

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

Wednesday, April 18, 1973

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

Prayer by the Rev. Mr. Stanley Tanner of Readfield.

The journal of yesterday was read and approved.

Orders Out of Order

Mr. Parks of Presque Isle presented the following Order and moved its passage:

ORDERED, that Heather Krass, Lori Andrews and John Walker of Presque Isle be appointed Honorary Pages for today.

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

Mr. Dunn of Poland presented the following Order and moved its passage.

ORDERED, that Theresa and Sandra Dunn of Mechanic Falls be appointed Honorary Pages for today.

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

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

ORDERED, that Shelley Grant, Melissa Lee, Louise Maybury and Ruth Maybury of Freeport be appointed Honorary Pages for today.

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

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

ORDERED, that April and Stacey Hanley of West Gardiner be appointed Honorary Pages for today.

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

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

ORDERED, that Maureen Buckley, Crystal Dyar, Kathy Allen and Susan Simpson of Standish be appointed Honorary Pages for today.

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

Papers from the Senate Reports of Committees Ought Not to Pass

Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act Relating to Use of Fire Resistant Materials in Construction of School Buildings" (S. P. 479) (L. D. 1546)

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

Ought to Pass in New Draft

Report of the Committee on Business Legislation on Bill "An Act to Prohibit Interlocking Directorates in Banking Institutions" (S. P. 279) (L. D. 827) reporting same in a New Draft (S. P. 575) (L. D. 1766) under same title and that it "Ought to pass"

Report of the Committee on Natural Resources on Bill "An Act Relating to a State Trails System" (S. P. 78) (L. D. 195) reporting same in a New Draft (S. P. 581) (L. D. 1788) under same title and that it "Ought to pass"

Came from the Senate with the Reports read and accepted and the New Drafts passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the New Drafts read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Education reporting "Ought to pass" as amended by Committee Amendment "A" (S-66) on Bill "An Act to Provide Maine Students with Benefits of Environmental Education" (S. P. 400) (L. D. 1205)

Report was signed by the following members:

Messrs. KATZ of Kennebec
OLFENE of Androscoggin
— of the Senate.

Messrs. FERRIS of Waterville
GAHAGAN of Caribou
LAWRY of Fairfield
TYNDALE
— of Kennebunkport
MURRAY of Bangor
LeBLANC of Van Buren

LaCHARITE of Brunswick
LYNCH

of Livermore Falls
— of the House.

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

Report was signed by the follow-
ing members:

Mr. MINKOWSKY

of Androscoggin
— of the Senate.

Mrs. LEWIS of Auburn

Mr. BITHER of Houlton

— of the House.

Came from the Senate with the
Majority Report accepted, Commit-
tee Amendment "A" (S-66) was
indefinitely postponed and the Bill
passed to be engrossed as amend-
ed by Senate Amendment "B" (S-
77)

In the House: Reports were read.

The SPEAKER: The Chair rec-
ognizes the gentleman from Houl-
ton. Mr. Bither.

Mr. BITHER: Mr. Speaker and
Members of the House: Since I
am one of the signers of the mi-
nority report, I think it would be
well for me to tell you why. I
don't know whether I should speak
for Mrs. Lewis, but maybe I will.
We are not out of favor; we do
favor environmental education. I
favor environmental education
without any question, and that was
not why I signed the minority re-
port.

I think we are doing some mar-
velous things with environmental
education. We had a good hear-
ing, and at that hearing were peo-
ple who came in with their stu-
dents and their teachers and told
us about beautiful jobs they were
doing in environmental education
right now.

This bill is not a bad bill. It is
a simple bill. It provides for a
consultant — and they changed the
title from deputy commissioner, I
believe. The first bill said deputy
commissioner and they didn't
think you folks would like the
words deputy commissioner, so
they changed it to the consultant
on environmental education. If
you have S-77, the amendment, I
wish you would read it. It doesn't
pertain to the bill too much, and
personally I don't care whether
they did away with Senate Amend-

ment "A" and adopted Senate
Amendment "B" or not.

The thing I am interested in and
the thing I want to tell you about
this morning is this little green
book right here. Now, I don't know
whether you people have that green
book or not. We got it in Educa-
tion and I just want to tell you
very briefly that this is a state
plan for environmental education.
That is what it says right on it
— State Plan for environmental
education, put out by Mr. LaFon-
tain, Curriculum Consultant.

This is not the bill, of course,
I will admit. I am not trying to
fool anyone. This is not the bill.
The bill only provides for \$37,000
for a consultant for the year '74-
'75, I believe it is. If you look at
your amendment, you will see. But
under the plan, they plan for the
following four levels of environ-
mental education eventually. This
is the most perfect example — I
think this is the most perfect ex-
ample of what I will call the B.B.
Brawn doctrine — the foot in the
door. This is a foot in the door
without any question. And if I may
use his name, that is what I shall
call it, the B. B. Brawn doctrine.

This says that from now on,
eventually they are going to have
environmental education, formal
preschool. That is all the way
from kindergarten right up
through. Formal higher education,
formal adult education and then
formal general public education —
well, that is all right. There is
nothing very bad about that.

If you have one of these green
books, you turn and you will find
out that item No. 3, we are to em-
ploy one full-time environmental
educational specialist. That is the
one they now call the consultant.
In the state department we shall
have one environmental specialist.

I wish someone would keep a
record. I cannot count too good
when I am talking because I have
to use my hands and I have to
use fingers to count with. So, if
someone will keep count of this,
why, I will thank you later.

We also shall have — the plan
says we shall have a full time di-
rector of environmental education
for the entire university system.

That is another man for Mr. McNeil.

Then we shall implement the state plan through legislative mandate wherever necessary. Whatever that may mean, I do not know. Then we turn over a few pages on this plan and we have some more recommendations at the state level. This state specialist — now I think we have already counted him, so don't count him again — the director, the state specialist, shall be provided with professional and clerical assistance and sufficient funds to carry out his responsibilities. I am not explaining these things. It is quite simple.

Then on the local level there shall be environmental educational coordinators working part time or full time or they even admit on the plan that he may have several schools. I cannot tell you how many people that may employ.

Then way down at the bottom of one of the pages, almost lost in the bottom of the pages, it says "We shall have a specialist for environmental education and research will be named for each campus of the university system." Now, I don't know whether that includes the vocational institutes or not, but it includes all branches of the university system and I believe there are seven branches. And if you have kept track of that, you will find these are all head men, not clerks, not secretaries.

I think you will find that by the time we got done, we would have nine or ten people added. That is why I signed the minority report. I make no motion today, I just want you people to know if you vote this thing through what you are voting for. You are voting for the employment of quite a few people, not just \$37,000 today, but much, much more in the future.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: I move the minority report be accepted.

The SPEAKER: Mrs. Lewis of Auburn moves that the House accept the Minority "Ought not to pass" Report.

The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker and Members of the House: I did not get a chance to look at the calendar just until I came into the House. When we had the hearing on this bill there was not one single opponent to the bill that made their appearance at that hearing that day.

Let me go back into the history of this bill. In Kennebunk, Maine, we had a group of young people in our high school and in the elementary school who were interested in environmental conditions in their own home towns. They formed a little group. SAD 71 recognized this interest, were able to secure a teacher, Miss Brawn, who was willing to take on this class in environmental education. The next year was a year full of excitement for these young people. They did more for the town than any other group that I have ever known in the way of improving their environment. They started a recycling program and other programs that were never dreamed of by the people of the town at that moment.

I do not know of any quicker way to destroy a bill than to say to the folks that the Department of Education are going to hire more people. This is not the basic intent of this bill. This bill is a crying need of the young people of the State of Maine to improve the environment in which they live and in which the young people and all people will have to live in future generations.

Let us examine the foresight attached to this bill. We do have to live in this environment and I do not know of anywhere else to begin or better to begin than with our young people who are willing. I have received letters from students at the University of Maine and students throughout the state who back this bill and asked you, the legislature, to provide for this education. This is permissive education, it is not one says in a mandatory sense you have to have an environment education bill. There is a permissive clause attached

to the bill. We naturally know that in order to set up any course—I don't care what course it is, whether it be at the University of Maine, a vocational school or any other course you may select — when you do not have somebody to give it direction.

I talked to the commissioner about this. He said there was no need to hire a director this year. They want the cost to get off the ground. They want to give it an opportunity to prove. Do you know of anything that should concern us more than the environment in which we live.

Now, we are passing bills every day for the furtherance of education and vocational education and other courses. I did not hear too much debate when we were going to hire several people to extend vocational education in the State of Maine. I voted for it, and I supported it in the committee hearing. This is a different story. We are not doing this. The young people in the schools of our state are asking us for the opportunity to study something about the environment in which they live. I do not think this is asking us too much. And I don't think it is going to cost anywhere near the price that you might dream it would cost, not for any more than it might cost to put any education in full process.

Gentlemen, I ask you to consider this bill very carefully. It is a crying need of the young people to you. They are asking the legislature to back them. I will let it go at that.

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

Mr. BITHER: Mr. Speaker and Members of the House: I agree wholeheartedly or almost wholeheartedly with the chairman of our committee. I certainly do not mean to mislead anyone in any way. I just read you the plan as presented to the committee, not the bill. I will admit the bill only provides for \$37,000. I agree with the gentleman from Kennebunkport that the students are asking for these things and they are doing these things.

I have some literature here, several pieces of literature, about Mt. Katahdin High School. They are doing a marvelous job. The one that is directing that is a former student of mine — well, I won't say what I was going to say, but I will say this, that he is not the brightest student I have ever had. And yet, he is doing a marvelous job. That young lady who came up from Kennebunkport is doing a marvelous job. I think, if you had been able to see her, you would have found out she could do a marvelous job with any courses she ever taught.

Mr. Speaker, I have told this House of this plan. Now, I know the bill immediately does not call for a lot of things. But the plan says eventually they want to hire nine people plus secretaries, plus this, plus that. Mr. Speaker, I move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker and Members of the House: I would just like to add my comments to those of Representative Tyndale. Both of us represent towns that are included in SAD 71. The work that has been done by the students under Miss Brawn's direction has been very farsighted. I hope you defeat the motion to indefinitely postpone the bill and approve it.

Mrs. Clark of Freeport requested a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: In my school system we had this type of environmental education going on now for five years. I support Mr. Bither in his proposal for indefinite postponement on the basis that we are well aware of the needs of this type of education and I think it is going to be more meaningful if it is accomplished at the local level as a result of local initiative rather than as a result of directives from Augusta. I support his motion.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: I must say that I think it is rather tragic to make a comedy of anything as important as teaching in the school system, the necessity of giving careful concern to the environment. And how easy it would be for all of us were it possible not to have any state agencies at all or any direction from Augusta. That would be ever so much less expensive. As a matter of fact, it might relieve quite a lot of us of this job that is thrust upon us.

I think the bill is a very fine and farsighted one. And I certainly hope the motion to indefinitely postpone will not prevail.

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

Mr. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I feel that Maine's environment is one of the most important assets of the state. I do not feel that it is important just as a changing thing, something you pick up or put down, your interest in the environment. It is not a matter of ladies in tennis shoes. It is a matter for everybody in terms of the economy of the state. It is one of the major calling cards for successfully attacking those industries which Maine decides it should have.

Basically, Maine has a number of assets. Perhaps wood, fisheries, some other things could be pointed out. But one of its assets is really its environment, its livability. I really feel that this is a subject which has to be taken up throughout our school systems. It is obviously successfully taken up in some school systems right now. But really as a means of successfully competing for those industries which every state wants, what every town wants, what every city wants, these are the elite, non-polluting, high paid, et cetera, almost invisible industries.

Maine's environment really is the one attraction which we have in significantly greater amounts than almost any other state. I feel that the job of creating an awareness of this is very definitely im-

portant enough to justify any cost involved. I sincerely hope that the House does not vote for the indefinite postponement of this bill.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present. 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 Houlton, Mr. Bither, to indefinitely postpone Bill "An Act to Provide Maine Students with Benefits of Environmental Education," Senate Paper 400, L. D. 1205 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Carter, Chick, Churchill, Cote, Cottrell, Cressey, Davis, Donaghy, Dow, Dudley, Dunn, Dyar, Evans, Farnham, Fecteau, Finemore, Fraser, Garsoe, Good, Hamblen, Hancock, Haskell, Henley, Hunter, Immonen, Jalbert, Kelleher, Kelley, Kelley, R. P.; Keyte, Lewis, E.; Lewis, J.; Littlefield, Mahany, McCormick, McHenry, McNally, Merrill, Mills, Morin, L.; Murchison, Palmer, Parks, Pratt, Ricker, Shaw, Shute, Sproul, Strout, Tanguay, Trask, Trumbull, Walker, Wheeler, Willard, The Speaker.

NAY — Boudreau, Briggs, Bustin, Chonko, Clark, Conley, Curtis, T. S., Jr.; Dam, Deshaies, Drigo-tas, Dunleavy, Emery, D. F.; Farley, Ferris, Flynn, Gahagan, Gauthier, Genest, Goodwin, K.; Greenlaw, Hobbins, Hoffses, Huber, Jackson, Jacques, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, MacLeod, Maddox, Martin, Maxwell, McKernan, McMahon, McTeague, Morin, V.; Morton, Mulkern, Murray, Najarian, O'Brien, Perkins, Peterson, Pont-

briand, Rolde, Rollins, Ross, Simpson, L. E.; Smith, D. M.; Soulas, Susi, Theriault, Tierney, Tyndale, Webber, White, Whitzell, Wood, M. E.

ABSENT — Brown, Connolly, Cooney, Crommett, Curran, Farrington, Faucher, Goodwin, H.; Herrick, Hodgdon, Norris, Santoro, Sheltra, Silverman, Smith, S.; Stillings, Talbot.

Yes, 71; No, 62; Absent, 17.

The SPEAKER: Seventy-one having voted in the affirmative and sixty-two in the negative, with seventeen being absent, the motion to indefinitely postpone does prevail.

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

Mr. BITHER: Mr. Speaker, I ask that we reconsider our vote and I hope you vote against me.

The SPEAKER: The gentleman from Houlton, Mr. Bither, having voted on the prevailing side, moves that the House reconsider its vote.

The Chair recognizes the gentleman from Van Buren, Mr. LeBlanc.

Mr. LeBLANC: Mr. Speaker, Ladies and Gentlemen of the House: As an example here this morning we have some of the younger generation up in front and in the balcony. It seems a shame to me that we would attempt to kill a bill of that sort.

I have a letter here from Albert Chaplin. I now will read it.

"We already take for granted the importance of and preciousness of Maine's environment as one of its principal natural resources.

"Incipient pressure on Maine by increased population and increased leisure use from people in the Southern New England States, New York, Pennsylvania and New Jersey, will bring great demands on the natural resources of Maine. People in Maine have not yet had to deal with serious problems of this sort.

"There is time to educate the populace to deal with these issues before they become severe problems. We know it's easier to deal with symptoms or to act in pre-

venting rather than deal remedially with the problems themselves.

"Last year as a Ford Foundation Fellow in Environmental Education, I traveled extensively throughout the United States. I observed as I traveled time after time poor use of our natural resources.

"Essentially as Maine develops its people will be faced with the same problems other states already find themselves confronted with.

"Experiences show that the process of education is an effective way to prepare people to deal intelligently with environmental problems.

"Therefore, I support the Purpose and Intent of L. D. 1205 to provide Maine students with benefits of Environmental Education."

I ask for a roll call on the motion to reconsider.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the majority report, I hope you do reconsider favorably. I signed the report fully intending that it would be an act that would allow the Department of Education to build up their resource centers that would aid the schools in the State of Maine. I fully intended that it should have an amendment with a time limit of two years, at which time the legislature could assess the value of the project. In that matter you could discount all that the gentleman from Houlton said regarding their long-range plans. Give it a two-year time limit, assess the value of it and then decide two years from now what should be done.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker and Members of the House: Let me call your attention to the first paragraph of this legal document. "The legislature finds and declares that in order to better prepare present and future generations to meet the challenges arising from man's relationship to his environ-

ment, it is desirable that all elementary and secondary schools of Maine provide instruction in environmental education."

I was not the author of this bill, but I recognize its importance. I wish every member of this House could have been present at that hearing. Young person after young person got up and spoke for the bill.

I know, perhaps, that we are dwelling somewhat in the future when we bring a new course to our educational system. This is not a bill that is going to destroy any possibilities of getting new industry into Maine. As a matter of fact, it will better the possibility.

During my sojourn with Sylvania Electric, I had the privilege of traveling around the country as a guest of one of our leading railroads to pick out towns where we would put plants. The first thing that we looked into when we approached that town was whether it had the proper environment for our people that were going to work in this plant and for their children. Is this bad? I ask you to consider all the elements of the bill.

Let us depart a moment from the Department of Education. There is no one who peruses more carefully every single item of their budget than I do, nor talks more to the Committee on Education about overhiring of people. And there is no one who votes nor looks at the hiring of more people in the state departments than I do.

I am not pleading for myself. I am pleading for these young people, some of them sitting here and some of them upstairs, who have asked you to help them to study the environment in which they live. If this is bad, then I have a very poor sense of values. I believe in young people; I have worked with them. I would not plead so hard for a bill if I did not believe all the way that I want to improve every condition in which they live, go to school and have the opportunity for their future life.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker and Members of the House: As

one who has taught in school for five years, I can truthfully say that this is a subject that the students are interested in today, perhaps more so than many of the subjects that are taught in schools.

Our youngsters have become voters, have assumed legal rights at age 18. Therefore, I think we should help make them aware of some of the major problems that face this state. Certainly saving the environment and the balancing of that environment against the requirements for industry and jobs is the major problem facing the state, as we all know.

Wherever I have come in contact with students and have offered this type of lecture or instruction, the interest has been obvious. I would hope that you will support this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I consider myself an environmentalist. I am very much in favor of environmental education, but the reason that I oppose this bill is, I don't think it is necessary to hire more people in the State Department of Education. Presently it is on the books that children should be getting an environmental education, and in most schools they are.

I think Mr. Bither pointed out that they do it in Katahdin. I know they do an excellent job in Auburn and in Lewiston. So my reason to oppose it is strictly economic. I don't think we need to hire somebody to do something that is supposed to be done right now.

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

Mr. GAHAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I sympathize with people who are afraid of growing bureaucracy. I do feel that environmental education is an area which we should pursue in this state. Few courses will have as much relevance as environmental education.

What the Commissioner of Education is attempting to do with this

bill is to provide a man, a person, in the Department of Education, one man in the first year, who will go around and teach teachers how to teach environmental education. It may be on the books that environmental education should be taught, but many of our Maine teachers just aren't aware of the techniques to use to get these points across to the students. And for this reason, I hope you would support this bill and vote yes to reconsider.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: As I listen to the debate this morning, it seems to me that if we pass this bill, what we are trying to do is take away the initiative of the young people who have volunteered to do this type of work and are doing good work. And now we are trying to bury them in bureaucracy. I don't think it is right. Let these young people work at what they want to work at and clean up our environment. Let's give them a chance to get into this program for another two, three or four years. Then if they need bureaucracy to guide them, we shall give it to them. But at this time I don't think this is the right time to stop the initiative of these young people.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I have just heard it said here by one of the speakers — let's let the teachers go out to teach the teachers how to teach these children how to know environment. Gentlemen, we had an accredited school up in my town. They sold us a package to join consolidation. We lost our accreditation. Today, 50 percent of those students going into high school cannot read at the second grade level. So what are they doing? They are going back and getting the same teacher to give them reading lessons that couldn't teach them before. Is this what is going to happen now? I am not taking this hearsay. I attended the meeting the other night

when the teachers were there and I heard them testify to this. Now, this is not out of my head, it was out of theirs. So gentlemen, when they say that this will bring businesses into your town, I have never known of any schools to bring business into my town.

I know the Androscoggin chipper mill, which is one of the biggest we have in our town besides the International Paper Company. I am the lone man who brought that there myself, and I am not taking any great pat on the back for it. But you know my name did appear in the paper. Then when the Shamrock came in, I was on the council. We councillors brought that there. Those are the only two industries. I have never seen education bring anything in my location where I have been. And if we have got to have teachers teach these teachers, then I think they had better go back to college and learn it there rather than us pay it out of our tax money.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I think that the action we have taken this morning deals a very sad blow to the initiative of our young people. In my community this past week they had a bottle drive on one stretch of road that was fantastic, picking up the litter. Just in one short section of road the pile of litter that they picked up was amazing. And the action today that this House is going on record as opposed to a measure which would allow environmental education in our schools will do more to stifle initiative than anything else. In my Natural Resources Committee we are faced with bills each week where we are asked to put more regulations on the books to regulate land use. And yet, if people were better educated in land use, we would not have to have the strict regulations that we are imposing now. And I think that this is a good measure, to allow the education of the environment in schools. I know that it can proceed today but it is not a uniform procedure in our schools.

I would like to see some direction coming from the state. I think we are being terribly irresponsible if we vote this measure down because we need direction from the state and to urge our young people to continue in the direction that they are continuing in and not to follow that of the older people who were throwing the beer bottles and beer cans alongside the roads. We have to have responsibility and I think this House should go on record as being responsible.

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

Mr. FERRIS: Mr. Speaker and Ladies and Gentlemen of the House: My respected colleagues in the Education Committee, Mrs. Lewis and Mr. Bither, have established some sort of fear, apparently, of the proliferating expenditure on this very fine bill. If that is the case, I would like the members of this House to turn their roll call books to roll call number 83 whereby we gave 121 votes to spend \$50,000 to develop a fund for standard-bred horses. Now, why can we not generate enough votes in this House to support our greatest natural resource, our environment, when we spend \$50,000 to cultivate race horses.

This is kind of a warped standard in my opinion and I hope you will reconsider your previous vote.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker and Ladies and Gentlemen of the House: I urge you to reconsider our action on L.D. 1205 and I do so for several reasons. It has been brought out by the gentleman from Cumberland, Mr. Garsoe, that we should leave it up to local communities to implement their own programs. But the problem here is, if we do not do it on a state level, we could deprive some students of a comprehensive environmental education program.

Also, another point I would like to bring up, that if we do see fit to reconsider, that this bill would go to the Appropriations Table for their consideration and their wisdom.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I, too, am in strong support of this legislation and I would hope that we would reconsider our previous vote.

I would like to turn the clock back a few years to about the time that Sputnik was launched into outer space. I guess that was November of 1958, if my memory serves me correctly. And I can remember that before that time — I was only in grade school — there wasn't very much emphasis on science and technology. In fact, those of us who were interested in such things were not given very much encouragement in the grade schools. It was considered to be an unnecessary expenditure.

As soon as we received this national shock of the Soviet Union launching Sputnik into outer space, all of a sudden there was a great deal of emphasis on science and technology, and attitudes changed pretty fast. I am sure that the Department of Education in the State of Maine, as well as in the other states in the union, had a little change in attitude too. And they decided that maybe we were not proceeding down the right road, maybe we were not being concerned enough about technology. A great deal of money and effort and time were spent on improving the technological education in grade school and in high school.

Well, I see a parallel situation here. I see a parallel situation because it has only been in the last two or three years really that we have become concerned enough with our environment and the future of our air and water and natural resources to put any emphasis on environmental education. I certainly feel that since the State of Maine is one of the few states, relatively few states, that has a great deal of unspoiled natural resources, that we ought to take this very seriously.

Remember what we are talking about more than education is a

change in attitudes. Attitudes are very important. Attitudes determine whether we are going to throw a bottle beside the road or whether we are going to take it home. Attitudes determine whether we are going to have industry at any cost or reasonable industry. These attitudes are most easily spread among young children in the lower grades, and in high school when they are impressionable.

I feel the passage of this legislation would serve the State of Maine in the long run. I certainly think that a reasonable appropriation at this time would be very very beneficial to Maine's future. I hope you will vote to reconsider.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker and Ladies and Gentlemen of the House: If we kill this bill, we are not in any way turning our backs on environmental education. The only thing we will be doing is saving us some money. It is presently on the books that every child, every school child in the State of Maine, should be getting an environmental education. We really would not have any guarantee. If they are not getting it now in some schools, what guarantee do we have that if we hire somebody, they are going to get it?

I think we should indefinitely postpone this bill.

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

Mr. ROLDE: Mr. Speaker and Ladies and Gentlemen of the House: We do not have any formal environmental education programs in our schools in York. However, we do have a great many very interested and enthusiastic youngsters in the towns. On their own in the junior high school, they have formed an ecology club. I have been meeting with them on a regular basis to explain some of the things we have been doing here in the legislature.

If we turn this bill down today, it is going to be very difficult for me to try and explain to them our reasons for doing so. I do not think they will be able to under-

stand the subtleties in what Mr. Bither, the gentleman from Houlton, calls the "B. B. Brawn doctrine."

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

Mr. MULKERN: Mr. Speaker and Ladies and Gentlemen of the House: As a former junior high school teacher, I realize that one of the prime challenges faced by educators is to make education both an enjoyable and a truly educational experience. The subject of environment is a natural on both counts. I feel that in this legislature today we have a rare opportunity that we very seldom get to demonstrate to the young people of the State of Maine that we have very positive attitudes and interests in the future environmental welfare of this state. And I do not think that we could do better by the young people of the State of Maine except by going on record right now and backing this legislation 100 percent.

I cannot see where \$37,000 is a great deal of money to spend to try and instill some positive environmental attitudes in our children.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the House: I am one of the first to agree that \$37,000 is not very much the way that we spend money around here. But this is just the beginning of an area that is going to cost us a lot of money and I do not believe that it is necessary. I think that this should be left up to local schools.

Perhaps they are teaching things they should not be right now, like ancient history, for instance. Some of these subjects could very well be dropped in favor of this subject. I do not see any need to spend this type of money for something that we should already be getting. I think it is a wasted effort, the beginning of a thing that can cost a lot of money and accomplish not as much as it was intended to. I think that the local school boards should decide what they want for a curriculum and live within their

means and the dollars they are getting. They are certainly getting enough out of the taxpayer in the State of Maine to properly run the schools at the present time. From what I see and observe in the schools, they are not really doing a very good job even in the idea of teaching them how to read and write and the common things, let alone taking on a new curriculum.

I also notice in some schools they waste a lot of time on subjects that most children do not care for and one that strikes my mind very quickly is ancient history. I find that most children are not very interested in ancient history and they might be more interested in environment or picking up bottles or something.

Nevertheless, I think we are giving them enough money to run the schools and I think my school board would agree to that. It is a question of deciding what the curriculum is going to be and it should be done on the local level.

We should not be trying to start new programs because the taxpayer in the State of Maine is overburdened with taxes now. If there is any one thing that they do not want, if you talk with them, is more taxes. You talk about these programs and they will agree with you that it sounds pretty good. Before you get done talking, they will say, "Well Mr. Dudley, what is this going to cost, how much is this going to cost?" When you tell them there is a small figure on it, they will say, "It seems as though we can do without this extra expenditure. We have teachers and so forth and perhaps we are teaching the wrong subjects." This may be the case but in any case I hope we do not reconsider this bill.

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

Mr. BRIGGS: Mr. Speaker and Ladies and Gentlemen of the House: The local school boards, obviously, are going to still develop the curriculum and decide what will be taught. The only purpose of this bill is to have a coordinator in the Department of Education which will encourage instruction in environmental education.

Now, I am sure that whatever you might give me points for in this legislature, you would give me points for my concern for the environment. I believe I can safely tell you that if you defeat this bill, that it will be a serious blow to environmental issues during this session of the legislature.

I do not suppose that \$37,000 is going to make or break the state one way or the other. And I am going to tell you, and you know it altogether too well, that all the arguments are made to support some individual prejudice; and if the prejudice is for environmental education in the schools, I am proud that I am able to make an argument, however ineffective in support of that.

I hope that you will support the motion to reconsider so that we can go on to give further consideration to this bill. It must be apparent by now to almost everyone that there is a very great deal of concern in this issue from the amount of speakers who have decided to register their interest in the issue.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: I happen to live right in a village where a group of people go by me every day and every morning I will pick anywhere from one to a dozen bottles off my lawn. Some of them break them. Now, we have laws to enforce this thing. You pick up one or two of these and take them over before the judge and I will guarantee you, the word will get around fast and you will not need any of the environmental teachers.

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

Mr. WHITZELL: Mr. Speaker and Ladies and Gentlemen of the House: I can truly say that I did not intend to speak on this; I felt that there are a few remarks that I would like to debate. One of those is that the cost that we are talking is—the \$37,000 is strictly a coordinator. As an educator, the coordinator's role is to take the best programs that are available

in one section of the state, one school system and make them available to other school systems in other areas.

What happens now is that we have a tendency in each individual school system to initiate some pretty good sound educational ideas, things that the children pick up very quickly. Yet, we have to disseminate, we have to tell other teachers at some point those things that we are doing that are successful.

I have a letter here from the mother of some children. She is also a member of the American Association of University Women. And I think she raises probably the most outstanding question when she says, "My children wonder why they can't swim in some water and why the air smells so bad in some places. They ask me why they don't recycle more things. They were very impressed on Earth Day two Aprils ago and they worked all day to clean up the neighborhood. I try to explain to my children that some pollution and other environmental problems are unavoidable because of the way we live." The point is that we all like the comforts that are the byproduct of our industrial complex, but can we afford to sacrifice our environment at this time?

Forty-two other states have environmental education programs either initiated already or in the planning stages to teach in the elementary schools.

As we look around the State of Maine—and I am sure some of the rivers that I am going to mention run through some of the towns that you represent—the Androscoggin certainly is one of the ugliest rivers at this time in the State of Maine. Anybody who lives along the Androscoggin River would have to admit that environmental education, although children don't know it is environmental education in ecology, had it been taught 150 or 200 years ago, we would not be in the position and spend the number of dollars that we are going to have to spend to clean up that river.

The Presumpscot River from where it runs from S. D. Warren's

to where it runs into the ocean is also another one of the rivers that S. D. Warren is now in the process of spending several million dollars to clean up as their contribution to environmental protection.

Certainly the report of the Committee on Education that came out with a 9 to 2 "ought to pass" deserves more consideration than we have given it here today. I would urge you to reconsider your vote, vote yes on the reconsideration and adopt the "ought to pass" report.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I want to reminisce a little bit on this bill. I remember when I came here 22 years ago I voted for every bill that came up that only cost \$37,000. Then came the sales tax, 2 percent, 3, 4 and 5 percent. Now we have got the income tax. Then there is a tax reform program before us that is going to cost us more money. We might have to go up, double or triple the income tax two years from now. It is all these \$37,000s that mushroom into millions that we keep voting for here—oh, it is very little.

But I think a program was started in this state as far as environment cleanup is concerned since 1820, since this has become a state we have allowed our rivers to become polluted little by little through the years and now we are trying to clean up something in two years that it took some 135 years to pollute. I think we should clean up our state. We have to clean it up. But I don't think we can do it all at one time. It is going to take a little time, it is going to take some education and it is going to take some initiative. And I still say if we permit bureaucracy to get into this thing, it will destroy the initiative of our young people in this state who want to form these ecology clubs, who want to work to clean up the State of Maine and not through some coordinator or bureaucracy from Augusta.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: Within the last week or so we have discussed bridges crossing the Androscoggin River. Coming down yesterday morning I crossed that river on the Maine Turnpike. They should have waited. In a couple more years you could walk across that river.

This bill here won't solve that problem. It will educate the kids of coming generations to solve some of these problems anyway.

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I agree with Mr. Brawn and I sympathize with him. I have picked up my share of bottles and cans on my front lawn, and this is done by adults. Now we have an opportunity to teach the children there is a better way. I hope we reconsider our motion.

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 Houlton, Mr. Bither, that the House reconsider its action whereby this Bill was indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Boudreau, Briggs, Brown, Bustin, Chonko, Churchill, Clark, Connolly, Cottrell, Curtis, T. S., Jr.; Dam, Deshaies, Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Fecteau, Ferris, Flynn, Fraser, Gahagan, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen,

Hobbins, Hoffses, Huber, Jackson, Jacques, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, MacLeod, Maddox, Martin, Maxwell, McKernan, McMahon, McTeague, Morin, V.; Morton, Mulhern, Murray, Najarian, Norris, O'Brien, Parks, Perkins, Peterson, Pontbriand, Rolde, Rollins, Ross, Shute, Simpson, L. E.; Smith, D. M.; Soulas, Stillings, Susi, Theriault, Tierney, Tyndale, Walker, White, Whitzell, Wood, M. E.

NAY — Baker, Berry, P. P.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Carter, Chick, Cote, Cressey, Davis, Donaghy, Dudley, Dunn, Dyar, Farnham, Farrington, Finemore, Garsoe, Good, Hancock, Haskell, Hunter, Immonen, Kelley, Kelley, R. P.; Keyte, Lewis, E.; Lewis, J.; Littlefield, Mahany, McCormick, McHenry, McNally, Merrill, Mills, Morin, L.; Murchison, Palmer, Pratt, Ricker, Shaw, Sproul, Strout, Tanguay, Trask, Trumbull, Weber, Wheeler, Willard, The Speaker.

ABSENT — Albert, Ault, Conley, Cooney, Crommett, Curran, Evans, Faucher, Henley, Herrick, Hodgdon, Jalbert, Kelleher, Santoro, Sheltra, Silverman, Smith, S.; Talbot.

Yes, 75; No, 57; Absent, 18.

The SPEAKER: Seventy-five having voted in the affirmative and fifty-seven in the negative, with eighteen being absent, the motion to reconsider does prevail.

The pending question is on the motion of the gentleman from Auburn, Mrs. Lewis, that the House accept the Minority "Ought not to pass" Report.

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

Mr. MILLS: Mr. Speaker, a point of information. I have heard a lot of stories here this morning about \$37,000. According to the section 2 appropriation line, it is \$75,000 for this bill. Can anybody inform me how that error was made?

The SPEAKER: The gentleman from Eastport, Mr. Mills, poses a question through the Chair to anyone who may answer if he wishes. The Chair recognizes the gentle-

man from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker and Members of the House: I thank my very good friend from Eastport for giving me the opportunity to mention this once and for all. I went over this with the Commissioner of Education very carefully. There is not going to be anybody hired this year. The amendment takes care of these things and we certainly don't intend to have bureaucracies step into this. This is merely a state decision, a must, ladies and gentlemen, that we approved of this study in environmental education and we will take the ball from there.

The SPEAKER: The pending question is on the motion of the gentlewoman from Auburn, Mrs. Lewis, that the House accept the Minority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 61 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Tyndale of Kennebunkport, the Majority "Ought to pass" Report was accepted and the Bill read once.

Committee Amendment "A" (S-66) was read by the Clerk and adopted in non-concurrence and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on State Government reporting "Ought to pass" as amended by Committee Amendment "A" (S-73) on Resolution Proposing an Amendment to the Constitution Changing the Tenure of Office of Sheriff to Four-year Term (S. P. 294) (L. D. 841)

Report was signed by the following members:

Messrs. CLIFFORD
 of Androscoggin
 WYMAN of Washington
 SPEERS of Kennebec
 — of the Senate.
Messrs. CURTIS, JR. of Orono
 STILLINGS of Berwick
Mrs. GOODWIN of Bath
Messrs. FARNHAM of Hampden

BUSTIN of Augusta
Mrs. NAJARIAN of Portland
Mr. COONEY of Sabattus

— of the House.
Minority Report of the same Committee reporting "Ought not to pass" on same Resolution.

Report was signed by the following members:

Messrs. CROMMETT
 of Millinocket
 SILVERMAN of Calais
 — of the House.

Came from the Senate with the Majority Report accepted and the Resolution passed to be engrossed.

In the House: Reports were read.
The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, I move acceptance of the Majority "Ought to pass" Report and would speak briefly to my motion.

The SPEAKER: The gentleman from Orono, Mr. Curtis, moves the acceptance of the Majority "Ought to pass" Report.

The gentleman may proceed.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this proposal is to provide a constitutional amendment to be voted upon by the people next November, which constitutional amendment would create a four-year term for the sheriffs of our state. The amendment which is provided indicates that the first selection would be made effective in November of the 1976 election. So there will be a slight delay.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I still don't think that we should monkey with county government, even to the point of changing the tenures of office.

Certainly the office of sheriff is a very important job. But if one proves himself to the people that he is doing a good job, he can get reelected without regard to party. In Sagadahoc now we have an excellent young man who is a Democrat. We always had a Republican in that job from time immemorial, but this new man has been reelected five times because he proved his capabilities. Why should they

have four-year terms when we only have two, the State Senate has two, the United States Congress even only has two?

Surely, I doubt that this would improve county law enforcement system to have four-year terms. As a matter of fact, I know many people who would like to do away with sheriff departments and turn all of the county law business over to the state police. Perhaps this is a roundabout start. As for me, I prefer the situation as it is. I realize that in the enactment stage we will need a two-thirds vote. Nevertheless, I now move indefinite postponement of this bill.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves the indefinite postponement of L. D. 841 and all accompanying papers.

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

Mr. FINEMORE: Mr. Speaker Ladies and Gentlemen of the House: My feelings are just about the same as the gentleman from Bath, Mr. Ross's. We have a very fine sheriff in Aroostook County. He is a Democrat, but he is doing a very very fine job and he has been elected over and over and over on a Republican vote. I know out of my town he gets more votes per sheriff than anyone ever did as a Republican. So I believe we should leave well enough alone and leave it a two-year term. When the vote is taken, I ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON. Mr. Speaker and Members of the House: I would agree with the two previous speakers and disagree with the intent of this bill. We have often heard it said, and I personally agree, that county government is not responsive to the voters. And that is mostly, I think, because commissioners are insulated from the public. They serve six-year terms. They do not have a visible existence, most people do not know who they are. I would definitely agree with the two previous speakers that if a sheriff does a good job, as any public official, he can

certainly be reelected every two years, and I think it should remain two years.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: In the public hearing on this proposal there were indeed three sheriffs who testified including the sheriff from Aroostook County. All of the people who testified at the hearing were in favor of this proposal. That may not be surprising because bills like this tend to bring out the proponents rather than the opponents sometimes.

I thought it was interesting that among the reasons given why Sheriff Crandell from Aroostook, as he explained it, of his 80 deputy sheriffs, that more than half were of the opposite political party; that it was necessary to promote some professionalism within his department. He said that he contracts with small towns to provide police service for them through his deputy sheriffs and that he thought it would be much more reasonable if this police service and protection for the people of this state could be provided on a more continuing basis.

So for the reasons of promoting permanence and professionalism as well as the fact that except for county attorneys, the only county position which is now elected for two years is the sheriff, I think that this motion presently on the floor ought to be defeated.

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

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: I agree with everything the gentleman from Bath said. I believe there are forces today who are determined to do away with county government. I am not one of those people who believe in the abolition of county government.

My daughter lives in Maryland. I am somewhat familiar with the situation there and I know that the strongest form of government down there, and not only in Maryland but in many other states, is county government. And they seem

to be operating quite well. We have operated here in this state for a long while. I believe that we should stop tampering around with county government. Let's leave it alone and let's continue as we have. I wholeheartedly support the motion of the gentleman from Bath.

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 Bath, Mr. Ross, that L. D. 841 and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Brown, Bunker, Carey, Carrier, Carter, Chick, Clark, Cote, Cressey, Dam, Davis, Donaghy, Dow, Dudley, Dunn, Dyar, Evans, Farrington, Ferris, Finemore, Flynn, Gauthier, Genest, Good, Hamblen, Haskell, Hobbins, Hoffses, Hunter, Immonen, Jackson, Jacques, Kelleher, Kelley, Kelley, R. P.; Keyte, Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; Littlefield; Maddox, Mahany, McCormick, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Murchison, Palmer, Parks, Peterson, Pontbriand, Pratt, Ricker, Rollins, Ross, Shaw, Shute, Sproul, Strout, Susi, Theriault, Tierney, Trask, Trumbull, Tyndale, Walker, Webber, Whitzell, Willard, Wood, M. E.

NAYS — Boudreau, Bustin, Chonko, Churchill, Connolly, Cottrell, Curtis, T. S., Jr.; Deshaies, Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Fecteau, Fraser, Gahagan, Goodwin, H.;

Goodwin, K.; Greenlaw, Hancock, Huber, Jalbert, LaPointe, Lewis, J.; Lynch, MacLeod, Martin, Maxwell, McHenry, McKernan, Mulhern, Murray, Najarian, Norris, O'Brien, Perkins, Rolde, Simpson, L. E.; Smith, D. M.; Soulas, Stillings, Tanguay, Wheeler.

ABSENT — Briggs, Cameron, Conley, Cooney, Crommett, Curran, Faucher, Garsoe, Henley, Herrick, Hodgdon, Kilroy, Santoro, Sheltra, Silverman, Smith, S.; Talbot, White.

Yes, 88; No, 43; Absent, 18.

The SPEAKER: Eighty-eight having voted in the affirmative and forty-three having voted in the negative, with eighteen being absent, the motion does prevail.

Non-Concurrent Matter

Joint Order "Relative to Environmental Protection to Control Erosion" (H. P. 1294) which was read and passed as amended by House Amendment "A" (H-181) in non-concurrence on April 9.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Rolde of York, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act to Raise the Classification of Certain Surface Waters in the Town of Scarborough" (H. P. 1423) (L. D. 1747) which was passed to be engrossed in the House on April 10.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-80) in non-concurrence.

In the House: On motion of Mrs. Knight of Scarborough, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Relating to Definition of Cigarettes under Cigarette Tax Law" (S. P. 567) (L. D. 1698) which was indefinitely postponed in the House on April 11.

Came from the Senate with that Body voting to Insist.

In the House:

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

Mr. FINEMORE: Mr. Speaker, I move we adhere to our former action.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that the House adhere.

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

Mr. DYAR: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Strong, Mr. Dyar, moves that the House recede and concur.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: We gave this a good beating in here the other day, if that is the proper expression. It is a tax loss and a tremendous tax loss. As I stood on this floor several times lately and told you, we cannot stand these tax losses.

Now, we just passed a bill here a few minutes ago on a reconsideration, which, no doubt, is a good bill and I hope now that we have passed it that it will be a good bill and prove good to the young people. We need \$37,000 for it. But if we keep killing these tax bills where there is tax coming in, right here is a tax bill that is a luxury tax. What more can we keep on our books than luxury tax. If anyone has a luxury they should be able to pay the tax. So, I hope you will vote against the motion to recede and concur and go along with the motion to adhere.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: When this bill came up for discussion, I was completely unaware of what was going on. But I was amused by the discussion that took place. The proponents attempting to kill this legislation had a most difficult time trying to discuss the bill, identify the tobacco product without calling it a cigar.

Now, I have looked into it a little closer and I am disturbed in what is being done. There is no definition of a cigarette in the

State of Maine by which the Taxation Bureau can make its judgment. There is a federal definition which is in the bill. Apparently, the Taxation Bureau taxes these tobacco products, these little cigars, on the basis that they fit into a cigarette-size package of twenty cigarettes. If they are packaged in cartons of ten, they are not taxed.

Now, what bothers me is the unilateral decision of the Taxation Bureau to tax a product as a cigarette when it is nothing more than a small cigar and cigars are exempt from taxation.

Now, I am not going to discuss the loss of revenue. I am concerned with any arbitrary decision made by the Bureau of Taxation to tax or not tax a certain product. Once you go along with this sort of precedent, what will the Taxation Department do on income tax?

If you want to tax these little cigars, then write legislation that will enable the Bureau of Taxation to tax them. But don't do this fuzzy-wuzzy thinking and double-talk that calls a little cigar a cigarette simply for the purpose of taxation.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to point out one thing, that a cigar is taxable under the sales tax. So this idea there is no tax revenue from a cigar is incorrect.

Now, for the person who has not imbibed in a small cigarette-size cigar, you will find there is a major difference between a cigarette and a small cigarette-size cigar.

Now, what this bill does is put us in line with federal regulations and interpretations on what is a cigarette and what is a cigar. Now, the cigar that comes in a cigarette-size pack is being considered at the present time, I believe, as a cigarette. But you take the same package, flatten it out and have the twenty little cigars in a flat box, then when the customer comes in and buys this flat box, the same type of merchandise, they pay a sales tax, not a

cigarette tax. So at the present time we have confusion here in the state. And I think some of the opponents in their discussion have added more confusion to the issue.

Mr. Finemore, of Bridgewater, was granted permission to speak a third time.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: It rather amuses me the gentleman from Livermore Falls, Mr. Lynch—I know he is a smoker of a pipe but I do not believe he ever smoked cigars. I had the opportunity of starting when I was 48-years old to smoke cigars and I smoked them up to a year ago last Thanksgiving. And I smoked a lot of them, a box of 50 a week.

I never could smoke a small cigar, one that is classed as a cigarette. I believe there are others in this hall this morning that will say the same thing. I know, the other night I took a package of these over to give to my good friend from Presque Isle, Mr. Parks and he immediately tried one and he immediately said that he couldn't smoke them, they were not cigars. The powder would come right back in your mouth.

Also, in answer to the gentleman, Mr. Dyar, I might say that the cigarettes that are put in the flat type pack and considered cigars are longer cigars, they are not the same type. If they are the same type, they are classed as cigarettes. I might mention he said 5 percent sales tax, which is true. But there is 14 cents on a package of cigarettes. That makes nine cents difference.

My point this morning is not the point of making—of distinguishing a name, what is a cigarette and what is not a cigarette and what is a cigar and what is not a cigar. But the fact is, I would like to say that I do not want to lose the tax money. We cannot afford to lose the tax money.

I hope you will go along this morning, vote against the motion to recede and concur and go along to adhere.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to rise to support Mr. Finemore in his position on this bill. I signed the report the same as he did out of the Taxation Committee. We will lose revenue, there is no question about it. We had some very excellent testimony in the Taxation Committee that day as to exactly what constituted cigarette tobacco and cigar tobacco. We had an expert from North Carolina on this. He was an employee and an excellent one from one of the tobacco companies.

I think if we really look at this, ladies and gentlemen of the House, we must realize that the advent of these so-called small cigars was coincident with the ban on cigarette advertising by the federal government. I think you can see from that, ladies and gentlemen, that the idea is to sell more tobacco products. If they are going to sell more tobacco products, which is a luxury, I firmly believe that the tax should be paid and I hope you will support Mr. Finemore's position.

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

Mr. SPROUL: Mr. Speaker and Ladies and Gentlemen of the House: I think that this piece of legislation is desirable if the tax assessor is to have a definition of what is a cigarette and a cigar. I understand that the federal government and some forty-five of our states have such a definition, most of them along the lines of this bill.

I, too, am concerned about the loss of revenue. I find myself voting quite frequently alone against expenditures but I am very much concerned about the loss of revenue as well as the expenditures.

I would urge you to go along with Mr. Dyar's motion to recede and concur with the Senate and let this go to the Appropriations Table where they can judge on the loss of revenue along with all those other bills of the losses and expenditures. I urge you to support the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Willard.

Mr. WILLARD: Mr. Speaker and Members of the House: I am in favor of Mr. Finemore's stand on this. I think it is just a tax dodge.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I think you will recognize what these are. I do have some in my pocket occasionally. Like the gentleman from Bridgewater, when I was younger and probably not as smart as I am today — which doesn't mean a great deal — I did smoke cigars excessively and I continue to smoke them.

I don't think I am getting my point across. We are not taxing a tobacco product. We are taxing a package. Now, if you want to tax a tobacco product, define what the tobacco product is. If you want to tax small cigars, come out and be honest and say you are taxing small cigars of a certain diameter, of a certain length. If you allow taxation to be made on a size of a package, you are opening the door to a lot of trouble.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: The previous speaker would hint that our Taxation Division is involved with some sort of deception in taxing these, whatever they are, at the rate that they are being taxed at and I would like to defend our Taxation Division. I don't think their motivation is to bear down especially heavy on the tobacco industry or anything of the sort. I think the real deception was on the part of the tobacco industry when the advertising on cigarettes was banned and they created these things with a different kind of a wrapper on them that made it possible for them, for a few months anyway, to dodge this ban on advertising. I believe the Taxation Division did exactly right in taxing what was created to take some of the cigarette market as a cigarette.

Now, if you today wanted to reduce the taxes so as to incur a benefit to the consumers, being Maine people, I would have considerable sympathy for it because I agree with you that our people are taxed excessively on many things. But there has been no evidence that whatever relief you grant on this taxation is going to accrue to the people. If you remember, these sell for around 37 cents. They are very competitive with the cigarettes at that price and the tax of 14 cents is included in the sale price of 37 cents.

Now, if you go along with this bill, the tax will be reduced from 14 cents to 2 cents, which is 12 cents a pack or a benefit of around \$200,000, which, just as sure as I am standing here, will go to the tobacco industry inasmuch as they don't have to lower their prices to compete with cigarettes which is the competition for these whatever they are.

So I hope that you protect this source of income for the state and not support any give-away to the tobacco industry.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: I testified here the other day what a cigar and cigarette was. I was out in the hall and some people said, "Well, I guess you know everything." So I went home and I took Webster's Dictionary. Webster's Dictionary says just this — and you can find it in the smallest dictionary of Webster you can pick up — it says a cigar is a rolled leaf. It says a cigarette is cut tobacco.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I signed the majority report on this bill "ought to pass." I don't smoke cigars. I was in a barber shop once and the barber gave me one of these little cigarette looking cigars and I really choked on it.

I think probably there is an excuse for their being made. People who do smoke cigars, I sup-

pose, sometimes don't have a chance to smoke a whole cigar and this little thing tastes like a very strong cigar. It is wrapped with tobacco.

To me, I want to remind you that our tobacco tax produces \$37 million and that is equal to one percent of our total 5 percent sales tax. I think we use a very heavy hand on these things sometimes, liquor, tobacco, sin taxes and sometimes we forget all about equity.

Now, as long as the federal government has made a definition, because they are confused, it seems a definition of what a cigarette and a cigar is, they have called this a cigar — I think they should be taxed like cigars.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: Just one more word, we have talked a great deal about definitions here this morning. I submit that the Taxation Department has a definition that they are presently using. They are certainly presumed to be legal under our current law.

Now, if the tobacco companies feel as though they are being illegally discriminated against, let's let them go after the State of Maine in the courts. Let's not just give them a blank check.

Mr. Lynch of Livermore Falls was granted permission to speak a third time.

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I hope I am not boring you too much but the whole situation does amuse me. You have heard reference to the discussion on the federal level and that disturbs me fully as much as what is going on in the State of Maine.

The federal Congress at least the Senate Commerce Committee — is using shadow legislation as a threat to T.V. advertising. Now, when you start using shadow legislation as a threat in any area of this country, then we are getting into trouble.

Now, if you don't mind I would like to read something, a quote

from Senator Marlow Cook who is deeply involved in the bill's preparation concerning T.V. advertising on little cigars. "The Senate Commerce Committee approved the bill last week in part as a threat to make the Consolidated Cigar Corporation back down. Actual package by the full Senate yesterday wasn't part of the game plan, but nobody told the Senate leadership and it was called up under procedures used for handling noncontroversial bills."

Then Senator Morse later said he was sorry it happened but on further reconsideration it is being held for a full discussion. I think they realize that they have gone beyond their rules and regulations.

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

Mr. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: It seems to me this is taxation of few for the benefit of everybody. I don't think this is a particularly good tax when you are taxing just a handful of people compared to all those who benefit from the tax funds. The sales tax itself is a fairer tax. It is my understanding that if this tax goes off, the sales tax goes on.

This bill has been here before in previous sessions and will probably continue in future sessions if we don't do something about it. It strikes me that this may be consistent with the federal law in this instance. It is certainly a proper thing to do and I support the motion to recede and concur.

The SPEAKER: The pending question is on the motion of the gentleman from Strong, Mr. Dyar, that the House recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

46 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

On motion of Mr. Finemore of Bridgewater, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act Providing Funds for a Study of Bicycle Traffic" (H. P. 1425) (L. D. 1763) which was passed to be engrossed in the House on April 11.

Came from the Senate with the Bill substituted for the report and recommitted to the Committee on Appropriations and Financial Affairs in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act Relating to Personal Recognizances in Violation of Baxter State Park Laws and Regulations" (H. P. 624) (L. D. 822) which was passed to be engrossed as amended by Committee Amendment "A" (H-202) in the House on April 12.

Came from the Senate with the Majority "Ought not to pass" Report accepted in non-concurrence.

In the House: On motion of Mr. Birt of East Millinocket, the House voted to insist and ask for a Committee of Conference.

Messages and Documents

The following Communication:

The Senate of Maine
Augusta

April 17, 1973

Mrs. E. Louise Lincoln
Clerk of the House
106th Legislature
Dear Madam Clerk:

The Senate voted to Adhere to its action whereby it Indefinitely Postponed Bill, An Act Relating to Taxation of Farmland, (H. P. 773) (L. D. 1007).

Respectfully,

Signed:

HARRY N. STARBRANCH
The Communication was read and ordered placed on file.

The following Communication:

The Senate of Maine
Augusta

April 17, 1973

Mrs. E. Louise Lincoln
Clerk of the House
106th Legislature
Dear Madam Clerk:

The Senate voted today to Insist and Join in a Committee of Con-

ference on the disagreeing action of the two branches of the Legislature on Bill, An Act Relating to Penalty for Death Caused by Violation of Law by Operator of Motor Vehicle, (H. P. 201) (L. D. 274).

Respectfully,

Signed:

HARRY N. STARBRANCH
The Communication was read and ordered placed on file.

The Speaker appointed the following conferees on the part of the House:

Mr. McMAHON of Kennebunk
Mrs. BAKER of Orrington
Mr. GAUTHIER of Sanford

The following Communication:

State of Maine
House of Representatives
Augusta

April 17, 1973

Speaker of the House
Richard D. Hewes
State Capitol
Augusta, Maine 04330
Dear Mr. Speaker:

I hereby respectfully submit my resignation as a member of the Joint Standing Committee on Education, effective immediately.

Sincerely yours,

Signed:

HAYES E. GAHAGAN
The Communication was read and ordered placed on file.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bill and Resolve, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, were received and referred to the following Committees:

Legal Affairs

Bill "An Act Relating to Permit Fees for Automobile Graveyards or Junkyards" (H. P. 1438) (Presented by Mr. Strout of Corinth)

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

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: We had a similar bill to this in Legal Affairs Committee about two weeks ago. Therefore, for the sake

of consistency, I would move that this bill be referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

Thereupon, on motion of Mr. Emery of Rockland, referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

Legal Affairs

Resolve to Reimburse Higgins Classical Institute for Costs of Certain Students (H. P. 1439) (Presented by Mr. Strout of Corinth)

(Ordered Printed)

Sent up for concurrence.

On motion of Mrs. McCormick of Union, it was

ORDERED, that Leighton Cooney of Sabattus and Raymond Faucher of Solon be excused for the rest of this week.

House Reports of Committees Ought to Pass in New Draft New Draft Printed

Report of the Committee on Fisheries and Wildlife on Bill "An Act Relating to Hunting and Trapping Bear" (H. P. 1158) (L. D. 1491) reporting same in a New Draft (H. P. 1443) (L. D. 1858) under same title and that it "Ought to Pass"

Report was read and accepted, the New Draft read once and assigned for second reading tomorrow.

Ought to Pass with Committee Amendment

Report of the Committee on Appropriations and Financial Affairs on Resolve Providing for Purchase of One Hundred and Fifty Copies of History of Solon (H. P. 1231) (L. D. 1604) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-230)

Report was read and accepted and the Resolve read once.

Committee Amendment "A" (H-230) was read by the Clerk and adopted and the Resolve assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-

229) on Bill "An Act to Provide Schooling for Juvenile Offenders in Place of Incarceration" (H. P. 1256) (L. D. 1581)

Report was signed by the following members:

Messrs. KATZ of Kennebec

OLFENE of Androscoggin
— of the Senate.

TYNDALE

of Kennebunkport

BITHER of Houlton

MURRAY of Bangor

GAHAGAN of Caribou

LYNCH

of Livermore Falls

LeBLANC of Van Buren

FERRIS of Waterville

LaCHARITE of Brunswick

LAWRY of Fairfield

Mrs. LEWIS of Auburn

— of the House.

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

Report was signed by the following member:

Mr. MINKOWSKY

of Androscoggin

— of the Senate.

Reports were read.

On motion of Mr. Tyndale of Kennebunkport, the Majority "Ought to pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-229) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Business Legislation on Bill "An Act Relating to Coverage of Treatment by Psychologists under Health and Accident Insurance Contracts" (H. P. 513) (L. D. 678) reporting "Ought not to Pass"

Report was signed by the following members:

Messrs. COX of Penobscot

MARCOTTE of York

— of the Senate.

Messrs. JACKSON of Yarmouth

HAMBLEN of Gorham

MADDOX of Vinalhaven

TRASK of Milo

O'BRIEN of Portland

DONAGHY of Lubec

DESHAIES of Westbrook

Mrs. BOUDREAU of Portland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft with new title, "An Act Relating to Coverage for Treatment by Psychologists in Health and Accident Policies and Plans" (H. P. 1444) (L. D. 1859)

Report was signed by the following members:

Mr. KATZ of Kennebec
— of the Senate.
Mr. TIERNEY of Durham
Mrs. CLARK of Freeport
— of the House.

Reports were read.

On motion of Mr. Trask of Milo, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

Consent Calendar

First Day

(S. P. 79) (L. D. 196) Bill "An Act Relating to Use of Studded Tires on Motor Vehicles" (Emergency) — Committee on Transportation reporting "Ought to pass" as amended by Committee Amendment "A" (S-68)

(S. P. 285) (L. D. 832) Bill "An Act Relating to Management of Endowment Funds of Educational Religious and Charitable Organizations" — Committee on Legal Affairs reporting "Ought to pass" as amended by Committee Amendment "A" (S-75).

(S. P. 325) (L. D. 1029) Bill "An Act Relating to Membership in Maine Law Enforcement Planning and Assistance Agency" — Committee on State Government reporting "Ought to pass."

(H. P. 923) (L. D. 1221) Bill "An Act Revising the Laws Relating to Savings and Loan Associations" — Committee on Business Legislation reporting "Ought to pass"

(H. P. 1070) (L. D. 1395) Bill "An Act to Permit Savings Banks to Invest in Obligations of the Asian Development Bank" — Committee on Business Legislation reporting "Ought to pass"

(H. P. 1081) (L. D. 1404) Bill "An Act Permitting Savings Banks to Indemnify its Trustees, Officers and Employees" — Committee on Business Legislation 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. 426) (L. D. 575) Bill "An Act to Exempt Sales to Institutionalized Persons from the Sales Tax"

(H. P. 515) (L. D. 681) Bill "An Act to Create Hospital Administrative District No. 1 in Piscataquis, Somerset and Penobscot Counties" (C "A" H-222)

(H. P. 552) (L. D. 733) Bill "An Act Repealing the Distribution of the Railroad Tax"

(H. P. 705) (L. D. 910) Bill "An Act to Prohibit Interference with Signalling or Safety Devices Used for Work on Public Ways"

(S. P. 389) (L. D. 1135) Bill "An Act Relating to Membership on the Advisory Board of the Department of Commerce and Industry" (C "A" S-70)

(H. P. 941) (L. D. 1237) Resolve Authorizing Conveyance of State Land and Easements to City of South Portland for Sewage Collection and Treatment Project.

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

(H. P. 989) (L. D. 1309) Bill "An Act Designating Columbus Day a Legal Holiday"

On the request of Mr. Simpson of Standish, was removed from the Consent Calendar.

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

(H. P. 993) (L. D. 1313) Bill "An Act Relating to Organization of Unincorporated Townships"

(H. P. 1019) (L. D. 1342) Bill "An Act Increasing License Fee for Nurserymen" (C "A" H-224)

(H. P. 1024) (L. D. 1346) Bill "An Act Relating to Wild Animals in Captivity"

(H. P. 1036) (L. D. 1361) Resolve to Reimburse Bass Shoe Employees Federal Credit Union for Damage to Property by Escapees of Women's Correctional Center.

(H. P. 1072) (L. D. 1397) Bill "An Act Relating to Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park"

(H. P. 1131) (L. D. 1466) Bill "An Act Providing for Group Insurance for National Guardsmen Called up to State Active Duty" (C "A" H-225)

(H. P. 1411) (L. D. 1476) Bill "An Act Relating to Additional Roads on Indian Reservations at Pleasant Point and Indian Township" (Emergency)

(H. P. 1193) (L. D. 1544) Bill "An Act Providing Funds for Fishway on the Kennebec River"

(H. P. 1208) (L. D. 1560) Bill "An Act Relating to Delinquent Dog Taxes"

(H. P. 1214) (L. D. 1565) Resolve to Reimburse Mrs. Wellington E. Fifield of Patten for Payment of Malt Liquor License

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

Second Reader Tabled and Assigned

Bill "An Act Relating to License Fees and Penalties for Non-residents in the Private Detective Business" (S. P. 320) (L. D. 987) (C "A" S-67)

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

(On motion of Mr. Goodwin of South Berwick, tabled pending passage to be engrossed and specially assigned for Friday, April 20.)

Passed to Be Engrossed

Bill "An Act Relating to Motorcycle or Motor Driven Cycle Learner's Permit" (H. P. 949) (L. D. 1246) (C "A" H-223)

Bill "An Act Excluding Log Rafts from Personal Flotation Devices" (H. P. 1422) (L. D. 1746)

Bill "An Act Relating to Investment of Trust Assets" (S. P. 576) (L. D. 1767)

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

Second Reader Tabled and Assigned

Bill "An Act Relating to Dealers in Used Personal Property" (S. P. 578) (L. D. 1769)

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

(On motion of Mr. Hoffses of Camden, tabled pending passage to be engrossed and specially assigned for Friday, April 20.)

Finally Passed Emergency Measure

Resolve Providing Retirement Benefits Under the State Retirement Law for Earl A. Haines of Brunswick (H. P. 57) (L. D. 67)

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. 115 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure Tabled and Assigned

An Act Reducing Tax on Pari-Mutuel Pools (H. P. 898) (L. D. 1186)

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

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

Passed to Be Enacted Emergency Measure

An Act Validating a Community School District Consisting of the Towns of Crystal, Dyer Brook, Island Falls, Merrill, Oakfield and Smyrna (H. P. 1175) (L. D. 1512)

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. 115 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 Tabled and Assigned

An Act to Increase the Authorized Bonding Limit of the

Maine State Housing Authority (S. P. 434) (L. D. 1339)

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

The SPEAKER: This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. All in favor of this bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Martin of Eagle Lake, 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 passage to be enacted. All in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, P. P.; Binnette, Bither, Boudreau, Bragdon, Briggs, Bunker, Bustin, Carter, Chonko, Clark, Conley, Connolly, Cottrell, Curtis, T. S., Jr.; Dam, Dow, Drigotas, Dyar, Emery, D. F.; Farley, Farrington, Fecteau, Ferris, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Greenlaw, Hancock, Haskell, Hobbins, Huber, Jacques, Jalbert, Kelley, Keyte, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Ricker, Rolde, Sheltra, Shute, Simpson, L. E.; Smith, D. M.; Sproul, Tanguay, Theriault, Tierney, Trask, Tyndale, Walker, Wheeler, White, Whitzell.

NAY — Ault, Baker, Berry, G. W.; Berube, Birt, Brawn, Brown,

Cameron, Carey, Carrier, Chick, Churchill, Cote, Cressey, Davis, Deshaies, Donaghy, Dudley, Dunn, Farnham, Finemore, Flynn, Hamblen, Henley, Hoffses, Hunter, Immonen, Jackson, Kelleher, Lewis, E.; Littlefield, McNally, Merrill, Morton, Parks, Pratt, Rollins, Ross, Shaw, Strout, Susi, Trumbull, Webber, Willard, Wood, M. E.

ABSENT — Cooney, Crommett, Curran, Dunleavy, Evans, Faucher, Goodwin, H.; Goodwin, K.; Herrick, Hodgdon, Kelley, R. P.; Kilroy, Santoro, Silverman, Smith, S.; Soulas, Stillings, Ttalbot.

Yes, 86; No, 45; Absent, 18.

The SPEAKER: Eighty-six having voted in the affirmative and forty-five in the negative, with eighteen being absent, this Bill fails of enactment as an emergency measure.

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

Mr. BIRT: Mr. Speaker, I move we reconsider our action whereby this bill failed of enactment and hope you will all vote with me.

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

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

Mr. Donaghy of Lubec requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that this matter be tabled one legislative day, pending the motion of Mr. Birt of East Millinocket to reconsider whereby it failed of passage to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

98 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

Emergency Measure

An Act Making Additional Appropriations from the General Fund for the Expenditures of State Government and for Other Purposes for the Fiscal Year ending June 30, 1973 (S. P. 572) (L. D. 1735)

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

Mr. Finemore of Bridgewater requested a roll call vote.

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

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

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. All in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Briggs, Brown, Bunker, Bustin, Cameron, Carey, Carrier, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cottrell, Cressey, Curtis, T. S., Jr.; Dam, Deshaies, Dow, Drigotas, Emery, D. F.; Farley, Farnham, Farrington, Fecteau, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, K.; Greenlaw, Hancock, Haskell, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Kelleher, Kelley, Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Shaw, Sheltra, Simpson, L. E.; Smith, D. M.; Sproul, Stillings, Strout, Susi, Tanguay, Theriault, Tierney, Trask, Trumbull, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, The Speaker.

NAY — Berry, G. W.; Brawn, Chick, Cote, Davis, Donaghy, Dudley, Dunn, Dyar, Ferris, Fine-

more, Flynn, Hamblen, Henley, McCormick, McNally, Parks, Ross, Shute, Wood, M. E.

ABSENT — Cooney, Crommett, Curran, Dunleavy, Evans, Faucher, Goodwin, H.; Herrick, Hodgdon, Kelley, R. P.; Santoro, Silverman, Smith, S.; Soulas, Talbot.

Yes, 115; No, 20; Absent, 15.

The SPEAKER: One hundred fifteen having voted in the affirmative and twenty in the negative, with fifteen being absent, the Bill is passed to be enacted as an emergency measure.

Signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Clarify the Maine Litter Control Act (H. P. 144) (L. D. 177) (C. "A" H-173)

An Act Relating to Penalty for Reckless Driving (H. P. 195) (L. D. 268) (C. "A" H-174)

An Act to Require Safety Glazing in Hazardous Locations (H. P. 465) (L. D. 613) (C. "A" H-175)

An Act Providing for the Maine Property Insurance Cancellation Control Act (S. P. 231) (L. D. 666) (C. "A" S-50) (H. "A" H-169) (H. "B" H-197)

An Act Exempting Beehives from the Personal Property Tax (H. P. 541) (L. D. 723)

An Act Relating to Use of Unofficial Certificates of Motor Vehicle Inspection (H. P. 547) (L. D. 728)

An Act Relating to Adoption of Persons into the Penobscot Tribe of Indians (H. P. 614) (L. D. 812)

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

Indefinitely Postponed

An Act to Authorize Portland Renewal Authority to Provide Relocation Assistance to Other Governmental Agencies (H. P. 777) (L. D. 1009)

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

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

Mrs. WHEELER: Mr. Speaker and Members of the House: I spon-

sored L.D. 1009 for the Portland Renewal Authority and upon my arrival home last weekend I found the letter from Thomas Vallean, the Executive Director of this agency. I am just going to read you the first two paragraphs to explain why I am here today.

"I am writing to ask you to withdraw L.D. 1009 from further legislative action. This is the relocation bill which you so kindly agreed to sponsor on my behalf. In doing legal research here at the agency we discovered, to our surprise, that a similar change in our law was enacted in 1967, however, it was never incorporated into our office copy of the statute."

So under these circumstances I ask for the indefinite postponement of L.D. 1009 and all its accompanying papers.

Thereupon, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

An Act Relating to Wage Data for Preference to Maine Workmen and Contractors (H. P. 911) (L. D. 1200)

An Act Establishing a State Tuition Equalization Fund for Maine Students Attending Maine Private Institutions of Higher Education (H. P. 927) (L. D. 1225) (C. "A" - H-176)

An Act Providing Funds for Psychiatric Aides at Pineland Hospital and Training Center (H. P. 956) (L. D. 1266) (C. "A" H-177)

An Act Changing Name of Maine Association of Real Estate Boards (H. P. 987) (L. D. 1307)

An Act Increasing Inheritance Exemption for a Surviving Spouse and Children. (H. P. 1062) (L. D. 1386) (C. "A" - H-178)

An Act Regulating Airmobiles (H. P. 1168) (L. D. 1503) (C. "A" H-179)

An Act Relating to Bids and Contracts in School Administrative Districts (H. P. 1176) (L. D. 1513)

An Act Relating to Disposal of Septic Tank or Cesspool Waste (H. P. 1416) (L. D. 1710) (S. "A" S-72)

An Act Relating to Raptors for Use in Falconry (S. P. 571) (L. D. 1734)

Finally Passed

Resolve in favor of George W. Mitchell of Peter Dana Township for Personal Injuries (H. P. 1015) (L. D. 1334)

Resolve Providing Funds for Saco Valley Association for Retarded Children (H. P. 1094) (L. D. 1431)

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

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act Amending the Uniform Flag Law" (H. P. 500) (L. D. 653)

Tabled — April 12, by Mr. Henley of Norway.

Pending — Passage to be engrossed.

Mr. Henley of Norway offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-221) was read by the Clerk and adopted.

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

The Chair laid before the House the second item of Unfinished Business:

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

Tabled — April 12, by Mr. Parks of Presque Isle.

Pending — Motion of Mr. Brawn of Oakland to adopt House Amendment "A" (H-184)

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

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: This is a very simple amendment and I will tell you just what it does in a very few words. This bill, if it was to go through the way it was, if you have a cottage or a private home, you could not disconnect that pump in the fall to go to Florida or come in from your cottage. You could not put any valves in that pump. If

the pump broke and you had just two connections to disconnect, you could not connect it unless you must first go out and get yourself a permit. You must have a master plumber. You must have a journeyman. This would run you approximately \$100, the least you could do, to install a pump that would take you about 20 minutes. If you lived in a remote area it might be weeks before you could get one. So this is to give every man the right who owns private property to do his own work if he so desires.

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

Mr. DYAR: A parliamentary inquiry. Is it in order to move indefinite postponement of this bill and all its accompanying papers?

The SPEAKER: No, the amendment must be acted upon first.

Thereupon House Amendment "A" was adopted.

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

Mr. PARKS: Mr. Speaker and Ladies and Gentlemen of the House: This little gem here, I think it would probably be well if we would just dispose of it right here today, but what is going to happen in the future? The amendment that was put in can be amended later on and it is going to do just what Mr. Brawn said it was going to do. It is going to deprive a man who owns a camp or owns his own home from doing some of his own work. Now as I attempted to tell you that in the well drillers, two of them that I contacted over the weekend while I was home, there is a section in here that requires that an apprentice has to have a three dollar permit to be an apprentice.

Now, as one of the well drillers explained to me and he is just a little small operator, that he is not able at times to get the same man to help him when he goes out to set his well drilling rig up. So what this will mean is that every time he hires a fellow he is going to have to get a permit, a three dollar permit for him before this employee will be able to help him either set his rig up or tear it

down and this will mean a lot of delay, a lot of expense to just a little small well driller.

Now the larger ones are trying to set up a little dynasty here for themselves and also in here it says that in this bill that you are going to have a commission set up. Well, you know what that means. They have got to be staffed and so forth and so on and it means a lot more money. In my opinion, this is not a good bill to pass at this time, so I will move that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to point out to the gentleman from Presque Isle, the amendment that was just passed by this body under the hammer produced by the gentleman from Oakland will take care of that three dollar apprentice very nicely. That was the purpose of the amendment, to do away with that particular point.

I would like to request at this time that the Clerk read the Committee Report, please.

The Committee Report was read by the Clerk.

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

Mr. DYAR: Mr. Speaker and Members of the House: This bill has been around several sessions and they did change the wording somewhat in the bill this session.

Now in the past, a person who was not a licensed master plumber or water well driller in business selling water pumps or pump leathers or pump parts, if this bill goes through would not be able to do so.

Now the consumer in most cases can go to an independent hardware store and pick up a suitable pump in the vicinity of \$100 to \$125. The pump normally recommended by a well driller, I am talking about a shallow well pump now, will run \$350 to \$400. The same price range, the same differential will apply also to deep well pumps. The plastic pipe that most well drillers will install can be bought in a local

hardware store from 40 to 60 cents a foot, while the well driller will charge double and triple this price. This is all well and good if a person wants to pay this amount of money.

One section of the bill does state under Section 4855, License required, "No water well should be constructed, enlarged or deepened and no pumps associated with water wells shall be installed, or otherwise altered except as provided in this chapter unless it is done by a well driller or pump installer licensed by this commission."

Now in my own particular case, living in a rural area, I have a spring that furnishes water for my house. This spring has a rock wall which is classified as a well. If I was indisposed or incapacitated and my wife wanted this well cleaned out, under this statute she could not hire a local man or boy to go down in this well and clean it out. She would have to hire a licensed well driller.

This piece of legislation is referred to as a little gem. This is a seven or eight page gem. I certainly feel at this time that we should go along with the motion of Mr. Parks and indefinitely postpone this bill. It is not good legislation. It is extremely detrimental to consumers here in the state. It is not a bill that pertains to the cities or large municipalities here in the state. This is a bill that is going to hit the person living in the suburban and rural areas right in the nose.

As far as water is concerned, if he has a present supply, once this bill was enacted, he is going to have a hard job ever getting repairs done without hiring a licensed well driller. Now in my area at the present time, including going down as far as Livermore Falls, to my knowledge there are only two well drillers and if everybody has to call on these people for service, it is going to be a long wait.

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

Mr. FARNHAM: Mr. Speaker and Ladies and Gentlemen of the House: I think this is good legislation for the simple reason that at

the present time there is absolutely no control over well drillers or what they do. I think some people are seeing a lot of things in this bill that just do not exist. I would refer you to Section 4853, paragraph 2, Private Wells or Pumps. "Nothing in this chapter shall prevent a person from constructing a well or installing a pump on property which such a person owns or leases to be used only in connection with a single family dwelling in which such a person actually resides or only for farming purposes on a farm actually farmed by such person."

That pretty much eliminates all this talk about if you want to disconnect the pump at your camp, and I set mine up Sunday and I expect to set it up and take it down under this bill as I have in the past. So without any regulation at all, we are having some pretty raw deals pulled on a lot of people and we cannot hold anyone responsible. This bill does put a sense of responsibility onto the well drillers. Furthermore, they are willing to pay in fees, at least what it will cost the state to administer this program.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: I do not think that he has quite interpreted the law the way it says. It says, "the place that you actually reside." Now if you have a cottage and you rent that cottage for two days or a week, you come under this law.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker and Ladies and Gentlemen of the House: I would like to just make brief remarks pointing to the remarks of the gentleman from Hampden, Mr. Farnham. I have a local constituent who is a well driller and he is very much interested in this bill. There has been a Maine Well Drillers Association since 1967 and they are trying to upgrade the standards of the well drilling industry. I do not think that the well drillers and the plumbers are trying to exclude

individuals from doing their own work but rather to set up standards for policing their profession. I would urge you to vote against the pending motion.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the House: For what it is worth, I served on the committee that heard this bill and I am quite sure that I signed this "ought not to pass," I saw just a few large well drillers trying to freeze out some small ones and we have two right here in Maine that drill wells. One drilled a well for me and I asked them both about it and they said they couldn't see the need for this legislation and they were not anxious to freeze out any young people who wanted to drill wells. It wasn't that complicated, if they had the proper equipment, they could drill a well.

But this was not really what bothered me. What really bothers me is that in my area — I come, as you know, from a rural area. I run a garage. We are not in the plumbing business but we have a lot of leaks there. We have a lot of people calling up that they are coming up this weekend, can we send somebody out to connect their water supply and get their system working. They leave a lot of business to our place during the summer and whether we want to do it or not, we find ourselves in a position where we will do this work, not only myself but other garages in the area. Unfortunately in our area, there are quite a few widow women who are not able to hook up their pumps that I take great interest in. Occasionally I hook up their water pumps.

If you read this bill carefully — I am just being perfectly honest with this House and I think that honesty is a good case anywhere. This is one of the things where I see I can be penalized for hooking up a water pump and I may be penalized for other things, but I do not want to be penalized for just hooking up a water pump.

I was suspicious of this bill when it was heard before my committee. And since I was suspicious, I took

it up with my well drillers in the area. They said it was a well founded suspicion and they pointed out to me that it was not necessary as far as they were concerned, and they were not anxious to freeze any young people out that wanted to go into the well drilling business.

Some of the big well drillers think that there are too many well drillers now, but the people up my way said there is room for some young people if they want to buy a rig and go to drilling wells. By all means, I do not want to make it difficult to go hook up somebody's well, even if I want to or I don't want to.

I think if you read the bill carefully, it is self-explanatory.

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

Mr. HOFFSES: Mr. Speaker and Ladies and Gentlemen of the House: First of all, I would like to explain my position. I am not in the same category as the previous gentleman from Enfield, Mr. Dudley. However, we have in my town a well driller who has three pieces of equipment. He is not considered a small operator by any matter or means. He has been a member of the Well Drillers Association ever since its inception, I believe, and I asked him about this particular piece of legislation. His comments were that they had over the years endeavored to upgrade the business of the well drillers, but by the same token, he did not appear to me to be that excited and enthused over this piece of legislation and I believe that he would be just as well satisfied if this piece of legislation received its proper demise from the calendar. I certainly would go along with the motion to indefinitely postpone this piece of legislation.

In my business I have had occasion — as some of the previous speakers have mentioned — to hook up artesian wells with the suction pipes, to install the seal on the top of the wells and I believe that I can do it just as satisfactorily. And certainly from my own point of view, I want to see that the well is properly sealed,

that no possible chance of any pollution or anything is permitted.

If I were required to have a licensed well driller do this work, it could very easily hamper my program of completion of some of these jobs and I certainly hope this piece of legislation is indefinitely postponed.

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

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: I have to agree with Mr. Dudley on two points. Number one, I haven't the experience on repairing water pumps that he has, and number two, our committee heard this bill on Legal Affairs last year, I agree with him that those that were there in favor of the bill were the big drillers who wanted to cut off the small fellow that wanted to start his business for himself.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I think it would be unfortunate to indefinitely postpone the entire bill. I am very much in favor of Section 5 regarding violations. I think there should be some control over the well drillers in the State of Maine. I know of many people in the rural areas who have had a very sad experience with well drillers. I hope that you do not indefinitely postpone the whole complete bill.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Unofficially in my capacity, I would like to agree with the gentleman from Livermore Falls, agree that there are certain parts of this bill that are very much needed in the State of Maine, although I believe that the arguments before you today have been involved mostly around individuals and their own wells and their own property.

I guess I would have to put myself in that category. I have a good number of cottages that I handle

and I have three wells that I deal with on my property and I handle my own pumps. I rebuild my own pumps and I install them in the spring and I take them out in the fall. I see no reason why I should not be allowed to continue to do that.

I believe the bill was tabled and an amendment was put in to take out the portion involving what an individual does on his own property, not only if he resides on it but if he owns it. Then I feel the rest of the bill would be very agreeable, as far as I am concerned.

Thereupon, on motion of Mr. Lynch of Livermore Falls, tabled pending the motion of Mr. Parks of Livermore Falls to indefinitely postpone and specially assigned for Friday, April 20.

Mr. Hobbins of Saco presented the following Order and moved its passage:

ORDERED, that Sam and John Anagnostis of Saco be appointed Honorary Pages for today.

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

The Chair laid before the House the third item of Unfinished Business:

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

Tabled — April 12, by Mr. Farnham of Hampden.

Pending — Motion of Mr. McNally of Ellsworth to recede and concur.

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

Mr. GOOD: Mr. Speaker and Members of the House: I don't want to belabor this thing, but I do want to say goodbye to this bill. I was very much interested in it. I do want to make a few remarks on this subject before this bill goes.

A previous Legislature ordered a study of the moose situation in Maine. This same legislature ordered a study group to report its findings and recommend a plan of action once the study was com-

pleted. That study has been completed and over ten years of intensive research and more than \$25,000 in money has been spent. This study was made by some of the most knowledgeable men in the business, wardens, Fish and Game biologists, Fish and Wildlife officials of two countries and many others.

On the basis of this study, we prepared a small controlled moose bill and we passed it in the House. This bill would allow at the discretion of the Fish and Game Commissioner, a short open season on moose in the northern part of the state. This area would be north from CP Railroad track, so-called. It would include Aroostook County and parts of Washington, Penobscot, Somerset and Piscataquis. All Maine residents would be allowed to draw for a license. 250 permits would be issued — no more than that.

Study in other countries with an open season on moose during the past ten years have shown a 44 percent harvest of moose to the number of licenses issued. This would mean a take of 100 moose or less. This harvest would weed out some of the less active of the species and would in a small way benefit the overall condition of our moose herd. This method has been proven correct in many areas.

We had an 11 to 1 "ought to pass" report after a large public hearing and we passed this bill in the House with a 2 to 1 majority. So far so good. We had promises from many traditional opponents of this bill that they would not be active workers against this measure.

These promises were not kept. False sentiment, misinformation and old men pretending to cry convinced the unmentionable body that seems to rule by divine right that this was a bad bill.

Insincere cries of "save the moose" and "don't slaughter these beautiful animals" rang out through the corridors of this Capitol. And by the same people I might add who evidently think that Colonel Sanders fingerlicks chicken is made out of burdocks or that steak grows on steak trees

somewhere in the vile smelling stock yards of Chicago.

It is a shame that all of this money has to be wasted. Perhaps we should fire all our game biologists and researchers. From all reports, this bill will die a screaming death in the other house, killed mostly by uninformed people who live up to 200 miles from the proposed moose area and these same people just must impose their will on the rest of the state without any scientific or intelligent reason.

Most of us in the House and we on the Committee on Fisheries and Wildlife and the many people who worked on this study can rest secure in the fact that we at least had the courage to do our duty.

I ask for a division on the motion on the floor of the House and I move that when the vote is taken it be taken by the yeas and nays.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: The bill is dead. Long live the moose.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I just want to call to your attention, a few days ago, the good gentleman from Presque Isle, Mr. Parks, said on another bill that received its death warrant, said we are trying to help protect the deer herd. Well now, I can truthfully say I am trying to protect the moose herd. I also think it is wrong for somebody that I don't believe is yet sitting on the right hand of the Lord to take to task the legislators, whether they be in this House or in some other House, because I would be very pleased to be classed with the legislators that were written about in the Bangor Daily News by this great and portly gentleman.

I am going to tell you just a little bit, just little pieces out of what Dr. Seuss wrote for the kids and drew the pictures of about Thidwick, that was the gentleman-moose. He lived with 60 or more on the shores of Lake Winn-

Bango and I suspect those 60 were counted by airplane the same way that these moose in the State of Maine were counted, but I am not sure about that.

Now, he was a gentle fellow and he was a good host and he had, that got into his horns, several different things that I would like to tell you. The first thing, he had a bingle bug and then a tree spider, then a zinn-a-zu bird decided that was a good place and he came and built a nest out of the hairs out of his head. There were 240 of them and he pulled out and used. And then he got married that night, brought his wife in and he also brought her uncle who was a woodpecker and the woodpecker drilled four holes in the horns and the squirrel and his wife and two little ones took abode in there.

Then later on a turtle and a bobcat took up residence there. Then winter came and the rest of the moose herd went away to the southern shore where the moose moss was good and when Thidwick started over why all his tenants objected. So they gave them a chance to vote and he voted aye and they all voted nay, 11 to 1. Now that kind of reminded me of this bill. This bill was passed out 11 to 1. So I couldn't help from using it for that matter.

Then later on his tenants invited in a fox, some mice, some fleas, a big bear and 362 bees. Then, just about that time, there was a terrible thing happened. The guns began to explode and the bullets zinged around Thidwick's head and he was in pretty hard shape. He ran and tried to get away and the hunters were hollering, shoot him, shoot him, shoot straight and so forth. We have got to have the head to put on the Harvard Club wall.

And so, he happened to think about it was time to shed his horns and he dropped his horns with all the tenants on it and he swam back to the southern shore with the rest of his friends where the moose moss was that he could get a meal off of.

Now what happened to the horns and the ones on it. Well they are all stuffed and they are on the Harvard Club wall.

Now when we come to this moose business, getting back to serious things, there was a second column by this gentleman in the Bangor Daily News who apparently knows about everything and he wrote how that a gentleman up in the northern part thought it was so bad the way that legislators are doing down here. But also about the same time there was a fellow in Hampden Highlands that came from the same place that the good gentleman from Hampden comes from who says that he doesn't think the splendid creatures ought to be slaughtered.

There is also a gentleman from Sherman Station, 50 years hunting, fishing and trapping and he said that he is pleased to know that they are not going to have an open season on moose.

Then, you had on your desk yesterday morning, what the Senator from the other side put on your desks to read, still another letter from Madawaska about the moose. But that is not what is worrying me about this bill.

You just heard the good gentleman tell you that they probably would take 100 or less, but this is so that they can see how much disease these 100 or less that they are going to get out of the 250 people that will be allowed to take a shot at them and I can't see why they have to have these, particularly if that is all they are going to get. There were 20 moose, they admit themselves that were killed in the Baxter State Park area last year, and although they know who did it, they can't prove it and I don't see why they couldn't have tested those.

Then I have read in several places, in fact I heard them say over here one night in the meeting that the trains and the cars kill a lot more moose than that. I don't know why in the world if they want to do a little exploring around that they couldn't examine these moose. They are generally called to pick them up and do something with them. I know that is what happened to the last moose down in Ellsworth this last summer that got hit.

Now, it was only just the other day when the good gentleman from

Dixfield, Mr. Rollins, said that he thought that it was too bad that we come down here and give away our powers to a department. And I agree with him a thousand percent. I think it is too bad. I think that the only thing that this bill is for, just between you and I now this is my thought and you are welcome to any of your thoughts — but I think that the only reason for this bill is the fact that it says the commissioner shall set the time when the moose shall be hunted and the number of them that shall be killed, and they just want us to delegate one more piece of power to them. They will take care of the beavers then. They are already taking care of the deer.

You can read in the paper where Gene Letourneau said that you aren't going to have any five-week deer season. You will do well if you have three. You have no idea when it is going to start or when it is going to close and it is even suggested that it may be a divided one. So I don't know what good it does to pass the laws or for us to even be here if we are going to delegate all our powers to some other persons to handle them.

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

Mr. PARKS: Mr. Speaker and Ladies and Gentlemen of the House: You have just heard some of the reasoning from some of the experts who seem to know more about the moose and the deer than people who are being paid to look after our deer and moose herd.

Now he just got through berating the gentleman from the Bangor Daily News who received a letter. He talks about all his letters he got from people, some of the old people who do not know what the facts are on the moose situation. But here is a letter here that was received from a Mr. Wallace Ritchie from Greenville. Now I am not going to read all of this to you. It is just going to be a little bit of it.

It says, "The report of the Fisheries and Wildlife Committee favoring an open season on moose was based on factual evidence and logic accumulated after several years of study." Now this letter

says, "It is also considered the present moose population and the extremely small number of permits that would be issued under the proposed regulation, it certainly would not affect the number of moose in Maine, and would give sportsmen an opportunity to hunt a limited number of these animals." Now he also goes on to say, "Opposition to an open season which is being led by a member of the other body is largely an emotional appeal unsupported by facts." And this is just what you heard a few moments ago from the previous speaker, unsupported by facts, mostly comedy.

Now every statement made by these Senators from the other body were made for the most part misleading and completely ignored the biological aspects and what constitutes sound conservation practices. It appears quite obvious these remarks are made in hopes of swaying the opinion of persons unfamiliar with the principles of game management.

Now, the proposed open season was developed, studied and proposed by trained biologists and game managers in our State of Maine Department of Inland Fisheries and Game. Who is better qualified to make these recommendations? If they are not, then the time has come to fire the Maine Fisheries and Wildlife scientists, otherwise they are accepting pay under false pretenses.

So ladies and gentlemen, I hope you do not go along with this motion to recede and concur.

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

Mr. BRAWN: Mr. Speaker and Members of the House: This is the first time that I have rose on this moose bill. But when I went and I saw the pictures that the biologist showed us it showed us these moose drinking and getting screw worms in their head and in their brain and causing infection. So they went round and round in circles and drooling at the mouth to die. And you want your children to eat this kind of a moose? My son said to me the other night,

he said, "Dad, we were brought up on a farm," he said, "if we had an animal sick like that, would you butcher it, put it on the table to eat?"

I am surprised at the Fish and Game Department telling us that we are going to eat sick moose, because they know they are all right. I would not eat one of the things if he is sick, especially give it to our little children in school.

When they tell us that we are only going to have this many moose, I want you folks to remember back the first time it happened in Waldo County. They were only going to have three days, the last three in November. You were going to be able to shoot moose only with one crotch or better. Gentlemen, I saw seven moose in a line and only one was a bull. And I saw every one of those moose dropped, get killed. You know, it is too late after a couple of days of shooting to know how many moose you have got. I know they went far over what they intended. They really cleaned them out of there then, I know that, in just three days.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Ellsworth, Mr. McNally, just made my day for me. He agreed with me with what I have been telling you right along, that some of these departments have more power than they should have.

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

Mr. DESHAIES: Mr. Speaker Ladies and Gentlemen of the House: I completely agree with Mr. Parks of Presque Isle. I think this is a reasonable bill. It is not a slaughter of animals as some people have suggested. It is an opportunity for Maine people, and Maine people only, to utilize a natural resource like timber resources, our fisheries, and so on. What is wrong with making use of a natural resource without abusing it. Two hundred and fifty animals out of an estimated herd

of thirteen thousand is certainly not an abuse.

As a contrast, I understand that in the Greenville area alone over 50 animals were poached last year and only part of the animals taken and the rest left to rot. Wouldn't it be better to try and control a very very moderate harvest approved by the Department of Inland Fisheries and Game? New Brunswick and the province of Quebec have done this and their program has been very successful. They have not slaughtered their animals, they still have a healthy well-balanced herd. And I think Maine could do likewise.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I am one of those people coming to legislative sessions and been opposed to the killing of moose for years. But when they did these talks, these meetings with people from other states, especially New Brunswick, I had a chance to discuss with them in a friendly debate off to the side, on what was occurring in the district up there when they put in the moose thing, and they were telling of the vast sickness that was in the herd of moose in New Brunswick; that they had their biologist go over these moose, measure them, weigh them, then run their ten-year program on moose control. They are now getting moose over there much bigger, two and three hundred pounds heavier.

Also, the main thing that they were very concerned about was the worm in the moose which does not affect to any amount deer but will kill a caribou stone dead and will deteriorate a moose so that they go wandering and staggering around through the brush. And sometimes they have had such an infestation of this worm in certain parts of the moose herd that they have sent the wardens in to shoot those moose down and destroy the bodies if they could.

There is no question now from what their reports are — and you have to believe them because they have done it scientifically — that

the fact is that they have a larger moose herd in New Brunswick, they are bigger animals, they weigh more. The worm infestation is down to less than 14 percent. That is what the Fish and Game Committee is trying to do with this bill here, is to set up a procedure whereby our moose will get some biological testing and treatments to perpetuate a herd.

The first thing that came to my mind when this first came to me was how was this possible? You shoot a moose to preserve the herd. Well, the facts are that you have to shoot the animal and get him out of the woods to get the biological survey done. There is no question in my mind that up along the borders of Canada that they have those stands where they are sounding a call, called the running call, across the border into Maine. And the results have been, according to the warden and the biologists up there, is that our young bull moose are going across into Canada and being slaughtered which leaves us with a very sick herd. I am definitely opposed to this recede and concur motion.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Ellsworth, Mr. McNally, that the House recede and concur with the Senate on L. D. 39. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berry, G. W.; Berry, P. P.; Berube, Bragdon, Brawn, Briggs, Bunker, Bustin, Carey, Chonko, Clark, Conley, Conolly, Cottrell, Curtis, T. S., Jr.; Dam, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Emery, D. F.; Farley, Flynn, Gahagan, Goodwin, K.;

Greenlaw; Henley, Hoffses, Huber, Hunter, Jackson, Jalbert, Kelley, Kilroy, LaCharite, LaPointe, Lawry, Lewis, J.; Littlefield, Maddox, Maxwell, McKernan, McNally, Murchison, Murray, Najarian, Norris, Perkins, Peterson, Shute, Soulas, Sproul, Stillings, Trask, Tynedale, Wheeler, White.

NAY — Albert, Ault, Binnette, Birt, Bither, Boudreau, Cameron, Carrier, Carter, Chick, Churchill, Cote, Cressey, Deshaies, Donaghy, Evans, Farnham, Farrington, Fecteau, Ferris, Finemore, Fraser, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Hamblen, Hancock, Haskell, Herrick, Hobbs, Immonen, Jacques, Kelleher, Kelley, R. P.; Keyte, Knight, LeBlanc, Lewis, E.; Lynch, MacLeod, Mahany, Martin, McHenry, McMahon, Merrill, Mills, Morin, L.; Morin, V.; Morton, Palmer, Parks, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Shaw, Simpson, L. E.; Strout, Tanguay, Theriault, Tierney, Trumbull, Walker, Webber, Whitzell, Willard, Wood, M. E.

ABSENT — Brown, Cooney, Crommett, Curran, Davis, Dow, Faucher, Hodgdon, McCormick, McTeague, Mulkern, O'Brien, Santoro, Sheltra, Silverman, Smith, D. M.; Smith, S.; Susi, Talbot.

Yes, 59; No, 71; Absent, 19.

The SPEAKER: Fifty-nine having vote in the affirmative and seventy-one having voted in the negative, with nineteen being absent, the motion does not prevail.

On motion of Mr. Good of Westfield, the House voted to insist.

Mr. MacLeod, of Bar Harbor, was granted unanimous consent to address the House.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I have had an announcement passed on to me just recently, which I think in light of pending legislation is very important. If you are not familiar, the State of Florida has similar legislation to ours to protect its coastline from the oil and has an oil conveyance bill similar to ours, which I understand has been copied in some form from our bills here in Maine.

They are being tried in the courts down there on a similar situation as we are and there has been an announcement made. The Supreme Court says federal law does not prevent states from setting up tough laws imposing liability on shippers for oil spill damage.

The ruling came today in a case involving Florida law. A three-judge Federal Court held the Florida law to be invalid. The state law imposes strict liability for damages caused by oil spills in Florida's territorial waters from any oil handling or drilling operation or from any ship involved with such a facility. Justice William O. Douglas, in the majority opinion, said he finds no constitutional or statutory barrier in permitting Florida to set up liabilities concerning oil spills.

I would at this time like to have also entered in on the record a commendation to the past legislatures and a very fine political group effort in passing the laws that we have on the coast of Maine.

Mr. Brown of Augusta presented the following Joint Resolution and moved its adoption:

WE, your Memorialists, the House of Representatives and Senate of the State of Maine in the One Hundred and Sixth Legislative Session, most respectfully present and petition the Federal Communications Commission and all appropriate divisions thereof, as follows; and

WHEREAS, the Western Union Telegraph Company applied on March 8, 1973, to the Federal Communications Commission for permission to discontinue its present Class 1 teleprinter-operated office on Water Street, Augusta, with substitute service to be provided by Depot News, Water Street, Augusta; and

WHEREAS, the adequacy of such service is of vital concern to Maine citizens with Augusta being the seat of State and County Government, and containing the main offices of Central Maine Power Company, Federal agencies and Veterans Administration; and

WHEREAS, the existing Class 1 office at Augusta is an experi-

enced, competent and confidential operation, all of which may be lost through substitute service of lesser class; and

WHEREAS, the Legislature utilizes and depends upon this service, both for outgoing and incoming messages, with particular emphasis on the latter; and

WHEREAS, closure of the present office will have serious impact on the ability of such Departments of Transportation and Motor Vehicles to promptly and economically receive or transmit by telegram vital information; and

WHEREAS, in addition to uncooperative clerks receiving incoming telegrams, there is a considerable time lag in delivery of telegrams using the Centralized Telephone Bureau of Western Union at Moorestown, New Jersey as proposed; and

WHEREAS, the Federal Communications Commission approves or disapproves applications of this nature and considers all relevant opinions in reviewing said application; now, therefore, be it

RESOLVED: That we, your Memorialists, respectfully recommend and urge the Federal Communications Commission and all applicable divisions thereof to take immediate and appropriate action to dismiss application No. T-D-20042A now before the Domestic Services and Facilities Division of the Commission and to continue the existing Class 1 telegraph service in the Capital City of Augusta, Maine at its present location and level; and be it further

RESOLVED: That a duly authenticated copy of this Memorial be transmitted forthwith by the Secretary of State to said Commission and Division of the United States Government at Washington, D.C. (H. P. 1445)

The Joint Resolution was read and adopted and sent up for concurrence.

On motion of Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.