

# 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**

Friday, February 1, 1974

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

Prayer by the Rev. Robert Walden of Camden.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Joint Order: (S. P. 885)

WHEREAS, the Maine Legislature recognizes the importance of the national bicentennial and the opportunity it presents to the people of Maine and of the nation to make us more fully aware of our great historic heritage; and

WHEREAS, the Maine Legislature recognizes that the bicentennial, both in Maine and the nation, goes beyond the marking of historic events and includes all types of activities and programs directed toward the goals of civic and social improvement; and

WHEREAS, the bicentennial is now developing 3 programs of interest and concern to all Maine communities:

Heritage '76 — with plans to encourage the preservation of historic documents and sites; formulation of publications programs; greater support for museums, historical societies, patriotic and other organizations and other activities aimed at the preservation of our historic heritage.

Festival '76 — a plan to encourage community pride through appropriate local celebrations and to assist schools and community organizations in celebration of the 200th anniversary of the nation's birth in an appropriate manner.

Horizons '76 -- focusing on the encouragement of programs which are devoted to unfulfilled promises of the past or which will lead to the realization of the ideals and aspirations of the Revolutionary era and later in the areas of social and human betterment; and

WHEREAS, the Maine American Revolution Bicentennial Commission and the National Bicentennial Commission are now cooperating in the formal recognition of Maine communities which

have formed bicentennial committees and adopted plans, both for events and at least one project of lasting value; and

WHEREAS, the acceptance of these plans will result in Maine communities being included on the national bicentennial computer network; will result in national attention being directed to these Maine communities and will have a substantial impact on vacation-travel, both for the individual communities and the entire State; now, therefore, be it

ORDERED, the House concurring, that the Members of the Maine Legislature encourage each Maine community to act prior to July 1, 1974, to form a local bicentennial committee which will represent all aspects of its community life; to formulate a bicentennial plan which will carry out the spirit and purpose of the bicentennial and to have both the committee and the plan formally recognized by the Maine State American Revolution Bicentennial Commission and the National American Revolution Bicentennial Commission.

Came from the Senate read and passed.

In the House, the Joint Order was read.

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 just briefly make three points about the joint legislative order on the Maine Bicentennial. The order indicates the three main thrusts for the bicentennial effort both in Maine and nationally -- recognizing our historic heritage, celebrating our Nation's birth in an appropriate manner, and encouraging programs in the area of social and human betterment. Certainly there is adequate scope for any individual or committee to contribute to the total bicentennial effort within this broad framework.

Secondly, I would call the attention of the House to the problems Maine's vacation-travel industry. We are all fully aware of the energy crisis and its impact on this industry, on Maine unemployment and income. The bicentennial offers a practical means by which Maine both at the state and local level can serve a double purpose of showing pride in our heritage and assisting in the improve-

ment of the economic climate of the state.

Maine's communities that name committees adopt bicentennial plans, approved by the State American Revolution Bicentennial Commission, we recommend to the National Bicentennial for inclusion on its BINET national computer network. This is essential if Maine's communities want to be included in bicentennial guidebooks, maps and other basic tourist information sources on the national level.

On a nationwide basis, many communities have already acted. Maine is beginning its effort this month with an "Awareness '76" campaign.

Lastly, I would encourage the members of the House not merely to adopt this resolution, but also to look to their own towns and districts. I feel that as members of the Legislature we can play a key role in the bicentennial effort that will benefit Maine economically and that it will have a lasting benefit for the entire state.

Thereupon, the Joint Order received passage in concurrence.

#### **Order Out of Order**

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

ORDERED, that Sally Salewski of Gardiner be appointed Honorary Page for today.

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

Bills from the Senate requiring reference were disposed of in concurrence.

#### **Report of Committee**

##### **Leave to Withdraw**

Committee on Legal Affairs on Bill "An Act to Insure Confidentiality of Original Birth Records" (S. P. 748) (L. D. 2177) reporting Leave to Withdraw.

Came from the Senate with the Report read and accepted.

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

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

Bill "An Act to Transfer Authority for Watercraft Registration and Safety to Commissioner of Inland Fisheries and Game" (H. P. 1925) (L. D. 2459) which was referred to the Committee on State

Government in the House on January 28.

Came from the Senate referred to the Committee on Fisheries and Wildlife in non-concurrence.

In the House: On motion of Mr. Good of Westfield, the House voted to recede and concur.

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

Resolve Authorizing the Commissioner of Mental Health and Corrections to Lease Land in Windham to the Maine State Society for the Protection of Animals (H. P. 1906) (L. D. 2414) which was passed to be engrossed in the House on January 25.

Came from the Senate with the Resolve passed to be engrossed as amended by Senate Amendment "A" (S-331) in non-concurrence.

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

#### **Messages and Documents**

The following Communication:

Department of Business Regulation  
Bureau of Insurance  
Capitol Shopping Center  
Western Avenue  
Augusta

January 30, 1974

The Honorable Richard D. Hewes  
Speaker of the House  
House of Representatives  
106th Legislature of the State of Maine  
State House  
Augusta, Maine 04330

Dear Mr. Speaker:

Enclosed herewith is my reply to the Joint Order of the House of Representatives and State Senate dated January 29, 1974.

Would you kindly transmit this report to the members of the House of Representatives.

Respectfully,

Signed:

FRANK M. HOGERTY, JR.  
Superintendent

The Communication was read and with accompanying Report ordered placed on file.

#### **House Reports of Committees Ought Not to Pass**

Mr. Carey from Committee on Legal Affairs on Bill "An Act Relating to Discontinuance of Town Ways" (H. P. 1737)

(L. D. 2183) reporting "Ought not to pass"

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

**Ought to Pass in New Draft  
New Draft Printed  
Tabled and Assigned**

Mr. Curtis from Committee on State Government on Bill "An Act to Revise the Membership of the Land Use Regulation Commission" (H. P. 1748) (L. D. 2207) reporting "Ought to pass" in New Draft (H. P. 1937) (L. D. 2471) under same title.

Report was read.

(On motion of Mr. Palmer of Nobleboro, tabled pending acceptance of the Committee Report and specially assigned for Monday, February 4.)

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Liquor Control on Bill "An Act Relating to Retail Sale of Fortified Wine" (H. P. 1710) (L. D. 2103) reporting "Ought not to pass"

Report was signed by the following members:

- Messrs. OLFENE of Androscoggin
- SCHULTEN of Sagadahoc
- FORTIER of Oxford  
— of the Senate.
- Messrs. CHICK of Sanford
- CRESSEY of North Berwick
- RICKER of Lewiston
- GENEST of Waterville
- FARNHAM of Hampden
- KELLEHER of Bangor
- IMMONEN of West Paris
- FAUCHER of Solon
- STILLINGS of Berwick  
— of the House.

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

Report was signed by the following member:

- Mr. TANGUAY of Lewiston  
— of the House.

Reports were read.

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

Mr. STILLINGS: Mr. Speaker, I move the House accept the Majority "Ought not to pass" Report.

Thereupon, on motion of Mr. Kelleher of Bangor, tabled pending the motion of Mr. Stillings of Berwick to accept the Majority Report and specially assigned for Tuesday, February 5.

**Divided Report**

Majority Report of the Committee on State Government on Bill "An Act Creating a Permanent Governor's Advisory Council on the Status of Women" (H. P. 1808) (L. D. 2300) reporting "Ought to pass" as amended by Committee Amendment "A" (H-662).

Report was signed by the following members:

- Mr. WYMAN of Washington  
— of the Senate.
- Mrs. NAJARIAN of Portland
- GOODWIN of Bath
- Messrs. BUSTIN of Augusta
- CROMMETT of Millinocket
- SILVERMAN of Calais
- CURTIS of Orono  
— 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. SPEERS of Kennebec
- CLIFFORD of Androscoggin  
— of the Senate.
- Messrs. STILLINGS of Berwick
- FARNHAM of Hampden
- GAHAGAN of Caribou
- COONEY of Sabattus  
— of the House.

Reports were read.

On motion of Mr. Curtis of Orono, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-662) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

**Consent Calendar  
Second Day**

(H. P. 1765) (L. D. 2233) Bill "An Act to Repeal the Sewerage Provisions of the Lincoln Water District"

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

**Passed to Be Engrossed**

Bill "An Act Requiring the Provision

of Certain Information to Marriage Applicants by Municipal Officials" (H. P. 1815) (L. D. 2304)

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

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**Passed to Be Enacted  
Emergency Measure**

An Act Relating to Exemption of Certain Plants under Oil Burner Men's Licensing Law (S. P. 870) (L. D. 2421)

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. 109 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.

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An Act Converting Somerville Plantation into the Town of Somerville (H. P. 1671) (L. D. 2064) (C. "A" H-651)

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. 117 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.

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**Emergency Measure  
Tabled and Assigned**

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

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

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

Mr. ROLDE: Mr. Speaker and Members of the House: I would like to say something about this bill that is up for enactment today. I simply feel that I cannot let this bill be enacted today without putting on record my reservations about our spruce budworm program. What troubles me about the approach that we have been offered for dealing with this serious problem during

this session and to a lesser extent in previous legislatures is its cost. With passage of this measure today, we of the 106th Legislature will have committed approximately \$1,400,000 to spruce budworm control. If my memory serves me correctly, expenditures during the 105th were in the nature of about fifty thousand to eighty thousand, so there has been an astronomical rise in cost to Maine taxpayers of this program.

There has also been a shift in the manner in which this program has been financed. In previous years, it was done on a one-third, one-third, one-third basis — that is, with the state, the federal government and the landowner sharing the expenses. This session, the landowner's share was eliminated and the state and federal government alone picked up the burden. True, we were told that to make up for this lack of landowner participation, there was to be a change in the taxation formula for the wildlands that would bring us an extra million dollars. I am ready to stand corrected, but it has been my understanding that the tax change not only did not bring us the added million dollars, but did not even bring in as much as the old system had. And the gentleman from Strong, Mr. Dyar, yesterday put in an order to study this particular problem. I would certainly more than welcome a report on this situation.

Another aspect of this entire situation on which I would be curious to have further information is the result of experiments that were supposed to have been done to find other means of dealing with the spruce budworm besides spraying. Tests have been made on finding biological controls. Whether these have been effective and can mean a less expensive alternative to spraying is something that I certainly would like to know.

What I suppose bothers me most, and I would welcome any ideas on this that were developed before the committee, is the implication for the future. Is this a program to which we are now irrevocably committed at these prices? Will future sessions see a continued progression of requests for spruce budworm spraying, starting at half a million dollars a crack?

There are those who say that the only ultimate solution to the problem is to let

the infestation run its course, literally to let these insects eat and breed themselves to extinction and then to harvest the damaged timber as quickly as possible. What this might mean in terms of economic dislocation for the paper companies and landowners or in an increase of forest fire danger, I do not know. And it is for that reason, as I stand here today, that I am not urging anyone to oppose this bill and that I am merely stating my own reservations and seeking answers to them.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: There are several misconceptions that are very apparent from the previous speaker. Number one, let's discuss funding. Up to last year, this program had been funded on a third, third, third basis — federal government, state government and the landowners. Last year, because of the passage of a productivity tax, so-called, the mechanism for collecting from the landowners was eliminated, so we applied an increase in the mill rate to the landowners that is in effect every year from now on, and the mill rate increase was computed on the basis that will generate in excess of \$350,000 a year. As a matter of fact, this year, with the increased cut, the result of the mill rate increase should be substantially above this. So the net cost to the State of Maine now actually is a quarter of the program.

There certainly is room for philosophical arguments regarding whether or not state programs should be increased or not, and certainly individuals could have different opinions on this. However, the forestry industry, represented by competent people, unanimously do say that the program that we are engaged in now is the most effective with the least damage to the environment that modern technology knows anything about. Members of various environmental groups testified at the hearing that they agreed to this assessment.

We do have a situation where the contribution from the landowners has been taken care of on an annual basis from now on out, whether or not there is a

spraying program. The money is going to come in from the landowners every year on a mill rate basis that will generate from \$350,000 up, depending on the amount of the cut.

Now, the state's participation in this is of longstanding and certainly the philosophical arguments pro and con have been heard each session for a great number of years. There has just been no question in my mind that the potential for economic disaster for the forestry industry of the state is such that there is no alternative to these spray programs.

We also each year run up against a very tight time schedule because there is only a very brief period in the month of June when this spraying is effective, and the contracts for the spraying have to be let in order to have the equipment and supplies on hand during this particular period. That is the reason why at each session we do find this as an emergency bill. The philosophical reservations of certain environmentalists each year do tend to make this a difficult bill to get the emergency passage for. There seems to be no alternative to this approach because from year to year it is late in the year before our assessment can be made as to whether or not the spray program is going to be necessary the next year.

Representative Rolde raised some questions regarding the effectiveness of the biological programs. A biological experiment was carried on last year. The test results will not be available until next summer. This experiment involved the introduction of a biological agent by attaching the agent to certain species of wild birds; namely, grosbeaks. The test results on the tests will not be available, as I understand it, until next summer.

The whole program has been very thoroughly and exhaustively investigated by the Appropriations Committee. We have heard competent testimony from all segments of forestry industry. The environmental group has testified in support of it. We had no adverse testimony in the hearing, and I think that it would be responsible this afternoon to pass this on an emergency basis, as it is necessary in order to get contracts let and this program going.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I think Mr. Haskell has done a wonderful job on this. He is well versed on it and he understands it. I am surprised that a man running a shoe store business knows so much about the lumber business.

First I want to say that our spruce trees today are worth a hundred percent more than they were four or five years ago. The spruce is disappearing very fast. In the early twenties and middle twenties our red birch started dying. At that time, no one paid any attention. How many red birch can you find in the woods today all over the State of Maine? You can take one township and you wouldn't find a thousand red birch. What has happened to it? It had a disease; it died off. It was something that could have been stopped.

In New Brunswick last year they kind of slacked off on their spraying. What has happened? They lost about a million and a half acres of spruce due to spruce budworms. They say, "Oh, you can cut it." That is true; you can cut it the next year and still save it, but we are getting too much to cut and it is dying off. This right here would be the worst thing we could do, cut out the budworm, because today in Maine for the first time in the history of the state we are cutting lumber faster than it is growing back. Someone will dispute me on that, but this is the actual figure. We can't go on, and we do not want to lose any of this spruce lumber.

I wish the gentleman from York, Mr. Rolde, could see where this spruce budworm hits, especially up around Madawaska Lake, up there. You can see it from week to week. You could drive up one week and look over the green trees, drive up the next week and you can see where the brown has gotten larger. It is that way wherever it hits. It goes just like a wind blowing, and that is just what happens. The wind blows it and the lumber dies.

As the gentleman from Houlton, Mr. Haskell, has said, the only time that you can spray this and save it is June. So for heaven's sake and the state's sake, let's get the vote on this and pass this emergency measure.

The SPEAKER: The Chair recognizes

the gentleman from Exeter, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I have always supported the budworm control program that we have. I can remember some years ago when the then Commissioner, Austin Wilkins, convinced me that this is the only method of control. But what concerns me is not who is paying for the program, but the fact that the program just isn't working. We are getting into the problem deeper and deeper, and the more we use this current program, the worse off we are going to be.

I think it is incumbent upon this House to fold this bill up until we can get a study order or some questions answered, the questions maybe that the gentleman from York, Mr. Rolde, raised, so that we can see an end to this problem. Let's take a look at some other alternatives.

I would urge you to vote no on this bill this morning.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I didn't intend to say anything on budworms, but the previous speaker urged me to my feet. I hope I am known in this House as not a callous spender of state money, and I do feel as though this is one of the better appropriations that I will have a chance to vote on.

Tests are being made and have been made for some time to try to find other alternatives, but this is something like a forest fire. We have got to at least try to hold it until we do find some alternative. As the former speaker said, if we would take that course, our forest would be burned up with this bug and it would be a dreadful looking sight, and after they are dead you can't do anything about it. This program is trying to hold it. I agree, it isn't doing the job a hundred percent, but it is trying to hold it. It is the best we know how to do it at the present time. And without this program, we would have nothing but a piece of forest that looks like burned land. These other experiments, if we do find something, by then it won't do us any good. They are trying to hold it until such time as we can find a better method. Let me tell you, it does do good, because I have been there and seen where they have sprayed and



where they haven't sprayed, and there is a very noticeable difference. So it is doing a lot of good.

In northern Penobscot, Aroostook and some of Piscataquis and some of these areas, there is much need for this, and without the economy of these paper companies, this state would be ruined, especially the part of the state that I come from.

So I do hope this morning that you will pass this as an emergency measure. I would like to have you know that I am very careful about bills that involve money that I endorse. This is one I endorse a hundred percent.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: There are several points that I think should be brought out on this particular piece of legislation. I think it has been well covered, and I extend my appreciation to the Chairman of the Appropriations Committee for his analysis of all the problems involved with this particular bill.

The first thing, there is quite an emergency need to have this passed as soon as possible. It is my understanding, in a letter that I have from the Commissioner of Forestry, that the order for the Zectran, which is the chemical spray that will be used has to be placed before the first of March in order to be able to assure an adequate supply. At the present time, there are not adequate supplies available, and there has to be far-advance planning in order to be able to place this order for this.

This Zectran is a nonresidual spray as against DDT which there was a great deal of objection to. It is not long lasting; it breaks down very rapidly in the environment.

Last fall I was in Seattle, Washington, to the National Legislative Leaders Conference. At that time, they were faced with a real problem in Oregon and Washington with a somewhat similar condition with another insect. I believe they called it the tussock moth, and at that time it had devastated about 600,000 acres of forest land in both Washington and Oregon, and they had at that time gotten permission from the Commission of Agriculture in Washington to be able

to use DDT because of the effects of that. It is my understanding from talking with people that Zectran has worked fairly effectively; it is almost as good as DDT.

There are large areas in the state that are slowly becoming more and more affected by it. One of the most serious infestations at the present time is in the northwestern area of Baxter Park in which there is about 18,000 acres seriously affected. I don't believe that we can continue to overlook this situation, even if it seems to be a continuing problem. The department is still working away at it. I have a letter here in which it says the serious spruce budworm problem continues in northern and eastern Maine to involve areas addition to those treated in '73 in addition to problems in neighboring Quebec and New Brunswick. This is a letter I received this morning that came from the Commissioner: They have an explanatory meeting being conducted the week after next, February 12. I am sure that people who are interested would be able to attend this meeting to be able to understand the problem. I do think there is a serious problem that affects the largest single industry in the State of Maine, and I hope you will give this emergency passage this afternoon.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I wholeheartedly concur with the gentleman from York this morning. This is one time, ladies and gentlemen, that I wish we had a House Appropriations Table. I always wished we had one in here, because we all know that the state is in dire need of money and that there are going to be a number of programs that are going to come in and pass through this House and go over to that other unmentionable institution down the hallway and occasionally it will be coming back to us in non-concurrence. And my reservation for voting on it this morning is that I just think that we have got a short amount of funds. And how I am going to determine what I am going to do as the other bills come in, I would like to see them come in one right after another, and not in the fashion they have been coming in here now.

I supported the bill in the regular session of the legislature. It was \$800,000 for control of budworms. We really were not in such a financial situation as we are right now. I urge the House, don't vote for this bill. Let's not give them the emergency. Let it stay in here a few days, and let's see what else is coming out that we might consider a priority. I hope that they can't get the 101 this morning.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: I hate to take issue with my seatmate again, but it seems to be necessary.

There has been questions raised as to the total amount of the state's involvement in this. As I tried to explain very carefully, half of the cost of the total program is left to be funded after we get the federal money in. Last year we put in a mill rate increase that every year from now on, regardless of whether we have a spruce budworm program or not, is going to generate from \$350,000 on up every year for programs of this type. So the actual state involvement financially is the difference between what is generated from this mill rate increase and the cost of the program.

Now, the question has been raised, why should the state pay anything for this program? Well, very briefly and very basically, this is why. Currently, a very large section of Baxter State Park is involved. I don't think anybody would quarrel with the fact that we should spray our own properties. In addition to this, there are a great number of small plots where it is utterly impractical to try to make a collection from the owner of these small plots. You can't turn the spray on and off when they are flying over large sections of the state spraying. So the rationale for the state's involvement, number one, in a great many instances state land, including the unallocated public lots, is involved. The State Parks are involved. Small plots where it is utterly impractical to collect from the owners are involved, and the whole has to be sprayed. So historically and currently there seems to be ample justification for the state to participate with their funds in this type of program.

And you know the rhetoric and the late blooming questions that are raised on this now, in my view, should have been raised at the hearing on this. This hearing was very comprehensive. Expert testimony was available there, and that is the place to raise this type of question.

We do have every year an emergency nature to this bill because the contracts have to be let this time of year in order to have the equipment in place and the contracts let so that the spraying can be done at the only time of year that it can be done. So it would be short-sighted indeed for this body now to refuse this emergency passage.

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

Mr. WHITZELL: Mr. Speaker, I would like to pose a question through the Chair to someone who is more knowledgeable in this area. My question is this: I have heard Mr. Haskell mention on several occasions the mill rate we increased, the ten-cent increase per acre to the wildland tax would have generated another \$300,000 a year. Now, I would like to ask the question, when was the last time that the mill rate was adjusted so that the property of the paper companies or the large landowners was brought up to some — or, when was the last time the mill rate had been increased on that property?

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

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

Mr. HASKELL: The mill rate was increased in the regular session last year.

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

Mrs. WHITE: Mr. Speaker and Members of the House: I am sure there is nothing further I could say this morning in support of this bill. I think it has all been said. But as a resident of and a representative of a very heavily wooded area in the state — in fact, the area which includes the Baxter State Park which has been mentioned — I feel that I must urge you to support this bill. I hope you will vote for it.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think we have a very fundamental question here. Are we to pass a law raising money by taxation for a purpose and then disregard the purpose for which the bill was originally imposed? If we are going to adopt that philosophy, then let's extend it to other areas. Let's increase the cigarette tax and forget the purpose for which it is being imposed.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Gardiner, Mr. Whitzell, asked a question. I believe up until the 105th Legislature the wildlands were taxed under the wildlands tax concept. The 105th, we accepted the forestry productivity tax concept. And we heard in the regular session of the 106th that inadvertently the forestry productivity tax concept had left out the revenue provision for spruce budworm control. Now, whether this was intentional or not I don't know. I will never know, and I don't much care. I am not against spruce budworm control. But the action of the people involved in the 105th Legislature and what happened to us in the 106th, I don't much care for.

I think if you check the record of the regular session, it was stated on the floor of this House that this would be the last time this legislature would be asked to raise this money for spruce budworm control because this mill increase on the forestry productivity tax would take care of it. Well, the old wildlands tax still raised something like two and a half million in revenue. The forestry productivity tax was supposedly set up to raise in excess of \$6 million in revenue. I think if you check the money that did come in, you have got a little over \$3 million. So they were half right on that program. And I have got a feeling we are going to be half right on this one.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Just to put my two and a half mills' worth in; ac-

tually, we went over this very thoroughly, the problem that Representative Whitzell and Representative Dyar speak of, in the last session, the last regular session, or the previous regular session. I guess this is a regular session. But we raised it two and a half mills, which amounts to over \$700,000, which is the landowners' contribution toward this program. Actually, that held on so long that when we come in, if you read the Statement of Fact of the amendment that went on, there was \$128,000 that was carried over from the total contribution by the landowners, by the federal government and by the state government, that we carried over in that account to make up part of the state's share on this year. So it was agreed.

Now, as far as the study goes, the people that are qualified to do this are doing this very thing. I don't think that you can get an answer to this study until after the spraying season is over this year. So it is imperative that we spray this year. The answer through the Forestry Department and the answer that we are all seeking here as to alternative methods will be forthcoming if there are any, and I don't know that there are. But this is being done at this very time. But there is no way in God's world that you can determine before they complete these studies whether this can be done or not.

So I would suggest very, very emphatically this morning that we go along with this. We made a deal, we agreed, and everyone has come up with the money, and I think the legislature should come up with their share.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: As many of you know, and some of you have served with me now for the nine years that I have been here during the legislative history, and that is very recent, many of you know that I have not always been a friend of the paper companies or the landowners. Many of you are aware of speeches that I have made on the floor of this body indicating some of the things that I was concerned about.

And one of the things that I was, of course, concerned about over the years is the effect of spruce budworm and

spruce budworm control. Over the years what has happened is that the State of Maine has, in fact, helped to spray some of the forest lands of this state, the so-called wildlands. Of course, we are part owners of some of that, not very big in certain instances, but many of Maine's jobs depend on that particular raw product.

The gentleman from York, Mr. Rolde, has raised an issue which all of us will have to grasp at some point. A couple of years ago I went to Quebec and met with the people from the Department of Forestry on what they were attempting to do about spruce budworm. At that point in time they had as one of their possibilities not spraying at all and cutting everything that was hit by spruce budworm. That was what they thought they would do. As it turned out after their study came out, that proved not to be feasible economically and otherwise. So they continued to spray, and they are still spraying. They, too, are looking for a better thing. They, too, are like we are, somewhat in a quandary as to what we ought to do.

The one thing that we need in order to make a decision in the future will depend on the study that we enacted last time and is presently now being done, and hopefully, we will have results for the 107th. I think that is necessary. But at the moment we are caught in a situation which is not very nice and I don't particularly care for. But it is a situation where we have no choice, a situation that because of what we do not know, we don't know what the alternatives are, and we are caught with a situation where I think we have to vote for this.

I don't disagree that it would be nice if we could hold this up. I don't disagree that it would be nice if we didn't have to appropriate it. But let's just look at one thing, very simply, the issue the gentleman from Bangor, Mr. Kelleher, raised about \$500,000. There may be better areas to spend it. There may well be. But what happens if we do not have the people that are employed by that raw product? And if we don't have them on the rolls as taxpaying citizens, we won't have any money to even be sitting here during a special session, because that is how much the State of Maine depends on that industry.

We are not talking now about the issue of being pro or anti paper company or pro or anti landowner. We are talking about one simple fact as to whether or not we can afford to delay passage of this bill, and I don't have that answer. And there is, unfortunately, no one in here that does either. Because that is the only thing we can do, we have to spray because that is all we know at this time. And that I believe we have to do today. I would ask all of you to vote for final passage on this particular bill.

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

Mr. ROLDE: Mr. Speaker and Ladies and Gentlemen of the House: I didn't think I would unleash quite such a debate with the questions that I had. I do want to emphasize, it was not my intention to hold this bill up. But I did feel that there should be some discussion here in the House of the implications of this bill. And quite frankly, I think I have listened to the gentlemen who dealt with this bill; they have convinced me of the urgency of it. I opposed the emergency passage of the last bill, and I will vote this time for the emergency passage of this bill. But I did want to emphasize what I believe is a need for independent study of all the ramifications of this problem.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly. Mr. Dyar made a statement that we anticipated \$6 million from tax to the State. This is very incorrect. We only estimated a \$500,000 increase, which would make it \$3 million, which was hit almost on the button. I would like to inform him, too, each year the landowners will go up so many mills for so many years. I believe it will be 1980 before it will even slack off. And I think the landowners are paying their share.

I am not a landowner. I want that understood. I am not working for a pulp company anymore. So I would like to have that understood. I just think that the biggest machinery, the biggest equipment buyers in the State of Maine are pulp companies. And the ones that employ, probably without a doubt, the most men are the pulp mills and the lumber operations.

I hope today that you will go along with the emergency passage of this bill.

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

Mr. DYAR: Mr. Speaker and Members of the House: The figures that I quoted came from a State document. I hope that the state department that published the document is incorrect, that they will correct the figure for me.

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

Mr. MILLS: Mr. Speaker, and Ladies and Gentlemen of the House: I have heard a lot of discussion here today. The thing I would like to find it is what kind of a poison they are going to use, what effect this will have on the wildlife in the State of Maine?

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

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, the chemical they use is Zectran. I hope I pronounced it correctly and it is acceptable, at least according to testimony before our committee, to all of the environmentalists in the state, there was no objection to this chemical. It is not as harsh and it doesn't kill the other wildlife that for instance DDT would kill. This is the accepted chemical and there was no objection at the committee hearing against this chemical. I hope that answers the question.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Just to further answer that question, which I think is an important one that we ought to answer carefully. What will be used will not be a poisonous substance; it is not DDT, and the substance that is being used — and I can't even try to pronounce the name of it — has to be approved by the State Pesticide Board and the Department of Fisheries in Washington, and of course it will have the approval of all state environmental agencies before it is applied.

I do not believe, with the information that we have available, and I repeat,

with the information we have available, that it will create any harm with any of the wildlife in the unorganized.

I will point out that in my own area where it has been used, and I have seen its effects, it has not been harmful to the fish of the various lakes, for example, and fishing has not been harmed by it, at least not the last spraying. Now I won't say the same thing when DDT was used; of course it was very harmful at that time.

The SPEAKER: The Chair recognizes the gentleman from Exeter, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I hoped we wouldn't get into the financial end of this problem so much because I think that is a secondary issue.

The gentleman from East Millinocket gave you the best argument for not passing this bill today, when he said the problem is getting worse, it is spreading and it is going to keep on spreading and it is going to keep on getting worse as long as they keep on spraying. This is a never ending battle. It is like drugs; we got hooked on it. We shouldn't have sprayed in the first place, but we started it, we are into it and someplace we have got to stop it.

Now, I don't think we have to pass this bill as an emergency measure today. We can come back next week and pass it. I think it is incumbent upon this House that we see some overall program, overall plan, that is going to get us out of this spray program before we pass this bill. I hope you vote against it today.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I see a parallel in what Mr. Smith has said. His grandfather sprayed potatoes for potato bugs, his father did and he is still spraying. Now he wishes he had something better, but he is still doing it and he is still saving his crop. That is all I want you to do here today, try to save our forests. It isn't the best method. I am sure we may come up with a better one, but let's save them until such time as we will come up with something better. All we are trying to do — and I thought I made it clear before when I spoke to you that this isn't curing the spruce bud dis-

ease by any means. It isn't killing the bug 100 percent like we would like to see it, and it's not even doing as good a job as DDT did on the bug. But DDT is not acceptable.

They are trying to contain it. In other words, it is something like a forest fire, you don't put it out exactly sometimes but you try to contain it and hold it from spreading all over the whole state, and this is the intent. They know they are going to have to spray again, like he does his potatoes and like his grandfather did and like he is still doing. It is the same principle, and it has to be done in order to save the forest of the State of Maine, and I hope we pass this emergency measure.

Mr. Smith of Exeter was granted permission to speak a third time.

Mr. SMITH: Ladies and Gentlemen of the House: I would just like to say that Mr. Dudley does spend quite a lot of time in my home town, but he evidently hasn't spent that time watching my potato operation.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: Aside from the issue of what we are going to spray and if we are going to spray, I think the one reason that I object probably to continued financing of this program is the fact that when the state purchased the land from the private companies to establish the Allagash Waterway, I believe that the average cost at that time was somewhere around \$400 an acre. Now I may be wrong, because I don't live in a very heavily wooded area, but I believe that the paper companies are paying somewhere in the neighborhood of a tax evaluation of about \$28 an acre now. If those two discrepancies, what they sell the land to the state for and what they pay taxes on are present, then I would not favor the bill strictly on that one point.

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

A vote of the House was taken.

Thereupon, Mr. Birt of East Millinocket 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 and voting having expressed a desire for a roll call, a roll call was ordered.

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

Mr. SIMPSON: Mr. Speaker, I move this matter lie on the table one legislative day.  
(Cries of "No")

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that L. D. 2077 be tabled pending passage to be enacted and specially assigned for Monday, February 4. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

88 having voted in the affirmative and 27 having voted in the negative, the motion did prevail.

### Emergency Measure

An Act Relating to Conflicts of Interest in Municipal Contracts and Proceedings Pursuant to the Securities Approval Act. (H. P. 1834) (L. D. 2326)

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. 109 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.

### Passed to Be Enacted

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

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

An Act to Make it Unlawful to Discriminate when Extending Credit (H. P. 1819) (L. D. 2306) (H. "A" H-654)

An Act Validating the Franco-American Oblate Fathers, Inc. as a Legal Entity (H. P. 1851) (L. D. 2344)

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

#### **Enactor Reconsidered**

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

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

On motion of Mr. Pratt of Parsonsfield, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-659) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

#### **Finally Passed**

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

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

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I noticed that this is a resolve that has something to do with the Maine Land Use Regulation Commission. Usually when I read that I start shivering, because God knows what is going to happen. A couple of sessions ago we had a very innocent bill come through here that has basically changed the State of Maine — for good or for bad of course will have to wait for history to decide.

I wish someone who is on this committee and who heard this bill will explain

what this does. Does it further encroach on the rights of free men or not? Could someone explain to me, please, before this thing slides through, what this bill does.

The SPEAKER: The gentleman from Brewer, Mr. Norris, poses a question through the Chair to any member who may answer if he or she wishes.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: The sponsor of this legislation is now running down to his seat. The Committee on Legal Affairs passed this out in redrafted form. And basically all it does is permit the Land Use Regulation Commission to allow the use of its pamphlets and other materials by other organizations.

I think Mr. Martin can probably elaborate a little further if he would care to.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I want to thank the gentleman from Brewer for catching me off guard.

Let me just quickly just give you a brief background to this.

During the time that I served as Chairman on the Land Use Regulation Commission the Commission negotiated a contract for two pamphlets to be drafted with illustrations. Some of you may have seen them. One deals with subdivisions in the wildland, and the second one deals with the location of buildings in the wildland.

At the suggestion of the Attorney's General Office, they suggested that we copyright the material, and so the Commission did that after I left. I will have you know that there are only three items in the State's history that the State of Maine has ever copyrighted, and that is one of them.

Now what has happened is that this has turned out to be one of the best pamphlets on the problems and development in the unorganized or anywhere else. And this would allow the Commission to make arrangements with the author or the person who did it, the illustrator and also with other people to negotiate a con-

tract so that arrangements could be made to sell to other states that are interested in having this type of thing so they could copyright from our publication. The Commission, under this bill, would be empowered to make the contractual arrangements as to what the State of Maine would get in royalties. This will be worked out by the Commission and by the author of this particular document.

I hope that explains the question that the gentleman was posing.

Thereupon, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

### **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 Providing for No-Fault Motor Vehicle Insurance" (H. P. 1938)  
(Presented by Mr. Trask of Milo)  
(Ordered Printed)

Sent up for concurrence.

#### **Judiciary**

Bill "An Act Relating to Consent to or Surrender and Release for Adoption" (H. P. 1939) (Presented by Mrs. Boudreau of Portland) Emergency  
(Ordered Printed)

Sent up for concurrence.

#### **Legal Affairs**

Bill "An Act Relating to the Powers of Hospital Administrative District No. 1 in Penobscot County" (H. P. 1940)  
(Presented by Mr. Cameron of Lincoln) Emergency

(Ordered Printed)

Sent up for concurrence.

#### **Natural Resources**

Bill "An Act Simplifying Variance Procedures Due to the Energy Crisis" (H. P. 1941) (Presented by Mr. Martin of Eagle Lake) Emergency  
(Ordered Printed)

Sent up for concurrence.

### **Orders of the Day**

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

Bill "An Act Relating to Absentee Voting by Persons Convicted of Felonies" (H. P. 1781) (L. D. 2253) (H. "A" H-636)

Tabled — January 30, by Mr. Birt of East Millinocket.

Pending — Final enactment.

On motion of Mr. Birt of East Millinocket, was recommitted to the Committee on Election Laws in non-concurrence and sent up for concurrence.

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 30, by Mr. Birt of East Millinocket.

Pending — Motion of Mr. Carter of Winslow to reconsider action whereby the Bill was indefinitely postponed.

On motion of Mr. Carter of Winslow, retabled pending his motion to reconsider and specially assigned for Tuesday, February 5.

Mr. Bither of Houlton was granted unanimous consent to address the House.

Mr. BITHER: Mr. Speaker, Ladies and Gentlemen of the House: I attended a luncheon yesterday at which leadership and a few of us selected guests attended, at which time the International Paper Company presented to the Museum and the State of Maine a very beautiful collection of tourmaline. I hope you folks make the trip over there and see this collection, it is very, very beautiful. The International Paper Company should be congratulated for doing such a thing.

Now this collection is not only very beautiful, it is valuable. The extent of its value is hard to determine; my guess would be somewhere in the neighborhood of ten to twenty-five thousand. This is part of the Newry mine and sometimes we damn these companies, but when we get a chance we ought to give them a little praise, and I personally think it is a very fine gesture.



On motion of Mr. Birt of East  
Millinocket,

Adjournment until Monday, February  
4, at four o'clock in the afternoon.