

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Sixth

Legislature

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, March 8, 1973

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

Prayer by Father Norman Carrier of North Vassalboro.

The journal of yesterday was read and approved.

The following matter appearing on Supplement No. 1 was taken up out of order by unanimous consent.

Resolve Authorizing School Construction in City of Eastport (H. P. 1089) (Emergency) (Presented by Mr. Mills of Eastport)

The Committee on Reference of Bills suggested the Committee on Legal Affairs.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: Not to debate this, because I would hope I could help my fellow legislator from Washington County, but I would like an explanation on this.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: You will notice this has also the title of an emergency on this supplemental. The reason for this is for Eastport to establish an industrial school of vocational training. They have got the plans drawn, they have got the land, they have got everything else. In order to meet a federal deadline we have to move this bill through the legislature. That is the reason why it is being urged along in this manner, sir.

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

By unanimous consent, ordered sent forthwith.

Papers from the Senate

From the Senate: The following Order: (S. P. 424)

ORDERED, the House concurring, that when the Senate and

House adjourn they adjourn until Monday, March 12, at 10 o'clock in the morning.

Came from the Senate read and passed.

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

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

Report of the Committee on Natural Resources on Bill "An Act Relating to Safety of Dams" (Emergency) (S. P. 177) (L. D. 485) reporting same in a New Draft (S. P. 410) (L. D. 1176 under same title and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading the next legislative day.

Messages and Documents

The following Communication:

STATE OF MAINE

Bureau of Public Improvements
Augusta

March 7, 1973

To the Senate and House of Representatives of the One Hundred and Sixth Legislature

In accordance with the provisions of Title 5, M.R.S.A., Section 1742, I present the accompanying Recommended Priorities for Capital Improvement Requests submitted to the One Hundred and Sixth Legislature for the fiscal years 1973-74 and 1974-75.

Respectfully submitted,

Signed:

NIRAN C. BATES
Director

The Communication was read and with accompanying papers placed on file and sent to the Senate.

The SPEAKER: Will the Sergeant-at-Arms kindly escort the gentleman from Westbrook, Mr. Carrier, to the rostrum.

Thereupon, Mr. Carrier 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 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 for Over-time Pay of State Police and Municipal Police Officers" (H. P. 1080) (Presented by Mr. Santoro of Portland)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Permitting Savings Banks to Indemnify its Trustees, Officers and Employees" (H. P. 1081) (Presented by Mr. Trask of Milo)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Relating to School District Reorganization" (H. P. 1076) (Presented by Mr. Stillings of Berwick)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Relating to Medical Treatment of Persons at State Operated Facilities" (H. P. 1079) (Presented by Mr. Santoro of Portland)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Provide for Forfeiture of Vehicles Used to Transport Narcotics" (H. P. 1074) (Presented by Mr. Dudley of Enfield)

Bill "An Act Creating the Maine Motor Vehicle Certificate of Title and Anti-theft Act" (H. P. 1075) (Presented by Mr. Stillings of Berwick)

Resolution Proposing an Amendment to the Constitution Classifying Certain Bailable Offenses (H. P. 1083) (Presented by Mrs. Boudreau of Portland)

(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act Amending the Wetlands Control Law to Include Inland Wetlands" (H. P. 1082) (Presented by Mr. Goodwin of South Berwick)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Relating to Regional Planning" (H. P. 1084) (Presented by Mr. Stillings of Berwick)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Amending the Maine Tree Growth Tax Law" (H. P. 1073) (Presented by Mr. Finemore of Bridgewater)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Relating to the Erection of a Sign on Maine Turnpike for the Evergreen Valley Recreational Area" (H. P. 1077) (Presented by Mr. Trumbull of Fryeburg)

Bill "An Act Prohibiting the Stopping of School Buses at No-passing Zones on 2-lane Highways" (H. P. 1078) (Presented by Mrs. Morin of Old Orchard Beach)

(Ordered Printed)

Sent up for concurrence.

At this point, Speaker Hewes returned to the rostrum.

The SPEAKER: The Chair thanks the gentleman and commends him for an excellent job.

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

Orders

Mr. LaPointe of Portland presented the following Joint Order and moved its passage:

WHEREAS, organized resident and day camping is involved with the quality of life of youth; and

WHEREAS, camping in Maine and the nation helps youth develop good, healthy images of themselves; and

WHEREAS, camping aids in the development of understanding of

the environment and the differences between race, culture and religion; and

WHEREAS, camping attended to the needs of 20,000 boys and girls in Maine last summer; now, therefore, be it

ORDERED, the Senate concurring, that the 106th Legislature salutes organized camping, both in Maine and the nation, the week of March 4th through March 10th which is "American Camping Week," and be it further

ORDERED, that a suitable copy of this Order be forwarded to the Fund for Advancement of Camping in honor of the occasion.

The Order as read and passed and sent up for concurrence. (H. P. 1124)

Mr. Connolly of Portland presented the following Joint Resolution and moved its adoption:

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Sixth Legislative Session assembled, most respectfully present and petition the Honorable Casper W. Weinberger, Secretary of the Department of Health, Education and Welfare, Philip J. Rutledge, Administrator of Social and Rehabilitation Services and each Maine Member of the United States Congress as follows:

WHEREAS, there are restrictions currently placed on Title IV-A and XVI of the Social Security Act of 1935 that limit services to former, present or potential recipients of welfare aid. These restrictions effectively cut off services to many low income individuals and families that do not fall within stringent income guidelines; and

WHEREAS, regulations affecting the above mentioned funds have been published (2-16-73) in the Federal Register that:

1. Prohibit use of private moneys as "seed money" for 3-1 federal matching funds; and

2. Restrict individual and family eligibility for use of services funded with these funds; and

3. Restrict the manner in which the State of Maine, through the Department of Health and Welfare,

can contract with private agencies for social services; and

WHEREAS, there is a 30-day period (2-16-73 — 3-16-73) during which citizens can respond to the Federal Government on the effects of such regulations, the regulations will not become effective until this 30-day period has been completed; and

WHEREAS, these restrictions affect a wide range of programs, including day care and elderly services, health and food distribution programs, Community Action programs, low and moderate income housing programs, educational and homemaker programs, camping projects, management training programs for low income people, medical research programs, the University of Maine's Social Welfare programs, legal services, among others; and

WHEREAS, there are restrictions on the use of "Revenue Sharing" funds that do not allow "Revenue Sharing" funds to be matched with federal dollars; and

WHEREAS, such actions as those described above will force many persons back on welfare rolls rather than create a positive force that respects human pride and dignity by allowing individuals and families to improve their social and economic conditions; now, therefore, be it

RESOLVED: That we, your Memorialists being cognizant of these facts and alert to the human needs served through human service programs, do hereby protest said actions by the Federal government and urgently request the foregoing agencies to halt the implementation of restrictions on "seed money" eligibility requirements and the manner in which the State of Maine will be allowed to contract with private agencies for human services; and be it further

RESOLVED: That duly authenticated copies of this Resolution be immediately transmitted by the Secretary of State to each of said federal agencies and to each Maine Member of the Senate and House of Representatives of the United States Congress. (H. P. 1119)

The Resolution was read.

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

Mr. BIRT: Mr. Speaker and Members of the House: I move this lie on the table for two legislative days.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that this lie on the table for two legislative days pending adoption.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I would question the tabling motion of the gentleman from East Millinocket and debate the question of timing. I am aware that we can't debate tabling motions, but we can debate the issue of the timing of the tabling motion.

If the gentleman from East Millinocket will look at the order, if it is tabled at all, there is no sense in passing it. So I would hope that the tabling motion would not prevail and ask either the gentleman from East Millinocket to withdraw the tabling motion or secondly, if he does not, that we vote against the tabling motion.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentleman of the House: In reference to the time, I believe we have until the 16th of March, which would be a week from tomorrow, if we were to table this for two days for action at the beginning of the week.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: In reference to the timing issue, if you take a look at your calendar, you will find that the 16th does indeed fall on Friday of next week, which is one week from tomorrow. Assuming it is tabled for two legislative days, it will be tabled until Tuesday, the 13th. At that point, it would be in a position to be debated here and go to the other body which would make it on the 14th. This thing would have to go to Washington and the way that the mails are operating, it

would never get there until the following week, and it is either now or never. And if we want to have input then it has got to be done today.

Thereupon, Mr. Birt of East Millinocket withdrew his tabling motion.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I think this is too important a motion to put to you without proper debate and study. This is certainly not something you can just pick up and pass through without having an opportunity to read it. It was placed on our desks about two minutes ago.

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

Mr. CONNOLLY: Mr. Speaker and Ladies and Gentlemen of the House: First of all, Mr. Speaker, I would like to thank Mr. Birt for withdrawing his motion. I don't know if perhaps it might be in order for the resolution to be read, but I would like to make my remarks and I hope they would be explanatory. If they are not, then perhaps someone can ask that the resolution be read when I have finished.

The resolution that you have before you would ask the Department of Health, Education and Welfare in Washington and the office of the Social Rehabilitation Services, which has recently been responsible for drawing up highly restrictive guidelines regarding monies available for social service programs under Titles 4A and 16 of the Social Security Act, the petition for the purpose of withdrawing those restrictive guidelines.

Let me briefly explain major points, that are affected in the guidelines. Number one, if the guidelines go into effect on the 16th of March, all private monies that are now used to fund one quarter of the share of many social service programs, not only in the State of Maine but throughout the nation, would not be allowed as seed money available for matching under these two titles of the Social Security Act.

This means that any monies coming from such organizations as the United Fund, the Diocesan or the Catholic Church in the State of Maine, the Unitarian Church, or the Wabon Association of retarded children in Sanford, etc., etc., would not be able to be used as matching seed money for matching funds.

The second point in the restrictions is that the eligibility guidelines for people who would be able to receive help under these two titles would be restricted by lowering the income guidelines. Consequently, people who are not on welfare would not be eligible at all, even though the wording does not read that way. The effect of the income guidelines would be to prohibit everyone from receiving any of the services with these monies unless they were on welfare.

And the third point is that the State of Maine through its Department of Health and Welfare would be restricted in a way that it can contract with private agencies for these kinds of services.

The resolution would also do another thing. It would call to the attention of the Congress of the United States the recent action by the Nixon administration in cutting back or impounding certain funds for many human service programs throughout the country.

Just to give you a brief listing of some of the programs that would be affected in the State of Maine, some of the losses financially in the State of Maine, let me say that \$10.5 million would be lost in housing projects for low income people and for the elderly; \$5 million in grants and loans to hospitals for construction would be lost; \$1.5 million to Parks and Recreation Department for land acquisition and development; \$2 million in federal aid to the University of Maine; \$5.8 million to the mental health centers over a period of five years; \$76 million in federal funds in aid to protecting the environment. And there would also be a 75 percent cutback in aid in Model Cities money for the cities of Lewiston and Portland.

I would like to take this opportunity to point out that these

restrictions and the cutbacks and the impoundments are not solely the results of the administration in Washington but are also the result of the Congress, and that includes the Maine delegation when last October they voted unfavorably for amendments to the Social Security Act.

One final point. Those of us here in the legislature, in my opinion, have the opportunity in acting on this resolution and other matters that will come before us regarding social services and human service programs to act in a magnificent and a humane manner if only we will take the opportunity to find out what the facts are, what the needs are, and what the possible solutions are. And that is primarily why I put this resolution before you.

I am not sure at all how much effect it will have when we petition the two departments that I have mentioned or the Congress, but I think it is important that all of us here find out exactly what it is that's going on. I am amazed by the fact that Representative Sproul went to Washington this past week to find out just such information. I think that is very commendable, and I think that kind of action is something all of us should consider.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I think that the previous speaker, the Representative from Portland, Mr. Connolly, has brought out the point that I was thinking of when I asked for some debate on this and some time because we shouldn't do some things like this until we do know what we are doing.

It seems to me, on the face of this, it is very much what we have given temporary funds to the Health and Welfare department to carry on these programs for a few more weeks until we could study it. Here we are being asked to memorialize Congress on the same thing before we have had a chance to do the studying that we started roughly two weeks ago.

Now it seems to me that we are rushing this just a little bit. I do not think that Mr. Connolly has any more compassion for the needy than I do. But I do not think you are helping the needy when you rush into something when you don't know what you are doing. I think that someone should motion for another tabling on this.

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

Mr. SPROUL: Mr. Speaker and Ladies and Gentlemen of the House: I would like to tell you of the meeting in Washington on Tuesday when the Maine Municipal Association and approximately 40 local officials appeared before all our members of the Maine delegation. I believe it was unanimous, it was suggested by the group, and I believe all four of our delegates in Washington are in favor of relaxing the restriction, especially in regard to the use of private monies as the seed money.

In the State of Maine approximately 50 per cent of our seed money for match has come from private sources. And I believe if this not relaxed, that it will mean quite a curtailment in the operation in the State of Maine. I see nothing wrong with this. I understand there are thousands of communications in the Health and Welfare Bureau in Washington and we would only be adding our thinking to that and we hope that they will relax these somewhat so that program will be more flexible and we can use our dollars to better advantage in Maine.

I would therefore urge passage of this resolution today.

Mr. SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Huber.

Mr. HUBER: Mr. Speaker and Ladies and Gentlemen of the House: I agree with this gentleman, Mr. Donaghy. In general, I do not approve of this type of resolution. However, the guidelines were published in the Federal Register I believe on February 16 and the deadline for reaction to these guidelines must be within thirty days. In other words, I think we have been equated to react to these guidelines.

The question that I object to in these guidelines primarily, again, is the fact that private funding will no longer be allowed to receive money. This will have statewide effect in any communities that have United Funds, the Bureau of Human Relations programs and many other programs.

Earlier we considered and approved \$350,000 interim financing for social services to give us time to evaluate these programs and find out which were worthwhile and which were not. The programs that will be affected by this change in funding are very much those programs that already have the local support. They already have individual donations or charitable organizations donations going into them. They have a local commitment.

Because of the March 15 guideline, I do hope the members of this House will suspend their objections to this type of resolution and will pass this joint resolution before us.

Mr. Donaghy of Lubec, was granted permission to speak a third time.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I rise to withdraw my objection because now I have had the more than two minutes to read this. I have heard an explanation from Representative Sproul and Representative Huber, and I think it is ample. I hope that we will pass it.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I know that this discussion wouldn't be complete unless I got up to object to this memorial. I shall move for its indefinite postponement. I am rather sorry to disagree with my friend, Mr. Sproul from Augusta, but to me this is just part and parcel to the whole structure of what I call a galloping trend toward socialism that we have done for the last few years — quite a few years. We are pretty near there. I shall still be objecting though until the last gun.

We always complain when it comes time to pay taxes. Why do we complain? Because government cost so much, whether it is federal government or state government or county government or local government. That is fine when we are complaining about government, but when it comes to turning some of those same things that our tax dollars buy, that's different, we must not touch those. We are supposed to do it without dollars. I think that probably the trend which was started by our President and some of the Congress to really cut back on costs of federal government. It is going to be completely nullified as every state in the Union and all of the rest of the people that want more and more; say, well, you shouldn't cut out our state. They shouldn't cut down these problems, you should send this down the millions of dollars in federal funds, revenue sharing and still give us all these other dollars.

How are we ever going to cut back on government costs if we don't curtail some of these programs? I know it is said these generate federal funds. The federal government has got us so snarled up in federal funds that we can hardly put in a new bathroom without their permission. This is a deplorable situation.

I realize that what I have to say will do nothing except to be sure that you know my state of mind on the whole thing. I think that we should, like the few towns — there is a town in Ohio, I think, a good sized small city that has refused consistently to do anything with federal funds through all these years and the town, surprisingly, is prospering.

I think that again, along with this thing, it is a memorialization to Congress, try to tell Congress what their business is and still only a week or ten days ago we here in the House turned down a letter of advice from a congressman, and I agreed that it should be turned down. We have a sovereign state to run, not the federal government. Primarily, this probably, amongst the other thousands that get there, will just perhaps make some of you people feel a little bit better.

They won't make me feel any better.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: When this resolution originally came before the Reference of Bills Committee, I refused to sign it. This is the very first time I have had the opportunity to see a redraft of the original one. My signature was not on this one. I would have to say that if it had been presented to me in the redraft I probably would have.

I stand before you today and tell you that I believe that we would be very unwise if we did not pass this joint resolution. I think you know where I stand on memorials to Congress, but I do not consider this a memorial to Congress. I consider this as the State of Maine's answer to the Federal Register in which it has already been stated by the gentleman from Falmouth that it is up to us to make our determinations known as to what is in that register and I urge that you vote against the motion to indefinitely postpone.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: As you are aware, as my colleague Mr. Sproul has indicated, the Appropriations Committee has been engaged in a rather intensive study of this field; and basically, what is going on here and was initiated from the federal level was the hopes for a reassessment of these programs. And in my view, after a rather careful study, I think that that state should indicate, as this memorial does. I support the concept and think that we should add our voice to those of other states that are similarly memorializing Congress.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I also agree with the remarks made by the gentleman from Standish, Mr. Simpson. We

worked on this particular problem for some time and I know all of us are concerned with it. If the State of Maine is going to have an input into what the department is going to be doing and finally coming out in terms of regulation, we have to do it very quickly.

It is not the administration, it really is in Congress that is involved here. It is really the Federal Register that becomes the group of unknown who write these regulations and send them down for reaction, and at this point — I may be wrong in the number of states — I believe some 30-odd states have done this type of thing that we are contemplating today in order to transfer to the Washington area their opposition to this particular regulation. And so I would ask you to vote against the motion of indefinite postponement.

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

Mr. MILLS: Mr. Speaker and Members of the House: I may be wrong in my thinking, but it is my assumption that the tax money for all of these monies involved has already been paid by the taxpayer. And if we didn't pass this thing through here today, we would be doing an injustice to the taxpayer of Maine.

Mr. LaPointe of Portland requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Norway, Mr. Henley, that the Joint Resolution be indefinitely postponed. All those in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEA — Dunn, Henley.

NAY — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brown, Briggs, Brown, Bunker, Bustin, Cameron, Carey, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cote, Cottrell, Cressey, Crommett, Curran, Curtis, T. S. Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dyar, Emery, D. F.; Evans, Farley, Farnham, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Herrick, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, Parks, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Susi, Talbot, Tanguay, Theriault, Tierney, Trask, Trumbull, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.

ABSENT — Carrier, Cooney, Good, Hodgdon, McNally, O'Brien, Palmer, Santoro, Sheltra.

Yes, 2; No, 138; Absent, 10.

The SPEAKER: Two having voted in the affirmative and one hundred thirty eight in the negative, with ten being absent, the motion to indefinitely postpone does not prevail.

Thereupon, the Joint Resolution was adopted.

By unanimous consent, ordered sent forthwith to the Senate.

Mr. Curtis of Orono presented the following Joint Order and moved its passage:

WHEREAS, the Red Riots of Orono High School have won the Class B Basketball title for Eastern Maine; and

WHEREAS, on Saturday evening, March 3, 1973, in Augusta the courageous Red Riots went on to win the State Class B Basketball title; and

WHEREAS, the people of the State of Maine are extremely proud of their new Class B Basketball champions and their splendid record of achievement; now, therefore, be it

ORDERED, the Senate concurring, that we, the members of the Senate and House of Representatives of the One Hundred and Sixth Legislature, now assembled, take this opportunity to recognize and honor this outstanding basketball team, its captain, Stephen J. Gavett and its coach and athletic director, John S. Griffin for their accomplishments in the field of sports and wish them continued success in bringing honor to their community, school and state; and be it further

ORDERED, that duly attested copies of this Order be transmitted forthwith to Principal Robert T. Robinson, Coach John S. Griffin and Captain Stephen J. Gavett of Orono High School in token of the sentiments expressed herein. (H. P. 1123)

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

The following paper from the Senate was taken up out of order by unanimous consent:

From the Senate: The following Joint Order: (S. P. 437)

ORDERED, the House concurring, that Rooms 307 and 351 in the State Cultural Building be reserved as hearing rooms for the 106th and succeeding legislatures and be released for other purposes only upon approval by the President of the Senate and Speaker of the House.

Came from the Senate read and passed.

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

Mr. Sproul of Augusta was granted unanimous consent to address the House.

Mr. SPROUL: Mr. Speaker and Members of the House: I would like to respond to the remarks

made by the gentleman from Eagle Lake, Mr. Martin, in the House Record of two days ago. I have the highest regard for Mr. Martin and consider him a capable young man, but he has been wrong for at least a month concerning the law on the social welfare cases.

He stated in the House Record of February 6, "Congress passed a law which said that we had to spend 10 percent of the money we got for non-welfare recipients. The law is very specific." This is not true. The law places a 10 percent limitation as a maximum that can be spent on non-welfare recipients. In other words, the 10 percent is discretionary.

Mr. Martin also distributed a statement regarding L. D. 394 which stated, "By limiting the provision of social services to only people on welfare, we are just encouraging people to get on welfare." He also stated in the House Record of February 6, "Health and Welfare is using that 10 percent for its own in-house services for on-welfare recipients." So I submit to you that if these people have been forced onto welfare, it is the administration by the state of Maine that has caused it. They had at least 10 per cent discretionary money that could have been used to help non-welfare people.

I wish Mr. Martin would read my material. If he did, he would know that my alert No. 1 was on the budget with no mention of social welfare cases. He would also know that most of the papers in the state are printing my Alert No. 2 and would have recognized the Portland paper's March 4th material as a portion of that.

I also wish his remarks of two days ago could have put this whole matter to rest. Anytime he wishes to do his homework and state things accurately, I will be happy to call a halt, even if it is fun.

He recalled that I have stated Maine has had no cutback in federal funds and added, "Unfortunately that is not true." Then he went on to point out that hopefully by June 30, 1973, the state administration will use over \$9 million of the \$12 million potential. I submit to you that he proved

he was wrong and that what I had stated was, in fact, fortunately true.

He goes on to get into deeper trouble, and here is where I believe his real misunderstanding comes to light. He stated, "To put it very simply, the federal government made the money available but then placed restrictions on it so that it could not be spent." Now I ask you if that makes any sense? Apparently, Mr. Martin has been confused between a cutoff of funds with restrictions as to the use of funds. To borrow a phrase that I have heard somewhere, "I would like to make this perfectly clear" as of February 6, March 6 or today Maine has had no cutback in funds for these social services. Mr. Martin has agreed there is and will be more funds available to Maine and will be used.

There have been restrictions imposed as to how these funds will be used. This is a matter of understanding the program and having a plan to use the funds within the law and the restrictions. Thank you very much.

Mr. Martin of Eagle Lake was granted unanimous consent to address the House.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think I feel somewhat like the gentleman from Houlton Mr. Bither, when he indicated that he wasn't going to be talking about that bird any more and ended up having to talk twice again.

I had hoped I had made some remarks two days ago which were going to respond to the question. I am not going to continue the debate. I am going to just let you people, as the regulations and the decisions come from Washington in the next month, make up your own mind as to who is right and who is wrong. And I am sure that in the final analysis someone is going to be right and someone is going to be wrong, and one of us will be in that type of position. Regardless of which one of us it is, I hope it isn't going to create long-term problems. I just think that in the final analysis I hope that the people of Maine are not the ones that suffer.

Mr. Simpson of Standish was granted unanimous consent to address the House.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: Just a few minutes ago you passed an order without debate here pertaining to Rooms 307 and 351 in the State Cultural Building being reserved as hearing rooms. I think you should be told that this morning there were three committees that did not have the opportunity to have executive sessions because we could not find a room for them to have such sessions. Therefore, we have looked at the Cultural Building and looked at the rooms there to try to determine if we can pick up some extra rooms to have more hearings and more executive sessions to get the legislature rolling faster.

House Reports of Committees Ought Not to Pass

Mr. Ross from the Committee on Election Laws reporting "Ought not to pass" on Bill "An Act Relating to Circulating Specimen or Sample Election Ballots" (H. P. 345) (L. D. 460)

Mr. Snowe from the Committee on Election Laws reporting "Ought not to pass" on Bill "An Act Relating to State Political Committees to Determine Order of Business at State Convention" (H. P. 587) (L. D. 778)

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

Divided Report

Majority Report of the Committee on Transportation reporting "Ought not to pass" on Bill "An Act Relating to Exemption of Fire Trucks from Motor Vehicle Inspection" (H. P. 424) (L. D. 573)

Report was signed by the following members:

Messrs. GREELEY of Waldo
CIANCHETTE

— of Somerset
— of the Senate.

Messrs. WOOD of Brooks
McNALLY of Ellsworth

Mrs. McCORMICK of Union

Mrs. BERRY of Madison

Messrs. WEBBER of Belfast

JACQUES of Lewiston

DUNN of Poland

— of the House.

Minority Report of same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Mr. SHUTE of Franklin
— of the Senate.
Messrs. KEYTE of Dexter
FRASER of Mexico
— of the House.

Reports were read.

Mr. Wood of Brooks moved that the House Accept the Majority "Ought not to pass" Report of the Committee.

The SPEAKER: The Chair recognizes the Gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: This is not an important bill, but I believe that the reason for the report of Ought not to pass is based on the fear that if this bill should pass, we would have fire trucks running all over the place without brakes, without lights, and without other requirements that are demanded for an inspection sticker.

The truth of the matter is that even if these trucks were exempt from inspection, they would still be required to comply with the law that pertains to brakes, lights, tires, and so forth.

The fear, of course, is about the small departments. These departments consist entirely of call men and an old beat up fire truck. Again, I feel the fear is misplaced. Most small departments, which are, in truth, volunteer departments, are proud of their equipment and spend a good deal of their time working on it. It is part of their training program actually, and in most of these departments there is at least one mechanic. It is my opinion that most of these small departments have their equipment in good shape. If by any chance there should be some that would not be that, then they would be in violation of the law and they would be liable to arrest for this violation.

As I said, this bill would only provide exemption from the sticker inspection, but no exemption from any other part of the motor vehicle laws; I would further suggest that if any department was violating

these laws they would violate the inspection sticker law as well.

I really believe that the passage of this law would not put more unsafe fire trucks on the road. So, members of the House, I would hope that you would vote against the acceptance of the Ought not to pass report.

The SPEAKER: The Chair recognizes the Gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker and Members of the House: As you people here all know, there are several hundred small towns around the State of Maine that have volunteer fire departments. They buy their equipment, sometimes 30 or 35 years old, that is practically worn out. We believe, after a lot of deliberation, that if these people were allowed to run these trucks on the road without prior inspection that that is exactly what would happen; they wouldn't be inspected.

I have had it stated to me from a certain person in a small town, "We hope this bill does pass because our fire truck will hardly pass inspection." I don't believe we want that to happen. These little trucks in these small towns go out to farm fires in the country a long ways from town. It is a little bit different than it is in the city, and I don't want to meet these trucks after dark with no lights or no brakes.

I believe that we have an inspection system and I don't believe that it is very inconvenient for any fire department to have twice a year an inspection on their trucks. I believe it is a safety measure for all of us. I don't believe it will set back any fire department from getting to a fire on time, and I don't believe that we should have any special privileges for any motor vehicle that is on our highways. I hope you will vote for the majority Ought not to pass report.

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

Mr. FRASER: Mr. Speaker and Members of the House: One of the things brought up at the hearing was the fact that some of these trucks, as mentioned by Mr. Wood,

are old. But the fact that they are old does not necessarily mean that they are worn out. These trucks are used maybe once or twice a month. They are in good condition but they do get old. They now have mufflers that are beyond the date where they can be replaced; they are not manufactured any more, and it is impossible to live up to the requirements for these stickers. Therefore, I hope you will listen to our good friend, Mr. Theriault.

The SPEAKER: The pending question is the motion of the gentleman from Brooks, Mr. Wood, that the House accept the Majority "Ought Not to Pass" Report.

The Chair recognizes the Gentleman from Dexter, Mr. Keyte.

Mr. KEYTE: Mr. Speaker and Members of the House: As I voted on this bill to pass, I have taken it up with several fire departments around in my area. They take good care of their trucks. They have men riding on the sides and on the back of these trucks, and I don't believe that they would take a chance of going out with them not in good shape.

I know they have mechanics who take care of them, they look after safety for their men, and I hope that you will vote against this bill.

The SPEAKER: The Chair recognizes the Gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker, Ladies and Gentlemen of the House: At the hearing there was a fire chief there who, I believe, was President of the Fire Chiefs of Maine, and he stated that he was representing them. The fire chief in my area called me up and asked me not to vote for this. He said he felt the vehicles should be inspected.

Today I was approached by a man in another county from mine and he told me that they had a little old fire truck there that wouldn't pass inspection, and he was hoping this would pass.

I don't believe we should discriminate. I think we should have inspections on all vehicles.

The SPEAKER: The Chair recognizes the Gentleman from Lewiston, Mr. Jacques.

Mr. JACQUES: Mr. Speaker and Members of the House: I voted

against this bill for one reason, and that is that if this bill had gone through this would have been an awful dangerous vehicle to be on the road.

As you know, some of these trucks weigh from 40 to 50 tons. As a matter of fact, we just purchased one now that I think is about 60 tons. Can you imagine this vehicle going down the street without brakes? They are traveling, as you all know, 40 or 50 miles an hour when they are heading for a fire with the siren on. This is one of the reasons, Mr. Speaker and members of the House, that I decided I should vote against this bill, because I feel that these trucks should be inspected and a rugged inspection. So that is one of the reasons I voted Ought not to pass.

The SPEAKER: The Chair recognizes the Gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker, Ladies and Gentlemen of the House: I live in a small town that has a couple of tank trucks. They hold quite a lot of water, and I wouldn't want to meet those trucks on the road if they didn't have the proper brakes.

Sometimes they say that they take good care of them. Yes, they do to a certain extent, but it also is quite easy for them to forget about checking the brakes and so forth and a number of other things, and they may get worn thin.

Now, those tank trucks are heavy and they should be inspected. And I don't think that we ought to pass this bill because also, if you do this and we have a few accidents, you are going to have more insurance, I believe. Now, we have to insure those trucks, and I don't think it is fair for anybody to have to drive on the roads with those trucks and not have them inspected.

If I have a fire, I want those trucks to get there as fast as possible, but I want them to get there safely. They are not going to if they are not in proper condition. And you know, and I know, that human nature being what it is, if they have something that isn't just right, they are going to let it slide unless somebody keeps at

them to have it right. So I recommend that we accept the majority Ought not to pass report.

The SPEAKER: The Chair recognizes the Gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. President and Members of the House: In reference to the matter of meeting one of these trucks on the road and the truck not having brakes, there is no guarantee that if it is supposed to have an inspection sticker that the brakes will work. It might work at the time they have that inspection but they might lose their brakes on the way back.

I maintain that the inspection is only one way of seeing that the things are correct, but it is the responsibility of their fire chiefs and their department to see that their equipment is in good condition; and if it is not, they can always be taken to court. I don't believe it would make any difference in the condition of the trucks if this bill does pass.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker and Members of the House: I go to a doctor every so often to have a checkup, and because he checks me up and tells me I am okay doesn't necessarily mean that something can't happen in between. So I think that the checkup, whether it is a fire truck or a car or a person is a very good idea.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't feel strongly about this but I do run an inspection station and I might make it a little clearer to some of you people in the House that these old fire trucks that they speak of, generally the brakes are not the problem. I haven't seen any cases in my station where that was the problem. The problem is the truck is so old that you can't get parts for it like windows, mufflers and other things that I don't think impairs the running of it.

And while I am here I will remind you that a lot of states

in this United States don't even have inspections — quite a few of them. Most all your southern states don't have inspections of any kind and I don't think their accident rate is any greater than ours. So I really don't know if this inspection of your car and all the other cars is really necessary. I certainly don't think it is necessary on these old fire trucks. They don't have any seat belts either and this is another requirement to be inspected. I just can't conceive of a fireman getting in there and strapping himself in, but the law says you have got to have them now. And there are so many other things that these old fire trucks don't have, I really think they should exempted.

I know of none that ever came to my place to be inspected that didn't have any brakes. I have seen some that didn't have a proper muffler or didn't have a proper window — scratched, you can't inspect it. Perhaps the crack has been there for 20 years but you still can't inspect it now because the law — they kept adding to this inspection law. Someone wanted his name on a bill here and they have kept adding little things to it so they have got it so it is pretty stringent to inspect any vehicle today. It has got so that some of these old fire trucks, although the pump on them is perfect, maybe pump 10,000 gallons a minute and it would do a great lot of service if it could be gotten to the fire; but when they get them to my station to be inspected, it is impossible to be inspected because of these technicalities. We have got new laws and new restrictions and I can't conceive of any fireman running a truck on the road that had no brakes.

First of all, these trucks that we are speaking of are not 10-ton vehicles, they are old McCann's and old Reo's and this type of vehicle, other names of vehicles that you have never heard of. The McCann and the Reo are the two most popular ones. That is about all some of these little towns back in the woods can afford, but they have put out a lot of pretty good fires with these same old trucks. I would hate to see the place burn

down because they couldn't afford a better one.

The SPEAKER: The pending question is on the motion of the gentleman from Brooks, Mr. Wood, that the House accept the Majority "Ought not to pass" Report. The Chair will order a vote. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 34 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Consent Calendar

First Day

(H. P. 431) (L. D. 580) Bill "An Act Relating to Beano or Bingo Licensing" — Committee on Legal Affairs reporting "Ought to pass" as amended by Committee Amendment "A" (H-81)

(H. P. 441) (L. D. 590) Bill "An Act Relating to Registration and Enrollment at a Municipal Caucus" — Committee on Election Laws reporting "Ought to pass in New Draft (H. P. 1087) (L. D. 1255)

(H. P. 599) (L. D. 790) Bill "An Act Relating to Committee Functions at State Political Conventions" — Committee on Election Laws reporting "Ought to pass"

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

Consent Calendar

Second Day

(S. P. 55) (L. D. 139) Bill "An Act Relating to Publishing Rules and Regulations of the Parks and Recreation Department" (C. "A" — S-20)

(S. P. 64) (L. D. 167) Bill "An Act Providing for Deputy Clerks of the District Court" (C. "A" — S-19)

(S. P. 95) (L. D. 241) Bill "An Act Providing that the Running of Statutory Time Periods Be Governed by the Maine Rules of Civil Procedure" (C. "A" S-21)

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

(H. P. 284) (L. D. 358) Bill "An Act Changing the Name of the State Board of Hairdressers to the State Board of Cosmetology"

On the request of Mr. Dyar of Strong, was removed from the Consent Calendar's Second Day list.

Thereupon, the Report was accepted and the Bill read once.

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

Mr. DYAR: Mr. Speaker and Members of the House: I find there is an inconsistency and in order to clear this up it is necessary for an amendment. So I would appreciate it if somebody would table this bill for two days.

The SPEAKER: The matter will be assigned for second reading at the commencement of the next legislative day.

(H. P. 291) (L. D. 365) Resolve, to Repeal Certain Special Resolve Pensions.

(H. P. 460) (L. D. 609) Bill "An Act Increasing the Compensation of the Governor"

(H. P. 482) (L. D. 626) Bill "An Act Appropriating Funds to Provide Vocational Rehabilitation Services to Handicapped Persons"

(H. P. 499) (L. D. 652) Resolve, Authorizing the Commissioner of Parks and Recreation to Convey by Sale the State's Interest in Certain Real Property at Lubec"

(S. P. 263) (L. D. 760) Bill "An Act Relating to Name of Maine Oil Heating & Equipment Dealers Association" (Emergency)

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

Passed to Be Engrossed

Bill "An Act Relating to Identity of Defendant in Suspension Cases under Motor Vehicle Laws" (H. P. 311) (L. D. 413) (C. "A" — H-74)

Resolve to Reimburse Albert S. Herrick of Ellsworth for Boarding Stray Dogs (S. P. 111) (L. D. 256)

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

Passed to Be Enacted

An Act Providing Complimentary Hunting Licenses to Maine Resi-

dents over 70 Years of Age (S. P. 1) (L. D. 28)

An Act Relating to Dragging of Scallops in Gouldsboro Bay, Hancock and Washington Counties (H. P. 126) (L. D. 150)

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.

Tabled and Assigned

An Act Relating to Hunting from Public Ways (H. P. 160) (L. D. 202 (H. "C" — H-70) (C. "A" — H-32)

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and specially assigned for Monday, March 12.)

An Act Relating to Federal and State Standards and Labeling of Milk and Milk Products (H. P. 234) (L. D. 315)

An Act Appropriating Funds for a Fishway at West Bay Pond in Gouldsboro (H. P. 356) (L. D. 471)

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 Providing Funds for a Fishway at West Harbor Pond in Boothbay Harbor (H. P. 383) (L. D. 512)

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

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just mainly like to have some information. We always have stated that everything to do with Fish and Game are dedicated funds that pay their own way. Does this money for building these fishways et cetera come out of the General Fund or is it part of the Fish and Game money? I would like someone to answer me on that.

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

Mr. KELLEY: Mr. Speaker, this does not come under Inland Fish and Game. It is a Sea and Shore problem. There is a question of matching funds from the state and federal government on this fish program that they have to let the fish from tidewater into fresh water.

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

Mr. HENLEY: Mr. Speaker, could I further ask through the Chair to the gentleman from Southport, Mr. Kelley, somewhat of the percentage of cost to the General Fund?

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

Mr. KELLEY: Fifty-fifty, sir. This is the method that many of our fishways along the coast are put in with.

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

An Act Relating to Notice in New Voter Registration Applications (H. P. 414) (L. D. 563)

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

Orders of the Day

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

Bill "An Act Relating to Use of Red Pen or Pencil in Counting Ballots" (H. P. 1053) (L. D. 1185)

Tabled — March 6, by Mr. Hancock of Casco.

Pending — Acceptance of Committee Report.

On motion of Mr. Hancock of Casco, recommitted to the Committee on Election Laws in non-concurrence and sent up for concurrence.

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

Bill "An Act Relating to Fees for Forest Lands and Wild Lands

Posted Against Trespass" (H. P. 58) (L. D. 70)

Tabled — March 6, by Mr. Kelleher of Bangor.

Pending — Adoption of House Amendment "A"

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

Mr. DYAR: Mr. Speaker, Members of the House: We have had two days to review the statements made on the floor and I would like to start out that I have great respect for the gentelady from Orrington, Mrs. Baker, and I certainly am not referring to her integrity in my statements I shall make this afternoon.

In the Proof of what was said two days ago, the gentelady said that this may be an unimportant bill. I think it is rather an important one. I would ask that you look at bill, L. D. 70 and look at the amendment. It is rather lengthy. It is a rather lengthy amendment and not too clear. I can agree with their statement with the exception of the last four words. I feel this amendment is clear if it is read in proper perspective. If you read the amendment to be critical and take words out of context, it can be unclear.

I stayed up last night until the early hours of this morning reviewing what was said on the floor of this body in the 105th Legislature pertaining to an act to encourage improvement of forestry growth by creating a method of taxation based on the productivity of various classes of forest lands. Now, this bill was introduced to this body by a legislator but this bill was drawn up by the industry.

To clarify any misgivings you may have on the unclearness of my amendment, I would like to quote from the record of the 105th pertaining to this forestry productivity tax bill. Under Section 583 it states — and this is written by the industry — "This subchapter shall be broadly construed to achieve its purpose." I remind you, "This subchapter shall be broadly construed to achieve its purpose. The invalidity of any provision shall be deemed not to affect the validity of other provisions. The

invalidity of any provision shall be deemed not to affect the validity of other provisions."

Now, ladies and gentlemen of this House, if my amendment on L. D. 70 is unclear in your mind, let me tell you that this section I have just read is in the statutes of the State of Maine today, and this was passed at the last session of this body by a 92 to 38 vote. This legislation was killed in the other body by a 13 to 11 vote, worked all the night and passed into law the next day by the same margin that defeated it the previous day.

Now the second point that I would to be on the defensive on is the basic philosophy of this bill. Now the basic philosophy of this bill, why I presented this legislation on behalf of my constituents and the people of the State of Maine, is based on a law that came to us in 1820 from the State of Massachusetts.

In 1641 in the Commonwealth of Massachusetts the Bay Colony of Massachusetts, the Body of Liberties, Liberties Common, put this law into effect, and I would say that the Great Ponds Act of Massachusetts is still in effect in Maine and no other legislation has ever been enacted in this regard.

This 1641 — in the year 1641, legislation is still in effect in this state and it goes as follows: "It is ordered by this Court, decreed and declared: Every inhabitant who is a house-holder shall have free fishing and fowling in any great pond, bay, cove, river so far as the sea ebbs and flows within the precincts of the town where they dwell unless the free men of the same town, the General Court, have otherwise appropriated them. Provided that no town shall appropriate to any particular person or persons any great pond containing more than 10 acres of land and that no man shall come upon another's property without their leave otherwise than as hereafter expressed; the free clearly to determine, it is declared that in all creeks, coves and other places about and upon salt water where the sea ebbs and flows the proprietor of the land adjoining

shall have property to the low mark where the sea doth not ebb above a hundred rods and not more wheresoever it ebbs farther. Provided that such proprietor shall not by this liberty have power to stop or hinder the passage of boats or other vessels in or through any sea creeks or coves to other men's houses or lands. And for great ponds lying in common though within the bounds of some town, it shall be free for any man to fish and fowl there and may pass and repass on foot through any man's property for that end so they trespass not upon any man's corn or meadow." 1641.

Now, the third reference in this bill is to my being opposed to out-of-staters coming to this state and purchasing land. I am not opposed to anyone, resident or nonresident, coming into this state and purchasing land. Now, last week I made reference to Scott Paper Company and I.T.T. I would like to make it clear here and now that I was quoting directly from an article in the New Republic titled "Absentee Owners of America, Colonial New England" by Geoffrey Faux. This document here. It is a very timely document and a very educational document and is available at present through the Natural Resources Council. I quoted directly from this but people thought they were my own words. I am not, probably, that qualified.

I would like to read a bit further from this article. It may pertain to the subject at hand today. "The greatest threat to the rural life style of Maine comes from the demand by outsiders for land itself. In the late 19th century, paper and timber companies began buying up large tracts of land in northern and central Maine to assure themselves of a steady supply of pulp for their mills. Today the paper and timber interests own more than half the land area of the state and, through lease arrangements with smaller landholders, control the productive output of much more. The Great Northern Nekoosa Company, headquartered in New York, owns more than 2,000,000 acres. International Paper, also in New York, owns more than a

million. Other large landholders include Scott Paper, Philadelphia; St. Regis Paper, New York; Georgia-Pacific, Portland, Oregon; Diamond International, New York and Oxford Paper, a subsidiary of Ethyl Corporation, New York." I am not saying that these people listed are all tying their lands up and keeping the public out.

I received a letter from Scott Paper Company saying that this bill would not affect their lands. They sent me a copy of the sign they use on their lands, I have here with me, saying, "Scott Paper Company land, open for recreational uses; hunting, hiking, fishing, snowmobiling. Please, no unauthorized fires or camping." It gives a number to call if you have any problems while on their land. They do post their land where actual cutting operations are in progress.

I am after the person, whether it be corporate or individual, who is posting their lands, denying access to our great ponds. I don't care whether or not they are residents of this state or live outside the state, and this is what this bill does.

Now, my friends in the Third House have lobbied this bill. They have misconstrued its intent. They have confused your minds. They have gone away from the issue.

Now, as I said the other day, the only change in this amendment was the fact that I had dropped the fee from three dollars to one dollar. The three dollar to one dollar fee change is true. We have defined what a public access is, what a person is, what vehicular traffic is and other public access. My friends have confused the issue on public access which says, "Shall mean access by individual members of the general public for the purpose of camping, hiking, hunting, fishing, snowshoeing and similar transient noncommercial recreational activity. The denial of public access shall include for purposes of this section not only complete denial of public access but shall include the denial of public access except on payment of fee."

Now, this is saying that a person, a corporation, can deny you access

by foot. They can charge you to go on their lands by foot; but once they charge you to walk over their lands, then they come under this tax provision. Now, this section I have just read does not pertain to vehicular traffic, it pertains to foot traffic. Vehicular traffic shall include all motor vehicles including snowmobiles, trailbikes and other all-terrain vehicles.

So, I think that we have many capable and competent lawyers in this body who I assume, if they read this carefully, would come up with the same thing I am trying to tell you this afternoon, and this is what the Attorney General says the intent is.

Now there was some objection to the constitutionality of this bill, that I picked 500 acres out of the air. Going back to this bill we passed last session, which there is some doubt in, because on today's calendar we have a bill coming in to amend that law that we passed last year, the industry picked arbitrarily a certain acreage. They could have picked 50 acres, 100 acres, 500 or 1,000 but they picked a certain acreage. So I felt that I had the same prerogative if the industry could introduce legislation to this body and use an arbitrary figure and not be ruled unconstitutional, that I should have the same prerogative.

Now, under enforcement, this was questioned. The amendment provides for basically the Parks and Recreation Department should be custodian, handle the affairs of those who wish to post their land. They will collect the fees. They will be empowered to spend these fees for recreational areas. There was a question on where the Department of Taxation would come in for enforcement. The Department of Taxation, if a person did not pay the fee, can place liens and so forth as they would with any delinquent tax because this becomes a tax. If they don't want people on their land under this section, they do pay a tax. They have a choice.

I am sure that many people do question this bill. I put this bill to sponsor this legislation in good faith. I have addressed the

question — this is my third time on the floor of this body — in good faith, and I hope that this body can take action on this bill. We can enact this legislation and allow our people of this state or any state to have access to our great ponds.

Now we come up to the big issue of whether or not the landowners' rights are being denied. This amendment states that they shall have the same protection under the law that they now have. They are protected under the public nuisance law. They are protected under the littering law, and they are protected under the law that you have to obtain a permit in order to start a fire. So consequently, there is a good possibility with the enactment of this piece of legislation, the landowner will have more behind him than they have at the present time.

I certainly hope that we can get this bill out of this body and get this show on the road.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: My friend Ross Dyar is evidently just a little bit confused. You can take a piece of land today that includes a great pond. You can build a fence around it, but any citizen of the State of Maine may — the word "householder" has been ruled to mean citizen of the State of Maine — has the right to go to that great pond on foot. He can carry in his canoe or whatever he wants to carry in and fish it or hunt waterfowl there. This is according to our colonial ordinances which have never been revoked. What he is asking here is that a man pay a tax of a dollar an acre or a corporation or any entity that you want to because he wishes to keep people off his land that have no lawful right to be on there and I think that this is a concept that is completely against the traditions of this country. I think the existing law covers the situation on getting to great ponds. And I believe very strongly that a property owner has the right to say who shall be on his property, when, and for what

purpose. I hope you will defeat this bill.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: We have heard last week during the debate on this bill that these big companies like I.T.T. have the right to come into the State of Maine and buy up to one half or three quarters of the land of this state. It may be so.

I say to you, ladies and gentlemen, that when it comes to a point that the children of our state, as you were told last week, have to pay a dollar for riding on their bicycles on these wildlands of our state and these lands are posted and charge campers \$5 every time they go in; and if they go out of these roads, they have to come back in and pay another \$5 if they want to go to church or buy groceries.

They inform the people who have leased these lands also and built cottages on these lands for at least 20 or 30 years to either move out their cottages from this leased land or that they will come in and burn their property down if they don't move them out, and they are going to lock them out, I say to you, ladies and gentlemen, it's about time to wake up before it is too late and help our people of this state.

When these companies came into this state and bought a good part of it to make a summer haven or selling land to their special interest friends from outside of this state at fabulous prices of today, it's about time that these companies pay their fair share on the value of these lands and not to leave the burden of taxes on the people of this state, if they want to post their land. They don't have to worry if they don't post them.

Do you know how much taxes these people are paying on this land? I have inquired around and the most that I have heard is about 9 or 10 mills per acre. They tell me it is very, very low; and at those prices, I would say that it is very low, and they are not paying their fair share of taxes.

Again I say to you, ladies and gentlemen, let's protect the people of our state, and I sincerely hope that you will vote against the indefinite postponement that was requested last week. I hope you will go along with this bill; and when it does come to a vote, I urge that we have a roll call on it.

The SPEAKER: The Chair would inform the gentleman the pending question is the motion of the gentleman from Strong, Mr. Dyar that House Amendment "A", which is under filing number H-72 be adopted. The motion to amend takes precedence over an indefinite postponement motion.

Mr. GAUTHIER: Mr. Speaker, I hope that you will accept the amendment that has been produced by Mr. Dyar and let's protect the people of this state.

The SPEAKER: Does the gentleman request a roll call on the adoption of House Amendment "A"?

Mr. GAUTHIER: That is right.

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

Mr. LaPOINTE: Mr. Speaker and Ladies and Gentlemen of the House: I do not profess any great knowledge of fish and game issues. I will leave that to Mr. Brawn, Mr. Kelley from Southport, Mr. Bither who has his problems with that bird.

I think that one of the problems here is the question of access and what rights do the public have in relation to this access. Mr. Dyar, very commendably, did his research last night and pointed out and made reference to colonial law. Mr. Kelley from Southport rebutted that that law still stands on the books. It just has to be enforced.

Since I am not a proficient person in my knowledge relative to fish and game, I often times have to read and do my own research. In the process of doing this research, I came across an article by a person I believe to be fairly knowledgeable in these issues and that is Mr. Gene Letourneau, the Fish and Game Writer for the Maine Sunday Telegram.

In an October 1, 1972 article in the Maine Sunday telegram, Mr. Letourneau wrote a column titled "Question of Access: What Rights Have the Public?" In this article he raises five questions. I wish to share those questions with you here today. He posed those questions to our former Attorney General, Mr. James Erwin, who declined to make a ruling or even make a public response to the questions. The questions are as follows:

Question 1: "If a pond of ten acres or more in unorganized territory has had a foot trail to it for more than 50 years, can access by any group or individual be stopped?"

Question 2: "Can anyone carrying a canoe on his back be stopped from reaching a pond of ten acres or more by walking in unorganized territory?"

Question 3: "If the state has an official campsite on or near a pond of ten acres or more in unorganized territory, can its use be barred by a corporation or an individual?"

Question 4: "If a fisherman has a legal or permissive access to a trout stream, at what point can he fish its entire length by wading, swimming, or boating in it without walking on either bank?"

Question 5: "Can a citizen leave his boat or canoe on a mooring at any lake or pond of ten acres or more?"

Ladies and Gentlemen of the House, I submit to you these are the types of questions Mr. Dyar's bill is addressing itself to. I submit to you these are very important and significant questions for the people of the State of Maine.

In summary, I would like to share one more little story with you relative to my colleague at work who was out snowshoeing last month in the Little Ossipee River area in the southwestern part of the State. He, along with his family, was snowshoeing. He was confronted by a maintenance man or an overseer of a substantial piece of property that abuts on the Little Ossipee River and said, "What right do you have to be here? I ask you to leave this property and I ask you to leave

this property now." And he was armed.

I commend Mr. Dyar on his bill and I appeal to your sense of mutual concern about our access, about your constituent's access, to the rights-of-way of the land of Maine.

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

Mr. PERKINS: Mr. Speaker and Ladies and Gentlemen of the House: If we want to express our displeasure with the posting of land, then I say, by all means, let's pass this bill. However, as I said last week and I say again with the proposed amendment, that if we are intending to accomplish something — and by that I mean to collect a tax of \$1 for anyone who posts their land — I think we have got another think coming.

This amendment, like its predecessor, has so many holes in it that you can shoot peas through it and I say that by asking a few questions. Who constitutes an owner in this thing? If my wife and I own land together as joint tenants or tenants in common, are we excepted because there are two of us? If five of us in this body own 500 acres, are we excepted? If I deed to my wife 495 acres and retain 5 acres, am I then excepted?

What about the posting? It says, "Who denies public access to such land by notice posted conspicuously on the land." I suggest to you, ladies and gentlemen, that if I want to get around that, I merely post it in the form of suggesting that anyone coming on my land may find themselves subject to wild wolves or possibly of gun range or any other method that would discourage one coming upon my land. So I don't — again — don't deny that we should try to get the landowners to open the land up. I just don't think this will ever work.

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

Mr. LaPOINTE: Mr. Speaker and Ladies and Gentlemen of the House: I have just been notified that I have raised some questions

and there are some people hanging on the answers. The point is, ladies and gentlemen of the House, I don't profess to have the answers. But the questions have to be addressed by this body and by the Senate. I don't have the answers but we have to grapple with the answers and we have to grapple with those questions and try to answer them. We as a deliberative body.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker and Ladies and Gentlemen of the House: I have tried to understand this but I can't quite and I would like to pose a question to the gentleman from Strong, Mr. Dyar, and he can answer if he cares to. I just come under the law here in that my piece of land is slightly over 500 acres. I haven't put it under the productivity tax yet because I can't understand that either, but I had a problem last summer with people pitching tents wherever they thought they wanted to camp; and now, if I post that land to keep these tenters off who contribute to a forest fire hazard, have I got to pay a tax of one dollar per acre to the Recreation Commission?

The SPEAKER: The gentleman from Hampden, Mr. Farnham, poses a question through the Chair to anyone who may answer if he desires. The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: To quote a famous quote, "I am glad you asked me that." I think if you read the first line of the amendment, which is the first line of the original bill, "The owner of any parcel of land consisting of 500 acres or more." It gives you the acreage.

On page 3 of the amendment — starting on page 2 rather, on the bottom line, "Nothing in this section shall be construed as affecting the existing laws pertaining to littering, nuisance and unlawful building of fires on lands of another." Now certainly, if somebody comes in and pitches a tent on your land, you can have them

removed under the public nuisance law.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker and Members of the House: Now if they don't start a fire, I can't have them removed? I had them removed and they turned around and broke four windows out of my 12-by-16 camp. That's the kind of people we get.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: I would like to correct a statement which was — a clarifying statement which was made by the gentleman from Portland, Mr. LaPointe, in which he insinuated that the Attorney General of the State of Maine, at that time Jim Erwin, did not offer an opinion to five questions raised by an editorial by Mr. Letourneau. Under chapter 5 of the Titles of the State of Maine, Section 195, it states that "The Attorney General shall give his written opinion upon questions of law submitted to him by the Governor and Council, Secretary of State, Treasurer of State, Bank Commissioner, Insurance Commissioner, State Auditor or head of any other state department or any of the state boards or commissions or by either branch of the legislature."

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker and Members of the House: Several questions have been asked here about this redraft. The reason why that I have asked for a roll call on it, I think it is a redraft of the whole bill, and there were questions that we asked here who had worked on this bill, and the whole bill has been worked over and looked over by the Attorney General's office. So, if you can't depend upon the Attorney General's office in this body here or in any other body, I don't know who you can depend on.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: To clear up one point here that was just given that a man could take a boat into these ponds, this is not true, unless he takes it in by plane. Let me read you what the law says. "On May 27, 1882, the Maine Supreme Court opined that any person has the right to go to such pond, ten acres or more, through undisclosed woodlands belonging to another, to take fish therefrom providing the citizen can reach the pond by passing on foot without trespassing on the man's pond, meadows or doing any damage."

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I believe that the gentleman from Oakland, Mr. Brawn, has brought us to the point that we are all concerned about and I think really the point of the issue here today.

The point is this — and I think it is very simply illustrated in part using I.T.T. as an example — there was and there is on that land a great pond. There is and there was and there probably will be, unless we do some thing about it, an attempt to prevent people, as I understand it, from getting to that great pond. You may say then there is a way through the courts. I agree there is a way through the courts. This was attempted in Piscataquis County late last fall. The case was thrown out of court finally, apparently because there has been publicity involving both sides and the issue was never decided. In the case involving the Piscataquis County decision, if there had been a final conclusion, it would have cost someone money. The person who brought the case was either related or was an attorney and, therefore, I suppose we could say could very well afford it.

If a private citizen of this State who makes the average income of \$4,000 or \$4,500 wants to question the decision of I.T.T., it means he has to go into the courts to try to prevent I.T.T. or any other corporation from throwing him off

the land. There are very few people who make that type of money who could afford to do that. And I doubt very much whether we can find the person who is making \$50 thousand to test that case, to test the I.T.T. decision, and to force the issue in District Court and into the Superior Court and into the Supreme Judicial Court of this State.

Secondly, a lot of work has been done and a number of you have been contacted by some of the lobbyists of the paper industry. I say some because I have spoken to some others who agree that this particular bill as amended does not create a problem to them. They agree with the concept that the great pond theory under the colonial rights ought to exist and does exist and they feel that this will help to bring that point forward.

I don't think I ought to mention the names of the two companies with whom I have talked with except to say that one was — one individual with whom I spoke in one of the companies was in a position to make decisions. The other was one of those people on the lower echelons of the company. Now, you may ask why am I not saying; primarily because within the industry, as there is within any industry, there is friction; and in part, I guess, concern about what one section is doing versus another; and if I were to publicly use their name, I am sure that they would be calling one another names before this day would be over.

I know that there are certain portions of the industry that are opposed, primarily those in the western border and perhaps the — let's just leave it at the western border of the state. I think that if they are concerned, then there must be a reason for it. I have spoken with two attorneys on this particular thing. They don't feel concern that there is a constitutional problem the way it is drafted.

We are presently doing — well I should say the State of New Hampshire or Vermont is presently doing this same type of thing except that they are giving a

reduction of taxes if the land is not posted. That is one approach, I suppose that we could take.

I think that we have this avenue in front of us today. I think we ought to pass it. If there are further constitutional problems with it, I am sure they can be worked out. But simply to kill it because we say that it is not going to solve the problem, I don't think that is right. I think we can solve the problem and after speaking with some portions of the industry, they are as concerned about it as we are, and I think that it can be worked out, and I would hope that you would vote against the — I guess I should say you ought to vote for the adoption of the amendment and for final passage of the bill.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: This is a particular problem with which I have been familiar. I am not a lawyer in the legal sense of the word but I spent a good many dollars trying to find out the answers to these questions. Any of you can go to the law library and Edith Hary can show you a book down there. The Law of the Seashore and Great Ponds of Maine and Massachusetts. There are many, many, many court cases, Supreme Court cases in both states. The law is similar.

Now the very simple fact of the matter is in spite of what else has been said here today, a man on foot — if he stays off another property owner's corn and meadow, in other words his cultivated land — can go to a great pond for the purpose of fishing, and there isn't any law that prevents him from doing it; and if somebody wants to restrain you from doing this, I suggest that you let him restrain you and sue him because you can nail him but good.

The basic problem is the basic concept of this bill and that is that a property owner would be prevented from making use of his land the way he wants to use it without paying an additional tax, and I feel that the property owners have the right to use their lands

as they wish as long as they are not destroying a natural resource; that they can say who comes on their land and for what purpose, but they do have this exception that has long been established in our New England colonies that goes way back to keep people off of their land except for the purpose of going to a great pond; and they can go through the woods, they can go to the edges of the fields and this sort of thing under the existing law that we have. The great pond issue I mentioned to you in this bill was debated before; and I am telling you the same thing I told you then, you do have the right to go there on foot.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: On the westerly side of Flagstaff Lake and on the southerly edge of Flagstaff Lake, a gentleman owns 8,000 acres. I am very familiar with this property. This man came to the State of Maine on our taxpayers' money to build a road over the worst part of that mountain, over Bigelow mountain, two and three fourths miles. The minute that this man got this bill, he put up a fence. I was there last fall and I wanted to hunt it. He told me I could not go in. I was there just before daylight. We waited a few minutes, a truck came up with his own friends in it. He had a private hunting ground, that we, as taxpayers, had built a road to. They went in there and they hunted all day. That night, they came out with two deer. I had shot a deer myself but not there. So I did see them with two deer.

Now gentlemen, when the time comes that the State of Maine is going to take our money and think we are going to build roads for them out of my tax money, I don't like it for them to have private property. So when the gentleman from Southport tells us that this is not happening, this is one that is and I will show you another piece of land of 5,000 acres right across the road which takes in Stewart Mountain, that the same thing is happening. The man told

me the day before yesterday that he was going to post it; and if any man went on it, he would shoot him.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I am complete agreement with the general resentment that there seems to be with this. This bill had rather a quiet hearing; and as I recall it, only one person signed it Ought to pass. I think that most of the committee was in sympathy with what the feelings were. It is just the monstrosity of going to the extent of trying to approach it in this manner. I still insist that we are beginning this encroachment on the rights of property and ownership which should not be done. It should not be done that way.

I have a letter here from a woman up in my area who, it is strange to say has been a thorn in the side of some of the legislators because she has always complained of hunters and snowmobilers going on her land. She does not have any 500 acre tracts, but she heard my radio program and she read about this bill. She comments on it. She said, "I appreciate your stand on L. D. 70 relating to the posting of land against trespassers". Another part of the paragraph refers to another one here and she goes on, "This bill slaps the Bill of Rights down hard. It slaps the right of the individual down. This time around its a 500 acres, so it says. Next time around, what? And the third time around. It is an old Madison Avenue technique. I am simply horrified that so many of our representatives should have been taken in by this. Will there be another vote? Is it already too late to obstruct it?" She isn't, in fact a constituent, she is a friend of mine from an adjoining town. She is a constituent of my friend over on my right here, Mr. Hancock.

Now, if we can pass a law stating that we have got to pay a fine by keeping someone who has no authority whatsoever off some property whether it be five hundred acres or five feet, what

is the next step that we are going to do to put shackles on the property owner unless, as Mr. Kelley of Southport says, it is something to do with pollution or conservation or something of that sort. There seems to be an emotionalism involved in this vote which has to do with resentment to our-of-staters coming in and buying up large tracts of land. So be it. Isn't there some other way to approach this thing than to produce a law that can turn into a Frankenstein because we are establishing precedent when we are going to make a person pay a fee if he denies access to his own property that he is paying taxes on.

That is the thing right there. That is the principle that we are violating, not just that he has got 500 acres or more. It so happened that that is what this bill is. Possibly a ridiculous simile but the next thing might be that we would make a landowner who built a magnificent home somewhere, on a nice avenue of a town that is a showplace. The real estate people come to town to show the town to prospective buyers and industry and I buy this place, and it is an asset to the town. So these people decide to put up a tall hedge or a fence to keep the sightseers from seeing their home. They put it on their own land. Should they be charged a fee, a special tax just because they put this fence up to keep the people from viewing their mansion. It is exactly the same thing, ladies and gentlemen. Just exactly as fair.

I am not going to make any motion on this amendment because it is a basic bill that I am taking issue with. But I still feel that there should be some other way to approach this problem rather than to place a fee on denying access to property.

Now, another thing, this bill says nothing about Great Ponds. It is so much land and there might not be any great ponds in there. And we do know that we have access to great ponds, whether it has five hundred acres or five thousand. Now I think we are getting a little bit ahead of ourselves if we are tying all of our argument on access

to great ponds. This is not access to great ponds, in this bill. It is access to land, woods.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I would hope we can get on with this amendment. Either put it on the bill or do away with it and then we can get on with the business of killing the bill itself. But if we move for the amendment, then get on with the bill, I think we will move along more rapidly.

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen of the House: Last spring and fall and summer, we had a special snowmobile committee and we found that one of the great problems was this problem of trespass. There are only seven wardens in York and Cumberland county.

I am a great believer that our state should entertain outsiders and guests and promote our recreational business, but it seems to me that this privilege is only going to be allowed for citizens of the state. Now, what is going to happen this summer, or any summer, when increasing hordes of out-of-state residents come up here? Are they going to have the same privilege as the resident?

The SPEAKER: The gentleman from Portland, Mr. Cottrell, poses a question through the Chair to anyone who may answer if they desire.

The Chair recognizes the gentleman from Parsonsfield, Mr. Pratt.

Mr. PRATT: Mr. Speaker and Ladies and Gentlemen of the House: I am not up to answer Mr. Cottrell's question, but I wanted to briefly tell you of an incident in my town of Parsonsfield, which is an organized territory, not unorganized, and it seems that everyone has taken a crack at the paper companies. I haven't been lobbied on this, but I want to tell you something that happened. I have been selectman in our town. S. D. Warren Division of Scott

paper had 9,000 acres in our town, which consists of some 59 or 60 square miles, so we still have a lot more land. They have old roads through this land. It is some of the best hunting in the country or in the state and they welcome hunters. They have large signs that say that they welcome hunters. They only caution them to be careful of fire.

We have an individual who is executive director of our Southern Maine Regional Planning who has in excess of 500 acres. He has every inch of it posted, and I know because I was assessor here. He is taxed probably somewhere around a dollar and a half an acre. I do not condone posting any land. I have several parcels myself, not in the 500 acre class. I wouldn't post it. I don't believe in it, I don't condone it, but I believe in his right as a citizen. If he wants to post it that is his privilege. I believe this tax would be confiscatory. I believe it is exorbitant for wildland. I am not talking about unorganized territory, I am talking about an organized town in York county.

I certainly hope that we would kill this amendment and eventually kill the bill.

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 one the motion of the gentleman from Strong, Mr. Dyar, that House Amendment "A" be adopted. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Berry, P. P.; Berube, Binnette, Boudreau, Brawn, Briggs, Bunker, Bustin, Cameron, Carey, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cressey, Crommett, Curtis, T. S., Jr.; Deshaies, Donaghy, Dow, Drigotas,

Dunleavy, Dyar, Emery, D. F.; Evans, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Gahagan, Garsoe, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Haskell, Hobbins, Immonen, Jackson, Jacques, Kelleher, Kelley, Keyte, Kilroy, LaCharite, LaPointe, LeBlanc, Lewis, J.; MacLeod, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murchison, Murray, Najarian, Norris, Perkins, Peterson, Pontbriand, Ricker, Rolde, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Susi, Talbot, Tanguay, Theriault, Tierney, Trask, Webber, Whitzell, Willard, Wood, M. E.; The Speaker.

NAY — Baker, Berry, G. W.; Birt, Bither, Bragdon, Brown, Carrier, Cottrell, Curran, Dam, Davis, Dunn, Farnham, Fraser, Hamblen, Hancock, Henley, Huber, Hunter, Kelley, R. P.; Knight, Lawry, Lewis, E.; Littlefield, Lynch, Maddox, Merrill, Pratt, Trumbull, Walker, Wheeler, White.

ABSENT — Dudley, Farley, Good, Herrick, Hodgdon, Hoffses, Jalbert, McNally, Morton, O'Brien, Palmer, Parks, Santoro, Sheltra, Sproul, Stillings, Tyndale.

Yes, 100; No, 32; Absent 18.

The **SPEAKER**: One hundred having voted in the affirmative and thirty-two having voted in the negative, with eighteen being absent, the motion does prevail.

The Chair recognizes the gentleman from Orrington, Mrs. Baker.

Mrs. **BAKER**: Mr. Speaker and Ladies and Gentlemen of the House: I have not heard anything this afternoon that has changed my opinion of this bill. I object to the philosophy of it and I reiterate all the points that I made the other day. I am not going to take up any more of your time. I think the bill has been well debated, but I would like to remind you that the committee report was 12 to 1, the majority "ought not to pass" report. I now move that the indefinite postponement of the bill and all its accompanying papers and I ask that the vote be taken by a roll call.

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

Mr. **DYAR**: Mr. Speaker and Members of the House: I would just like to briefly say that the "ought not to pass" report was on the bill and I did strive through amendment to change and correct the objections the committee had.

The **SPEAKER**: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The **SPEAKER**: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that Bill "An Act Relating to Fees for Forest Lands and Wild Lands Posted Against Trespass" House Paper 276, L. D. 764, and all accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Brown, Bunker, Cameron, Carey, Carrier, Chick, Churchill, Cottrell, Curran, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Dunn, Evans, Farnham, Farrington, Ferris, Flynn, Fraser, Garsoe, Hamblen, Hancock, Haskell, Henley, Huber, Jackson, Kelleher, Kelley, Kelley, R. P.; Kilroy, Knight, Lawry, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Merrill, Norris, Perkins, Pratt, Shaw, Shute, Simpson, L. E.; Soulas, Theriault, Trask, Trumbull, Walker, Wheeler, White, Willard, Wood, M. E.

NAY — Albert, Berry, P. P.; Berube, Binnette, Boudreau, Brawn, Briggs, Bustin, Carter, Chonko, Clark, Conley, Connolly, Cooney, Cote, Cressey, Crommett, Deshaies, Dow, Drigotas, Dunleavy, Dyar, Emery, D. F.; Faucher, Fecteau, Finemore, Gahagan, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Immonen, Jacques, Keyte, La-

Charite, LaPointe, LeBlanc, Lewis, J.; Martin, Maxwell, McCormick, McHenry McKernan, McMahon, McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murchison, Murray, Najarian, Peterson, Pontbriand, Ricker, Rolde, Rollins, Ross, Smith, D. M.; Smith, S.; Snowe, Susi, Talbot, Tanguay, Tierney, Webber, Whitzell.

ABSENT — Dudley, Farley, Good, Herrick, Hodgdon, Hoffses, Jalbert, McNally, Morton, O'Brien, Palmer, Parks, Santoro, Sheltra, Silverman, Sproul, Stillings, Tyndale.

Yes, 62; No, 69; Absent, 19.

The SPEAKER: Sixty-two having voted in the affirmative and sixty-nine in the negative, with nineteen being absent, the motion to indefinitely postpone does not prevail.

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

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

Bill "An Act to Increase Outdoor Advertising License and Permit Fees and Extend Controls" (S. P. 276) (L. D. 764)

Tabled — March 6, by Mr. Curran of Bangor.

Pending — Passage to be engrossed.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: It is usually that we only table items for two days at a time and very seldom do we ever put an item on the table unassigned. However, we have a bill here that is being held two days at a time, which is causing a lot of work on behalf of the clerks in the office while we are waiting the report of another bill of a similar nature out of the same committee. Tomorrow we are going to have another bill which we want to seek an opinion from the Supreme Judicial Court on, and therefore it is kind of unusual, but I would request that somebody table this item unassigned.

Thereupon, on motion of Mr. Peterson of Windham, tabled unassigned pending passage to be engrossed.

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

Bill "An Act Relating to Content of Ballots" (H. P. 442) (L. D. 591)

Tabled — March 6, by Mr. Simpson of Standish.

Pending — Motion of Mr. Ross of Bath to accept Majority Report.

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

Mr. ROSS: Mr. Speaker, I would like to withdraw my motion and move to accept the Minority "Ought to pass" in order that I may present an amendment.

Thereupon, Mr. Ross withdrew his motion to accept the Majority "Ought not to pass" Report.

On further motion of the same gentleman, the Minority "Ought to pass" Report was accepted.

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

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

Bill "An Act Relating to Absentee Voting by Persons Serving Sentences in Jails and Penal Institutions" (H. P. 299) (L. D. 401)

Tabled — March 6, by Mr. Norris of Brewer.

Pending — Motion of Mr. Binnette of Old Town to indefinitely postpone Bill and all accompanying papers.

On motion of Mr. Birt of East Millinocket, retabled pending the motion of Mr. Binnette of Old Town to indefinitely postpone and specially assigned for Tuesday, March 13.

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

Bill "An Act Providing for Field Examiner for Election Division of the Department of the Secretary of State" (S. P. 151) (L. D. 385)

Tabled — March 7, by Mr. Finemore of Bridgewater.

Pending — Motion of Mrs. Baker of Orrington to reconsider indefinite postponement.

On motion of Mr. Ross of Bath, retabled ending the motion of Mrs. Baker of Orrington to reconsider and specially assigned for Monday, March 12.

Mr. Simpson of Standish was granted unanimous consent to address the House.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: In this morning's issue of the Portland Press Herald, the gentleman from Windham, Mr. Peterson, has accused me of playing games with a bill that would allow the Cumberland County towns that did not ratify the County Civic Center bill to determine whether they will contribute to the county project.

In a direct accusation he states that I have tried to scuttle his efforts to have the 13 county towns hold special elections to see if they will refuse to pay the county assessment for a non-governmental project. He further states that I refused to allow him to introduce this bill and that in so doing I am involved in what has to be one of the "shabbiest" political maneuvers of this session. Furthermore, the gentleman has challenged my integrity by stating that this is a deliberate effort to have this bill sidetracked.

It appears to me that the gentleman had better understand the operation of the Maine Legislature before the attempts to show his — — — with remarks such as these.

The SPEAKER: For what purpose does the gentleman rise?

Mr. MARTIN: Mr. Speaker, a point of order. If the gentleman wants to discredit anyone's name he ought to do so outside the halls. There is no need to call anyone ignorant.

The SPEAKER: The Chair believes that the gentleman speaking has a right to express his opinion.

Mr. MARTIN: On a point of order. I believe if the gentleman wants to refer to the gentleman or anyone in this House, he can

use words that are becoming to anyone else to be used.

Mr. SIMPSON: Mr. Speaker, I will strike the word "ignorance."

I would remind the gentleman that as the Majority Floor Leader of this House I have the responsibility to assist my party members in what I believe to be their best interests. One of my members came to me with this bill and said he had been asked to put it in. I recommended that he not. None of the other members of my party's delegation wanted to. Therefore, the gentleman from Brooks, Mr. Wood, agreed to sponsor the bill. Therefore, the towns and people wishing to have this bill introduced have been assured by my action that this bill is before the Maine Legislature, subject to public hearing and final disposition. I don't call that an effort to side-track the bill.

Furthermore Mr. Peterson was quoted in the paper earlier as being opposed to the bill and, therefore, stated he was not too interested in introducing it himself. Evidently after considerable pressure from some of his constituents he decided to the contrary and approached me on the matter. I advised him the bill had been filed and introduced into the legislature and he had the full right to introduce another one if he so desired.

In my opinion, the gentleman figures that he can pull the bill away from the legislature after it has been introduced, but I can assure the gentleman that nobody here has that power. Furthermore, he has the full right to introduce legislation any time he wants to and to state that I have the power to refuse him to do so is totally inaccurate. I would remind the gentleman that had he listened to my initial advice he might not be in the political jam that he is in now.

I would further remind the gentleman that I represent 5 towns in Cumberland County and 4 of these towns are for this bill. Both bills are in, and the gentleman is very upset because his bill is not before County Government instead of Judiciary when in essence, these bills deal with a very basic

principle of law and the democratic process. In my opinion, the gentleman would do well to acquaint himself with the operation of the Maine Legislature before he makes such irresponsible remarks in the future.

Mr. Martin of Eagle Lake was granted unanimous consent to address the House.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I did not read the article in the Portland Press Herald. Secondly, I just listened to the remarks made by the gentleman from Standish, Mr. Simpson.

I want to relate to you what I know about this particular incident, unprepared and unrehearsed. This bill appeared before the Reference of Bills Committee and appeared with the name of the gentleman from South Portland, Mr. Perkins, on it. The Majority Floor Leader of the Senate—

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

Mr. PERKINS: Mr. Speaker, a point of order. Mr. Perkins was not the sponsor of that bill.

The SPEAKER: The gentleman from Eagle Lake may proceed.

Mr. MARTIN: At that point the Majority Floor Leader of the Senate indicated that perhaps it was unwise for someone from Cumberland County to take this particular bill. The bill then was withdrawn from the Reference of Bills Committee and was taken from there to somewhere, where I do not know.

At that point, the gentleman from Windham, Mr. Peterson, came to me and indicated that he had been asked by municipal officers to introduce this particular bill. I indicated to him that there was a bill around and I had seen it. I indicated to him that he ought to go to the Speaker and to the Majority Floor Leader because I thought that they knew where it might be.

At that point, to the best of my knowledge and to the best of my memory, the gentleman from Windham, Mr. Peterson, came back to me and indicated that the Majority Floor Leader, the gentle-

man from Standish, had indicated to him the bill had been given to the gentleman from Brooks, Mr. Wood. From that point on, the gentleman from Windham asked me whether it would be proper to put in another bill; and I indicated to him that as far as I was concerned that it was, that he is representing the people of Windham, that he is entitled to introduce legislation that he desired and that he ought to proceed to do so. And that is where, as far as I know, it happens to be.

I don't want to get involved into a political hassle because I don't think that does anyone any good and that is not my intention in relating what I just have to you. But I do want you to be aware of what I know of it and what I know in the way it was handled.

I am not going to make any accusations of any kind, but I do feel very strongly that as far as on the floor of this House is concerned, we ought to be very careful what we call one another. I did not rise last week to object to the remarks made by the gentleman from Standish, Mr. Simpson, in a newspaper article that appeared about a speech he gave to the Portland Club about the Governor's program, even though I might think that some of those remarks might not have been proper. But the gentleman had not made them on this floor and I felt that this was not the proper place to express my opposition to it.

I would hope that from this day on in this session that we don't have to get involved in a game of calling one another names because I don't think this is in the best interests of either you, me, or the people that we were elected to serve. It is not going to do any good, as far as I am concerned, to get involved in a political war over names because it doesn't do anyone any good. After all, we are here not to fight like children or fight like young adults, we are here to do a job for the people whom we are to represent.

On motion of Mr. Birt of East Millinocket,

Adjourned until Monday, March 12, at ten o'clock in the morning.