become a major part in housing — forty percent of Maine's homes last year were of the mobile home variety.

The housing shortage and the property tax has priced the young couple, the elderly and the low income right out of the conventional home market. Not only this but the rents on apartments has also

increased dramatically. Therefore, the mobile home seems to be the only form of housing that these people must then turn to. The mobile home does provide the low cost housing that these people need.

Another reason I ask for the repeal of this statute is for the reason that the gentleman from Rockland, Mr. Emery, has stated.

The real estate broker or salesman is presently allowed to sell on Sunday. I believe this to be discriminatory in that both the real estate broker and salesman are basically selling the same product — namely, housing. I believe that the mobile home dealers in towns bordering the State of New Hampshire are also affected by this statute. As most of you probably know, the mobile home dealers in New Hampshire are allowed to sell on Sunday.

I think possibly that the most important reason for this bill is for the benefit of the buyer. Individuals working at least 40 hours per week, which is the largest percentage of the working people, normally only have two days off per week. Being in the market for a place to live, these individuals have only nights and two days to shop. In Maine we are unfortunate in that 4 months of the year it is dark by 5 p.m. Thus, the shopper only has two days to shop for his home. One of those two days being Sunday, we have really left this shopper with only one day. Therefore, I am asking that you give these individuals that one extra day to buy a home for his family.

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

Mr. DAM: Mr. Speaker, Members of the House: I rise this morning to support this bill, and primarily the reason that I support the bill is because of the way the law discriminates now.

What this bill does is allow the people that sell a single unit mobile home to sell this home on Sunday. Now this could be a 10- foot wide or a 12- foot wide, up to 70 feet long, and it is a home. Yet, right now the way the law stands, the

person that has modular homes or two mobile homes hauled in two separate pieces can sell these on Sunday; but the man that has one home, one piece, cannot sell it on Sunday. And this is discrimination and actually all this bill does is clean up an area that is quite vague when it comes to talking about mobile homes. I would hope we support the bill.

The SPEAKER: The Chair recognizes the gentlelady from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker, Members of the House: I have a letter here on my desk which is signed by citizens in my area. There are two or three which are mobile home dealers. The others are just residents of the area and they don't want this bill passed. They don't want to have to sell on Sunday. And as far as real estate dealers selling on Sunday, I think you have to look around to find them. Not all real estate dealers work Sunday. I know our office doesn't. We feel we should have one day and I would ask that this bill not be passed.

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

Mr. LaCHARITE: Mr. Speaker, Members of the House: This bill does not provide that the mobile home dealers must stay open on Sunday. They can if they wish and the benefit to the buyer is really what we are really interested in. It is not the profit that the mobile home dealer will make.

The other thing is this: recreational homes in the mobile home variety or motor trailer or motor home can be sold on Sunday. A dealer who has the mobile home, the motor home and the mobile home both cannot be open on Sunday. His competitor across the street that just sells the motor homes can remain open. Now this is really quite discriminatory and I ask for your support.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of this bill. I didn't have the time to testify before that com-

mittee, only to be recorded in favor of it.

I find in talking with the young people throughout my district — and many of them have long miles to drive to get to work and get to where they are rooming or camping or whatever provisions they have got and would like to have a home of their own—I do think the bill has been discriminatory in the years gone by in prohibiting the sale of these single units to these young people and that is what we are really talking about, is providing housing in non-discriminatory manner for the young people of this state who are starting married life. I am in favor of this bill.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to bring to your attention a couple of things that you might want to consider before you vote on this bill. Some of you may remember at the last session of the legislature we had a bill in here which would, if passed, allow department stores to stay open on Sunday. Now, it was the department store owners themselves who came to Augusta and lobbied for the defeat of that bill. Their feeling was that if that bill had been passed, they would have to stay open on Sunday in order to stay competitors.

To go back a little bit further, in 1963 the Maine Automobile Dealers Association and the mobile home dealers of this state came to Augusta to have legislation enacted to make it illegal to sell mobile homes on Sunday and automobiles on Sunday. And I don't think — and according to reliable sources on this — it was their feeling on this that each person should be entitled to at least one day off a week, so why not let it be Sunday. I don't think their feeling has changed on this according to the correspondence which I have received on it.

Now I fully realize that certain areas of the state do feel differently on these subjects, but the people in my area have indicated to me that even during these times

of very rapid social change, Sunday should hold a certain amount of significance over the other days of the week. So, Mr. Speaker, I hope the ladies and gentlemen of this House will support the motion for indefinite postponement.

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 passage to be enacted of An Act Repealing the Prohibition Against Mobile Home Sales on Sunday, House Paper 39, L.D. 46. All those in favor of the motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Albert, Berry, P.P.; Berrube, Binnette, Boudreau, Brown, Briggs, Bustin, Carey, Cawn, Chonko, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Dam, Davis, Deshaies, Dow, Drigotas, Dunleavy, Emery, D.F.; Farley, Farrington, Faucher, Fecteau, Ferris, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Hamblen, Hancock, Henley, Hobbins, Hodgdon, Huber, Jacques, Jalbert, Kelley, R.P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, Merrill, Mills, Morin, L.; Morin V.; Mulkern, Murray, Najarian, O'Brien, Perkins, Peterson, Pontbriand, Ricker, Rolde, Rollins, Ross, Santoro, Smith, D.M.; Smith, S.; Snowe, Sproul, Susi, Talbot, Tanguay, Theriault, Tierney, Trumbull, Tyndale, Walker, Webster, Wheeler, Whitzell, Willard.

NAY — Ault, Baker, Berry, G.W.; Birt, Bither, Bragdon, Brown, Bunker, Cameron, Carrier, Chick, Churchill, Curtis, T.S., Jr.; Donaghy, Dudley, Dunn, Dyar, Evans, Farnham, Finemore, Has-

kell, Hoffses, Hunter, Immonen, Jackson, Kelleher, Kelley, Littlefield, MacLeod, Maddox, McCormick, McNally, Morton, Murchison, Norris, Parks, Pratt, Shaw, Shute, Silverman, Simpson, L.E.; Trask, White, Wood, M.E.

ABSENT—Barnes, Good, Greenlaw, Herrick, McTeague, Palmer, Sheltra, Soulas, Stillings.

Yes, 97; No, 45; Absent, 9.

The SPEAKER: Ninety - seven having voted in the affirmative and forty-five in the negative, with nine being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

### Finally Passed

Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (S. P. 58) (L. D. 141)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, Resolve 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 Report (7) "Ought not to pass" — Minority Report (6) "Ought to pass" on Bill "An Act Exempting Clothing from the Sales Tax" (H. P. 21) (L. D. 21)

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

Pending — Passage to be engrossed.

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

Mr. SIMPSON: Mr. Speaker, I now move for the indefinite postponement of this bill and all its accompanying papers and I would like to speak to my motion.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the indefinite postponement of this Bill and all accompanying papers.

The gentleman may proceed.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I would hope that this body today would live up to its own responsibility and that we not let

some other body do our work for us and that we vote to indefinitely postpone this piece of legislation. In so doing, I believe that we would make a very rational and not an emotional nor publicity-seeking decision.

The administration of this particular proposal, should it pass, would be just utterly impossible. We would actually be giving up the entire \$10.4 million in the sales tax which we are receiving right now. I think we had better take a look down the road a little bit, down the road to possibly June when we start to take this type of taxation out of the coffers of the State of Maine and decide whether we at that time want to vote for tax measures to pay the difference.

You know, actually this is no bill for relief for the poor. If we really want to talk about what we are going to do for the poor, the people of the State of Maine, if we want to talk about educational subsidies, if we want to talk about property tax relief, then one of the things you do not do is take away the taxes that are going to pay for those items.

You know, we were told the other day that we would have an amendment put on this bill and there is an amendment here that could be put onto it which would in turn water it down to make it look a little bit more palatable. But I suggest to you, ladies and gentlemen, that that would not make the bill any more palatable than it did in its original status. I believe that there are other ways that legislation such as this can be accomplished and it could be done in the form of another bill and I believe that bill is on its way.

I would like to conclude by just making one comment, and I want to make this very definite to the press, and it is that I am standing here in what I believe to be in the best interest of the people of the State of Maine in this issue. It is not a party issue, in no way have the Republicans taken a vote one way or another to support or defeat of this bill but I would be in hope that every one of us would actually uphold my motion to indefinitely postpone what I believe

to be in the best interests of all people of the State of Maine.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I would pose a question to the gentleman from Standish, Mr. Simpson, basically two questions. One, was the issue discussed in the Republican caucus yesterday, and secondly, it was not made a party issue in terms of voting in the sense of actual voting on the issue itself, was it not made a party issue in the sense that the gentleman indicated to them that the bill ought to be killed here.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin poses a question to anyone who may answer if he wishes. The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the gentleman's question, the item was discussed in caucus yesterday as many items are discussed in caucus, but you can check the minutes of our caucus and you will find that there was no vote taken to support or not support this particular issue. My feeling as Majority Floor Leader, it is my position to do what I believe is in the best interests of my party and the people of the State of Maine and my feelings are now heard.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I do not think that I can let this opportunity go by without being willing to accept the invitation given by the gentleman from Standish. I stand ready and available at any time to read the minutes of the Republican caucus and he is invited to read mine.

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

Mr. JALBERT: Mr. Speaker and Members of the House: First, I would like to comment on the fact that the gentleman from Standish, Mr. Sampson refers to. . .

The SPEAKER: The Chair will instruct the gentleman that the gentleman from Standish is Mr. Simpson and would caution him in his remarks.

Mr. JALBERT: that we debated this thing for an hour and a half the other afternoon and the gentleman from Standish sat glued in his seat. Now he mentions also the fact that let's not get carried away by the publicity-seeking effort. Now if my memory serves me correctly, reading the Portland Sunday Telegram three weeks ago, the gentleman from Standish does pretty well in that area.

The issue of publicity is one that has been raised oftentimes over the years. The news makes news and if an issue is hot, it is going to make news. I am going to speak tomorrow on the matter at some length. The gentleman from Standish also makes the statement that this measure here would not be advantageous to the poor. If we are going to help the poor, let's not take money away from the certain areas, the property taxpayer. At least in my area I do not know of too many who are too poor who own too much property, there being some fifteen to twenty thousand people who live in my area who do not own property.

I stated last week that I wanted to put an amendment to this bill to lower it to \$50. Various offers have been made which I do not accept. I heard some very apt remarks today. They would like to have a law that is honest with everybody, not just a few. This piece of legislation is honest for everybody and not just a few. And as far as I am concerned I would remind the gentleman from Standish that I have been around a few more semesters than he has been or will be, and I can tell you one thing right now, that I know what arm-twisting contests are.

Now I ask for nobody. I would like to ask one question from the gentleman from Standish, did he personally as Majority Floor Leader ask anybody to vote for or against this bill? Mr. Speaker, because I would like to put in my amendment which cuts this down to \$50, I would like to ask you

to vote against this motion to indefinitely postpone this good piece of legislation. And when the vote is taken, I hope that they will move that it be taken by the yeas and nays.

The SPEAKER: I would inform the gentleman that the time to offer amendments is at this time.

Mr. JALBERT: Mr. Mr. Speaker, I cannot offer my amendment, when there is a motion before the House to indefinitely postpone the bill, can I?

The SPEAKER: The gentleman is correct.

Mr. JALBERT: I just want to state, Mr. Chairman, I would like to have the privilege of doing it without this bill being indefinitely postponed.

The SPEAKER: The motion to indefinitely postpone is a motion of priority. The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: For the benefit of the gentleman from Lewiston, Mr. Jalbert. I attended the caucus yesterday and my arm was not twisted. For several terms I served on the Taxation Committee. For three terms I was the House Chairman of the Taxation Committee. Facetiously we always termed that Committee as the exemption committee but never once did we have a suggested exemption of \$10 million. This would very substantially erode the tax base. This idea is very commendable, but in my opinion it is neither practical nor feasible.

The talking point is an emotional one, that it is to help the poor people and those less fortunate than others. However, the way it is written, very few persons would have to pay any sales tax on clothing whether they could afford it or not, and this is a very substantial deviation to our sales tax conception, which over the years we have tried to make equitable. This loss of \$10 million would have to be made up in some way and we might be forced to go to a sales tax on food which has been suggested before but always defeated because this is where the real burden would be

upon our citizens of the state, and I hope the House supports the motion to indefinitely postpone.

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

Mr. MARTIN: Mr. Speaker, may I approach the rostrum?

(The Majority and Minority Floor Leaders approached the rostrum)

The SPEAKER: The Chair thanks the parliamentarian. The motion to amend has priority over the motion to indefinitely postpone. If the gentleman from Lewiston, Mr. Jalbert wishes to submit an amendment at this time, it would be in order.

Mr. Jalbert of Lewiston offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-15) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. JALBERT: Mr. Speaker and members of the House: It is always a delight, as I stated yesterday, to debate the issues with the good gentleman from Bath, Mr. Ross. And as we both stated yesterday, it didn't take long for us to get at it.

Now, we speak about emotions. I was wondering if not the gentleman from Bath, Mr. Ross, would admit with me in his fairness that when he brings in the food amendment, if we knock this out, if he is not being a little bit emotional? Now we could always go to automobiles, but much more important, we have got \$70 million in the till, we could do it in that area too and that is the area that I intend to go to, because believe me I have one book in the Appropriations room, a budget book, and I have one at home and I am going through it for the tenth or eleventh time and I had a little opportunity in the last six days last week and the week before to go through it and that is the area that I want to go to. I want to give something to everybody. Somewhere along the line the people are deserving of it and they expect it.

Mr. Speaker and members of the House, I present my amendment



which would knock this down to \$50 to protect the less fortunate individual. When the vote is taken on this I ask for the yeas and nays.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I stand to oppose the proposed amendment. I completely and thoroughly disagree with the purpose of the amendment. In my opinion it would only promote devious shopping practices if this legislation were approved, the result in this whole state becoming a state full of tax dodgers doing things that were dishonestly motivated, something that I think would be detestable and to be a part of it through adopting any such amendment as this I think would be a black mark on the record of this legislature and I hope you oppose it.

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

Mr. TALBOT: Mr. Speaker and Members of the House: I guess I am so confused on this bill now that I don't know which way I am coming or going. We have been throwing around welfare, what it will do for the poor, I am not so sure it will do that.

I guess what I am trying to say is that when we discussed the Social Services bill which was on the floor last week, we gave them \$1 million and we cut it back quite a bit. We didn't go to the million dollar surplus that Mr. Jalbert now is speaking of. I wonder why. Nine million dollars is a lot to lose. I don't know where we are going to pick it up. Somebody has got to pay for it.

I guess that is the issue that bothers me the most. We spent two hours on the floor discussing the Social Services bill, when we could have gone into surplus and picked out a million dollars as Mr. Jalbert says. But we didn't; we debated it, two hours on the floor and gave them something like \$350,000. That is really where the poor is. That is really where the help should have been, on that bill. This bill, I think, I am just con-

fused on it. I don't think it is going to help in the area we are talking about. If it is in order, I would ask that we table this for one more legislative day.

The SPEAKER: It is not in order for the gentleman to debate his tabling motion. The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "A" be adopted. 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 Lewiston, Mr. Jalbert, that House Amendment "A" (H-15) be adopted. All those in favor of this motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Berry, P. P.; Berube, Binette, Boudreau, Bunker, Bustin, Carey, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Crommett, Curran, Dam, Deshaies, Dow, Driogtas, Dunleavy, Farley, Faucher, Fecteau, Fraser, Gauthier, Genest, Good, Goodwin, K.; Hancock, Herick, Hobbins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McManis, McTeague, Mills, Morin, L.; Murray, Najarian, O'Brien, Peterson, Pontbriand, Ricker, Rolde, Santoro, Shaw, Silverman, Smith, D. M.; Smith, S.; Talbot, Tanguay, Theriault, Tierney, Tyndale, Webber, Wheeler, Whitzell, Willard.

NAY — Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Briggs, Brown, Cameron, Chick, Cottrell, Cressey, Curtis, T. S., Jr.; Davis, Donaghy, Dudley, Dunn, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Ferris, Finemore, Flynn, Gahagan, Garsoe, Goodwin, H.; Hamblen, Haskell, Henley, Hodgdon, Hoffses, Huber,

Hunter, Immonen, Jackson, Kelley; Kelley, R. P.; Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McKernan, McNally, Merrill, Morin, V.; Morton, Mulkern, Murchison, Parks, Perkins, Pratt, Rollins, Ross, Shute, Simpson, L. E.; Snowe, Sproul, Stillings, Susi, Trask, Trumbull, Walker, White, Wood, M. E.

**ABSENT** — Barnes, Carrier, Greenlaw, Norris, Palmer, Sheltre, Soulas.

Yes, 74; No, 69; Absent, 7.

The **SPEAKER**: Seventy-four having voted in the affirmative and sixty-nine in the negative, with seven being absent, the motion does prevail.

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

Mr. ROSS: Mr. Speaker, I now move that this bill and all its accompanying papers be indefinitely postponed.

The **SPEAKER**: The gentleman from Bath, Mr. Ross, moves that this Bill and all accompanying papers be indefinitely postponed.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Naturally I oppose the motion of the gentleman from Bath, my good friend, Mr. Ross. I would like to comment on the remarks made by the gentleman from Portland, Mr. Talbot, concerning itself with the million dollars of social services.

The Appropriations Committee took that opportunity to vote \$350,000 in retaining the services of an expert to decide what items we would want to keep, what items we couldn't afford, what items might be funded on the local level. I voted for that measure. I would have voted, as a matter of fact, for the million dollars which is not, incidentally, a million dollars, which is really \$5 million. If we would vote for the million dollars from January to June 30 to fund the program, we need an extra \$4 million for the biennium. So we are talking substantially in the area of \$5 million; and I can assure you that if that would happen, there would still be a great deal of money left in the area of our financial programming.

This measure has been debated for an hour and a half here today. It has had a fairly good argument today. I think it is sound. I think as the gentleman from Oakland, Mr. Brawn, says, it is one measure that is honest, with some help for everybody. For that reason I hope that you continue to vote in favor of this measure, and when the vote is taken I ask that it be taken by the yeas and nays.

The **SPEAKER**: For the Chair to order a roll call vote 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 Bath, Mr. Ross, that this Bill and all accompanying papers be indefinitely postponed. All those in favor of the motion will vote yes; those opposed will vote no.

### ROLL CALL

**YEA**—Ault, Baker, Berry, G.W.; Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Chick, Churchill, Cottrell, Cressey, Curtis, T.S., Jr.; Davis, Donaghy, Dudley, Dunn, Dyar, Emery, D.F.; Evans, Farnham, Farrington, Ferris, Finemore, Flynn, Gahagan, Garsoe, Good, Hamblen, Haskell, Henley, Hodgdon, Hoffses, Huber, Hunter, Immonen, Jackson, Kelley, Kelley, R. P.; Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McKernan, McMahon, Merrill, Morin, L.; Morton, Murchison, Parks, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L.E., Snowe, Sproul, Stillings, Susi, Talbot, Tanguay, Theriault, Trask, Trumbull, Walker, White, Willard, Wood, M.E..

**NAY**—Albert, Berry, P.P.; Berrube, Binnette, Boudreau, Bustin, Carey, Carrier, Carter, Chonko, Clark, Conley, Connolly, Cooney, Cote, Crommett, Curran, Dam, Deshaies, Dow, Drigotas, Dunleavy, Farley, Faucher, Fecteau, Fraser, Gauthier, Genest, Goodwin, H.;

Goodwin, K.; Hancock, Herrick, Hobbins, Jacques, Jalbert, Keller, Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McNally, McTeague, Mills, Morin, V.; Mulkern, Murray, Najarian, Norris, O'Brien, Peterson, Pontbriand, Ricker, Rolde, Santoro, Smith, D.M.; Smith, S.; Tierney, Tyndale, Webber, Wheeler, Whitzell.

ABSENT — Barnes, Greenlaw, Palmer, Sheltra, Soulas.

Yes, 77; No, 68; Absent, 5.

The SPEAKER: Seventy-seven having voted in the affirmative and sixty-eight in the negative, with five being absent, the motion does prevail.

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

Mr. SUSI: Mr. Speaker and Members of the House: Having voted on the prevailing side, I move that we reconsider our action whereby we indefinitely postponed this piece of legislation and I hope you vote against me.

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

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

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

Joint Order relative to Legislative Finance Officer approving expenses of his office (S. P. 254)

Tabled — February 12, by Mr. Bragdon of Perham.

Pending — Passage.

(On motion of Mr. Simpson of Standish, retabled pending passage and specially assigned for Thursday, February 15.)

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

Joint Order relative to Joint Standing Committees of the Legislature on Education, Health and Institutional Services being authorized to examine operation of various State Departments (H. P. 657)

Tabled — February 12, by Mr. Martin of Eagle Lake.

Pending — Passage.

(On motion of Mr. Martin of Eagle Lake, retabled pending passage and specially assigned for Thursday, February 15.)

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

Joint Order relative to Special Committee on Constitutional State Reapportionment (S. P. 233)

Tabled — February 12, by Mr. Martin of Eagle Lake.

Pending — Passage.

(On motion of Mr. Martin of Eagle Lake, retabled pending passage and specially assigned for Thursday, February 15.)

The SPEAKER: The Chair would announce the passing of our fellow colleague, Representative Harold Barnes. His funeral will be tomorrow, Wednesday, at 2 p.m. at the Craig Funeral Parlor on High Street in Old Town. The Chair will appoint the entire Penobscot delegation to represent the House at the service.

Mrs. Baker of Orrington presented the following Joint Resolution and moved its adoption:

WHEREAS, it is with great sadness we learn of the unexpected death of the Honorable Harold E. Barnes, Sr., of Alton; and

WHEREAS, he was a man of great faith, a devoted husband and father who had a particular love for sports, music and the Legislature; and

WHEREAS, in his mild, soft-spoken manner he was effectively serving his third consecutive term as a Member of the House of Representatives; and

WHEREAS, his untimely passing is a great and tragic loss to his family, his friends and the people of the State of Maine; now, therefore, be it

RESOLVED: That we, the Members of the One Hundred and Sixth Legislature now assembled, rise to record a moment of silent tribute to the memory of that gentleman from Alton, Mr. Barnes, and to tender our deepest sympathy to the bereaved family with assurances

of sharing their personal loss; and be it further

RESOLVED: That when the Senate and House of Representatives adjourn this day we do so out of respect to our departed colleague; and be it further

RESOLVED: That copies of this Joint Resolution, suitably engrossed, be immediately transmitted by the Secretary of State

to the family of the deceased as a lasting token of our esteem. (H. P. 694)

The Resolution was received out of order by unanimous consent, read and adopted and sent to the Senate.

Thereupon, the House stood in a moment of silence.

Thereupon, the House adjourned to ten o'clock tomorrow morning.