

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth*

*Legislature*

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Monday, April 2, 1973

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

Prayer by the Rev. Mr. Ehrmann B. Bennett of Freeport.

The members stood at attention during the playing of the National Anthem by the Oakland Jr. High School band.

The journal of the previous session was read and approved.

**Order Out of Order**

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

ORDERED, that Doris Flanders, Kimberly Merrill, Randy Stairs and Vicki Tompson of Freeport be appointed Honorary Pages for today.

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

The following Communications were taken up out of order by unanimous consent:

**STATE OF MAINE**

Office of the Secretary of State

March 30, 1973

To the Honorable Richard D. Hewes, Speaker of the House of Representatives of the One Hundred and Sixth Legislature:

In compliance with the Constitution and Laws of the State of Maine, I have the honor to herewith report the return of votes cast for Representative to the One Hundred and Sixth Legislature in the Towns of Alton, Bradford, Charleston, Corinth, Edinburg, Glenburn, Hudson, Kenduskeag and Veazie at a Special Election held March 19, 1973, according to a review of the returns made by the Governor and Council, to fill the vacancy caused by the death of Representative Harold E. Barnes, Sr. of Alton, as follows:

James R. Duncan of Corinth received 569 votes.

Donald A. Strout of Corinth received 610 votes.

Signed:

PETER M. DAMBORG

Deputy Secretary of State

The Communication was read and ordered placed on file.

**STATE OF MAINE**

Office of the Secretary of State

March 30, 1973

To E. Louise Lincoln, Clerk of the House of Representatives of the One Hundred and Sixth Legislature:

In compliance with the Constitution and Laws of the State of Maine, I hereby certify that a Special Election was held in the Towns of Alton, Bradford, Charleston, Corinth, Edinburg, Glenburn, Hudson, Kenduskeag and Veazie on March 19, 1973, for the purpose of electing a Representative to the One Hundred and Sixth Legislature to fill the vacancy caused by the death of Representative Harold E. Barnes, Sr. of Alton; that at said election Donald A. Strout of Corinth, having received a plurality of all votes cast in said election, as contained in a report submitted to the Governor and Council under date of March 28, 1973, appears to have been elected a Representative to the One Hundred and Sixth Legislature.

IN WITNESS WHEREOF, I have caused the Great Seal of the State of Maine to be hereunto affixed this thirtieth day of March in the year of our Lord, one thousand nine hundred and seventy-three and of the Independence of the United States of America, the one hundred and ninety-seventh.

(Seal)

Signed:

PETER M. DAMBORG

Deputy Secretary of State

The Communication was read and ordered placed on file.

The SPEAKER: The Chair will appoint Mrs. Baker of Orrington to escort the Representative-Elect, Donald A. Strout of Corinth to the Governor's Office to subscribe to the oaths of office to qualify him to enter upon his duties. Will the gentlewoman please attend to her duty.

The SPEAKER: Will the Sergeant-at-Arms please escort the gentleman from East Millinocket, Mr. Birt, to the rostrum.

Thereupon, Mr. Birt assumed the Chair as Speaker pro tem and Speaker Hewes retired from the Hall.

### **Papers from the Senate**

Bill and Resolution from the Senate requiring reference were disposed of in concurrence.

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

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act to Increase the Salaries of the Maine State Police" (S. P. 298) (L. D. 948)

Report from the same Committee on Bill "An Act Appropriating Funds for a Public Grain Storage Elevator" reporting "Ought not to pass" (S. P. 425) (L. D. 1297)

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

### **Non-Concurrent Matter**

Joint Order relative to Meat Prices (H. P. 1308) which was read and passed in the House on March 28.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Finemore of Bridgewater, the House voted to recede and concur.

### **Non-Concurrent Matter**

Bill "An Act to Permit Furloughs to Inmates or Prisoners from County Jails" (H. P. 562) (L. D. 741) which was indefinitely postponed in the House on March 27.

Came from the Senate passed to be engrossed in non-concurrence.

In the House:

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

Mr. PERKINS: Mr. Speaker, I move that we recede and concur with the Senate.

The SPEAKER pro tem: The gentleman from South Portland, Mr. Perkins, moves that the House recede and concur with the Senate.

The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker, I would ask for a division and may I speak to the motion?

The SPEAKER pro tem: The gentleman from Bristol, Mr. Lewis

asks for a division and the gentleman may proceed.

Mr. LEWIS: Mr. Speaker and Members of the House: Last week, as you recall, we soundly defeated this bill, and I am sure that the intent of the House this morning would be the same as it was last week. Therefore, I move we defeat this motion.

The SPEAKER pro tem: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: This bill is in front of us for the third time. Last week we soundly defeated it by indefinitely postponing the bill. The reason it is before us is because it went to the other house and they did not agree with us and it is here this morning. We have the opportunity this morning to actually do away with this bill. I think it would be a great thing if we did.

Now the merits of this bill have been discussed before, and the fact is that I think most law enforcement officers are not in favor of this bill. I think most people are not in favor of this bill and I truly think that this would be a detriment to pass this bill for the enforcement of law which we spend so much money on.

I truly feel that this is a bill which doesn't have much value. I hope that you defeat the motion to recede and concur so that we can adhere and thereby kill the bill.

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

Mr. LAPOINTE: Mr. Speaker and Members of the House: I would like to set the record straight relative to support for this bill. Most of you might have read the Portland Press Herald this morning in which the Portland Press Herald for the second time had recommended passage of this particular bill. Also, there was editorial support for this bill in the Kennebec Journal a week ago last Saturday.

Furthermore, this particular bill was drafted and submitted for the Sheriff's Association for the State of Maine. So to set the record

straight, I believe the bill does have support. It has the support of the Sheriff's Association and furthermore, has the editorial support of a number of newspapers in the state.

I hope you will all vote to recede and concur and, Mr. Speaker, I ask for a roll call.

The SPEAKER pro tem: 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 pro tem: The pending question is on the motion of the gentleman from South Portland, Mr. Perkins, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Boudreau, Briggs, Bustin, Clark, Connolly, Cooney, Cottrell, Curtis, T. S., Jr.; Drigotas, Dyar, Farley, Farnham, Gahagan, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Huber, Jackson, Jacques, Kelleher, Lacharite, LaPointe, Lawry, Lynch, Martin, McCormick, McKernan, Morin, V.; Morton, Murray, Najarian, Norris, Perkins, Peterson, Rolde, Talbot, Tierney, Wheeler, White, Wood, M. E.

NAY — Albert, Berry, G. W.; Berry, P. P.; Berube, Bragdon, Brawn, Cameron, Carey, Carrier, Chick, Chonko, Conley, Cote, Cressey, Crommett, Curran, Davis, Deshaies, Donaghy, Dunn, Emery, D. F.; Evans, Fecteau, Ferris, Finemore, Fraser, Genest, Good, Herrick, Hoffses, Hunter, Immonen, Jalbert, Kelley, R. P.; Keyte, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Mahany, Maxwell, McHenry, McMahon, McNally, Merrill, Mills, Morin, L.; Murchison, Palmer, Parks, Pontbriand, Pratt, Ricker, Rollins, Ross, Shaw, Simpson, L. E.; Sproul, Stillings, Susi, Tanguay,

Therault, Trumbull, Tyndale, Walker, Webber, Willard.

ABSENT — Ault, Baker, Binnette, Birt, Bither, Brown, Bunker, Carter, Churchill, Dam, Dow, Dudley, Dunleavy, Farrington, Faucher, Flynn, Gauthier, Hamblen, Henley, Hobbins, Hodgdon, Kelley, Kilroy, Knight, Maddox, McTeague, Mulken, O'Brien, Santoro, Sheltra, Shute, Silverman, Smith, D. M.; Smith, S.; Snowe, Soulas, Trask, Whitzell.

Yes, 43; No, 68; Absent, 38.

The SPEAKER pro tem: Forty-three having voted in the affirmative and sixty-eight in the negative, with thirty-eight being absent, the motion does not prevail.

Thereupon, on motion of Mr. Carrier of Westbrook, the House voted to adhere. (Later Reconsidered)

#### Non-Concurrent Matter

Bill "An Act Relating to Recording Municipal Ordinances Relating to Land Control" (H. P. 858) (L. D. 1001) which was passed to be engrossed as amended by Senate Amendment "C" (S-36) as amended by House Amendment "A" (H-125) thereto in the House on March 26.

Came from the Senate with that Body voting to insist on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "C" (S-36) in non-concurrence.

In the House: On motion of Mr. McNally of Ellsworth, the House voted to recede and concur.

#### Non-Concurrent Matter

Bill "An Act Relating to Management and Maintenance of State of Maine Building at Eastern States Exposition" (Emergency) (H. P. 780) (L. D. 1012) which was passed to be engrossed in the House on March 27.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: On motion of Mr. Evans of Freedom, the House voted to recede and concur.

#### Non-Concurrent Matter

Bill "An Act Transferring Funds from Appropriations to other

Departments to the Department of the Attorney General" (Emergency) (S. P. 364) (L. D. 1078) which was recommitted to the Committee on Appropriations and Financial Affairs in the House on March 28.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Haskell of Houlton, the House voted to recede and concur.

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

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

#### **Appropriations and Financial Affairs**

Bill "An Act Providing Kennebec County Funds for a Retarded Children Program" (H. P. 1318) (Presented by Mr. Farrington of China) (Later Reconsidered)

Bill "An Act Providing Aroostook County Funds to Implement Food Stamp Program" (H. P. 1325) (Presented by Mr. Bragdon of Perham) (Later Reconsidered) (Ordered Printed)

Sent up for concurrence.

#### **County Government**

Bill "An Act Relating to County Estimates" (H. P. 1330) (Presented by Mr. Dyar of Strong) (Ordered Printed)

Sent up for concurrence.

#### **Judiciary**

Bill "An Act Relating to Civil and Human Rights of Prisoners" (H. P. 1312) (Presented by Mr. Connolly of Portland)

Bill "An Act Creating Emergency Regulatory Controls on Rent Increases for Residential Property" (Emergency) (H. P. 1316) (Presented by Mr. LaPointe of Portland)

Bill "An Act to Define Public Place under the Criminal Laws of Intoxication" (H. P. 1323) (Presented by Mr. Stillings of Berwick)

Bill "An Act Relating to Nullification of Criminal Records" (H. P. 1327) (Presented by Mr. Connolly of Portland)

Bill "An Act to Amend the Human Rights Act to Prohibit Invidious Discrimination against Ex-offenders" (H. P. 1328) (Presented by Mr. Connolly of Portland)

(Ordered Printed)

Sent up for concurrence.

#### **Labor**

Bill "An Act Relating to Minimum Wages for Students Employed at Summer Camps" (H. P. 1313) (Presented by Mr. Hobbins of Saco)

Bill "An Act Relating to Disqualification for Benefits under the Employment Security Law" (H. P. 1314) (Presented by Mr. Dyar of Strong)

Bill "An Act Expanding and Clarifying the Functions and Purposes of the Panel of Mediators" (H. P. 1320) (Presented by Mr. McTeague of Brunswick)

Bill "An Act Granting State, Employees and Employers the Right to Collective Bargaining" (H. P. 1331) (Presented by Mr. Curtis of Orono)

(Ordered Printed)

Sent up for concurrence.

#### **Legal Affairs**

Bill "An Act Relating to Local Planning Boards" (H. P. 1315) (Presented by Mr. Dam of Skowhegan) (Emergency)

Bill "An Act to Annex Town of Brunswick to Sagadahoc County" (H. P. 1326) (Presented by Mr. LaCharite of Brunswick)

(Ordered Printed)

Sent up for concurrence.

#### **Marine Resources**

Bill "An Act to Allow Coastal Wardens to Inspect Licenses" (H. P. 1310) (Presented by Mr. Kelley of Southport)

Bill "An Act to Include a License to Take Shrimp within the License to take Lobster and Crab" (H. P. 1311) (Presented by Mr. Kelley of Southport)

Bill "An Act Relating to Various Aspects of the Lobster Fisheries" (H. P. 1329) (Presented by Mr. Bunker of Gouldsboro)

(Ordered Printed)

Sent up for concurrence.

### State Government

Bill "An Act Relating to Consolidating Reports of Budgeted State Departments and Agencies" (H. P. 1317) (Presented by Mr. Gahagan of Caribou)

Resolution Proposing and Amendment to the Constitution to Repeal the Office of Sheriff as Constitutional Officer. (H. P. 1322) (Presented by Mr. Henley of Norway)

(Ordered Printed)

Sent up for concurrence.

### Taxation

Bill "An Act Providing for Payment of Sales Tax on Motor Vehicles at Time of Registration." (H. P. 1321) (Presented by Mr. Pontbriand of Auburn)

(Ordered Printed)

Sent up for concurrence.

### Transportation

Bill "An Act to Require Fees for Motor Vehicle Inspection Mechanic's Examination" (H. P. 1324) (Presented by Mr. Stillings of Berwick)

(Ordered Printed)

Sent up for concurrence.

At this point, Speaker Hewes returned to the rostrum.

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

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

### Orders

At this point, Mrs. Baker of Orrington reported she had performed the duty with which she was charged and that Mr. Strout had taken and subscribed the oaths necessary to qualify him to enter upon his official duties.

Whereupon, Mr. Strout of Corinth was assigned to seat number 62 and was appointed to the Committee on Transportation.

The Sergeant-at-Arms escorted Mr. Strout to his seat on the floor of the House, amid applause of the members.

On motion of Mr. Simpson of Standish, the House reconsidered its action of earlier in the day whereby Bill "An Act Providing Kennebec County Funds for a Retarded Children Program" House Paper 1318 was referred to the Committee on Appropriations and Financial Affairs.

On further motion of the same gentleman, was referred to the Committee on County Government, ordered printed and sent up for concurrence.

On motion of Mr. Simpson of Standish, the House reconsidered its action of earlier in the day whereby Bill "An Act Providing Aroostook County Funds to Implement Food Stamp Program" House Paper 1325, was referred to the Committee on Appropriations and Financial Affairs.

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

Mr. SIMPSON: Mr. Speaker, I now move this be referred to the Committee on County Government.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I am not taking issue with the gentleman from Standish, Mr. Simpson. I agreed with him on item one to a point, but I can't seem to agree with him on item two, where we have already had at least one food stamp plan bill referred to the Committee on Appropriations and Financial Affairs. I am not going to make an issue of it but somewhere along the line, straight out and out financial bills should be referred to their proper committee, as they originally were by the Reference of Bills Committee, of which Mr. Simpson is a member.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I do want to explain to the gentleman from Lewiston, Mr. Jalbert and the members of the House what transpired. The Reference of Bills Committee had indeed referred this to County

Government and for some reason it ended up in Appropriations. Both bills deal with county funds going to county organizations and do not involve state funds whatsoever. That is the reason why the gentleman from Standish moved that we reconsider and recommit both bills to the County Government Committee.

Thereupon, the Bill was referred to the Committee on County Government, ordered printed and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker, relative to item 6 on page 1, whereby we voted to adhere, I move that we reconsider our action and I hope everybody will vote against me.

The SPEAKER: The gentleman from Bristol, Mr. Lewis, moves that the House reconsider our action of earlier in the day whereby it voted to adhere on Bill "An Act to Permit Furloughs to Inmates or Prisoners from County Jails" House Paper 562, L. D. 741.

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

Mr. MARTIN: Mr. Speaker, I move this lie on the table one legislative day.

Mr. Carrier of Westbrook requested a vote on the motion.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that this matter be tabled one legislative day, pending the motion of Mr. Lewis of Bristol to reconsider. All in favor of tabling one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

36 having voted in the affirmative and 64 having voted in the negative, the motion did not prevail.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I realize that there has been sufficient debate on this and

I have never gotten involved, but I am somewhat concerned by the fact that apparently this is being done now and that for some reason it is not going to be done on the county jail basis. If it is wrong in one place, it is wrong in the other place. If it is right in one, it is right in the other.

The Judiciary Committee went one way on this particular item. We have played around with it twice. It seems to me that someone ought to sit down and think about exactly in what direction we ought to be going. If we are going in the wrong direction, then we ought to consider that. That is the reason why I suggested that perhaps it ought to be tabled. I think perhaps the members of the Judiciary Committee have been much more involved. I kind of agreed with the original motion that was made earlier by the gentleman from South Portland, Mr. Perkins, that we recede and concur. It might give us some opportunity to decide what direction we are taking.

I have heard a lot of comments about this particular bill. I have mixed emotions about it either way. But it just seems to me wrong to be doing one thing on one level and doing something else on the other. And that's why I had suggested perhaps that it might be tabled for one day so that someone takes a look at the whole picture and gives us, I think, what needs to be heard, some sound thinking about the entire program as to what ought to take place. And if I have made any sense at all in what I have said, I would ask that someone table this for a day so that we can consider what the consequences are, not only on the county government level, but if we are doing it on the state level, as to whether or not it can take place.

I understand the concern that the gentleman from Bristol, Mr. Lewis has because he is obviously closer to the state situation than I am. But I understand that it can be done there and we are simply, with this bill, would be involving the county government. And if the counties can't do it, then I have some doubt in my own mind



whether or not the state ought to do it and that is why I think it seems logical that we think about it.

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

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the Judiciary Committee and signing the minority report, I would like to give my reasons why I voted for the minority report and in answer to my floorleader here, I would like to say that when it comes to the state level, that they go to State Prison, they go there for a few years. Well, when they go into the county jails, they go there for a few months. And the feeling is if they go there just for a few months, you don't start giving them furloughs as they come in.

The SPEAKER: The pending question is on the motion of the gentleman from Bristol, Mr. Lewis, that the House reconsider its action of earlier whereby the House voted to adhere on L. D. 741. All in favor of reconsideration will say yes; those opposed will say no.

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

#### **Tabled and Assigned**

Mr. Simpson of Standish presented the following Joint Order and moved its passage:

WHEREAS, participation in the Maine State Retirement System in recent years has been extended to several additional categories of employees of political subdivisions and other agencies; and

WHEREAS, there has also been a proliferation of amendments to the Maine State Retirement System law providing particular variations relating to membership and benefit formulae for particular classes of employees; and

WHEREAS, these additions and variations have given rise to complexities, inequities, inefficiencies and confusion; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the Maine State Retirement System Law as provided in the

Revised Statutes, Title 5, chapter 101 and all Acts amendatory thereto to determine all possible and practical improvements in the law which can provide greater uniformity and equity under the system. Such study shall include but not be limited to determining the feasibility and desirability of developing guidelines concerning participation in the system; and be it further

ORDERED, that the officers and staff of the Maine State Retirement System be authorized and respectfully requested to provide such information, technical advice and such other needed assistance as the Committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the Committee shall make a written report of its findings and recommendations, together with all necessary legislation and at its discretion submit the same to either the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that a copy of this Joint Order be transmitted forthwith to said office of the Maine State Retirement System as notice of this directive. (H. P. 1387)

The Order was read.

On motion of Mr. Birt of East Millinocket, tabled pending passage and specially assigned for Wednesday, April 4.

#### **Tabled and Assigned**

Mr. Simpson of Standish presented the following Joint Order and moved its passage:

WHEREAS, the proliferation of amendments to the state personnel laws providing particular variations in salaries, hours and other conditions of employment for particular classes of employees is a cause of concern to Legislators; and

WHEREAS, such amendments may tend to conflict with established principles and policies of the merit system, to create inequities in the employee compensation schedules and benefit plans and to encourage fragmentation and competition among employees and

employee groups; now, therefore, be it

ORDERED, that the Senate concurring, that the Legislative Research Committee is directed to study the state personnel laws, as provided in the Revised Statutes, Title 5, chapters 51 to 63 and all Acts amendatory thereof, to determine the feasibility and practicality of providing greater uniformity and equity in the law; and be it further

ORDERED, that the State Department of Personnel and Personnel Board be authorized and respectfully directed to provide such technical advice and other assistance as the Committee determines necessary or appropriate to carry out the purpose of this Order; and be it further

ORDERED, that the Committee shall make a written report of its findings and recommendations, together with such legislation as it deems appropriate; and subject to its discretion, submit the same at either the next special or regular legislative session; and be it further

ORDERED, that upon passage in concurrence, a copy of this Joint Order be transmitted forthwith to said department and board as notice of this directive. (H. P. 1388)

The Order was read.

On motion of Mr. Birt of East Millinocket, tabled pending passage and specially assigned for Wednesday, April 4.

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

Mr. Kelley from the Committee on Fisheries and Wildlife reporting "Ought Not to pass" on Bill "An Act Establishing a Statewide Open Season on Deer" (H. P. 6) (L. D. 6)

Mr. Dow from same Committee reporting "Ought not to pass" on Bill "An Act Providing for a Statewide Open Season on Deer for Residents and Nonresidents" (H. P. 134) (L. D. 157)

Mr. Henley from the Committee on Veterans and Retirement reporting "Ought not to pass" on Bill "An Act Relating to Retirement

Benefit from Accrued Sick Leave of State Employees" (H. P. 386) (L. D. 515)

Mr. Finemore from the Committee on Taxation reporting "Ought not to pass" on Bill "An Act to Provide Retailer Reimbursement for Sales Tax Collection" (H. P. 517) (L. D. 682)

Mr. Conley from the Committee on Public Utilities reporting "Ought not to pass" on Bill "An Act Relating to Public Utilities Commission Regulation of Special and Charter Carriers of Passengers" (H. P. 568) (L. D. 747)

Mr. Tyndale from the Committee on Education reporting "Ought not to pass" on Bill "An Act Providing Funds for a Fine Arts Building for the University of Maine at Portland-Gorham" (H. P. 610) (L. D. 808)

Mr. Good from the Committee on Fisheries and Wildlife reporting "Ought not to pass" on Bill "An Act Relating to a Bounty on Unlicensed Dogs in Area Frequented by Deer" (H. P. 919) (L. D. 1219)

Mr. LeBlanc from the Committee on Education reporting "Ought not to pass" on Bill "An Act Relating to Financial Reports of School Superintendents" (H. P. 928) (L. D. 1226)

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

#### **Leave to Withdraw**

Mr. Henley from the Committee on Veterans and Retirement reporting "Leave to Withdraw on Bill "An Act Relating to Service Retirement Allowance for Employees of the Department of Transportation, Maintenance Division" (H. P. 183) (L. D. 225)

Mr. Cameron from the Committee on Fisheries and Wildlife reporting same on Bill "An Act Relating to Open Season on Deer in Northern and Southern Zones" (H. P. 308) (L. D. 410)

Mrs. McCormick from the Committee on Transportation reporting same on Bill "An Act Creating a Municipal Advisory Committee on Highway Locations" (H. P. 824) (L. D. 1063)

Mrs. Berry from same Committee reporting same on Bill "An Act

Relating to Operation of Motor Vehicles with Accumulations of Snow or Ice" (H. P. 916) (L. D. 1216)

Mrs. Wheeler from the Committee on Judiciary reporting same on Bill "An Act Relating to Appointment and Duties of Bail Commissioners" (H. P. 935) (L. D. 1234)

Mr. Mills from the Committee on Fisheries and Wildlife reporting same on Bill "An Act Exempting Maine Guides from Boat Operator's License Law" (H. P. 959) (L. D. 1269)

Mrs. Kilroy from the Committee on Judiciary reporting same on Bill "An Act Prohibiting Law Enforcement Officers from Purchasing or Consuming Liquor While on Duty" (H. P. 984) (L. D. 1304)

Mr. Dow from the Committee on Taxation reporting same on Bill "An Act Exempting Sales to Inmates from Canteens in State Institutions from the Sales Tax" (H. P. 1005) (L. D. 1325)

Mr. Maddox from the Committee on Public Utilities reporting same on Bill "An Act to Amend the Charter of the Bath Water District" (H. P. 1044) (L. D. 1372)

Mr. Haskell from the Committee on Appropriations and Financial Affairs reporting same on Bill "An Act Providing for Overtime Pay of State Police and Municipal Police Officers" (H. P. 1080) (L. D. 1403)

Reports were read and accepted and sent up for concurrence.

### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act to Eliminate the 5-Day Waiting Period for Marriage" (H. P. 1028) (L. D. 1350)

Report was signed by the following members:

Messrs. TANOUS of Penobscot  
SPEERS of Kennebec  
BRENNAN of Cumberland  
— of the Senate.

Messrs. PERKINS  
— of South Portland  
HENLEY of Norway  
GAUTHIER of Sanford  
CARRIER of Westbrook  
McKERNAN of Bangor  
Mrs. KILROY of Portland

Mrs. WHEELER of Portland  
Mrs. BAKER of Orrington  
Mrs. WHITE of Guilford

— of the House.

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

Report was signed by the following member:

Mr. DUNLEAVY  
— of Presque Isle  
— of the House.

Reports were read.

On motion of Mrs. Baker of Orrington, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

### Consent Calendar First Day

(H. P. 51) (L. D. 58) Bill "An Act Relating to Applicability of Workmen's Compensation to Certain Employees" — Committee on Labor reporting "Ought to pass" as amended by Committee Amendment "A" (H-151)

(H. P. 60) (L. D. 72) Bill "An Act Broadening the Sales and Use Tax Exemption on Water and Air Pollution Control Facilities" — Committee on Taxation reporting "Ought to pass"

(H. P. 222) (L. D. 295) Bill "An Act to Provide Special Probation in Criminal Non-support Cases" — Committee on Judiciary reporting "Ought to pass"

(H. P. 489) (L. D. 643) Bill "An Act Raising the Maximum Age of a Juvenile Offender" — Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (H-152)

(H. P. 604) (L. D. 802) Bill "An Act Relating to Penalties for Violation of Baxter State Park Laws and Regulations" — Committee on Judiciary reporting "Ought to pass"

(H. P. 619) (L. D. 817) Bill "An Act Relating to Control of School Water Supplies" — Committee on Education reporting "Ought to pass"

(S. P. 283) (L. D. 830) Bill "An Act Clarifying Sprinkler System Requirements in Boarding Homes" Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 670) (L. D. 875) Bill "An Act Repealing State Educational

Conventions" — Committee on Education reporting "Ought to Pass"

(H. P. 676) (L. D. 883) Bill "An Act Including Surviving Spouse of Owner under Certain Motor Vehicle Laws" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-153)

(H. P. 689) (L. D. 896) Bill "An Act Defining Wholesale Life Insurance" — Committee on Business Legislation reporting "Ought to pass"

(H. P. 691) (L. D. 898) Bill "An Act Defining Health Insurance on a Franchise Plan" — Committee on Business Legislation reporting "Ought to Pass"

(H. P. 692) (L. D. 899) Bill "An Act Relating to School Statistics" — Committee on Education reporting "Ought to Pass"

(S. P. 349) (L. D. 1016) Bill "An Act Relating to Federally Funded Food Programs" — Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 842) (L. D. 1116) Bill "An Act Repealing the Law Requiring Railroad Companies to Erect and Maintain Bridge Guards" — Committee on Public Utilities reporting "Ought to Pass" in New Draft Under New Title "An Act Relating to Railroad Bridge Guards" (H. P. 1334) (L. D. 1660)

(H. P. 918) (L. D. 1218) Bill "An Act Relating to Permits for Out-of-Door Fires Issued to Licensed Guides" — Committee on Fisheries and Wildlife reporting "Ought to pass" in New Draft. (H. P. 1335) (L. D. 1661)

(H. P. 1006) (L. D. 1328) Bill "An Act Relating to Collection of Excise Tax in Unorganized Places" — Committee on Taxation reporting "Ought to pass"

(H. P. 1017) (L. D. 1336) Bill "An Act Relating to Tuitional Equalization Fund for Maine Students Entering Maine Private Colleges" ( E m e r g e n c y ) — Committee on Education reporting "Ought to pass"

(H. P. 1114) (L. D. 1450) Bill "An Act Providing for a State-wide Open Deer Season" — Committee on Fisheries and Wildlife reporting "Ought to pass"

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

### Consent Calendar Second Day

(H. P. 38) (L. D. 45) Bill "An Act Relating to Retirement of Forest Rangers in the Forestry Department"

(H. P. 354) (L. D. 469) Bill "An Act Relating to Liquor Licensee Records"

(H. P. 452) (L. D. 601) Bill "An Act Appropriating Funds for Replacement of Sea and Shore Enforcement-Research Vessels"

(H. P. 484) (L. D. 628) Bill "An Act Providing Additional Funds for Maine State American Revolution Bicentennial Commission"

(S. P. 242) (L. D. 693) Bill "An Act to Exempt Methods of Payment for Laboratory Services Provided to Persons Outside of the State" (C. "A" - S-42)

(H. P. 579) (L. D. 768) Bill "An Act Relating to Definition of and Licenses of Rectifiers under the Liquor Law" (C "A" - H-148)

(H. P. 798) (L. D. 1051) Bill "An Act to Exempt Nonprofit Clubs and Organizations from Food Handling Regulations" (C "A" - H-149)

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

### Tabled and Assigned

(H. P. 828) (L. D. 1087) Bill "An Act Preventing a Lien on Real Estate When Owner has Paid Contractor"

On the request of Mr. Kelleher of Bangor, was removed from the Consent Calendar.

(On motion of Mr. Haskell of Houlton, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, April 4.)

(H. P. 831) (L. D. 1090) Bill "An Act to Clarify the Law Relating to Height and Width Restrictions for Motor Vehicles" (C "A" - H-150)

(H. P. 840) (L. D. 1114) Bill "An Act Permitting Sale of Prepackaged Foods in Taverns"

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

Bill "An Act to Permit the Sale of Beer and Table Wine on Sunday for Off-premise Consumption" (H. P. 184) (L. D. 226) (C. "A" - H-146)

Bill "An Act Relating to Stop-Sale Orders under Maine Economic Poisons Law" (H. P. 668) (L. D. 873)

Bill "An Act to Appropriate Funds for the Purpose of Creating an Office of Off-reservation Indian Development within the Department of Indian Affairs" (H. P. 976) (L. D. 1290)

Bill "An Act to Revise the Election Laws" (S. P. 493) (L. D. 1535) (S "A" S-47)

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

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This is the Election Laws Omnibus Bill. It consists of 12 pages and 58 changes. I could explain each section in detail but that would take at least a half an hour. So I had the Department of the Secretary of State prepare an explanation of each section and they were handed out today. It is this white sheet here. I mentioned Thursday that we should accept the committee report and place the bill in position for second readers and you could all have the weekend to study so you would be ready for amendments.

Has the House adopted Senate Amendment "A" under S-47?

The SPEAKER: The Chair would answer in the affirmative.

Mr. ROSS: All right, the bill is now in the position to amend in the House. If any person in the House has any amendments, we will discuss them now. And after all have been considered, I would suggest that somebody table this for one more day so you can study the bill further and the Secretary of State's explanatory memo and offer your other amendments tomorrow.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I accept the gentleman's recommendations. It was my intentions also to table for one legislative day.

On motion of Mr. Martin of Eagle Lake, tabled pending passage to be engrossed and tomorrow assigned.

Bill "An Act Relating to Definition of Litter Under Maine Litter Control Act" (H. P. 1309) (L. D. 1619)

Was 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 Repealing the Law Making Relatives Responsible for Persons Receiving Hospital Care. (H. P. 318) (L. D. 436)

An Act Relating to Inspection and Licensing of Residential Facilities for the Care, Treatment or Rehabilitation of Drug Users. (S. P. 256) (L. D. 753) (C. "A" - S-43)

An Act Specifying a Time Limit for Return of Marriage Certificates. (H. P. 809) (L. D. 1055)

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 to Reconstitute and Place a Public Member on the Maine Real Estate Commission. (S. P. 459) (L. D. 1409)

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

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

Mr. SIMPSON: Mr. Speaker, I would move that L. D. 1409 with all its accompanying papers be indefinitely postponed and I would like to speak to my motion.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the indefinite postponement

of L. D. 1409. The gentleman may proceed.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: This morning I address you as a realtor and not as majority floor leader. Before you, you have a bill which would reconstitute the Maine Real Estate Commission which now has three members on the commission and this bill would allow five members to be placed on the commission, one being a consumer. It also would change the number of years experience these people would have to have from 10 down to 5.

Now before us — and which will be coming before us shortly — will be another bill, which has been introduced by the gentleman from Eagle Lake, Mr. Martin, which would place a consumer on all boards of agencies in the State of Maine — and I would wholeheartedly support that particular bill as I believe there is a place for a consumer on these boards. But I am very very much opposed to the Real Estate Board being one board in itself as being singled out. I am further opposed to the expansion of the board as it is by allowing five members to be placed on it instead of the current three. Therefore, I would hope that you would support me in the indefinite postponement of the bill and we would take up the consumer bill later on.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: This is another bill that came out of State Government Committee with a unanimous "ought to pass" report in its new draft. It was the feeling of the committee members after considering at some considerable length both the hearing and also debate within the committee that it would be wise at this time to add two new members to the board, one of whom would not be an active real estate agent or broker. And that is why this bill is before you. I didn't realize there was any objection or so much objection until this time. I hope you will uphold the unanimous

committee report and pass this and I ask for a division.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: I support the motion for indefinite postponement of this bill for the following reasons: In the first place you would set a precedent as to who will be on these boards regardless of their qualifications. The precedent would be — and we would be putting on this particular board under this new draft — a person with no experience whatsoever in the field of real estate, which, in itself, the bill says that I, as a real estate broker in order to get onto their board if I ever desired to, I would have to prove to them that I have five years of experience selling real estate; where in fact it would be easier for me to give up my license, apply for it with no experience and probably get on the board.

I think this is a ridiculous proposition. I think it would be just as ridiculous to consider to put somebody else, some consumer on the board for the bar exam, on the board for the medical exam and on the board for the pharmacy exam or any board or commission that we have. So, therefore, I actually went along before on some other bills to give a raise in the per diem pay to the members of the commission. I think three is enough. I think they have done a good job so far and I truly believe that this bill is not a good bill. Therefore, I hope you support the motion to indefinitely postpone the bill.

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

Mr. FARNHAM: Mr. Speaker and Ladies and Gentlemen of the House: I rise to urge you not to vote to indefinitely postpone this bill. This bill had a very fair hearing before the State Government Committee. Changes were made in the original bill. It comes out with a unanimous "ought to pass" report and apparently the only opposition is from realtors. I think its rather ridiculous to

compare a board dealing with medicine or doctors to a real estate board.

Now, in lowering the requirement of 10 years service to 5, we had in mind the countless young men, well educated, who have studied real estate law who have come into the field and who would make a strong member on the board but who are denied until they have been in the service for 10 years. We also felt too, in view of many of the things that have occurred throughout the state that it would be a good idea to have a man who was completely neutral on the board; and as far as learning what is to be done, I don't think its going to take him very long to understand it.

I hope that you do not vote for the motion to indefinitely postpone.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, to indefinitely postpone L. D. 1409 and all accompanying papers. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

55 having voted in the affirmative; 65 having voted in the negative, the motion did not prevail.

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

An Act to Include Operators of Industrial Wastewater Treatment Plants in the Operator Certification Program. (S. P. 478) (L. D. 1534)

An Act Relating to Use and Possession of Spray Paint Cans in State Controlled Areas. (H. P. 1218) (L. D. 1536)

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

#### Orders of the Day

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

Bill "An Act Relating to Penalty for Operation of Motor Vehicle under the Influence of Intoxicating Liquor" (S. P. 251) (L. D. 702)

Tabled — March 28, by Mr. Carrier of Westbrook.

Pending — Motion of Mrs. Baker of Orrington to accept Majority Report "Ought to pass."

Thereupon, the Majority "Ought to pass" Report was accepted in concurrence.

The Bill was read once and assigned for second reading tomorrow.

The Chair laid before the House the Second 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 28, by Mr. Simpson of Standish.

Pending — Motion of Mr. Martin of Eagle Lake to reconsider Passage to be engrossed.

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

Mr. MARTIN: Mr. Speaker, I wonder if the Chairman of the Natural Resources Committee could explain to us the procedure that took place in bringing this forth before the body and the so-called compromises that took place so that all of us might be aware of what happened.

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

The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker and Ladies and Gentlemen of the House: I am sorry that this bill got out into the newspapers and became headline material over the weekend. The Portland Sunday Telegram for some apparent reason has become an expert on billboard bills.

This bill had a very good hearing in Natural Resources, and by the way, the Committee was not asleep when we heard it. The heat in the room was at a temperature where we might have been tempted to be sleeping, but all members were wide awake. I want this on the record. This had a very good hearing. The advertising agencies

were there, the Department of Transportation was there, and also members of garden clubs from around the state were there. It got a unanimous ought to pass report out of the committee.

Now, we did hold this, I will admit, for several weeks. Basically, we held it because we had an accompanying bill that we knew we were going to hear that has been submitted by Representative Briggs, and which has a nickname called the "Jumbo Bill." I won't go into that too deep as that is being held right now on tomorrow's calendar. We felt that these two bills sort of went hand in hand. They were sort of a package which in this industry today advertising, as you know, is a big industry. Your Department of Transportation has to live with these people and sell licenses and issue permits. This bill that we are talking about this morning also has in it increases in the fees for licenses in order to try to make a little bit of this more self-sustaining.

I do not feel that this bill needs to be debated. There are members of our committee that feel they wanted to attach an amendment to it. This was after it had had its unanimous ought to pass report. I will admit here and now that we have increased the square footage on these large signs a little bit, and I would like to explain that right now. In the past the sign had been measured on a no firm basis from 25 feet. That was the figure used. Now it wasn't known, and they were coming in with permits, some measuring from the ground and some from the bottom of the sign. This clearly defines it now from the ground up 35 feet, and permits a little extra square footage around the perimeter of the sign in order to accommodate some of our more modern type signing which have appurtenances or, as you know, a coke bottle or something that may stick out beyond the immediate perimeter of the sign.

We feel we have a good bill. I am sorry that it is held up. And the bill of Mr. Briggs, which we held this one up and have been waiting for, has had its committee

report unanimous ought to pass. This protects us out beyond the 660 feet area back off on our Interstates because it has been brought to our attention that there were people with requests in for permits for these signs already, which would have been huge ones outside that limit. So I wish that you could support this and that we could get this bill moving along its way.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: In 1969 and 1971 many people fought very hard for billboard control and we finally passed a billboard control law into law, and it seemed very popular with most people. They only questioned why it wasn't enforced better and why more signs were not removed. At the time I didn't really care one way or the other because, personally, billboards don't bother me except near cities where they are grouped just one right after the other. However, in the spirit of "Keep Maine Beautiful," I voted for the billboard law. I thought it was a step in the right direction, and I see no reason to now reverse ourselves. Our former decision was correct and I don't like to see us take a step backward.

This bill allows signs to be larger: the height from 25 feet to 35 feet, the total area from 700 to 760, and I favor the reconsideration motion.

The SPEAKER: The Chair recognizes the gentleman from Exeter, Mr. Smith.

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I was one of those on the committee that signed the unanimous report. I would like to explain a little bit why there may not have been any opposition at the hearing.

If you will check your L.D.'s, the bill that was printed and advertised was L. D. 252, and that did not ask for any increase in either the signs or the height of the signs. However, sometime between the time that this L. D. was advertised and the time of the hearing, some compromise somewhere evidently had been made,



therefore, when the Transportation Department came in to present this bill they offered an amendment which did increase the size of the signs from 700 square feet to 760 square feet and the height of the signs from 25 feet to 35 feet.

This was promoted as a Transportation bill; in fact it was a housekeeping bill, and I didn't pay too much attention to it at the time. However, after the bill was reported out, I did think that it was really a step backwards. I don't feel that this legislature or myself should be required to honor any compromise made between the Transportation Department and the industry, and this evidently was what happened. Therefore, I urge you not to turn the clock backwards on our progress towards getting billboards down where we can enjoy scenic Maine. I urge you to vote for the reconsideration motion.

The SPEAKER: The Chair recognizes the gentlelady from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: The legislation as proposed in L. D. 764, "An Act to Increase Outdoor Advertising License and Permit Fees and Extend Controls" is a proposal to which I extend my support, as I have no desire to see the use of billboards expanded along the highways of this state. I have long been a supporter of this type of legislation and this bill appears to be a reasonable approach to aid in the problem of maintaining a proper relationship between the billboard interests and the citizens who desire to keep our roadsides in as natural a state as possible.

Serious problems have developed in the administration of the present Outdoor Advertising statutes in regard to the interpretation of the 25 foot height restrictions for other than 'on-premise' signs. The present statutes do not indicate the point from which the 25 foot restriction shall be measured. For example, some contend that this measurement shall be based upon the distance above ground level while others contend that the 25

foot maximum height applied to the size of the sign only; thus, under the latter contention it would be possible to place a sign that is 25 feet in height upon supporting poles of a considerable height, thus greatly exceeding 25 feet above ground level.

I believe that clarification of the maximum height restriction for other than "on-premise" signs should be implemented as soon as possible in a manner that is basically consistent with the provisions of the "on-premise" regulations which state in general that the maximum height of on-premise advertisement shall be measured above the ground level of land upon which it is located.

The provisions of L. D. 764 indicate the same basic language, while allowing the maximum height for a sign to be 35 feet above ground level.

I feel that the clarification provisions of this Bill and the increased fees which are included to assist in the administration of these laws, when coupled with the provisions of L. D. 380, which we will probably discuss tomorrow, and which would prohibit the installation of "Jumbo" signs along the Interstate and other major highways would give all of us the assurance that the roadsides of this State would continue to display scenic splendor and not become cluttered with commercial advertising signs. As a package, I believe these two bills make good sense.

Therefore, I urge the members of this body to vote against the reconsideration of L. D. 764 today and I hope to enlist your support for L. D. 380 tomorrow.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House reconsider its action whereby this Bill was passed to be engrossed. All in favor of reconsideration will vote yes; all opposed will vote no.

A vote of the House was taken.

60 voted in the affirmative and 64 voted in the negative.

Whereupon, Mr. Simpson of Standish requested a roll call vote.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise as an individual who is very much concerned with some of the things that are going on in the State of Maine today. I think I stood here the other day and told you that I also had a bill in before Natural Resources Committee that hopefully would have supported the gentleman from Caribou's bill, the so-called "Jumbo Sign" bill. Mine would have allowed logos to have been put on the interstate system in the rural areas so that when people approach these areas they would have knowledge of what is going to be provided at the next exit for service.

Some people, I guess, look at me as an individual who is the champion of billboards or something in this state for the simple reason that the last time, in the 105th, I got involved in the legislation which pertained to on-premise signs. At that time I stood on this House floor and said that when we start to get onto on-premise signs that I felt that we were getting down to the individual's responsibility as to what he can and cannot do on his own property. At that time I also stated that the bill, as it was presented, was going to be totally unworkable because of the very fact that it was unclear as to the height restrictions and so forth.

I don't know, I guess that one thing that bothers me right now as I look at this state, is that either we seem to be going so far left or so far right that nobody wants to come into the middle. Nobody wants to start to realize what the

economy of this state is based on and where it is coming from. Suddenly everybody wants to take the businessman in this state and make him the scapeboat. They want him to pay the bills. They want him to have the labor force but yet everybody wants to hamstring him in what he wants to do.

Now sooner or later I think some people around here are going to realize that we have to compromise on a few things. I do not want billboards all over the State of Maine and I have never supported billboards all over the State of Maine, but I think when it comes time for me to have to be able to advertise my business I should be allowed to do so. Now if you want to restrict me in some way, fine, and this is just exactly what you are doing in this bill. You are finally telling me that I can put my signs no higher than 35 feet in the air from the ground up.

Now I would suggest that it is about time that we do start to think about compromise a little bit and that we do think about the businessman once in awhile, I would ask you not to reconsider this and that we put these bills in the proper order, that we allow this one to go through, we let the "Jumbo" billboard go through. I agreed to let mine come out of committee unanimous "ought not to pass" when I could have had six votes on that.

Ladies and Gentlemen, I would hope that you would not reconsider passage.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker and Men and Women of the House: I had not intended to speak on this bill this morning. I was going to let the legislative process take its due course, but I feel that I must respond to the statements made by the gentleman from Standish.

This does not restrict what anybody can do with their signs. We are just protecting the height and overall size of the sign. That is the issue here. And the real issue that I am concerned with is the

compromise. I realize that in the political process we must make compromises. I am not that naive. But this compromise was made before the committee passed this bill "ought to pass," and this compromise was not made known to the committee until after it had passed it.

I think the committee should have the full knowledge from all the departments involved as to what is being changed and we were not told about this change. And I do not want the departments of this state making decisions for the duly elected legislators of this state. I think that we as legislators should make the final decision, and that is what I am asking you to do today by going along with this reconsideration motion, is that we support duly made compromises which are in the knowledge of the legislators but not which are made by the bureaucracies within our government.

I hope that you will go along with the reconsideration motion so that we can have a legitimate legislative process and that we will all be informed by the departments in the future.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the Committee on Natural Resources, I feel I should say something about the unanimous "ought to pass" report. I received on my desk this morning the copy or reprint from the Maine Sunday Telegram of yesterday and the reporting in this article is just as accurate this morning as it has been right along as far as this bill is concerned.

This bill was discussed in committee. Every member of the committee thoroughly understood exactly what was happening before and after. The bill has been on the table for days and days. It is strange to me that now suddenly we find that some deal is made that no one understood.

The situation is very clear. The committee received or gave this bill a unanimous "ought to pass" report, and now that other bills have come out unanimous "ought

not to pass" and now the "Jumbo" bill appears to be a little safer than it was before, now we find there were misunderstandings, misunderstandings which were thoroughly understood before this bill was ever passed out. I hope for the sake of keeping this committee close and together and cooperative that you would defeat the motion to indefinitely postpone or to reconsider.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: As you probably know, as you ride up Route 95 there is a restaurant, The Silent Woman, that has this sign in the air there probably 45 feet. Now they are down over the lower side of a banking. I go along with my good friend, Mr. Simpson from Standish. We should not reconsider. They should have a right to advertise their business. The state tells us they want to take down all the signs over the state, but they go out and put up home betterment signs all over the place. Now let's have it even for everyone and I hope that you do not reconsider.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House reconsider its action whereby this Bill "An Act to Increase Outdoor Advertising License and Permit Fees and Extend Controls," Senate Paper 276, L. D. 764, was passed to be engrossed. All in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Berry, P. P.; Bither, Briggs, Bustin, Chick, Chonko, Clark, Conley, Connolly, Cooney, Cottrell, Dow, Drigotas, Emery, D. F.; Farley, Finemore, Gahagan, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Kelleher, LaPointe, Lawry, LeBlanc, Lynch, Mahany, Martin, McKernan, McMahon, McNally, Morin, L.; Morin, V.; Murray, Najarian, Peterson, Ricker, Rolde, Ross, Smith, D. M.; Smith, S.; Talbot, Tanguay, Tierney, Walker, Wood, M. E.

NAY — Albert, Ault, Baker, Berry, G. W.; Berube, Birt, Boudreau, Bragdon, Brawn, Brown, Bunker, Cameron, Carey, Carrier, Carter, Churchill, Cote, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Dudley, Dunn, Dyar, Evans, Farnham, Farrington, Faucher, Fecteau, Ferris, Flynn, Fraser, Garsoe, Good, Hamblen, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Kelley, R. P.; Keyte, LaCharite, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maxwell, McCormick, McHenry, McTeague, Merrill, Mills, Morton, Murchison, Norris, O'Brien, Palmer, Parks, Perkins, Pontbriand, Pratt, Rollins, Shaw, Sheltra, Shute, Simpson, L. E.; Snowe, Sproul, Stillings, Susi, Theriault, Trumbull, Tyndale, Webber, Wheeler, White, Willard, The Speaker.

ABSENT — Binnette, Dam, Dunleavy, Hodgdon, Kelley, Kilroy, Knight, Maddox, Mulkern, Santoro, Silverman, Soulas, Trask, Whitzell.

Yes, 49; No, 87; Absent, 14.

The SPEAKER: Forty-nine having voted in the affirmative and eighty-seven in the negative, with fourteen being absent, the motion does not prevail.

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

Bill "An Act to Designate One Dollar of Income Tax Refunds to Political Parties" (H. P. 321) (L. D. 439)

Tabled — March 28, by Mr. Birt of East Millinocket.

Pending — Acceptance of either Report.

On motion of Mr. Birt of East Millinocket, retabled pending acceptance of either Report and tomorrow assigned.

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

Bill "An Act Relating to the Rights of a Person under Guardianship to Vote" (H. P. 723) (L. D. 929)

Tabled — March 28, by Mr. Martin of Eagle Lake.

Pending — Acceptance of either Report.

On motion of Mr. Martin of Eagle Lake, retabled pending acceptance of either Report and tomorrow assigned.

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

Bill "An Act Permitting a Dollar Check-off on Income Tax Returns for Election Campaign Fund" (H. P. 1010) (L. D. 1324)

Tabled — March 28, by Mr. Binnette of Old Town.

Pending — Motion of Mr. Ross of Bath to accept Minority Report "Ought not to pass"

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

Mr. MURRAY: Mr. Speaker and Men and Women of the House: This bill is a bill that appeared before the Election Laws Committee a week or so ago and you noted that Mr. Birt from East Millinocket just tabled a bill similar. This bill is sponsored by myself and concerns a dollar check-off on the state income tax returns. The bill is drafted very much similar to the federal law which was passed a session ago in Congress and was on your federal income tax return this year. What this bill would allow would be when one is filling out his income tax return he will be able to dedicate a dollar of his tax to the political party of his choice.

The intention of the bill is that so many elections these days are costing so much money that politicians and political parties have to go to people that are able to contribute and ask them for campaign donations, and sometimes campaign donations of sizeable proportions. What we would like to do with this bill is to enable all citizens of the state, whether they are rich or poor, to be able to get into the process of campaign financing. Because of the economic status of so many people it is imperative, it is just impossible for them to, you know, to give to the political party of their choice, and I believe that this bill and the majority of the election

laws committee agree also that this would be a good means to allow the little man to get involved in this process. So I would hope that we defeat the motion of the gentleman from Bath this morning and so along with the majority of the committee and pass this bill.

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

A vote of the House was taken.

53 having voted in the affirmative and 63 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Murray of Bangor, the Majority "Ought to pass" Report was accepted.

The Bill was read once and assigned for second reading tomorrow.

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

Bill "An Act Relating to Permanent Compensation for Particular Injuries under the Workmen's Compensation Law" (H. P. 748) (L. D. 961)

Tabled — March 28, by Mr. Finemore of Bridgewater.

Pending — Motion of Mr. Brown of Augusta to accept Majority Report "Ought not to pass"

On motion of Mr. Hobbins of Saco, tabled pending the motion of Mr. Brown of Augusta to accept the Majority "Ought not to pass" Report and tomorrow assigned.

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

Bill "An Act to Place the Position of Director, Bureau of Aeronautics and Director, Bureau of Waterways in the Classified Service" (Emergency) (S. P. 162) (L. D. 417)

Tabled — March 28, by Mr. Talbot of Portland.

Pending — Acceptance of "Ought to pass" report.

On motion of Mr. Talbot of Portland, the Report was accepted.

The Bill was read once and assigned for second reading tomorrow.

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

Bill "An Act to Repeal the Minimum Age for Hospitalization of Mentally Ill Persons" (H. P. 1295)

Tabled — March 29, by Mr. Martin of Eagle Lake.

Pending — Motion of Mr. Norris of Brewer to reconsider reference.

On motion of Mr. Norris of Brewer, the House reconsidered its action whereby this Bill was referred to the Committee on Health and Institutional Services.

On further motion of the same gentleman, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

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

Joint Order relative to Environmental Protection to Control Erosion. (H. P. 1294)

Tabled — March 29, by Mr. Hancock of Casco.

Pending — Passage.

Thereupon, the Joint Order received passage and was sent up for concurrence.

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

Bill "An Act Establishing an Open Season on Moose" (H. P. 32) (L. D. 39)

Tabled — March 29, by Mr. McNally of Ellsworth.

Pending — Passage to be engrossed.

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

Mr. McNALLY: Mr. Speaker, Members of the House: I will try to go into the good things I see in this bill. In the first place, it came out of committee 11 to 1 "ought to pass."

Now, it gives a biologist, they say, a chance to inspect a dead moose for any disease which is

possible if they happen to see the moose. Now, it will also, maybe, raise some funds for fisheries and wildlife, if they don't spend it all looking for the disease in the dead moose. Then, undoubtedly, it would cause more hunters to go up into that area and the Lord knows, they probably need that stimulant.

Now, I will get into what I think might be a little bit bad about it. It completely surrounds Baxter State Park, all your designated areas, the top, the bottom and the sides. Now, there will be no way — no way the hunters are going up there to get themselves a little moose, but what they will shoot one of the Baxter State Park's moose because they probably won't have any signs on them anyway. And I would be very much amazed if most everybody didn't head right up to go right around the fringe of Baxter State Park.

I noticed we have a nice picture showing how there was a dividing line between the state cutout and Canada and, of course, we have seen these pictures before and heard about it. But the fact remains this little bill is not going to prevent those people from still getting moose across that little area, shooting them just the same as they always did in Canada.

Now, I am just wondering if supposing I had one of those licenses, lucky enough to have it drawn and I shot a moose and I looked at him and he didn't look too good and I thought, now that fellow is badly diseased. I guess I won't take him. There wasn't anybody looking at me when I shot him so I would proceed on and find myself a healthy moose and I am just curious as to how many of you folks would think that over and see whether you would take one of those diseased moose if you thought that is what it was after you got up there to him and looked it over. Supposing he is a little bit small, supposing his horns didn't look too good. Think you are going to take him after you are going to pay \$25 to go up there and \$25 to get him out after you have got him?

I think that their count as to what may be killed is a little bit off. I have listened to this and

I cannot go along with that. I know how the people down in Hancock County think and I don't believe that we are any curious sort of a tribe at all, although we do have funnish faults. I can remember back in 1935 when we had the last open season on moose down there. There was one small back road and — it happens to be the one up there where Sandy Koufax now owns the place — and the fellow always used to let his horses out to go up in the pasture to a spring not too far up and get a drink of water. So the cars were kind of parked on that day bumper to bumper along that road and the fellow, very thoughtlessly, let the horses out and one started to stroll up towards the spring and somebody shot at him. They thought he was a moose. I would not be surprised but what as this thing grows by leaps and bounds in the future years that there will be two or three horses killed as well as the moose.

Now, we spend many dollars in this state advertising why the tourists ought to come here and over and over I have heard people say the thing that I want to go to Baxter State Park for, I want to be able to take some pictures of the moose or I want to be able to take pictures of them in the natural habitat. I think we are making an awful mistake. When you see even the cartoons of the tourists, the fellow has always got a camera hanging around his neck, but we are going to so deplete and so frighten the animals that the pictures will be very few and far between after we get through with this deal.

Now, it is very fortunate that you heard arguments here on the sign bill where it said that they needed this sign bill because of the determination as to what it meant had to be cleared up. Well, I am wondering if there isn't some determination in this particular one that needs to be cleared up. It says, "The Commissioner is authorized to designate the type of weapons which shall be lawful and make all other rules and regulations which he may deem necessary for the protection of the moose resource." I just don't

understand that myself. I am wondering now when they put out the advertisement that they are going to have this drawing for different licenses, if they are going to state just exactly what the guns are going to be that are permissible to use. That is only just one of the things that looks to me would have to be determined in it.

People say moose get ugly. Well, I have got to tell you a little story. Back my first year in high school, which was quite a long time ago, I was up in Hartland, Maine, and there was a moose, not too large a one, that decided it was a nice place to sleep on the lawn of the lady who owned a goodly part of the woolen mill and she thought that although he wasn't perhaps a year old or maybe just a little over a year old that he was a good thing for the kids to see. So she had a Sunday school picnic and invited all the children from the different churches in Hartland to come down in hopes that they would see the moose and they did go down and they surely saw it. Well, later on — this was in the spring — later on in the summer the moose very kindly moved down about five miles to where we lived on this country road and used to stay down in the lower end of our field, used to kind of watch me once in a while when I was pulling pigweeds or something, but anyway, he didn't seem to be too ugly. So, I just went and got the idea that perhaps there was a time when they don't like the looks of people.

I am for the moose. I am going to make a motion so that the next moose that I meet, especially over in my county, that I can look him right in the eye and say I move that this bill and all its accompanying papers be indefinitely postponed. Because I want the people to know who is for moose and who is not, I ask for a roll call.

The SPEAKER: The gentleman from Ellsworth, Mr. McNally, moves the indefinite postponement of L. D. 39 and all accompanying papers and requests a roll call.

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

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: I am not a comedian and neither am I a doomsday prophet. Hancock County does not come into one of the open season zones.

You know, for many years some of us have tried to pass a moose law allowing an open moose season. We feel that the time has come when a modified, short, open season on moose will not only do no harm but rather it will enhance the moose herd in the State of Maine.

Our opponents have been the ultra-conservationists and the people who feel that it is wrong to kill to eat. For the conservationists, let me say that from all scientific information available, a small moose harvest is the best conservation method of them all. Ten years ago our friends in neighboring New Brunswick, with some apprehension, passed a bill allowing an open season on moose. Some of the same type of well-meaning people objected at that time and the arguments were the same as they are now and that we are going to kill off all the moose. They were going to slaughter to the point of extinction one of their natural resources.

The first year New Brunswick issued 400 licenses. Surprisingly, the moose herd improved. Two years later they increased the number of licenses to 800. Tests after the first increase showed that the herd thrived beyond all expectations. The moose herd was healthier and the average weight of moose was increased by 200 pounds.

This year New Brunswick is going to issue 1,200 licenses. The Commissioner of Fisheries and Game of New Brunswick stated at our hearing that due to the healthier moose herd, the excellent condition of the young stock, he foresees a further increase in the licenses issued in the near future.

During the past ten years in New Brunswick they have — and they have some of the best hunters in North America — the take of moose has been just under 45 per cent of the licenses issued and there is no reason to believe that

the percentage in Maine will be any larger. If this bill is passed, there will be 100 or less moose harvested in this coming year.

Every farmer knows that weeding and thinning will improve the overall condition of any crop and the game biologists and all knowledgeable fish and game people tell us that this same rule holds true concerning a big game herd. I feel that now is the time to pass this bill.

I am sure the committee is right in its thinking. The sportsmen want an open season, the Fish and Game Department thinks that this is a good bill and nearly everyone that I have talked with seem to have no objection. I think this bill should pass in the 106th and I am against the gentleman from Ellsworth, Mr. McNally's motion of indefinite postponement.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I too am a member of the Fish and Game Committee which voted 12 to 1 in favor of this bill. We had a somewhat similar bill in the last session. I have had an opportunity to go into the north country and investigate the moose situations. I have flown all over this area shown on the maps at least three different times. I am familiar with woods operations. I am familiar with the fact that historically this was the home of the moose. The deer were down on the coast in warmer areas where they are today. We do need, I believe, to have this moose season for the best interest of the moose herd as well as the State of Maine.

Now some talk has been made of Baxter State Park. There are eight townships included in Baxter State Park. The 16 surrounding townships also would be closed to moose hunting and I think that this bill should be given favorable consideration. I hope you will vote against the motion on the floor.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker and Members of the House:

Way up in the far north at Lake Caribougo;

Lives a huge herd of moose on the far northern shore about sixty or more.

And they all go around in one big happy bunch,

Just looking for nice tender moose moss to munch.

And one of these moose moss munchers named Minnie set up housekeeping in a little alder puckerbrush swail on the edge of my great city of Caribou. And she was the delight of young and old for a period of a couple of years until some fool man let her have a high-powered rifle slug in the rib cage.

A lot of people have asked me about this bill and I have said I didn't think it would do any hurt. But then I got thinking about something that might hurt is a .30-06, .200 grain slug traveling about 3,000 feet a second and hitting the side of a moose. I am sure it would hurt the moose.

Now, I cannot in good conscience actually oppose this bill. The reason is that it has been my practice to follow the recommendations of the trained wildlife scientist. This was the reason for my support of the bill to remove the senseless bounty on bobcats which the committee, nevertheless, voted unanimously to oppose. Now the committee votes practically unanimously to favor a bill to shoot moose. And this leads me to wonder whether the committee is perhaps more interested in killing wildlife than in conserving it, I hope that is not true.

At any rate, while I cannot in good conscience and in all honesty oppose this bill, I can say that I do have some reservations about it and I know you will give it your careful consideration.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I, too, have some very serious reservations on this bill and probably for different reasons than have been mentioned here this morning. I represent a lot of Indian people in my district



and I think it is another chance where we take away from the minority. As you know, they have a right to kill moose on their reservation but these moose travel freely from the reservation to the land that I own and they are allowed to do this. Now, I know I will convey their feelings the best I can to you. They feel as though it is another place where the white man sells them down the river and grabs what little they have left and they don't kill many moose but they do feel that it is there for them occasionally and they are a minority and they do kill very few moose but we should consider their thoughts, I think, here this morning, when we go on selling for the Fish and Game Department, needs funds, no doubt about it. I presume this is the chief reason after I hear the testimony and so forth that this department does need money so they have decided to sell a few of these moose. Now, this is how the Indians in my area feel that we now infringe a little further on them and I agree with them that we shouldn't do it.

Now, in this bill we allow the commissioner what kind of gun they can use. Now, think of the poor people in my area that hunt with the same old gun their grandfather had that has been handed down for three generations. They tell him he has got to have a certain kind of gun so he won't be in the act, only the wealthy man. The people up my way that are quite well-to-do, they have walkie talkies and there are helicopters available to these people with a lot of money and so the wealthy people will harvest the moose and the poor people that need them won't get a smell. This is the way it will be in my area. The fellow that can afford to hire a helicopter, if you want to call it such, and a walkie talkie on the ground can walk up to any moose because, believe me, they are like an old cow that is ten- years old. They don't move around very much.

Now, I would like to say one thing further, that I noted that an awful lot of people from out of state buy a lot of film in the area and enjoy taking pictures of these wonderful animals and even if they

don't kill that many, they are going to make them so wild that these people that are here spending a lot of money and really come here to see these moose are not going to see them. After you start shooting at them and killing a few, they are going to get back where you don't take pictures of them.

And these are some of the reasons I have. My reservations are so serious that I am going to vote to indefinitely postpone this bill this morning and I hope some of you do too. I hope you will consider the small minority of Indians. So I have heard you try to say that you wanted to do something to help here this morning and you also consider the poor people, what a slim chance they are going to have. You consider that they are going to tell him what kind of a gun he has to have and the old one that they have had in the family for three or four generations I am sure wouldn't qualify. Then you are going to have — I can't conceive of any of the poor people in my area being able to hire a helicopter or even a walkie talkie. So I kind of think we would be doing the right thing this morning if we indefinitely postponed this bill.

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

Mr. PARKS: Mr. Speaker and Ladies and Gentlemen of the House: We have heard a lot of arguments here this morning. We just heard one here a moment ago about the poor Indians on their reservation. Well now, in the zone mapped out on your map here, there are no reservations in Aroostook County that belong to the Indians, the poor Indians.

There is one in Penobscot County which probably it will cover but the moose do travel back and forth. You heard an argument here about them crawling up one side of Mount Katahdin and down the other. Well, nobody in his right mind would do that, because to begin with they cannot hunt in Baxter State Park. There is one township that has been set aside all around Baxter State Park which they cannot hunt in.

I don't believe that there are any Indian reservations way over in

Piscataquis County or northern Somerset County where this zone includes. So we are not going to be trespassing on the poor Indian's reservation over in there. This is where the majority of the moose are.

Now, back in the 103rd Legislature they directed the Fish and Game Department to make a study of the moose population here in the State of Maine and to report back to the legislature their findings. This they have done and they have found that over these years, after spending some thirty odd thousand dollars, the department has come back and recommended a limited, controlled season on moose.

Now, it isn't only going to be the man with the helicopter and the man with the walkie talkie that is going to get the license, it is any resident of the State of Maine who has a hunting license will be permitted to apply for a moose permit. One man's chance is just as good as another.

The department has decided the first year—which your bill will read if you read your bill carefully — there will be 250 permits issued. Now 250 permits, the success ratio is right around 40 percent. So that means there will be somewhere in the neighborhood of 150 to 175 moose possibly would be harvested. Possibly there would be a few more than that.

Now, we do have in Aroostook County alone, there is 4,369 moose. Now, this is a very conservative figure that the biologists have given us. So if possibly 150, 175, or even 200 moose are shot, it is not going to kill all the moose in the State of Maine that you people have been told that this would do.

Now, this is a good bill. It is going to give the department a chance to get some information. It is going to also give some sportsmen in the State of Maine the right to shoot a moose whether it be a sick one, a small one. And I doubt very much if a person shoots one moose, he is going to leave it lying there and go try to find another one. So I urge you to not support the indefinite postponement. Let's give this bill a try for two years. This is only a

two-year proposition and after two years, if we have another moose season, we will have to go through the same procedure all over again. So let's try it for two years and see how it will work out.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. HOFFSES: Mr. Speaker and Members of the House: I think some of you are well aware that I have been on the Fish and Game Committee quite a number of years. I have been chairman of that committee for six years. It was said in the other body one day when we were discussing a matter which involved the Fish and Game Department that perhaps I had been on the committee too long. Well, I didn't exactly disagree with the gentleman but I did conclude that perhaps that gentleman had been on the committee which he was on too long.

But, be that as it may, I feel as I stand here now that this is an exercise in futility because I believe that the proponents of this piece of legislation have done their homework. They have done a good job of lobbying and I feel that this bill is probably going to pass this body.

However, I would like to point out one or two things for your consideration. The gun requirement, I believe, is absolutely unconstitutional. I do not believe that the department can say what type of firearm — if it is going to be used to kill one of these moose, if I am in possession of one of these permits, I do not believe that they can tell me that I have got to have a certain type of vehicle because as one of the gentlemen up back has said, we are limiting this to the affluent if they are going to have to go out and buy or borrow a certain type of gun.

Now, I had occasion at the University of Maine some two years ago to speak before a class up there and there were a number of biologists in attendance. And I had no reservation whatsoever when I concluded that as far as I was concerned and as far as a number of the members of the committee at that time, had grave

reservations about the biologists' appraisal of the moose population. Now this is something which can be argued forward and backward until the end of time but I do not believe that the biologists know how many moose there are in the State of Maine.

Now I come from an area that used to at one time have a large moose population. We opened the season back in 1935 and we shot off almost all of the moose that were available. What I am coming up with is this. I have seen a great many moose in the woods and they are just about as wild as your family cow or the family horse. And as far as I am concerned, and I might say I have shot my share of deer, but as far as I am concerned, there is nothing, but nothing sportsmanship like, to go out and shoot a moose standing looking at you.

Another point that I will bring out, and that is the nonresident hunter is being denied an opportunity to try to obtain one of these permits. I think that members of the committee are quite well aware and I think that the members of this legislature should be aware that a very very large amount of the revenue that the department operates on comes from the nonresident. Now if you are going to deny the nonresident an equal opportunity, I think you may be enjoying some unfavorable publicity and resentment by the nonresident. Now again I say, I think this has been an exercise in futility, but I am glad that someone has asked for a roll call because I for one want to be on record as being opposed to an open season on moose.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I will be very brief this morning. I think everything has been said. I simply will add, don't kill the majestic moose this morning, kill the bill.

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

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: I want to clear up one point here. There has been quite a lot said about the Fish and Game Department having the right to restrict guns and that it is unconstitutional. Anytime anybody wants to make a point, they come out of the clear blue sky and say its unconstitutional. Now the reason we put this provision in there, we don't want a kid or a young lady going out in the woods hunting a moose with a BB gun or a .22. We think they should have what is commonly known as a regular deer rifle, that includes .38, .32 special, 303 and from there up.

Now as far as moose being like a horse, if I could walk up to a moose that close, I would think something is wrong with the moose. In Canada, as I said, where they have tested it for ten years and they have excellent hunters in Canada, the kill has been less than 45 percent over a ten year period. That speaks something at least for the moose. I don't think we are going to deplete our moose that much. I think we are going to help them.

We have had quite an array of speakers against this bill. Most of them I think try to be comedians. Mr. Parks made an error when he said 150 to 200 moose might be killed. I would say 100 or less would be killed following the ratio of Canada's test of 45 percent take.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: This morning, it kind of irks me a little bit when I hear them say, all you can hunt moose with is a rifle. Gentlemen, every moose I ever killed was with a shotgun — .00 buckshot or slugs. I shot one at a hundred yards and dropped him in his tracks with Nitro Express, long range. They will drop and they will die.

Now I haven't got to go out here and buy a gun because I have a .30-06, I have a 250-3000, I have a .35, I have a .30-30, I have about 65 guns in all. So, gentlemen, this isn't going to bother me, but

I think a man should have a right to go out here and hunt with what he wants to.

Now when I was a boy up North, I could go up there and I could get 2 deer or 20 of them. It was nothing to see 30 or 40 deer in that area. They cleaned them all out; they said its never going to happen. Let's take the law off, let's get rid of the moose too, let's get rid of everything and we can get rid of the Fish and Game Department, they can get rid of the wardens. We won't have any worries any more and we will do away with all these bills.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I don't own a gun; I guess I will let the National Guard protect me. I have mixed feelings about hunting. I think I haven't had a hunting license per se in three years now. I do fish and sometimes I feel sorry about killing the poor little fish but I don't dare say much about that because the gentleman from Oakland, Mr. Brawn, may suggest that I don't catch enough and I don't want to get involved in that battle.

I do think though that I want to make a couple of points that I have made every year that I guess we have had this moose bill before us or some similar bill like it and it is a very simple one. We in Aroostook are bordered by two Canadian Provinces, New Brunswick and Quebec, both of which have moose seasons of one kind or another. We are somehow involved in dealing with legislation which affects us differently than the rest of the state because they have it and we don't.

I know that you have heard me tell the story and you have seen pictures the gentleman from Presque Isle, Mr. Parks, has outlined and I don't know how many of you have ever seen a moose being called. I can assure you when he comes running, you had better get the heck out of his way because he will run right over you. And the minute they cross that international boundary line, the Canadians are sitting on that little stand that

you see, referred to as a "moose stand" and I won't use the French language or version of how its said, because most of you might not understand it and the rest wouldn't want to hear it, but what they do is, they kill the moose once it hits the international boundary and they take the moose with them. And then of course Americans go to Canada and they buy the moose meat and bring it back to Aroostook County.

I have seen another instance where, going from Fort Kent to Van Buren, I got to the town of Grand Isle and it was during the New Brunswick moose season and there was a moose that was just above in the field where I was and I stopped and looked at it for a few minutes, figured out whether he was sick or silent and figured out very quickly that there was obviously nothing wrong with him. All of a sudden I heard a moose call coming from the Canadian side of the border. No sooner did he hit the St. John River, there were about five people along the side of that river with guns shooting the moose. They got into a motor boat and hauled him across into Canada and they proceeded to slice him up. I sat there and watched this operation. Through all of this, obviously at this point a number of cars had accumulated on the American side watching the operation as well, and they said, why them and not us? And I sort of said, well don't blame me, blame the legislature I guess. What else can you say when you are outnumbered about 20 to 1.

But I do think the point is that when we look at this thing we have to look at it in view of the fact that Quebec and New Brunswick have a season and they haven't depleted their moose season. As a matter of fact, I was talking to someone from the department in Quebec and originally they were going to cut it off and now they have made it a continuing season because they feel that it actually leads to better management of the moose herd. Now for some of you who think that we in Aroostook, and for that matter many of you legislative districts that no moose get killed, you might want to check that around

because I find that there are some people that are still holding onto moose meat in Maine, even though it's slightly illegal.

I am not sure I ought to dare ask the gentleman from Oakland, Mr. Brawn, whether or not the moose he killed were in Maine, outside of Maine, in season or out of season. Even though he is on the floor, I wouldn't want to subject him to the Department of Fish and Game getting involved in wanting to pick him up for a violation. But I do think — I just beg of you that you consider the fact that we in Aroostook are caught by being involved in Quebec and New Brunswick, both of which have seasons and both of which apparently seem to be working out fairly well and our people simply don't see why they can't have the same thing that the Canadians are receiving. And so I would ask you to vote against the motion of the gentleman from Ellsworth, Mr. McNally.

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

Mr. McNALLY: Mr. Speaker and Ladies and Gentlemen of the House: I hope that you listened to Mr. Martin from Eagle Lake because he brought a point which I think is wise. The moose are increasing in Canada. They are calling them out of Maine to make them increase. They aren't increasing them in Canada because they are shooting them, they are calling them to shoot them. Why would they have to be calling them across the line if they hadn't shot them off in their own. We know that they are gone in New Brunswick practically because those who go moose hunting out of our home town goes up in Newfoundland to hunt, and even Newfoundland is getting scarce on moose now. It used to be when you first went up there, if you shot the moose and he ran into the woods and he didn't drop right instantly, the guides never went and looked for him, they let him lay. But now, if you wound the moose, you have to chase him up and get him because that is how they are gaining, by shooting them.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: In response to my good friend Mr. Martin from Eagle Lake. The laws of the State of Maine and of the United States says, "A man is innocent until he has been proven guilty."

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: In the previous sessions I have been opposed to an open season on moose in the State of Maine. But in the consultations that we have had with the New Brunswick people who have had this as a 10 year program, the information is coming in from Vermont, New Hampshire, the other states across in what is called the "moose belt zones" of the United States, they have their open seasons and they have it under strict control.

And the information their biologists get for examining these moose and determine the different diseases that may affect the moose, there was one picture that was given to us to look at and this was a meningeles similar to a long tapeworm but it does travel the spinal column and affects the moose and the moose are described as going blind, bumping into trees and everything else. I don't know and the biologists don't know when I questioned them on, "Does this affect our cows, horses, does this thing travel in the same type of animals?" And they don't know. What they do know is that where this disease has been prevailing among the moose herd in the State of Maine or any other moose that goes into that territory, when the moose have died, they can pick this up from the ground and become infected.

The only way our biologists are going to perpetuate a herd of moose with the prevalence of this disease is the fact that there has got to be an open season, there has got to be some of these moose harvested so the biologists can take samples from them and determine

what next step they have got to do to really protect the moose. That was my reason for voting for an open season.

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 Ellsworth, Mr. McNally, Bill "An Act Establishing an Open Season on Moose," House Paper 32, L. D. 39, be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Baker, Berry, G. W.; Berry, P. P.; Berube, Bragdon, Bunker, Bustin, Carey, Clark, Conley, Connolly, Curtis, T. S., Jr.; Dudley, Dunn, Dyar, Emery, D. F.; Farley, Flynn, Goodwin, K.; Greenlaw, Hobbins, Hoffses, Huber, Hunter, Jackson, LaPointe, Lawry, Lewis, J.; Littlefield, McCormick, McKernan, McMahon, McNally, Murray, Najarian, Norris, Perkins, Peterson, Shute, Smith, D. M.; Snowe, Sproul, Stillings, Susi, Tierney, Wheeler, White.

NAY — Albert, Ault, Birt, Bither, Boudreau, Brawn, Briggs, Brown, Cameron, Carrier, Carter, Chick, Chonko, Churchill, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Davis, Deshaies, Donaghy, Dow, Drigotas, Farnham, Farrington, Faucher, Fecteau, Ferris, Finmore, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Hamblen, Hancock, Haskell, Herrick, Immonen, Jacques, Jalbert, Kelleher, Kelley, R. P.; Keyte, LaCharite, LeBlanc, Lewis, E.; Lynch, MacLeod, Mahany, Martin, Maxwell, McHenry, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Murchison, Palmer, Parks, Pontbriand, Pratt, Ricker, Rolde,

Rollins, Ross, Shaw, Simpson, L. E.; Smith, S.; Strout, Talbot, Tanguay, Theriault, Trumbull, Walker, Webber, Willard, Wood, M. E.

ABSENT — Binnette, Dam, Dunleavy, Evans, Henley, Hodgdon, Kelley, Kilroy, Knight, Maddox, Mulkern, O'Brien, Santoro, Sheltra, Silverman, Soulas, Trask, Tyndale, Whitzell.

Yes 47; No, 84; Absent, 19.

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

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

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

Resolve Designating the Bridge Across the Little Androscoggin River at Mechanic Falls as "The Sawyer Memorial Bridge" (H. P. 538) (L. D. 720)

Tabled — March 29, by Mr. Donaghy of Lubec.

Pending — Motion of Mr. Dunn of Poland to adopt House Amendment "A" (H-145)

Thereupon, House Amendment "A" was adopted.

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

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

Bill "An Act Relating to Bilingual and Bicultural Education" S. P. 62) (L. D. 165)

Tabled — March 29, by Mr. Simpson of Standish.

Pending — Passage to be enacted.

On motion of Mr. Simpson of Standish, retabled pending passage to be enacted and specially assigned for Wednesday, April 4.

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

Bill "An Act Relating to Certain Permanent Impairment Compensation under Workmen's Compensation Law" (H. P. 598) (L. D. 789)

Tabled — March 29, by Mr. Brown of Augusta.

Pending — His motion to accept Majority Report "Ought not to pass"

On motion of Mr. McTeague of Brunswick, retabled pending the motion of Mr. Brown of Augusta to accept the Majority "Ought not to pass" Report and tomorrow assigned.

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

Bill "An Act Pertaining to Unlicensed Dogs" (S. P. 345) (L. D. 1044)

Tabled — March 29, by Mr. Birt of East Millinocket.

Pending, Reconsideration of action whereby the Bill was passed to be engrossed.

On motion of Mr. Birt of East Millinocket, retabled pending motion to reconsider passage to be engrossed and tomorrow assigned.

Mrs. McCormick of Union was granted unanimous consent to address the House.

Mrs. McCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: As you know, the other day we passed an order to make Welcome Back Day April 25. I would just like to say that the invitations will be ready in a couple of days in the Clerk's office. But in the meantime, if the members of this House would want to do a little

homework and find out the past members who have served here and have their lists ready so that they can send out these invitations —they are probably going to have to go to the Archives and dig out the names of the past representatives in order to do this. I would like to ask that once you do get these lists, if it is possible, would you either leave them with me after you are finished sending out your invitations or with Margaret Miskavage in the Clerk's office so that in future years somebody won't have to go to the Archives. Maybe we can compile a list which will help out in the future.

Mr. Good of Westfield was granted unanimous consent to address the House.

Mr. GOOD: Mr. Speaker, Ladies and Gentlemen of the House: The Fisheries and Wildlife Committee this year has had between 85 and 90 bills. We have two more bills left for a hearing a week from Wednesday. If anybody has any bills for Fisheries and Wildlife, I would urge you to get them in, get them started through, because if not, by the end of two weeks we will be all through with our deliberations.

On motion of Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.