

# 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 9, 1973

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

Prayer by the Rev. Mr. Norman Young of Dexter.

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

The journal of the previous session was read and approved.

**Orders Out of Order**

Mr. Dow of West Gardiner presented the following Order and moved its passage:

ORDERED, that Clair Beard, Margot Riley, Jeff Curtis of Hallowell and Doug Kilgore of Farmingdale be appointed Honorary Pages for today.

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

Mr. Shaw of Chelsea presented the following Order and moved its passage:

ORDERED, that Mary Nedik and John Gallant of Chelsea be appointed Honorary Pages for today.

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

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

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

**Papers from the Senate**

Bills and Resolution from the Senate requiring reference were disposed of in 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. Keyte to his seat on the floor, amid the applause of the House and Speaker Hewes resumed the Chair.

**Reports of Committees  
Ought to Pass with  
Senate Amendment**

Report of the Committee on Natural Resources on Bill "An Act Relating to Pollution Control Costs on Construction Projects" (S. P. 301) (L. D. 950) reporting "Ought to pass" as amended by Senate Amendment "A" (S-63) submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-63).

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

Senate Amendment "A" (S-63) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

**Leave to Withdraw  
Covered by Other Legislation**

Report of the Committee on State Government on Bill "An Act Creating the Office of Inspector General for the Department of Health and Welfare" (S. P. 10) (L. D. 63) reporting Leave to Withdraw as covered by other legislation.

Report of same Committee reporting same on Bill "An Act Creating a State Board of Health and Welfare" (S. P. 70) (L. D. 172)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

**Referred to Committee on  
Appropriations and Financial  
Affairs**

Report of the Committee on State Government on Bill "An Act Relating to District Offices of the Department of Commerce and Industry" (S. P. 328) (L. D. 1032) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Appropriations and Financial Affairs.

In the House, the Report was read and accepted in concurrence and the Bill referred to the

Committee on Appropriations and Financial Affairs in concurrence.

#### **Non-Concurrent Matter**

Bill "An Act Extending the Period of Entitlement to Compensation for Partial Incapacity under the Workmen's Compensation Law in Certain Cases" (H. P. 616) (L. D. 814) which was placed in Legislative Files pursuant to Joint Rule 17-A on March 28.

Came from the Senate recalled pursuant to S. P. 546, the Bill substituted for the report and recommitted to the Committee on Labor in non-concurrence.

In the House: The House voted to recede and concur.

#### **Non-Concurrent Matter**

Bill "An Act to Repeal the Minimum Age for Hospitalization of Mentally Ill Persons" (H. P. 1295) (L. D. 1707) which was referred to the Committee on Appropriations and Financial Affairs in the House on April 2.

Came from the Senate referred to the Committee on Health and Institutional Services in non-concurrence.

In the House: On motion of Mr. Norris of Brewer, the House voted to insist.

#### **Messages and Documents**

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

April 5, 1973

Mrs. E. Louise Lincoln

Clerk of the House

106th Legislature

Dear Madam Clerk:

The Senate voted to Adhere to its action whereby it accepted the Minority Ought Not to Pass Report on Resolution, Proposing an Amendment to the Constitution to Implement the Administration of Justice by Permitting Eight-man Juries for Trials of Certain Criminal Cases, (H. P. 173) (L. D. 215), in non-concurrence.

Respectfully,

Signed:

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

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

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

##### **Judiciary**

Bill "An Act Relating to Access and Egress to Great Ponds" (H. P. 1417) (Presented by the gentleman from Eagle Lake, Mr. Martin)

(Ordered Printed)

Sent up for concurrence.

##### **Labor**

Bill "An Act to Clarify and Improve the Enforcement of Decisions of the Public Employees Labor Relations Board" (H. P. 1421) (Presented by the gentleman from Brunswick, Mr. McTeague)

(Ordered Printed)

Sent up for concurrence.

##### **Legal Affairs**

Bill "An Act Relating to License for Manufacturers Selling Motor Vehicles in Maine" (H. P. 1418) (Presented by the gentleman from Lewiston, Mr. Jacques)

(Ordered Printed)

Sent up for concurrence.

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

Mr. Norris from the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Increasing State-Municipal Revenue Sharing" (H. P. 319) (L. D. 437)

Mrs. Kelley from the Committee on Veterans and Retirement reporting same on Bill "An Act Relating to Restoration of Service under State Retirement System" (H. P. 586) (L. D. 775)

Mr. Genest from the Committee on Liquor Control reporting same on Bill "An Act Permitting Hotels to Sell Liquor not to be Consumed on the Premises after Hours. (H. P. 943) (L. D. 1240)

Mr. Stillings from the Committee on Liquor Control reporting same on Bill "An Act Permitting Restaurants to Sell Malt Liquor not to be Consumed on the Premises (H. P. 944) (L. D. 1241)

Mr. Mills from the Committee on Fisheries and Wildlife reporting same on Bill "An Act Relating to Dogs on Leash and Providing Special License for Hunting Dogs" (H. P. 1185) (L. D. 1525)

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

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

Mr. Smith of Exeter presented the following Order and moved its passage:

ORDERED, that Meredith Fickett, Carl Smith of Exeter and Elizabeth Clark, Donal Bryant of Dexter be appointed Honorary Pages for today.

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

#### **Leave to Withdraw Tabled and Assigned**

Mr. Cressey from the Committee on Liquor Control reporting Leave to Withdraw on Bill "An Act Relating to Entertainment for Class A Restaurants, Hotels and Clubs under Liquor Law" (H. P. 721) (L. D. 927)

Report was read.

(On motion of Mr. Parks of Presque Isle, tabled pending acceptance of the Committee Report and tomorrow assigned.)

Mr. Emery from the Committee on Legal Affairs reporting same on Bill "An Act to Permit Elevator Repair by Unlicensed Personnel when Supervised by a Plant Engineer" (H. P. 764) (L. D. 997)

Mr. Trumbull from the Committee on Human Resources reporting same on Bill "An Act Relating to Residency Requirement to be Candidate for Office in Penobscot Tribe of Indians" (H. P. 933) (L. D. 1232)

Mrs. Berube from the Committee on Natural Resources reporting same on Bill "An Act to Permit Log Landings Along Route Numbered Public Roads" (H. P. 1043) (L. D. 1365)

Reports were read and accepted and sent up for concurrence.

#### **Leave to Withdraw Covered by Other Legislation**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Salary of County Attorney of Sagadahoc County" (H. P. 162) (L. D. 204) (By Request) reporting Leave to Withdraw as covered by Other Legislation.

Report of the Committee on Appropriations and Financial Affairs reporting same on Bill "An Act to Increase Salaries of Certain Somerset County Officials" (H. P. 301) (L. D. 403)

Report of the Committee on Taxation reporting same on Bill "An Act Eliminating Social Security Payments as Income under the Elderly Householders Tax Relief Act" (H. P. 912) (L. D. 1201)

Report of the Committee on Taxation reporting same on Bill "An Act Exempting Hearing Aids and Accessories from the Sales Tax" (H. P. 1007) (L. D. 1321)

Reports were read and accepted and sent up for concurrence.

#### **Referred to Committee on Appropriations and Financial Affairs**

Report of the Committee on Veterans and Retirement on Bill "An Act Relating to Service Retirement of State Mental Institution Employees" (H. P. 181) (L. D. 223) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

Report was read and accepted, the Bill referred to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

#### **Divided Report Later Today Assigned**

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought not to pass" on Bill "An Act Excluding Log Rafts from Carrying Life Preservers" (H. P. 1200) (L. D. 1539)

Report was signed by the following members:

Messrs. ANDERSON of Hancock  
ALDRICH of Oxford  
GRAFFAM

of Cumberland  
— of the Senate.

Messrs. GOOD of Westfield  
MORIN of Fort Kent  
DOW of West Gardiner  
PARKS of Presque Isle  
KELLEY of Southport  
CHURCHILL of Orland  
CAMERON of Lincoln

— of the House.

Minority Report of the same  
Committee reporting "Ought to  
pass" in New Draft and New Title  
of "An Act Excluding Log Rafts  
from Personal Flotation Devices"  
(H. P. 1422) (L. D. 1746)

Report was signed by the  
following members:

Messrs. WALKER of Island Falls  
MILLS of Eastport

— of the House.

Reports were read.

(On motion of Mr. Briggs of  
Caribou, tabled pending acceptance  
of either Report and later today  
assigned.)

#### Divided Report

Majority Report of the  
Committee on Judiciary reporting  
"Ought to pass" as amended by  
Committee Amendment "A" (H-  
170) on Bill "An Act Relating to  
Penalty for Burglary" (H. P. 206)  
(L. D. 279)

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  
DUNLEAVY

of Presque Isle  
McKERNAN of Bangor

Mrs. WHEELER of Portland

Mr. GAUTHIER of Sanford  
— of the House.

Minority Report of the same  
Committee reporting "Ought to  
pass" as amended by Committee  
Amendment "B" (H-171) on same  
Bill.

Report was signed by the  
following members:

Messrs. CARRIER of Westbrook  
HENLEY of Norway  
Mrs. BAKER of Orrington

Mrs. WHITE of Guilford  
Mrs. KILROY of Portland

— of the House.

Reports were read.

On motion of Mrs. Baker of  
Orrington, the Minority "Ought to  
pass" Report was accepted and the  
Bill read once.

Committee Amendment "B" (H-  
171) was read by the Clerk and  
adopted and the Bill assigned for  
second reading tomorrow.

#### Divided Report

Majority Report of the  
Committee on Legal Affairs  
reporting "Ought not to pass" on  
Bill "An Act Repealing the Moun-  
tain Resorts Airport Authority  
Act" (H. P. 273) (L. D. 395)

Report was signed by the  
following members:

Messrs. ROBERTS of York  
ALDRICH of Oxford

— of the Senate.

Messrs. BRAWN of Oakland  
FAUCHER of Solon  
SHUTE

of Stockton Springs  
SHAW of Chelsea

CAREY of Waterville

DUDLEY of Enfield

COTE of Lewiston

— of the House.

Minority Report of the same  
Committee reporting it be referred  
to the Committee on Public Lands.

Report was signed by the  
following members:

Mr. JOLY of Kennebec

— of the Senate.

Messrs. EMERY of Rockland  
FECTEAU of Biddeford  
CONNOLLY of Portland  
— of the House.

Reports were read.

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

Mr. EMERY: Mr. Speaker, I  
move the acceptance of Report  
"B", refer to the Committee on  
Public Lands.

The SPEAKER: The gentleman  
from Rockland, Mr. Emery, moves  
that the House accept the Minority  
Report, that the Bill be referred  
to the Committee on Public Lands.

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

Mr. DYAR: Mr. Speaker and  
Ladies and Gentlemen of the

House: I am opposed this morning to accepting Report "B". A past legislature set up the statutes allowing the Mountain Resorts Airport Authority Act. It was permissive legislation at that time; it still remains on the books as permissive legislation.

The majority report is "ought not to pass." I can see no accomplishment whatsoever by sending this bill to another committee, inasmuch as there are two potential sites in the area for an airport. One would be in an unorganized town which wants to become organized at the present time. The land is owned by individual ownerships, and these are not corporate ownerships, they are working people. This particular area is the only place east of the Rocky Mountains where you have major sky areas. It has been approved by the FAA for such an airport.

At the present time Saddleback Mountain in Rangeley has reported out phase one in their projected program there, which includes approximately 120 condominiums, a 200-room motel-hotel complex, and I cannot see this legislature taking action at this time to kill development in our ski areas.

As I say, this is permissive legislation. Over the past few years nobody's toes have been stepped on, and I think we can let it go without doing any harm to anybody. I would request a division on the motion.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Having signed the majority report on this particular item, I would like to offer a few words of explanation why I did. Not too long ago, this very legislature granted them this right to do what they wanted to do with this area, which they haven't done probably yet on.

But the point is this, as I saw it. We would be Indian givers. We would have told them to do something and have given them permission to do it and before they had time to do it, told them they couldn't do it. And I think this is what the majority of the

committee felt, that we should not accept the minority report but that eventually we should accept the majority report of this committee. I think the last legislature gave these people five years to carry out what they intend to do in the area and granted, there hasn't been much done, but at the end of five years they will accomplish about what this bill will do anyway, and we will save face for the people who passed this only two years ago or so.

So I do hope that you will accept the majority report finally and not accept the minority report.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of the bill under debate right now and I must say that I am not necessarily opposed to either report, but I do think that report "A" is a little premature at this time.

Now, I have written to the chairman of Legal Affairs making a suggestion as to a possible course of action, and it was to either defer action at this time on this bill or to refer it to the Public Lands Committee. The question is why would I ask that this be done. Well, there are several bills in on the subject of the general area of Sugarloaf, Bigelow, Rangeley. Before us is the present bill repealing this airport authority. I understand there is also a bill which would repeal the special provision for establishing a Town of Flagstaff and there is a bill to create a park at Bigelow Mountain.

There is also a bill which has just been presented which would constitute legislatively a committee set up by the Governor to study this area. So now all of these things are before us in this legislature.

Now, this particular bill was referred to the Legal Affairs Committee. They gave it an excellent hearing. The proponents and the opponents came out and spoke at some length and I think from the information they have made two wise decisions. But I think that this bill is a component part of the whole issue of this region. What is happening, as I see it, is that

two groups are asking for the state to take action. You have the developers who want us to pass special legislation for them to assist in developing and you have, let's say, the ecologists or the naturalists who want us to pass special legislation for them establishing parks or other recreational or open space or conservation areas. And the thing that I see is the state really doesn't know what its role should be.

Now, Mr. Dudley spoke of being "Indian givers" on this bill, but I would remind you that four years ago in the 104th Legislature there was a big push in the Sugarloaf-Bigelow area to bring Olympic competition to the area and at that time, it would have been necessary to have such an airport and to have such major state backing of development there. Now this may or may not still be the case but I think I can say with some surety that nobody really knows whether that's the right thing. So the suggestion that I made was that one committee at least have these bills, so that when they act, they can act in some concert and so when we act, we can act with some understanding of the whole picture and not just disjointed bills.

So it may still be the best thing to kill this bill and the majority of the Legal Affairs Committee may still have its day and be right. And I certainly would not oppose it if that is the report when the whole issue has been reported out. I think it is a little premature for us at this time to kill a measure which is a component part of a question dealing with the entire Bigelow area that is before this legislature.

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

Mr. BRIGGS: Mr. Speaker and Ladies and Gentlemen of the House: I have had several people come to me regarding numerous different public lots asking me whether or not they thought these lots could be purchased by them or whether they could acquire title to them. And I have replied that giving the current trend of thinking in the legislature and throughout

the state, I doubt very much if that would be practical.

Therefore, I would support this measure being referred to the Committee on Public Lands. I support the remarks by the gentleman from Sabattus, Mr. Cooney. I think it is a very good idea if we can have the committee, which is set up by you to deal with these things, deal with all of them.

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

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: When these bills originally went through the legislature, which was a couple of sessions ago, they were somewhat tied together, the bill on the Flagstaff Village and the bill on the airport authority. When they started out, I wasn't in favor of either bill. But the legislature, in its wisdom, saw fit to pass these two bills and the bill on the Flagstaff Village has a five year limit to it, as I remember. In other words, we gave them five years to go into operation and the man who started the development has spent somewhere in the neighborhood of a million dollars I understand and he has got one year to go to really get rolling. I am not in favor of pulling the rug out from under him after a previous legislature has given him five years to do it. He spends a million dollars and then we pull the rug from under him.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to respond to the comment of Mr. Shaw. We are not pulling the rug out from under anybody by referring this to another committee. I might point out that I have spent a great deal of time with the owners of the Flagstaff Corporation and the owners of Bigelow Mountain. I have walked the land with them, we have talked about this in detail and we are in agreement that the course that I am suggesting to you right now is a fair and equitable course.



I might point out also that whether you favor development for recreation, like a ski resort, something of that sort, or whether you favor development in some kind of a park or wildlife sanctuary or something like that, the state has to know where it's going. And the developer depends on the state to a good extent for those special bills that only the state can give to him. He knows that if there is controversy about the development of Bigelow and that region, it is going to make his job of developing an excellent ski resort there that much more difficult. So he also supports the idea of having the state make up its mind, perhaps study this issue, and that is what I suggested in a letter to Senator Joly, Chairman of Legal Affairs, which was also sent to the Governor's office and was also sent to Senator Richardson, that the committee which the Governor has established should be constituted by the legislature, should report back to the Special Session, on the role of the state and that we cannot handle these individual bills in a disjointed way. They must be handled in concert.

So I would urge you to support the motion of the House Chairman to accept report "B".

The SPEAKER: The pending question is on the motion of the gentleman from Rockland, Mr. Emery, to accept the Minority Report that this matter be referred to the Committee on Public Lands. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Emery of Rockland requested a roll call.

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 Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I think the gentleman from Sabattus summed up the feelings of the two Legal Affairs chairmen fairly well. This is a much more complicated issue than it would initially appear on the surface. In question is the future use of one of the most beautiful and potentially one of the most valuable pieces of land in the entire State of Maine. And that is the area in Franklin County around Mt. Bigelow.

I was a little bit concerned when I heard testimony from some of the developers at the public hearing and it made me wonder exactly what course of action should probably be taken to either develop or maybe not to develop this particular area. I will confess to the members of the House that until it was suggested that we refer this to another committee, I probably would have voted in favor of the bill and against the developers. But that is not the issue here at the present time. This is not the issue, whether we develop or whether we do not develop. The issue is will this entire area have a proper opportunity to present its views on development. Will the legislature and the Governor's task force and the environmentalists and everyone else that is interested in this area have an opportunity to present all of the information and all of the evidence necessary so that we will not make a mistake in developing this area.

I have viewpoints, other people have differing viewpoints. But I feel that it is very important that this matter be referred to the Public Lands Committee that does have the necessary information and the ability to deal with this subject intelligently and wisely. This is the issue. Neither the Senate chairman nor myself felt that we had the expertise or the background to make a wise decision in whichever course of action we should take. The Public Lands Committee is a committee

that was specifically set up to deal with the question of public lands, whether to develop, whether not to develop and who will do the developing.

I will also mention that the Governor's task force report has another plan entirely. I think that all of these things ought to be considered together in a logical, systematic manner so that we will not make a mistake. So I would beg you to refer this matter to the Committee on Public Lands so that a wise decision, an intelligent decision, can be made on this matter. I hope that you will support my motion.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I have been in business a long time, and I think the success of my business has been based on my word being good, and I would like to keep this in mind in dealing this morning. The legislature has already given permission to this man. He has spent his money, and I say the die is cast.

Now, I want to keep face for this legislature. I don't want people outside to say that we change our minds every time the weather changes or the seasons change. I think this is wrong. Regardless of whether this project is right or wrong, I say the legislature made the decision. The die is cast. The man has five years. He has spent a million dollars or so, and I agree with what someone said here, it is like pulling the rug out from under a man. The public loses faith in a group of people that does this.

I was successful in business because I maintained that my word would always be good, that if I told you something today, it is good tomorrow, the next day and each day thereafter. And I feel the same way about this piece of legislation. I don't feel strongly what they do in this area as much as some of them do; but I do feel that when the legislature makes up its mind, makes a decision, whether it is this legislature or some former legislature. At that time I may have agreed or I may have

disagreed, I would have to read the records to see. But at this time, at this point in the game, I am not anxious to pull the rug out from under anybody, and I think it is a wrong thing to do. I think it is just like being in business — if your word is no good, you are no good to do business with and you will eventually be a failure.

I hope you will not support the minority report. Keep in mind that the majority of this committee listened carefully to this, and I think the majority of the committee felt strongly that you shouldn't make a man a promise, let him spend a million dollars and then pull the rug out from under him.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: The same questions that the gentleman from Rockland has been asking were answered back in '69 when the people came down out of that area and asked to have the authority formed, and that was involved in a Flagstaff bill at that time.

I would certainly ask you to vote no on the pending motion. I agree with Mr. Dudley and Mr. Shaw, that the legislature gave its word in 1969 that it would allow these people five years to do some business. They have one more year to go. Their time runs out in October of '74. So I would assume that one more year isn't going to be that harmful.

Unfortunately, we have those people in the House who feel that since they don't get a favorable committee report out of one committee, they would prefer to have their bill reported to a committee that might report favorably on it. If that is the case, we can plan on being here until October.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: As the House chairman of the Public Lands Committee, as I look at this particular report that is out before us right now, if we

vote no on the report that is before us, we are left with one alternative — or maybe two, they both accomplish the same thing — that would be to accept the "ought not to pass" report or to indefinitely postpone it. I do believe that at least we ought to be given the opportunity to decide whether we do or do not want this particular piece of legislation. If it is referred to the Committee on Public Lands, you are still going to have to vote on this issue one way or another before this legislature ends.

At first I wasn't particularly too interested in giving this back to the Committee on Public Lands. I felt maybe we should dispose of it right at this time, but the more I look at the report, I now feel that it would be in our best interest to put it in the Committee on Public Lands because we have several other bills there that do pertain to this same item.

I have been trying to check right now on any type of legislation that does deal directly with the Flagstaff Corporation, which would be the development of Bigelow Mountain, and I would assure you that you probably wouldn't get the same type of report out of the Committee on Public Lands, but I would probably also assure you you would get a divided report. I do believe it is in your best interest to refer this to the Public Lands Committee at this time so that we can put all these bills in the same line, same direction, and bring them out to you all at one time.

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

Mr. DYAR: Mr. Speaker and Members of the House: You have been all around the barn this morning. I feel that most of the verbiage given to this bill on the floor has nothing to do with the legislation at hand whatsoever. You may know or may not know that there are some 22 unorganized towns that I represent in my district. Probably 70 percent of the area involved is now under a protective management zone, thanks to the Land Use Regulation Commission, and I am quite sure if there is any development in this

area, these people will take care of it.

The issue here this morning is whether or not the people I represent eat, and you will find that ecology — and I am for ecology — does not pay the grocery bill. Now this bill, what is now statute, that some people are trying to repeal here this morning does mean putting groceries on the table.

The state has already taken some 70 percent of this district out of development. The areas that are being considered for this airport, Flagstaff and Coplin Plantation, Flagstaff is now statutorily an organized town. It is my understanding that the people — and I am saying the people — in the Town of Coplin want to become organized.

All this bill does is repeal the Mountain Resorts Airport Authority Act that we passed here last session. Now, this can go to Public Lands, can be argued for three weeks, and I don't think they can come out with any more suggestions or conclusions than we have right now.

Since the 105th, money has been spent in this area, independent money, state money, and I assume county and town money. Now, we are talking about Bigelow Mountain which is located in Somerset County, but the areas I represent, Eustis and Stratton, have already built a road across Franklin County to the base of this mountain, so we have money involved there.

At this time I certainly hope that you people will vote against the acceptance of the minority report. The House chairman of the committee did say that he thought the people should decide. I have got to go along with his thinking. I think the people should decide and the people I represent did decide last session. I think we should keep some unanimity here with these people and at least let the statute run its course.

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

Mr. BRIGGS: Mr. Speaker and Members of the House: I am sure it won't take very much imagination for the members of this House

to realize that the great land hustle in Maine is now on, and I think we would be very wise at this point if we slowed that down a bit and support the motion of the gentleman from Rockland, Mr. Emery. This is a very important item, I can assure you, and I hope you will support the motion of the gentleman from Rockland, Mr. Emery.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Just quickly, I will submit that we have now the Land Use Regulation Commission in unorganized territories to handle this very problem. I think it is too bad for this legislature to waste its time trying to preempt them. Let's let the people who have been hired and charged to do it go ahead and do it.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, there are two points that have not yet been brought out in debate. The first is that when the legislature — I believe it was the 104th Legislature — passed this legislation initially and its companion bill having to do with the establishment of the Town of Flagstaff and what is now presently unorganized territory, there was a great push to get the 1976 Winter Olympics at Bigelow. I am sure most of you remember seeing that in the paper. Well, now that that is no longer possible, I think that we have to view this legislation probably in a little different light. I don't think that we ought to get pushed into developing an area or not pushed into developing an area in any way that is not completely expeditious, in any way that is not completely within the bounds of reason and careful planning.

The second point that I would bring out was touched upon a minute ago by the gentleman from Brewer. It is not a case of either killing this legislation or passing it here in this report. The motion

is not to kill or pass the legislation, it is to properly study it. And I don't see how we can take either affirmative or negative action unless we have all the tools at our disposal to make a just decision.

I think that since the attitude has changed in the State of Maine, since we are beginning to concern ourselves with the development of our wildlands and the development of our natural resources, that we ought to look at it with that in mind, the benefit for all the people. And this is not presently a proposal which is being developed by the State of Maine. It is being developed by some out-of-state interests that probably are more interested in a profit than they are interested in providing this area for the benefit of the people of Maine, and I think we have primarily got to be interested in the people of Maine, not the people of some other part of the country.

I hope you will vote to refer this to Public Lands.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I could stand here for three days and discuss this thing, but I won't. I will stand just for a few moments. The issue with me is that we made an agreement which has one more year to run. So the issue becomes with me keeping your word or not keeping your word. And I prefer to keep my word, I always have and I always will.

Mr. Speaker and members of the House, I move that this bill and all of its accompanying papers be indefinitely postponed, and when the vote is taken, I want to go on record. I want a roll call.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, to indefinitely postpone this Bill and all accompanying papers.

The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clear up just a couple things. Mr. Jalbert mentioned that this particular bill

has a year to run and that we would be going back on our word by killing or not allowing it to run out.

The airport authority has no such limitation; it runs forever. The thing that does have a limitation on it is a different piece of legislation not before us, before the Public Lands Committee, which will be heard, I believe, in the next couple of weeks; and that bill has a five-year provision on it in which time the developers must act. So that doesn't concern the airport bill whatsoever. It is not a matter of keeping our word in that respect.

The other thing is, if we are worried about the developer, the developer and I have been in close contact. I have spent days with the man and he is in agreement that the state should take a concerted look at this whole issue, should decide what the state's role should be and that he would be better off if we did that as well as other parties interested would be better off.

So, it seems to me that the only reasonable thing for us to do is take one affirmative or negative action on this whole issue after such time as one committee has studied the whole issue. We can't have one committee studying one segment of it, another committee studying another segment of it, all of them reporting out the bills at different times with different reports, and depending on how the wind is blowing in here, we take different actions on them at those times.

So once again, I support the motion to refer this to Public Lands. I would be the first to kill it, kill my own bill if this is the best thing for the whole region, and it very well might be. I don't know that and you don't know that. The only way to find out is to have a committee make a concentrated effort on this subject and perhaps even their report would be to make further studies of this situation and report to the special session. That may very well be what would happen, but they should have all the pertinent pieces of legislation before them when they make that decision.

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 Lewiston, Mr. Jalbert, that this Bill "An Act Repealing the Mountain Reports Airport Authority Act," House Paper 273, L. D. 395, and all accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Bither, Brawn, Brown, Bunker, Carey, Carrier, Chick, Conley, Cote, Crommett, Dam, Davis, Deshaies, Dudley, Dyar, Evans, Farrington, Faucher, Fecteau, Ferris, Finemore, Fraser, Good, Herrick, Hoffses, Immonen, Jacques, Jalbert, Kelley, R. P.; Keyte, Kilroy, LaCharite, Lawry, Lewis, E.; McCormick, McNally, Mills, Morin, L.; Norris, O'Brien, Palmer, Parks, Rollins, Ross, Shaw, Shute, Sproul, Stillings, Theriault, Trumbull, Walker, Wheeler, White, Willard.

NAY — Berry, P. P.; Boudreau, Bragdon, Briggs, Bustin, Cameron, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Donaghy, Dow, Drigotas, Dunleavy, Dunn, Emery, D. F.; Farley, Farnham, Gahagan, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Haskell, Henley, Hobbins, Huber, Hunter, Jackson, Kelleher, Kelley, Knight, LeBlanc, Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, Merrill, Morin, V.; Morton, Mulhern, Murchison, Murray, Najarian, Perkins, Peterson, Pratt, Ricker, Rolde, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.;

Snowe, Soulas, Strout, Talbot, Tanguay, Tierney, Trask, Tyndale, Webber, Whitzell, Wood, M. E.

**ABSENT** — Flynn, Genest, Hamblen, Hancock, Hodgdon, LaPointe, McTeague, Pontbriand, Santoro, Sheltra, Susi.

Yes, 61; No, 78; Absent, 11.

The **SPEAKER**: Sixty-one having voted in the affirmative and seventy-eight in the negative, with eleven being absent, the motion to indefinitely postpone does not prevail.

The pending question is on the motion of the gentleman from Rockland, Mr. Emery, to accept the Minority Report. A roll call has been ordered. All in favor of accepting the Minority Report will vote yes; those opposed will vote no.

#### ROLL CALL

**YEA** — Berry, P. P.; Birt, Bither, Boudreau, Bragdon, Briggs, Bunker, Bustin, Cameron, Carey, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cottrell, Cressey, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Dow, Drigotas, Dunleavy, Dunn, Dyar, Emery, D. F.; Farley, Farnham, Farrington, Fecteau, Ferris, Fraser, Gahagan, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Haskell, Henley, Hobbins, Hoffses, Huber, Hunter, Jackson, Jacques, Kelleher, Kelley, Kelley, R. P.; Kilroy, Knight, LaCharite, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Palmer, Perkins, Peterson, Pratt, Ricker, Rolde, Ross, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Strout, Talbot, Tanguay, Theriault, Tierney, Trask, Tyndale, Walker, Webber, Whitzell, Willard, Wood, M. E.

**NAY** — Albert, Ault, Baker, Berry, G. W.; Berube, Binnette, Brawn, Brown, Carrier, Chick, Conley, Cote, Curran, Dam, Dudley, Evans, Faucher, Fine-more, Good, Herrick, Immonen, Jalbert, Keyte, Lawry, McNally, Norris, O'Brien, Parks, Rollins,

Shaw, Shute, Sproul, Trumbull, Wheeler, White.

**ABSENT** — Crommett, Flynn, Genest, Hamblen, Hancock, Hodgdon, LaPointe, McTeague, Pontbriand, Santoro, Sheltra, Susi.

Yes, 103; No, 35; Absent, 12.

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

Referred to the Committee on Public Lands and sent up for concurrence.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Authorizing City of Portland to Levy Local Assessments for Snow Removal on Sidewalks" (H. P. 738) (L. D. 941)

Report was signed by the following members:

Messrs. JOLY of Kennebec

ALDRICH of Oxford

ROBERTS of York

— of the Senate.

Messrs. BRAWN of Oakland

FECTEAU of Biddeford

EMERY of Rockland

SHUTE

— of Stockton Springs

SHAW of Chelsea

CAREY of Waterville

DUDLEY of Enfield

COTE of Lewiston

FAUCHER of Solon

— of the House.

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

Report was signed by the following member:

Mr. CONNOLLY of Portland

— of the House.

Reports were read.

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

Mr. EMERY: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report.

The **SPEAKER**: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, I move this lie on the table for two legislative days, pending

acceptance of either report.

The SPEAKER: The pending question is on the motion of the gentlewoman from Portland, Mrs. Boudreau, that this matter be tabled pending the motion of Mr. Emery of Rockland and specially assigned for Wednesday, April 11. All in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did prevail.

### Divided Report

Majority Report of Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act to Change the Number and Representation for Commissioners of Housing Authorities" (H. P. 883) (L. D. 1170)

Report was signed by the following members:

Messrs. JOLY of Kennebec  
ROBERTS of York  
ALDRICH of Oxford  
— of the Senate.

Messrs. EMERY of Rockland  
SHUTE  
— of Stockton Springs  
SHAW of Chelsea  
CAREY of Waterville  
DUDLEY of Enfield  
COTE of Lewiston  
FECTEAU of Biddeford  
FAUCHER of Solon  
BRAWN of Oakland  
— of the House.

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

Report was signed by the following member:

Mr. CONNOLLY of Portland  
— of the House.

Reports were read.

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

Mr. CONNOLLY: Mr. Speaker, I move acceptance of the Minority "Ought to pass" Report.

The SPEAKER: The gentleman from Portland, Mr. Connolly, moves the acceptance of the Minority "Ought to pass" Report.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: Apparently I was asleep at

the switch this morning. I would ask for a division, and I would point out that this is a 12 to 1 "ought not to pass" report. The committee had a very good hearing on this matter the other day and we came to an almost unanimous conclusion. This is an unnecessary measure that would lead to confusion within housing authorities and it would accomplish no purpose other than to add confusion and dissension within public housing in many of the cities within the State of Maine. So therefore, I would hope that you defeat the motion to accept the "ought to pass" report and then would put this in its proper place, "ought not to pass" report.

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

Mr. MURRAY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to take just a minute to explain to you the mechanics of this bill and the reasons for it. I disagree with the gentleman from Rockland, I don't think this would cause dissention within the public housing authorities within the state. Right now there are a number of communities that have public housing authorities. What this Bill would do is enlarge them from five to seven men and would decrease the term of office from five years to three years. And it would require that three of the seven people be potential residents or residents of public housing authorities.

The reason that I feel the bill is necessary is that when people move into housing authorities or people who are potential residents of housing authorities, I think have a lot more at stake than how housing authorities are managed in the policies that the authority is run by. I am not saying that non-potential residents don't know what they are doing either. I think that everyone can make a good input on housing authorities, but the ones most affected are the ones that live in them, and this bill would require that three of the seven members of these authorities be either residents or potential residents. We know everyone isn't

in the economic strata that can own their own housing and that they have to rely on public housing for a place to live, and it seems so, at least we ought to extend them the courtesy of having some say in the policies that they have to live by. So I hope you will vote in favor of the motion on the floor.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: Two years ago I sat on this committee. I heard this identical same bill that was defeated. I saw a gentleman come before our committee; he had long hair; he was not the cleanest. I don't care how they wear their hair, this has nothing to do with it. I asked this gentleman what his employment was, I didn't hear him say. He said, "I am not employed, I am looking for a job." And I said, "You're in the same status you were here two years ago." And he said "Yes." I also asked the gentleman if he had the most majority or seniority in this department, than the rest of them in this division.

Now this is the thing here that I say, the gentleman that is living in the housing project, he doesn't have income, these displaced persons must be given a home. They can get surplus food, they can get aid checks. There are approximately 140 inhabitants in this particular housing development, I think he said, 20 thousand or better in the city. Why should the inhabitants of 140, who are being paid and being supported by the taxpayer, have three votes for 20 thousand with only four. This is the thing I saw, and I think all the committee saw it as I did. I hope that when this is gone that you go along with Mr. Emery.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: As you have already heard, this bill would expand Municipal Housing Authorities and the State Housing Authorities from the present five members to seven members. In doing so, it would

require that at least 3 of the members be present or potential low income or elderly tenants. It would allow that the other four members be non-low income people. You should understand that the city or town council or in the case of the State Housing Authority, the Governor, will still have the right of final approval over who shall be appointed. And if the municipality isn't in concurrence with the names of the people who have been submitted, it may reject those names and ask for three other low income people's names to be recommended.

The only person to speak against this bill in the hearing was the assistant director of the Bangor Housing Authority. He claimed that the quality and the ability of low income people would not be good enough to serve on such an authority. He pointed out that in the case of the Bangor Authority that there is one elderly low income person who serves and there have been no particular problems with that person. He also explained that there has been no special criteria or qualifications that non-low income people meet before they would be eligible to serve on the authority.

I would like to say that Mr. Emery is wrong when he said that by expanding and allowing low income people to serve on the board it would create confusion. We should allow low income people, whether they are tenants or whether they are welfare recipients some measure of control over their own lives. This is exactly what this bill would do. It wouldn't give complete control to low income people, but it would allow them some voice. I urge you to vote for the motion to accept the minority "ought to pass" report.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the gentleman from Portland, Mr. Connolly, if I may. And the question is, why can't this be done at the municipal level through



home rule instead of coming to the legislature?

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

Mr. CONNOLLY: Mr. Speaker and Ladies and Gentlemen of the House: In response to Mr. Kelleher, it can be done, but traditionally and I think in practice its been that local government bodies did not have the interest of low income people at heart. They have the financial interest at heart, the business community in their town or city at heart. And those are traditionally the kinds of people that get appointed to boards that control the lives of low income people.

All this bill would do would be allow three low income people out of seven to sit on the board and to have some control. Let's not leave it up to the good wishes or the good thoughts of some elected political officials, but let's make it a requirement.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I think the gentleman from Portland uses the words "allow" and "permit" a little bit loosely. There is nothing in the present law that would prohibit a person of low income from serving on anything, any board. He could be governor of the state for that matter, let alone a member of the housing authority. They are allowed to now, and I do not think that we ought to build in a requirement for the state legislature or city council or school board or the housing authority or any other elective organization or appointed organization, that it would require a quota system. I think quota systems are very ineffective. I think they cause unnecessary division and complication and I think they are totally unfair to the people who are involved.

I do not single people out and say, well since your income is such and such, that means you ought to serve on a board. I do not think you ought to single people out like this, I do not think it is right.

And as the previous speaker pointed out, this is a matter for home rule. And I do not think people ought to tell the citizens of Portland or Bangor or Rockland or Augusta or anywhere else how they have to run their local affairs. I do not think this is right, and this is in the spirit that the previous legislature passed the home rule on, and it would interfere with home rule.

I think we have to consider each individual municipality as an individual and let those towns run their own affairs. I am certainly sure that the residents of any housing development, and I don't care whether it's low income or high income. I am sure that all of these citizens have the right to vote for city council and by voting for the city council, they can choose the people who will appoint members to these different boards and authorities. And if they don't like the way the job is being done, they can either run for office themselves or they can vote for other individuals, either positively or negatively, but the choice is presently there.

Let's not strip municipalities of their home rule that they have been seeking for so many years. This is essentially one of the by-products of this legislation. In my opinion it is not necessary, so I hope that you will vote against the "ought to pass" report and vote for the "ought not to pass" report. In fact, Mr. Speaker, I will now vote for the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Rockland, Mr. Emery, moves the indefinite postponement of L. D. 1170 and all accompanying papers.

The Chair recognizes the gentleman from Portland, Mr. Mulkern.

Mr. MULKERN: Mr. Speaker, I move this item lie on the table for one legislative day.

Mr. Simpson of Standish requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Mulkern, that this matter be tabled for one legislative day. All in favor

of tabling one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

26 having voted in the affirmative and 89 having voted in the negative, the motion did not prevail.

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

Mr. CONNOLLY: Mr. Speaker and Ladies and gentlemen of the House: Very briefly. Mr. Emery is wrong when he says that the purpose of this bill is to allow low income people to sit on housing authorities just because they are low income people. The point is that low income people should sit on a housing authority because they live or could possibly live in a particular housing project. The point is that people who live there should have some control over their own lives.

Mr. Emery brought up the point of quota systems. I would just like to remind this body that last week we voted against the bill that would allow a public member to sit on the Real Estate Commission. It seems to me that if we are going to allow the Real Estate Commission to be controlled by realtors, then we should allow low income people at least three sevenths of a vote on a housing authority.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: I feel somewhat slighted here this morning, at least for the City of Waterville, by Mr. Connolly's neglect to mention Waterville. We do have a five-member board there. These are appointments by the mayor, confirmation by the council. We do have one elderly on the board and we have a low income person on the board and we have a person who is somewhat in between. He is a retired bricklayer. One of the people on the board does reside in the housing authority. There is some concern expressed by that woman — and we do appoint women occasionally to some things in Waterville — there is some concern expressed by that woman that

she may be voting at times under a conflict of interest. After all, she is going to benefit directly by anything that that housing authority does, and she is quite concerned about it. She is going to finish out her term; she has another three years to go, but she has expressed some concern that maybe it wasn't the best thing to put her on the board originally.

I would certainly support the motion for indefinite postponement.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: Why I voted for the majority report is this. I think we would be infringing on the rights of low income people. There is nothing that stops them now if a mayor and board of aldermen went to appoint five low income people to that board.

At present, if you pass this law, it would only allow them to appoint three. They will always be the minority. At some future date, it could be that some municipality would want to put five members of the low income housing on that board, and they would have the perfect right to do it. So, I don't want to abridge their rights and I feel if we do that we are not being faithful to them. So that's why I am going along with the indefinite postponement of this bill.

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

Mr. MURRAY: Mr. Speaker and Ladies and Gentlemen of the House: I do not want to prolong the debate on this subject but I do want to make comment on a couple comments that have been made so far.

First of all, I would like to point out that the Department of Housing and Urban Development in Washington, where most federal money is funded through, in recent guidelines have suggested to housing authorities that they consider appointing members to these authorities, because of where it has been tried in certain sections of the country like Waterville, Maine, they seem to be working pretty well.

I think another point I would like to stress is that city fathers still maintain the appointive power. We are not trying to go around anything and appoint for them. All we are suggesting is that a certain number of people on the board be potential residents of public housing since they have the greatest at stake.

I would also like to point out that this is not the same bill that the Legal Affairs Committee heard last time. This bill does not ask for control of housing authorities, it asks for just input on these housing authorities. So I hope that when you vote you will have these points into consideration.

Mr. Connolly of Portland requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Rockland, Mr. Emery, that this Bill "An Act to Change the Number of Representation for Commissioners of Housing Authorities," House Paper 883, L. D. 1170, and all accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Carey, Carrier, Carter, Chick, Churchill, Conley, Cote, Cressey, Crommett, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Dudley, Dunn, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Faucher, Fecteau, Ferris, Fine-more, Gahagan, Garsoe, Gauthier, Good, Hamblen, Haskell, Henley, Hoffses, Huber, Hunter, Immonen, Jackson, Jalbert, Kelleher, Kelley, Kelley, R. P.; Keyte, Knight,

LaCharite, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Maxwell, McCormick, McHenry, McMahon, McNally, Merrill, Morin, L.; Morton, Murchison, Norris, Palmer, Parks, Pratt, Ricker, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Strout, Theriault, Trask, Trumbull, Tyndale, Walker, Webber, Willard, Wood, M. E.

NAY — Albert, Boudreau, Bustin, Chonko, Clark, Connolly, Cottrell, Curran, Dam, Dow, Drigotas, Dunleavy, Farley, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Jacques, Lawry, Lynch, Mahany, Martin, McKernan, Mills, Morin, V.; Mul-kern, Murray, Najarian, O'Brien, Perkins, Peterson, Rolde, Smith, D. M.; Smith, S.; Soulas, Talbot, Tanguay, Tierney, Wheeler, Whitzell.

ABSENT — Cooney, Flynn, Genest, Hancock, Herrick, Hodgdon, Kilroy, LaPointe, McTeague, Pontbriand, Santoro, Sheltra, Stillings, Susi, White.

Yes, 94; No, 41; Absent, 15.

The SPEAKER: Ninety-four having voted in the affirmative and forty-one in the negative, with fifteen being absent, the motion to indefinitely postpone does prevail.

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

Mr. EMERY: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action whereby this bill was indefinitely postponed, and I hope you will all vote nay.

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

Mr. TALBOT: Mr. Speaker, would I be in order if I had the motion tabled until Wednesday of this week?

The SPEAKER: The gentleman may make a tabling motion anytime he wishes.

Mr. TALBOT: Then I ask to have this tabled until Wednesday of this week.

Mr. Simpson of Standish requested a vote on the tabling motion.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman

from Portland, Mr. Talbot, that this matter be tabled for two legislative days pending the motion of the gentleman from Rockland, Mr. Emery, to reconsider. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

34 having voted in the affirmative and 94 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Rockland, Mr. Emery, that the House reconsider its action whereby this Bill was indefinitely postponed.

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

Mr. TALBOT: Mr. Speaker and Ladies and Gentlemen of the House: Would I be in order if I challenged the Chair?

The SPEAKER: The gentleman may challenge the Chair on whatever point he wishes.

Mr. TALBOT: Because I think the House was out of order. The motion as was carried from the Chair by Mr. Emery was that he moved the indefinite postponement of this bill. That was not his say. He said, "I vote for indefinite postponement," but he did not say, "I move the indefinite postponement." So I would think in that order, we would be out of order.

The SPEAKER: The Chair would rule that the Chair understood the gentleman to mean that he requested a motion that we indefinitely postpone this bill. The Chair announced it that way. It was stated several times and we ordered the roll call. The Chair would overrule your request. If you wish we can ask for a vote from the members of the House on whether or not the vote was a valid vote.

Mr. TALBOT: I am not talking about the vote, I am talking about the motion. I don't think the motion — I don't think the House had a properly worded motion.

The SPEAKER: The Chair rules that it was a properly worded motion. The gentleman may ask for a division on whether or not we did, if the gentleman wishes. The Chair recognizes the

gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker I voted along with the gentleman from Portland, Mr. Talbot, to table this motion but I distinctly heard the gentleman from Rockland, Mr. Emery, say, "I move that this bill be indefinitely postponed."

The SPEAKER: The pending question is on the motion of the gentleman from Rockland, Mr. Emery, that the House reconsider its action whereby we indefinitely postponed this matter. A voice vote will be ordered. All in favor of that motion will say yes; those opposed will say no.

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

#### **Divided Report Tabled and Assigned**

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act to Provide Trade-in Credit for Mobile Equipment under the Sales Tax" (H. P. 913) (L. D. 1202)

Report was signed by the following members:

Messrs. COX of Penobscot  
FORTIER of Oxford  
— of the Senate.  
Messrs. COTTRELL of Portland  
DRIGOTAS of Auburn  
MERRILL  
— of Bowdoinham  
IMMONEN of West Paris  
FINEMORE

— of Bridgewater  
— of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington  
— of the Senate.  
Messrs. MORTON of Farmington  
DOW of West Gardiner  
MAXWELL of Jay  
SUSI of Pittsfield  
DAM of Skowhegan  
— of the House.

Reports were read.

On motion of Mr. Finemore of Bridgewater, tabled pending acceptance of either Report and tomorrow assigned.

**Consent Calendar****First Day**

(H. P. 57) (L. D. 67) Resolve Providing Retirement Benefits Under the State Retirement Law for Earl A. Haines of Brunswick (Emergency) Committee on Veterans and Retirement reporting "Ought to pass."

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

**Indefinitely Postponed**

(H. P. 128) (L. D. 152) Bill "An Act Relating to Possession of Deer Lawfully Killed" — Committee on Fisheries and Wildlife reporting "Ought to pass" as amended by Committee Amendment "A" (H-172)

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I will make my motion and then I will speak briefly to it. I move that this bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves L. D. 152 and all accompanying papers be indefinitely postponed. The gentleman may proceed.

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I will read briefly to you this bill which is very short and brief. It says, "A person lawfully killing a deer during open season may have the same in his possession up to and including July 1 of the year immediately following. The burden of proof that a deer or part thereof was lawfully taken shall be upon the person in whose possession such deer or part thereof is found."

I have wondered whether this was constitutional or not, because you are asking him to prove whether he is guilty or innocent. Usually, it always says that you are innocent until proven guilty. And they also have recommended a change in this to read that if you do have this deer in your possession after July 1, that you will have a permit which must be obtained from a district game

warden in which the said person resides. This doesn't hardly seem fair. So I hope you will go along with indefinite postponement of 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: You notice that this bill came out of committee reported unanimous "ought to pass." There was an amendment put on there that we protect the people who do have deer meat in their freezer. Now, this is a department bill and the reason this was put in was to give some assistance to the game wardens to help catch these poachers that we do have here in the State of Maine. These are fellows who are going out and shooting deer indiscriminately and keeping them in the freezer and selling the meat afterwards. All this bill is, it does help the wardens to catch these fellows.

Now you all know that we are trying every year here to try to protect our deer herd. The herd is dangerously low here in the state and the wardens do have to have something that will help them to get rid of these poachers. Maybe the best thing that we should do is put a bounty on the poachers and possibly we can get rid of them all then. I hope you do not go along with this move to indefinitely postpone.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: The question of constitutionality has been raised on this question. I would like to point out the fact that the federal government has had similar regulations on the keeping of waterfowl beyond a certain date. It is a common law in many states that game shall not be kept after certain dates without the special permit.

The problem we are up against is we do have people that are going out and they are shooting deer during the summer months. They put them in their freezer and there is no way that the wardens can

prove this. It is very simple for an individual who wishes to carry meat over to get the required permit and if we set this system up, you will find that people will not be shooting quite so many deer because they don't keep too long in July and August and September unless they can freeze them up. I hope that you will not vote for indefinite postponement but support the committee and the bill.

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

Mr. BITHER: Mr. Speaker and Members of the House: I concur with Mr. Finemore although I think he has a lot of nerve to go against a committee report like that, unanimous "ought to pass," and I just hate to say anything against this bill and I certainly would not say anything against the committee. It is a marvelous committee. I couldn't say anything else if I wanted to. Four of them are from the County, two of them are my former students and they are all surrounding me here and the only one I have for protection is Mr. Mahany of Easton.

But just once in awhile, just occasionally, a committee may make a little teeny-weeny little mistake and I think this committee has made a teeny-weeny mistake. I think this bill is a stinker. The burden of proof is on the fellow —

The SPEAKER: Will the gentleman watch his language please.

Mr. BITHER: Excuse me. Could I say that the bill smells or not?

The SPEAKER: The gentleman may proceed.

Mr. BITHER: That is exactly what I meant. The burden of proof is on the fellow with deer meat in his freezer. He has got to prove when and where he shot that deer. Now, I have deer meat in my freezer because of two reasons, because of this bill and because of the fracas on beefsteak here a week ago. I have been eating moose meat — I am not sure which — I have been eating deer meat from my freezer and maybe if I eat it every weekend, nothing but deer meat, I might clean it out

by the first of July. Otherwise, I could be subject to a penalty.

Now, it says a deer or part thereof. I could ask one of the members of the committee what they mean by a part thereof. I have got a couple of sets of horns in my basement. Are they a part of the deer thereof? And if they are, I certainly cannot prove when and where those deer were shot. I am not talking — Mr. Parks, the gentleman from Presque Isle, can talk all he wants to about being an aid to poachers but I am not a poacher, Mr. Parks and I have legal deer meat in my freezer and I don't like this bill. I go along with Mr. Finemore wholeheartedly. This bill should be killed dead.

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

Mr. BRAWN: Mr. Speaker and Members of the House: This morning I rise to go along with Mr. Finemore and I hope that I am not classed as a poacher. I never have shot a deer out of season, never in my life; and when the gentleman from Southport says we have this on waterfowl, sure, but a waterfowl is not as large as a deer.

I got a deer a year ago that dressed 185 pounds. Gentlemen, my wife and son and I can't eat 185 pounds of meat before July. What am I supposed to do, bury it? How can I prove when this deer was shot? I am the one that has got to prove and that is all this looks like to me that it is doing. You have got to get a permit. Gentlemen, this permit is going to cost you a dollar like the stamp we put on our pheasants. This is another thing we do not want to see happen. And when the gentleman got up here and said moose meat, maybe that wasn't a slip of the tongue.

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

Mr. HOFFSES: Mr. Speaker and Ladies and Gentlemen of the House: I was quite intrigued by the remarks of the good gentleman from the County, Mr. Bither, when he said that it would be impossible for him to eat all of the deer meat that he now has in his freezer if

he were to eat it every day from now until the first of July. My question to the gentleman is this: how large was the deer that he shot last November?

The SPEAKER: The gentleman from Camden, Mr. Hoffses poses a question through the Chair to anyone who may answer if he or she wishes.

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

Mr. BITHER: Mr. Speaker and Members of the House: That is another story. It is a long story and I can't tell him because I didn't weigh the deer. It was a very large deer. I only have half the deer. I will explain this very clearly to him. I am the only one that eats deer meat in my family. My wife won't touch it so I am telling you, I am only home two nights during the weekend and it is a tough job to eat all that deer meat, I am telling you.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I believe that it was the gentleman from Southport, Mr. Kelley, that mentioned how are we going to find out if they have the deer meat in their refrigerator. In order to prove it, you would have to have a deer registered the year before, that is one sure thing, which I don't think is the way to do it and I don't like this statement of facts. It says, this change would be a great benefit to warden services combating the illegal practice of killing deer during the summer months. I don't know whether this would get them on the coffer piles or not. They have plenty of time to look around if they want to find out.

As I say, a man has got to have a deer registered and I don't think the burden of proof — in fact I know the burden of proof should not lie on the man who has got the deer. That is something new. When you are speeding on the road, you don't have to prove you were speeding. Or if you commit breaking and entering, you don't have to prove you are breaking and entering. You are innocent until proven guilty,

but this law right here, you are guilty until you are proven innocent. So I hope you will go along with the indefinite postponement of this bill.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House. This bill merely makes the provision that if you wish to keep deer meat after the first of July, you notify your warden who will give you a permit to keep it. Believe me, the summer killing of deer is a very important factor in our deer supply.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that L. D. 152, An Act Relating to Possession of Deer Lawfully Killed, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 30 in the negative, the motion did prevail.

(H. P. 144) (L. D. 177) Bill "An Act to Clarify the Maine Litter Control Act"—Committee on Legal Affairs reporting "Ought to pass" as amended by Committee Amendment "A" (H-173)

(H. P. 195) (L. D. 268) Bill "An Act Relating to Penalty for Reckless Driving" — Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (H-174)

(H. P. 465) (L. D. 613) Bill "An Act to Require Safety Glazing in Hazardous Locations"—Committee on Legal Affairs reporting "Ought to pass" as amended by Committee Amendment "A" (H-175)

(H. P. 541) (L. D. 723) Bill "An Act Exempting Beehives from the Personal Property Tax"—Committee on Taxation reporting "Ought to pass."

(H. P. 547) (L. D. 728) Bill "An Act Relating to Use of Unofficial Certificates of Motor Vehicle Inspection" — Committee on Transportation reporting "Ought to pass"

(H. P. 614) (L. D. 812) Bill "An Act Relating to Adoption of Persons into the Penobscot Tribe of Indians" — Committee on Human Resources reporting "Ought to pass"

(H. P. 777) (L. D. 1009) Bill "An Act to Authorize Portland Renewal Authority to Provide Relocation Assistance to Other Governmental Agencies" — Committee on Legal Affairs reporting "Ought to pass"

(H. P. 898) (L. D. 1186) Bill "An Act Reducing Tax on Pari-Mutuel Pools" (Emergency) — Committee on Taxation reporting "Ought to pass"

(H. P. 911) (L. D. 1200) Bill "An Act Relating to Wage Data for Preference to Maine Workmen and Contractors" — Committee on Labor reporting "Ought to pass"

(H. P. 927) (L. D. 1225) Bill "An Act Establishing a State Tuition Equalization Fund for Maine Students Attending Maine Private Institutions of Higher Education" — Committee on Appropriations and Financial Affairs reporting "Ought to pass" as amended by Committee Amendment "A" (H-176)

(H. P. 956) (L. D. 1266) Bill "An Act Providing Funds for Psychiatric Aids at Pineland Hospital and Training Center" — Committee on Appropriations and Financial Affairs reporting "Ought to pass" as amended by Committee Amendment "A" (H-177)

(H. P. 961) (L. D. 1272) Bill "An Act to Raise the Classification of Certain Surface Waters in the Town of Scarborough" — Committee on Natural Resources reporting "Ought to pass" in New Draft (H. P. 1423) (L. D. 1747)

(S. P. 428) (L. D. 1298) Resolve to Reimburse Frank E. Wise of Gorham for Plane Damage at Augusta State Airport — Committee on Legal Affairs reporting "Ought to pass"

(H. P. 987) (L. D. 1307) Bill "An Act Changing Name of Maine Association of Real Estate Boards" — Committee on Legal Affairs reporting "Ought to pass"

(H. P. 1015) (L. D. 1334) Resolve in Favor of George W. Mitchell of Peter Dana Township for Personal Injuries — Committee on Legal Affairs reporting "Ought to pass"

(H. P. 1062) (L. D. 1386) Bill "An Act Increasing Inheritance Exemption for a Surviving Spouse and Children" — Committee on Taxation reporting "Ought to pass" with Committee Amendment "A" (H-178)

(H. P. 1094) (L. D. 1431) Resolve Providing Funds for Saco Valley Association for Retarded Children — Committee on Appropriations and Financial Affairs reporting "Ought to pass"

(H. P. 1168) (L. D. 1503) Bill "An Act Regulating Airmobiles" — Committee on Natural Resources reporting "Ought to pass" as amended by Committee Amendment "A" (H-179)

(H. P. 1175) (L. D. 1512) Bill "An Act Validating a Community School District Consisting of the Towns of Crystal, Dyer Brook, Island Falls, Merrill, Oakfield and Smyrna" (Emergency) — Committee on Education reporting "Ought to pass"

(H. P. 1176) (L. D. 1513) Bill "An Act Relating to Bids and Contracts in School Administrative Districts" — Committee on Education reporting "Ought to pass"

(H. P. 1202) (L. D. 1540) Bill "An Act Repealing License Fee for Sporting Camps" — 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. 910) (L. D. 1198) Bill "An Act Relating to the University of Maine Treasurer's Report"

On request of Mr. Birt of East Millinocket, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

(H. P. 1416) (L. D. 1710) Bill "An Act Relating to Disposal of Septic Tank or Cesspool Waste"

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



### Second Reader Tabled and Assigned

Bill "An Act to Authorize Eleven New Regions and Central Aroostook County Region for Vocational Education" (Emergency) (S. P. 110) (L. D. 255) (S-56)

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

(On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and specially assigned for Wednesday, April 11.)

### Passed to Be Engrossed

Bill "An Act Relating to Penalty for Death Caused by Violation of Law by Operator of Motor Vehicle" (H. P. 201) (L. D. 274) (H-165)

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

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

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

Mr. Ross of Bath offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-180) was read by the Clerk.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House. L. D. 439 only allows persons who receive an income refund on their taxes to contribute one dollar to either political party if they so desire. There are 200,000 of these people. The other 180,000 who do not have a rebate coming do not have this option. And this only permits them to add one dollar to their tax liability and thus also participate in the program if they so desire. It would increase the fund at no cost to the State of Maine.

Thereupon, House Amendment "B" was adopted, the Bill was passed to be engrossed as amended and sent to the Senate.

### Second Reader Tabled and Assigned

Bill "An Act Limiting Sunday Harness Racing" (Emergency) (H. P. 900) (L. D. 1188)

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

On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and specially assigned for Wednesday, April 11.

Resolve "For Laying of the County Taxes for the Years Nineteen Hundred and Seventy-three and Nineteen Hundred and Seventy-four" (H. P. 1419) (L. D. 1733)

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

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

Mr. BINNETTE: Mr. Speaker, I would like to have this item tabled for two legislative days.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, moves that L. D. 1733 lie on the table two legislative days.

Mr. Farrington of South China requested a roll call.

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

Mr. JALBERT: Mr. Speaker, I would like to take mild issue, if I may. The motion, according to your hammer, has already been tabled.

The SPEAKER: The Chair did not announce that it was tabled for two legislative days.

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 Old Town, Mr. Binnette, that L. D. 1733 be tabled for two legislative days. All in favor of that motion will vote yes; all opposed will vote no.

**ROLL CALL**

**YEA** — Baker, Binnette, Boudreau, Brawn, Bustin, Cameron, Carey, Carrier, Carter, Clark, Conley, Connolly, Cote, Cottrell, Cressey, Crommett, Curran, Davis, Deshaies, Dow, Dudley, Dunleavy, Dyar, Farley, Faucher, Ferris, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Herrick, Hobbins, Jackson, Jalbert, Kelleher, Keyte, Kilroy, Lawry, Littlefield, Lynch, Martin, Maxwell, McCormick, McMahon, Mills, Mulkern, Murray, Najarian, O'Brien, Parks, Perkins, Peterson, Ricker, Rolde, Smith, D. M.; Soulas, Sproul, Talbot, Theriault, Walker, Wheeler, White.

**NAY** — Albert, Ault, Berry, G. W.; Berry, P. P.; Berube, Birt, Bither, Bragdon, Briggs, Bunker, Chick, Chonko, Churchill, Cooney, Curtis, T. S., Jr.; Dam, Donaghy, Drigotas, Dunn, Emery, D. F.; Evans, Farnham, Farrington, Finemore, Gahagan, Gauthier, Good, Greenlaw, Hamblen, Haskell, Henley, Hoffses, Hunter, Immonen, Kelley, Kelley, R. P.; Knight, LaCharite, LeBlanc, Lewis, E.; Lewis, J.; MacLeod, Maddox, Mahany, McHenry, McKernan, McNally, Merrill, Morin, L.; Morin, V.; Morton, Murchison, Norris, Palmer, Pratt, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Stillings, Strout, Tanguay, Tierney, Trask, Trumbull, Tynedale, Webber, Whitzell, Willard, Wood, M. E.

**ABSENT** — Brown, Fecteau, Flynn, Genest, Hancock, Hodgdon, Huber, Jacques, LaPointe, McTeague, Pontbriand, Santoro, Sheltra, Smith, S.; Susi.

Yes, 62; No, 73; Absent, 15.

The **SPEAKER**: Sixty-two having voted in the affirmative and seventy-three having voted in the negative, with fifteen being absent, the motion does not prevail.

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

Mr. **JALBERT**: Mr. Speaker and members of the House: I have been around too long to take issue with the chair, and I have been friendly too long with the Chair to take issue with the Chair. But I might submit it is possible that when the mallet comes down it is usually that the vote has been

taken. In any event, this item here has, from what I can understand—and I do not intend to get mixed into it by going to any meetings at all—but I understand that there are some discrepancies in this item, and if we move along to engross it today, I think we will be making a grave error and we will spend some time. We have tabled some items today that have had no significance at all that have got three members on the other body on the other side which is a hopeless thing. I have had an item today that came back to me that I could have made a motion. I have let things go. I think this is very, very important. I have debated the issue and I cannot make a motion. But for the sake of saving good time and for the sake of allowing the people that are concerned in this thing—and I'm not one of them—to discuss and possibly come to a solution, I would fervently hope that this item does lie on the table for two Legislative days, and I hope that that motion would be made, Mr. Speaker, in all fairness.

The **SPEAKER**: The Chair will state that we have just voted on that motion by roll call and it was decided not to table for two Legislative days.

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

Mr. **SIMPSON**: Mr. Speaker and Ladies and Gentlemen of the House: Before you you have the bill which lays the county taxes which last Thursday we, in good faith I believe, tabled so that you would have the bill before you and that it could be looked at and if you would like to amend it today or so forth you could, and the bill is in that position right now for amendments. I would advise you that the bill has to leave this body. It has to come back to this body. If there is anything wrong with it at that time, then fine, it could be amended in the other body or it could be backed up here. I would not recommend that we table. I think that we should continue with the bill and give it its second reading and send it up for engrossment.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I would pose a question to any member of the House who can answer who represents counties that are involved—obviously all of us have some involvement—as to if there is in fact a need to amend the bill which would lay taxes on behalf of a county? And secondly, what counties are involved? And thirdly, as to whether or not the county delegation is for or against that cut? And I would ask someone to respond to those three questions if possible.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin poses three questions through the chair to anyone who may answer if he or she wishes.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I do not agree with the Aroostook County budget but I am going to let it go until enactment and then ask for a roll call and just simply vote against it to show that I am against the Aroostook County budget, because that is one way to show it. But I am not going to oppose because the majority of our county signed it fair and square, so therefore I won't object only to show that I voted against it. I would like to go along with the gentleman Mr. Simpson in regard to passing this along.

Now this morning I had a call from one of my towns requesting and wondering when we were going to have the county budgets all fixed so that they could give their tax rate out, because I have four towns in my district who always make their taxes on or before April 23. So therefore, the longer we hold this up the later they are going to be getting their taxes out. So I hope at this time we wouldn't table it and go along with this here until we reach enactment and then we can vote on it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: We are already about five or six weeks late on this item anyway. Now the idea of allowing this bill to go on its way and have the bill amended in the other body and then brought back here I think means that if it is brought back here it has got to be reconsidered where it was passed to be engrossed here, then amendments must be put on it and then back to the other body again for engrossment and then back in here for enactment.

The gentleman from Standish, Mr. Simpson, has been around a long time. He has ability or else he wouldn't be floor leader for the majority party. He should know that these things take time. He should know that it costs us \$14,000 a day. I have no amendments. I am not going to get myself involved. The officials of the county commissioners association are here. There are some things drastically wrong in some counties with this bill. One or two days won't make any difference.

Now Mr. Speaker the motion to table was made for two days. Since then there has been debate on this issue. Am I not then in order to ask that somebody make a motion to table this bill for one legislative day?

The SPEAKER: The Chair understands the rules that the longer time has precedence. The pending question would be this matter being passed to be engrossed. If somebody after it is passed to be engrossed wanted to move to reconsider, then a tabling motion would be in order.

Mr. JALBERT: Mr. Speaker, may I ask this question.

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

Mr. JALBERT: An item that has been debated after a motion to be debated, an item has been debated, after a motion to be tabled, a motion to table again is not in order, do you mean to tell me that?

The SPEAKER: It is my understanding the same issue is involved now; namely, passage to be engrossed.

Mr. JALBERT: Mr. Speaker, I take issue with your ruling.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker, I move this bill be tabled and unassigned.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. O'Brien, that this matter be tabled unassigned.

Mr. Simpson of Standish requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. O'Brien, that this matter be tabled unassigned. A vote has been requested. All in favor of this matter being tabled unassigned will vote yes; all opposed will vote no.

A vote of the House was taken.

38 having voted in the affirmative and 93 having voted in the negative, the motion did not prevail.

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

Mr. JALBERT: Mr. Speaker, I move we adjourn until nine o'clock tomorrow morning.

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

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House stand adjourned until nine o'clock tomorrow morning. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Berry, P. P.; Binnette, Bustin, Carey, Cote, Crommett, Curran, Deshaies, Dow, Dudley, Farley, Fraser, Goodwin, H.; Jalbert, Mulkern, Walker, Whitzell.

NAY — Albert, Ault, Baker, Berry, G. W.; Berube, Birt, Bither, Boudreau, Bragdon, Brown, Briggs, Bunker, Cameron, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cottrell, Cressey, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Drigotas, Dunleavy, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Faucher, Fecteau, Ferris, Finemore, Gahagan, Garsoe, Gauthier, Good, Goodwin, K.; Greenlaw, Hamblen, Haskell, Henley, Herrick, Hobbins, Hoffes, Huber, Hunter, Immonen, Jackson, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, Merrill, Mills, Morin, L.; Morin, V.; Morton, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Perkins, Peterson, Pratt, Ricker, Rolde, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Strout, Talbot, Tanguay, Theriault, Tierney, Trask, Trumbull, Webber, Wheeler, White, Willard, Wood, M. E., The Speaker.

ABSENT — Brown, Evans, Flynn, Genest, Hancock, Hodgdon, Jacques, LaPointe, McTeague, Pontbriand, Santoro, Sheltra, Smith, D. M.; Susi, Tyndale.

Yes, 17; No, 119; Absent, 15.

The SPEAKER: Seventeen having voted in the affirmative and one hundred nineteen in the negative, with fifteen being absent, the motion does not prevail.

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

Mr. JALBERT: Mr. Speaker and Members of the House: For the purpose of the record, I move that this item lie on the table for two legislative days and I ask for a roll call vote.

The SPEAKER: The Chair would rule that we already have voted on that and the motion is out of order. The Chair recognizes the same gentleman.

Mr. JALBERT: Mr. Speaker, I take issue with your ruling. In the meantime, I move this item lie

on the table for three legislative days.

Mr. Simpson of Standish requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this matter be tabled for three legislative days. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

38 having voted in the affirmative and 96 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed and sent to the Senate. (Later reconsidered)

### **Passed to Be Enacted Emergency Measure**

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

### **Emergency Measure**

An Act Providing Funds for Treatment of Cystic Fibrosis (S. P. 269) (L. D. 794)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

### **Enactor Tabled and Assigned**

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)

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

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

Mr. FINEMORE: Mr. Speaker, I move this be tabled for one legislative day.

Thereupon, Mr. Faucher of Solon requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that this matter be tabled for one legislative day, pending passage to be enacted. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 48 having voted in the negative, the motion did prevail.

### **Passed to Be Enacted**

An Act Relating to Purchase of Blind-made Products by State and Political Subdivisions (S. P. 105) (L. D. 250) (C. "A" S-49)

An Act Relating to Liquor License Records (H. P. 354) (L. D. 469)

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

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

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

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

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

An Act Providing Funds for a Fishway at Pitcher Pond in Lincolnville (S. P. 367) (L. D. 1081)

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

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

An Act Relating to Voting Checklists as Public Records (H. P. 973) (L. D. 1280) (S. "A" S-57)

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.

#### Enactor

#### Tabled and Assigned

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)

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

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

Mr. DONAGHY: Mr. Speaker, I would move the indefinite postponement of this bill and all its accompanying papers and I would speak briefly to this motion.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves the indefinite postponement of L. D. 1290 and all accompanying papers.

The gentleman may proceed.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I have before me in the first place a map prepared by National Geographic Association regarding the Indians of North America. It shows that the Maliseets and the Micmacs which comprise many of the off-reservation Indians in the State of Maine are not Maine Indians, they are Canadian Indians.

In the second place, if that isn't enough, I have a ruling from the Attorney General's Department, and I will read you part of it; I won't bore you with the whole of it. "However, L. D. 1290, would seem to single out Indians who live off the reservation for treatment in some way different from their neighbors in the otherwise undifferentiated community in which they have chosen to reside, namely, reservations. The usual test for the constitutionality of a statutory classification is whether or not there is a reasonable basis to justify it." To go on, "the Bill itself suggests no legislative findings that might tend to justify

sorting out individual Indians who have chosen to commingle in the general society for a different method of treatment."

Now I would suggest if Indians of Indian Reservations wish to commingle with society, they have available to them all the facilities of any other citizen of the State of Maine other than Indians. If they want special treatment, they have it on the reservations and I have always voted to help them have their special treatment on the reservations.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: I am a sponsor of this bill. I am not only the sponsor, I am proud to be the sponsor because I feel this is an extremely important piece of legislation, and I want to explain it to you very briefly.

We are concerned here with approximately 1,500 Indians that live in the State of Maine off the reservation. I am particularly interested in the bill because I think the largest settlement of non-reservation Indians in the State of Maine is in my home town of Houlton. We have watched a development of this situation locally over a great number of years, and we have all come to recognize the only long-range solution to the problem of these Indians living off the reservation is when they finally begin to develop their own leadership. I am happy to report that this has started to occur in the Houlton area. The Indians have formed their own association known as the Association of Aroostook Indians.

The local Indians who have grown up in our Houlton community, who have gone to school here, some of whom have graduated from Ricker College, have started to work very constructively in the area of trying to develop supportive service for these Indian people. Now the cost to the State of Maine currently to support these people through the welfare channels is tremendous. The reason that I feel that this is a constructive approach is that

we now have a situation where the Indians are developing their own leadership and they are starting to attack the very severe social problems that these people have in what I regard as a constructive manner.

For example, in Houlton they have worked out an arrangement that college students are working on an individual basis with the Indian children and tutors to try to solve the problem that we have of excessively high drop out rates among these youngsters. They are also attempting to attack the very severe problem of alcoholism among Indians by working with their own people, and in my view it is the only program that promises any long-range solutions to the very severe social problems that we have.

We have started to make a very promising start in this area and the office that is proposed by this bill is very likely to be located in Aroostook County, because this is where the large concentration of these Indians are. I think that a person would have to be insensitive indeed to have read the accounts now current in newspapers regarding the situation at Wounded Knee to realize that we have not in our society come up with constructive solutions to the very real problems that this small minority group poses.

It would be easy indeed, and I am sure would carry no political risk for any of you to vote to indefinitely postpone this bill. But I feel that by doing so, you would create a real setback for what promises to be a very constructive program.

Now the constitutional issue which Mr. Donaghy has raised, I have a copy of the letter which the Attorney General sent to him after he and I differed in our interpretation of it. For that reason, I hope that someone will table this bill for two days so that Mr. Donaghy and I jointly can arrive at an understanding as to the constitutionality of this bill.

Thereupon, on motion of Mr. Garsoe of Cumberland, tabled pending the motion of Mr. Donaghy of Lubec to indefinitely postpone

and specially assigned for Wednesday, April 11.

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

#### Finally Passed

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

Resolve Providing Funds for Portrait of Honorable Margaret Chase Smith (S. P. 433) (L. D. 1338)

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

#### Order Out of Order

Mr. Emery of Rockland presented the following Joint Order and moved its passage:

WHEREAS, "Love is like the measles; we can have it once, and the later in life we have it, the tougher it goes with us; and

WHEREAS, the Honorable Edwin F. Maddox and his beloved wife, Phyllis, are so afflicted with a severe case, which is now in its fiftieth year; and

WHEREAS, the Maddoxes celebrated the 50th anniversary of their special relationship on Sunday, April 8th, 1973, now therefore be it

ORDERED, the Senate concurring, that the members of the Senate and House of Representatives of the 106th Legislature of the State of Maine take this opportunity to extend congratulations to the Honorable and Mrs. Edwin F. Maddox on the occasion of their golden wedding anniversary and further extend very best wishes of the Legislature for many anniversaries to come, and be it further

ORDERED, that a suitable copy of this Order be immediately transmitted to this honored couple in special recognition of this memorable occasion. (H. P. 1424) (Applause, the members rising)

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

and passed and sent up for concurrence.

be engrossed and tomorrow assigned.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to go back to item 5 on page 9 for the purposes of a motion, if I may. I would like to move that we reconsider our action whereby this bill was passed to be engrossed and I would speak very briefly to my motion, if I may.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the House reconsider its action whereby this Resolve for Laying of the County Taxes for the Years Nineteen Hundred and Seventy-four (H. P. 1419) (L. D. 1733) was passed to be engrossed.

The gentleman may proceed.

Mr. JALBERT: Mr. Speaker and Members of the House: Before I go any further, regardless of whether I am right or wrong, because of personal feelings that I have for the Chair, I withdraw my objection that I made before, which was merely a question. I did not ask for a ruling, and I want that record straightened out. I mean, we have discussed it in your office.

The SPEAKER: The Chair understands.

Mr. JALBERT: Mr. Speaker, in any event, I would ask you to reconsider whereby this bill was passed to be engrossed. If you move that you reconsider that this bill was passed to be engrossed and very, very, sincerely and honestly because I know this thing must be straightened out here, we must sufficiently enact this thing with 101 votes, after you move to reconsider whereby this bill was passed to be engrossed, then I would ask someone to table it for one legislative day. I move, Mr. Speaker we reconsider our action whereby we passed this bill to be engrossed.

Thereupon, the House reconsidered its action of earlier in the day whereby this Bill was passed to be engrossed.

On motion of Mr. Kelleher of Bangor, tabled pending passage to

### Orders of the Day

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

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

Tabled — April 4, by Mr. Finemore of Bridgewater.

Pending — Motion of Mr. Peterson of Windham for House to Insist.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker and Ladies and Gentlemen of the House: I move that we recede from our former action and I do so in order to offer an amendment to this joint order and I would briefly explain my position.

The SPEAKER: The motion to recede taking precedence, the pending question is the motion of the gentleman from York, Mr. Rolde, that the House recede. The gentleman may proceed.

Mr. ROLDE: Mr. Speaker and Ladies and Gentlemen of the House: I ask that we recede from our former position so that I can offer House Amendment "A" under filing number H-181, to joint order, House Paper 1294. To refresh your memories, several days ago we passed this joint order that would send the subject matter of an act to enable the Board of Environmental Protection to control the effects of erosion to the Legislative Research Committee. The Natural Resources Committee voted to refer this bill to the 107th. Since a committee cannot send a bill directly to the Legislative Research Committee, the order was presented to accomplish the intent of the committee. However, when the order got to the other body, the chairman of our committee, the Natural Resources Committee, who was not at our executive session, killed the order. He did so because he thought it might conflict with his own bill, L. D. 542, which creates a commission to study environmental laws. And he wanted this commission to study the subject matter of erosion.



I had no quarrel with his approach. However, I am concerned with what happens if the bill to create the environmental commission does not pass and it does have an appropriation on it. The amendment I am offering would send this matter to his special environmental commission. But if the commission is not created, it would go to Legislative Research. The gentleman in the other body has agreed with this.

I would finally only repeat what I said the other day about the problem of erosion being a very complex one, and it was the feeling of the committee, as well as of all those who appeared at the hearing both for and against the bill, that the matter of erosion does need study before you can come up with meaningful and reasonable legislation.

Thereupon, the House voted to recede.

Mr. Rolde of York offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-181) was read by the Clerk and adopted.

The Joint Order was passed as amended in non-concurrence and sent to the Senate.

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

Bill "An Act Regulating Water Well Construction and Pump Installation" (S. P. 173) (L. D. 428)

Tabled — April 4, by Mr. Emery of Rockland.

Pending — Acceptance of either Report.

On motion of Mr. Parks of Presque Isle, retabled pending acceptance of either Report and specially assigned for Wednesday, April 11.

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

Bill "An Act Creating a Standardbred Breeders and Owners Development Fund of Maine" (H. P. 518) (L. D. 683)

Tabled — April 4, by Mr. Fine-more of Bridgewater.

Pending — Request of Mr. Lawry of Fairfield for roll call on his

motion to Indefinitely Postpone Bill and accompanying papers.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I stand before you this morning opposing the motion of the gentleman from Fairfield, Mr. Lawry, for two reasons. First of all, this bill happens to be mine and the second reason is a pretty darn good one.

Now, Mr. Lawry stated last Thursday in a brief presentation to this House that there probably are pretty important measures before this House where this money could be more effectively spent. I cannot say that I disagree with him, but to me it is like comparing apples to oranges. For us to be able to fund some of the programs — although we didn't mention any specifically and I'm sure the House understands what they may be and I certainly do, I voted for a number of the programs that he was concerned with in the past two sessions that I have been here — they have to be funded.

Now, this program that I am asking for, which amounts to \$50,000 to encourage the development of standardbred horses in the State of Maine, calls for \$25,000 a year. Now, this is a lot of money and I realize it is a lot of money but standard-bred racing, since the pari mutuel bill was passed in 1935, has contributed millions of dollars to the general fund. And these millions of dollars have been used for a number of programs to benefit the state and the people of the state that I know Mr. Lawry is concerned with and the members of this House are concerned with, and so am I. Since 1966 the pari mutuel pools in revenue to the state have amounted to \$6.5 million.

I submitted this bill because there is part of the industry that certainly needs help and this is the development of standardbreds in the State of Maine. Years ago, not that many years ago, there used to be a similar program such as this called the New England Standardbred Stakes, and it was raced in Massachusetts, New

Hampshire and the State of Maine. But the individual states that I just mentioned instituted their own programs. I am sorry to say that the State of Maine, we have never been able to enact such a program as I have here before you this morning, but I really believe that the \$25,000 that I am asking, in the long run, will generate money to be put back in the general fund to help the blind, the disabled, whatever the case may be. I certainly don't oppose these programs, I have always voted for them.

Not to bore you this morning, and I know the hour is late, but for any of you people that are familiar with harness racing or those of you who are not, it is a very costly item to race a harness horse if he is over three or four years old due to the fact of the training expenses and the small amount of purses that they do offer in the State of Maine. A man is lucky if he gets an animal to earn \$2,000 or \$3,000 just to break even. But if I or any of you people decided that we want to raise a colt of our own— or whatever happened, luck may be that it turned out to be a filly — it is a very costly item because to feed a mare for two years or until it foals, keep the foal for two more years and finally get them to the races, if you are lucky enough to do that, it costs \$5,000 or \$6,000.

Now, in this state, we are not as fortunate as our other sister states in New England on having a two-year-old and three-year-old program where an individual would be racing a colt. If he turns out to be a half decent one, he would be racing over his head all year.

This bill came out of Agriculture unanimous "ought to pass." It came out the last two sessions unanimous "ought to pass" and they have never been able to get money from the Appropriations Committee to pass it. I certainly would like to have this bill pass this morning to defeat the motion of my good friend from Fairfield and let it lay on the Appropriations Table and if the arguments are strong enough, and there should be money enough available, I work on

the wisdom of that committee and accept their judgment.

I think in the long run, ladies and gentlemen, you will see and if I am not back two years from now, someone else will who is as interested in this particular field as I am, will show you that the money which I am asking, which is \$25,000 per year, will be turned back into the general fund.

I know when we used to have the New England Standardbred colt stakes at Bangor and the other various tracks, the attendance on these particular days was always up because the interest of the people who enjoyed light harness racing and to see these colts race in Maine.

I think in the long run that this money will be returned and with the return we can probably fund some of the very programs that Mr. Lawry is interested in, as well as I am and other people in this House. I ask you to vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker and Ladies and Gentlemen of the House: I always enjoy listening to my good friend Mr. Kelleher. I can remember a couple of sessions ago, perhaps it was last session, how well he spoke against Sunday racing. I am still waiting to hear him in this one. It still, with me, is a matter of priorities. And I feel that this is basic to all of us. We are here to represent all of the people. I know that we are going to be short of money for education, social services. We have already had to come up with quite a bundle.

As for the amount that has been returned to the state, I see we have another bill in this session to take another percent away. As a matter of fact, it begins to look as though we meet every other year just for the benefit of the horse races and agricultural societies.

I sincerely hope that when you vote, you will take into account the priorities and vote to kill this bill. I have great faith in the Appropriations Table and the people who are going to divide up all of this extra money, but I'm

not going to be one of them and I would just as soon take care of this one right now.

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

Mr. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: I will be very brief. The fair associations and the entire industry of the State of Maine is supporting this measure. But I think you will give it a real shot in the arm and give us a chance to turn more money into the state through the taxes which you are now paying through the extended meets whether they be at Scarborough, Bangor or Lewiston, as well as the fair associations.

Two years ago Mr. Lawry took a crack at another one of our fair bills, I have forgotten what it was, and talked about how much money they will make and everything else and former Representative Hayes, I believe clarified the atmosphere for him.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, I pose a question through the Chair to anyone who can answer. I profess ignorance on this subject and ask the following question: How many standardbred breeders are there in this state and how many standardbred breeder owners will benefit from the passage of this bill?

The SPEAKER: The gentlewoman from Freeport, Mrs. Clark, poses a question to the Chair to anyone who may answer if he or she wishes. The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: Mrs. Clark, I can only give you a ballpark figure but I would say there is somewhere in the area of 200. But these very 200 people who like to race standardbreds in the State of Maine, they breed their mares to stallions in New Hampshire and Massachusetts because of the programs that they offer. Now, my program specifically states that if it is passed, that you have to breed to a stallion

in the State of Maine or own a mare in the State of Maine to be eligible for this program.

The state of New Hampshire and Massachusetts have a very lucrative program, much better than the one I am proposing here in dollars and cents. But in reality, this program is equally as good as theirs and it would give this particular part of the industry a boost in the arm, which has been long neglected.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker and Members of the House: As one who signed the unanimous report "ought to pass" out of committee I feel I should make some remarks. I think this is a good bill. I think it will lead us to pick up the standard-bred of horses that we used to have in Maine. We had several in Aroostook County who used to breed standardbred horses and I think it is a worthwhile industry even though it seems like quite a fund to get back to get it going here. I know that the horses that come to Maine for racing, most of them are of low calibre and I think this will go a long way to help to develop better racing, better fairs and so forth in the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker and Members of the House: I think the testimony before our committee was that for the first few years there would be only four or five who would really benefit from this program because there aren't that many colts in our state right now.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I beg to differ with the good gentleman from Benton. I think he is a little confused with some of the testimony that might have been given. There are a number of people in Maine that raise standardbred horses now but the people that are getting the benefit of their money

are the people from New Hampshire and Massachusetts.

What I want to do is leave this money back in the state where it should be and these people would love to have the opportunity to race and raise these animals here but they don't — they haven't. Excuse me, they haven't and this would give them an opportunity to do so.

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

Mr. EVANS: Mr. Speaker and Ladies and Gentlemen of the House: As House chairman of Agriculture, we went into this bill very thoroughly. We also talked about the Artificial Breeding Association which had money from the state. Today that has paid off in probably ten to twenty times what the amount of money the state put into it.

Now, I think we are looking at this in a pretty short way when we say that it won't benefit the state right this year. We ought to look at it in a long-range program and that is what this would be, a long-range program. It would also help a great many people that are in the farming business because you have got to have feed for these horses. Years ago that used to be a great thing for Aroostook County, raising oats and I don't believe they raise hardly any oats up there now; and if they go into this, they are going to have horse feed. And if any of you have ever kept any horses, you know how much they eat.

I think we ought to pass this bill because I think it will be a boost for the whole state, not just for the horse racers. I know nothing about horse racing. I am looking at it from the view that it will help a great many of the farmers in this state and I hope you pass this bill.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker and Members of the House: I would like to answer Mr. Kelleher from Bangor. I might have been confused but that was the testimony that they gave. For the first few years there wouldn't be too many

who would benefit from this because there were not that many colts in our state right now. Over the long run it could if the Appropriations keep appropriating the money. Otherwise the program would not exist anyway.

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 Fairfield, Mr. Lawry, that An Act Creating a Standardbred Breeders and Owners Development Fund of Maine, L. D. 683 and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Baker, Berry, G.W.; Bither, Bustin, Cameron, Deshaies, Ferris, Gauthier, Hunter, Jackson, Lawry, and McMahon.

NAY — Albert, Ault, Berry, P.P.; Binnette, Birt, Boudreau, Bragdon, Brawn, Briggs, Brown, Bunker, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Dow, Drigotas, Dunleavy, Dunn, Emery, D.F.; Evans, Farley, Farnham, Farrington, Faucher, Fecteau, Finemore, Fraser, Gahagan, Garsoe, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Herrick, Hobbins, Hoffses, Huber, Jacques, Jalbert, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McNally, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulhern, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Perkins, Peterson, Pratt, Ricker, Rolde, Rollins, Ross, Shaw, Shute, Silver-

man, Smith, D.M.; Smith, S.; Snowe, Soulas, Sproul, Strout, Talbot, Tanguay, Theriault, Tierney, Trask, Trumbull, Tyndale, Walker, Webber, Wheeler, White, Willard, and Wood, M.E.

ABSENT — Dudley, Dyar, Flynn, Genest, Hancock, Henley, Immonen, LaPointe, McTeague, Santoro, Sheltra, Simpson, L.E.; Stillings, Susi, and Whitzell.

Yes, 12; No, 121; Absent, 17.

The SPEAKER: Twelve having voted in the affirmative and one hundred twenty-one having voted in the negative, with seventeen being absent, the motion does not prevail.

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

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

Bill "An Act Amending the Law Relating to the Provision of Housing and Meals to State Employees" (H. P. 1021) (L. D. 1344)

Tabled — April 4, by Mr. Simpson of Standish.

Pending — Passage to be enacted.

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

The Chair laid before the House the fifth 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 — April 5, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

Mr. Connolly of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-182) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker and Ladies and Gentlemen of the House: Just briefly, this amendment would do three things. First of all it would require that a person under guardianship must receive

certification of mental comprehension from a psychiatrist. Now, originally the bill said a guardian and now it would require a psychiatrist.

The second point is that in addition to notifying the warden at the polls with a letter that is dated at least no more than ten days prior to the election, the Board of Voter Registration must also be notified in writing by the psychiatrist at least three days prior to the election.

The third point is that the amendment would clearly spell out the financial responsibility of the ward to pay for any expenses that might be incurred if he had to have a psychiatric examination.

I would again point out that those who are primarily affected by this bill are not people who are in mental institutions but people who have at different periods of time mental problems but are deemed sufficient by the courts to be on the street, the only requirement being that they be placed under guardianship. I would hope that you would now vote for the amendment and pass the bill.

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

Mr. ROSS: Mr. Speaker and Members of the House: As House chairman of the Election Laws Committee who voted to report this original bill out "ought not to pass" and as one of the chief opponents in the debate here in the House, I believe that a brief comment on this amendment is in order.

The original bill said that a person should present a letter of affirmation from the guardian as to his mental comprehension. As Mr. Connolly said, this says a medical opinion of a trained psychiatrist. I doubt if many persons would be able to use this law unless they were in an institution because private psychiatric treatment is extremely expensive, between \$30 and \$50 for a half hour.

However, I find no fault with the amendment or the bill as amended and I would certainly just go along with its passage.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: There is one part of this bill that bothers me, this amendment that bothers me, and that is the very last part of page 1 where it says the expenses, if any, of a psychiatric examination necessitated by this subsection shall be the responsibility of the ward. Now, supposing that this person is in a mental institution. Then this is an expense to the state is it not? And I would pose that question to the gentleman from Portland, Mr. Connolly.

The SPEAKER: The gentleman from Skowhegan, Mr. Dam poses a question through the Chair to anyone who may answer if he or she wishes. The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, in response to the question I have a letter here that Mr. Norris got for me from the Attorney General's office. It is the opinion of the Attorney General that people that are in mental institutions are clearly not under guardianship of the state and they would not fall under this bill.

This bill would apply only to people who are not in mental institutions and consequently would not require any expense to the state.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: I don't agree, Mr. Speaker, with this amendment. Only one thing I will agree with is the fact that if they have to have psychiatrist — as Representative Ross has stated, they are very expensive — we surely won't have too many of these people under guardianship vote, that is for sure; because they can't afford it and another thing is this writing to the Board of Voter Registration at least three days prior to an election. Now, the Boards of Registration sometimes do not sit before the election day like in some of these small towns. They only sit on the day of election. Therefore, they would be unable to vote. So I don't think that

this amendment is really worthwhile.

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

Mr. FARNHAM: Mr. Speaker and Members of the House: We spent an hour or two on this last week. We are concerned about a few people who are under guardianship because of questionable mentality and at the same time only about 60 percent of the people who are out on the prowl come to the polls and vote. So I now move that this document and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair would inform the gentleman that the amendment must be acted upon first. The pending question, unless you have made a contrary motion, is the adoption of House Amendment "A".

Thereupon House Amendment "A" was adopted.

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

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

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

Mr. CONNOLLY: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to point out that this bill is enabling legislation. It would not mean that everybody who was in this condition would want to take advantage of the bill but they would be allowed to if they wanted to. If they wanted to vote and it was going to cost them something, then they would have to incur that expense themselves, but at least they would be able to do it if they wanted to. And I don't think that we have the right to deny anyone the right to vote if there are no circumstances which would normally prevent a person from voting intelligently.

Mr. Norris of Brewer requested a vote.

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

Mr. MARTIN: Mr. Speaker and Members of the House: Very briefly. I personally happen to believe that if we have an opportunity to give some people the right to vote, there is no reason why we can't. It is permissive. I think certainly if we want to do all we can in raising that 60 percent up to 65 percent that the gentleman from Hampden is concerned about, I would certainly hope that you would vote against his motion to indefinitely postponed.

The SPEAKER: The pending question is on the motion of the gentleman from Hampden, Mr. Farnham, that L. D. 929 be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

35 having voted in the affirmative and 75 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

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

House Order relative to House Rule 49-A.

Tabled — April 5, by Mr. Martin of Eagle Lake, pursuant to House Rule 54.

Pending — Passage.

Thereupon, the Order received passage.

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

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

Tabled — April 5, by Mrs. Boudreau of Portland.

Pending — Motion of Mr. Ross of Bath to adopt House Amendment "B" (H-162)

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: The redrafted Omnibus Bill allowed voting on election day on special elections only. The regular election section was left out by mistake. I presented House Amendment "B" to straighten this out. However, I found out that I went a little too far. I set up uniform hours of registration and uniform days for not being in business.

There is an amendment in the other branch that keeps the closed days the same as they are now but still allows voting on election day, and I think that is better. I am having prepared an amendment which will still let the municipal officers decide the hours of registration rather than conform to a statewide situation, and that is because the needs for keeping the office hours vary from town to town. Consequently, I now withdraw House Amendment "B".

Thereupon, House Amendment "B" was withdrawn.

On motion of Mr. Martin of Eagle Lake, tabled pending passage to be engrossed and specially assigned for Wednesday, April 11.

The Chair laid before the House the following matter which was tabled earlier in the day and later today assigned:

Bill "An Act Excluding Log Rafts from Carrying Life Preservers" (H. P. 1200) (L. D. 1539)

Pending — Acceptance of either Report.

On motion of Mr. Snowe of Auburn, tabled pending acceptance of either Report and specially assigned for Wednesday, April 11.

#### (Off Record Remarks)

On motion by Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.