

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

**April 23, 1973 to June 5, 1973**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Wednesday, May 2, 1973

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

Prayer by the Rev. Monsignor Paul D. Gleason of Lewiston.

The journal of yesterday was read and approved.

**Order Out of Order**

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

ORDERED, that Wendell Thorne, Beckie Smiley, Joyce Heath, Nancy Caldwell and Deanne Knox of Gardiner 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 Transportation on Bill "An Act Providing a Full-time Office in the Town of Houlton for Registration and Licenses for Operation of Motor Vehicles" (S. P. 98) (L. D. 243) reporting "Ought not to pass"

Report of the Committee on Veterans and Retirement reporting same on Resolve Providing a Deceased Member of the Maine State Retirement System with a Minimum of 10 Years Creditable Service (S. P. 503) (L. D. 1587)

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

**Ought to Pass in New Draft**

Report of the Committee on Transportation on Resolve Designating Kennebassiss Road in Indian Township, Washington County as a State Road (S. P. 390) (L. D. 1136) reporting same in a New Draft (S. P. 601) (L. D. 1892) and that it "Ought to pass"

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

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

**Divided Report**

Majority Report of the Committee on Business Legislation on Bill "An Act Relating to the Maine Automobile Insurance Cancellation Control Act" (S. P. 258) (L. D. 755) reporting "Ought to pass" with Committee Amendment "A" (S-99).

Report was signed by the following members:

Messrs. KATZ of Kennebec  
COX of Penobscot

— of the Senate.

Messrs. DESHAIES of Westbrook  
DONAGHY of Lubec  
TRASK of Milo  
JACKSON of Yarmouth  
TIERNEY of Durham  
MADDOX of Vinalhaven  
O'BRIEN of Portland

Mrs. BOUDREAU of Portland

Mrs. CLARK of Freeport

— of the House.

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

Report was signed by the following member:

Mr. HAMBLÉN of Gorham

— of the House.

Came from the Senate with the Majority Report "Ought to pass" as amended by Committee Amendment "A" (S-99) accepted and the Bill passed to be engrossed.

In the House: Reports were read.

On motion of Mr. Trask of Milo, the Majority "Ought to pass" Report was accepted in concurrence.

The Bill was read once. Committee Amendment "A" (S-99) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

**Non-Concurrent Matter  
Tabled and Assigned**

Bill "An Act Relating to Tread Depth of Motor Vehicle Tires" (H. P. 1051) (L. D. 1380) which the House indefinitely postponed on April 27.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from East Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker and Members of the House: I stated

my commitments Friday and I don't believe it is necessary to report anything further. So this morning I would move that we adhere.

The SPEAKER: The gentleman from East Corinth, Mr. Strout, moves the House adhere.

The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker and Members of the House: I am having an amendment prepared that I would like to be able to offer to this body but it isn't out of the Clerk's office yet. I would appreciate it if somebody would table this for one day.

Thereupon, Mr. Fraser of Mexico moved it be tabled for one legislative day.

Mr. Finemore of Bridgewater requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Mexico, Mr. Fraser, that this matter be tabled one legislative day, pending the motion of Mr. Strout of East Corinth to adhere. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 42 having voted in the negative, the motion did prevail.

#### **Non-Concurrent Matter Tabled and Assigned**

Bill "An Act Increasing License Fee for Nurserymen" (H. P. 1019) (L. D. 1342) on which the House insisted whereby the bill was indefinitely postponed, on April 30.

Came from the Senate with that body adhering whereby they enacted the bill in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Fryeburg, Mr. Trumbull moves the House recede and concur.

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

Mr. GARSOE: Mr. Speaker and Members of the House: When this came before the House originally, the sponsor moved to indefinitely postpone this bill. He is not here today but I have consulted with him and this is his feeling, at this time this bill should be killed. So I would ask you to defeat the motion of the gentleman from Fryeburg, following which I will move to adhere.

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

Mr. TRUMBULL: Mr. Speaker and Members of the House: I too have talked with the sponsor, and in this form he is perfectly willing to go along with this bill. It simply provides that instead of buying a nurserymen's license every year for one dollar, which is a considerable nuisance to those who have to buy one, that they instead buy a three-year license for \$5. I feel that this is a very good bill, a very sound bill, and there is no reason at all why it shouldn't be passed.

On motion of Mr. Garsoe of Cumberland, tabled pending the motion of Mr. Trumbull of Fryeburg to recede and concur and tomorrow assigned.

#### **Non-Concurrent Matter Tabled and Assigned**

Bill "An Act Providing Funds for Development of an International Conference Center on Peaks Island" (S. P. 381) (L. D. 1127) which the House indefinitely postponed on April 30.

Came from the Senate with the bill enacted in non-concurrence.

In the House: On motion of Mr. MacLeod of Bar Harbor, tabled pending further consideration and tomorrow assigned.

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

Bill "An Act to Permit Savings Banks to Invest in Obligations of the Asian Development Bank" (H. P. 1070) (L. D. 1395) which was indefinitely postponed in the House on April 26.

Came from the Senate with the bill enacted in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Trask.

Mr. TRASK: Mr. Speaker, I move the House recede and concur.

The SPEAKER: The gentleman from Milo, Mr. Trask, moves the House recede and concur.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: We went over this bill in great depth a few days ago and it was defeated soundly. I would ask the House for a division this morning and to vote against the motion that Mr. Trask made so we can make a proper motion to adhere on this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Milo, Mr. Trask, 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.

29 having voted in the affirmative and 76 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Kelleher of Bangor, the House voted to adhere.

#### Orders

The SPEAKER: Will the Sergeant-at-Arms kindly escort the gentlewoman from Auburn, Mrs. Lewis, to the rostrum.

Thereupon, Mrs. Lewis assumed the Chair as Speaker pro tem.

On motion of Mr. Jalbert of Lewiston, it was

ORDERED, that Tonie Camardese of Lewiston High School, Kathy Clifford of Edward Little High School, Diane Gendron of Saint Dominic, Janice Agathos of Lisbon Falls High School, Carmen Cressey of Livermore Falls High School and Mary Leavitt of Leavitt Institute. Turner, be appointed Honorary Pages for today.

The following Members were granted unanimous consent to address the House relative to Androscoggin County Day:

Mr. COTE: Madam Speaker, Ladies and Gentlemen of the House: On this Androscoggin Day, which has become a traditional feature of Maine Legislative sessions, it has become my privilege to pay tribute to the memory of a distinguished citizen of Androscoggin County whom we all honor on this occasion.

In his 40 years of service to state government and more prominently as Executive Director of the Maine Development Commission, it has been said of the late Everett F. Greaton that "Maine was his life."

Appropriately enough, it was in 1945 that Androscoggin Day had its conception in a conversation between Mr. Greaton and State Representative Louis Jalbert on an automobile trip from Lewiston-Auburn to the State House here in Augusta.

It was the personal pride of Everett F. Greaton that he had served under ten Governors of Maine and it was only with reluctance that he was allowed to retire. It was Everett Greaton who pioneered the use of color movies in promoting Maine and in the earlier days he produced most of them himself. It was Everett Greaton who first suggested to the then State Highway Commission the establishment of picnic and rest areas on our highways.

He was proud that Maine was the first State in the Nation to appropriate State funds for the purpose of promoting its natural resources. It was his collaboration that initiated the self-taxation programs of the potato and sardine industries to promote the sales of their respective products.

He promoted the State of Maine dinners in Washington and helped to organize groups with common problems such as the Maine Horse Association, Maine Hardwood Association, Maine Woolen Association, Maine Camp Directors Association, and the Maine Boat Builders Association. Active in publicizing Maine, he became the third President of the National Association of Travel Agencies and served in that office for two years. Particularly endowed in temperament and ability for his chosen

career in State government, Everett Greaton made many friends for the State of Maine and he has left his imprint upon our economy for many years to come.

We are pleased and proud that the family of Everett Greaton is here today to witness this tribute to a distinguished citizen of Androscoggin County: His wife, Mrs. Everett F. Greaton of Auburn; his daughter, Mrs. Davis Austin of Auburn; his son, Mr. Winston Greaton of North Reading, Massachusetts; his grandsons, James and Robert Greaton.

At 1:15 this afternoon it is a great pleasure in inviting all of you present in this room this morning to witness a ceremony which will take place in the rotunda, whereby the Governor of the State of Maine will be present, the President of the Senate and also our distinguished Speaker of this House. And it is with great pride that I invite you to these little ceremonies which won't take too, too long in the rotunda at 1:15 this afternoon.

Mr. DUNN: Madam Speaker, Ladies and Gentlemen of the House: Marcal Paper Mill, Mechanic Falls, Maine. There has been a paper mill in Mechanic Falls since 1855. Since 1966, the updated facilities have been operated by Marcal Paper Mills, who have other plants in New Jersey, Illinois, and California. In Mechanic Falls, they give employment to more than 200 people and pay approximately 25 percent of the property tax burden in the community. Their products include kitchen towels, napkins, and all types of facial and toilet tissues, including those which meet strictest hospital standards.

In keeping with the times, they are upgrading plant machinery and completing the negotiation of contracts for the purchase of essential equipment and supplementary construction to meet pollution control requirements.

It was slightly more than one year ago, when Marcal Paper Mills announced their decision to close their plant in Mechanic Falls. The people of Androscoggin County are

most grateful for their reconsideration of that decision.

The management of the Marcal Paper Mills have proven their worthiness and sincerity of purpose. They have merited our complete cooperation at all levels of government and we wish them well in all of their endeavors.

Also, you notice this Poland Spring water of Poland Spring Bottling Corporation of Poland, Maine. There perhaps has been no product of Androscoggin County better known nor more widely distributed throughout the world than the famous drinking water of Poland Spring.

Extremely low in mineral content and equally palatable, it has been the protection of world travelers for almost a century. Its fame brought countless numbers to Maine — a pioneer in what we now enjoy as Vacationland — resulting in the construction and expansion of resort hotels at Poland Spring.

Poland Spring built the first golf course in Maine and the Poland Spring House was the first hotel in America to have its own golf course. The Poland Spring Bottling Corporation is now operated as a separate entity apart from the resort hotels.

On this legislative day honoring Androscoggin County, the company's President Rutledge Bermingham Jr. has made Poland Water available to our legislative bodies in generous quantities and for this reminder of our distinguished heritage we are truly grateful.

Mrs. BERUBE: Madam Speaker, Ladies and Gentlemen of the House: We have in Lewiston many fine industries among whom are: Geiger Bros., a company which was founded in 1878 in New Jersey and came to Maine in 1955. Its principal products are almanacs, diaries, and gift items. It is most famous for the Farmers Almanac. This firm employs 170 people, and its president is Raymond Geiger.

There is a shoe manufacturing concern with a work force of 775, the Knapp King Size Shoe Company. This was founded in 1945, and again their shoes have

a worldwide reputation. Mr. Winthrop Short is its President.

We also have a Paine Incense Company, which is a concern founded in 1937, and they employ 25 people. The principal products are balsam for incense and pillows and the president, for a change, is a lady, Mrs. Lavina B. Wentworth.

Mr. COTE: Madam Speaker, Ladies and Gentlemen of the House: I noticed that the family of Everett F. Groaton has arrived and is sitting in the balcony, and I would ask that the House give them the recognition which they deserve. (Applause)

We also have in Lewiston other industries whose exhibit is here today. The Twin City Printery whose president is John Rote, which was founded in 1946. Their principal product is commercial printing and publishing and they have 95 employees.

The Hillcrest Poultry Company, president William J. Mendleson, the company founded in 1943. Visible product dressed poultry, employs 525 people.

We also have the Bates Manufacturing Co., whose president is Philip Sassower. The company was founded in 1852; its principal products are bedspreads, and they employ 1,100 people.

We also have the Philips Elmet, whose president is Robert F. Negele, the company was founded in 1929. The principal product is molybdenum and tungsten wire, and they employ 185 people.

Then we have the Footworks, Inc. whose president is Samuel Smith, the company was founded in 1972. The principal product is slippers. They employ 200 people.

Then the American Stabilis Co., whose president is Roger P. Michaud, the company was founded in 1972. Principal product, electric heat. They employ 10 people.

Mr. LYNCH: Madam Speaker, Ladies and Gentlemen of the House: As a representative of the three northernmost towns in Androscoggin County — I am sure we are not the least important — we are primarily an agricultural area. Those in the rural areas in the northern part of the county are particularly aware of

Androscoggin County's substantial contribution to Maine's agricultural economy.

Although fewer farms are producing with greater efficiency, a full third of Androscoggin County is farmed, and this is Maine's third highest ratio. Product value per acre has more than doubled in the past ten years, and more than half of the county's farmers are college graduates.

Poultry accounts for almost half of Androscoggin County's \$10,000,000 annual agricultural production. Androscoggin perhaps now produces more table eggs than any other county in Maine and usually ranks fourth in the production of broilers.

Dairying is Maine's third most agricultural pursuit and Androscoggin is Maine's third most important dairying county, producing 50 million pounds of milk annually. Androscoggin is also an important producer of dairy cattle and breeding stock.

If I may insert another remark, personal remark now, I think the last two items that I mentioned account for one of the reasons that I have introduced that now infamous vivisection bill which you have been receiving so much mail about. I think that it would point out that the poultry experimentation and experimentation done on dairy herds at the University of Maine, if the present law is continued to exist, will be in jeopardy. And I hope before we adjourn we can take care of that error.

Androscoggin County is second only to York County in the production of apples and markets one fourth of all apples sold and exported from Maine.

There is another area in which I am particularly interested, and that is education. The county is very fortunate in the educational opportunities that it is able to afford to its young people. I think we can point with truly great pride to the Central Maine Vocational Technical Institute in Auburn. It was created by an act of the 101st in 1963. It is located above the shores of Lake Auburn. It is close to the center of Auburn, available by bus. If other vocational institutes are established in the

state, I hope they take a look at Auburn. It has 150 acres of campus, suitable for expansion well into the future, easily accessible from all areas.

I have a personal interest in it because I have been able to help some of the young people in the county by referring them to the courses offered in the evening sessions of the C.M.V.T.I. and they have measurably increased their learning ability.

I am also well acquainted with the facilities at C.M.V.T.I. and the use in which the industries in Androscoggin County make of these facilities. When the new I.P. mill at Jay was built, we took advantage of these facilities and we were able to train our new people to handle very easily a highly complex automated industrial company.

They offer courses in architectural and civil engineering technology, automotive mechanics, building construction, graphic arts printing, industrial electricity, machine tool operation, practical nursing and diversified occupations. They have about 300 full-time students and the evening enrollment runs well into the hundreds.

At this point Speaker Hewes returned to the rostrum.

**SPEAKER HEWES:** The Chair would thank the lady for a very fine job.

Would the Sergeant-at-Arms kindly escort Mrs. Lewis to her seat and escort the gentleman from Lewiston, Mr. Jacques to the rostrum.

Thereupon, the Sergeant-at-Arms escorted Mrs. Lewis to her seat on the floor, amid the applause of the House.

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

On motion of Mr. Ault of Wayne, it was

**ORDERED,** that Stefan Pakulski and Randy Bridges of Wayne be appointed Honorary Pages for today.

**Mr. DRIGOTAS:** Mr. Speaker and Ladies and Gentlemen of the House:

I am privileged and proud to represent Auburn in its participation in Androscoggin County Day, Auburn is the Shire city of the county. It is the seat of our county government. It has fine schools, a fine city manager form of government and many fine industries. I would like to tell you of a few of them. This is about Globe Albany.

The Auburn branch of Globe Albany is one of approximately 40 branches located worldwide in Europe, Canada, Australia and Mexico. The 3,000 square foot Auburn plant employs 35 people and produces a yearly payroll in excess of one quarter of a million dollars. The primary product of the Auburn branch is industrial nonwoven fabrics used in filtration processes, including various applications in pollution control. These fabrics are distributed both domestically and internationally.

The Auburn branch of Globe Albany is one of two plants in Maine, the second being located in North Monmouth. The Auburn operation is under the direction of Mr. Raymond Atkins.

I would like also to tell you about Country Kitchen Bakery. Founded in Auburn in 1903, Country Kitchen Bakery currently employs 210 workers in Auburn and Lewiston, yearly salaries exceed \$2,500,000. The firm, which produces a wide variety of baked goods distributed throughout the entire State of Maine and in parts of New Hampshire. In addition, it is the bread producer for the McDonald's stores in Montreal, Nova Scotia and New Brunswick.

Chairman of the Board is Mr. Regis Lepage; President, Mr. John Mullen; and Treasurer, Mr. Albert Lepage. Also there is General Electric Circuit Protection Devices Division.

The General Electric Circuit Protective Devices Division in Auburn operates as a metal stamping facility producing parts used in producing G. E. switches, circuit breakers, fuse boxes and similar devices. The 52,000 square foot Auburn plant employs approximately 340 people, with a yearly payroll of about \$2,000,000.



An interesting statistic is that the volume of finished goods — consisting of relatively small metal parts — shipped daily amounts to 32,000 lbs.

The General Manager of the Auburn plant is Mr. Corwin S. Packard.

Mrs. LEWIS: Mr. Speaker and Ladies and Gentlemen of the House: I too would like to pay tribute to some of Auburn's industry. Pioneer Plastics Corporation came to Auburn in 1965. The company, which occupies a building of 500,000 square feet, produces high pressure plastic laminates and specialized chemical products. It also provides a special polyester treatment of paper or fabric for other companies.

Pioneer Plastics generates yearly sales exceeding \$37 million, employs over 600 people and pays yearly salaries of approximately \$2,500,000.

The Auburn branch is the central office of the corporation which includes five other divisions with related activities. The President of the Company is Mr. Charles Keller.

Bonan Footwear Company Inc., a subsidiary of Goodyear Rubber Company, producing canvas footwear, has been located in Auburn since 1967. Auburn's largest employer, Bonan employs approximately 700 people, generating an annual salary in excess of three million dollars. The products of the 148,000 square foot plant, which include both machine produced and high quality handmade canvas shoes, are nationally distributed. In addition to producing under its own brand names, Bonan is a substantial supplier for major companies distributing under their own house names. It is notable that it is Bonan's stated policy to obtain production materials from Maine sources whenever possible. The President of Bonan is Mr. Sidney Shapiro and the Plant Manager is Mr. William Crittendon.

Established in 1807, Falcon Rule is one of the oldest companies in Maine. It has been located in Auburn since 1950. Utilizing 40,000 square feet of manufacturing

space, Falcon Rule employs 25 to 30 people and produces a yearly payroll exceeding \$150,000. The company additionally subcontracts part of its production to other local companies. The various products it produces include rulers, yardsticks, meter sticks, pointers, educational aids, calling cards — all made of wood. Distribution includes the U.S. and foreign areas including, Australia, New Zealand, Hong Kong, and South and Central America. The President of the Falcon Rule Company is Mr. Sheldon Nussinow.

On motion of Mr. Gauthier of Sanford, it was

ORDERED, that Sue Pepin, Dennis Roy, Debbie Neal, Chris Girouard, Laurette Guillemette and Steve L'Heureux of Sanford be appointed Honorary Pages for today.

Mr. TIERNEY: Mr. Speaker and Ladies and Gentlemen of the House: I rise this morning, Androscoggin County Day for 1973, as the Representative from the towns of Lisbon and Durham, the southernmost tip of our county. Both of these towns lie at the heart of one of Maine's most rapidly expanding areas. Lying within easy commuting distance of 6 of Maine's 10 largest cities, people have realized that the Lisbon-Durham area is an excellent place to work, live and raise a family.

Neither town is especially wealthy, nor do we possess a high rate of citizens below the poverty level. Rather, we are overwhelmingly made up of good, solid citizens who work hard, pay their taxes and enjoy the many resources available in the area. Although our towns are injected with new blood from our many new citizens, we still maintain and cherish the culture and traditions of our many residents of French and Slovak descent.

Each section of my legislative district offers a unique contribution to the character of the area. Let me turn first to Lisbon. Last July, Maine Electronics, Inc., a subsidiary of North American Rockwell began its production of multi-

layered circuit boards in the Lisbon area. On my way in this morning I noticed a few multi-layered circuit boards in the lobby; perhaps some of you would enjoy observing these in your spare time. Today over 200 Lisbon area citizens are gainfully employed in this pursuit. Furthermore, optimistic predictions of future employment of up to 500 workers are made by plant management. Lisbon is indeed fortunate to have such a burgeoning, pollution free corporate citizen as it looks to the future.

Another important contribution is made to Lisbon by the Robbins Flooring Company. Another new industry, it specializes in Urethane and vinyl recreational floor surfaces, such as the one soon to be placed in the new Lewiston High School.

To the south lies the part of the town generally referred to as Lisbon Falls. There one finds a busy main street with many prosperous stores. The Jones Insurance Agency, for example, has served the Lisbon people well for almost half a century.

The United States Gypsum Corporation, located in the Falls since 1934, has long been a principal industry in the area. Employing 200 area people, it further purchases over \$1 million of pulp each year which further strengthens our economy. With its recent one half million dollar modernization, it is even better equipped to produce the excellent products which you will also see on display in the lobby.

Finally, there is one industry in the area which encompasses Lisbon, Lisbon Falls and Lisbon Center. Filling a vacuum caused by a mill closing, Max Miller and Company, Inc. has pioneered in the area of synthetic fabrics. Employing over 500 people in all three plants, the cloth produced is sold throughout the United States.

Finally, allow me a final word about my own town, the Town of Durham. A rural town no longer agricultural, we too are growing as everyone today seems to want to get back to the country. As a relatively new resident to Durham myself, I can testify to the warmth

with which my family and I were welcomed to Durham, and we would live no place else.

In summary, and I am sure my good friend the Honorable George Hunter who served our area in this House so well for so many years, would agree that the towns of Lisbon and Durham are a credit to our county and to our state.

Mr. Talbot of Portland was granted unanimous consent to address the House:

MR. TALBOT: Mr. Speaker and Ladies and Gentlemen of the House: Because I haven't spoken lately, some of you might not recognize my voice. But I would like to clear up the manifesto of demands that you find on your desk this morning. In this instance, I was used more or less as a tool. I spent a day and a half at Maine State Prison just a few weeks ago and this manifesto, by no means, do I want to give you the impression that I endorse all of these demands.

I think in the top paragraph on the top page of page one, you will find that it is addressed to the 106th Maine Legislature, which is this body. All I am doing is more or less making sure that all of us know exactly what is going on at the Maine State Prison. I was approached by one of the members of SCAR yesterday to find out whether this can be done and I said I would more or less do it. This is why it is on everyone's desk this morning. But it doesn't mean that I endorse all the demands that are on this piece of paper and I just wanted to make that point clear.

On motion of Mrs. Clark of Freeport, it was

ORDERED, that Sheila Ingham of Augusta and Wendy Shaw of Brooklyn, New York be appointed Honorary Pages for today.

Mr. Dyar of Strong was granted unanimous consent to address the House.

MR. DYAR: Mr. Speaker and Members of the House: I would like briefly to comment on the handout that Mr. Talbot just spoke on. As House chairman of Health

and Institutional Services, as a member of the committee that investigated the Maine State Prison, I am very shocked that the SCAR group would put a paper such as this on a legislators' desk.

Our committee was probably the first committee in the history of this legislature that went into the Maine State Prison and interviewed prisoners on an individual and group basis. For the 14 demands that they are suggesting this morning, five of these demands we have talked about and feel there should be some compromise on. Certainly, if they want the cooperation of this legislature, this type of action that you see on your desks this morning is certainly not a method to be used in receiving any consideration, certainly, from my committee.

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

Mr. COTTRELL: Mr. Speaker, is the House in possession of House Paper 1415, L. D. 1870, An Act Relating to Utility Promotions and Advertising Expenses.

The SPEAKER pro tem: The Chair would answer in the affirmative.

Mr. COTTRELL: Mr. Speaker, I would like to make a motion that we reconsider our action taken yesterday and I want to speak very briefly to that motion.

The SPEAKER: The gentleman from Portland, Mr. Cottrell, moves the House reconsider its action of yesterday whereby this Bill was indefinitely postponed.

The gentleman may proceed.

Mr. COTTRELL: Mr. Speaker and Members of the House: Some of my friends, very good friends, asked me to make this motion today. They wanted a return game on this issue, and as an old coach and player, I agreed to have this return game only on one condition, that we play abbreviated periods.

In all frankness, I must say that I am going to vote the same way that I did yesterday.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This bill that Representative Cottrell is asking the House to reconsider this morning was debated at great length yesterday. The House decided it. It was defeated, the indefinite postponement stood. I ask this House not to vote for reconsideration this morning.

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

Mr. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I feel that the shortage of energy in the near future is probably the most serious environmental problem that we are going to face. Advertising can stimulate the consumption of electric power. I do not think we need this step toward this problem.

At a recent meeting in Washington of the Council of State Governments, the Subcommittee on Natural Resources met and discussed the energy problem. The upshot of this discussion was really what can states do to reduce consumption, to change consumption patterns to reduce the consumption of energy.

This is a real problem, a problem that was based by President Nixon's message on energy delivered within the past two weeks. The President's solution to the problem was that simply do very little or nothing. Eventually, the cost of fuel, the cost of energy will increase; the consumption patterns will be changed through increased costs.

I feel it is not an acceptable solution to the problem but a solution which would be compounded by the continued advertising and continued stimulation of energy consumption.

I feel we do not need this step to stimulate us on our way to what I consider the greatest environmental problem we face. I hope you will vote to reconsider our action of yesterday.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday there was a lot of talk

of giving money to stockholders which should rightfully go to the users. One reason for this was they said there was too much advertising. This, in my mind, is not a logical argument. Any private company must offer some incentive to attract capital. Without this, not only would jobs be reduced, but the cost of the finished product would only increase.

There are really only two reasons that people buy stock. One is either in the hopes of capital gain, which you certainly seldom get from public utility stocks because they are scrutinized by public utility commissions, and the other reason that you buy stocks is for a good and stable dividend. Utility stocks, in general, pay reasonable dividends, but they never are exorbitant because of the PUC. Very often, even government bonds pay a higher rate of interest than utility stocks. I hope you vote against the motion to reconsider.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I will be very brief. This bill has been debated twice in the House already, defeated both times. The hour is getting late and the pay is not going to last you all summer, and I hope we don't take every one of these bills and reconsider them. We will be doing our work all over again, the same old thing, and we will never get out of here.

I think it is time we do not reconsider, that we try to get on with the business of the day and not take up things over and over because the hour is getting late. A couple more weeks is no more pay and I don't know how many of you fellows want to hang around here without any pay but I for one find it rather expensive. Summer is getting along and I have got other things I would rather do.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: I would like to commend the gentle-

man from West Enfield, except he is in error. This bill, in its present form, passed the House the first time, went to the Senate, was also passed and came back again. Yesterday the move was to indefinitely postpone.

Unfortunately, this bill is not sponsored by anybody who has a certain amount of money to go out and lobby it, but the lobbyists did get to some people and I can't compete with people who are working fulltime. I have other legislation in, too. Like Mr. Dudley, I would like to conserve your time and I would like you to make the right move, and the right move in this case would be to reconsider your action of yesterday. We have an amendment which will make the bill — hopefully, once we debate it, it will make it much more acceptable to those people who voted against it the other day.

Unfortunately, we don't have professional lobbyists and everything we do here is for the consumer. So if you are really thinking about the consumer and yourself, reconsider this motion and give us a chance to set it right.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I take exception to the remarks that the gentleman from Gardiner just made. I was thinking of the consumer yesterday and I am thinking of them today. That is why I don't want to reconsider.

For example, Bangor Hydro — he is talking about protecting the consumer. Bangor Hydro spent \$39,000. I hate to keep going back over it, but they spent \$39,000 in sales and promotions. Under the bill that he is suggesting this House to take, it would allow them to spend up to \$400,000. Now, ladies and gentlemen, if that is the case, I don't think the good gentleman from Gardiner is thinking about the consumer at all. I don't want them to be able to spend that kind of money and I don't want the other companies to be spending the 2 percent of their gross sales.

I figure I am here looking after the consumer, because like Mr. Whitzell, I don't like to spend my money foolishly either and believe me, I don't believe that we should reconsider this bill this morning.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I too am concerned about power rates, but I don't think this is the way to attack it. I don't think this House has this responsibility. I certainly hope that you would not vote to reconsider. These matters of advertising and running a business are pretty much up to the business itself and certainly if we are giving them more of an opportunity to spend a greater amount of money, there is no object of control, there is no intent of control. There is certainly an intent of expansion.

I hope that you don't go along with this reconsideration.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I would like to respond briefly to some of the comments made by the gentleman from Bath, Mr. Ross. We are talking about interest rates and dividend rates, et cetera. One of the issues that has been discussed in this state for some time is the amount of revenue that someone derives from money invested.

I just, for your own information, checked something out last night and I found that if you were to own what is referred to as fairly good stock, preferred shares, stock in CMP, the return from it is somewhere around 9¼ percent. In other words, that is what they had to pay when they went out and got their bonds. If the PUC is regulating that, heaven forbid. Someone actually asked for ten. It seems to be kind of unreal. Everyone else is getting money from the bank at 8 percent and the utilities are paying 9 percent. Someone is not doing their job.

In reference to the question of how much money is being spent for advertising, let me just read to you the figures that are provided

by the utilities themselves to the Federal Power Commission in Washington. These figures are 1971 figures and they obviously do not reflect '72 since they have not yet been filed.

Central Maine Power Company in 1971 spent \$1,682,969 for advertising and sales promotions. Bangor Hydro spent \$53,028 for advertising in 1971 and Maine Public Service Company in 1971, the one I referred the most to yesterday, spent \$190,245. That obviously is a lot of money. It doesn't matter how you cut it up, it is talking about someone then imposing the PUC allowing 7 percent profit to the stockholders based on this expense. Now, 7 percent of \$1.6 million is a lot of money. I haven't got the mathematical capabilities to figure it out, but it is money that you and I are paying that we would not have to pay. And I think it is one of the things and one of the steps that we could take to make that more equitable.

Now the issue as to whether or not we are preventing private industry from advertising is a very simple concept because this state and other states have given a monopoly to these utilities to operate within service areas. The only area in the state that I know where competition is actually allowed for a while was in the Patten-Mt. Chase area in Penobscot County where on one side of the road, if you travel that road at all, Route 11, you see lines that are maintained by Eastern Cop. The other side of the road you see lines that are maintained by Maine Public Service Company. For a while they had a little game up there that they played of who was going to give the cheapest power for whom, and who was going to switch first, and finally the state finally had to step in to regulate that type of thing. But that is the only place in the whole state where competition could possibly be allowed. This is a different issue than the issue of whether or not private industry is going to have the right to advertise.

I certainly believe private industry ought to have that right. I think the gentleman from Standish, for example, who operates a camp industry, the camping business, for example, ought to have the right to advertise. I don't think I would feel that way if he had the only camping business in Maine, however. At that point there wouldn't be any need for it. Why should he have to advertise if there is no other place to go. It is either there or no place at all. And I am sure he agrees. Probably the gentleman would love to have that type of situation, but it does not occur.

The utilities are on a different par than other industries are, and I would hope that you would give it your serious consideration.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would remind the good gentleman from Portland that he has spent a lot of years coaching and he might like return games, but when we have return games, we don't decide to play it by quarters if there are supposed to be four quarters in the whole entire game.

I would also like to remind the gentleman from Eagle Lake that if I had the only camping business, which I am not in the camping business, but if I had the only camping business in the State of Maine, it might be nice if I did; but I still don't want the legislature regulating the fact that I can or cannot advertise and what percentage of my moneys that I would use.

We heard yesterday the environmentalists' pitch or come-on that electricity doesn't seem to be good. But I would ask the gentleman from Gardiner if he would prefer that maybe instead of electricity that we all burn oil and that we take the fumes in the air there and wonder if that is not a better way than electricity.

We talk about competitive advertising. Electricity does have competition. We have competition

from the gas companies in this particular area.

We talk about advertising in general, and as I said yesterday, advertising is something that you never really know what your return is for your investment. The electrical companies in this state seem to be singled out here. In fact, all of a sudden I guess the gentleman from Eagle Lake and some of his other friends have decided that the electrical companies and a few other people in this state are suddenly bad, all of a sudden they are bad. I will bet they are the first people that call them up when the power has gone off because of some failure, that they call up and want quick, immediate service; and when they get it, they don't realize the fact that is part of the thing the electrical companies offer too.

I also resent the fact that maybe the gentleman from Gardiner figures that my office is open; and when the lobbyists come, that I just happen to listen to them, and I stand in this corner and decide what is in the best interests as the way they present it to me. Well, I will have the gentleman know that I am standing in this corner right now on my own. I am not speaking as the majority floor leader, I am not speaking on behalf of any lobbyist. I am speaking for what I believe is right and fair in the free capital system that we enjoy.

I would just like to once again remind you that we are talking about an industry that certainly has come under attack. I really wonder whether we want to take this type of approach and whether we really want to hamstring them for the job that they are doing, providing service that we demand and appreciate in the State of Maine.

Ladies and gentlemen, I would ask that you not reconsider our action.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Eagle Lake, Mr.

Martin, said that the Central Maine Power Company had to pay 9 percent on some of its bonds. All industries have to pay more on their bonds than they do on common stock.

Those people who are so enthused by state guaranteed loans, let me remind you that the Maine Industrial Building Authority often has to — people who borrow under them often have to pay in excess of 10 percent, and these are just common bank loans.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I would remind all of you that knowing that you all have life insurance of some kind and that you have friends and relatives that have life insurance of some kind, I would have you ask the gentleman from Eagle Lake whether or not he is asking us to weaken the financial position of widows, orphans, ourselves, retired people, who are depending on life insurance as one of their financial cornerstones, to weaken these life insurance companies by cutting down on the rates of utilities.

One of the biggest investments of our major life insurance companies have been in stocks and bonds of the public utilities of this country. I am sure that he will have to agree that the insurance that he is sold does depend on this type of investment.

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

Mr. MULKERN: Mr. Speaker, Members of the House: I just wanted to add, my stand has not changed at all on this bill from yesterday. I wanted to compliment some remarks that Mr. Huber said. I know for a fact the Public Utilities Commission, as a matter of policy, permits power companies to encourage consumption of electricity in low-peak periods, adding to the amount of energy that is released into the air on the idea that this will result in lower rates. However, it has not yet resulted in lower rates to my knowledge. And I question this as

an expense to hand on to the consumer.

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

Mr. DYAR: Mr. Speaker, Members of the House: I think the concept of advertising has been misconstrued on the floor here this morning. It is my feeling as an LP gas dealer who finds myself in direct competition with the electrical companies as well as another dozen or fifteen LP gas dealers, that I am forced to set the price on my product to make it competitive to keep my customers.

Now, when I turn on my TV set at night, I see advertising for hot water heaters, air-conditioning, refrigeration, lights, heat, and cooking, which are all in direct competition with me.

It just seems to me that when I have my TV on, I am paying for the power to run that instrument. I am also paying a part of that ad which is in direct competition to me.

A few years ago I had several color TV sets that had their high-voltage cages burn out. I had refrigeration that the compressors burned out in. This was based on the fact that the customers that I had sold to were peaking at 85 rather than 115 and 125 volts. I can tell you who stood the loss: I did. The power company would not even assist me whatsoever in making restitution to my customers. And the answer they gave me at that time, if I did not like my electrical service, I could get somebody else. Now, you should know by now that if you don't like your electrical service, the kerosene lamp or the candle is your next alternative. If my gas customer does not like my service, he can pick up the phone and call any one of a dozen to get product.

It seems to me as an individual, I am subsidizing advertising of my direct competition, who is uncontrolled, who is guaranteed a profit by the Public Utilities Commission, which is a creature of this legislature; and I have yet to find where the State of Maine

or United States Government guarantees me any markup on my merchandise. In fact, I used to have protection of fair trade, but that is a thing of the past.

So when you vote on reconsideration this morning, I think the attitude should be based on whether or not advertising is necessary by a public utility that has no direct competition whatsoever.

The SPEAKER pro tem: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: Apparently, I may have voted on the wrong side yesterday. At least I have been very graciously reminded that that might be so since last night. However, I have not been convinced, and I shall probably vote the same way today that I did yesterday.

Somehow or other, I feel that this is a legislative matter. We were told yesterday that we had the Public Utilities Commission attempting to regulate situations like this. I think I look upon this as a matter of guidelines, legislative guidelines nonetheless. Apparently, we are saying two things: We are saying that it is logical perhaps to attempt to set a guideline to the amount of money that a company like this can put on their light bills and the amount that they might spend for advertising out of revenues that they have accumulated in the past.

Somehow or other I feel that the guideline that is set up in this bill is very liberal. Apparently it is practically within the range of the three public utilities companies in the state so that they are presently using their advertising yardstick. Some are below it, some are slightly above it.

Again, I feel that there is a gray area. We talk about regulating them. I think the gray area of what constitutes advertising in a case like this — in other words, we know that these companies are permitted to hire public relations people to some great extent. I assume what they get out of the company is added into the costs of operating the business. It is not

looked upon as advertising. If they want to sell me the idea of building a house and putting in electric heating, they generally would probably send one of these public relations men around to contact me and I don't think this should be included in what we are now talking about as advertising.

In conclusion, I say I am still thoroughly convinced that it is a legislative duty to attempt to set up guidelines in a company or companies that are not subjected to competition as I am in my business and I think these guidelines are perfectly reasonable. The vote yesterday was very close and I certainly hope you will vote to reconsider it, take another look at it this morning. Some things may have happened during the hours of darkness and I guess I am interested to see what those things were.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I will be very brief. I came here as a young Democrat some 20 years ago and one of my big gripes was the Public Utility Commission because I was led to believe that this was true at that time, that these people were appointed by the Republican party and they were, therefore, for big business; and since my time being here, I suspect the new young people coming in today had the same thought I did, that this commission, something is wrong with it.

Now, the Democrats have had a say in appointing this commission and I am sure they appointed some very able men also and I am sure they are doing an admirable job and they can continue to do it and this is part of their job. I don't have the same gripe I did 20 years ago having known more about it and having known that the Democrats now do have people on the Public Utilities Commission that are looking after the public interest and are trying to do a good job and they have the tools to do it now and I am sure they have done it in the past and will continue to do it in the future. I don't see any need for



cluttering up the books with legislation of this type. I hope that we do not reconsider.

In relation to the gentleman, Mr. Dyar, when he said they were not controlled now, well that is not really so. They are controlled to a great extent and they are allowed by the Public Utilities Commission.

Now, if we have a gripe, it is not with the utility companies, it is probably with the Public Utilities Commission. I wish we could see them individually and tell them what our gripe is but apparently that is where our gripe is, with the commission. The commission isn't doing their job and we as legislators should see that they do.

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen of the House: In my legislative career, I never moved the question but under all conditions, I am going to make that motion at this time.

The SPEAKER pro tem: For the Chair to entertain a motion for the previous question, it must have the consent of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken.

The SPEAKER pro tem: Obviously more than one third of the members present having voted for the previous question, the motion is entertained. The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Is it the pleasure of the House that the main question be put now?

A vote of the House was taken.

86 having voted in the affirmative and 40 having voted in the negative, the main question was ordered.

At this point, Speaker Hewes returned to the rostrum.

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

Thereupon, the Sergeant-at-Arms escorted Mr. Jacques to his seat on the floor, amid the applause

of the House, and Speaker Hewes resumed the Chair.

The SPEAKER: The pending question is the motion of the gentleman from Portland, Mr. Cottrell, that the House reconsider its action whereby it voted to indefinitely postpone L. D. 1870. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Carter of Winslow requested a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Cottrell that the House reconsider its action whereby it voted to indefinitely postpone L. D. 1870. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Berry, P. P.; Berube, Boudreau, Bragdon, Briggs, Bustin, Carter, Chonko, Clark, Connolly, Cooney, Crommett, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Dyar, Farley, Faucher, Fecteau, Fraser, Gahagan, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Herrick, Hobbins, Huber, Jackson, Jacques, LaCharite, LaPointe, LeBlanc, Mahany, Martin, McHenry, McKernan, McMahon, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, Norris, O'Brien, Perkins, Peterson, Pontbriand, Ricker, Rolde, Santoro, Smith, D. M.; Smith, S.; Soulas, Talbot, Tangway, Tierney, Whitzell.

NAY — Albert, Ault, Baker, Berry, G. W.; Birt, Bither, Brawn, Brown, Bunker, Cameron, Carey, Chick, Churchill, Conley, Cote, Cottrell, Cressey, Curran, Dam, Davis, Donaghy, Dudley, Dunn, Emery, D. F.; Evans, Farnham, Farrington, Ferris, Finamore, Flynn, Garsoe, Good, Hamblen,

Haskell, Henley, Hoffses, Hunter, Immonen, Jalbert, K a u f f m a n , Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, Lawry, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Maxwell, McCormick, McNally, Merrill, Morton, Murchison, Palmer, Parks, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Sproul, Strout, Susi, Theriault, T r a s k , Trumbull, Tyndale, W a l k e r , Wheeler, White, Willard, Wood, M. E.; The Speaker.

ABSENT — Binnette, Carrier, Deshaies, McTeague, S h e l t r a , Stillings, Webber.

Yes, 62; No, 80; Absent, 8.

The SPEAKER: Sixty-two having voted in the affirmative and eighty having voted in the negative, with eight being absent, the motion does not prevail.

The SPEAKER: The Chair would announce the appointment of Kirk M. Damborg as Assistant Sergeant-at-Arms to replace Peter H. Duley who has resigned.

The Chair would further announce the appointment of Mark M. Fenderson to be appointed a page to fill the position left vacant by the promotion of Kirk M. Damborg.

On motion of Mr. Dam of Skowhegan, it was

ORDERED, that Dennis Belanger of Skowhegan be appointed Honorary Page for today.

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

WHEREAS, the Legislature of the State of Maine is very proud of the fine relationships which traditionally have been shared with our sister States in New England and our neighboring Provinces in Canada; and

WHEREAS, there are a great many areas of mutual interest and concern which should be discussed by legislators of the States of New England and of the southeastern Provinces of Canada; and

WHEREAS, one means to effect better communications b e t w e e n governments of these areas would be to conduct a week-long conference of legislators from the New

England States and the Provinces of Atlantic Canada and Quebec; and

WHEREAS, such a conference is proposed for the summer of 1974 to be held at the University of Maine at Orono under the auspices of the Maine Commission on Interstate Cooperation and the New England-Atlantic Provinces-Quebec Center; and

WHEREAS, a free exchange of ideas and legislative experience, coupled with detailed consideration of topics of shared economic, political and resource interests, could be of direct benefit to each jurisdiction; and

WHEREAS, better communications among legislators cannot help but to lead to broader understanding, thus enhancing a cooperative approach to common problems; now, therefore, be it

ORDERED, the Senate concurring, that the Maine Commission on Interstate Cooperation, established under the Revised Statutes, Title 3, sections 201 to 206, is authorized and directed to aid in the organization and sponsorship of an Interparliamentary Conference at the University of Maine at Orono during the summer of 1974; and be it further

ORDERED, that there is appropriated from the Legislative Account to the Maine Commission on Interstate Cooperation the sum of \$10,000 for the fiscal year ending June 30, 1973 to carry out the purposes of this Order and any unexpended balance shall not lapse but shall remain in a continuous carrying account until the purposes of this Order are carried out. (H. P. 1472)

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: The joint order which is before us proposes a unique cooperative approach to solving some of our common problems in the northeastern states and the provinces surrounding Maine and the gulf of Maine. We have some problems of joint use of the ocean, area transportation and communication, law enforcement, land use management, forest

disease control and a host of other problems that transcend political boundaries.

How valuable it would be to us, as legislators, to understand the thinking that exists among our counterparts in the New England states and across the border in our neighboring Canadian provinces.

The joint order proposes an inter-parliamentary conference of state and provincial legislators from the New England states and the Atlantic provinces and Quebec to be held under the auspices of the Maine Commission of Interstate cooperation and the New England Atlantic Provinces Quebec Center at the University of Maine in Orono. The conference would be held a year from this summer.

The Commission on Interstate cooperation is our Maine group charged with promoting relations between Maine and our sister governments. House members on the Commission include the gentleman from Pittsfield, Mr. Susi; the gentleman from Enfield, Mr. Dudley; and the gentleman from Hampden, Mr. Hoffses, who has achieved outstanding recognition as an elected leader of the National Council of State Governments.

Details of the conference have not been determined but preliminary inquiries have resulted in great enthusiasm from the Council of State Governments and some leaders in the New England states and the provinces involved. So checking with the United States State Department and the Canadian federal officials indicates support from the respective federal governments and no conflict with federal-state relations. Mr. Speaker, I hope that this order will receive passage.

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

On motion of Mrs. Knight of Scarborough, it was

ORDERED, that Janice Eaton, Susan Logan, Anthony Attardo and Scott Deschenes of Scarborough be appointed Honorary Pages for today.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: We all have our good days and bad days and last Thursday we were very busy clobbering the very admirable gentleman from Brewer, Mr. Norris; and in the meantime, we adjourned the House without appropriately recognizing the fact that it was his birthday, his 47th, he claims. So on this occasion I wish we would wish him a happy birthday, Mr. Speaker. (Applause)

### House Reports of Committees Ought Not to Pass

Mr. Emery from the Committee on Legal Affairs on Bill "An Act Relating to Carrying Persons on Passenger Tramway" (H. P. 1088) (L. D. 1421) reporting "Ought not to pass"

Mr. Brawn from same Committee reporting same on Bill "An Act Relating to Local Planning Boards" (H. P. 1315) (L. D. 1725)

Mr. Farnham from the Committee on State Government reporting same on Resolution Proposing an Amendment to the Constitution to Repeal the Office of Sheriff as Constitutional Officer. (H. P. 1322) (L. D. 1728)

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

### Leave to Withdraw

Mr. Emery from Committee on Legal Affairs on Bill "An Act Relating to Installation of Sprinkler Systems in Certain Buildings" (H. P. 1128) (L. D. 1463) reporting Leave to Withdraw.

Mr. Cooney from Committee on State Government reporting same on Bill "An Act Combining Group Life and Health Insurance for State Employees into a Single Program" (H. P. 508) (L. D. 673)

Reports were read and accepted and sent up for concurrence.

### Ought to Pass Printed Bills

Mr. Farrington from the Committee on County Government Pursuant to Joint Order (H. P.

1428) on Bill "An Act Relating to Procedure Applicable to the Use of Federal Revenue Sharing Funds by Counties" (H. P. 1470) (L. D. 1895) reporting "Ought to pass"

Mrs. Goodwin from the Committee on State Government reporting same on Bill "An Act to Coordinate and Effectively Utilize Resources Available to Maine's Elderly" (H. P. 1228) (L. D. 1618)

Reports were read and accepted, the Bills read once and assigned for second reading tomorrow.

### Divided Report

Majority Report of the Committee on Human Resources on Bill "An Act Relating to Reburial of Indian Bones and Skeletons" (H. P. 349) (L. D. 464) reporting "Ought to pass" in New Draft" (H. P. 1471) (L. D. 1896)

Report was signed by the following members:

Messrs. KELLEY of Aroostook  
HICHENS of York  
— of the Senate.  
Messrs. MILLS of Eastport  
TALBOT of Portland  
MURCHISON  
of Mattawamkeag  
LaPOINTE of Portland  
TRUMBULL of Fryeburg  
— of the House.

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

Report was signed by the following members:

Mr. GRAFFAM  
of Cumberland  
— of the Senate.  
Messrs. AULT of Wayne  
EMERY of Rockland  
ALBERT of Limestone  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, I move acceptance of the minority "ought not to pass" report and would speak to my motion.

The SPEAKER: The gentleman from Wayne, Mr. Ault, moves acceptance of the Minority "Ought not to pass" Report. The gentleman may proceed.

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: I certainly believe in cul-

ture and heritage and sympathize with the Indians and their feelings towards this. But if you read this bill, there is going to be a few problems. What it says, in essence, is that all Indian bones found in the possession of any person, state department or organization, whether public or private, shall be transferred to appropriate Indian tribes in Maine for reburial.

I can see problems in determining which tribe is appropriate and who would determine which tribe is appropriate and if the state is to determine this, where is the appropriation? I would hate to see any more fighting amongst the Indians to determine whose bones they are fighting over. So I urge you to accept the minority "ought not to pass" report.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: After such a swarm of elocution, I would be remiss if I didn't reply to something. So I will ask for a division.

The SPEAKER: The pending question is on the motion of the gentleman from Wayne, Mr. Ault, to 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.

Mr. LaPointe of Portland requested a roll call.

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

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

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

Mr. LaPOINTE: Mr. Speaker and Ladies and Gentlemen of the House: This bill has been before the Human Resources Committee

for a long long period of time and one of the reasons this bill was before the committee for a long long time is that some of us on the committee felt that it was an important bill in that we did recognize the heritage of some of the Indians in the Indian tribes in the State of Maine.

As a result of this attempt to recognize this cultural heritage, we felt that it was important as members of the committee, in owning up to our legislative responsibility, to touch base with a number of interests who were concerned with some of these anthropological and archaeological interests and also recognizing this heritage.

As a result of this and creating a long drawn out process, we met with some archaeologists affiliated with the State Museum next door over here at this nice new building and we sat down with them for a period of time to discuss this bill and what would be a good compromise, a bill that would meet the interests of the archaeologists and also respect the cultural heritage of the Maine Indians.

My good friend, Mr. Ault, who served on the committee with me, says that there is some problem with the question of appropriateness in trying to make that decision. I believe that archaeology as such, as a science, is fairly capable of helping make that decision and therefore, they would be the guiding light in deciding which tribe was the appropriate tribe.

A number of Indians came down and spoke on this particular bill and I think it is an important bill for their sake and for the preservation of their cultural heritage.

I would request that you vote not to accept the minority "ought not to pass" report and vote to accept the majority report when it comes up.

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

### ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Bunker, Cameron, Carrier, Churchill, Conley, Cote, Cottrell, Cressey, Curtis, T. S., Jr.; Donaghy, Dudley, Dyar, Emery, D. F.; Farnham, Farrington, Faucher, Fecteau, Flynn, Gauthier, Good, Hamblen, Haskell, Henley, Hoffses, Hunter, Jackson, Jacques, Kelley, Kelley, R. P.; Knight, Lewis, E.; Lewis, J.; MacLeod, McCormick, McHenry, McMahon, McNally, Morin, V.; Norris, Palmer, Parks, Perkins, Pontbriand, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Sproul, Theriault, Trask, Walker, Willard, Wood, M. E.

NAY — Berry, P. P.; Berube, Boudreau, Briggs, Brown, Bustin, Chick, Chonko, Clark, Connolly, Cooney, Curran, Dam, Davis, Drigotas, Dunleavy, Ferris, Finemore, Fraser, Gahagan, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Hancock, Herrick, Hobbins, Huber, Immonen, Jalbert, K a u f f m a n, Kelleher, Keyte, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Maddox, Mahany, M a r t i n, McKernan, Merrill, Mills, Morin, L.; Morton, Mulkern, Murchison, Murray, Najarian, O'Brien, Peterson, Ricker, Rolde, Santoro, Smith, D. M.; Smith, S.; Soulas, Strout, Talbot, Tanguay, Tierney, Trumbull, Tyndale, W e b b e r, Wheeler, Whitzell.

ABSENT — Binnette, Carey, Carter, Crommett, Deshaies, Dow, Dunn, Evans, Farley, Greenlaw, Kilroy, Littlefield, M a x w e l l, McTeague, S h e l t r a, Silverman, Stillings, Susi, White.

Yes, 63; No, 67; Absent, 19.

The SPEAKER: Sixty-three having voted in the affirmative and sixty-seven having voted in the negative, with nineteen being absent, the motion does not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

### Divided Report

#### Tabled and Assigned

Majority Report of the Committee on Election Laws on Bill "An Act Relating to Certification of

Nomination Papers for State and County Elections" (H. P. 1338) (L. D. 1774) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. SHUTE of Franklin

CIANCHETTE

— of Somerset

JOLY of Kennebec

— of the Senate.

Messrs. ROSS of Bath

KAUFFMAN of Kittery

WILLARD of Bethel

Mrs. KELLEY of Machias

Messrs. HANCOCK of Casco

BINNETTE of Old Town

HOFFSES of Camden

DUDLEY of Enfield

Mrs. BOUDREAU of Portland

— of the House.

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

Report was signed by the following member:

Mr. TALBOT of Portland

— of the House.

Reports were read.

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

Mr. TALBOT: Mr. Speaker and Members of the House: I did sign the minority report and I do not see the sponsor of this bill in his seat. Therefore, I wish that somebody else would table this for one legislative day.

Mr. Ross of Bath moved the matter be tabled for one legislative day.

Mr. Birt of East Millinocket requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that this matter be tabled for one legislative day pending acceptance of either report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

64 having voted in the affirmative and 40 having voted in the negative, the motion did prevail.

#### Divided Report Tabled and Assigned

Report "A" of the Committee on State Government on Bill "An Act to Create the Office of Ombuds-

man" (H. P. 1143) (L. D. 1515) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. SPEERS of Kennebec

WYMAN of Washington

CLIFFORD

— of Androscoggin

— of the Senate.

Messrs. BUSTIN of Augusta

CURTIS of Orono

STILLINGS of Berwick

— of the House.

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

Report was signed by the following members:

Mrs. GOODWIN of Bath

Mrs. NAJARIAN of Portland

Messrs. COONEY of Sabbathus

GAHAGAN of Caribou

CROMMETT

— of Millinocket

FARNHAM of Hampden

— of the House.

Reports were read.

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

Mr. CURTIS: Mr. Speaker, I move acceptance of Report "A" and would speak to my motion.

The SPEAKER: The gentleman from Orono, Mr. Curtis, moves acceptance of Report "A" "Ought not to pass" Report.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: This is one of the more intriguing ideas that has come before the State Government Committee and it has been before us in one form or another for several sessions. The sponsor of the bill, the gentleman from Yarmouth, Mr. Jackson, made an excellent presentation of the background and the reasons for creating the Office of Ombudsman. I hope that he will be able to speak on his side this morning because of the fine way that he was able to make the presentation of what an Ombudsman as an independent official might be able to do for some of the citizens of the state.

Now, I signed the other report, the "Ought not to pass" Report, for a couple of reasons. One is, I would like to know a little bit more about exactly how the of-

fice of Ombudsman has been working in the other states — there are four of them to have it. None of them are very close to us. But there are three provinces which have an Ombudsman, New Brunswick, Nova Scotia and Quebec and perhaps at the conference we may be able to hold next year we may be able to find out a little bit more from the legislators in those Provinces how the office actually works.

The other reason that I oppose this right now is because I think at this time, that this 106th Legislature is trying desperately to re-coop some of the powers and effectiveness that we as a legislative body as one-third co-equal branch of government have lost to primarily the Executive branch in the past. As we develop our own staff and perhaps as we perfect our committee system and as we as individual legislators have a little more in the way of resources behind us so that we can do our own jobs more effectively, that we will be able to perform the errand boy the interceding functions that an Ombudsman, as proposed, would perform for the individual citizen.

I think, Mr. Speaker, and ladies and gentlemen of the House, that we each, as legislators, should think of ourselves as being Ombudsmen and that is my second reason for opposing it.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I had hoped that this would be tabled allowing me to get a sheet out on the desks to explain it in some greater degree than I would be able to on the floor.

I will answer briefly the questions put by Representative Curtis as to other areas. I am not as concerned with the Canadian Provinces because their form of government is somewhat different than ours. I am much more concerned with the other states having the bill such as Oregon, Indiana, Hawaii and Nebraska. I think we should look to these because their form of government will be far

closer to ours than say the Canadian Provinces.

The second question has come up repeatedly, and I believe it came up last year in regard to this same bill and that is the question of the legislature being able to do this job. It is my personal feeling, which has been reinforced through working in the legislature, that the legislature is very busy in just running its own business. The thrust and the job of the Ombudsman would be far greater than any individual legislator could ever hope to provide and carry on for his constituents.

The very question here is the question of a person with a status and the unquestioned integrity, who can go into the governmental department, has the freedom into them to ask the questions for constituents all through the State of Maine. I feel very strongly that this can only be done by someone with a great deal of — I hate to use the terms status — but who is greatly respected by everybody in the state and he must be accessible to anyone in the state. He must be accessible by someone telephoning in a complaint. He must be accessible by someone writing a complaint. It must not cost anyone any money to be able to ask these questions. And one of our great problems now which leads to much congestion in the courts is the question of when there are problems with departments having often to go to court and this tends to be very expensive and very time consuming and it has the added burden of congesting our court system which is already highly congested.

I think I should at this point try and give you some idea of what Ombudsman is. I have drawn heavily from the International Bar Journal which has done a great deal on this. They give us a definition. The Ombudsman is an independent government official who receives complaints against government agencies and officials from aggrieved persons and who investigates and who, if the complaints are justified, makes the recommendations to remedy the complaints.

And in taking this definition apart, I would like to point out a couple of things here. An independent government official, in this particular bill it will have him elected by the judicial council which has been very little used in this state but is an independent group. He would be elected by the Legislature and the Senate meeting jointly.

I would also like to point out that he investigates, if in his judgment there is cause and again we get to the status of this individual. His judgment is very important and he must decide whether it is cause for investigation or not. His recommendations, and here I would also drive home the point that he has no real power. His power is the power to recommend. He can bring to light problems in government and he can point these things up and this is usually sufficient to solve these. If something major is turned up he can then go to the Attorney General and request legal action but he cannot to this on his own, he must go through the Attorney General.

Probably his greatest power is his power through the Third Estate, and that is that if he finds something that he feels is wrong and he cannot work a solution just by having found it, he can bring it to the attention of the press and this is very effective in showing a problem which usually will be solved at that point.

I would hope very much that you would support the minority "ought to pass" report on this bill.

On motion of Mr. Farnham of Hampden, tabled pending the motion of Mr. Curtis of Orono to accept Report A "Ought not to pass," and specially assigned for Friday, May 4.

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

(S. P. 337) (L. D. 1036) Bill "An Act Relating to Credit Unions" — Committee on Business Legislation reporting "Ought to pass" as amended by Committee Amendment "A" (S-98)

(S. P. 414) (L. D. 1253) Bill "An Act to Repeal Borrowing Limitations Relating to Trust Companies"

— Committee on Business Legislation reporting "Ought to pass"

(H. P. 277) (L. D. 353) Bill "An Act to Prevent Sex Discrimination Under Human Rights Act" — Committee on State Government reporting "Ought to pass"

(H. P. 1298) (L. D. 1684) Bill "An Act to Provide for Secret Ballot by Alternative Means at Town Meeting" — Committee on Election Laws reporting "Ought to pass"

(H. P. 1353) (L. D. 1785) Bill "An Act Transferring Laws Relating to Education of War Orphans and Widows to Bureau of Veterans' Affairs" — Committee on State Government reporting "Ought to pass"

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

#### **Consent Calendar Second Day**

##### **Tabled and Assigned**

(S. P. 418) (L. D. 1257) Bill "An Act to Provide for Notice Upon Release or Change of Status of a Patient in a State Mental Institution" (C. "A" S-97)

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

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

Mr. WHITZELL: Mr. Speaker, Members of the House: This legislative document 1257 was heard before our committee and there are some of us who objected to it and we would have filed a divided report on it. What happened was, somewhere along the way someone wrote a committee amendment that some of us have never seen. They tacked a committee amendment to it over in the other body and sent it to us saying, in fact, that it would appear that the committee passed unanimously on it, which is not true. The whole question of providing notice upon release or change of status of patients in mental hospitals is somewhat questionable in itself. If you wanted to look at the constitutional rights guaranteed to all individuals, the amendment would say,



in fact, that the institution did not have to notify the parents of the patient being turned into the community. This item, what it did is say that the patient has to request specifically that their family not be given a notification of release.

Mr. Speaker, I would move the indefinite postponement of the bill and the amendment as written. First of all, this bill is not intended to have any good influence on the institution or on the public that it serves and I can see it only as an additional locked door to the inmates who are being released into society for normalization. This is not good legislation. I move indefinite postponement of the Amendment and bill.

The SPEAKER: The Chair recognizes that the gentleman, Mr. Whitzell moves indefinite postponement of the report and the bill.

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

Mr. DYAR: Mr. Speaker, Members of the House: I oppose the pending motion. This particular bill was brought in due to information that our investigating committee received during our investigations of the State Institutions. We found that patients were being discharged without notification to relatives or guardians, that wives were being discharged from nursing homes and boarding homes without notifying their husbands. At Pineland children under 18 years of age were being released from Pineland without notification to the parents. This created problems.

This amendment that Mr. Whitzell objects to allows the institution, when they see fit, to not notify the parents, spouse or guardians of the person involved when they feel it would be detrimental to this person's health and welfare. In the case of the wife that has had previous marital problems with her husband it may be in the best interest if the husband does not know where his wife is if they had problems prior to her commitment.

I feel this is good legislation. It protects the responsible party by letting them have knowledge as to where their ward is located. To

me it is indeed sad to have a husband come before our committee, an elderly man, and testify that his wife had been discharged from a state institution to a nursing home and he did not know where she was until he came to Augusta to visit her and found out that she had been transferred. In other cases, people who come to visit relatives, close relatives in the state institution — I am talking about Bangor and Augusta State Hospitals and Pineland — they come to visit relatives, sons, daughters and parents and found that these people had been discharged to nursing homes, foster homes and boarding homes.

The intent of this bill is to notify the responsible parties as to the location of their relatives or wards.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Health and Institutional Services Committee, I may be a little remiss in my duties; I am sorry but I have never seen this committee amendment and I don't know where it came from, if it came out of the committee or not. I would ask that this could be tabled so that I can at least have a chance to look at it to see what it does to the bill. I don't know, it may be good. If it isn't tabled I am going to have to support the indefinite postponement of this bill because I don't really understand this amendment as yet.

Thereupon, on motion of Mr. Soulas of Bangor, tabled pending the motion of Mr. Whitzell of Gardiner to indefinitely postpone Report and Bill and specially assigned for Friday, May 4.

(S. P. 535) (L. D. 1688) Bill "An Act Re-establishing the Capitol Planning Commission"

(S. P. 559) (L. D. 1703) Bill "An Act Relating to Planning Function of the Maine Law Enforcement Planning and Assistance Agency"

(S. P. 566) (L. D. 1705) Bill "An Act to Effect Economies in Distribution of State Publications"

(H. P. 122) (L. D. 146) Bill "An Act Relating to Number of Lobster

Traps on Trawls in Saco Bay and Westerly, Cumberland County" (C. "A" H-302)

(H. P. 375) (L. D. 504) Bill "An Act to Redefine the Legal Standard of Time for Hauling of Lobster Traps"

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

#### **Tabled and Assigned**

(H. P. 832) (L. D. 1091) Bill "An Act Relating to the State Police Retirement System"

On the request of Mrs. Clark of Freeport, was removed from the Consent Calendar.

(On motion of Mrs. Clark of Freeport, tabled pending acceptance of the Report and specially assigned for Friday, May 4.)

(H. P. 850) (L. D. 1124) Bill "An Act to Authorize the Commissioner of Sea and Shore Fisheries to Exercise Additional Authority in the Management of Alewife Fisheries, Shad, Smelt and Eels" (C. "A" H-303)

(H. P. 1077) (L. D. 1400) Bill "An Act Relating to the Erection of a Sign on Maine Turnpike for the Evergreen Valley Recreational Area" (C. "A" H-304) (Later Reconsidered)

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

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

Mr. BRIGGS: Mr. Speaker, I wonder if we could reconsider our action whereby we accepted item 9 on the second day's Consent Calendar?

The SPEAKER: The gentleman from Caribou, Mr. Briggs, moves that the House reconsider its action whereby Bill "An Act Relating to the Erection of a Sign on Maine Turnpike for the Evergreen Valley Recreational Area," House Paper 1077, L. D. 1400, was passed to be engrossed.

Mr. Trumbull of Fryeburg requested a vote on the reconsideration motion.

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

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

Thereupon, Mr. Trumbull of Fryeburg requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Briggs, that this matter lie on the table one legislative day pending his motion to reconsider. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

56 having voted in the affirmative and 42 having voted in the negative, the motion did prevail.

#### **Second Reader**

##### **Tabled and Assigned**

Bill "An Act Relating to Legislative Counsel or Agents" (S. P. 463) (L. D. 1494)

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

(On motion of Mr. Farnham of Hampden, tabled pending passage to be engrossed and tomorrow assigned.)

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

Bill "An Act Requiring that the National School Lunch Program be Implemented in All Public Schools" (H. P. 1067) (L. D. 1392) (C. "A" H-305)

Resolution Proposing an Amendment to the Constitution Clarifying the Status of Bills Presented to the Governor and Time the Legislature Adjourns (H. P. 1181) (L. D. 1524)

Bill "An Act Appropriating Funds to Expand Post-Secondary Educational Opportunities in Maine's Mid-coast, York County and Lewiston-Auburn Areas" (S. P. 538) (L. D. 1691)

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

#### **Tabled and Assigned**

##### **Constitutional Amendment**

Resolution Proposing an Amendment to the Constitution Reducing Residence Requirement for Voting

to Fifteen Days (H. P. 9) (L. D. 9)

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and specially assigned for Friday, May 4.)

#### **Finally Passed Passed to Be Enacted Constitutional Amendment**

Resolution Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature (S. P. 586) (L. D. 1804)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 111 voted in favor of same and 11 against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

#### **Emergency Measure**

An Act Amending the Municipal Industrial and Recreational Obligations Act (S. P. 236) (L. D. 687)

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. 113 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Emergency Measure**

Resolve Appropriating Moneys for Spruce Budworm Control. (H. P. 735) (L. D. 938)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a vote of the House was taken.

Mr. Martin of Eagle Lake requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the

members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I thought a little explaining might do some good here. I suppose most of you think that the money is all being paid by the state. But the landowners themselves were willing the other day to increase the tax — which has already gone through this House — to increase the tax so as to cover their proportional share of this budworm spray. Therefore, the appropriation is nowhere near as big as it would have been. They cover their additional share, as I mentioned, by a tax of their own volition and they are perfectly in favor of paying their share of this tax.

This covers a lot of land even in our own Baxter Park where there is a very very great amount of budworm spreading through there and this is the only way it is going to be controlled. So I hope that at this time some member of the Appropriations will speak on this and maybe you will go along with what I say. I hope you will.

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

Mr. NORRIS: Mr. Speaker and Ladies and gentlemen of the House: I am going to vote for the final passage of this bill, but just to correct the record so we will all know, the amount of taxes being assessed is in the next year — in the next year and from there on, each year afterward. But as far as this year goes and this spraying, the state is paying for the whole thing, the state and the federal government.

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

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

House: I realize and I appreciate the feelings of some of the people on this floor, ladies and gentlemen, that are opposed to this bill. But I would want to bring out just one brief little comment and a letter that I have received from the Commissioner of Forestry yesterday. There is a critical time period on this as they need to get some contracts out. The first contract they want to get out is to allow the purchase and the use of bacillus. This is a bacteria, I guess, or a small insect, as I understand it, that will work against the spruce budworm.

They are going to conduct a test project or a pilot test, as I understand it, to see if there are some other factors that can be used to kill off this spruce budworm other than spraying. It has been tried some in Canada. It has moderate success and this is the initial contract that they want to get out and they do need as much lead time as they can get, because the estimated starting time for this is the 20th of May for this bacillus.

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

Mr. BRIGGS: Mr. Speaker and Ladies and Gentlemen of the House: I do not want to take any great length of time on this subject again. Over the years I have been one who has had a lot of misgiving about the spraying for spruce budworm control because I felt convinced that once the spraying was commenced that we would be coming in here almost every session and appropriating very substantial sums of money for helping these private companies to spray their forests.

I think this first year of spraying, almost the entire amount of money is going to be furnished by the state and federal government. As I pointed out the other day, the share of the State of Maine is 830 some odd thousand dollars. I think that to try to make a real concerted effort to attempt to defeat the two-thirds result of this vote would be such a heavy responsibility that it would be almost more than I would care to bear. So I am not going to make such a concerted effort to do that. But I am

concerned about it as I have been right through the years and this is just my very small way in stating that concern.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: As you know, I have been in disagreement at times with the paper companies and with the landowners of the State of Maine. I don't need to tell any of you in detail what some of those reasons have been. You have heard them before and you will probably hear about them again.

When we talk about spruce budworm control, however, we are talking about something which affects not only the paper companies, but it affects all of us directly. Granted that some of that land is owned by them, the vast majority of the land is owned by them; but in many of those areas, we have public lots. At this point undivided in certain areas, divided in some, unknown in others and unlocated in others. But it is still a state investment that we have to be concerned about and we have to be concerned about the possibility of all of the spruce budworm in spruce and fir getting affected to a point where we destroy the natural resource that we have from which 38 percent of all jobs in Maine are derived from, directly or indirectly.

I am going to, I am sure at some point during this session, talk about some of the abuses the companies have made, but I don't think this is one of those that I have any intentions of using as a way to exercise my frustrations at all. I think the approach that they have taken and the approach the state has taken is one that we have to take today.

The Appropriations Committee had a bill that we amended on this floor that we passed to be enacted yesterday. It allows for extra money to be included on a productivity tax rate that will be collected yearly. This money will be going directly into an account to be used for spruce budworm so that we can achieve that one-third, one-third, one-third ratio.

At the present time, this bill calls for a simple appropriation. Under the way that we presently tax our woodlands on the productivity tax system, we have no other choice. We can't write the one-third business into the law. That is the reason why the bill appears in this fashion.

I certainly hope that you would give this bill its final passage today because it is one of those items that cannot wait. As far as I am concerned, I was one of those individuals a couple years ago who went to Quebec and to New Brunswick to take a look at what they were doing and they had at some point decided the possibility of going into silver culture approach of managing the woodlands and forgetting about spraying. Unfortunately, they feel at this point in time, they are not advanced enough to go in that direction.

This year the province of Quebec will be spraying some 2 million acres and the province of New Brunswick will be spraying about half a million acres. Obviously, if we don't spray, there is only one way for the worm to go and it is going to go directly into Maine and we are going to be worse off, obviously, than we ever were before. And so I certainly hope today that you would vote for final passage.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: I can't stress too strongly the time element that is involved here. The spraying for spruce budworm can only be done in the month of June. The contracts for the spraying have to be let and we are working with a time schedule that is extremely tight at this time.

This bill was held in committee as we tried to work out some feasible method of recovering the costs over the long-run. It was unfortunate that this problem was not anticipated when we passed the productivity tax, so-called, last time. The tax was assessed as of April 1, so there was no way

possible to include the additional mill rate in this year's tax. We have made now a long-range adjustment in the mill rate that will take care of this spray program and future spray programs if they are necessary.

We are up against an extremely tight time schedule. I think it is important for you to realize that among other things, Baxter State Park is involved. Spraying is contemplated in part of the park. I think that all would regret to see a heavy infestation of spruce budworm in Baxter Park because in the long run it is going to mean hundreds of acres of trees stripped of foliage and dead.

It is important that this be passed this morning. It is important that it be passed on an emergency basis and I trust that you will go along with the recommendation of the Appropriations Committee and of others who have spoken.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I do not think I can classify myself as one of the biggest spenders in the House. However, I concur this morning with everybody who spoke on this all-important measure. It is important that it be done and done today.

I recall back and I shared then the thinking of the gentleman from Caribou, Mr. Briggs, and I was wrong. I can recall back in 1947 when we were told that a wind was crossing over from New Brunswick to the tip end of the County with Dutch elm disease. We ignored that commentary. It spread through Aroostook County, went into Washington County, and on the very street that I lived on, Elm Street in Lewiston, for 27 years. When I first lived there, there were 33 trees on that street. There is one tree left. The disease got there. There were 37 trees cut in the last four years on the beautiful Bates College campus in Lewiston. I could go on and on. This is an all-important measure. This would be proof that it would be very expensive if we didn't

enact it today. It is a measure that will eventually save us millions of dollars. I hope we pass it as an emergency and I hope that we get the few more votes that we need on the board. It would do no good to pass it, could take the emergency off, that would do no good. It would delay the spraying for one year it would be extremely costly.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen: My question on this bill is that I want to delay it one day so that I could check and see what chemicals they are using. Historically they have used some that worked great hardship on our wildlife, both small animals and birds in the North country. They are using some new ones today and I was hoping that one day wouldn't make much difference from mid June to Spring. I wanted an opportunity to check up and see what chemicals they are using, because they do have some research work on it and there are some major problems besides the trees.

I respectfully request to know if a pending motion is in order at this time. You ruled that it wasn't but I thought that it might possibly be. I wanted one day to check it out.

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

Mr. BRIGGS: Mr. Speaker and Members of the House: I believe that this poison that will be used for spraying this spruce budworm in this instance will be Zectran. I had two slight difficulties with the program. One is that the poison that will be used is a non-selective poison but it is not as dangerous as the one that they used previously which was DDT. It at least breaks down very rapidly in the environment, but it does kill many other organisms in the forest eco-system which could be useful to themselves in reducing or eliminating the budworm epidemic. This is one of my problems.

The other problem that I had was merely that I felt that the companies themselves or the landowners, I should say, themselves should put the larger proportion of the cost of spraying their own area, just as potato landowners and apple landowners and others of that nature.

I have no quarrel with anything that has been said. I realize that once spraying is started it has to more or less be kept going in order to try to control the epidemic. But I do hope that we will move towards biological controls which will be more selective and more specific, because these broad spectrum poisons kill not only the target insects but they kill very important other insects in the ecosystem. It will be Zectran that will be used as I understand it.

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

Mr. BIRT: Mr. Speaker, to answer the questions and to confirm the statements made by the gentleman from Caribou, Mr. Briggs, Zectran is the chemical that will be used and it is the only insecticide to be used by the Federal Environmental Protection Agency. It is considered to be a non-persistent spray; it deteriorates very rapidly. I would point out as I have pointed out, that there is one section of this area that is going to be sprayed and they are going to use a bacteriological parasite up there and see how this will work, as I have pointed out. It has been used in Canada and this is the one that they need to make a lead time on in awarding contracts.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, I would move tabling one day.

Mr. Martin of Eagle Lake requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Yarmouth, Mr. Jackson, that this be tabled for one legislative day pending final passage. All in favor of that motion will vote yes; those opposed will vote no.

21 having voted in the affirmative and 112 having voted in the negative, the motion did not prevail.

The SPEAKER: A roll call has been ordered. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. All in favor of this Resolve being finally passed as an emergency measure will vote yes; those opposed will vote no.

### ROLL CALL

**YEA** — Albert, Ault, Baker, Berry, G. W.; Berube, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Cameron, Carter, Chick, Chonko, Churchill, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dunn, Emery, D. F.; Evans, Farley, Farnham, Farrington, Fecteau, Ferris, Finemore, Flynn, Fraser, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Greenlaw, Hamblen, Hancock, Haskell, Henley, Herrick, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kilroy, Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Perkins, Pontbriand, Pratt, Ricker, Rollins, Ross, Santoro, Shaw, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Soulas, Sproul, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Trask, Trumbull, Tyndale, Walker, Webber, White, Whitzell, Willard, Wood, M. E., The Speaker.

**NAY** — Berry, P. P.; Briggs, Bustin, Clark, Dyar, Faucher, Gahagan, Goodwin, K.; Kelley, R. P.; LaPointe, Lewis, J.; Mills, Peterson, Rolde.

**ABSENT** — Binnette, Carey, Carrier, Deshaies, Keyte, Mahany, Sheltra, Silverman, Stillings.

Yes, 127; No, 14; Absent, 9.

The SPEAKER: One hundred twenty-seven having voted in the affirmative and fourteen in the negative, with nine being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

### Passed to Be Enacted

An Act to Provide Hospital Administrators under the Department of Mental Health and Corrections (S. P. 3) (L. D. 30)

An Act Creating Aroostook County Commissioner Districts (H. P. 55) (L. D. 65)

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

### Enactor

#### Tabled and Assigned

An Act Relating to Use of Studded Tires on Motor Vehicles. (S. P. 79) (L. D. 196)

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

(On motion of Mrs. McCormick of Union, tabled pending passage to be enacted and tomorrow assigned.)

### Finally Passed

Resolve Designating a Certain Bridge Across the Androscoggin River as "The Viet Nam Veterans Memorial Bridge" (S. P. 329) (L. D. 1033)

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

### Enactor

#### Tabled and Assigned

An Act Relating to Railroad Crossings (H. P. 815) (L. D. 1082)

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

(On motion of Mr. Kelleher of Bangor, tabled pending passage to be enacted and tomorrow assigned.)

An Act Authorizing Food Stamp Program for Certain Municipalities. (H. P. 1037) (L. D. 1357)

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

### Enactor

#### Tabled and Assigned

An Act Relating to the Prohibition Against Hitchhiking (H. P. 1454) (L. D. 1875)

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

(On motion of Mr. Birt of East Millinocket, tabled pending passage to be enacted and tomorrow assigned.)

An Act to Provide that Wages Earned by Prisoners in State Correctional Institutions shall Draw Interest Pending Release of Prisoners (H. P. 1456) (L. D. 1880)

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

On motion of Mr. Birt of East Millinocket,

Adjourned until eight-thirty tomorrow morning.