

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# 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

Friday, January 25, 1974

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

Prayer by the Rev. Cecil Jones of Gardiner.

The journal of yesterday was read and approved.

By unanimous consent, the following Bills appearing on the Consent Calendar's First Day list were taken up out of order:

(S. P. 704) (L. D. 2116) Bill "An Act Relating to Cruelty of Animals" — Committee on Agriculture reporting "Ought to pass" as amended by Committee Amendment "A" (S-323)

(S. P. 727) (L. D. 2139) Bill "An Act to Regulate Municipal Debt" — Committee on Legal Affairs reporting "Ought to pass" as amended by Committee Amendment "A" (S-324)

(S. P. 742) (L. D. 2154) Emergency Bill "An Act to Authorize County Commissioners of Oxford County to use 1974 Federal Revenue Sharing Funds for Operating Expenses for Oxford County Regional Airport" — Committee on County Government reporting "Ought to pass" as amended by Committee Amendment "A" (S-322)

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

(H. P. 1805) (L. D. 2285) Bill "An Act to Change the Evaluation of the Housing Reserve Fund and to Clarify the Right of the Maine State Housing Authority to Sell Refunding Bonds" — Committee on State Government reporting "Ought to pass" as amended by Committee Amendment "A" (H-655)

Objection having been noted, was removed from the Consent Calendar.

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (H-655) was read by the Clerk.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I had an

awful lot of people come to me this morning and yesterday and wanted to know exactly what my opinion is relative to this amendment, especially based on what you know to be some of my thoughts relative to the State Housing Authority. I rise this morning to completely support the amendment and to also thank the State Government Committee for working the hours they have worked in the last few days to accomplish one of the objectives I had and to overcome one of the faults that I felt definitely laid within the State Housing Authority.

In case you don't know it, January 28 is a day that a contract must be fulfilled or met with some of the banks in this state and that it is imperative for us this morning to at least send this bill forthwith to the Senate today and at least get it enacted by sometime Monday afternoon.

There is one statement I would like to make right here on the record and make it absolutely sure that everybody in this body and everybody in this state understands exactly something I said the other day. It has been quoted that I have an objective in mind of killing the State Housing Authority. In my presentation the other day, and I would like to quote from it and put it in the record, I stated as I finished my presentation, Maine needs housing and the Maine State Housing Authority, and it can be a valuable asset to our private lending institutions, our contractors, and the employees in the building business, and above all, to the low income people in Maine in need of housing, and it is not my intention to kill the Authority or see it defaulted. This is one step in the right direction this morning, and I urge that you go along with the committee report and that we send it forthwith.

Thereupon, Committee Amendment "A" was adopted.

Under suspension of the rules, the Bill was read the second time and passed to be engrossed as amended.

On motion of Mr. Farnham of Hampden, was ordered sent forthwith to the Senate.

**Papers from the Senate**  
Bills from the Senate requiring ref-

erence were disposed of in concurrence, with the following exception:

Bill "An Act Transferring Responsibility for Post-Secondary Vocational Education from the Board of Education to the University of Maine and Modifying Membership of the Board of Trustees" (S. P. 848) (L. D. 2417) By Request.

Came from the Senate referred to the Committee on Education.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, I very willingly went along with the majority and voted not to refer bills that were to cut down the University of Maine at Presque Isle and Fort Kent and at Machias. These measures had come from the Management and Cost Survey Committee. I would like to read the title of this one: "An Act Transferring Responsibility for Post-Secondary Vocational Education from the Board of Education to the University of Maine." I am just wondering if the champions of yesterday are still present today. If the bill read, "An Act Transferring the Responsibility of the University of Maine to the Post-Secondary Vocational School" I think it would make a lot more sense.

I think in my heart if the bills of yesterday were cast aside, and I voted that they be cast aside without a hearing, I certainly think that this one should be cast aside, because to think of this thing happening is utterly ridiculous in the first place.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker and Members of the House: If this bill, as I understand it, is going to set up another super structure in government, is going to take our vocational education institutes and put them with the University of Maine, I would at this time, in behalf of the excellent rating and performance of vocational-technical institutions and the fine job they are doing under their present structure, at this time I would like to call for the indefinite postponement of this bill and all its accompan-

ing papers and ask you to support my motion with the yeas and nays.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to urge you not to support the motion to indefinitely postpone. It is not my intention this morning to debate the merits of the bill, because probably if I were to debate the merits of the bill, I would concur with the gentleman from Lewiston, Mr. Jalbert, and I would concur with the gentleman from Calais, Mr. Silverman.

A couple of years ago in the 105th Legislature, the Maine Legislature asked the business community in this state to contribute some \$150,000 and assist the legislature in trying to see what we could do to streamline the spending of state government. And the business community in this state rose to the occasion and they came up with the money, and they put one heck of a bunch of dedicated men out in the field for one year to work on this particular proposal.

Now I know that a good many of us disagree wholeheartedly with some of the ways they did the job and how it came out. However, the fact remains that we asked them to do a job and they did the job and they gave us a report. We were told that one of the great reasons why we had to have a special session was that we were committed to making sure the report of the Cost Management Study Commission was put into draft form and given a hearing and given its due course as to whether it should or should not pass. And for this legislature to now suddenly take the attitude that after we have been sitting around here for weeks waiting for the draft of these bills and waiting for them to come before us, to suddenly just give them the kiss of death with an indefinite postponement without having the people that worked on the proposal or without having the people who would like to come down here and support or oppose the bills, I think we are doing the business community and ourselves and the people in this state a terrific injustice.

Last evening we spent four hours — I say we, the legislative leadership spent four hours with the commission that did this report. That is our second meeting

in, I guess, less than a month for us to try to tell them what some of the problems are, where they are making their mistakes and to try to get their help and their support, and in turn with us. I can assure you that we had four hours last night of some of the most frank discussions that I have ever had with people. It was not heated; it was not bloody, it was just open to the point where we could try to determine what was in the best interest. And I personally don't think it is in the best interest to take and scuttle their report in this particular manner that we are doing today. I would therefore urge that this body start to think about what the public relations of the Maine Legislature is going to be, because yesterday they were called the minute that we took action. They had phone calls and were asked what their attitude was of the first three bills that came up went down. And they said, "We are not going to comment. We are meeting with the legislative leadership tonight, and we would like to know why they went down and, therefore, we will abide by their decisions in what they did." But I can almost assure you that if we do this today, that the headlines tonight and tomorrow morning aren't going to be favorable to us. The headlines are going to say that the Maine Legislature now has turned a deaf ear on a commission that said that we could save \$25 million in state government and that we could care less, that we are sitting up here now just wasting our time. Think about that a little bit.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to state first that this morning when the gentleman from Standish, Mr. Simpson, first got up on the State Housing Authority, I turned to one of my colleagues and said that he was right, and I happen to personally know the work he has done on this subject, and I happen to know just how much spending he has done. I think, however, one or two instances he probably would admit himself that some things might have been taken out of context that rubbed noses in the wrong direction.

As far as this is concerned here, and as far as this meeting, Mr. Simpson, that you had last night, I will tell you just how it first originated. It originated in my front parlor Sunday night with Mr. Longley when I suggested to him what was going to happen, what was going to happen on the first three bills yesterday. I would like to ask the gentleman from Standish, Mr. Simpson, where he was yesterday when the first of the Cost Management Survey bills came up — the University of Maine at Presque Isle, the University of Maine at Fort Kent, the University of Maine at Machias? Those were three recommendations, three major recommendations of these dedicated men that gave of their time headed by James Longley. The meeting of last night was held because I told James Longley Sunday night in my front room, parlor, what was going to happen. I told him that he was going to get scuttled on the first day they were coming up, and I told him right. They were.

I did not make a motion this morning, I just made a suggestion. What is sauce for the goose is sauce for the gander. I would like to ask the gentleman from Standish, Mr. Simpson, one question. If he were to oppose the motion — and I don't even know how I am going to vote on this thing here, I may amend the bill, for that matter. This might be the vehicle that I need to amend it to put the University of Maine under line budgeting or put them under the vocational education. I would like to ask the gentleman from Standish, Mr. Simpson, if he is going to say the headlines tonight were bad, how bad were they this morning when those three major bills of the Cost Management Survey Commission yesterday were scuttled and scuttled with his vote as well as mine?

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: As everyone is fully aware, I participated in that vote yesterday, along with everyone else. There were only four people in this body who did not vote in the affirmative to indefinitely postpone that document at that time. In retrospect, I suppose, we can all say that was a mistake. I don't

happen to believe that. I do think it would have been extremely expensive on behalf of the number of people who would have had to come to a number of areas to try to defend their particular cause and particular approach and feeling.

I do want to emphasize that the gentleman from Lewiston had not made the motion to indefinitely postpone, but the gentleman from Calais, Mr. Silverman, had. Maybe he might withdraw his motion.

One of the things that took place last night, and I was present at the meeting, and it was a rather long meeting, and as the gentleman from Standish did point out, it was a very frank meeting both ways. I must admit that there are some things that I said that I am sure they didn't want to hear, and there are things that they said that I would rather have not been told either.

One of the things that they did point out was that they simply could not understand how the Maine Legislature operated, in a sense, and I think this is caused by maybe a problem on our part of not having really faced up to the responsibility of telling them about the political realities of Maine politics. Granted, they were operating in a vacuum to a limited degree and they were not trying to consider politics in the process. If they had considered politics in the process, I think maybe many of us would be the first ones to attack them for having been political in arriving at their decisions.

One of the things that they did do, for example, was to try to keep away from anything but unanimous decisions. Obviously, I came back on that and I said, "Well yes, there were no businessmen from Aroostook on there, so no businessmen could veto the project when dealing with either Machias or Presque Isle or Fort Kent, or even the University of Maine at Bangor." But they pointed out that there were businessmen from all over the state who sat in judgment on this thing and on the recommendations. They were the first, also, to admit that they may be wrong in some of their recommendations. What they would like to be told is somehow told they were wrong, proven that they were wrong, and they indicated last night to us that they would

be the first ones to come back and recommend that we do nothing on that particular recommendation that they made. What they in effect told us, you tell us when we are wrong, you prove to us we are wrong, and we will be willing to withdraw.

I understand that they have already done that in two instances as of yesterday, and maybe both of them were done yesterday. They withdrew their recommendations in reference to the University Indian Schools at both Perry and Old Town, and in one other instance. And I think that this demonstrated the willingness on their part to review their own recommendations on a continuing basis.

Most departments fail to give them, as I understand it, any reasons why they ought to change their minds, so they just kept on going and proceeding and assuming that everything was right.

After that meeting last night, I feel that the last thing we ought to do this morning is to indefinitely postpone this bill. The gentleman from Lewiston is correct, that this bill could well serve as a vehicle for other types of things that might be done within the vocational school structure or within the University structure, and it could be used as a basis to arrive at something that everyone feels ought to be done. I am sure, and I have a vocational school in my area just as the gentleman from Calais, the gentleman from Lubec, Mr. Donaghy, and the gentleman from Eastport, Mr. Mills, that I have one that I am very concerned about, and I happen to not particularly believe that they ought to be transferred to the University of Maine structure. I happen to believe and agree that they ought to remain where they are, but I do think that we could use this bill as a vehicle to do other things if we so desire. I would at this time ask you to vote against the motion of indefinite postponement.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: We have heard two impassioned pleas by both the minority and the majority leaders of this House. If the Longley Commission had looked into the records of this House, if

they had bothered to attend hearings that we have held over the years since I have been here, and I am sure years before, these things have been thought out very deeply and looked into deeply, and we know what our people want. In my personal situation — pardon me for bringing it in, but I work with businessmen all over the State of Maine. I am not just a Lubecer; I am proud to come from Lubec, but I belong to the State of Maine, and I believe in the State of Maine, and I want the best for the State of Maine.

We have a group of men — and I am sorry to dispute my majority leader — we were told that we ask these people. I can remember how, and I am sure you can remember how you were lobbied in order for us to approve this thing. We were not refused our responsibilities on these studies and whether or not the vocational system should be under the higher education system, this was thought out. We had hearings of the HEP commission all over the state. We knew what the people thought; we knew what the people wanted. If these people that worked on the Longley Commission chose to ignore these things, if they went on a campus for an hour and talked a little bit — I will say a quarter of an hour — with the president or head of the institutions and then walked off and made an utterly false report, as I am positive they did in one case, and then when you go to find out about it, you find out that the leader of the team had taken off for Alaska and doesn't even work for the firm, that he was shown in the report to work for — I don't see why we should waste the taxpayers' money to continue this farce, because there certainly is no emergency here. If the Longley Commission can show the people of the State of Maine and its legislature that there is reason for this, there is a regular session coming up and hopefully, if they have something worthwhile in that time, we can be shown where it is worthwhile and the people can be shown it is worthwhile, not to appear at a hearing as they did yesterday and refuse to testify on anything, because hiding behind the cloak of the Internal Revenue Service, if the Internal Revenue Service knew that they were simply giving a report and not

trying to sway the legislature and lobby the legislature, they were appearing neither for nor against the bill, I can't believe that the Internal Revenue Service would say that the contributions to that committee were not tax free. This is not just a guess out of thin air. I make this as an educated guess.

I can't speak for the Internal Revenue Service, but I have worked under their regulations for over 25 years in giving people advice on what is a tax free deduction and what isn't a tax free deduction. And so far, I have been somewhat more than lucky on that. I think there was a reason for not have given poor advice. I think it is because there has been knowledge in this field, someone other than the people who worked on the Longley Commission Report.

Mr. Speaker, Ladies and Gentlemen, I hope you will go along with the indefinite postponement.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: To begin with, I think we are making an unfair comparison with what we have before us this morning and what we had yesterday morning. I was not completely in concurrence with what happened in the bill that went before the Education Committee with regard to the University of Maine. I think that I feel that this bill should have been advertised for hearing and given everybody an opportunity to come in and make their pitch either for or against it.

When the Longley Report came out, I looked upon it as a serious attempt on the part of a group of businessmen to do a service to the State of Maine, and I said that while I looked it over, many of the things in it seemed a little bit impossible of accomplishment, that I felt that this legislature should take a serious look at it, and by taking a serious look at it, I mean that every report that came out of there should be referred to a committee and advertised for a public hearing so we could take a serious look at it.

Here we are having an attempt not even to refer a recommendation to a committee. I think this is ridiculous, and I hope that we do not go along with this trend that we have started. I was not completely in concurrence. I will say

again, with what we did yesterday morning. I don't think it was the proper way to handle it. When I saw in the paper Mr. Katz's statement to the effect that he thought it was not sensible to advertise these bills, I did not agree with that. However, that on yesterday morning was handled in that way.

I hope you do not go along any further with this course that we apparently have started on.

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

Mr. LaCHARITE: Mr. Speaker and Ladies and Gentlemen of the House: I think the Longley Commission was given a huge task and I think they did an outstanding job on it. I think possibly they went into some areas where they probably shouldn't have. I voted yesterday against referring the bill for Machias, Presque Isle and Fort Kent. I did this because they got into educational policy. These were businessmen. No educators were on it, and for that reason I voted against it.

But now we are getting into a phase of saving the state some money possibly. Whether the bill is good or not, I don't know, I haven't really had a chance to look at it. But I think this is the purpose of our hearings, for the members, for the people to express their opinions and for us to get an idea on this. I have no intention this morning of voting to indefinitely postpone this bill, and I hope you will all go along with me.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address myself to at least two points. The first one, and I was along with the rest of the legislative leadership at that meeting last night, and one of the areas that we went into in quite an extensive discussion was this question on tax exemption. One of the fellows who sat beside me was a certified public accountant that I had dinner with, and I discussed this with him privately in our own conversation. He indicated that the business community of the State of Maine has put up a large sum of money. I don't know what the amount was, but I believe it is in excess of \$150,000.

One of the major reasons that they did this was because it was tax deductible. They are very very apprehensive about this tax deduction because if anything were done to violate this, they could, in the next year, have to go back and pay back the tax rebate that they were able to receive because of this donation. Every one of the group that was there, and they were all capable people, were very sensitive about this. They continually pointed out that they had talked with counsel and the comment was continuously used that on the advice of counsel, as far as we know, until we get an adverse ruling from the Internal Revenue Department, we cannot speak on these bills. We cannot lobby for them. There is some question in their mind whether they even have a right to appear at a committee. If they were at a committee hearing and a direct question was asked to them, they have the right to answer it, and that is as far, as they understand it, as they have a right to go, and even that is questionable. They are very sensitive of this area, and until they get a ruling differently, the only person that they feel would be permissible to speak is the fact that their agent in the legislature, Rod Scribner, who is working with the legislature, is the only person who can speak on these.

Whether this is right or wrong, I don't know. I think that they will admit that they don't know. But until they can get a ruling favorably, they do not dare to take a chance on jeopardizing this tax exemption that they have. It could mean a cost, possibly, of seventy-five to one hundred thousand dollars, if this is the amount that they have put up, it could cost seventy-five to a hundred thousand dollars in additional costs if they were to appear there and lose this exemption status.

The second point that bothers me a great deal — I have been down here in the legislature quite a few years. I think this is the first time I have seen any extensive effort, and I don't recall off-hand of it happening prior to this, bills being killed before they have even been given a chance for a public hearing.

Now, we in the Maine Legislature have taken pride in the fact that we have one of the most democratic legislative bodies in this country. Many people have ap-



peared before this legislature, have observed this legislature, have given us very high marks in this area. And to start to kill bills on introduction before they are even allowed to go before a committee, I think we are setting a very bad precedent.

Now, the group that was there last night, there were some very capable businessmen there, men who have spent a great deal of time. And I will tell you frankly that my impression from them was that they were quite frustrated in the fact that the legislature would not even give them a chance to have a public hearing to express their position. I certainly hope that you do not go along with the indefinite postponement of this.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Now, the gentleman from East Millinocket, Mr. Birt, has walked into it.

I agree with him. Where were you yesterday? You and I both voted yesterday to refuse to refer three of the most important Management Cost Survey bills to committee. Where were you yesterday? You voted not to refer. Yes, today you say not to refuse to refer them would be a catastrophic error. I agree with you.

I have got a call here: "Representative Jalbert, will you please call Mr. Longley, very urgent." I have spent more hours James Longley is one of Maine's best citizens. I have told him more times than I have got hair on my head that I thought it might have been better if there were more practical people in government that would have been on the committee. I have told him of some areas where this report might prove to be impractical. The day at the Civic Center, I went to him, shook hands with him, and I told him he couldn't sell me the three bills that we refused to refer yesterday. And, certainly, everybody that knows me well knows that I could never be sold this. And I am not disagreeing with you. I am asking a very simple question.

The gentleman from Standish, Mr. Simpson, says that he certainly hopes — and I made no motion — that he certainly hopes that we do not go along with this, refusing to refer this bill to a com-

mittee. The gentleman from Eagle Lake agrees with me. Yet, yesterday — I would have voted — if these bills yesterday would have gone to committee, if I would have been the only one I would have voted to keep the University of Maine at Presque Isle and Fort Kent and Machias as they were. The gentleman from East Millinocket, Mr. Birt, compounds the problem today. He says to refuse to refer this to a committee would be wrong.

Another call from the same party. I agree with him. But yesterday both Mr. Simpson and Mr. Birt and my good friend from Eagle Lake spoke to refuse to refer three of the very important measures. What is going to bring so many people to this hearing that wouldn't bring the other people to the hearing.

We kicked around the ERA for weeks on end at the last session. We brought it back this time; there was a public hearing. We have got that little bauble, which I am afraid will hit the floor of the House shortly, of reorganization. That was put back into the Governor's call. And the gentleman from East Millinocket, Mr. Birt put a bill in and had it referred to a committee. I didn't object to that. I didn't object to the one yesterday. I say this; if one bill is going to be allowed in, they all should be allowed in. If this bill here — and I would not only vote for what we did yesterday to keep the University of Maine campuses where they are, I would speak to keep them where they are. When they came back they would have gone to committee.

I want to ask a third question. If the leadership says it would be a bad deal to refuse to refer this bill to a committee, then where was the leadership yesterday on the three other bills? That is a fair question, isn't it?

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

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

The SPEAKER: The Chair recognizes

the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: To answer some of the questions relative to what happened yesterday; when I came into the legislature yesterday it was my recommendation, I discussed it with the floor leader, the gentleman from Standish, Mr. Simpson, that we table all three of those bills that were on the calendar yesterday until we — knowing this meeting was coming up last night — until we had a chance to discuss the entire problem with the members of the Cost Management Survey Team.

We discussed this extensively in caucus. We took a vote on the first bill. And the vote was very strongly in favor of not even allowing it to be referred to committee. We went along with this recommendation of the members, at least of our own caucus. As far as I am concerned, I would have no quarrel with all three of these bills being recalled from the legislative files and sent to public hearings. If anybody wants to go through that route, I certainly will support it.

I frankly think, I am positive in my own mind, that the first one of these three bills relative to the three schools being cut back to two-year courses, I would strongly oppose. I know this was extensively discussed in the HEP report. And I also know the experiences of the Chancellor, I ran into when he visited the campuses at both Fort Kent and at Washington State the first time around. As far as what happened there, I guess probably the thinking of both Mr. Simpson and myself was the fact that we went along with the feeling of the caucus. I certainly wasn't in agreement with the vote that I made yesterday, because I felt that all of these bills should have gone and had a chance for a public hearing.

I hope that answers the questions of the gentleman from Lewiston.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentleman of the House: I will cite to you about the Washington County Vocational Technical School when I sat down there where Jerry Talbot sits now in 19. That was ten years ago. I was very

active at that time in getting the Vocational-Technical School going in Washington County. As the years and terms went by it progressed to such a demand on my time that when Representative Silverman came along from Calais with his knowledge of education, I stepped aside and turned the responsibility of carrying that Vo-Tech School along, and he has done an excellent job.

Now, as far as this report is concerned here today, I will support the indefinite postponement motion, for the very simple reason that I read the Longley report when I received it at my home. I realize the amount of time and labor and study they have put into it. But there was just one word missing from that whole report. And that was the one word "compassion." I read it over again and came to the same conclusion. And I also know what the people of Washington County think. When a hearing was held down there before to close that college down to two years, they came by the hundreds on a very horrible rainy day. There was a vast feeling east of Bangor among the rural peoples that that is all they have got and they want to keep it. They also want to keep their Vo-Tech school. And there has been a lot of trial and tribulation going into developing the right courses in the Vo-Tech school to make it possible for the young people of our county to be able to learn something other than what they are getting in college, so that when they go out into the world they will be able to make a living. I will support the indefinite postponement.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Calais, Mr. Silverman, that Bill "An Act Transferring Responsibility for Post-Secondary Vocational Education from the Board of Education to the University of Maine and Modifying Membership of the Board of Trustees," Senate Paper 848, L. D. 2417, be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bustin, Cameron, Cote, Crommett, Davis, Dunn, Finemore, Good, Goodwin, H.; Jalbert, Kelley, Littlefield, McNally, Mills, Mulkern, Parks, Silverman, Strout, Walker.

NAY — Albert, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Connolly, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Deshaies, Donaghy, Dow, Drigotas, Dunleavy, Dyar, Emery, D. F.; Evans, Farley, Farnham, Farrington, Faucher, Ferris, Flynn, Fraser, Garsoe, Gauthier, Genest, Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Kauffman, Kelleher, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahan, McTeague, Merrill, Morin, L.; Morin, V.; Morton, Murchison, Murray, Najarian, Norris, Palmer, Perkins, Peterson, Pontbriand, Pratt, Rolde, Rollins, Ross, Santoro, Shaw, Sheltra, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Talbot, Theriault, Tierney, Trask, Twitchell, Tyndale, Wheeler, White, Witzell, Willard, Wood, M. E.; The Speaker.

ABSENT — Ault, Briggs, Conley, Cooney, Dam, Dudley, Fecteau, Gahagan, Haskell, LaPointe, O'Brien, Ricker, Susi, Tanguay, Trumbull, Weber.

Yes, 19; No, 116; Absent, 16.

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

Thereupon, the Bill was referred to the Committee on Education in concurrence.

### Reports of Committees Ought to Pass

Report of the Committee on Appropriations and Financial Affairs pursuant to Joint Order (S. P. 806) reporting on Bill "An Act Relating to Time of Referendum for Ratification of An Act to Authorize Creation of the Maine Inland Fisheries and Game Acquisition Fund and Financing Thereof" (S. P. 853) (L. D. 2405) Emergency 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.

### 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:

#### Education

Bill "An Act Creating the Maine Education Commission and Vesting in the Commission Certain Responsibilities" (H. P. 1917) (Presented by Mr. Bither of Houlton) By request.

(Ordered Printed)

Sent up for concurrence.

#### State Government

Bill "An Act to Establish the Maine Building Code Council" (H. P. 1916) (Presented by Mr. Cooney of Sabattus)

(Ordered Printed)

Sent up for concurrence.

#### Orders

Mr. Hancock of Casco presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the following be recalled from the Governor's office to the House: "Bill, "An Act Requiring a Lighted Headlamp on Motorcycles Using the Highway." (H. P. 1721) (L. D. 2114) (H. P. 1919)

The Order was read.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: As perhaps most of you know or have noticed, I have been voting consistently in favor of the bill presented by the gentleman from Augusta, Mr. Bustin. However, last night and this morning, as a result of the publicity on TV and this morning in the paper, the other body having finally passed this, I started receiving phone calls from my home district. My purpose in presenting this Joint Order this morning is to merely give these people time to get in contact with each and all of us.

Apparently, the motorcyclists don't have any state organization as such, and therefore, the word about bills that would affect them travels more or less by word of mouth. It wasn't until the recent publicity that has come out on the TV last night and in the papers this morning that many of them became aware of the impact of this bill.

I expect possibly some others of you have been contacted, too. All I am asking is that we give them this weekend to present their views to us. I am not discussing the merits or demerits of the bill at this time. But I do think that they should have a right to be heard, and I hope that my motion prevails.

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

Mr. BUSTIN: Mr. Speaker, I move that the Order be indefinitely postponed.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, moves the indefinite postponement of Joint Order 1919.

The gentleman may proceed.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't really think that this is a bill which could become either a good bill or a bad bill depending on how much publicity it receives and how many phone calls come sailing in from the home district when someone else finds out about it. It is either a good bill on its merits or it isn't.

The impact of the bill which Mr. Hancock speaks of is indeed tremendous. A motorcyclist has to turn the light on when he starts up. That is the impact in terms of inconvenience; that is the impact in terms of loss of rights. There are no rights now to operate at 80 miles an hour. Do we call that a loss of rights when we enforce speed limits, when we have traffic signals, when we have other things for the safety of the people who are operating on the highways? The impact of this bill is not great but it is in terms of safety.

Since the last time I spoke on this matter before the House more and more people have come up to me and said, "This is really a good bill, because when I travel I find it very, very difficult to see the motorcycles coming toward me, particularly if they are coming out of a dark background, particularly if it is a

dark day or a foggy day, and now we will be able to see them." And other people have talked about numerous close calls, simply because the motorcyclist was not visible to them readily.

I don't think we are infringing on anyone's rights here, and I am, I must admit, amused by the small number of motorcyclists who have said to me, "Yes, I operate with the light on, and I know it is safer that way, but I don't want it in the law. I want to be able to choose and have my other friends choose whether they want to put that light on or not."

Well, if they operate for their own safety with a headlamp on, it would seem to me quite obvious that everyone would be safer if the headlamps were operating. So I hope the House will continue to go along here today, let the Governor sign this bill and get it out.

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

Mr. LeBLANC: Mr. Speaker, I move the indefinite postponement be tabled for two legislative days.

Mr. Simpson of Standish requested a vote.

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

Mr. ROSS: Mr. Speaker, I just question the time for the tabling motion, because as I recall, a motion to withdraw a bill has a certain limitation of time.

The SPEAKER: The Chair will order a vote. All in favor of this matter being tabled for two legislative days will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Mr. DONAGHY: Mr. Speaker, I move tabling for one legislative day.

The SPEAKER: The Chair would rule that the motion is not in order.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I see this particular bill as definitely a highway safety measure. I am sure that the motorcyclists themselves do not like it.

The majority of these operators are younger people, and they cannot see the necessity for such a law. They feel that they are being discriminated against.

Now, I can well remember when I was a young man, even though that was a long time ago, the words of wisdom that my father used to say to me when I would come close to something and say, "Well, I had the right-of-way." He would say "Young man, never forget, here lies the body of Jonathan Gray, who died maintaining his right-of-way. He was dead right as he sped along, but now he is as dead as if he had been dead wrong."

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion of the gentleman of Augusta, Mr. Bustin, that this order be indefinitely postponed. For the benefit of all of you, the gentleman from Augusta and I rarely agree on anything, but we do have a habit of agreeing once we are not voting on something.

Now I had my telephone calls on this, quite a few of them, and I found in my legislative career that those who were opposed to something are very vociferous, those who are for, hide their light under the proverbial bushels. So last night I called my chief of police in Hampden, asked him what he thought. He said, "I call it a safety measure, and don't worry about the motorcycle boys. Once you pass it they will obey the law and you will never hear any more about it."

And then it reminded me of the time we made them wear helmets, and one fellow pretty near rode me into the ground on that to vote against it. He was back a year later, when his head had made contact with a telephone pole, and he thanked me for the law requiring him to wear a helmet. He said, "You know, they aren't good enough yet, there ought to be a lot of work done to make these helmets safer."

Now this is a safety measure and it means saving the life of a motorcyclist who apparently doesn't give a hoot about his family or his children. So let's indefinitely postpone this order.

The SPEAKER: The Chair recognizes

the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't planned to rise on this order. As you all know, I do oppose the bill. But I would like to just get one point across, that I don't feel this is necessary as a safety measure, that in my experiences as a motorcyclist, and in experiences of several friends of mine who are older than I am who are motorcyclists, they do not feel that by simply riding with your headlight on that you will necessarily be immune to accidents.

I would like to point out that I feel you could be creating more of a hazard, because at the present time many of your motorcycle tail lights are very small and are very hard to see. The brake lights themselves are very hard to see when you put your brakes on. And if you have to run during the day with your headlights on, then naturally your tail light is going to be on. If you have got a car behind you, it would be very difficult to tell the difference when you put your brakes on if the tail light is already on. So I think it is a good possibility that you may be creating more of a hazard by passing this law than by not passing it.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the Representative from Augusta, Mr. Bustin. The phone calls on this are not going to make it a good bill or make it a bad bill. But I think that our legislative process down here was referred to once this morning as democratic, and where these people have missed out on the hearing, all I am asking for is that they have opportunity to be heard, just a few days, then we can dispose of this next week.

In regards to the remarks of the gentleman from Bath, Mr. Ross, the people who have been calling me would be highly complimented to be called young.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to support the indefinite postponement of this order. I believe that we have given

this full consideration, and what we have done is what we should have done, that the legislation is desirable and that the required action would be effective. So I hope you will vote for the indefinite postponement of the order so that there would be no hazard to this bill.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that this matter lie on the table one legislative day, pending the motion of Mr. Bustin of Augusta to indefinitely postpone. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I have a little bit of grey in my hair; I also have an interest in this that I have three people that are very dear to me who's blood would be spilled over the roads — as Mr. Bustin has so vividly described to the people here.

I am wondering why, Mr. Bustin, that the State Police, who have something to do with the public safety of the State of Maine, did not appear for your bill? On top of that, when I questioned them why they hadn't, they didn't feel that it would improve the safety of the people of the State of Maine. There are drawbacks to this bill as well as there are things that are in favor of it. And they weren't willing as they have been on anything that is truly for the safety of the people of the State of Maine. They were not willing to appear in favor of this bill.

I think that whether you are old or young, whether you have a picture of a leather jacket with brass rivets in it, or whether you have a picture of a maimed body in front of you, I think that we should give this a little bit different consideration.

I am sorry that you haven't tabled for

one day. I am not sure what the motion would be, but I hope someone that is more familiar with parliamentary procedure would see if we can't take a little more time on this and give it some consideration in the light of its true perspective and not in the light of pictures of maimed bodies.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: California at this time has over 200,000 motorcycle drivers, and they don't have to have a lighted headlight. They have freeways that they travel between 70 and 80 miles an hour, and they don't have to have their headlights on.

Ladies and gentlemen, I would like to introduce an amendment to this bill, because you have motorcycles at the present time that do not have batteries or headlights that are permitted to ride during the day. I am telling you right now that most of you people will be getting calls over the weekend, because they have never had a chance to appear at the hearing. As a matter of fact most of these motorcycle shops were never told, they never read about it in the newspaper. This is a special session, as you people all know, and I hope that you do recall it from the Governor's Office, because I would like to present an amendment to it to amend it that some of these people would be exempt from having these headlights. And a matter of fact, why don't we say that Volkswagens should have headlights on all day, also, because most of the time we don't see those either. We see them on the side of the road and that is all.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, that this Joint Order 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 44 having voted in the negative, the motion does prevail.

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

WHEREAS, the Legislature has learned that the Chief of the Engross-

ment has set up temporary quarters at the Augusta General Hospital; and

WHEREAS, such action is highly irregular for this intensely loyal and dedicated servant of the State and the Legislature for the past 45 years; and

WHEREAS, Miss Lemieux is an acknowledged expert on engrossment and elections, who has taken leave in Room 362 against her will; and

WHEREAS, circumstances are such that the Maine Legislature is powerless to restore her valuable service or to persecute the perpetrators of this movement; now, therefore, be it

ORDERED, that We, the Members of the House of Representatives of the First Special Session of the One Hundred and Sixth Legislature, acknowledge this sorrowful occasion brought about by the illness of Miss Rachel E. Lemieux and express to her our warmest wishes for a speedy recovery; and be it further

ORDERED, that a suitable copy of this Order properly attested be immediately transmitted to Miss Lemieux at the Augusta General Hospital to convey the sentiments expressed herein.

The Order was read and passed.

Mr. Sheltra of Biddeford was granted unanimous consent to address the House.

Mr. SHELTRA: Mr. Speaker and Members of the House: Seeing that the theme is on safety this morning, I would like to relate to the House an incident that happened last week. A very dear friend of mine and a representative in this House by the name of Bob Carrier had an auto mishap on the Pike. His car spun around about four or five times, banging against the guardrail, which as he related to me, the guardrail saving him from going into oncoming traffic, possibly saving his life. The reason I mention this fact is because I would like to commemorate my good friend Michael Lizotte of the 105th for having passed this bill and making this possible, along with the wisdom of the 105th. And also, my special thanks to my good friend Jack Norris, as I can recall, who had at one time had voted on the prevailing side, which would have made the bill fail passage, had the courtesy to make a reconsideration movement, the end result being that the bill did pass.

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

Mr. BUSTIN: Mr. Speaker, being a little nervous about Mr. Donaghy, I would like to move the reconsideration, having voted on the prevailing side of the indefinite postponement of Joint Order relating to L. D. 2114, An Act requiring a Lighted Headlamp on Motorcycles Using the Highway," and I would ask the House to vote against my motion.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, moves the House reconsider its action whereby it indefinitely postponed Joint Order 1919.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I hope the House will recognize their opportunity at this time, whatever way it may be. But I think in fairness this bill should be called back so we can give it a little bit more debate or you can send it back to the committee.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, that the House reconsider its action of earlier in the day whereby Joint Order 1919 was indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Donaghy of Lubec 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 Augusta, Mr. Bustin, that the House reconsider its action of earlier in the day whereby Joint Order 1919 was indefinitely postponed. All in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Berry, G. W.; Binnette, Birt, Brawn, Brown, Bunker,

Carter, Chick, Connolly, Cote, Drigotas, Evans, Farley, Farrington, Faucher, Gauthier, Goodwin, H.; Hamblen, Hancock, Herrick, Hobbins, Hunter, Immonen, Jacques, Jalbert, Kelleher, LaPointe, LeBlanc, Lewis, J.; Lynch, McCormick, McHenry, McKernan, McMahon, Mulkern, Peterson, Pontbriand, Rolde, Shaw, Sheltra, Shute, Silverman, Snowe, Sproul, Strout, Talbot, Trask, Twitchell, Walker, Whitzell, Wood, M. E.

NAY — Baker, Berry, P. P.; Berube, Bither, Bragdon, Bustin, Cameron, Carey, Carrier, Chonko, Churchill, Clark, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Dow, Dunleavy, Dunn, Dyar, Emery, D. F.; Farnham, Ferris, Finemore, Flynn, Fraser, Garsoe, Good, Goodwin, K.; Greenlaw, Hoffses, Huber, Kauffman, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, Lawry, Lewis, E.; Littlefield, MacLeod, Maddox, Mahany, Martin, Maxwell, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Murchison, Murray, Najarian, Norris, Palmer, Parks, Perkins, Pratt, Rollins, Ross, Simpson, L. E.; Smith, D. M.; Smith, S.; Soulas, Stillings, Susi, Theriault, Tierney, Tynedale, Wheeler, Willard.

ABSENTE — Ault, Boudreau, Briggs, Conley, Cooney, Dam, Dudley, Fecteau, Gahagan, Genest, Haskell, Jackson, O'Brien, Ricker, Santoro, Tanguay, Trumbull, Webber, White.

Yes, 52; No, 79; Absent, 19.

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

(Off Record Remarks)

### House Reports of Committees Ought Not to Pass

Mr. Pratt from the Committee on Veterans and Retirement on Bill, "An Act Relating to Retirement Benefits for Members of Fire Departments under State Retirement Law" (H. P. 1791) (L. D. 2269) reporting "Ought Not to Pass."

Mr. Good from the Committee on Fisheries and Wildlife reporting same on Bill, "An Act Relating to Hunting Bear with Dogs" (H. P. 1664) (L. D. 2057)

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

### Ought to Pass in New Draft New Draft Printed

Mr. Donaghy from Committee on Business Legislation on Bill, "An Act Clarifying Law on Records of Bank Loans" (H. P. 1686) (L. D. 2079) reporting "Ought to Pass" in New Draft (H. P. 1918) (L. D. 2450) under new title "An Act Clarifying Banking Laws"

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

### Divided Report

Majority report of the Committee on Fisheries and Wildlife on Bill "An Act to Specifically Include Sundays in the Seasonal Date Limitations for Hunting in Commercial Shooting Areas" (H. P. 1836) (L. D. 2327) reporting "Ought to Pass"

Report was signed by the following members:

Messrs.

ANDERSON of Hancock  
GRAFFAM of Cumberland  
SHUTE of Franklin

—of the Senate.

Messrs.

GOOD of Westfield  
KELLEY of Southport  
PARKS of Presque Isle  
MILLS of Eastport  
MORIN of Fort Kent  
WALKER of Island Falls  
CHURCHILL of Orland

—of the House.

Minority Report of the same Committee on same bill reporting

"Ought Not to Pass"

Report was signed by the following members:

Messrs.

CAMERON of Lincoln  
DOW of West Gardiner

—of the House.

Reports were read.

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

Mr. GOOD: Mr. Speaker, I move we accept the "Ought to Pass" report.

The SPEAKER: The gentleman from



Westfield, Mr. Good, moves the House accept the Majority "Ought to Pass" Report.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: I was going to move we accept the "ought not to pass" report and try to tell you why.

When I saw this bill, I became curious for the amount or number of commercial shooting areas in the State of Maine. I find there is one licensed shooting area located in the Liberty area.

Under the existing Fish and Game Laws, I will quote, "The only birds that may be shot on a commercial shooting area are mallard ducks, pheasants, quail, and partridge. No other game, game birds or migratory birds may be shot, except during the regular open season on such an area at any time." This bill and further, "The annual season for commercial shooting areas shall extend from July 1 to November 30." This present bill, in my estimation, is in opposition or contrary to the Federal Migratory laws which establishes shooting periods for, I will say the average sportsman. It also states that the operator of a commercial hunting area may import mallard ducks, pheasants and quail, they shall be banded with a tag furnished by the Commissioner of Inland Fisheries and Game. However, I cannot see — and it says this tag shall be kept on them until used for consumption. However, I cannot see what is going to prohibit wild ducks from landing in this area, the so-called sportsman shooting them during the summer. They may not have a tag on them. However, if they have previously shot one with a tag, they can say, put it on there somehow and shoot it.

And I furthermore say that this Sunday hunting is just another foothold to establish Sunday hunting all over the state. I don't believe there is a person in this House that likes to hunt or does more hunting than I do. However, I am strictly opposed to Sunday hunting, whether it is in a commercial area or on the public or private lands of the State of Maine.

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

Mr. GOOD: Mr. Speaker, Ladies and Gentlemen of the House: This bill is not a foot in the door as far as Sunday hunting goes. It only tries to bring some consistency in the Fish and Game laws. Now they shoot wild birds on public and private lands now on Sunday when they hold dog trials and retriever trials.

Now this bill originated because a few years ago a family moved into this state and started what they called a commercial shooting recreational center. They have skeet shoot, they shoot all types of things there and they were told that they could have Sunday shooting of their own birds.

Now this organization costs the state nothing. They raise their own birds or they import them, and they charge to shoot. Now there is no more harm, morally or anyway else, to do something like this than it is to go out and kill your own chickens or to kill your own steers or fish in your own pond.

I hope you accept the majority "ought to pass" report.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: Part of the story has been told you on this commercial shooting areas. There are over 4,500 commercial shooting areas in the United States. We have people today that are leaving the State of Maine and going to New Hampshire to use the commercial shooting area facilities down there. They operate 365 days in the year, except for one year, and that is 366, one in every four.

Almost every one of the 4,500 commercial shooting areas are operated on Sunday. There is no conflict with federal regulations on this operation here in Maine or in any of the other states, because these are not wild birds, they are pen-raised birds; they come from the game farms.

I have been interested in fish and game for a great many years, and I have fought against Sunday all of my life. This is not Sunday hunting. Granted, there are birds shot on Sunday, but so are there in field trials, and this type of thing is the greatest training that is available for a man to train his dog or train his son; it is a conservation move.

In this law, it provides that there shall be not more than two commercial shooting areas in any county in the state. No shooting areas shall be smaller than 200 acres or larger than 400 acres. And if you visualize the State of Maine, and it is not probable, but you put 32 shooting areas in this state, it is an extremely small percentage of the area of the state, and its value for training purposes to do something to induce the sportsmen that come in here in the State of Maine to stay over Sunday, I hope you will go along with it.

And furthermore, the people that started this, in all good faith printed literature under the advice of the Fish and Game Department and the department okayed it, calling for Sunday operation, and this law was passed long after the provisions against Sunday hunting.

I hope you accept the majority committee report.

The SPEAKER: The pending question is on the motion of the gentleman from Westfield, Mr. Good, that the House accept the Majority "Ought to Pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Kauffman of Kittery 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 Westfield, Mr. Good, that the House accept the Majority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Berube, Birt, Bither, Boudreau, Bragdon, Briggs, Bustin, Chick, Cote, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Davis, Deshaies, Dunleavy, Dunn, Farrington, Finemore, Fraser, Garsoe, Good, Goodwin, H.; Greenlaw, Hancock, Herlick, Huber, Immonen, Jackson, Jal-

bert, Kelleher, Kelley, R. P.; Knight, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Maddox, Martin, McKernan, Morin, L.; Morin, V.; Morton, Murray, Palmer, Parks, Peterson, Pontbriand, Pratt, Shaw, Simpson, L. E.; Snowe, Soulas, Strout, Theriault, Twitchell, Walker, Wheeler, Wood, M. E.

NAY — Albert, Baker, Berry, G. W.; Berry, P. P.; Binnette, Brawn, Brown, Cameron, Carey, Carrier, Carter, Chonko, Clark, Connolly, Donaghy, Dow, Drigotas, Dudley, Dyar, Emery, D. F.; Farnham, Faucher, Flynn, Gauthier, Genest, Goodwin, K.; Hamblen, Hobbins, Hunter, Jacques, Kauffman, Kelley, Keyte, Kilroy, Lynch, MacLeod, Mahany, McCormick, McHenry, McMahan, McNally, Merrill, Mulkern, Murchison, Najarian, Rollins, Shute, Sproul, Talbot, Tierney, Trask, Tyndale, White, Whitzell, Willard.

ABSENT — Ault, Bunker, Churchill, Conley, Cooney, Dam, Evans, Farley, Fecteau, Ferris, Gahagan, Haskell, Hofses, Lawry, Maxwell, McTeague, Mills, Norris, O'Brien, Perkins, Ricker, Rolde, Ross, Santoro, Sheltra, Silverman, Smith, D. M.; Smith, S.; Stillings, Susi, Tanguay, Trumbull, Webber.

Yes, 62; No, 55; Absent, 33.

The SPEAKER: Sixty-two having voted in the affirmative and fifty-five in the negative, with thirty-three being absent, the motion does prevail.

Thereupon, the Bill was read once and assigned for second reading the next legislative day.

#### Divided Report

##### Tabled and Assigned

Majority Report of the Committee on Fisheries and Wildlife on Bill "An Act to Regulate the Size of Shot in Shotgun Shells for Waterfowl Hunting" (H. P. 1829) (L. D. 2319) reporting "Ought to pass" in New Draft (H. P. 1915) (L. D. 2444) under same title.

Report was signed by the following members:

Messrs. ANDERSON of Hancock  
GRAFFAM of Cumberland  
SHUTE of Franklin  
— of the Senate.  
Messrs. GOOD of Westfield  
KELLEY of Southport  
PARKS of Presque Isle

MILLS of Eastport  
 MORIN of Fort Kent  
 CHURCHILL of Orland

— of the House

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

Report was signed by the following members:

Messrs. CAMERON of Lincoln  
 WALKER of Island Falls  
 DOW of West Gardiner

— of the House.

Reports were read.

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

Mr. GOOD: Mr. Speaker, I move we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Westfield, Mr. Good, moves the House accept the Majority "Ought to pass" Report.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will visualize what this really does.

I have here with me a Bible, which I try to live by, the "Shooter's Bible." If this here is to reduce No. 2, shot as he is asking for, a magnum with No. 2 shot has a three inch shell, it has three drams of powder. A standard 12-gauge shotgun is a two and three-fourths inch shell with only two and three-fourths drams of powder or less. The killing power of No. 1 buckshot in a standard shotgun is not as far as a magnum at the same distance.

I would like to know how many ladies and gentlemen here have ever been duck hunting or goose hunting. Because if they have, they will know that the velocity of a standard gauge 12-gauge shotgun with the same size shot is 1,280 feet per second, and the magnum is 1,509 feet per second. That is almost a fourth more power that that magnum gun has over a standard.

Now we are telling about saving birds. I would like to ask you how many of you would like to be shot at with one pellet or how many of you would like to be shot at with sixteen pellets, and the sixteen pellets having a fourth more power

behind them driving them than the one pellet? I will guarantee sixteen will kill you more than one. So if this is going to be the law — I have here with me a 20-gauge shotgun shell that has been built into a flashlight. Now this is not for jacking deer or taking coon, but this is to show you what would happen between a man with a magnum gun against a fellow hunting with buckshot with this little 20-gauge gun. He would not have a chance.

I imagine we are going to hear here that this will save lives. I hope they won't tell us that because if they do, my answer to that is let's let them dress in fluorescent clothing. Let's save some lives. I think most of your duck hunters on the coast, which the amendment calls for, waterfowl, coastal, these birds are shot in the air. Now I hope they aren't poor sports enough to shoot sitting ducks.

Now when you go to magnum in a No. 2 shot, that shot is fifteen hundredths of one inch in size. When you go to buckshot in a standard gun, its only thirty-hundredths; that is just twice as big, that is all it is. When you go to a magnum gun, you have 15 pellets of double ought. When you go to a standard shotgun, which I hunt with, it is only nine. The comparison is the same with every one which you have. And as I just quoted, your standard gun has only two and three-fourths drams of powder, your magnum has three drams of powder to three and a quarter, unless they are hand loaded.

Now, some of these fellows want their own shell. They have a much heavier load than what the standard load is put out by these companies. Now, if you want to save birds, let's let them hunt with where they have only got four or five pellets to shoot at them, and that they can hit them and not put them out with a gun like this with No. 2, where that bird is going to get wounded in 65 yards and get away. I don't want this to happen, and I hope you will go along and vote against the majority report this morning.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am very

sorry that my learned friend from Oakland was not at the hearing. The committee redraft has not yet been circulated on this bill, some of his ballistics that he has been quoting to you I believe are wrong. I feel very strongly that this size shot law, which is in effect in most of your waterfowl hunting states where there is any great interest in waterfowl hunting up and down the country, the Atlantic Seaboard, and all of the flyway is a good piece of legislation.

I would like you to know the facts, and I would request that this bill be tabled for two legislative days so that you will have an opportunity to see the committee redraft of this bill and see the tables that I will be able to circulate amongst you on the regular ballistics that are put out by the arms and ammunition companies.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: The figures I was giving you is from an authentic book, the Shooter's Bible. I did not write that book. And when the gentleman says that I should have attended that hearing, I told Senator Anderson I had to appear in my own committee. I had a bill before my committee at the same time; it was impossible for me to be at that hearing. If I could have been, I certainly would have been there. And I would have had true facts not built up by hunters, but taken from a book which I have just quoted to you word for word.

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

Mr. KELLEY: Mr. Speaker, I move this be tabled for two legislative days.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Southport, Mr. Kelley, that this matter be tabled pending the motion of Mr. Good of Westfield to accept the Majority "Ought to pass" Report and specially assigned for Tuesday, January 29. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

46 having voted in the affirmative and 38 having voted in the negative, the motion did prevail.

### Consent Calendar Second Day

(H. P. 1851) (L. D. 2344) Bill "An Act Validating the Franco-American Oblate Fathers, Inc."

(H. P. 1852) (L. D. 2345) Bill "An Act Relating to Name of Maine Ambulance and Rescue Association"

(H. P. 1671) (L. D. 2064) Emergency Bill "An Act Converting Somerville Plantation into the Town of Somerville" (C. "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"

(H. P. 1707) (L. D. 2100) Bill "An Act Relating to Municipal Fire Protection" (C. "A" H-652)

(H. P. 1809) (L. D. 2288) Bill "An Act Relating to Damage to Beehives, Bee Colonies, or Honey by Wild Animals" (C. "A" H-653)

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

### Passed to Be Engrossed

Bill "An Act Providing Funds for Spruce Budworm Control and Surveys" (H. P. 1684) (L. D. 2077) (C. "A" H-650) Emergency

Resolve, Authorizing the Maine Land Use Regulation Commission to Enter into License Agreements for Use of its Publications (H. P. 1907) (L. D. 2422)

Resolve, Authorizing the Commissioner of Mental Health and Corrections to Lease Land in Windham to Maine State Society for the Protection of Animals (H. P. 1906) (L. D. 2414) 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.

Bill "An Act to Make it Unlawful to Discriminate when Extending Credit" (H. P. 1819) (L. D. 2306)

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

Mr. Trask of Milo offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-654) was read by the Clerk and adopted.

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

Bill "An Act to Encourage Maine Students at Graduate Schools to Become Physicians and Dentists" (S. P. 824) (L. D. 2336) (S. "A" S-320) Emergency

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

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

An Act Creating a Third Assistant County Attorney for Androscoggin County (S. P. 760) (L. D. 2191) Emergency

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

#### **Emergency Measure Tabled and Assigned**

An Act Providing Emergency Funds for Staffing a Fuel Allocation Office within the Bureau of Civil Defense for the Fiscal Year Ending June 30, 1974 (S. P. 834) (L. D. 2366)

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. 84 voted in favor of same and 20 against.

Thereupon, Mr. Martin of Eagle Lake requested a roll call vote.

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

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

The SPEAKER: The Chair recognizes

the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I move that this be tabled for one day pending the roll call.

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

A viva voce vote being doubted by the Chair, a vote of the House was taken.

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

#### **Emergency Measure**

An Act Increasing Borrowing Capacity of Ashland Water and Sewer District (H. P. 1674) (L. D. 2067) (C. "A" H-639)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This bill 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 to Increase Borrowing Capacity of the Fort Fairfield Utilities District (H. P. 1676) (L. D. 2069) (C. "A" H-640)

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.

#### **Passed to Be Enacted**

An Act to Amend the Motor Vehicle Financial Responsibility Law (S. P. 747) (L. D. 2159)

An Act Extending the Territorial Limits of Kennebunk, Kennebunkport and Wells Water District To Include all of the Town of Wells (H. P. 1677) (L. D. 2070)

An Act to Clarify the Exemption Date

in the Minimum Lot Size Law (H. P. 1731) (L. D. 2175) (S. "A" S-314)

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.

---

(Off Record Remarks)

---

On motion of Mr. Simpson of Standish,  
Adjourned until Monday, January 28,  
at four o'clock in the afternoon.