

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, June 15, 1973

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

Prayer by the Rev. Mr. George E. Whittier of Togus.

The journal of yesterday was read and approved.

Order Out of Order

Mr. Sproul of Augusta presented the following Order and moved its passage:

ORDERED, that Honey Fallon, Cindy Lane, Martha Philbrook and Linda Merservey of Augusta 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****Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Repealing the Bank Stock Tax" (H. P. 1491) (L. D. 1919) reporting that the House recede and concur with the Senate and Pass the Bill to be engrossed.

Signed: WYMAN of Washington, COX of Penobscot, FORTIER of Oxford — Committee on part of the Senate.

HENLEY of Norway, FINEMORE of Bridgewater, COONEY of Sabattus — Committee on part of the House.

Came from the Senate with the Report read and accepted.

In the House, the Report was read.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: We did some considerable work on this, and we agreed that we didn't want to see the banks not have any tax, so I move at this time that we accept the committee report.

Thereupon, the Report was accepted. The House voted to recede and concur.

Leave to Withdraw**Covered by Other Legislation**

Committee on State Government on Bill "An Act Consolidating the Maine Industrial Building Authority, the Maine Municipal Securities Approval Board and the Maine Recreation Authority under the Department of Commerce and Industry." (S. P. 510) (L. D. 1597) reporting Leave to Withdraw as covered by other legislation.

Came from the Senate with the Report read and accepted.

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

Ought to Pass

Committee on Fisheries and Wildlife on Bill "An Act to Make Allocations from the Department of Inland Fisheries and Game for the Fiscal Years Ending June 30, 1974 and June 30, 1975" (S. P. 666) (L. D. 2032) (Pursuant to Joint Order (S. P. 597) reporting "Ought to pass."

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

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

Ought to Pass in New Draft

Committee on Judiciary on Bill "An Act Revising the Laws Governing Admission to Mental Health Facilities" (S. P. 487) (L. D. 1570) reporting "Ought to pass" in New Draft (S. P. 668) (L. D. 2034) under same title.

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

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

Divided Report

Majority Report of the Committee on State Government on Resolution Proposing an Amendment to the Constitution Changing the Tenure of Office of Senators to Four Year Terms" (S. P. 492) (L. D. 1157) reporting "Ought to pass"

Report was signed by the following members:

Messrs. SPEERS of Kennebec
CLIFFORD
of Androscoggin
—of the Senate.
Messrs. CURTIS of Orono
COONEY of Sabattus
FARNHAM of Hampden
GAHAGAN of Caribou
BUSTIN of Augusta
Mrs. NAJARIAN of Portland
—of the House.

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

Report was signed by the following members:

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

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

In the House: Reports were read.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: I move acceptance of the Majority "Ought to pass" Report and would speak briefly.

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

The gentleman may proceed.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: I expect that this proposal will have some difficulty in this body. The bill is L. D. 1557. It is a very simple proposal but important to state government, and I think that everybody here will be able to make up their own minds without any particular coaching from people who have heard the public hearing on the matter.

What the bill does is simply provide for a four-year term for Senators and of course, the term for members of the House of Representatives will continue at two years.

The sponsor of the bill and those of us who support it think that it would be a useful addition to change in state government to

provide for some meaningful distinction between the two bodies of state government.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I move that this bill be indefinitely postponed. I request a roll call and I request to speak briefly on my motion.

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

The gentleman may proceed.

Mr. ROSS: The other body wanted sheriffs to have four-year terms and we stood fast against this. Now they want themselves to have four-year terms. I can only repeat about what I said before. We have to run every two years, even Congress has to run every two years. This only takes away another right of the people to vote for a good proven candidate, or if they wish, against one that they feel has not done a good job without being stuck for four years.

The work in the other body is no harder than ours. They cannot say that they need the extra time to gain experience any more than we could. A few of us have been in both bodies and I know this to be apodictic, or an indisputable fact.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that this Bill and all accompanying papers be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Cameron, Carey, Chick, Churchill, Clark, Cote, Crommett, Dam, Donaghy, Drigotas, Dunn, Evans, Farley, Farrington, Ferris, Finemore, Garsoe, Genest, Good, Goodwin, H.; Hamblen, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, McHenry, McMahon, McNally, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulhern, O'Brien, Parks, Peterson, Pontbriand, Pratt, Ricker, Rolde, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Stillings, Strout, Tanguay, Tierney, Trask, Walker, Wheeler, Willard, Wood, M. E.

NAY — Ault, Berube, Boudreau, Carter, Chonko, Conley, Cooney, Curtis, T. S., Jr.; Emery, D. F.; Farnham, Fraser, Gahagan, Greenlaw, Hancock, Jacques, Knight, Martin, Maxwell, McCormick, McKernan, Murchison, Murray, Najarian, Norris, Perkins, Rollins, Sproul, Talbot, Theriault, White.

ABSENT — Albert, Berry, P. P.; Briggs, Bustin, Carrier, Connolly, Cottrell, Cressey, Curran, Davis, Deshaies, Dow, Dudley, Dunleavy, Dyar, Faucher, Fecteau, Flynn, Gauthier, Goodwin, K.; Hobbins, LaCharite, Littlefield, McTeague, Palmer, Santoro, Sheltra, Smith, S.; Susi, Trumbull, Tyndale, Weber, Whitzell.

Yes, 86; No, 30; Absent, 34.

The **SPEAKER**: Eighty-six having voted in the affirmative and thirty in the negative, with thirty-four being absent, the motion does prevail.

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

Mr. **FINEMORE**: Mr. Speaker, having voted on the prevailing side, I now move for reconsideration and I hope you will vote against me.

The **SPEAKER**: The gentleman from Bridgewater, Mr. Finemore, having voted on the prevailing side, now moves the House reconsider its action whereby this Bill

and all accompanying papers were indefinitely postponed in non-concurrence. All in favor of reconsideration will say yes, those opposed will say no.

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

Sent up for concurrence.

Divided Report

Majority Report of the Committee on State Government on Bill "An Act Relating to the Maine Development Act" (S. P. 536) (L. D. 1756) reporting "Ought not to pass."

Report was signed by the following members:

Mr. **SPEERS** of Kennebec
— of the Senate.
Messrs. **FARNHAM** of Hampden
CURTIS of Orono
STILLINGS of Berwick
CROMMETT

Mrs. **NAJARIAN** of Millinocket
— of the House.

Minority Report of the same Committee on same Bill reporting "Ought to pass" with Committee Amendment "A" (S-234).

Report was signed by the following members:

Mr. **CLIFFORD**
— of Androscoggin
— of the Senate.

Messrs. **COONEY** of Sabattus
SILVERMAN of Calais
GAHAGAN of Caribou

Mrs. **GOODWIN** of Bath
— of the House.

Came from the Senate with the Minority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read.

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

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

The **SPEAKER**: The gentleman from Orono, Mr. Curtis, moves the acceptance of the Majority "Ought not to pass" Report in non-concurrence.

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

Mr. **GAHAGAN**: Mr. Speaker and Ladies and Gentlemen of the House: This bill is a vehicle which would allow local businesses to form into units for the purpose of

financing. What it is, it would be a "baby" bond bank on the local level. Right now the state is financing loans through the MIBA on a large scale. This would be a statewide loan. Under the provisions of this act, several small businesses in a local community would be able to form a unit and float a bond on the success of their operation. This would be a revenue bond and the state would in no way be obligated.

The fund created would finance the construction of small shopping centers which would include such things as gasoline stations, drug stores and many small businesses. It is felt by proponents of this measure that we have not done enough for the small businessman in Maine. We have been too involved in financing schemers and dealers from out of state and have only succeeded in creating a situation such as the one we have in Easton.

The Maine Development Act would provide that small baby bonds be floated on a revenue basis. Again, there would be no obligation on the part of the state to pick up the tab for these bonds. I think it is a viable concept and we should give it our support and vote against the majority "Ought not to pass" report.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: I recall a similar bill to this two years ago that was also proposed by the Department of Economic Development then, new title this year. It was a similar lengthy proposal. This one is some 15 pages long. If you look carefully, you will see that there is an amendment that has been added onto it to try to correct some of the incredible situations that are suggested by this bill, such as, for example, changing the definition of municipality.

I think that the sponsor and the people who are interested in local development ought to be encouraged and the state ought to do whatever it can to promote that kind of industrial development. I don't happen to think that this is

the right vehicle. It is a poorly prepared bill and like I said, the amendment tried to correct some of the proposals. I am frankly fearful of what would happen if we did enact this. And I think that we already have the vehicles through local industrial corporations to do whatever the sponsors would like to have done. Until a better explanation is presented, both of this bill and of the way it really would work, I really think we should defeat it.

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

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: The Committee Amendment to this bill, the "ought to pass" report, I believe takes care of the problems that were in the original bill and I would like to ask the House Chairman from my committee to explain what deficiencies are still in the bill. I don't believe there are any.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Curtis, that the House accept the Majority "ought not to pass" Report in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Sent up for concurrence.

Non-Concurrent Matter

Bill "An Act Relating to the Transfer of Prisoners Committed to County Jails" (H. P. 1242) (L. D. 1613) New Draft (H. P. 1605) (L. D. 2026) on which the House accepted the Majority "Ought not to pass" Report on June 13.

Came from the Senate with the Minority Report accepted and the Bill passed to be engrossed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentle lady from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Ladies and Gentlemen of the House: I signed the minority "ought to pass" report because I

feel that the bill has merit. I draw your attention to the Statement of Fact on both 1613 and on 2026. In 1613, it states that this legislation would allow county jail prisoners serving sentences of 60 days or more to be placed in state institutions. In 2026 it says that they shall be placed in the Women's Correctional Center or the Men's Correctional Center and then goes on to change the original legislative document from a court procedure to an administrative procedure. A condition precedent to the application for transfer is a request from the incarcerated person and the only purpose for transfer under this act is rehabilitative, which I think is important and something that we should direct our attention to.

The payment provisions of the original legislative document are amended to reflect the per capita jail costs, and payment is directly to the receiving institution permitting such institution to have the use of the funds paid for these additions to its population.

I hope that we will recede and concur with the Senate. I do feel that this is a good bill. I hope you will give it serious consideration. As an example, take a young man, 17 or 18 years old or so who has six months to stay in jail, it might be very much better for him to be in an institution where there is some rehabilitation program.

The SPEAKER: The gentlewoman from Guilford, Mrs. White, moves the House recede and concur with the Senate.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: I rise this morning in support of Mrs. White's position. I do think, in looking this over that it does make a good deal of sense. I realize that it came out of committee with a somewhat divided position, but our whole philosophy today is in the direction of rehabilitation. I think in the ten years that I have been in the legislature, if I haven't learned anything else, I have felt that the method of corrections has at

least, something to be desired. I have never been able to come up in my own mind with what type of system I would like, but I feel the expenditure of large amounts of money to keep people locked up, to keep them away from society, proves nothing and this becomes a drain on society with a minimum of accomplishment.

Any form of rehabilitation appears to be the most satisfactory and sensible approach. With all of these small counties and the size of the jails and the ability to do rehabilitation, it doesn't appear that possibly any county in this state could do it. Possibly Cumberland County might be large enough, might have an inmate population large enough to be able to do something of this nature, but generally speaking, most of the counties do not. To have a central area where rehabilitation can be accomplished, I think it makes a great deal of sense.

As I read this over, there is nothing mandatory about it. It is permissive and it does require the approval of the head of the Department of Corrections. I think it makes a good deal of sense to try it, and I certainly would support this bill and hope that you will give it a favorable report.

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

Mr. BRAGDON: Mr. Speaker, I would pose a question through the Chair to the gentle lady from Guilford, Mrs. White, or anyone else who wishes to answer. I haven't read the bill, and my question is, where, generally speaking, does this propose to transfer these prisoners to?

The SPEAKER: The gentleman from Perham, Mr. Bragdon, poses a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: In reply to Mr. Bragdon's questions, in bill 2026, it expressly transfers them to the Men's Correctional Center or the Women's Correctional Center. That is in the new draft.

Thereupon, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Reestablishing the Capitol Planning Commission" (S. P. 535) (L. D. 1688) which the House enacted on May 7.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (H-236) in non-concurrence.

In the House: On motion of Mr. Simpson of Standish, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Relating to Marine Fishery Regulations" (S. P. 237) (L. D. 834) which the House enacted on June 11.

Came from the Senate with the Bill indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Bunker of Gouldsboro, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Providing Full-time Prosecuting Attorneys and Public Defenders" (H. P. 1380) (L. D. 1861) which the House indefinitely postponed on June 12.

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (H-484), in non-concurrence.

In the House:

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

Mr. SIMPSON: Mr. Speaker, I move the House recede and concur with the Senate.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the House recede and concur.

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

Mr. MARTIN: Mr. Speaker, I would pose a question through the Chair to the gentleman from Standish, Mr. Simpson. Is this the bill that the House killed earlier?

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

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

Mr. MARTIN: Mr. Speaker, I never thought the gentleman was a mute. I would ask for a division. Obviously it is, Mr. Speaker.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: To answer the gentleman's question, I don't believe that I am mute and I don't believe he is blind.

Thereupon, Mr. Ross of Bath requested a roll call vote.

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

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

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

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Birt, Bragdon, Brawn, Brown, Cameron, Chick, Churchill, Curtis, T. S., Jr.; Donaghy, Dunn, Emery, D. F.; Evans, Farnham, Farrington, Ferris, Finemore, Gahagan, Garsoe, Good, Hamblen, Haskell, Henley, Herrick, Hoffses, Hunter, Immonen, Jackson, Kauffman, Kelley, Kelley, R. P.; Knight, Lewis, E.; Lewis, J.; MacLeod, Maddox, McCormick, McKernan, McMahan, McNally, Merrill, Morton, Mulkern, Murchison, Norris, Parks, Perkins, Pratt, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Soulas, Sproul, Stillings, Strout, Trask, Walker, White, Willard, Wood, M. E.

NAY — Albert, Berry, P. P.; Berube, Boudreau, Bunker, Bustin, Carey, Carter, Chonko, Clark, Conley, Cooney, Cote, Cottrell, Crommett, Dam, Dow, Drigotas, Farley, Fraser, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Han-

cock, Hobbins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaCharite, LaPointe, Lawry, Lynch, Mahany, Martin, Maxwell, McHenry, McTeague, Mills, Morin, L.; Morin, V.; Murray, O'Brien, Peterson, Pontbriand, Ricker, Rolde, Smith, D. M.; Smith, S.; Talbot, Tanguay, Theriault, Tierney, Wheeler, Whitzell.

ABSENT — Binnette, Bither, Briggs, Carrier, Connolly, Cressey, Curran, Davis, Deshaies, Dudley, Dunleavy, Dyar, Faucher, Fecteau, Flynn, Gauthier, Huber, LeBlanc, Littlefield, Najarian, Palmer, Rollins, Santoro, Sheltra, Susi, Trumbull, Tyndale, Webber.

Yes, 65; No, 57; Absent, 28.

The **SPEAKER**: Sixty-five having voted in the affirmative and fifty-seven in the negative, with twenty-eight being absent, the motion does prevail.

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

Mr. **JALBERT**: Mr. Speaker, Ladies and Gentlemen of the House: This measure that we just voted to recede and concur on is the measure that we killed. It is also the measure that certain members of the opposite party spoke against, and as far as I am concerned, I am happy about the proof that the point that I have made for weeks and weeks and weeks is proven. Of course, we will see this bauble back again, I can guarantee you that right now.

Non-Concurrent Matter

Bill "An Act Relating to Mobile Home Parks" (S. P. 630) (L. D. 1956) which the House passed to be enacted. (House Amendment "A" (H-483) as amended by House Amendment "B" (H-495) thereto.)

Came from the Senate with House Amendment "A" (H-483) as amended by House Amendment "B" (H-495) indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-238) in non-concurrence.

In the House: On motion of Mr. LaCharite of Brunswick, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Relating to Salaries of Jury Commissioners and Coun-

ty Officers in the Several Counties of the State and Court Messenger of Cumberland County and Payments to the County Law Libraries" (H. P. 1565) (L. D. 1999) which the House passed to be engrossed as amended by House Amendment "A" (H-502); House Amendment "B" (H-509); House Amendment "C" (H-513); House Amendment "D" (H-515); House Amendment "F" (H-534) and House Amendment "G" (H-543).

Came from the Senate with House Amendment "A" (H-502) indefinitely postponed and the Bill passed to be engrossed as amended by House Amendment "B" (H-509); House Amendment "C" (H-513); House Amendment "D" (H-515); House Amendment "F" (H-534) and House Amendment "G" (H-543) in non-concurrence.

In the House: On motion of Mr. Farrington of China, the House voted to recede and concur.

Messages and Documents

The following Communication:

State of Maine

One Hundred and Sixth Legislature
Committee on Liquor Control

June 13, 1973

Honorable Richard Hewes
Speaker of the House
House of Representatives
State House
Augusta, Maine 04330
Dear Speaker Hewes:

The Committee on Liquor Control is pleased to report the completion of that business of the 106th Legislature that was placed before this committee.

Total number of bills received	39
Ought to Pass	7
Ought Not to pass	6
Ought to Pass as Amended	1
Ought to Pass in New Draft	0
Divided Reports	12
Leave to Withdraw	12
Referred to Another Committee	0
Referred to 107th Legislature	1

Sincerely

(Signed)

RICHARD W. STILLINGS
House Chairman

The Communication was read and ordered placed on file.

The following Communication:
The Senate of Maine

Augusta

June 14, 1973

Hon. E. Louise Lincoln

Clerk of the House

106th Legislature

Dear Madam Clerk:

The Senate voted to Adhere to its action whereby it accepted the Minority Ought Not to Pass report on Bill, "AN ACT Creating the Office of Public Defender" (S. P. 660) (L. D. 2015).

Respectfully,

(Signed)

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

The Following Communication:

The Senate of Maine

Augusta

June 14, 1973

Hon. E. Louise Lincoln

Clerk of the House

106th Legislature

Dear Madam Clerk:

The Senate voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "AN ACT to Correct Errors and Inconsistencies in the Fish and Game Laws" (S. P. 645) (L. D. 1980).

The President appointed the following conferees to the Committee of Conference:

Senators:

TANOUS of Penobscot

RICHARDSON

of Cumberland

BRENNAN of Cumberland

Respectfully,

(Signed)

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

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

Messrs. KELLEY of Southport

PARKS of Presque Isle

MILLS of Eastport

The following Communication:

State of Maine

One Hundred and Sixth Legislature

Committee on Marine Resources

June 14, 1973

The Honorable Richard D. Hewes

Speaker of the House of

Representatives

House Chamber

State House

Augusta, Maine 04330

Dear Sir:

The Committee on Marine Resources is pleased to report to you the completion of the business placed before it by the 106th Legislature.

Total Number of Bills Received

Unanimous Reports 57

Leave to Withdraw 12

Ought Not to Pass 17

Ought to Pass 16

Ought to Pass as Amended 7

Ought to Pass in New Draft 4

Refer to 107th Legislature or

Special Session of 106th 1

Divided Reports 4

Respectfully submitted,

(Signed)

WALTER L. BUNKER

House Chairman

The Communication was read and ordered placed on file.

The following Communication.

State of Maine

One Hundred and Sixth Legislature

Committee on Education

June 15, 1973

The Honorable Richard D. Hewes

Speaker of the House of

Representatives

House Chamber

State House

Augusta, Maine 04330

Dear Sir:

The Committee on Education is pleased to report the completion of that business of the 106th Legislature that was placed before this committee.

Total Number of Bills Received

including 3 referrals and 1

recommitted 89

Ought to Pass 23

Ought Not to Pass 17

Ought to Pass as Amended 16

Ought to Pass in New Draft 7

Divided reports 17

Leave to Withdraw 9

Respectfully,

(Signed)

ELMONT S. TYNDALE

House Chairman

The Communication was read and ordered placed on file.

(Off Record Remarks)

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

Mr. Bither from the Committee on Education on Bill "An Act Relating to Representation of Boards of School Directors" (H. P. 99) (L. D. 120) reporting "Ought to pass" in New Draft (H. P. 1617) (L. D. 2037) under new title "An Act Relating to Representation on Boards of School Directors."

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

Consent Calendar

First Day

(S. P. 430) (L. D. 1302) Bill "An Act to Correct Errors and Inconsistencies in the Executive Reorganization" — Committee on State Government reporting "Ought to pass" as amended by Committee Amendment "A" (S-233).

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

Consent Calendar

Second Day

(S. P. 69) (L. D. 171) Bill "An Act Providing for Irreconcilable Marital Differences as a Ground for Divorce" (C. "A" S-230).

(S. P. 93) (L. D. 239) Resolve, Approving Draft and Arrangement of the State Constitution Made by the Chief Justice of the Supreme Judicial Court, and Providing for its Publication and Distribution.

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

Second Reader

Tabled and Assigned

Bill, "An Act Relating to Joint Standing Committees of the Legislature" (S. P. 560) (L. D. 1731)

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

(On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and specially assigned for Tuesday, June 19.)

Second Reader

Tabled and Assigned

Bill "An Act to Redistribute Certain Statutory Powers Now Vested in the Executive Council, to Abolish the Legislative Research Committee, to Create a Statutory Legislative Council, to Provide for Permanent Joint Standing Committees of the Legislature, and to Provide for an Annual Rather than a Biennial Budget" (S. P. 661) (L. D. 2021)

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

(On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and specially assigned for Tuesday, June 19.)

Second Reader

Tabled and Assigned

Bill "An Act Revising the Reorganization of the Department of Manpower Affairs" (H. P. 1613) (L. D. 2030)

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be engrossed and specially assigned for Tuesday, June 19.)

Passed to Be Engrossed

Bill "An Act Establishing the Office of Constituent Services" (H. P. 427) (L. D. 576)

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

Bill "An Act Eliminating Admission to the Bar of the State of Maine by Motion" (H. P. 812) (L. D. 1057) (C. "A" H-556)

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

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

House Amendment "A" (H-574) was read by the Clerk and adopted.

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

Mr. MARTIN: Mr. Speaker, Members of the House: Now that we have adopted this amendment

and the Committee Amendment, I wonder if the gentleman could tell us what this does and what it means for potential lawyers coming into the State of Maine from out of state.

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

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

Mr. PERKINS: Mr. Speaker and Members of the House: This particular amendment merely deletes a section that we had a previous amendment to — or rather, in the original bill it referred to a certificate of admission to practice in the State of Maine.

There are, in this particular section of the law, three references to certificate, and this would be inconsistent and would be difficult, in fact it would not be possible to understand it if it were left in there. So we deleted that particular section.

In answer to the question as to what this does as to lawyers coming into the State of Maine to practice law, what this does is it requires any lawyer in the United States who may be coming into the State of Maine to practice law to take the bar exam. Purely and simply, it is to upgrade the quality of the lawyers in the state. We have had occasions where lawyers have come into the state and on motion have been admitted to the practice of law. Unfortunately, they have not been always of the best quality. And all this does is it requires them to take a test to make sure that they are qualified to practice.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I have a sneaky feeling that the Maine lawyers are trying to corner the field for themselves. I move the indefinite postponement of this bill.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the indefinite postponement

of this bill and all accompanying papers.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I signed this bill "ought to pass," and I can assure Mr. Martin that if there was anything sneaky about it as far as lawyers are concerned, I wouldn't have signed it. But the fact is, what has happened here is that you have many lawyers who come into the state and they probably went through, if you are not aware, many laws to take the bar exam, and in other states it is much easier than here. Some of them recognize correspondence courses; some of them recognize the time spent in night courses. But the State of Maine does not recognize such things, and this is probably one of the reasons why the qualifications here in Maine are harder to qualify to take the exam, never mind passing it.

However, this bill here, there apparently has been some trouble with some lawyers from out of state coming over here and getting admitted to the bar only on motion. Apparently this is not a good system. It is true, some of them have not worked out to be the best interest of the people and the best interest of the bar. I have in mind a certain group of lawyers that are — you and I don't think they are working for the best interest of the state. I won't mention the name, but I think you know them all.

I think this is a good bill. I hope you move against the indefinite postponement motion.

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

Mr. O'BRIEN: Mr. Speaker and Members of the House: Again I rise in support of the motion for indefinite postponement. It seems this legislature, everybody has their own private little industry, their own private type of earning their income is continually trying to lock in their own profession for themselves only.

I can't imagine if Mr. Perkins was a tax consultant, we will say for 20 years, and moved to another state, and he was an expert dealing

in the tax law and he was forced to take a bar examination in another state. It would be almost impossible for a man dealing — who was an attorney and a recognized attorney — dealing with a specialized section of the law, a specialized attorney, for example, dealing in tax law only, then moves to the State of Maine after 20 or 25 years of practice and trying to compete with the young fellow taking the bar examination three or four months out of college.

So I rise again in support of the indefinite postponement of this bill. I just can't understand how they can continually present this legislation that locks themselves in. I hope someday to present legislation that limits the number of used car dealers.

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

Mr. PERKINS: Mr. Speaker, Members of the House: Representative O'Brien mentioned one of the very things that I am trying to cure. We have situations of individuals that have been stuck behind a desk in some governmental, bureaucratic office who have been geared to one phase of the law and have come into the State of Maine, retired, put out their shingle, and attempted to practice the general practice of law. And this does not lock them out whatsoever. If they choose to come into the State of Maine for the purpose of opening an office for the general practice of law, they may do so. However, I am confident if they are capable, qualified individuals, that within a matter of four weeks, as with any law student, they could brush up on the law sufficiently to take the bar exam.

We have now an instance of a lawyer here in the State of Maine who was admitted on motion and there is a case before the highest court of this state concerning his qualifications. This is exactly the reason for it. It is purely and simply a matter of making sure that if you need a lawyer, you are getting a lawyer who is qualified to perform a duty, that is all.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I have the highest faith in members of the bar. Some of my best friends are lawyers. My seatmate is a lawyer. I feel strongly and agree that we have to upgrade every profession in the state. I do get concerned when we are trying to lock out people. Will the next step be in the medical profession? Are we going to say that a doctor who is a doctor in New York will not be admitted here unless he passes a medical examination? If we are going to start that procedure, then other states could very well end up doing the same thing.

Now, at the present time we have reciprocity with certain states, and the various boards and commissions allow this too, and they accept them as acceptable, and I see that as a workable approach. For example, if you are a practicing physician in New York, under the reciprocity agreement between Maine and New York, you are automatically licensed in Maine. I see that working the same way for attorneys in this state versus another state. I see it with every other profession. Every other profession ought go be considered the same way.

If we are going to do it for one profession, I think we ought to broaden that field and make sure that every profession is covered and treated the same way. But it seems to me when we are trying to literally say that people who practice law for any length of time, for 40 years or less or whatever the figure might be, that because they are going to come back to Maine, we are going to deny them the opportunity to practice. There must be ways within the profession to disbar these people, and if there is not a good way to do it, then the Bar Association is not doing its job. Just like I say the same thing about the Maine Medical Association and all of them.

I really think that we are creating a monster, and other professions are going to be doing the same thing in the near future. Keep in mind that we could be

setting a precedent, and that is the only thing I am concerned about.

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

Mr. MILLS: Mr. Speaker and Members of the House: I have a doubt in my mind, and I pose a question to any member of the bar if they care to explain under what circumstances attorneys from other states can be admitted to the bar here.

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

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

Mr. PERKINS: Mr. Speaker and Members of the House: As it presently stands, I believe the question is geared to the present law. Under present law, anyone from another state may come into the state and on motion to the highest court of the State of Maine, be admitted to the practice of law, just a simple motion.

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

Mr. MARTIN: Mr. Speaker, and Members of the House: Am I not right also that they must have been lawyers and practicing for three years prior to coming into the state?

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

Mr. PERKINS: Mr. Speaker and Members of the House: In answer to the question, yes, that is true.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am getting into shallow water here, but I do know that down in our area we had a gentleman come in from out of state, and he is now retired from the business, but it is going to keep several lawyers busy for three or four years to sort out some of the problems that were created down there.

I think the average citizen should have confidence enough in the State of Maine with their bar exam so that we should insist that everybody that is going to practice in Maine should have passed this exam.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: I guess in addition to the sin in the minds of some, including my good seatmate and good friend from Eagle Lake, that being a member of the Maine Bar — I was a member of another bar beforehand. I practiced for a short while, three or four years in public service and in the military before taking the Maine bar.

We don't have any barrier. I wouldn't believe in any barrier that if a man moves to Maine, he should have to wait six months or one year or five years before taking the exam. I would simply pose a question: What are they afraid of? There is the exam, it is there. Half of it a multistate bar exam anyway. I frankly believe that although there may be some very competent tax practitioners, as the gentleman from Portland, Mr. O'Brien, has stated, but anyone who is serious about coming to Maine and practicing here can set aside two or three weeks of studies and he will do all right.

I also ask for the right to be disqualified on this vote.

The SPEAKER: The Chair would state that the Chair feels the gentleman is not disqualified being as he is a member of the bar and would not be one who would possibly be admitted under the present law or benefit by the passage of the present law.

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

Mr. O'BRIEN: Mr. Speaker and Members of the House: Just one quick point. The gentleman from South Portland, Mr. Perkins, has made it sound so easy when he said that the lawyer just has to present a motion to the highest court in the State of Maine. I would hope that the highest court in the State of Maine would certainly give

this motion a great deal of consideration. And it is not just that easy, sir.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin to indefinitely postpone L. D. 1057 and all accompanying papers. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

38 having voted in the affirmative and 70 having voted in the negative, the motion did not prevail.

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

**Second Reader
Tabled and Assigned**

Bill "An Act to Increase Benefits and Reduce Waiting Period Under Workmen's Compensation" (H. P. 618) (L. D. 816) (C. "A" H-463)

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

On motion of Mr. Martin, tabled pending passage to be engrossed and specially assigned for Monday, June 18.

**Second Reader
Tabled and Assigned**

Bill "An Act Providing for the Foreclosure of Real Property Mortgages" (H. P. 1526) (L. D. 1960) (C. "A" H-566)

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

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

Mr. CARRIER: Mr. Speaker, Members of the House: I hope over the weekend you have a chance to look at this bill, 1960, because I think it is an extremely important bill due to the fact that this can affect your lives very closely and of those who are close to you.

For the purpose of putting an amendment on, I hope that somebody would table this for one day.

On motion of Mr. Mills of Eastport, tabled pending passage to be engrossed and specially assigned for Monday, June 18.

**Passed to be Enacted
Emergency Measure**

An Act Relating to Supplemental County Budgets" (H. P. 1594) (L. D. 2018).

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. 111 voted in favor of same and none against, and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Elderly Householders Tax Relief Act. (H. P. 1265) (L. D. 1641)

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 none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Relating to Commitment of Juvenile Offenders (H. P. 1203) (L. D. 1542)

An Act to Amend the Workmen's Compensation Act to Make Compensation for Permanent Partial Incapacity Coextensive with the Duration of Disability. (H. P. 1409) (L. D. 1849)

An Act Relating to Family Planning Services. (H. P. 1367) (L. D. 2012).

An Act Relating to Severance Pay for Employees. (H. P. 1585) (L. D. 2012).

An Act Providing for Fine or Suspension under Liquor Laws. (H. P. 1595) (L. D. 2019).

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.

Supplement No. 1 was taken up out of order by unanimous consent.

**Passed to be Enacted
Emergency Measure
Tabled and Assigned**

An Act Making Capital Construction and Improvement Appropriations from the General Fund for the Fiscal Year Ending June 30, 1974. (S. P. 664) (L. D. 2020)

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

On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and specially assigned for Monday, June 18.

An Act Revising the Motor Vehicle Licensing Law. (H. P. 478) (L. D. 629)

An Act to Amend the Employment Security Law. (H. P. 1212) (L. D. 1574)

An Act Relating to Access and Egress to Great Ponds. (H. P. 1417) (L. D. 1855)

An Act Relating to the Cost of Operation of and Venue in the Superior Courts. (S. P. 603) (L. D. 1897)

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 Equalizing the Financial Support of School Units. (H. P. 1561) (L. D. 1994) (S "A" S-227)

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

On motion of Mr. Simpson of Standish, tabled pending passage to be enacted and specially assigned for Tuesday, June 19.

Orders of the Day

On motion of Mr. Simpson of Standish, the House voted to take from the table the seventh tabled and unassigned matter: Bill "An Act Relating to Bylines for Editorials in Maine Newspapers" (H. P. 1339) (L. D. 1775)

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

Mr. CARRIER: Mr. Speaker, Members of the House: I would like this morning to say a few

words on this bill, basically on the fact that we have an opinion from the justices of the Maine Supreme Court. If the opinion would have been different and if I would have spoken on the bill this morning, I would have told you that this was not one of the better bills that I had presented in this session, but I would have told you that this was the best bill that I presented in this session, and I still believe that.

However, I wish to say a few words this morning on the procedure that was used to get an opinion and on the opinion given by the Maine Supreme Court. Ladies and gentlemen, I believe that a bill such as proposed here is one that the people of this state and everybody is entitled to. I believe this under many premises; on that fact that if you want to put anything in the paper, you have to make yourself known, you have to sign it; and to make things worse, you have to pay for it.

I believe that anybody that would be subject to libel such as you or I would be, so all the others must be subject to libel, and I sincerely hope that at this time, for those of you who have believed in the past to support a shield law, that you would reassess your position and really think and think hard if this is what you want to do in the future.

I think that in total defiance of the wishes of the people of this state, we allow the newspapers to go on with editorials detrimental to individuals or to certain groups or to legislators or to any other people in this state. I say these words pointed at a very few individuals, because I have the greatest respect and also the assurance from many people involved in the newspaper world, and they would gladly sign anything that they have to put in the paper, and I think this would work for their benefit. But some of them work under certain rules where actually they are not allowed to do this. So the dictators of what will go into the papers, what would pass, would be due to scrutiny at this time. Because they tell us sarcastically, if you want to know who wrote the

editorial, all you have to do is look at the heading of the paper.

I say to you, ladies and gentlemen, that in the paper itself it says who the editor is, it says who the owner is. But I can tell you that if you were to take time and check on some of these people who have the final word as to what goes into the paper, I don't think you will put your character against them.

I submit to you that some of the curbstones I have noticed, these people making the editorials, if possible, should be corrected. Maybe someone in this House at some future date can think of better ways to get at it than I did.

As far as the opinion that we have had, and it is strictly an opinion and there is still plenty of doubt here as to what has been said, I can only say to you that I, very reluctantly will accept the opinion. On the face of it, using the same words they are using, this is a nice way to get out of things, on the face of it, and I don't think it is a very wise one.

I think that the cases referred to in this opinion, have nothing to do with editorials in the papers as such. They referred to the Talley decision. It was a Supreme Court decision which had a six to three decision.

If you have the interest at any time to read such a decision, you would find that the three deciding judges actually did agree that editorials should be signed. I doubt very much if all the judges in this case had a chance to read such a decision and if they did, I will accept whatever they say. But on the other hand, I did think and I was hoping that at least some of them would see some good in such an interpretation of the Constitution as to what they have come out with.

This is an opinion, but it is not a clear one. If you notice, almost at the bottom of the page, it says, "No compelling state interest is shown which would support the mandate of L. D. 1775." I only suggest to you that if we could at times, before we ask for an order, if we could go there and for them to suggest what we should

ask for, that this would be great, but I do not think that this is the proper way to do it. I think if such a decision is reached, as the statement that was made over here, this is not, in my opinion, a very basic plan for this kind of decision.

As far as the editorials, when I put the bill in, I did not have anything against papers or editors or anything like that. Since I put the bill in and since the hearing, I have been subjected by some people to being made look ridiculous — statements questioning my vocabulary and my English language and I think they are probably right. I am probably not as proficient as they are, but I can say one thing, I am as truthful, maybe more truthful than they are.

I recall here a few years ago when the majority floor leader in this House not the present one but another one got up one day and he was a little upset about some editorial, something in the paper and he referred to the editors as a "certain breed of people." At that time, I could not buy that line of thinking. I thought to myself that it was rather crude. I do not share his view yet, because just as a matter of forgiveness, I do not want to think that way, but it has given me some things to think about. I submit to you people that if you or I are going to be subject to libel as to what we put in the paper, I think that they should be too.

Therefore, Mr. Speaker and members of the House, very reluctantly and against all my wishes, I now move that we accept the "ought not to pass" report.

Thereupon, on motion of Mr. Carrier of Westbrook, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

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

Bill "An Act to Create the Department of Business Regulation" (S. P. 350) (L. D. 1102) (S. "A" S-160 to C. "A" S-154).

Tabled — June 13, by Mr. Simpson of Standish.

Pending — Passage to be enacted.

On motion of Mr. Martin of Eagle Lake, retabled pending passage to be enacted and specially assigned for Monday, June 18.

Mr. O'Brien of Portland presented the following Order and moved its passage:

WHEREAS, Representative David Ault of Wayne advised the House of Representatives of the 106th Maine Legislature on June 14th, 1973, of the problem encountered by Representative Ault and a constituent when said constituent was in the process of loaning a Stanley Steamer to the State of Maine in order that all Maine citizens could have an opportunity to view a valuable item in America's catalog of transportation history; and

WHEREAS, the Bureau of Public Improvements was recalcitrant in responding to requests for assistance from the Director of the Maine State Museum; and

WHEREAS, the Bureau of Public Improvements, its Director and supervisory officials have seriously embarrassed the Government of the State of Maine by the manner in which the Bureau reacted to the Museum Director's request for assistance and by the manner in which it treated Mr. L. Maynard Leighton, an altruistic Maine citizen who took of his own time to transport his antique vehicle to Augusta, so that it might be displayed in the State Museum; now, therefore, be it

ORDERED, that the House of Representatives takes this occasion to publicly apologize to Mr. L. Maynard Leighton of Winthrop for the manner in which he was treated by the Bureau of Public Improvements while he was attempting to deliver his antique motor vehicle to the State Museum; and be it further

ORDERED, that a suitable copy of the aforementioned remarks of Representative Ault be transmitted to the Director of the Bureau of Public Improvements for display in that Department in order that the Department and other depart-

ments of State Government may reindulcate an understanding of one of the basic principles of a democratic society that employees of the government are employees of the People; and be it further

ORDERED, that a suitable copy of this Order and the remarks of Representative Ault of Wayne be transmitted to Mr. L. Maynard Leighton as demonstrative evidence of our dismay with the manner in which he was treated and also as a token of our appreciation of his public spirited interest in permitting others to view an artifact of America's past.

The Order was read and passed.

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

Bill "An Act Regulating the Interception of Wire and Oral Communications" (S. P. 377) (L. D. 1108) (S. "B" S-171).

Tabled — June 14, by Mr. Martin of Eagle Lake.

Pending — Motion by Mr. Simpson of Standish that the House adopt House Amendment "A" (H-531).

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: An amendment is presently being prepared in the Legislative Research Office. It was going to be ready, but for some reason it is not, so I hope someone will table it.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending the adoption of House Amendment "A" and specially assigned for Monday, June 18.

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

Bill "An Act Relating to Service Retirement of State Mental Institution Employees" (H. P. 181) (L. D. 223) (H. "A" H-522).

Tabled — June 14, by Mr. Pratt of Parsonsfield.

Pending — Motion by Mr. Finemore of Bridgewater that House Amendment "B" (H-567) be indefinitely postponed.

Mr. Soulas of Bangor offered House Amendment "A" to House Amendment "B" and moved its adoption.

House Amendment "A" to House Amendment "B" (H-573) was read by the Clerk.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: Just to briefly give you an idea of what this amendment does, there was still a question as to how this was going to affect those who are going to retire at what institutions. So to really clarify this once and for all, I will read it to you. "All of which must have been rendered as an employee of a state mental institution or an institution for the mentally retarded and in direct contact with the patients." This will definitely keep all those persons who are working with the patients in the three or four institutions that we now have. I hope you will accept this amendment.

Thereupon, House Amendment "A" to House Amendment "B" was adopted.

The SPEAKER: The pending question now is the motion of the gentleman from Bridgewater, Mr. Finemore, that House Amendment "B" as amended by House Amendment "A" thereto be indefinitely postponed.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: In front of you, you have a communique which I just received this morning again from the Maine State Retirement System. It states, "if early retirement benefits are allowed, prior to age 60, after 20 years of service, there would be no additional cost to the state if the benefits are determined on the actuarial reduction basis and the benefit formula is the same as the regular formula that is in effect. The 1-60 at present, or the 1-50, if L. D. 492 gets enacted. So there is no connection whatsoever in this bill with 492. The only difference is that these people have an opportunity to retire at the end of twenty years,

under age 60 if they so desire at a reduced amount.

I don't see why this amendment should not be accepted and there will be a question as to — there is going to be a reduced amount and maybe these people might not want to retire. But I think we should let those people decide that. I do not think we can tell how much a person needs to retire. I think that should be his own decision.

Just to enlighten you, we just enacted a bill yesterday, one hundred eighteen to nothing. That was an act providing minimum retirement benefits for certain teachers. So again, I do not think we are setting a precedent. This is being done and it has been done right along. I still think it should be those people's decision. I hope you will not support the indefinite postponement.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: This paper which Mr. Soulas has placed on our desks, which I was glad to receive this morning, it also states what my opposition is in this amendment. This Amendment "B", it says right there, right in the form that is in effect, the 1-60 at the present, or the 1-50 according to 492, that is true, but he has already got 1-50 in his. If this bill passes and the 492 doesn't, there is going to be just one group in the state getting 1-50, and that would be the group in this amendment.

Therefore, this amendment should be indefinitely postponed. If they want to present a new amendment, all right, but the amendment is wrong, absolutely wrong. I checked it this morning with people who understand it. In his own letter it says that the 1-60, at present or 1-50 if 492 is enacted. If this amendment is adopted this morning, this bill will definitely be 1-50. Therefore, I hope you will go along with the indefinite postponement.

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

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

House: We discussed this not at great length yesterday, but I talked with the Retirement Board this morning, a member of the Retirement Board as well as some of the highranking personnel over there and this bill, although there is no cost to the state, it is costly to these employees.

Under our 492, which is well on the way to passage, the employees will be contributing 6½ percent, but under this bill, these people, the mental institutions employees, will be contributing 7½ percent and they will be getting no greater benefits than its counterpart under 492 in the other areas of state employment and the teachers.

This in no way resembles the State Police bill and I am sure that any employees under this would hesitate to retire when they realize the meager allowance they would be receiving if they took a reduced benefit and retired after 20 years of service. They have speculated the average employee would be getting probably \$60 or \$70 a month and they would not be eligible for the \$100 a month minimum until they reach age 60.

I would move that we indefinitely postpone this bill and all accompanying papers.

The SPEAKER: The Chair would inform the gentleman that the amendment must be disposed of first. The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, to indefinitely postpone the Amendment.

Mr. PRATT: I would support that motion.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: This bill is somewhat similar to another bill that went directly to the Committee on Veterans and Retirement. The Veterans and Retirement Committee, because of what has been taking place over the last 20 or 25 years on retirement felt that all of these bills ought to be bundled up and studied thoroughly; in fact, the whole retirement system is very badly in need of a thorough study. It has been fragmented to such an

extent that treatment of retirees is very inequitable.

There was a bill for retirement for teachers, but that was simply to rectify omissions in previous legislatures where these teachers were overlooked and did not receive the same fair treatment accorded to others. I am opposed to enacting any legislation at this time that confers benefits on one segment of the state employees that is not available to others.

There has been a continual struggle in the legislature for too many years to gain for a small group early retirement and increased benefits because of hazardous duty, first at the State Police level and then into the Sea and Shore Fisheries, then the wardens and then the State Prison. The Correctional people want it; the state mental institutions want it. The next time around, the teachers, because they are exposed to severe mental strain, will want to get out after 20 years. State Highway people, because they are exposed to the hazards of working on the highways will want to be out at 20 years. This thing is getting to be a mess. I think it ought to be indefinitely postponed and the whole retirement picture thoroughly studied.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I hate to take issue this morning with my friend from Livermore Falls, Mr. Lynch, but I was involved somewhat at least in the hearing of this bill and I signed the "ought to pass" report. Mr. Soulas has told you this morning that the cost to the state is zero on this item. This was one of the major objections in the earlier debate when they passed the bill along before.

I think that one of the other points that we ought to make, and one of the questions that has been raised here this morning, is that the people themselves are going to pay a higher percentage for their own retirement. As I understand it, the people in these institutions have been contacted and the reactions to these amendments are favorable.

I would only remind you as I did in the previous debate, the people who are working in these mental institutions or working with the mentally retarded are working under very difficult conditions. I can't think of a single group in the state that have to be more dedicated to helping humanity than those who are dealing with people in this condition. I hope that we can show the same amount of concern for them that we showed the other day passing this along.

I would only remind you once again that this was one of the major underpinnings of the Bangor State Hospital study committee; that it was found to be a major item in the morale and it would be, I think, a great service to our mental institutions if we could pass this bill along this morning and do it as soon as possible.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I also was a member of the Committee on Appropriations who heard this bill. I signed the "ought not to pass" report on this bill, because I do not believe in fragmenting further the retirement system.

I completely agree with the remarks of the gentleman from Livermore Falls with regard to this matter being thoroughly studied. I don't think that the people who are asking for this, if we grant it, are going to be satisfied with it, and I hope you go along with the indefinite postponement.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: If we cannot treat all the retired the same under this pension plan, then I hope you go along with Mr. Finemore and all his remarks and indefinitely postpone this.

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

Mr. GAHAGAN: Mr. Speaker and Ladies and Gentlemen of the House: This bill really never should have been before the Appropriations Committee. It

originally was sent to the Committee on Veterans and Retirement, and upon request, we — first request we refused to send it to Appropriations and then upon additional request, we proceeded to send the bill to Appropriations. Then we got into the problem which I discussed here the other day, and as Mr. Smith of Dover-Foxcroft is well aware, there are several special requests that came before the Veterans and Retirement Committee this session.

Now, this bill concerning the employees at the state hospitals is needed, and I concur with the sponsors of the measure that they should be taken care of. However, it is my opinion that they will be adequately covered under the provisions of L. D. 492 which is a uniform approach to state retirement, and I would suggest that in the future that all retirement bills dealing with state employees should go to Veterans and Retirement so that we could prevent a misunderstanding such as I feel has happened.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I had a bill somewhat similar to the bill that Representative Soulas has before you this morning, and I am very delighted that it didn't go to the Veterans and Retirement Committee, because it seemed to me the consensus of the committee at that time was that they didn't want to act on any bills. They took the bill that I had and parlayed it with the rest of them into a proposed study of all these retirement bills, and I just can't understand how much study they have got to have.

I think if we are going to do anything for the state hospital employees — and these people certainly work with insane people as well as retarded people and extremely dangerous people. I think their positions are much more dangerous than being a game warden or a state police officer, and these people benefit from 20-year retirement since you would oppose the motion.

Representative Soulas has shown you where it is not going to cost you any money. He has got it in black and white. He had a director come over from the department. How much more do you have to see? It specifically says that it is not costing the retirement system any more money.

The bill that I had, the people were willing to pay more in. Under his amendment they are going to pay more in. I can't for the life of me understand why you would want to indefinitely postpone his amendment or the bill this morning.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to inject myself into this, because two or three other members of the committee have made a deeper study in this particular thing than I. But my very good friend from Bangor, the gentleman, Mr. Kelleher, I feel has made a direct attack upon the integrity of my committee, and I do not like it.

I happen to be House chairman of that committee, and that committee has worked probably as hard as any committee in this place. We had 62 bills. We are dealing not with just a few policies, not with just a few issues and not just with the City of Bangor. We are dealing with policies involving possibly 12,000 employees. We are dealing with a fund which is almost \$200 million.

I would inform the gentleman from Bangor that the committee considered very carefully, and the bills that were referred to Rule 17 A, we had every right to refer them there just like his committee or any other committee.

I have heard it said that if we had had a plan to study the whole retirement system in some prior committee and had done so, we might have found our way clear to have made a little faster progress on some of our bills. It just so happens that the committee this year in this session, not because of anything that I may possibly have had to do with it or the joint

chairman, but the committee in its deliberations felt, as my friend, Mr. Lynch from Livermore, has so ably put it, the system had been fragmented to the point of where it is dangerous to the future of our retirement system. We do need the study, in spite of anything Mr. Kelleher said to the contrary. We should have the study.

This bill should be in that study, believe me.

I only regret that possibly through my own weakness we allowed this bill to be taken out of our committee, which we should not have done. I opposed it the first time. I moved that we deny the request to take it out of our committee. I said, "We will handle our own." Then through lobbying, I gave in along with some other members of the committee. That is the mess in which we find ourselves regarding 223.

I think that this morning it has been shown that this bill, with or without its amendment, is going to do very little for the people involved. Four ninety-two, we worked on long and carefully, and aside from the fact that I disagreed on a few of the minor points, we were unanimous in our approval of 492. It is a valuable piece of legislation. It is passing.

I urge you to oppose this bill, but I am not going to talk on it again. The gentlemen who have talked on it previously know more about the bill. I have been absent some of the time, and I didn't have the opportunity to check into it. I just wanted to tell you that I am proud to be chairman of this committee for this year.

The SPEAKER: The Chair recognizes the gentlemen from Bangor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I just want to sum this all up.

In the first place, for the record, I am not against 492. I voted on the record to enact 492 when it was in the House. Whatever they are doing with it in the other body I have no control over. I don't know why they don't enact it, but it has nothing to do with 223. There is no connection whatsoever with

this bill, and if we are talking about what a person will retire at, a person earning \$6,000 a year under our present retirement system would retire at \$2,400 a year.

If he were to retire early under my plan and take a reduced amount after 20 years, he would retire at \$1,800 a year, which is a difference of \$600. However, he will be receiving that for 10 more years. So, whether you or I feel it is meager, I still feel you should allow the person involved that is going to retire to decide that. I hope you will definitely vote against the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker, Members of the House: I would just like to reiterate one point again. If this legislature wants to make a very significant contribution to these mental institutions at no cost to the state, you ought to vote against the gentleman, Mr. Finemore's, motion.

I think that this is one of the most important items. This is a unique group of state employees who want this. They have been asked if they want it. The expense is their own. I can see no greater move that we could make based on all the study that has been made. This isn't a group that can be lumped with the other state employees. This is a unique group of state employees who have requested this, whose problem has been studied by a very reputable group of men and women, the Bangor State study committee, who spent weeks and weeks and weeks going over this. I can see no reason for this legislature to deny the request of this group, and I hope that you will vote with the gentleman from Bangor, Mr. Soulas.

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

Mr. FINEMORE: Mr. Speaker, Members of the House: You just heard a speech speaking on the bill. The bill isn't before us. It is the amendment, and the bill has got nothing to do with this amend-

ment. This amendment is incorrect. That is all we are voting on at this time. We are voting for indefinite postponement of this amendment. Then we will talk on the bill, and I hope you go along with the indefinite postponement, because this weeks and weeks and weeks has got nothing to do with the amendment, because if they had worked weeks and weeks and weeks with this amendment, it would be correct and not incorrect.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I apologize, the hour is late, and I promised myself I wouldn't get up on this this morning, but what you are seeing is a masterful piece of parliamentarianism here by the good gentleman from Bridgewater, Mr. Finemore. He is very desirous of killing the bill, and he knows that he can — if he can kill the amendment, he can kill the bill and then on any other action after the amendment is killed, he can vote for the bill, and he can be on both sides of the fence. It is a very beautiful maneuver, and I congratulate him for it. Actually, I know what he is trying to do and all of you good people here do, too. He is very adept at it.

Mr. Lynch, very fine gentlemen from Livermore Falls, was against the bill the other day because it was a raid on the retirement fund. It was a definite raid, and it was going to cost a lot of money, and it was going to disrupt the fund. Now today, we find if we believe the very people who spoke on the — gave us the figures on the other retirement bill, that there is no cost to this. So now it is a fragmentation. It doesn't cost anything.

Our good friend, Mr. Pratt, from Parsonsfield, said he agrees because he checked. These people have told him that there is no cost. He said that is absolutely right, that there is no cost to this, but that it really is doing these people a disfavor. We are now — now that there is no cost, we are doing them a disfavor, because we are allowing them to retire in 20 years if they want to, and they are

willing to pay for it. They are willing to pay for it.

Now, if they don't want to do this, they certainly can go on the other plan, and that is fine and dandy. I am sure that the good Veterans and Retirement Committee — and I have no objection against them at all this morning, and they are most gracious to let this other committee — because we did study these matters to it, and I find no fault with them, and I am sure that when they get through with their deliberations and come back in the special session, that you will see a bill very similar to this bill that the other committee, that the good gentleman from Bangor has done the work on, come back with a bill such as this for the problem that is faced in some other areas of 20-year retirement at no cost, mind you, at no cost to the State of Maine.

Now, I would submit that if we vote against the amendment this morning, you are voting against the bill, because certainly the bill needs this amendment, and I hope that you will go against indefinite postponement.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: We are getting to the time where we are playing games with almost everything now. First, it was an appropriation that would be required, and then somehow it disappeared overnight. There is no other tacked on the retirement fund.

If you will read this first sentence that was laid on our desk this morning, "if early retirement benefits are allowed prior to age 60." Why is that necessary? So that a certain segment of people covered by the retirement fund are given the opportunity to retire before the age of 60 without having to claim a physical disability. Now, that is an intrusion. You cannot retire at a lower age unless you are physically disabled, unless you want to make exceptions for this area, another area, another area and continue to tear this thing apart.

The SPEAKER: The pending question is on the question of the gentleman from Bridgewater, Mr. Finemore, that House Amendment "B" to L. D. 223 be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

55 having voted in the affirmative and 70 having voted in the negative, the motion did not prevail.

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

Mr. PRATT: Mr. Speaker, Members of the House: We don't seem to be getting it across this morning, but the cost of this bill is not to the state. The cost is to the very people that they are trying to help in here, and their cost will be a 7½ percent contribution. As to their counterparts, teachers, other state employees are paying 6½ percent under L. D. 492.

If this is passed, I can assure you — and the word gets out that they are paying 1 percent more than any other employees, they are certainly going to be back here to have this corrected. I would like to move for the indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The gentleman from Parsonsfield, Mr. Pratt, moves the indefinite postponement of L. D. 223 and all accompanying papers.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not vote for the indefinite postponement.

Secondly, these people know this is what it is going to cost them, and it is not just Bangor State Hospital, it is Augusta State Hospital, Pineland State Hospital, and our new units just formed. They know what it is going to cost, and they are the people who are going to pay for it, these are the people that want it, so why should we deny them.

Mr. Finemore of Bridgewater requested a roll call vote.

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

expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Parsonsfield, Mr. Pratt, that L. D. 223 and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Berry, G. W.; Berry, P. P.; Birt, Bither, Bragdon, Brawn, Cameron, Carter, Crommett, D o n a g h y, Drigotas, Dunn, Emery, D. F.; Farnham, Farrington, Finemore, F l y n n, Garsoe, Good, Hamblen, Haskell, Henley Hoffses, Hunter, Immonen, Kauffman, Kelley, Kelley, R. P.; Knight, Lawry, Lewis, E.; Lewis, J.; Lynch, Maddox, McNally, Merrill, Merton, Murchison, Palmer, Pratt, Rollins, Shaw, Silverman, Simpson, L. E.; Sproul, Stillings, Susi, Trask, White, Willard.

NAY — Albert, Baker, Berube, Boudreau, Briggs, Brown, Bunker, Bustin, Carey, Chick, C h o n k o, Churchill, Clark, Conley, Cote, Cottrell, Curtis, T. S., Jr.; Dam, Evans, Farley, Ferris, Fraser, Gahagan, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Herrick, Hobbins, Huber, Jackson, Jacques, Jalbert, K e l l e h e r, LaCharite, LaPointe, L e B l a n c, MacLeod, Mahany, Martin, Maxwell, McCormick, M c H e n r y, McKernan, McMahan, McTeague, Mills, Morin, L.; Morin, V.; Mulken, Murray, Najarian, Norris, O'Brien, Parks, Perkins, Peterson, Pontbriand, Rolde, Ross, Shute, Smith, D. M.; Smith, S.; Snowe, Soulas, Strout, Talbot, Tanguay, Theriault, Tierney, T y n d a l e, Walker, Wheeler, Whitzell, Wood, M. E.

ABSENT — Binnette, Carrier, Connolly, Cooney, Cressey, Curran, Davis, Deshaies, Dow, Dudley, Dunleavy, Dyar, Faucher, Fecteau, Gauthier, Keyte, Kilroy, Littlefield,

Ricker, Santoro, Sheltra, Trumbull, Webber.

Yes, 51; No, 76; Absent, 23.

The SPEAKER: Fifty-one having voted in the affirmative and seventy-six having voted in the negative, with twenty-three being absent, the motion does not prevail.

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

Mr. WHITZELL: Mr. Speaker, having voted on the prevailing side, I would move reconsideration and would hope everybody votes against me.

The SPEAKER: The gentleman from Gardiner, Mr. Whitzell, moves the House reconsider its action whereby L. D. 223 failed indefinite postponement. All in favor of that motion will say yes; those opposed will say no.

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

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

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

Mr. MARTIN: Mr. Speaker, I now move we reconsider and ask everyone to vote against me.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the House reconsider its action whereby L. D. 223 was passed to be engrossed. All in favor of that motion will say yes; those opposed will say no.

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

Sent to the Senate.

(Off Record Remarks)

Mr. Birt of East Millinocket presented the following Joint Order and moved its passage:

WHEREAS, the forest lands of Maine are a great renewable resource; and

WHEREAS, the proper regulation of forest practices would benefit and improve that resource; and

WHEREAS, it is apparent that there is a need for effective regulation of this subject; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and di-

rected to study the subject matter of the bill: AN ACT Creating the Maine Forest Practices Act, House Paper 1301, Legislative Document 1757, as introduced at the regular session of the 106th Legislature and all amendments and new drafts thereto, to determine whether or not the best interests of the State would be served by the adoption of such legislation; and be it further

ORDERED, that the Forestry Department and the Conservation Department and its constituent bureaus and the Department of Environmental Protection be directed to provide the Committee with such technical information and other assistance as the Committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report the results of its study at the next special or regular session of the Legislature; and be it further

ORDERED, that copies of this Order be transmitted forthwith to said bureaus upon final passage as notice of a pending study. (H. P. 1619)

The Order was read and passed and sent to the Senate.

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

Bill "An Act to Change the Lobster License to the Boats, Increase License Fees and to Limit the Number of Licenses" (H. P. 1221) (L. D. 1578)

Tabled — June 14, by Mr. Simpson of Standish.

Pending — Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Gouldsboro, Mr. Bunker.

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

The SPEAKER: The gentleman from Gouldsboro, Mr. Bunker, moves the acceptance of the Majority "Ought not to pass" Report.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I strongly urge you to vote against the pending motion so that we could perhaps accept the motion of the minority report "ought to pass" in new draft, L. D. 2031.

I would like to very briefly — and I suppose it is going to be longer than I would wish and you would wish, but I will try and do it as quickly as I can — explain what this bill is about, the need for lobster management conservation, the problems which this legislation may entail, and why I think we should enact this legislation.

Last summer and fall the need for lobster legislation was a question that was prevalent in my area, and I suspect it was prevalent along the coast. Not having been brought up in a lobster fishery or even on the Maine coast myself, I tried to listen to what the lobster fisherman wanted, and I asked questions which I attempted to clarify the issue. Admittedly, as in most issues, there were differences of opinions.

As I talked with many fishermen and then eventually, when I arrived here in the legislature in January, there were continued comments you could never get the fishermen to agree on anything. I don't think this is quite so. It is true, there are differences of opinion, but I think there is also a very very strong consensus upon what the lobstermen would like for legislation to regulate their industry.

There seems to be a myth, perhaps, operating in this legislature which would indicate that if you don't have unanimous consent of the lobstermen on legislation, that we can't pass anything. Again, I would submit that on many many issues — or I would say on rather very few issues is there unanimous consent: If there was unanimous consent on a lot of issues, we certainly wouldn't have to have a legislature to decide these matters. All we would have to have is a benevolent dictator who would pass laws that all people would be agreeable to, but this isn't the case, and here we are.

In December, I thought that perhaps the best way I could possibly

gain a consensus of the fishermen in my area was to develop a questionnaire. I did that. It was a very limited questionnaire in terms of the number of questions, and it was filled out by 159 fishermen in the Hancock County area. From that I can report to you there was considerable consensus on such issues as a trap limit and a license freeze. I can also report to you very honestly there was strong opposition to a \$100 license fee.

It became apparent to me at that time the survey had its serious limitations, because it was strictly limited to one geographical area. Hence, a more complete survey was developed and taken along the coast in 11 area meetings. The survey was discussed with members of the Marine Resources Committee, and several members of that committee and members of this legislature were gracious enough to spend their time attending some of these meetings. I would like now to publicly thank Mr. McNally of Ellsworth, Mr. Bunker of Gouldsboro, Mr. MacLeod of Bar Harbor, Mr. Murray of Bangor, Senator Anderson of Hancock, Mr. Davis of Addison, Mr. Maddox of Vinalhaven, Senator Huber of Knox, Mr. Jackson of Yarmouth, Senator Morrell of Brunswick, Mrs. Knight of Scarborough, Mr. Rolde of York, Mr. McMahon of Kennebunk, Mrs. Clark of Freeport, and Mr. Mulhern and Mr. LaPointe of Portland, who all attended one or two of the meetings that were held. I have copies of the results of this survey and will be happy to share them with anyone that would like to see them. I have distributed copies of the area meetings and copies of the total survey to people who have attended these meetings.

There are two questions that I would like to discuss very briefly that I think give a good indication of what is going on in the lobster industry. The first question goes as follows: "Do you believe the lobster industry in Maine is in trouble?" Three hundred six responded yes; one hundred ten, no. That is almost a three to one ratio saying that they do feel that the lobster industry in the State of Maine is in trouble; and hence, we do need some regulations.

Another question that we asked: "To what do you attribute the recent decrease in landings?" The sub-question on that was, "Over fishing, too many traps." Three hundred responded yes, eighty-seven responded no.

With those two questions, I would like to very briefly summarize what I think the results of the questionnaire indicate or what the lobster catchers up and down the coast think they would like to have. First of all, a trap limit of 600 traps. And I quite admit that the area that I come from and the area that the gentleman from Gouldsboro comes from and the gentleman from Addison, Mr. Davis, the feeling is that they would like to have a trap limit much less than 600. But at the same time, they also feel that whatever trap limit we have, it should be uniform along the coast.

They also feel very strongly that in order to hold a commercial license, an individual should earn 75 percent of his earned taxable income from any of the fisheries.

They also feel very strongly that there should be a license freeze which would have the effect of controlling entry into the fishery, the lobster fishery specifically.

They also feel — and this is a point that is personally hard for many people to swallow, and I think probably in the final analysis, I agree — they would like to see the so-called part-timer or weekender completely eliminated from having the right to have traps in the water and fish accordingly.

In a very quick sentence, what the lobster fishermen are asking us to do is to make the lobster fishery a commercial venture in the State of Maine.

Just for a quick minute, I would like to offer my personal evaluation of the lobster fishery from the fishermen that I have talked to and the results of the survey. It appears to me there is a very serious problem in the Casco Bay area with the escalating number of traps which are being set there. Many fishermen are fishing as many as 1,000 to 1,200 traps. Some have told me they are fishing as many as 2,000, 2,400 and one even told me 2,800.

It becomes economical to fish so many traps and many of the fishermen know this, but they won't reduce by themselves for fear that their neighbor will set out additional traps and catch more lobsters. But this argument too, doesn't hold water, because somewhere between I would say around 500 traps it becomes economically unfeasible to place more traps in the water from the point of view of the cost of additional traps, the cost of bait, the cost of fuel, the time, as compared to the additional number of lobsters that might be caught.

The lobster fishery is a limited resource, there is no question about that. The more traps we put out, the larger the chance is that we continue to deplete the resource.

Now, many of you have heard and read what has happened to some of the other fisheries along the coast in the past years. I refer specifically to haddock, cod, whiteheaded shrimp. We do have international agreements that are not being kept by either ourselves probably or foreign nations.

Personally, I think many members of this legislature support very strongly the efforts that are taking place on the national level to have the United States declare territorial sea for the purposes of harvesting renewable marine resources out to the Continental Shelf or out to 200 miles.

To give you an example of just what has happened to the fisheries, I would like to cite some personal experiences. My uncle, who lives in Stonington, has a 50-foot fishing boat. He has taken fishing parties 17 miles off Stonington to Seal Island for many years. Three or four years ago it was not uncommon for a party of 10 to 12 to come back in with three or four hundred pounds of haddock. Last summer we went out and there were days we came back with absolutely nothing.

So, what I am suggesting is that if we continue to over-fish the lobster that we have, that very shortly we are going to be fishing this resource out of business.

The bill before you today calls for the licensing of boats which will allow the lobsterman to take any number of helpers he wants

without any license fee. As Mr. Maddox indicated on Wednesday, there are certain times of the year when it is mandatory to take a sternman.

This bill also calls for a license classification system, a trap limit, a license ceiling and an increase in the license fee.

I would like to very quickly explain these things to you and how they go together. The bill calls for a commercial license with a trap line of 600 traps. In order to qualify for a commercial license, a person must earn 50 percent of his income from any one of the fisheries. The license ceiling on this type of license would be the number of people who qualify for it in the first year. The license fee would be \$25.

The lobstermen are very concerned about the young students, their sons and other people in communities, about how they get into the industry. It has been suggested and supported very strongly, an apprentice program. So you set up an apprentice license that would allow an individual 16 years or older to fish 200 traps for a period of 12 months under some supervision, or to go as a sternman with another lobsterman. We have placed a license ceiling on that of 600 and the license fee is \$25.

The third is a student license. The qualifications for this is that the individual be enrolled as a full-time student. The trap limit is 100, the license ceiling is 1,500 or the maximum number who qualify here in this legislation, whichever is lower. The license fee here is \$15.

The fourth license is a retirement license. The qualifications here are that an individual be 55 years old and that he have held a license for ten years. The trap limit would be 200; there would be no license ceiling and the license fee would be \$10, which is what it presently is now. As far as the retirement license, the lobster fishermen believe very strongly that an individual who has had an opportunity to be in this fishery for a long time should have some benefits as he grows older, and as he reaches this age, he tends

to reduce the number of traps he fishes and so this is the reason for this particular license. It is strictly optional, there is nothing mandatory about it.

The final license is a sport license, and this would be open to anyone who doesn't qualify under any of the other licenses. The trap limit would be 25 traps; the license ceiling would be 1,500 or the maximum number who qualify under the first year of this legislation, whichever is the lower figure. And the fee, again, will be \$25.

Other provisions of this bill include tagging of traps with metal tags, changing the license date from January 1st to July 1st. License fee revenues will be dedicated to purchase seed lobsters and hiring additional wardens.

The Marine Resource Committee, of which I am a member, has been most gracious to me in voicing their objections and recommending changes in this bill. I am most grateful for this courtesy. This bill has been redrafted several times to eliminate problem areas. However, there are still some areas which cause concern and I would like to deal with these at this time.

The provision that calls for 50 percent of an applicant's income to be earned from a fishery to qualify for a commercial license, one objection is that it is unconstitutional. That remains to be seen. Even when this law might become enacted, it certainly could be tested in the courts. The objection to the 50 percent requirement is that it would eliminate a segment of the fishermen because they don't earn 50 percent of their income. As I indicated earlier, the fishermen feel very very strongly that in order to hold a commercial license, an individual should earn 75 and some say as much as 90 percent of their income. But I think they realize that this is not realistic, and I think they are more than willing to have 50 percent added to that figure.

I do not know how many people this would potentially eliminate from the fishery and I do not think anyone else does and I am not trying to deny that it would.

But again, this legislation like most pieces of legislation is not perfect, and if it become a serious problem, I am sure that if it were enacted, it could be amended or changed at some future date.

Another objection is that some of the language is too vague and needs to be pinned down. I do not believe that anyone really knows the problems which this legislation may develop and I thought that it was advisable to give the commissioner, with the advice and consent of the Fisheries Council, some latitude in decision making to deal with these problems.

Trap limit being unenforceable is another objection and I must admit that this is my greatest concern. Commissioner Apollonio has some serious doubts as to the enforcement aspects of this legislation. I believe that it is fair to say that he is most willing to work out this legislation if it is enacted. We certainly shall never know all the problems involved with the trap limit if it is not enacted. We must make a start and it must be now.

Ladies and gentlemen of the House, this bill, in my opinion, is a very modest attempt to begin to conserve, manage and regulate the lobster fishery. We do not possess the information necessary to adequately deal with the lobster fishery. This may well be the tool we need to begin that step.

Recently, a lobster catcher from Bailey's Island told me, "It's not the lobster catchers who can't get together, it's the legislators." I told him I thought he was wrong, and I hope this morning that you will prove him wrong. I would urge you to vote no on the pending motion and, Mr. Speaker, when the vote is taken, I request a roll call.

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

Mr. MacLEOD: Mr. Speaker and Ladies and Gentlemen of the House: I rise this morning to support the "ought not to pass" report of this piece of legislation. It is with mixed feelings, and I sympathize with the young gentleman from Stonington. I attended

one of the hearings in Ellsworth with several of the fishermen in our area, in Hancock County. However, I think that you cannot, in one fell swoop here, package up all the problems of the lobster industry in this piece of legislation and figure that you are going to cure these ills overnight.

We have a coastline, as you all know, of 2,500 odd miles out there with a lot of bays and inlets and everybody is operating under a different set of rules. This group of fishermen are the last of a very independent breed on our Maine coast. I have talked to many of them, as Representative Bunker has, who lives with them. You have a Marine Resources Committee composed of some older Representatives who have lived on the Maine coast and lived with these problems.

Just to give you a little illustration, just prior to coming up to the session this year, I was invited to Bass Harbor, which is a small section of Mt. Desert Island, and there were ten fishermen who said, "Would you come on over and talk to us, Jim?" I said, "Yes, I would love to." So I went over on a Sunday morning at 10 o'clock and we sat down at a kitchen table and they said, "Now how would you like to do this?" I said, well I'll throw out a few questions and you answer and in 15 minutes time I had so many different answers and so many different questions going from them, that I said, how in heaven's name can I go down to Augusta and try to put my name on a piece of legislation that is going to cure what you want?

I think that your Marine Resources Committee has to this point tried to come up with their bill and their amendments, which Mr. Maddox explained to you yesterday. I know we had a light group in the House and there were quite a few who probably were not here. Skip has tried religiously to take some of these things and put them together in a package, and I just don't think they are going to work for you right now.

In Washington County, in the absence of Mr. Davis here this morning, I would like to speak on his behalf. He represents around 500

fishermen down there and they would rather not see this legislation passed.

I had a call just the other night. I know that Representative Greenlaw said that he had one from Bailey's Island, I had one from a little nearer home, a real good fisherman from Cranberry Island. He called me up and he said, "Jim, what is happening to the lobster legislation in Augusta?" I said, "Well, from where I sit, right now it doesn't look as though there are going to be too many changes made; however, I think we are going to come up with a few helpful things." And then I said that we have got to try and start with a trap limit. Most of them are all agreed with this. So you see, we have a 600 trap limit in this amendment which was offered yesterday. He said, "Well for heaven's sake Jim, leave us alone and let us do our fishing."

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: I had a gentleman from down in Bristol the other day at my home. This is what he told me. He said, if this bill goes through, this is going to help the part-time fisherman, he is going to pay less for his license. He said, us people who are it that have paid a lot for equipment are going to get clobbered. Furthermore, he said, I have heard about these surveys. He said, I would like to ask anyone and have you ask through the Chair of the House, who they took this survey from? He said, no one ever came to us. He said, did they just go out to the individuals who wanted this? He said, us fishermen down here, and I talked with him and then I went down and I talked with those fishermen and they had never been surveyed. I hope it is "ought not to pass."

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

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

Mr. GREENLAW: Mr. Speaker and Ladies and Gentlemen of the House: The response to the gentleman from Oakland, Mr. Brawn's question, there were several meetings. We started out in Machias, we went to Ellsworth, Vinalhaven, Rockland, Boothbay, Harpswell, Ogunquit, Portland and I held three area meetings in my own district. They were publicized in the newspapers. I sent letters to lobster dealers and made as many contacts to as many people as I possibly could. As I indicated, the survey was only filled out by 427 fishermen, which is a far cry from perhaps the 2,000 or 2,500 full-time fishermen there are.

I think that I can very honestly say, by the time I got onto the coast with this survey in early April, the fishermen were fed up with going to meetings and making their views known and perhaps on some occasions on deaf ears.

I wish that we might have had at least a thousand responses to this questionnaire, but it didn't turn out that way. I have worked with what I had in addition to the contacts that I have had with the fishermen up and down the coast on this legislation.

If I could answer just one more question, Mr. Speaker. Mr. Brawn made some reference to the fact that this would help the parttimers. I indicated that the commercial license fees that I have recommended in this bill is \$25 and the license fee for a sport license, which would be what many of the parttimers would be purchasing, would also be \$25, so they are very much equal.

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

Mr. MULKERN: Mr. Speaker and Ladies and Gentlemen of the House: I do not feel really that I can add too much to what Mr. Greenlaw has already said about this bill. He has pretty much spelled it out for you. But I did attend a lobstermen's hearing in the Portland area and I listened very attentively at the hearing as a member of the Marine Resources Committee to some of

the problems of the lobstermen. I came to the conclusion myself, even though I am not a lobsterman and I don't pretend to know a great deal about it, and this is my first year in the legislature as a member of the Marine Resources Committee, that the lobster industry did have problems, solely based on what the lobstermen themselves said.

Today on my desk, I received a telegram from the Southern Maine Lobstermen's Association, 720 Pool Road in Biddeford, and they announced, "At our meeting last night, we unanimously endorsed the redraft of L. D. 1578. I would like to see you support this bill."

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Kauffman.

Mr. KAUFFMAN: Mr. Speaker and Ladies and Gentlemen of the House: I received a call this morning from the Southern Maine Lobstermen's Association also. They were very much opposed to L. D. 1578 and they endorsed 2031. I think 2031 answers some of the questions which we all had in regard to cutting the so-called part-time recreational lobsterman out. True, it does cost him a little more for his license. However, Section 15 of 2031 directs the commissioner to evaluate this bill and make appropriate recommendations to the the 106th or the 107th Legislature. Therefore, I think I must support this bill.

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDOX: Mr. Speaker and Ladies and Gentlemen of the House: I have nothing but the greatest admiration for the energy and the work that Mr. Greenlaw has put into his presentation. He has shown that he is sincerely interested. I appreciate that and I respect him for it, but he is traveling down the wrong road in many directions.

The amendment which you passed—my amendment, yesterday—accomplishes many of the things that Mr. Greenlaw wishes, and it does it in a manner that is a gradual and sensible approach to the problem.

I am not going to debate this thing this morning. The conditions have not changed, nothing has changed overnight. I would like to say just one thing, this bill, 1578, imposes restrictions upon the lobster fishermen from the cradle to the grave.

There is a segment of industry, independent men, who have since the time white men first settled on this coast of ours, have enjoyed prosperity to a degree by their own initiative. They have gradually become so bound around by laws and restrictions that it is almost impossible for them now unless they are constantly aware not to violate something.

Here is a new proposal that will take them from students to retirement, from the cradle to the grave, with even more restrictions. Must we put these men to work with one hand on the wheel of pot luck and a book of laws in the other hand? Let's give him a break.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I know absolutely nothing about lobster fishing, but I sort of sense support for the bill from some areas and opposition from others. I would like to ask a question. Is the scarcity of lobsters along the Maine coast local or is it general?

The SPEAKER: The Chair recognizes the gentleman from Vinalhaven, Mr. Maddox.

Mr. MADDOX: Mr. Speaker, Ladies and Gentlemen of the House: The answer to the question, yes, in certain areas because of overfishing. When you put 2,000 to 2,800 pots in the water, that is exceeding normal, sensible desire to make a living, and the result is being a depletion of the lobsters in certain areas. I will say that Hancock County and Knox County are enjoying the rejuvenation of the industry in the number of lobster that are apparent this season, and a great deal of discontent, a great deal of the noisy minorities are those that do not want to see their traps curtailed, but at the same time, can't re-

alize the problem that is facing them.

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

Mr. LEWIS: Mr. Speaker and Members of the House: I spoke on Mr. Maddox's amendment yesterday, and I will try not to be repetitious and be very brief this morning.

I also want to repeat that I have the greatest admiration for Skip Greenlaw and the efforts that he has put into the bill and the information that he has accumulated, but I honestly believe, coming from the coast and having lived on the coast all my life, being acquainted with many lobstermen, probably representing three or four hundred lobstermen, I feel that he is trying to go too fast too soon.

I shall say no more, but I would hope that you would defeat this bill.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: In talking with the fishermen on the coast, this is what they told me. They said any of these meetings that were held, one man said he had heard of it, but he said, "I get up in the morning at three or three-thirty, I am on my boat at four o'clock on the good days. When it storms I cannot get out." He said, "I am there some nights until after dark before I can get in." He said, "I am getting tired." He said, "I am not able to go to these meetings. Why don't they come and contact us?" And a lot of them had never heard of it at all. Now, he said, "We get a lot of breakage, a lot of loss in traps due to storms. We have to repair these during the stormy days and nights." He said, "This is our livelihood."

The SPEAKER: The Chair recognizes the gentlewoman from Scarborough, Mrs. Knight.

Mrs. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "ought to pass" report on this bill, and I feel very strongly that it is the most comprehensive measure

before us dealing with Maine's lobster industry. It is not a stop-gap measure, but rather a well thought out step towards meaningful regulations of the industry.

Nearly all lobstermen agree that Maine lobsters are being over-fished. You heard it today, you heard it yesterday. More traps are being set every year and fewer lobsters are being caught every year. This leads one to the conclusion that implementation of some regulations are vitally necessary so that this trend does not continue.

Many of you sitting here in the House this morning are under the misconception that no two lobstermen can agree. Last evening I attended a regular meeting of the Southern Maine Lobstermen's Association. Present at that meeting were 40 lobstermen from 10 ports in southern Maine. These included Pine Point in Scarborough, Camp Ellis in Saco, Biddeford Pool, Cape Porpoise, Kennebunkport, Ogunquit, York, Kittery and Kittery Point.

These men voted unanimously to support this bill. They also voted to send telegrams to members of the Marine Resources Committee to show their support.

I distributed this morning a petition signed by the gentlemen supporting this bill. And the reason for the confusing manner in which the petitions have come to you is that at the end of the meeting last evening, the members wished to sign the petition supporting the redraft of 1578 and the chairman of the association tore off two legal pads, pieces of paper, not realizing that on the back of one was a list of the Committee on Marine Resources that they had asked me to write down their names so they could send telegrams to them. In no way did I mean to indicate that these members support this bill.

It is important to keep in mind this morning that the provisions of this bill are not hard and fast rules, in that the bill provides for exceptions to be granted by the commissioner, with the advice and consent of the Sea and Shore Advisory Council, made up of individuals within the fisheries. Also

this bill is not exclusionary. It allows for entry into the lobstering industry by students, by the man who wishes to make his primary living lobstering, by the individual who wishes only to supplement his income, and lastly by the person who wishes to lobster only for pleasure.

In closing, I will again say that this is a good bill and one that the fishermen can live with. I urge you to defeat the pending motion.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. LaCharite.

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am a signer of the minority report and the reason for that is that the lobstermen in my area, and also the Representative from Yarmouth, Mr. Jackson's area of Harpswell, and Brunswick and Freeport are in favor of this redraft. They have contacted me. The head of the association has contacted me, and the entire association again unanimously supports this legislation. And I hope you vote in favor of this redraft.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am not a stranger to the lobster fishing industry. I started in going sternman when I was 12 years old. I have been around it pretty much all my life and I have been a licensed fisherman for 20 years, not the last 20, but for 20 years here on the Maine coast.

We have got many problems in our fishing industries. We are being over-fished at the moment. The only thing that saved the industry is the high price of lobsters. The costs are constantly increasing and the efficiency of the operation is getting less all the time for the investments that the men are making, and it is a very wasteful method of fishing that we are using at the present time. The boys over in the Department of Sea and Shore Fisheries agree with me that there are very heavy losses with our present methods of fishing with our lobster traps.

They were talking figures in excess of 30 percent. I hadn't realized it was quite that high, but I knew that it was serious, and this is caused by cannibalism, by lost traps, and all this sort of thing. We have got a very complicated problem to solve here.

I honestly don't believe, although I understand Skip's interest and real desire to help, that he has got the perfect bill to answer the problems. I support the committee amendment.

I would like to say one more thing before I sit down. One very easy way to solve the lobster problem on the coast of Maine is to enforce the federal law which says that each buoy shall have a light on it in the nighttime.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I hope that this House does not accept the majority "ought not to pass" report so that we can accept the minority "ought to pass" report.

Although I don't represent five or six hundred lobstermen, I do represent 30 lobstermen who work long and hard hours to feed their families and to pay their bills.

I had the opportunity with the Senator from the other body who represents my area to sit down and chew the fat, so to speak, with most of these lobstermen three months ago. It was the conclusion of all of us that there was a very bad problem in the area of lobstering in the State of Maine and some solutions had to be rendered.

Although the original bill, 1578, was not acceptable to many of my constituents who do labor in the lobster industry, it was, however, concluded that the redraft of this bill, 2031, is a step in the right direction. I would like to make one point clear, if we find that the provisions under 2031, that some of these provisions are not acceptable, that alternatives could be rendered next session to alleviate some of these problems.

So I urge you not to support the pending motion so that we can accept the minority "ought to pass" report.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out that the fisheries in the State of Maine are not run by the Love Me Ad Agency, and that Maine lobstermen are not kept around merely for the picture post cards and to build quaint shacks at the sea's edge. They are people making a living and they are the basic industry of our state.

I am also somewhat bothered to note that if this were an emergency bill, it probably wouldn't get passage at this point.

I would like to further go onto the fact that we have two bills in front of us here. The first bill opened is an eight page bill, went down to a four page bill and has been amended twice. A patchwork quilt may be fine on beds, but I kind of question its validity for a law.

The second bill is a thoroughly thought out bill. It has had hearings, it has been looked into, it is supported by the southern Maine lobstermen, it is a good bill.

I hope we will let this bill continue on. Now, any bill in the lobstering or any industry like this is going to have problems and flaws in it, but let's keep this bill alive so we can then amend it and make changes if we feel this is necessary.

I hope very much that we will support the minority "ought to pass" on this bill.

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

Mr. ROSS: Mr. Speaker and Members of the House: I have just one question to ask the gentleman from Stonington, Mr. Greenlaw.

I don't understand the number of commercial licenses which can be granted. It says, "limited to a number equal to the applicants who qualify between July 1, 1974 and June 1, 1975." How do they qualify and how are they governed in the future?

The SPEAKER: The gentleman from Bath, Mr. Ross, poses a question through the Chair to the

gentleman from Stonington, Mr. Greenlaw, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would be glad to answer the question, Mr. Ross.

This legislation would not go into effect until July 1, 1974. We don't know exactly how many commercial fishermen would qualify under this legislation. The qualification is that in order to have a commercial license, a person must earn 50 percent of earned taxable income from the fishery. If a person earns that, then he may qualify for a commercial license. We leave that open for the whole year, from July 1, 1974 to June 30, 1975.

Let's assume that 2,500 people qualify for that particular year. That would be the license ceiling and beyond that, as people retire or perhaps die, these licenses will become available to the apprentices who have completed the apprenticeship program. So the entry will be from the apprenticeship program into the commercial license.

Does that answer the question?

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the committee which studied this bill and the other matters on lobster fishing, I would like to support the "ought not to pass" report. First, there is no need for this L. D. Before I get into that, I would like to say and go along with the others, the tremendous job that Skip Greenlaw has done on this, and the diligence and the effort that he has put into it has been a tremendous task. But I certainly do not approve of the bill. I do agree with all of his objections. Everything he is trying to do I am in complete agreement with, but I don't think that this L. D. before us is the vehicle by which it is going to be accomplished.

I would say first that there is no need for this legislation because you passed a bill yesterday which pretty much took care of most of

the problems that we are talking about today.

Secondly, this bill does not do what Skip Greenlaw wants to have done. The gentleman from Bath just put his finger on it. This bill is not going to freeze licenses, we are going to open up more licenses. At the present time there are 7,000 people licensed to fish lobster in the State of Maine.

Now this proposal, if you look at it, is going to open it up by permitting anybody from July 1st of next year, 1974, to June 30, 1975 to qualify for a lobster license. Now the only thing which restricts it in any way is that 50 percent of his income, under this bill, must be earned income. Now this is the difference here—earned income. This is a little different terminology than what I am accustomed to, either in dealing with the Maine income tax or any other income tax. You are talking about earned income, 50 percent of the earned income of the lobstermen must come from the sea or marine resources in order to qualify for license. Even a youngster can probably produce 50 percent of his income and thereby qualify for a commercial fisherman's license.

At the present time, if you look at the requirements over here on the L.D. as to the different classifications of licenses and the number permitted, if they accept what they have at the moment—and, incidentally, we are 1,000 licenses ahead of last year at this time as I understand it, I am not sure of this, but that is what I understand — if you accept the status quo, you have got 7,000 licenses now, possibly more, you are going to be allowed 600 apprentice licenses, 1,500 student licenses, 1,500 sport licenses, and as Mr. Ross points out, there is absolutely no restriction on who could register or become licensed in the year from 1974 to 1975.

So what you are getting here, instead of a license freeze, is a wide open deal encouraging people to sign up and license themselves in that particular year.

I feel also that this isn't a very practical bill. Just stop and think of 50 percent of the earned income. How many lobstermen or

how many individuals want to file with the Commissioner of Sea and Shore, their income taxes show that 50 percent of all of their income or their earned income came from marine resources? I think you will find the independence of these individuals — and they certainly are independent, as fine a group of people you know, but they are certainly independent, they are not going to be anxious to file with the Sea and Shore Commissioner a statement as to their income.

Now, I would ask you this. What incentive is there for anyone to buy a license under any one of these five categories except a commercial license? Let's look at it. In the first place, you can buy them for half price. If you look at about the first item, Section 2, you can see that from March 31, to June 30 you buy them at one half the original fee. So then let's go over and look at the categories. You have five categories here. We are talking about a commercial license, apprentice license, student license, retirement license, and sport license. Now one can fish 600 traps, one 200 traps, one 100 traps, one 200, and one 25 traps. But with the wide open application of licenses which is going to occur between 1974 and 1975 for \$12.50 you can fish 600 traps. Now for the same price, why should you pay \$12.50 to fish 25 traps or a 100 traps or 200 traps? There is no particular incentive to drive anybody into the other categories except to qualify himself as best he can, and many of these people can do it, under the commercial license.

One other thing, if this fellow cannot qualify, if he doesn't qualify for some particular reason, then the commissioner can give him a license, and the only guideline that the Sea and Shore Fisheries Commissioner has to go by is undue and unfair economic hardship. I don't know exactly what unfair economic hardship means. And I think this is a task which even the commissioner would have some problems with.

There is another thing here which I don't believe as the apprenticeship program is set up that you would have to go through it.

In other words, if we are trying to control the licenses of this industry, I don't believe for one minute that this bill is going to come anywhere near doing it or even make a slight dent in the licenses that are going to be issued. There is no control. In fact, frankly, I believe this is very loosely drawn. I may not know much about lobstering, but at least I can read the L. D. and if you challenge any of this, I wish you would read it also, because it is very clearly pointed out that this will not do what the gentleman from Stonington believes it will do. I feel very sorry because of all the effort that he has made that this bill isn't better drawn and a more practical one. I think if you buy this bill you are buying absolutely a pig in a poke. I urge you to go with the "ought not to pass" report and support the bill that went under the gavel here yesterday.

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

Mr. TYNDALE: Mr. Speaker and Ladies and Gentlemen of the House: I would feel remiss in my duty in the legislature if I did not speak a few words in regard to this bill. Number one, I am a life member of the Maine Lobstermen's Association, which was given to me a couple of sessions ago for my intense work to protect the lobster industry. I was one of the principal opponents of the skin-diving bill for several sessions and worked diligently for the lobstermen throughout the state on that particular item. I am the author of several bills on lobstering, which are laws at the present time. One of them is the famous three traps to a troll bill, which has excited many fishermen throughout the state.

As you know, I am House Chairman on the Committee of Education, and I have been wrapped up in that department the whole session and have not been able to give my attention to this bill, or as much attention as I should have. Therefore, I am in the position of quandary this morning. I do not know — I am a member of the Southern Maine Lobstermen's Association. I was at all of

their meetings except the one last night. I was at the Kennebunk High School to give out some awards, so therefore I did not have the opportunity to listen to the discussion last night. I did receive a couple of calls at that time from a couple of my lobstermen in reference to the bill.

I do not know how most of the lobstermen in this state feel and I don't think anybody in this House does. The Maine Lobstermen's Association has some 40-odd members and we have several hundred lobstermen and fishermen in York County and some of the best in the state and principally in my area. And if I could go down to Sam's Shack tomorrow morning, I would probably hear some oldtimer say, "What ya trying to do to us again, Monty, give us a lot of laws we don't understand? Why don't ya leave us alone?" And then I might meet Smokey Coyle who was at the meeting last night and a couple of others and Dale Nunan and he might say, "Monty, that looks like a good bill to me."

I feel this way, as I was listening to the debate, what would I do in the best interest of the lobster industry and in my job as a legislator for the people of the State of Maine. I have come to the conclusion that I don't even know how to vote on this bill this morning and having been in the lobster business for 14 years, and I hold a lobster license, it puts me in a very embarrassing position. But after this weekend, I will know more about this situation or as equal as anybody in this House, I can assure you. So how I vote on this bill this morning will not indicate how I am going to vote when the enactment or second reading comes.

I do believe that Skip has done a lot of work in this department. He has been up and down the coast. I know at most of his meetings there have been very few people there. This again, is a way to gain goals. There are people who are attending, and I know for one that something has to be done in the lobster industry. It is overfished.

We have 7,000 men fishing with traps throughout the state, and

I dare say, in the summertime you could walk right out on Cape Porpoise Island clear down to Kittery Point on traps. They can't get a boat in the harbor. This is true, however, the lobstermen in my industry in York County have had three beautiful years, and don't let them ever kid you otherwise. The price has been up to \$2, \$2.50 on the boat. They never had this in their life. When I was first in the industry, if we got 35 cents a pound we were doing good.

As far as the scarcity of lobster is concerned, you will find scarcity in Cape Porpoise right at this moment. You will find a little scarcity over in Kennebunk River, and down in Port Clyde they might have lots of lobster. You go down to Bailey's Island, Jonesport, you name it, and all the other ports in the state and they will have conflicting testimony.

There was one lobsterman I used to say to every morning, "How you doing, Sam?" and he said, "Well, I am doing all right in a way but not doing too good. I bought a nice new house, got a nice new pickup truck." Most of the lobstermen in my area have all new pickup trucks this year and I am delighted for them because they have had these three years.

So no matter which way I vote this morning, I certainly am going to research into this matter and find out for myself what most of the lobstermen in the area from southern Maine, particularly in the Southern Maine Lobstermen's Association, what they think about this bill. I have listened intently to the way Skip has explained this bill, and I think I do know something about the bill now. This is the way I feel and thank you very much for your attention.

The SPEAKER: The Chair would suggest that, although all comments that have been referring to someone have been in a friendly manner, I would suggest we would do better not to let the barrier down and refer to someone as the gentleman or the gentle lady from so and so, rather than some other way. The Chair rec-

ognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker and Ladies and Gentlemen of the House: Two brief points. I know the fatal inconsistency in comments just made by the gentleman from Kennebunk, Mr. Tyn-dale. He states he would like to study this bill over the weekend. Well I suggest he vote for the bill today or it is going to be dead and he is not going to have the opportunity to study this bill over the weekend. My friend, the good gentleman from Augusta, Mr. Brown, his comments I also enjoyed because I enjoy watching a good, serious legal mind at work. I feel many of his comments on the drafting of this bill were extremely appropriate, but to him, too, I would suggest let this bill go to its second reading so that we can get to the objections that the good gentleman from Stonington, Mr. Greenlaw, supports. I hope that at that time he would use his more than adequate skill in helping us re-draft that bill and getting it in final shape.

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

Mrs. CLARK: Mr. Speaker and Ladies and Gentlemen of the House: I have lived in a coastal town all my life. I also have worked as a steering girl on a lobster fishing boat in my youth. If this lends credibility to my support of the bill before us today, then so be it. Freeport is not only a coastal town but among the constituency contained therein are many lobster fishermen whose livelihood depends on the availability and the regulation of laws pertaining to this industry.

The hearings that we have heard so much about this morning were conducted in the area, in the Town of Harpswell and the City of Portland. I speak only for the lobstermen, and all of the lobstermen were not only contacted, but the hearings were well publicized. At these hearings were representatives of retired fishermen, currently employed fishermen, part-time fishermen and college pro-

fessors who are interested in the subject, all have lent their support to the development of the legislative document before us today. As their representative, it is my responsibility to vote no on the pending motion and I urge that you join me.

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

Mr. HOFFSES: Mr. Speaker Ladies and Gentlemen of the House: I do not want to belabor this item any longer, but I feel I should bring to your attention one or two matters.

First off, I would like to answer the good gentleman, Mr. Lynch, in his question as to the conditions of the lobster industry. As some of you know, I was chairman of this committee in the 105th Legislature, and we had lobster bills before us at that time. I was able to get Dr. Cooper, who was with the Federal Fisheries at that time from Boothbay Harbor. I had to go to Washington in order to get permission for him to appear before our committee. Dr. Cooper, in his testimony, indicated that we are fishing along on the Maine coast and we are taking from 93 to 95 percent of the available lobster supply on the ocean bottom, leaving only 5 to 7 percent for reproductive purposes.

I bring this point to you to stress the need for some action and the need to preserve this industry if we are ever going to have any lobstering in the future. I have no reason to question Dr. Cooper because I think he is an extremely knowledgeable man.

This lobster industry is one phase which everyone has a different idea on. But here is a gentleman who I feel is as knowledgeable as anyone and when he, before this committee, made this statement, I felt there was a real need for action to be taken.

I do believe that we must enact some form of legislation. I have grown up, lived among the lobster fishermen all of my life, and I have been around quite a number of years. I know that the lobstermen are extremely independent and they want to remain

so. And I believe, even though I sincerely believe we must pass some form of legislation, I do believe that we must make it as minimal as possible or we are going to have the lobster fishermen literally down our necks. We cannot pass strong, restrictive measures at this time for the lobster industry.

I have a great deal of admiration and respect for all the work that the gentleman from Stonington has done. He has done a fantastic amount of work. But I do believe, and I say this sincerely, that he is trying to enforce upon the lobstermen restrictions which are too much for the lobstermen to take at this time. Let's try to feed them a little bit at a time so that we can in due time come up with proper restrictions that we can perpetuate the lobster industry.

I would point one or two things in the gentleman's bill which I think we should consider very carefully. Section 2, the one half fee after September 30. Some of the very best lobster fishing is between March 31 and June 30 of each calendar year, of which they are going to pay half price. I think this is something which we should take a long, hard look at.

We will go over to Section 10 under the license fees, apprentice license. Now in the trades we have apprentices to learn the trades. In the lobster business I do not believe that it is a trade, and I would seriously question, if I were to go to a fisherman along the coast and say, "Sir, would you take me on as an apprentice to learn your lobster trade so that after I graduate from apprenticeship and become a full-time lobsterman I can come out and catch the same lobsters that you are trying to catch?" I think that particular aspect leaves me very cold, and I am sure that it would leave our lobstermen extremely cold, even colder than the water that they are fishing the lobsters from.

Section E, sport license, is another matter which I think should be given very careful consideration. The lobster fishermen, the full-time lobster fishermen take a dim view of the part-time fisher-

men, and the part-time fishermen take an extremely dim view of the scuba diver who would like to go down and take some lobsters. Now just how well do the full-time and the part-time fishermen look at the sports licensee? I would not care to indulge in a sport fishing license and go out here along the Maine coast and endeavor to fish for lobsters, because I can visualize very very vividly what would happen to all of my gear in the matter of one, cold, dark night. These are some of the things which I believe this particular document does need careful scrutiny.

Now the bill that we passed and is over in the other body, I personally would have gone for stronger wording. I would have gone for a still higher license fee, but I try to be a practical politician when I can, and I think that this is the best measure which can be passed at this session, and I believe that it is a measure which the lobstermen will accept.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: We certainly have had a lot of debate on this and I would just like to answer a couple of points and try to clarify some of the matters.

First of all, I want to emphasize emphatically that this bill basically, the input into it has come from lobster fishermen. It is not for me. I am not in it. I don't plan to be one. I have just tried to listen to what the lobster fishermen up and down the coast want.

The arguments of the gentleman from Southport, Mr. Kelley, I think are very valid, and I agree with what he said. This is exactly the reason for the need of this legislation. The pressures on this industry to make an economic profit are great, the trap losses, the cost of bait, the cost of gasoline, the cost of traps. A trap costs anywhere from \$10 to \$12 apiece to build. This is why we have got to limit traps to begin with.

Many speakers have talked about the need for legislation, and this is exactly what we are arguing about. This is not a perfect bill, I don't pretend it is. I have offered — I have rendered copies of the redraft or of each of the redrafts there has been at least three or four to the members of the committee — and been more than willing to have exceptions or recommendations.

The gentleman from Augusta, Mr. Brown, said it is a poorly drafted piece of legislation. I disagree. I am sorry he feels that way, and I have talked with him at great length about this, and I will be more than willing to accept any recommendations. He talks about the lobstermen having to file an income tax with the commissioner. This is not true. There has been considerable question about this, and the commissioner feels that he can develop a system which he will report back to the legislature in the special session about.

As I said, it is not a perfect piece of legislation by any stretch of the imagination, but I think it is a start, and I think — and I say this in all sincerity and all honesty — after talking with the fishermen that it is what they want.

Now, as far as an apprentice program, the gentleman from Camden raised this. Mr. Hoffses, the apprentice program is what the fishermen have asked me for. They want some type of entry into the fishery for their sons and for the young people. It is not something I dreamed up, it is what the fishermen want.

The half license fee for three months, this is another issue that has been raised. This is presently in law. Any person that requests a license from October 1 to the end of the year pays only a half license fee. So we are just changing that around to meet the time period of the new licensing.

The sport license that Mr. Hoffses again talked about is basically the part-timers license. The lobstermen almost unanimously want to cut out the part-timers, and we have talked up and down the coast about this, and I know this is just not realistic, and I have very mixed emotions about this, very mixed

emotions. We put this sport license in so that you or I or anyone else could have an opportunity to go out and primarily for recreational purposes, fish 25 traps.

Mr. Lynch asked a question about over - fishing. Yes, there are different problems in different areas of the coast. Originally, we had suggested to the fishermen that we district the coast. Originally, they had accepted that notion, but the second time around they rejected it. So this is why we have to go 600 traps the whole length of the coast despite the fact that the fishermen in Hancock and perhaps Knox County and Washington County would like a lower trap limit of let's say 400. We have got to make a start, ladies and gentlemen, and I hope this is the bill.

There is one more comment I would like to make, and then I would be glad to sit down. The gentleman from Stockton Springs, yesterday made a remark that there was a newspaper report that the lobster catch has more than doubled. He is quite correct. I have a copy of it here. But the fact that wasn't brought out is there are reasons for this. It is not an unusual phenomenon. Last year the shedding season was late due to the cold water temperatures. You will remember we had several severe storms and a lot of wind last fall, and it made it very difficult for the lobstermen to get out and haul their traps. So the increased catch this spring is partially due to the lobsters that were not caught last fall. As I said, this is not an uncommon phenomenon. It is something the fishermen have talked about all spring long. And this morning before I came down here, I stopped into Sea and Shore Fisheries Department and talked with the head of the Research Department, Mr. Robert Dow, and he confirmed my feelings or the feelings that I am communicating to you from the fishermen.

Ladies and gentlemen of the House, I urge you to defeat the pending motion so we can accept the motion of the minority "ought to pass" report.

Mr. Brawn of Oakland was granted permission to speak a third time.

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: If you will notice the copy of the petition that lies upon your desk here this morning, you will know that some of these names were signed by the same identical person. Now, I feel when a petition comes upon our desk, they should be people that signed this themselves, and if you were to look on page 1 down at the name "David W. Jordan, Albert H. Jordan," you look at the "J," look at the starting of the "O" from the bottom of the line; look how the "R" rises, look at the break in the "D," look in the loop in the "D," the break in the "A" in the end, you will see that one person wrote it all. I hope when a petition comes to us from now on, each person will sign that petition.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. LaCharite.

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: It seems funny that people are saying we need substantial legislation; yet, let's not restrict it too much. Well, this is the bill that can really do a job, and I hope that you vote against the motion "ought not to pass," and I ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentle lady from Scarborough, Mrs. Knight.

Mrs. KNIGHT: Mr. Speaker, Ladies and Gentlemen of the House: Concerning most of the signatures on this petition, I could not dispute the suggestion by the gentleman, my good friend, Mr. Brawn. However, these two individuals in question are residents of Scarborough and are constituents of mine. They were present last evening.

The second signature, Albert Jordan, is a very elderly man. I just suggest to you this morning that probably his son tried to make the signature more legible.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a couple of comments on this bill that is be-

fore us today, and I have a few objections with it.

First of all, we are talking about — or I am talking about L. D. 2031. In section 3 of the bill, the first paragraph, the bill says the operator of a boat may haul only traps licensed to that boat. Now, if you accept this bill here, this will do away with two men doubling up to go lobster fishing in the winter time. In the winter time, a good many times lobstermen double up to go out fishing, and if a man falls overboard out there in the wintertime, there is no chance for him under this bill.

You go on a little further in the bill, down to section 5, paragraph A, where 50 percent of the income must come from the lobster fisheries. Now, we have about 2,000 full-time lobstermen in the state and about 5,000 part-time lobstermen in the state. This section here is only an attempt to cut out the 5,000 part-time lobster fishermen in the state.

Now, if we accept this, should we say that the lobstermen can't do any other work other than lobstering during the year? Should we cut the lobsterman out of doing any carpenter work, cutting wood in the winter or other work that they might want to do?

To go on a little further, in section 7, page 3, under paragraph B, I think this section here is very discriminatory. It says any person who is a full-time registered student at any accredited institution of learning who meets the residence requirements established in this section may apply for a student's license. Now, why should the students or children that are fortunate enough to go to college have further consideration than the students or children that aren't fortunate enough to go to college? Under this section, the college student can get the student license. The young person that is not a college student, he can't get this license. That is very discriminatory against people less fortunate.

On page 4 of the bill, when you get into the senior citizen license here at age 55, if you go down a little further in the license fee, this section is supposed to do

something for the retired lobsterman. If you go down into license fee, the commercial license fisherman pays 25 dollars for 600 traps. He gets his license per trap for four cents a trap.

If you go down to the retirement license, the fee is \$10 for 200 traps. He is paying five cents a trap. Why should you charge the senior citizen more money than you charge the commercial fisherman? You are supposed to be helping the senior citizen here, the 55 and older, not hurting him.

Now, the license fees, the commercial license fisherman pays four cents a trap, the apprentice has to pay 12½ cents a trap; the student that we are going to help, he has to pay 15 cents a trap; the senior citizen pays five cents a trap, and then the sports fisherman pays \$1 a trap. This doesn't even make sense.

If you go over a little further on page 5, section 9, under "License Limitations," it says, "the number of commercial lobster and crab fishing licenses shall be limited to a number equal to the applicants who qualify between July 1, 1974 and June 30, 1975. Now, this is an attempt to limit the number of commercial lobster fishermen. Well, if this year we wind up with 2,000 commercial lobster fishermen and only 200 people relinquish their license, next year we have 600 apprentices graduate out of this industry. What happens to the other 400 apprentices? Do they get a commercial license or not? Under this they wouldn't. So there would be 400 more people out of work. You would put about 5,000 out of work under this bill, then you put 400 more here.

Now, I would ask the members of this House if they think the resources of this state belong to just a select few or select group of people or do they belong to all the people of this state?

If you have veterans returning from the war, they may have lobster fished before they went in the war. Do they have to come home and be an apprentice. Why shouldn't these people have a license to go lobster fishing? This

whole bill is just an attempt to put about 5,000 people out of work. It may have been well intended, but it is only intended for one group of people.

So, I hope you will go along with the House chairman of the Marine Resources Committee, Mr. Bunker, who has been in the lobster business for about 25 years; Mr. Maddox who has been on the coast for quite a few years and Mr. Lewis, and some of these gentlemen that have been in this business for a number of years that know the business.

Mr. Ross of Bath moved the previous question.

The SPEAKER: 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 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: 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. All those in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken.

83 having voted in the affirmative and 11 having voted in the negative, the motion did prevail.

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 Gouldsboro, Mr. Bunker, that the House accept the Majority "Ought not to pass"

Report on L. D. 1578. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Bunker, Cameron, Churchill, Cote, Curtis, T. S. Jr.; Donaghy, Dunn, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Ferris, Finemore, Flynn, Gahagan, Good, Hamblen, Hancock, Haskell, Henley, Herrick, Hoffses, Hunter, Immonen, Kelleher, Kelley, Kelley, R. P.; Lewis, E.; MacLeod, Maddox, McCormick, Merrill, Morton, Murchison, Norris, O'Brien, Palmer, Parks, Pratt, Ricker, Rollins, Shaw, Shute, Silverman, Sproul, Stillings, Strout, Tanguay, Trask, Walker, White, Willard, Wood, M. E.

NAY — Albert, Ault, Berry, P. P.; Berube, Boudreau, Briggs, Bustin, Carey, Carter, Chick, Chonko, Clark, Conley, Cottrell, Dow, Drigotas, Farley, Fraser, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Jackson, Jacques, Kauffman, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, J.; Lynch, Mahany, Martin, Maxwell, McHenry, McKernan, McMahan, McTeague, Mills, Morin, L.; Morin, V.; Mulhern, Murray, Najarian, Perkins, Peterson, Pontbriand, Rolde, Ross, Smith, D. M.; Smith, S.; Snowe, Soulas, Susi, Talbot, Theriault, Tierney, Tyndale, Wheeler, Whitzell.

ABSENT — Binnette, Carrier, Connolly, Cooney, Cressey, Crommett, Curran, Dam, Davis, Deshaies, Dudley, Dumleavy, Faucher, Fecteau, Gauthier, Huber, Jalbert, Keyte, Kilroy, Littlefield, McNally, Santoro, Sheltra, Simpson, L. E.; Trumbull, Webber.

Yes, 61; No, 63; Absent, 26.

The **SPEAKER**: Sixty-one having voted in the affirmative and sixty-three having voted in the negative, with twenty-six being absent, the motion does not prevail.

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

Mr. Lynch of Livermore Falls was granted unanimous consent to address the House.

Mr. **LYNCH**: Mr. Speaker, Ladies and Gentlemen of the House: I am sure you remember L. D. 955, the bill that created so much hysteria around the state regarding experimentation on animals. And the State Biologists Association in a release just let out — and I will just quote a very small section of it. "The present law literally enforced under modern definitions would probably stop all of the following activities: SMVTT's marine program, UMO's college of life science and agriculture, UMO's pre-med, pre-dent, pre-vet courses and all graduate biology research, including the fishery program, biology programs at all other University of Maine campuses and marine research at the Darling Center, all nursing schools in the state. Since Bowdoin and Bates so far are tax exempt, these might be subject to such regulations as would the Jackson Laboratory training program in summer and graduate training program in winter.

On motion of Mr. Birt of East Millinocket,

Adjourned until Monday, June 18, at ten o'clock in the morning.