

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

HOUSE

Thursday, January 24, 1974

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

Prayer by Father Carl Capen of Augusta.

The journal of yesterday was read and approved.

Order Out of Order

Mr. McMahon of Kennebunk presented the following Order and moved its passage:

ORDERED, that Tammy and Terry Hilton of Kennebunk be appointed Honorary Pages for today.

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

Mr. Gauthier of Sanford presented the following Order and moved its passage:

ORDERED, that David Roberge, David Nadeau, Julie Gendron, Elaine Theriault, Peter Bergeron and Sue Hodson of Sanford be appointed Honorary Pages for today.

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

Papers from the Senate

From the Senate: The following Communication (S. P. 869)

Department of Transportation
January 23, 1974
To: Governor Kenneth M. Curtis and
Members of the 106th Legislature
Gentlemen:

In accordance with the provisions of Chapter 97 Private and Special Laws 1973, I am pleased to submit a report concerning the availability of funds to be used for the purpose of making permanent repairs to Seawalls in the Towns of York and Kennebunk.

Respectfully,
Signed:

ROGER L. MALLAR
Commissioner

Came from the Senate with the Communication read and with accompanying papers placed on file.

In the House, the Communication was read and with accompanying papers ordered placed on file in concurrence.

From the Senate:

Bill "An Act Abolishing the 4-year Degree Granting Program at the Machias, Fort Kent and Presque Isle Campuses of the University of Maine" (S. P. 849) Committee on Education suggested.

Came from the Senate with the Bill indefinitely postponed.

In the House:

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

Mr. FINEMORE: Mr. Speaker, I move we indefinitely postpone this Bill in concurrence.

Thereupon, Mr. LeBlanc of Van Buren 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 Bridgewater, Mr. Finemore, that this Bill be indefinitely postponed in concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA -- Albert, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Bunker, Bustin, Cameron, Carey, Carrier, Chick, Chonko, Churchill, Clark, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Emery, D. F.; Evans, Farley, Farrington, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulhern, Murchison,

Murray, Najarian, Norris, O'Brien, Palmer, Parks, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Santoro, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Theriault, Tierney, Trask, Trumbull, Twitchell, Tyndale, Walker, Wheeler, White, Willard, Wood, M. E.

NAY — Connolly, LaPointe, Sproul, Talbot.

ABSENT — Ault, Carter, Conley, Farnham, Faucher, Gauthier, Haskell, Herrick, Kelleher, McTeague, Strout, Susi, Tanguay, Webber, Whitzell.

Yes, 131; No, 4; Absent, 15.

The SPEAKER: One hundred thirty-one having voted in the affirmative and four in the negative, with fifteen being absent, the motion does prevail.

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

Mr. MILLS: Mr. Speaker, I now move reconsideration and I hope you vote against me.

The SPEAKER: The gentleman from Eastport, Mr. Mills, moves that the House reconsider its action whereby this Bill was indefinitely postponed in 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.

Bill "An Act to Transfer the Registration of Aircraft to the Motor Vehicle Division" (S. P. 865) Committee on State Government suggested.

Came from the Senate with the Bill indefinitely postponed.

In the House: On motion of Mr. Carey of Waterville, the Bill was indefinitely postponed in concurrence.

Bill "An Act Relating to Airport Inspection Fees" (S. P. 867) Committee on Transportation suggested.

Came from the Senate with the Bill indefinitely postponed.

In the House: On motion of Mr. Binnette of Old Town, the Bill was indefinitely postponed in concurrence.

Reports of Committees Ought Not to Pass

Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Funds for Dental Care Pro-

grams in Rural Sections of Cumberland and York Counties" (S. P. 755) (L. D. 2165) reporting "Ought not to pass"

Same Committee reporting same on Bill "An Act Providing Funds for Members of the State Police for Expenses Incurred as such Members" (S. P. 764) (L. D. 2195)

Committee on Legal Affairs reporting same on Resolve in Favor of Edmundston Regional Hospital, Edmundston, New Brunswick and Dr. Rino Fournier of Madawaska (S. P. 724) (L. D. 2136)

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

Non-Concurrent Matter

Bill "An Act Relating to Liability of Natural Gas Distributors" (S. P. 710) (L. D. 2122) which was passed to be engrossed as amended by House Amendment "A" (H-646) on January 22.

Came from the Senate with the Bill passed to be engrossed as amended by House Amendment "A" (H-646) and Senate Amendment "A" (S-325) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Authorize County Commissioners of Oxford County to Use 1974 Federal Revenue Sharing Funds to Support Oxford County Extension Service" (S. P. 743) (L. D. 2155) which was enacted in the House on January 22.

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

In the House: On motion of Mr. Trumbull of Fryeburg, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Relating to Absentee Voting by Persons Serving Sentences in Jails and Penal Institutions" (H. P. 1781) (L. D. 2253) which was indefinitely postponed in the House on January 16.

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (H-630) in non-concurrence.

In the House:

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

Mrs. BOUDREAU: Mr. Speaker, I

move that we recede and I would like to speak to my motion.

The SPEAKER: The gentlewoman from Portland, Mrs. Boudreau, moves that the House recede.

The gentlewoman may proceed.

Mrs. BOUDREAU: Mr. Speaker and Members of the House: This L. D. was debated in the House on January 16, and at that time several members of the Election Laws Committee urged the adoption of Committee Report "B", which the other body has accepted. We should now recede so that we can eventually get this in a position to adopt House Amendment "A" to comply with the U.S. Supreme Court ruling.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am a member of that committee, and a large majority of that committee signed his bill "Ought not to pass," which this House accepted on January 16, I believe. My feeling hasn't changed. I still think a penal institution is a penal institution, and I know it by no other name. I don't want to comply with anything that lets the bars down in any way, and I don't think these people should be voting. Like I told you on the 16th of January, they let them out on furloughs to go see their girl friend, and if they want to vote that bad, I am sure they can let them out long enough to vote. They have furloughs now on weekends, and they would only have to extend this so they could vote.

It was also brought out before the committee that very few of them want to vote. Now we are talking about a small amount of people, naturally, but it is another picking away at letting the bars down. I am one of those that wants to put another bar up. I don't want to take any down. I hope you will vote the same as you did on January 16, because I and the majority of this committee felt very strongly about this.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Just last week I led the opposition in this House against the entire concept of this bill and all of its amendments because I primarily am opposed toward the ultra-leniency trend in

our courts and various institutions. As an analogy, I mentioned how other states treated sex in our jails. And this was only to prove how far they have gone and we could possibly go, and I stated that I did not want us to go that far. However, we now have a ruling from the Supreme Court of the United States. The majority opinion was written by Chief Justice Warren E. Burger. It came from an appeal from New York State, and he stated in this opinion that they should have the equal protection of the law, and that in New York they did discriminate between categories.

This whole thing came about in New York because a petition was filed by 72 inmates of the Monroe County Jail, because in New York they have a very strange law that states that if you are in jail in your own county, you may not vote. But if you are in jail in another county, you may vote. So it might be that two men or two women or two persons were in the same cell in the same county jail and one could vote and one could not.

In New York State they have an even more liberal association of attorneys than our Pine Tree Legal Assistance, Inc., group, and it is called the Prison Legal Assistance Association. It is comprised of barristers both in jail and out of jail and set up primarily to solve the inmates legal problems.

Now, for my comparison of absentee voting and permissive sex, I was editorially chastised, but not too harshly, and I certainly did not mind it. As a matter of fact, I was rather glad that it was brought out in an editorial, because now those who read it know exactly how I feel about the trends toward permissiveness in our penal institutions and also in our courts. And if I were a betting man, I would be willing to place a small wager that the people in the State of Maine, many more of them would agree with me than with this particular editorial write up.

But today we really have nothing we can do except to go along with this recede motion, because our Supreme Court has ruled that way. I do not believe in many of the rulings of the Supreme Court, but when they rule, we must agree, and if we do not, then our Supreme Court will cross out any legislation that we write into our laws which is

contradictory to a Supreme Court ruling.

So I hope that the majority of this House does go along today with this motion to recede.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: Being a member of the committee for many terms, and after hearing our chairman, the gentleman from Bath, Mr. Ross, explain the matter very thoroughly, although I wish he would have given us more information while the hearing was going on. I agreed with him, I was on the majority that voted against allowing these people the right to absentee votes. We are doing a lot for these people. These people know before they violate the law that there are certain privileges they are going to lose. They are going to be incarcerated and they are going to be away from home, but I think we are doing pretty well by them. We are giving them free room and board, they are well housed, they won't get lost. They keep a lot of heat on there; that's more than some people are getting around here. But where the Supreme Court has set up a decision that we cannot in any way change, we have to accept it whether we like it or whether we don't.

The Supreme Court has made some decisions, has made some decisions in the past in regard to abortion which I never went along with, and I think there were other things they are doing. I don't know how we are going to overcome them. We might put a resolution condemning them for their actions, but that wouldn't do anything. So I think this morning we are faced with no other course but to accept this motion.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I would like to speak in favor of the motion to recede and concur, and I hope that we will have a majority this morning.

This bill had my name on it, and at the public hearing I was pleased to support it, as was Miss Ward Murphy, the Director of the Bureau of Corrections.

I think it is important that we are aware of the fact that there is nothing in the Maine Constitution that takes away a

prisoner's right to vote. But some people who have been convicted are in prison; others may be out on parole. Those who are out on parole may vote in person. Those who are in prison may not vote absentee. That strictly has to do with a statutory change in our law which we are attempting to change.

Some of you may have joined me in watching part of the television show recently in honor of the ten outstanding young men of America, a Jaycee program. One of those outstanding young men was a person from Nevada who had spent most of his life in jail, but he had become rehabilitated through outstanding work of the jaycees and some judges and other people who were interested in him as an individual. I would hope that this legislature would try to take an attitude this morning that perhaps here is one area where we can recognize the individuals' rights and also provide a little effort in the direction of rehabilitation.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am not concerned about the Supreme Court. If they want to put their name on something like this, that is all right with me. I am going to stay in tune with the people who sent me here, and I want my name and I want it well known that I am not for this permissiveness and this document this morning. I have no doubt but what the House this morning is weak enough so they will vote to recede and concur, but I don't want my signature or my name affiliated with any of this type of thing, and I want it on the record where I stood, 20 years from now, and I can say I stood there 10 years ago and 20 years ago and from now on. And I would like to ask before I sit down for a call call on this matter.

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

Mr. ROSS: Mr. Speaker and Members of the House: I would like to answer one question of the gentleman from Old Town, Mr. Binnette. He said that he wished that I had explained this in committee before it came out. I couldn't because the Supreme Court had not given the ruling at the time. He mentioned that he didn't agree with several

of the Supreme Court rulings; I don't either, and the one that comes to my mind that I disapprove of wholeheartedly is when they have forbidden prayers to be said in schools.

Mr. Dudley said that he wanted to go on record as not being weak. I have gone on record as not being weak, but today there really is nothing that we can do about it, because it is a decision of the Supreme Court of the United States. I would vote with him if I possibly could do so.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: There is oftentimes much criticism by legislators and people in general of a court stepping into the field of legislation. I would submit to you that if we, this legislature, if the legislatures across the land did their job, the courts would not have to be doing it for us. Sometimes these people who criticize the courts for doing this remind me a little bit of the man who hadn't kissed his wife for ten years and then shot the fellow that did.

I would like to go on record as supporting the motion to recede, and I hope that it prevails.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Because I am not as vocal as the gentleman from Bath, Mr. Ross, it is difficult for me to express my position. Strange as it may seem, I am going to express my position on this matter, regardless of the Supreme Court ruling and I go along with the gentleman from Enfield, Mr. Dudley, so that the voters in my area will know that I still feel that I am against this leniency that we are talking about.

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 gentlewoman from Portland, Mrs. Boudreau, that the House recede. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Berube, Birt, Bither, Boudreau, Brown, Bunker, Bustin, Chonko, Clark, Connolly, Cooney, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Dyar, Farley, Farrington, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Hobbins, Huber, Jackson, Jalbert, Kauffman, Kelley, Keyte, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Mahany, Martin, Maxwell, McKernan, McTeague, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Perkins, Peterson, Rolde, Ross, Santoro, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Stillings, Talbot, Tanguay, Theriault, Tierney, Twitchell, Tyndale, Webber, Wheeler, White, Whitzell.

NAY — Albert, Baker, Berry, G. W.; Binnette, Bragdon, Brawn, Cameron, Carey, Carrier, Carter, Chick, Churchill, Cote, Cressey, Dam, Davis, Deshaies, Dudley, Dunn, Emery, D. F.; Evans, Fecteau, Gauthier, Good, Herrick, Hoffses, Hunter, Immonen, Kelleher, Kelley, R. P.; Lawry, Littlefield, Maddox, McHenry, McMahon, McNally, Merrill, Parks, Pontbriand, Pratt, Rollins, Shaw, Sheltra, Shute, Silverman, Sproul, Trask, Trumbull, Walker, Willard, Wood, M. E.

ABSENT — Ault, Briggs, Conkey, Donaghy, Farnham, Faucher, Haskell, Jacques, McCormick, Ricker, Soulas, Strout, Susi.

Yes, 86; No, 51; Absent, 13.

The SPEAKER: Eighty-six having voted in the affirmative and fifty-one in the negative, with thirteen being absent, the motion does prevail.

Thereupon, Report B was accepted and the Bill read once.

Committee Amendment "A" (H-630) was read by the Clerk, and on motion of Mrs. Boudreau of Portland, the Amendment was indefinitely postponed in non-concurrence.

Under suspension of the rules, the Bill was read the second time.

Mrs. Boudreau of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-636) was read by the Clerk.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Just a brief explanation of what this House Amendment "A" does. For the benefit of the persons who voted against the Supreme Court, I would let you know that this amendment is not as conciliatory or restrictive as the Supreme Court ruling, and it would still not let felons vote, but just the persons who are in there either awaiting sentence or on misdemeanors.

Thereupon, House Amendment "A" was adopted. The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Clarify the Mining Laws" (H. P. 1889) (L. D. 2399) which was referred to the Committee on state Government in the House on January 18.

Came from the Senate referred to the Committee on Natural Resources in non-concurrence.

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

Non-Concurrent Matter

Joint Order (H. P. 1892) Relative to: PUC evaluating water and water-related lands for generating electricity which was passed in the House on January 21.

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

In the House: On motion of Mr. Dyar of Strong, the House voted to insist.

Petitions, Bills and Resolves

Requiring Reference

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

Business Legislation

Bill "An Act Creating the Maine Consumer Credit Code" (H. P. 1908)

(Presented by Mrs. Clark of Freeport)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Increasing Borrowing Capacity of School Administrative District No. 25" (H. P. 1909) Emergency (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Increasing Indebtedness of Stonington Water Company" (H. P. 1910) Emergency (Presented by Mr. Greenlaw of Stonington)

Bill "An Act to Collect Telephone and Telegraph Taxes on a Monthly Basis" (H. P. 1911) (Presented by Mr. Susi of Pittsfield) (Later Reconsidered)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Eliminate Unnecessary Qualifications for Administrative Positions" (H. P. 1912) (Presented by Mr. Silverman of Calais)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Standardize Letter Size and Color of Motor Vehicle License Plates" (H. P. 1913) (Presented by Mrs. Clark of Freeport)

(Ordered Printed)

Sent up for concurrence.

Orders

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

Mr. DYAR: Mr. Speaker and Members of the House: I apologize for rising this morning and hope I am not offensive to you, as I am going to speak on a bill under Reports of Committees which has been referred under Joint Rule 17-A.

I am sorry the gentleman from Lewiston Mr. Jalbert is not in his seat at the present time. On many occasions during my tenure here in the House, I have seen him rise and bitterly shake his hands in disgust at the erosion of the legislative process and the delegation of

legislative authority to state departments, agencies and commissions.

I apologize. I must say that this is premeditated, hopefully without malice or prejudice, what I have to say. I am very concerned. I have spent approximately three months working on this piece of legislation, reading through the statutes of other states that have this same particular situation which allows the state legislature to review rules and regulations of state agencies and commissions.

At the hearing held Tuesday, I had intended to present this committee with all the rules and regulations presently in use in the various state departments. But I found in two weeks that it would be nearly impossible to get all the rules and regulations now in effect that have been promulgated by the various state agencies.

I have before me this morning a letter from the Attorney General, written to the Chairman of the State Government Committee, saying this piece of legislation, as written, would be unconstitutional, that the legislature would be interfering with the executives. Now, this is the second letter I have had this session that my feelings are unconstitutional, but I would question whether or not this body, when it sets up a new commission or agency, is not the person giving motherhood to this agency, and certainly this body should have the right or prerogative, when necessary, to hold this agency to legislative intent.

Now, under Title V of the Administrative Code, we find that certain departments must file their rules and regulations with the Secretary of State, and this is very interesting. You will find in the Secretary of State's Office that there is folder after folder from various departments with typewritten memos and notes of what the agencies have for rules and regulations.

I will tell you, for example, a commission which is under scrutiny at the present time, the Maine Milk Commission, that their rules and regulations are not available in the Secretary of State's Office. They have copies as recent as this month on file, which is in the form of a letter, but in order to obtain a copy of the rules and regulations pertaining to the Maine Milk Commission you have to

make application to that commission to receive one.

I was hopeful that at this special session that this committee could take time and review the contents of this piece of legislation. I am sorry to say that I feel some of the members of this committee did not feel that we had the time. As the gentleman from Lewiston, Mr. Jalbert, stated yesterday, he was ashamed — I saw on TV where he was ashamed to accept his pay check. But talking about time, last Friday morning we were in here for about twenty-five minutes; our pay for that day was \$25. At that rate we are making \$60 an hour, and I have very few constituents that make over \$3 an hour, so I think I have to agree with him on that. So I think time is a darn poor excuse.

I feel that it is time that this legislature regained some of its powers and put into statutory law what should be statutory law. The ability of a department head to call in an Assistant Attorney General and sit down and set up a new set of rules and regulations to be promulgated by the Attorney General as to its legality and constitutionality and then having this rule and regulation come out having the effect of statutory law in my mind is absurd.

In many, many cases if this same type of rule and regulation in the form of a legislative document came before this body, I can tell you where it would go. It would go right where this bill went; it would have gone to 17-A. And yet, I think the gentleman from Eagle Lake will verify, in the Land Use Regulation Commission, the bill which we passed to establish this in the bill which we passed to establish this in the law, it stated that a year round resident in the unorganized territories could do certain things. And yet at a public meeting in my district they said no, that this was not the intent of the piece of legislation, that the person involved in the chain should make application to this agency.

Now we have gone much too far by giving these agencies this prerogative. I know I have stepped on some toes this morning and probably some of my colleagues, but I would suggest if this is the way we are going to travel that we eliminate all committees except two; keep the Committee on Appropriations and Taxa-

tion. The Appropriation Committee could hear the appropriations bills necessary to fund these departments and agencies. The Taxation Committee could set to hear bills on how we are going to tax the people in the State of Maine to get these moneys, and this would settle it. We could come in here for three days after these two committees have met in regular session and special session and enact the whole process and put the legislative process right in the hands of the department.

Mr. Kelleher of Bangor was granted unanimous consent to address the House.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I know the feelings of Representative Dyar. I know he has put a lot of time and effort into this bill.

In fact, we had a bill before our Committee on PUC the other day, something in line with what he was talking about, because we do come before the legislature, or we have since I have been here. And I have listened to the gentleman from Enfield, Mr. Dudley, and I have listened to the gentleman from Bath, Mr. Ross, and others state how we come in and we delegate the authority of us as legislators, and in turn we legislate the right of our own citizens by giving authority to various departments. I think that the bill that he presented was a reasonable bill, and I am certainly surprised that the committee itself, one or two or even two thirds of the committee didn't sign the bill out, because the bill that we had before us in PUC was the cry of certain individuals up in Bingham, Maine, because they had gone before various departments and had gotten, in their opinions, refusals, that the department wouldn't even listen to their petitions. And to put it in the words of one individual who came in before us, he said, "Listen, if it wasn't for the opportunity that Senator Shute presented for us to come here, I don't know what we would do, where we would go." And my opinion is that we as legislators who create departments, who fund departments, certainly, and I think in good time, I think the time is now, probably should have done it before, that we review the rules

and the regulations of all departments and commissions and boards.

What is unreasonable about it? We are here to serve our people. They haven't got an opportunity, in my opinion, when a board creates their rules, that if they go to them and object to them, what recourse do they have? The five members or ten members, or whatever the board or commission is made up of, they make their minds of what the rules and regulations are, where else can they go? I don't know whether Mr. Dyar attempted to overrun the committee report or not, and I am sure to get two-thirds would probably be difficult, but we are sent here to represent our people, you and I. We are here to listen to their cries, and in my opinion a lot of times, in some instances, the departments do not do so.

I am very sorry that we didn't have an opportunity to discuss this bill for the good or the bad, what may be in there, on the floor of this House.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: Oftentimes I don't agree with my colleague from Strong, Mr. Dyar, but I think that the bill he introduced that is receiving a unanimous "ought not to pass" report from the State Government Committee is a very significant piece of legislation in that it attempts to provide a mechanism whereby there is some review of the rules and regulations that are promulgated by the various departments that this legislature has created and will continue to create.

I do not personally feel that there is anything incorrect. The fact of the matter is, it seems to be an abrogation of our responsibility if we do not provide some sort of measure whereby we review the rules and regulations that are promulgated by the many agencies that were created.

Mr. Speaker, Ladies and Gentlemen of the House, the federal government does this through a federal mechanism called the Federal Register whereby they publish on a periodic basis the rules and regulations of the various departments of the federal government and how they

are going to implement the laws and the legislation that has been ratified by the Congress. I think this is something that state government should consider doing. I think that all of these rules and regulations should be codified and made available not only in the Secretary of State's Office but there should be a mechanism provided whereby they are distributed throughout the state at various localities, such as city halls, town offices or with selectmen so that everyone has an opportunity to review and everyone has an opportunity to go to one central spot, or various spots, to find out what the rules and regulations are. Furthermore, I think that something should be done by this legislature to require all rules and regulations that are promulgated by any department, whether it is the Department of Health and Welfare, whether it is the Department of Mental Health and Corrections, whether it is the Department of Marine Resources, that all of these rules and regulations go to public hearing and they are subjected to a thirty-day review policy or sixty-day review policy.

I think in my brief sojourn here as a freshman legislator I have had enough opportunity to see that oftentimes departments either deliberately or not so deliberately circumvent some of the intent of the legislation that we have created for them to operate. I point to, for example, the Emergency Social Service legislation that we passed in the regular session of the 106th in where a department, and it was pointed out in the closing days of the regular session, where a department did not get off its can and start implementing the bills and start providing the services that we opted for in that particular piece of legislation. That is a disgrace not only to us for abrogating that responsibility, but it is unfortunate that beauracracy does not mobilize itself to better meet the needs of the people of Maine.

We also passed a bill through the Health and Institutional Services Committee where a department head was supposed to promulgate rules and regulations. I have asked for a copy of those rules and regulations and have yet to receive them.

Mr. Speaker and Ladies and Gentlemen of the House, I think that this bill

should be recommitted to the State Government Committee, if that is in order, for some sort of action either in this session or in the next regular session. Thank you very much.

Mr. Kelley of Southport was granted unanimous consent to address the House.

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: I believe that Representative Dyar's bill has a lot of merit. My objection to it is that it is too all-inclusive. I am a member of the Maine Waterfowl Advisory Council. Under rules and regulations of the Fish and Game Department, the waterfowl season is set each year.

Now, let me tell you what happens and why Representative Dyar's bill would not work under this situation. We are advised along about the third week in August from the federal government the outline of what we can have for a waterfowl hunting season. We are given a number of days, the species of birds we can hunt, and bag limits. This is circulated around through the State and given as much publicity as possible. A public hearing is held. I believe it is usually on a Thursday night. Duck hunters and goose hunters from all over the state show up. The Advisory Council holds this public hearing. The people are heard. We then hold an executive session of the commissioner and make a recommendation to him. Now, this is Thursday night. Monday morning the commissioner's recommendations have got to be in Washington. That is all the time we are given on this thing. By the nature of this type of problem, Representative Dyar's bill would not work in this particular case. There are some other similar cases that I could mention.

The basic idea is good, but I think that this bill needs a great deal more thought and a lot more refining. Thank you.

Mr. Curtis of Orono was granted unanimous consent to address the House:

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: I am a little disturbed this morning partly because I think that my use, as well as the use of previous speakers, of the unanimous consent privilege is getting a

little out of hand. So I will be brief about this.

It is an unusual way to defend a 17-A, unanimous "ought not to pass" report of the committee, but I am perfectly willing to defend it. It is no fun to kill anybody's pet bill. But if I or anybody else brings a bill before a committee which is unconstitutional, quite clearly on the face of it, is not prepared for that contingency, then I am going to suggest that it would not be appropriate to burden the committee with the problems of trying to work out an entirely new concept which might be constitutional.

Now, the gentleman has sponsored this bill. He is a dedicated person who is very concerned about a problem. I would suggest that he or other people who are very concerned about this problem work on some new legislation for the regular session of the legislature when it is possible to consider in depth that difficulty.

The mention has been made of the Federal Register here. The Federal Register, of course, is an executive publication of the federal government; it is not a legislative publication. What we are talking about, basically, is a division of responsibility is between the Executive and the Legislative branches. And that is the reason why this proposal that is printed before you is unconstitutional, and it is the reason that it got the 17-A report from the State Government Committee.

The SPEAKER: The Chair would remind the members of the legislature that under Joint Rule 21, when any measure shall be finally rejected, it may be recalled upon a vote of two thirds of each of the Houses.

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

Mr. DYAR: Mr. Speaker, I would like to reply to the previous speaker. If he read the communication from the Attorney General's Office — I will read you the final paragraph.

"The whole legislature may be proper legislative enactment either remove rule making power from a department or change the standards on which rules are based, that the legislature as a whole does not approve regulations promulgated by legislative authority. However, it may not encroach upon the Executive

Department by assuming to administer that which it has authorized the Department to do." So I say, the letter from the Attorney General says that this body does have the right to legislate to take care of the problem which I have tried to bring before you. Thank you.

Mr. Dudley of Enfield was granted unanimous consent to address the House.

Mr. DUDLEY: Mr. Speaker and Members of the House: I could not let this go by. Speaking to Mr. Dyar's thoughts. First of all, let me tell you that these regulations got on the books, or on their books, by people sitting in these seats we are sitting in today. And I think it was about four terms ago.

I might in one minute try to cite you a little illustration. The Insurance Department had as many as four bills in this year in this legislature that were soundly defeated by the House. On the last day of the session there was a quick bill went through here giving the Insurance Department the right to make rules and regulations that they deemed advisable — they deemed advisable, not the legislature or the people. And these things have come to pass down through the years until this legislature has delegated its authority until they don't have any.

So it is time that people like Mr. Dyar and the young man in the back from Portland, — they are catching on something should be done about it. I don't know if they can do it in this session, but I hope that some session soon that we do something to take back some of this prerogative that we are now sitting here and all we do is appropriate money. And that is all we need, like someone said, the Appropriations Committee. But it was done by people who sat in these chairs; by delegating their power and giving these departments, whether it be the Insurance Department or any other department, the Health and Welfare or what have you, the right to delegate, the right to make rules and regulations. And it says on the bill that they deem it advisable. And that is how it come to pass.

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

Mr. LYNCH: Mr. Speaker, Ladies and

Gentlemen of the House: In the regular session last year I sponsored a bill related to experimentation on living animals in schools. The bill was soundly defeated because this legislature was bombarded by hundreds and hundreds of letters from all over the state, outside the state, and by the Anti-vivisection Society of Philadelphia. I am quite sure that practically all of these letters did not understand the intent of my bill. The bill that I proposed amended the existing law by introducing an enforcing agency in the Department of Agriculture. And the reason for it was that this law is not part of Title 20, the Public School Laws, but it is part of Title 17, and has a penalty, financial penalty, for violation.

I would like to call your attention now to Page 22 of this morning's Press Herald where about one third of the page there is a story by Caroline Norwood, and it concerns the Boothbay Regional High School. Now, last year Dr. Shirley Jordan began a study in cooperation with Donald Mairs, the Chairman of the State Board of Pesticide Control. She had some students working with her, but they collected only dead animals. This year the program is being carried out in an advanced biology class with mice, in which — let me read:

"Pesticides will be used on these control animals."

Now, this is against the law. You can not experiment on animals in diet deficiency experimentation. You can not expose living animals in a school to chemicals that have a harmful effect.

Now, I am not opposed to experiments of this sort in high schools. I am opposed to it being done in violation of a state law. And it was my intent to correct the state law in the regular session to allow for experimentation to be done under the control of the Department of Agriculture.

I would like to read you the Statement of Fact on the bill that I introduced.

"The purpose of this act is to provide an opportunity under controlled conditions for secondary school students to have learning experiences which will assist them in choosing possible life careers."

Now, I would like to read just a few things from the article.

Boothbay Harbor, a region where con-

servationist Rachel Carson, herself, once lived and worked. This, Dr. Jordan says, "The students have read Rachel Carson's book. At this high school they have a particular sensitivity to their environment. It may be a coastal type of culture that perhaps stimulates them."

I would like to read this: "I think it is most important for students to become educated in the field they want to be in, and encouraged to be fine human beings."

I have no objection to experimentation on living animals in the school if it is done under controlled conditions and supervised properly. I think it was a mistake for this legislature not to amend the existing law to introduce an enforcing agency. And I would also like to remind you, as I did last year, that the University of Maine, the South Portland Vocational Technical Institute are violating the state statutes, and I am sure that the University of Maine has a concern with what they are doing. Thank you.

Mr. Farnham of Hampden was granted unanimous consent to address the House.

Mr. FARNHAM: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to clear up in anyone's mind, if they feel that way, that the State Government Committee gave Ross Dyar's bill a short shrift. There was a great deal of sentiment. In fact, I think we were all unanimous in that there is a problem here. A rule or regulation put out by the various state departments, in effect, has the power of law unless it is taken to court and overturned.

Now, they do have public hearings. But the notice on public hearings appears in the legal section of the newspapers. And who ever looks in the legal section except the lawyers? The average layman certainly doesn't. So he never knows when these hearings are to be held. We do think there should be a publication of some kind that would list all the rules and regulations for each department. But the problem was, we did not feel that Mr. Dyar's bill would accomplish what he wanted or what we would like to have seen. And we didn't feel that we had the time to rewrite it and make a new bill out of it. I think that it

would be perfectly in order for Mr. La-Pointe or anyone else to have an order having this order studied and to report to the 107th Legislature.

Mr. Perkins of South Portland was granted unanimous consent to address the House.

Mr. PERKINS: Mr. Speaker and Members of the House: I will be very short. Yesterday we had a bill in Judiciary which would provide that the Board of Nursing set up rules and regulations as to who would be authorized other than nurses to administer drugs. This would permit that board to establish certain rules and regulations and we know not what as to whether I would qualify or not qualify or whether the janitor would qualify in a particular institution to administer drugs.

I was concerned, for one on the committee, of the inability to understand or know what the rules and regulations were, and for that reason have a great deal of hesitancy in passing on that particular measure. For that reason, along with the other comments that have been made, I would now move for reconsideration of passing this bill to the legislative file.

The SPEAKER: The Chair would inform the gentleman that the matter is not before us at the present time, and it will be going under rule 17-A in a few minutes, hopefully.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: On page 3 of your House Advance Journal and Calendar this morning, Item 4 under Petitions, Bills and Resolves Requiring Reference, this morning we referred Bill "An Act to Collect Telephone and Telegraph Taxes on a Monthly Basis," to Public Utilities. I would request that we reconsider our motion—our vote where we moved to put this to Public Utilities.

We have had three of these bills all alike, including this one. There are two that have already been referred to the Taxation Committee.

I have spoken to a member, the Representative from Bangor, Mr. Kelleher, and he said he would be very

pleased to have this transferred to Taxation then the committee will have all three bills alike.

On motion of Mr. Finemore of Bridgewater, the House reconsidered its action of earlier in the day whereby Bill "An Act to Collect Telephone and Telegraph Taxes on a Monthly Basis," House Paper 1911, was referred to the Committee on Public Utilities.

On further motion of the same gentleman, was referred to the Committee on Taxation.

Sent up for concurrence.

House Reports of Committees Ought Not to Pass

Mr. Farnham from Committee on State Government on Bill "An Act Prohibiting a Municipal Officer from being a Member of the Legislature." (H. P. 1827) (L. D. 2317) reporting "ought not to pass"

Mr. Curtis from same Committee reporting same on Bill "An Act to Provide Legislative Review of Administrative Rules and Regulations" (H. P. 1845) (L. D. 2338)

In accordance with Joint Rule 17-A, were placed in the legislative files and sent up for concurrence.

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

Mr. PERKINS: Mr. Speaker, I move that we recall item 2 from the legislative files and recommit to committee.

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

Mr. SIMPSON: Mr. Speaker, a point of parliamentary inquiry. Wouldn't this have to be done by an order?

The SPEAKER: The Chair would rule that Joint Rule 21 does require a Joint Order. If the gentleman would prepare an order, it would be in order to present it.

Ought to Pass with Committee Amendment

Mr. Haskell from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing Funds for Spruce Budworm Control and Surveys" (H. P. 1684) (L. D. 2077) Emergency reporting "Ought to pass" as amended by Com-

mittee Amendment "A" Senator Sewall abstained from voting.

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-650) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Ought to Pass in New Draft New Drafts Printed

Mr. Emery from Committee on Legal Affairs on Resolve, Authorizing the Maine Land Use Regulation Commission to Enter into License Agreements for Use of its Publications (H. P. 1838) (L. D. 2329) reporting "Ought to pass" in New Draft (H. P. 1907) (L. D. 2422) under same title.

Mr. Cooney from Committee on State Government reporting on Resolve, Authorizing Commissioner of Mental Health and Corrections to Lease Certain Land in South Windham to the Maine Society for the Protection of Animals (H. P. 1754) (L. D. 2213) Emergency reporting "Ought to pass" in New Draft (H. P. 1906) (L. D. 2414) under new title Resolve, Authorizing the Commissioner of Mental Health and Corrections to Lease Land in Windham to Maine State Society for the Protection of Animals

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

Consent Calendar First Day

(H. P. 1851) (L. D. 2344) Bill "An Act Validating the Franco-American Oblate Fathers, Inc. as a Legal Entity" — Committee on Legal Affairs reporting "Ought to pass"

(H. P. 1852) (L. D. 2345) Bill "An Act Relating to Name of Maine Ambulance and Rescue Association" — Committee on Legal Affairs reporting "Ought to pass"

(H. P. 1671) (L. D. 2064) Emergency Bill "An Act Converting Somerville Plantation into the Town of Somerville" — Committee on Legal Affairs reporting "Ought to pass" as amended by Committee Amendment "A" (H-651)

(H. P. 1835) (L. D. 2326) — Emergency Bill "An Act Relating to Conflicts of Interest in Municipal Contracts and Proceedings Pursuant to the Securities Approval Act" — Committee on State

Government reporting "Ought to pass"

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

(H. P. 1819) (L. D. 2306) Bill "An Act to Make It Unlawful to Discriminate when Extending Credit" — Committee on Business Legislation reporting "Ought to Pass"

On the request of Mr. Trask of Milo, was removed from the Consent Calendar.

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

(H. P. 1707) (L. D. 2100) Bill "An Act Relating to Municipal Fire Protection" — Committee on Legal Affairs reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-652)

(H. P. 1809) (L. D. 2288) Bill "An Act Relating to Damage to Beehives, Bee Colonies, or Honey by Wild Animals" — Committee on Legal Affairs reporting "Ought to pass" as amended by Committee Amendment "A" (H-653)

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

Consent Calendar Second Day

(H. P. 1832) (L. D. 2323) Emergency Bill "An Act Relating to Expending Cumberland County Funds at County Jail and Recreation Center" (C. "A" H-647)

(H. P. 1786) (L. D. 2258) Bill "An Act to Correct Errors and Inconsistencies in the Marine Resources Law" (C. "A" H-648)

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

Passed to Be Engrossed

Bill "An Act to Permit Counties to Accept and Expend State and Federal Grants" (H. P. 708) (L. D. 2120) (C. "A" S-318) Emergency.

Bill "An Act to Authorize a Food Stamp Program in Cumberland County" (H. P. 1898) (L. D. 2402) Emergency.

Were reported by the Committee on Bills in the Second Reading, read the

second time, passed to be engrossed and sent to the Senate.

**Passed to Be Enacted
Emergency Measure**

An Act to Authorize County Commissioners of Oxford County to use 1974 Federal Revenue Sharing Funds for Hangar Facility at Oxford County Regional Airport (S. P. 471) (L. D. 2153) (H. "A" H-641)

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. 112 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 Relating to the Borrowing Capacity of School Administrative District No. 24 (H. P. 1662) (L. D. 2055) (S. "A" S-317)

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. 122 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.

Passed to Be Enacted

An Act to Provide Emergency Medical Training for Ambulance and Rescue Personnel (H. P. 1660) (L. D. 2053) (C. "A" H-635)

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

Orders of the Day

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

Joint Order (H. P. 1896) relative to Appropriations and Financial Affairs Committee to report out a bill from the General Fund regarding Construction of a Parking Garage.

Tabled — January 22, by Mr. Norris of Brewer.

Pending — Passage.

On motion of Mr. Martin of Eagle Lake, retabled pending passage and later today assigned.

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

Bill "An Act to Authorize a Solid Waste Collection and Disposal System in Kennebec County" (H. P. 1687) (L. D. 2080) Emergency.

Tabled - January 23, by Mr. Carter of Winslow.

Pending - Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to this measure for several reasons. First of all, I hate to get involved in a county dispute, but apparently one has developed between northern and southern Kennebec County, and apparently it was nobody's fault. This is just one of those things that happens.

First of all, let me tell you that this bill to authorize the county commissioners to set up a solid waste disposal system in the county is premature, premature in the fact that Northern Kennebec Regional Planning Commission has been studying this problem for more than a year. They have not yet resolved whether it would be more feasible to have solid waste disposal or perhaps it might be more feasible to have recycling. In any case, the bill is premature on that point.

Furthermore, the Northern Regional Planning Commission, which has been involved in this program, was never consulted until the last minute, and it was merely by accident that they were asked if they would go along with this, and they had no time to study it. They were consulting with the executive director and not the commission itself, and I learned this morning from a telephone call back home that the commissioners met Tuesday evening and they went on record as being opposed to this thing as it is premature.

Secondly, you will hear probably that this is only permissible legislation. Well, be that as it may, I disagree with it. If it is permissible, it is not needed to begin

with. Apparently there is no money involved in this thing, and if there is no money involved, no permission is needed. I would therefore make a motion that this item be indefinitely postponed with all its accompanying papers.

The SPEAKER: The gentleman from Winslow, Mr. Carter, moves the indefinite postponement of this Bill and all accompanying papers.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion to indefinitely postpone, and I do so for several reasons.

First, I might say that we are overloading our taxpayers and our voters with so many bodies politic, so many types of governmental organizations, that we sometimes have to adopt or follow through with an existing organization such as County Government in order to do any kind of a job. What I am trying to say is that if we have a school problem we for a school administrative district; a sewer problem, a sewer district; or a water problem, a water district. We are getting so we are removing the voters and the taxpayers and the people that support these various corporations to such an extent they can't keep up with all the people that they have to deal with. So this is the reason that this particular form was used to form a county government, which may not be ideal, but it is still better than anything else at the moment.

The matter of prematureness has been raised by the gentleman from Winslow, Mr. Carter, and probably will be raised further by his colleague from Waterville, Mr. Carey.

I would like to say this, that we have passed a law which says that open burning of dumps and open dumps have got to be closed by July 1, 1975. Under these conditions, and I suggest as I did the other day to several of you, that if you have ever had the privilege of locating a town dump, you have had a real education. Its extremely stimulating. In trying to locate any kind of a waste disposal problem, you will need a considerable amount of time, you won't do it over night. And therefore, if this bill becomes effective at the end of this session, these

people have got approximately one year in which to comply with legislation which we have already passed. So prematureness may be the situation, but I suggest to you that they will need the full amount of time available to comply with the July 1, 1975 deadline.

Now in regard to the Northern Kennebec County Regional Planning Commission, I suspect they may have been in opposition, but I would also suggest to you that County Commissioner Paul McClay advised me this morning that they have removed their opposition and have no offense to this particular legislation.

In regard to the bill itself, all of our communities are having financial problems; money just doesn't grow everywhere, and it is very difficult in some of our communities which have a small geographical area to locate a waste disposal unit facility. Consequently, this bill, which is enabling only, permits the county to go ahead and put together some sort of a facility for a number of communities, and maybe all of the communities.

I might also call to your attention that in 1971 at the regular session we passed a bill authorizing Washington County to do this very thing. Washington County already has this authority. Several other proposals are under way.

I checked with the Bureau of Environmental Protection. They advised me they neither support nor are opposed to this. I would suggest that they feel more comfortable with it, they do encourage it, but they are not getting into the act in particular.

I would also suggest to you that here in Kennebec County we have four cities and some twenty-five towns. No one of these dumps serving any of our communities in Kennebec County meets the requirements that we must comply with by July 1, 1975; not a single site has been selected at this point.

I come back to this thing that this is primarily enabling. I know of no problem whatsoever with it, and I wouldn't have put an emergency clause on this if I had been thinking straight or if I had been involved when the matter was drafted, I suspect it could be removed without any problem, because I doubt if

the emergency clause here makes that much difference as far as the planning is concerned.

I do hope that you will go against the motion to indefinitely postpone.

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

Mr. CAREY: Mr. Speaker and Members of the House: Mr. Brown didn't quite say what I had planned to say, so in effect he was not speaking for me, and I admire him for trying to salvage his own bill.

Let me give you just a little history of just what is happening around here. We have been ordered by the federal government to consolidate the Northern Kennebec Regional Planning Commission and the Southern Kennebec Regional Planning Commission. The Southern Kennebec Regional Planning Commission has practically failed in most of its endeavors when it is related to what the Northern Kennebec Regional Planning Commission has done. The two commissions are very close at this time to forming one unit. The Northern Regional Planning Commission has for several years been studying the sanitary land fill incineration, and have come up with a booklet of some 130 or 140 pages outlining just what the solution to the problem is, and the communities themselves have now started working towards that solution. It would appear that the three commissioners from Kennebec, all coming from the southern part of the county, are more intent on preserving themselves and strengthening their position by branching out like an octopus in different fields. Supposedly this is going to be something else, it is going to be a burden to all of the taxpayers in the county.

When Mr. Brown spoke of small areas, I would assume that he must consider the City of Waterville a fairly small area landwise, which is two miles wide and six and a half miles long. It is predominantly populated; there is one farm in the southern part of the city. When he said that there are no dumps, so to speak, which are in conformity in the county, he ought to spend a little time in and around the county, and he would find that the City of Waterville has, since 1962, operated a sanitary land fill operation which currently is in

compliance with the existing laws. We just bought some more land so that we could even give ourselves a buffer zone. It will satisfy the city's needs for a short time, but we are working with Benton and Oakland, and Winslow and Vassalboro and Sidney towards solving this problem, and we are very close to this solution.

What we don't need at this point is interference from the county. I would certainly hope that you would support the position of Mr. Carter.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: The committee acted basically on the report of the Kennebec County delegation. I am sure that Mr. Carter of Winslow wasn't there, he had to attend another meeting, but I think the report was unanimous. I don't know of anyone else that opposed it — perhaps Mr. Carey from Waterville may have.

It seems to me that we as a county should get together on waste disposal. It is going to cost the small communities a lot of money if they have to go alone on this waste disposal.

I don't see a thing wrong with this piece of permissive legislation as I understand — I haven't researched it but there is a possibility that there is something on the books now that will allow the commissions to pursue this without this piece of legislation.

Where it is permissive and where it has already been indicated that there is not the cooperation between the southern and northern Kennebec County study groups. This perhaps will bring them closer together and therefore serve the people in the outlying areas to a better advantage.

I hope you go along with this piece of permissive legislation.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I am also from Kennebec County, and I sat in on that meeting, and I was opposed along with Mr. Carey, because the Town of Oakland does have a lot of land and I definitely fight for my own town. I should

hate to see everyone else's dump come into my town and I think each one — the winner is he who goeth alone. I agree with Mr. Carey 100 percent; so I know two of us who are against it.

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

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: I opposed this, too, at that meeting. I think we have got a few problems. I wish this could have come up a little later on in the session maybe, but I think we do have a few things that we could straighten out.

The SPEAKER: The pending question is on the motion of the gentleman from Winslow, Mr. Carter, that Bill "An Act to Authorize a Solid Waste Collection and Disposal System in Kennebec County," House Paper 1687, L. D. 2080, be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 39 having voted in the negative, the motion did prevail.

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

ORDERED, the Senate concurring, that Bill "An Act to Provide Legislative Review of Administrative Rules and Regulations," House Paper 1845, Legislative Document 2338, be recalled from the legislative files to the House.

The Order was read.

The SPEAKER: The Chair would inform the gentleman that the Chair reads Joint Rule 21, the final sentence is, "Any measure shall be finally rejected." The Chair feels that the Senate not yet having acted on this that this measure has not yet been finally rejected and that the order is premature. So the Chair is refusing to accept the order today.

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

Mr. O'BRIEN: Mr. Speaker, a parliamentary inquiry. I have a difference of opinion, but I would like to ask now whether we should table this or withdraw the order, sir.

The SPEAKER: The Chair has rejected the order. I am not accepting the order as it is premature. The order is not presently before us.

Mr. O'BRIEN: Mr. Speaker, just for the record, sir. I will ask that the order be withdrawn rather than have the Chair reject it.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, regarding item 2 on page 6, solid waste disposal system in Kennebec County, I would make a motion that we reconsider our action whereby this bill was indefinitely postponed and I would hope you would vote against my motion.

The SPEAKER: The gentleman from Winslow, Mr. Carter, having voted on the prevailing side, moves that the House reconsider its action on Bill "An Act to Authorize a Solid Waste Collection and Disposal System in Kennebec County," House Paper 1687, L. D. 2080, whereby the Bill was indefinitely postponed.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: Having served on County Government for a little over a year, just during the regular session, those people on County Government will note that I was no great advocate of county government when I got there. Mostly because you couldn't see county government doing anything, yet you see people supporting it and paying out of their hard earned tax dollars out of every municipality to support something which didn't apparently do anything. There were no functions that I could see in county government that could not be done through either a private agency or turning them over to the state. I am talking of the Registry of Deeds, the Clerk of Courts, all these functions could have been accomplished somewhere else. And then there was the Home Rule bill brought in which would have given the county government vast powers to organize for mass purchasing for providing services, public safety. At the same time, we also found out that there were federal guidelines that would have given the county government structure a much better shake with federal guidelines for revenue sharing, for other programs that could be financed through the federal government, better than any

municipality or city could possibly hope for.

So finally, I am starting to move toward county government as a viable way, maybe not county governments organized the way they are but certainly some form of a regional government where everybody can put their marbles in the basket and get the best possible at the lowest cost for the taxpayer. I am talking about fire departments, ambulance service, police protection, all these things could be accomplished by giving larger units of government.

Waterville, I really never knew there was such a split between northern and southern Kennebec County, and it is kind of ridiculous because what they just finished telling you was, we have got a dump and we meet DEP regulations in our sanitary landfill, and so the heck with the rest of the county. Well unfortunately, Waterville, you are with us. We both have to live here.

There are many small communities. My community has a solid landfill that I know when DEP in 1975 starts imposing the restrictions on dumping, we are going to have to close that thing — it is not even in Gardiner, it is in Pittston. It is in a gully that leads directly to the Kennebec River.

Now these things are going to have to be moved. The dumps are one form of pollution that are polluting our water supplies. If we don't get into a solviably landfill on a community basis where each community can be assessed an equal share, then you are not doing anything to help get this problem of pollution solved. We have the problem in Kennebec County. Maybe Waterville doesn't, but are you voting for Waterville or are you voting on behalf of all the other people that live in this county? What we are hoping is that you are thinking about everybody else.

I attended that executive session of our delegation and some of the people who stood up in opposition at that delegation meeting had not voiced any opinion that they were opposed. Now if they had been organized to oppose this thing on the floor of the House, I think it is rather childish. When one really gets down to it, that particular bill came out of County Government Committee with the unanimous "ought to pass," yet, because one community doesn't want to foot its

fair share, they have attempted to scuttle the whole bill. The bill was hopefully providing enabling legislation so all the communities in Kennebec County would have a regional landfill that will meet the test of the DEP. I would ask you, and I am glad that the gentleman asked for reconsideration, because I am going to ask you to vote with him.

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

Mr. ROSS: Mr. Speaker, I move the reconsideration motion be tabled for two legislative days.

Mr. Carter of Winslow requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that this matter be tabled pending the motion of Mr. Carter of Winslow to reconsider and specially assigned for Monday, January 28. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Bill "An Act to Establish Guidelines for Release of Accused Persons Pending Trial" (S. P. 766) (L. D. 2197) (C. "A" S-311)

Tabled — January 23, by Mr. Simpson of Standish.

Pending — Motion by Mr. Jalbert of Lewiston that the Bill be recommitted to the Committee on Judiciary.

On motion of Mr. Simpson of Standish, retabled pending the motion of Mr. Jalbert of Lewiston to recommit and specially assigned for Monday, January 28.

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

Bill "An Act to Encourage Maine Students at Graduate Schools to Become Physicians and Dentists" (S. P. 824) (L. D. 2336) Emergency.

Tabled — January 23, by Mr. Simpson of Standish.

Pending — Adoption of Senate Amendment "A" (S-320)

Thereupon, Senate Amendment "A"

was adopted in concurrence and the Bill assigned for second reading tomorrow.

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

Joint Order (H. P. 1896) relating to Appropriations and Financial Affairs Committee to report out a bill from the General Fund regarding Construction of a Parking Garage.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I am going to withdraw this motion this morning, but before I do I would like to make a few remarks that I hope will be of some value to us.

As you recall, during the regular session we had a surplus. The Appropriations Committee spent it on capitol construction or a portion of it on capitol construction. This garage was among those items I questioned at that time. I questioned it for several reasons. Of course, the public has no say over what the Appropriations Committee and the legislature spends out of surplus because nothing is bonded. They have no check at the polls. And I suspect that if you put this particular item out to the people now or in the past, you might not have received at this point approval for it.

But nevertheless, I went to the Chairman of the Appropriations Committee at that time, and I asked him, "How did you arrive at the idea of a parking garage of this type?" He said, "Let me turn you over to a fellow who headed a subcommittee that looked into it." So I talked to this gentleman and he said, "Well, we met and we thought of two things; one, building a parking garage or two, we will level some land around the Capitol and pave it." At that time I asked him, "Is that all you discussed?" He said, "Yes." I said that that didn't seem like too creative an approach and he had some things to say to me that I wouldn't repeat to you right now. But it seems to me that you and I as legislators have a responsibility to look at these appropriation bills and perhaps question some of these items, something we don't do. We spend more time talking about the length of trout that we are al-

lowed to keep than we do on spending one and three-quarter million dollars for a parking garage.

Let me just ask you a few questions. I think the answers are probably fairly obvious. Does the state have a parking policy? Does every state employee have a right to expect a parking place provided by the state at taxpayers' expenses, or are there other alternatives? I can tell you right now, I have been informed by a group here in Augusta that they have asked the Southern Kennebec Valley Regional Planning Commission to study this very problem, and they have written and asked that this parking garage be held up until we can make a real analysis of the transportation problems in this area. I think their thought is that perhaps some sort of mass transportation or some other alternative might be available.

The Appropriations Committee, to the best of my knowledge, spent one and three-quarter million dollars without making that study, and we bought it.

Question number two, shouldn't we now be looking to other areas of transportation for our employees? Most of them live in or around Augusta. That is what this sort of study should answer.

Question number three, will the expenditure of this kind of money at this time for this sort of a proposal under our present economic difficulties with inflation, the energy crisis, a lot of things affecting our tax receipts, will this lead us to a deficit in the next biennium? I don't have the answer. I would guess that the Appropriations Committee probably has a better answer than I can give. But I would think that our tax receipts may be going down, and I would think that one and three-quarter million dollars, if we didn't spend it now, might help give us a little bit of a cushion coming into the 107th Legislature. So I don't have the answer to that, but it is a worry that I have, and I suspect that you might have the same worry. And by spending this money, we are putting ourselves into a tighter box for next January.

I think we have a responsibility to look at priorities. One and three-quarter million dollars is a lot of money, and it can buy a lot of other things. And I always like to think when we are spend-

ing money here, if we spend a million dollars we are, in Mr. Dudley's terms, picking every person's pocket for a buck. Now, I know that I can walk up to most of my constituents door and ask them, "Would you spend a dollar for this purpose or that purpose," and most of them would get out their wallets and say, "All right, all right, I will give the money;" or, "we will pay it in taxes." But I ask myself, on this one, if I walked up to my constituent's door and asked them for \$1.75 for every person in their household, which for the average household would be seven to ten bucks, for a parking garage up here, that I wouldn't get it. They would slam the door in my face. So I put in this order to stop this thing.

Now, I am told this morning that we spend \$41,167.46 on planning this parking garage. I am also told that we have signed, or we have obligations for some land for the garage that we would have trouble getting out of. And so it is because of these things that I am going to withdraw my Order this morning. I am also told just from a purely political consideration that the Republican caucus voted to nail this thing when it came up. But, nevertheless, I think we have a responsibility that we haven't met. I think one of the reasons that the cost of state government grows the way it does is because we spend too much time arguing about the length of trout and not enough time worrying about a one and three-quarter million dollars to provide parking.

Thereupon, the Order was withdrawn.

Mr. Simpson of Standish was granted unanimous consent to address the House.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: There is just one statement I would like to correct for the gentleman from Sabattus; and that is, if he wants to come in to the Republican caucuses, which are open, he is entitled to come in. But before he puts statements onto this floor and into the record that the Republican caucus voted to scuttle this thing he better make sure he comes in and checks our records and knows that that is what took place. Because we did not. We discussed the whole entire issue, the pros and the cons, and we took a straw vote to see how

many people were in support of your order.

Mr. McMahon of Kennebec was granted unanimous consent to address the House.

Mr. McMAHON: Mr. Speaker, Members of the House: I would like to add to what Representative Simpson said, that I was one member of my party who indicated that I would support the Order if and when it came to a vote this morning.

Mr. Martin of Eagle Lake was granted unanimous consent to address the House.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I, first of all, want to thank the gentleman from Standish for inviting us to a Republican caucus. We probably will take him up on it. I wasn't aware that it was open, since members of the press had started to drift down to 228 from time to time. But I do assure you that I do thank the gentleman. And if he has spies within the caucus he will know where they came from. He gave us the invitation.

To be serious, though, for a moment, I do think that the point the gentleman from Sabattus made in reference to setting of priorities is one which we sometime in this legislature and legislative bodies which I have served have not done a very good job working with or dealing with. And some of these reasons, of course, is we do not have the tools and we do not give ourselves the tools to do that job properly. I think, though, as time goes on and as more and more people and more members are questioning the priorities, the methods of setting the priorities, that the need is going to definitely be set that we have to do something about it.

I agree that when we pass an appropriation act that we do not spend much time debating the final passage of that act. We spend most of our time on spending \$20,000 on a little bill rather than on the entire appropriation act. Now, it could be, obviously, that everyone is satisfied with the contents of that act. But I find that hard to believe. It is simply, I think, a problem of having it so massive that it is difficult to grasp and difficult to get to, and difficult to get specific items in the budget. It may well

be that what we need to do is introduce amendments on each item one by one from the floor, and at that point everyone would have an input into the budget. I agree that at that point it would take us two weeks to enact the appropriations act rather than five minutes.

Mr. Finemore of Bridgewater was granted unanimous consent to address the House.

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I want to thank you very, very much this morning for helping me and the others kill this bill to do away with the four year grant at Machias, Fort Kent and Presque Isle. It certainly would crucify Aroostook County if we lost it. I want to thank you from the bottom of my heart.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I am fully aware that the hour is late. It is as late for me as it is for you. I know I am probably going to hold up the committee hearings, and I am hungry, too. But the Appropriations Committee has been raked over a little bit, and in any event appropriations have been discussed. So it might be just as well, the time now, to discuss where we are presently in this state financially.

I did this figuring on a hand-written, single sheet of paper yesterday afternoon with some books I had at home when I got home after a speaking engagement. At the regular session of the legislature we had \$43 million in surplus. We spent twenty-five of that forty-three in surplus. We had about \$40 million in revenue sharing money, counting the interest. This money was spent. This was three years of revenue sharing, which means that next year, tops, we will wind up with \$28 million. But we have spent \$40 million. We are \$12 million in the red because this has been spent for recurring items. We now have left the \$18 million from the surplus. We have about \$2.4 million that is accrued for the next biennium for the revenue sharing. We have \$186 million of revenue not appropriated. But bear in mind that

\$3 million of that \$186 is for — \$3 million of this is for the lottery; \$400,000 incidentally, is for this year. The commission is yet to be named. I question whether or not we will have a million and a half in the lottery. But in any event, it includes \$3 million of the 186 that was included in this. That is a total of \$206 million.

Now, as I see it, Part I of the budget and the supplemental passed for the next year will probably run in the area of \$188 million. The supplemental security income budget of the Health and Welfare will be at least \$7.2 million. We have already passed the legislative account of \$600,000. We have got an L.D. of \$600,000 on the Appropriations Table. And the L.D. 2294, which is over and above the money for the current year, and accounts for the problems we have had for the balance of this year, this is a figure of about \$2 million, which is a total of about \$199.2 million, which leaves us \$6,800,000 for all of the L.D.'s we have; the supplemental budget; the wrap-up budget.

So somewhere along the line I thought I would throw this out at you. I thought that the time was propitious, where you are hungry, and maybe it might sink in a little bit more. I think we had better start pulling in our heels. Because as far as I am concerned, Mr. Speaker and members of the House, the Governor of this State said in his Inaugural Address on the first Wednesday of 1973, "This is the first time I am presenting and saying that the 106th will be able to get along without taxes." I believed him then; and I believe him now. And I will believe him until we adjourn.

Mr. Norris of Brewer was granted unanimous consent to address the House.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: just briefly in defense of my good friend Senator Morrell who was Chairman of this subcommittee. He did present to the Appropriations Committee a full and in-depth study which tied in with a twelve year study which was performed by the Capitol Planning Commission and several other commissions. I would just like to say that as a member of the Appropriations Committee that he certainly presented to the Appropriations Committee, and they in turn apparently presented to the members of this House,

because this did pass, and it was attacked and it was defended, and over two thirds of the members of this House voted for this. I thank you very much, Mr. Speaker.

(Off Record Remarks)

On motion of Mr. Simpson of Standish,
Adjourned until nine o'clock tomorrow
morning.