

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

Volume II

MARCH 7, 1974 TO MARCH 29, 1974

Index

Legislative Ethics Committee Report

Kennebec Journal
Augusta, Maine

HOUSE

Tuesday, March 26, 1974

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

Prayer by the Rev. James Rousakis of Portland.

The journal of yesterday was read and approved.

Order Out of Order

Mr. Hunter of Clinton presented the following Order and moved its passage:

ORDERED, that Wendy Miller of Oakland, Robin Smith, Brenda Prentiss, Kim Kramer, Van Heckerd, Lori Peters, Beth Fairfield of Sidney be appointed Honorary Pages for today.

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

Papers from the Senate Conference Committee Report Later Today Assigned

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Dams and Reservoirs" (S. P. 916) (L. D. 2527) reporting that the House recede and concur with the Senate in passing the Bill to be engrossed as amended by House Amendments "A" (H-721) and "B" (H-725) as amended by Senate Amendment "A" (S-387) thereto.

Signed: Cummings of Penobscot, Roberts of York, Olfene of Androscoggin—Committee on part of the Senate.

Soulas of Bangor, Huber of Falmouth—Committee on part of the House.

Came from the Senate read and accepted.

In the House:

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I was on this Committee of Conference and I refused to sign on behalf of the House. It was our intention here a few days ago that we would keep the appropriation that was put on it by the Representative from Brewer, Mr. Norris, of \$9,000. The Senate Amendment reduces the appropriation

to a thousand dollars, and in my humble opinion, this cannot be operative and properly carried out.

The original bill called for \$78,000 for five employees. That bill went to the Appropriations Committee for the funding, but the original bill itself came to Public Utilities Committee. It was our opinion, by the actions of the committee, and we had worked on this bill on three different redrafts. We finally amended out most of the employees under the original bill and continued to keep it alive with the \$9,000 appropriation. I think the House would be remiss this morning if we accepted this Conference Committee Report.

As I said, I was on the Committee of Conference representing the prevailing side of this House, which was in agreement to keep the \$9,000 appropriation on it, and I hope you reject the report.

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

Mr. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I believe that this report should be accepted. I feel the \$1,000 funding is acceptable. The bill really covers now only the recovery or establishing the ownership of dams which are presently unclaimed or of which the owner is unknown. There are some of these that are causing considerable problems for the abutting owners around lakes. There has been word from the Soil and Water Conservation Service that they don't anticipate more than perhaps two petitions for the establishment of ownership for a year, and they estimate that the entire procedure might cost \$500 per instance.

I feel that the funding is adequate and feel that the House should accept this report.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I went down to the Appropriations hearing on the original bill that Mrs. Cummings had for \$78,000, and the gentleman from Soil and Water Conservation Mr. Boothby was there and he worked very

hard and had a real good presentation in asking for \$78,000 to run this program.

There are 2,200 dams in this state, approximately, from the estimates that Mr. Boothby has given, and to try to run a program such as is in this bill on \$1,000 is absolutely ridiculous. But it is up to the House, if you want to accept the committee report, it is up to you. But in my opinion, you would be doing wrong.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I was hoping Mr. Norris was here in the House; I see he isn't. I feel a little bit compelled to make some comment on this bill.

I think I agree pretty well with the gentleman from Bangor. This was a bill to set up a committee, I believe, and the appropriation he has told you I understand is correct that they asked for in the first instance. It did provide to make a study of these dams. I did not fully concur with the idea. Apparently now, I guess, when a dam bursts we fix it up. This is to try to anticipate ahead which ones are going to go to pieces, which is quite a difficult thing to do.

I guess the real point in which I agree with the gentleman from Bangor is that obviously we are just going through the motions, we will say, of an appropriation of \$1,000. Again, it savors what we have done many times. It savors of setting up a group that will probably be all set to go and ask for more appropriations in the next session of the legislature. Obviously they are not going to do much with a thousand dollars.

This I have always been against, because I know that the next session of the legislature is capable of taking this from scratch and set up the committee or whatever they may. I disagree with the idea of setting up a committee in this legislature with no money and obligating the next legislature to attempt financing.

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

Mr. HUBER: Mr. Speaker and Members of the House: I would like to respond briefly to both the gentlemen's remarks. First of all, the bill that

preceded this, or that this bill came from, was first presented in the regular session, or at least was presented in regular session, to my knowledge. This had an enormous amount of funding, it established all kinds of procedures within the Soil and Water Conservation Service, and if you remember, I opposed this as essentially an empire building bill during the regular session.

The bill before you, L. D. 2527 has been reduced simply to set up a procedure to establish the ownership of abandoned dams. The Civil Defense portion of it under Chapter 7 really sets up the mechanism within the Civil Defense Department which I would actually consider probably exists already to take care of emergency situations.

I don't think this sets up any new group. It simply allows the mechanism to establish ownership of abandoned dams. I think the appropriation is sufficient.

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

Mr. BITHER: Mr. Speaker and Members of the House: I am sorry I got in late and I missed most of the debate, so I can't tell — I may repeat what someone else has said.

I can't help speaking on this bill, because I consider myself the only expert on dam sites in this House. I mean that; I am not joking. I worked on three dam sites in the Presque Isle area one summer, so I do consider myself somewhat knowledgeable. I do want to say this, though. While I was there working on dam sites in the Presque Isle area, they also sent me over to Easton to look over a dam that they were building there, and I would like to say this. They built that dam without any investigation of the soil and all, or any investigation of the bed rock, and unless these dam sites are looked after, that one in particular in Easton, some morning my seatmate, Mr. Mahany, is going to be washed right out of bed, I am telling you, because that dam is going to go out. Some of it is built on sand, right on sand, without any regard for the soil or the bed rock at all. I think this bill needs a good deal more money than a thousand dollars. You are not going to do much with a thousand dollars.

Mr. Kelleher of Bangor was granted permission to speak a third time.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: It is not my intention to kill this bill. I simply want the House to reject Senate Amendment "A" to House Amendment "A". This is why the Conference Committee was formulated in this House and in the Senate, because there is not enough money. I don't want to kill the bill. I think that it needs the appropriation that Mr. Bither just spoke of, and this is why we have to reject the Conference Committee Report, to keep the Appropriation on it that Mr. Norris put on it here a few days ago.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I too am a member of the Public Utilities Committee that heard this bill, and I concur entirely with the remarks of the gentleman from Bangor, Mr. Kelleher, on this bill. I believe they need the \$9,000 appropriation.

The SPEAKER: The Chair will order a vote. The pending question is acceptance of the Committee of Conference Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Kelleher of Bangor 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 Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, a parliamentary inquiry. If the House rejects the Committee of Conference Report, the bill itself is still alive, is it not?

The SPEAKER: The Bill is alive, but if the other body also rejects the report,

then it would not be alive. The Chair would answer that if both bodies refused to accept the Conference Committee Report, the bill would be dead because the two bodies could not agree. The Committee of Conference Report recommends that the House recede and concur with the Senate. If we accept the Committee of Conference Report, I assume the gentleman from Bangor would then move that we recede rather than recede and concur, as recommended by the Committee of Conference, so we would then act on the amendment that he feels we should act upon. But if we reject the Committee of Conference Report and the other body does also, then it is dead because the two bodies would not have agreed.

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

Mr. BIRT: Mr. Speaker, a parliamentary inquiry. Wouldn't it be possible for a motion to appoint a second Committee of Conference? Wouldn't that motion be in order?

The SPEAKER: It is not in order at the present time. The pending motion now is to accept the Committee of Conference Report.

Mr. BIRT: But in the event that this was turned down, then a motion for a second Committee of Conference would be in order?

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

Mr. ROSS: Mr. Speaker, a parliamentary inquiry. If we turn down the Conference Committee Report, I think that the next motion might well be to further insist and request a second Committee of Conference.

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

Mr. JALBERT: Mr. Speaker, as I understand it, if we have a Committee of Conference Report and one of the members disagrees, then that brings about the action we have before us. If this motion not to accept the report does not prevail, then the bill is alive and goes on its way to the other branch. If the motion to reject the committee report. I mean, the bill, for all intents and purposes here is dead unless we insist and ask for a second Committee of

Conference, without going to the other branch.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I feel that this is a very, very important bill, and it has had consideration not only in this special session but in the regular session. I am a bit afraid if we reject the Committee of Conference Report, even though it does call for a smaller appropriation than what really is necessary, we will lose the whole bill in this late stage of the game.

I have spent a great deal of time this spring in my own area looking at flooding damages caused by dams not cared for. I think it is a very essential thing for us to do, and I just hope you will go along with the report; otherwise, I feel the bill will be lost and it is very, very necessary at this time.

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 a hundred percent endorse the observations of the previous speaker. I think we are all in agreement on one thing, that there is an area of great need here, it is urgent. For the regular session and the special session we have been going over and over and over it, and we are at the point where we have got a live bill here and we can today, by accepting this committee report, have a bill that granted is under-financed, but we have some procedure established for what could be emergency soon.

I hope you go with the Committee of Conference Report, even though we recognize that it is underfinanced.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I, too, am sorry that the appropriation was brought down, but I got a call from the Sabattus Association numbering over a thousand, and the last thing he told me Sunday is to pass this dam bill.

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

Mr. KELLEHER: Mr. Speaker,

Ladies and Gentlemen of the House: After listening to Mr. Palmer, and I am sure he is right in his observation on having a problem in his area as in many other areas. Can you imagine how far a thousand dollars is going to go? That is why it is so ridiculous. I am in favor of the bill, but to try to operate it on a thousand dollars is just like throwing that bill out the window. You people can do what ever you want to, but if Mr. Palmer has them come down and investigate his area, knowing the department, they will eat up that thousand dollars so quick that they won't be able to go to Sabattus or to Aroostook County or anywhere else.

I think it is important that we reject the Senate Amendment and keep the \$9,000 appropriation on that bill.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the gentleman from Bangor, Mr. Kelleher, because this bill is nothing without the minimal, without the minimal, and I mean minimal funding of the \$9,000. Certainly the figures were much greater than that to begin with and will be much greater, and in all honesty, we all agree with the importance of this and certainly the responsible thing to do would be to fund it. So I would hope that you would go along with Mr. Kelleher this morning and refuse this Committee of Conference Report and then insist and ask for a further Committee of Conference.

The SPEAKER: The Chair would state that as the Chair understands the procedure, if we reject the Committee of Conference Report, the bill is not before us. The proper procedure would be to accept the Committee of Conference and then, instead of receding and concurring, as the Committee of Conference recommended, the House could then either insist or concur or recede or something other than recede and concur.

Mr. NORRIS: Thank you, Mr. Speaker, and I would hope we would follow the Speaker's instructions and then we will talk about receding and concurring or insisting when we get to that position.

The SPEAKER: The Chair recognizes

the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: As I understand the procedure, first of all we can accept the Committee of Conference Report. We have that option. That motion is now pending. The only other motion that can be made if that one is not enacted, is to reject the Committee of Conference, and if we reject that, we can then move to further insist and ask for a further Committee of Conference under the rules.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: As you probably know, I live in the Belgrade Lakes area where we have many dams which are owned by the Central Maine Power Company. They are speaking of eliminating these dams. If they eliminate these dams, what is going to happen to the cottages that won't be able to have water enough to put their boats in the water.

We have been on this for about four years, discussing this, and I hope this morning, in order to protect the people in my area, that we will go along and accept the Committee Report.

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

Mr. HUBER: Mr. Speaker and Members of the House: One last word. I would just like to confirm that the previous bills that we have considered were much more complicated than this. They included the inspection procedures and lots of other duties for the Soil and Water Conservation Service. Again, I would like to repeat, I opposed those bills in the regular session, and this bill is really geared down to a procedure to establish ownership of abandoned dams.

The SPEAKER: A roll call has been ordered. The pending question is acceptance of the Conference Committee Report. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Brawn, Brown, Bustin,

Chick, Chonko, Churchill, Clark, Cote, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Dow, Dudley, Dunleavy, Dyar, Evans, Farley Farnham, Farrington, Fecteau, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Goodwin, H.; Greenlaw, Hamblen, Herrick, Hoffses, Huber, Hunter, Jackson, Jalbert, Keyte, Kilroy, Knight, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Martin, Maxwell, McKernan, McMahon, McNally, Merrill, Morin, L.; Morton, Murchison, Murray, Najarian, Norris, Palmer, Peterson, Pratt, Rolde, Rollins, Ross, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Stillings, Susi, Theriault, Tierney, Trask, Trumbull, Tyndale, Wheeler, White, Willard, The Speaker.

NAY — Binnette, Bither, Bragdon, Briggs, Carter, Donaghy, Drigotas, Goodwin, K.; Hancock, Hobbins, Kauffman, Kelleher, Kelley, LaPointe, Littlefield, Mahany, McCormick, McHenry, Mills, Mulkern, Parks, Shaw, Sproul, Talbot, Webber, Whitzell, Wood, M. E.

ABSENT — Bunker, Cameron, Carey, Carrier, Conley, Connolly, Cooney, Dunn, Emery, D. F.; Faucher, Ferris, Genest, Good, Immonen, Jacques, Kelley, R. P. LaCharite, Lawry, McTeague, Morin, V.; O'Brien, Perkins, Pontbriand, Ricker, Santoro, Sheltra, Soulas, Strout, Tanguay, Walker.

Yes, 92; No, 28; Absent, 30.

The SPEAKER: Ninety-two having voted in the affirmative and twenty-eight in the negative, with thirty being absent, the motion does prevail.

The pending motion now is the motion to recede and concur.

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

Mr. KELLEHER: Mr. Speaker, I want to indefinitely postpone Senate Amendment "A" to House Amendment "B".

The SPEAKER: The gentleman may move to recede. If the House recedes, then Senate Amendment "A" will be considered at that time.

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

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

Mr. JALBERT: Mr. Speaker, a parliamentary question. We accepted the Committee of Conference Report. That is the end of that.

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

Mr. KELLEHER: Mr. Speaker, I move that Senate Amendment "B" to House Amendment "A" be indefinitely postponed.

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

Mr. ROSS: Mr. Speaker, I have a point of parliamentary inquiry. As I recall, when you have a Conference Report, you accept or reject the Conference Report. We cannot in this body amend the Conference Report by deleting or adding amendments to it. We have to accept it or reject it, but we can further insist and request a second Conference Committee Report. I am quite sure we cannot attack each amendment per se.

House Amendment "B" (H-725) was read by the Clerk.

Senate Amendment "A" to House Amendment "B" (S-387) was read by the Clerk.

On motion of Mr. Simpson of Standish, tabled pending the adoption of Senate Amendment "A" to House Amendment "B" and later today assigned.

Order Out of Order

Mr. Shute of Stockton Springs presented the following Order and moved its passage:

ORDERED, that Jeffrey Twitchell and Gary Hammond of Norway be appointed Honorary Pages for today.

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

From the Senate: The following Joint Order: (S. P. 955)

WHEREAS, it is necessary that every deliberative body be governed by rules of procedure in order that the will of a majority of its members may be determined and revealed in an orderly manner; and

WHEREAS, rules of procedure determine the priority and manner of consideration of questions and provide an orderly and methodical plan for proper consideration of all business thus protecting individual rights and

eliminating confusion and the waste of time and effort; and

WHEREAS, the Joint Standing Committees of the Maine Legislature are in need of uniform rules of procedure to promote the orderly and businesslike consideration of questions which came before them for determination; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council be authorized and directed to conduct a comprehensive study of the rules and regulations by which the joint standing committees now operate, from time to time, and to formulate in accordance with recognized principles of parliamentary law subject to any special provisions of the Constitution of Maine, statute, judicial decision, or custom and usage, uniform rules of procedure to govern the operation of all joint standing committees of the Legislature in the course of their various functions; and be it further

ORDERED, that the council provide the results of such study and formulation in the form of a manual of procedures for Joint Standing Committees for adoption and distribution at the next regular session of the Legislature.

Came from the Senate read and passed.

In the House: The Order was read.

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

Mr. SIMPSON: Mr. Speaker, I move the indefinite postponement of this order and would like to speak briefly to it.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the indefinite postponement of this Joint Order.

The gentleman may proceed.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I believe the sponsor of this particular order was well intended, but once again I would like to call your attention to the fact that this is one of the areas where the Legislative Council realized that work needed to be done. The work has been in progress now for quite some time. And just prior to the convening of the special session, the chief of the legislative staff, Sue Havens, has done a considerable amount of research on this with other

states and also on our own, and we are in the process now of preparing this same information for dissemination to the Joint Standing Committees at the next session and made part of our policy manual.

Thereupon, the Joint Order was indefinitely postponed in non-concurrence and sent up for concurrence.

Reports of Committees Ought to Pass in New Draft Later Today Assigned

Committee on Legal Affairs on Bill "An Act to Authorize the Construction of a District Court Facility in Lewiston" (S. P. 786) (L. D. 2266) reporting "Ought to pass" in New Draft (S. P. 888) (L. D. 2484) under new title "An Act to Authorize the City of Lewiston to Issue \$500,000 Bonds for the Construction, Original Equipping and Furnishing of a District Courthouse and to Authorize the City to Lease such Courthouse to the District Court of the State"

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-342) and Senate Amendment "B" (S-426)

In the House, the Report was read.

(On motion of Mr. Birt of East Millinocket, tabled pending acceptance in concurrence and later today assigned.)

Divided Report

Majority Report of the Committee on State Government on Bill "An Act Relating to Legislative Ethics and the Disclosure of Certain Information by Legislators" (S. P. 769) (L. D. 2200) reporting "Ought to pass" in New Draft (S. P. 954) (L. D. 2605) under the same title.

Report was signed by the following members:

Messrs. SPEERS of Kennebec
CLIFFORD of Androscoggin
— of the Senate

Mrs. GOODWIN of Bath
NAJARIAN of Portland

Messrs. GAHAGAN of Caribou
FARNHAM of Hampden
STILLINGS of Berwick
COONEY of Sabattus
BUSTIN of Augusta

SILVERMAN of Calais
CURTIS of Orono

— of the House

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

Report was signed by the following members:

Mr. WYMAN of Washington

— of the Senate

Mr. CROMMETT of Millinocket

— of the House.

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

In the House: Reports were read.

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

Mr. CURTIS: Mr. Speaker and Members of the House: This is the third and final bill on the topic of ethics which the State Government Committee is reporting. This is one of the most important pieces of legislation, I think, in the special session. The State Government Committee has done much work in trying to develop a comprehensive bill on legislative ethics and disclosure of information about income by legislators. The bill gives the Committee on Legislative Ethics broad authority to regulate the ethical conduct of legislators and assist the legislator in avoiding a situation where he would have a conflict of interest.

A detailed five-page analysis of this piece of legislation has been prepared by Suzanne Havens and George Viles, the capable legislative staff who have been assigned to the State Government Committee for the purpose of assisting us in this topic. This analysis is being reproduced, and I am told it will be about an hour before it is ready. It will be distributed to all members of the House of Representatives, and I think it might be helpful, before we have an extended debate on this topic, if such a debate is to occur, that this description be in the hands of all legislators.

The report from the committee is a divided report. The minority recommends this bill "ought not to pass." We can, if it is the desire of the House, kill this legislation at any stage. I think it would be appropriate now if we accepted the majority report and debated it later in its second reading

when it is possible if there were some amendments that anybody cared to offer, or at least the analysis that I described would be distributed and in the hands of the members of the House of Representatives. So for that reason, Mr. Speaker, I now move the acceptance of the Majority "Ought to pass" Report.

Thereupon, the Majority "Ought to pass" Report was accepted in concurrence, the New Draft read once and assigned for second reading later in today's session.

(Off Record Remarks)

Divided Report

Majority Report of the Committee on Labor on Bill "An Act Extending Bargaining Rights to State Employees" (S. P. 817) (L. D. 2314) reporting "Ought to pass" with Committee Amendment "A" (S-401).

Report was signed by the following members:

Messrs. TANOUS of Penobscot
HUBER of Knox
KELLEY of Aroostook
— of the Senate.
Mrs. CHONKO of Topsham
Messrs. FARLEY of Biddeford
BINNETTE of Old Town
McHENRY of Madawaska
HOBBINS of Saco
FLYNN of South Portland
McNALLY of Ellsworth
BROWN of Augusta
ROLLINS of Dixfield

— of the House.

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

Report was signed by the following member:

Mr. GARSOE of Cumberland
— of the House

Came from the Senate with the Majority Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-401) and Senate Amendment "C" (S-413) and Senate Amendment "D" (S-435).

In the House: Reports were read.

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

Mr. MARTIN: Mr. Speaker, I move

acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the acceptance of the Majority "Ought to pass" Report in concurrence.

Mr. Garsoe of Cumberland requested a vote on the motion.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Strictly for expediency; I realize there are going to be other amendments offered and perhaps one of these killed, but I think we ought to accept the majority "Ought to Pass Report" and then in second reading, we can do what we want to with the amendments.

Mr. Farley of Biddeford requested a roll call vote.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I expected, Mr. Speaker, that there would be more persuasive arguments advanced as we consider this very important piece of legislation from the people who favored the passage of this piece of legislation at this point.

I have got to arise this morning to oppose it and I would call to your attention that here we are again with another divided report from the Committee on Labor. As you can see, it has been sliced rather thin on one end. And I realize that I am starting from way back as I oppose my valiant colleagues on that committee. I would like to bring to your attention at this very point, the magnitude and the importance of what we are being asked to do. This bill is going to have far reaching impact, not only on the State Employees but on the public interest. I happen to feel that the overwhelming majority of the members of this body do give serious consideration to matters that have an impact on the public interest. And in that vein, I would like to bring to your attention this, what I call, a very basic concept that we are considering here, which is, collective bargaining vs. the merit system of civil service. I would like briefly to compare the two.

I am sure we are all pretty well aware, in a general way, of the history of collective bargaining, the need that it was there for, the effect it has had on the welfare and the economic standing of employees in the private sector. I mention the private sector because this is a creature of the private sector. It was the only answer to the situation that the employees found themselves in. It was the only manner in which the excesses of employers could be counteracted. It is also the creature of the free world because no totalitarian system can tolerate the disruption that it brings about. I am sure that we are all agreed that the net result has been worthwhile in the private sector.

Now collective bargaining is an adversary situation. I can liken it to warfare. I think every term or description or concept of warfare is applicable to the collective bargaining system. It is an adversary situation. The one factor that makes it work is the power that each side has to work damage on the other side. Economic damage. It very quickly gets each others attention when either a strike or a lock out occurs. This is a force that brings about agreement because the only way that collective bargaining works is when the two parties agree and there has to be force to bring about this, if you will, forced agreement.

Now the employer in the private sector has some options. He can, as I said, he can conduct a lock-out, stop the plant, try to inflict an economic damage on his employees to bring them back on his terms, or he can also go bankrupt. He can move his operations. He can change the product he makes. He can raise his price to meet the settlement, he has to agree to. But in all these situations the impact on the public interest is negligible, because if he is making toasters or automobiles, I don't care what it is, there is an opportunity for the public not to be hurt. So the interaction of these various forces results in an agreement, freely arrived at. And then the parties must make the necessary adjustments to live with the agreements that they have reached. So, there is collective bargaining as I see it.

Some years ago, also in response to abuse and in recognition of the noted need, a system called Civil Service was introduced. Now the Federal Government went into it in the 1800's; this State perhaps 30 or 40 years ago, began to develop something to offset the damaging effects of the political patronage, abuses of civil servants. And through the years, painfully and carefully, we have worked up, what we call in the State of Maine, the merit system of Civil Service. Now this system has some basic concepts. And they are listed as fair competition, equitable treatment, security, and the object of making State service a desirable career. Now all of this has been performed under directives and admissions of this body. Public laws give direction to the Department of Personnel, promulgate rules and regulations, and once they are approved by the Governor, they have the force of law.

One of the very basic concepts, a classification plan, very carefully spells out the duties and functions of any given position; the requirements that are necessary to attain this; and then, tied in with the compensation plan, the pay for this position. There are 1,100 of these classifications currently in effect in the State today. And you heard, and I believe it was just yesterday, that the Department of Personnel is running behind in reviewing some of these classifications, and that they don't have enough personnel to function in the way they would like to. And this I could agree with. I am not praising the merit system as being without flaw. But to correct the inequities and inadequacies of this situation would result in improvement in this situation at a cost of one small fraction of what it is going to cost if we embark on this concept of collective bargaining. A time that the classification plan or the compensation plan, we have a system where State employees are made aware of the requirements for any position to which they aspire. They are guaranteed fair competition. And the merit system comes in as the recognition is given to the fact that people proceed through this State employment on the basis of their own initiative. They apply for and are subjected to competitive exams. And all

possible measurable factors affecting their work are carefully measured by trained professionals in the Department of Personnel, free from coercion, free from any pressure, but keeping in mind the public interest as delineated in the laws that are passed in this body.

The employees have a degree of involvement in this situation themselves. Any employee may advance proposals for changes in the rules and regulations. The employees themselves elect a member who sits on the State Personnel Board. And this is an obvious attempt to enlist their input, to have them feel that they have a meaningful say in the conditions that surround their employment. The rules and regulations are under continuous review. This is the most recent batch that is up for consideration right now. Consultation with the employees; consultation with any citizen who has the input; and they are all being reviewed right now. We heard the gentleman from Orono yesterday say that his committee has under study the very factor of the need for the Department of Personnel to be upgraded.

Now, when we consider security and fringe benefits, we generally conceded that state employment is compensated at a slightly lower level, perhaps, than some of the outside occupations that might be considered comparable. And to offset this and to live up to that fourth factor of the merit system, to make State employment a desirable career, there have been movements made into the area of security, tenure, protection of rights, fringe benefits, vacations, leaves, sick leaves, pensions, grievance procedures; that, incidentally, any union would be glad to have; any dispute raised by any employee on any subject is decided in its final analysis by a group outside his department.

I contend that the net result is an orderly system, designed to protect the employee, while keeping in mind, the public interest and the mission of the various departments to perform their function. An even-handed procedure capable of improvement, but not by this bill.

I have noticed in the press, quite a bit lately, the claim that State employees are second-class citizens and that this

will give them their first-class citizenship. I characterize this as a meaningless phrase, political double-talk, and pandering to what might seem to be the desires of the State employees. I really believe that if the State employees realized what the implications are contained in this bill, as it is written, I would have serious doubts that the majority of them would be in favor of it.

The only way, in my opinion, for collective bargaining, as is understood in the private sector, could really work, would be to repeal every benefit that the State has provided for its employees, turn it all over to bargaining and let the devil take the hindmost. Because then the benefits the individual receives would depend on the relative skills of his negotiator vs. those in his department. Here, I think we see the exact evil that can creep into this thing.

Having had a long history of warning and insisting that every State employee be treated equitably and fairly we are now saying we are going to throw it out to the battleground of collective bargaining.

There is one other factor that I think we should keep in mind and that is the effect it is going to have on this body. I have heard State employees say that they feel that they are pawns of the Legislature. And I would never have looked at it that way, but if you visualize or realize or consider the fact that the missions of the various State branches are creatures of this Legislature, then perhaps a different outlook on the concept of pawn should mean that because this is going to throw what I regard as an orderly situation into the battleground of collective bargaining, but not collective bargaining. Try to visualize combining these two concepts of collective bargaining and civil service. In this effort there has to be, it has already started, there has to be an emasculation of the collective bargaining function. And the net result is going to be a prostitution of the civil service program. I ask you what kind of a union that would be? It would be the worst of two worlds. Collective bargaining without the right to strike, without the freedom to conduct job actions, is meaningless. So would all the

rules and regulations of civil service into the bargaining concept is disastrous. So we have none of the benefits of either one. And we have today, a rising level of employee frustration. And eventually, since any cost items have to be approved by this body, we are going to see agreements reached by the negotiators that this body cannot order. This is when the real significance of what we are being asked here to do today is going to come home to bear.

I don't say that it is going to happen here but I read in the paper the other day that the State House is considering the ratification of the negotiators agreement was ringed with State employees chanting, suggesting certain routes for the Legislature to take. I really believe that if we adopt this hastily written, poorly written, piece of legislation, we are doing nothing for the State employees; we are doing nothing for the public interest; except promoting an area for confrontation and division. This legislation was not written, in my humble opinion, with the best interest of the State of Maine in mind. It was written with the unionism concept in mind; that there are 12,000 employees here that ought to be organized. Come what may, this bill was written with that in mind. Not one mention was made of management's rights. Not one mention made of the mission of the various departments. I would like to have you, if you have a copy of the bill; some of the specifics of the legislation itself, as I said in the Section 979, there is no mention made of public interest. 979A prohibits strikes but there is no penalty. One of the most damaging portions of the bill says, in Section 979D, that matters prescribed by law are not subject to bargaining. This seems reasonable until you get down to one F, which says, that all the rules and regulations of the Department of Personnel, except those concerned with initial probationary employment, are bargainable. This is where I see real damage coming in. A request to the Attorney General for just what this means brought back the reply that this had been a problem with the committee, they wrestled with it very much, and there seemed to be no way out and that it would, obviously, have to be decided by the courts. I don't believe that a piece of

legislation, before its inception is consigned to the courts, can be regarded as worthwhile.

I could go through the rest of it but I feel perhaps that I have taken too much time already. And I offer you criticisms of this legislation. But I ask that you do this, that you do and see where you can find any basis for endorsing this concept of collective bargaining. There is no mention made in the bill as to who will bargain for the State. We have no trained personnel now available. There is no structure in this legislation for a master contract. And this bill, in no way, addresses the needs of the State as an employer.

One of the criticisms that was advanced on the municipal bargaining bill was that the school boards were not ready for it. That is a fact. Well, I contend that the State is even less ready for it. We are going to see situations of whipsawing. The sponsor of the bill himself indicates that there are as many as two hundred bargaining units to be formed, two hundred bargaining units. And when one bargaining unit gets one benefit, all the other bargaining units are going to have to come after the same benefits and more to keep their respectability with their members.

The last thing I think we are going to see considered in this legislation is the best interests of the State of Maine. So Mr. Farley having asked for a roll call, I would only ask that you vote against this.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Several years ago, I sponsored the first collective bargaining bill in the State.

Although at that time, I was an employer with several hundred men as employees, collective bargaining, in my opinion, has a great many advantages. It spells out specific rights of the employers and employees. For instance, an employer may not interfere with the rights of his employees, discriminate, interfere with employees organizations, discharge without due course, refuse to bargain. And an employee may not, and I consider this very important, especially in State service, strike or engage in a slow-down or work stoppage.

Now both sides must bargain in good faith. They must have negotiations; they must have mediations; fact-finding and arbitration before they can come to an agreement. I will admit that according to the Federal Merit Service Laws there may be conflicts. And I do have one amendment to this to eliminate these conflicts, but I certainly think that we should give this bill its first reading and then, this afternoon, have its second reading and offer amendments at that time.

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

Mr. FLYNN: Mr. Speaker, Ladies and Gentlemen of the House: This bill had a very lengthy hearing, a very long one, a lot came out in it, it came out of the committee ought to pass 12 to 1.

It was said here that the bill was hastily written. I happen to know that there was many months that went into this as I spent a few weeks at it myself. There is no reason in this world why the State employees cannot have collective bargaining. The municipal boys have had it for about four years now, five years, it has worked very well and we have had no problems with it. I see no reason why that this bill should not be passed today the way that it is amended. It spent many days in the other body. They worked it out so it is agreeable. And I see no reason now why it shouldn't be passed, to go ahead.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose two questions to any member on the committee that would care to answer. First, what will be the time limit of any agreement that is reached? Second, what if the Legislature refuses to raise funds to implement any agreement that is reached?

The SPEAKER: The Gentleman from Kennebunk, Mr. McMahon, poses a question through the Chair to anyone who may answer if he or she wishes.

The SPEAKER: The Chair recognizes the Gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: If you don't

mind an opinionated answer; there is no limit in the language that delineates the life of a contract. And as to what is going to happen when this legislature doesn't ratify something that has been mutually agreed to the lower level, I will leave that to your imagination. I think it is going to be one of the worst things that has ever happened in the State. This Legislature considers these things on their merits and in our wisdom, at the present time. But when we are presented with an accomplished fact that we fail to ratify, then I think all sorts of trouble is going to break out.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: Being a member of the committee that signed the majority report, I am going to be in agreement to a certain degree with my friend from Portland, Mr. Garsoe. We both look out the same window, we see the different picture. I believe that a lot of people who are working for the State need to have an agent to bargain for them. Because if they have some difficulties as an individual, when they go to their superiors they are helpless. They have a hard time getting consideration. But if they are collectively bargained, they have an agent to look out for them, they will get some protection, which I think is a great deal more than they would have as individuals.

I hate to see the merit system go out but I do believe that if we do have collective bargaining, they can continue on that merit system. That is where I disagree with my friend, Mr. Garsoe. I certainly hope that this morning you will accept this majority report because from what I see on my desk here, a couple of amendments here which would nullify the whole thing. So lets get along with it in the first stage anyway.

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 Eagle Lake, Mr. Martin, that the House accept the Majority "Ought to pass" Report in concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Brawn, Briggs, Brown, Bunker, Bustin, Cameron, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Cote, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dyar, Emery, D. F.; Farley, Farnham, Farrington, Fecteau, Finemore, Flynn, Fraser, Gahagan, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, Merrill, Mills, Morin, L.; Mulkern, Murchison, Murray, Najarian, Norris, Palmer, Parks, Peterson, Pontbriand, Rolde, Rollins, Ross, Shaw, Shute, Silverman, Smith, D. M.; Smith, S.; Snowe, Stillings, Talbot, Theriault, Tierney, Trask, Tyndale, Webber, Wheeler, Whitzell, Willard, Wood, M. E.; The Speaker.

NAY — Baker, Bragdon, Garsoe, Pratt, Susi, Trumbull, Twitchell.

ABSENT — Ault, Carey, Connolly, Cooney, Dunn, Evans, Faucher, Ferris, Herrick, Jacques, Knight, Lawry, Littlefield, McCormick, McTeague, Morin, V.; Morton, O'Brien, Perkins, Ricker, Santoro, Sheltra, Simpson, L. E.; Soulas, Sproul, Strout, Tanguay, Walker, White.

Yes, 114; No, 7; Absent, 29.

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

Thereupon, the Bill was read once. Committee Amendment "A" (S-401) was read by the Clerk and adopted in

concurrence. Senate Amendment "C" (S-413) was read by the Clerk and adopted in concurrence. Senate Amendment "D" (S-435) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading later in today's session.

Non-Concurrent Matter

Bill "An Act to Clarify the Power of the Commissioner of Maine Department of Transportation and the Chief of the Maine State Police to Lower Speed Limits in Order to Provide Energy Conservation" (H. P. 1857) (L. D. 2350) Emergency which was enacted in the House on March 4.

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

In the House:

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

Mr. SIMPSON: Mr. Speaker, I move the House insist.

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

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

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves the House recede and concur, which motion takes precedence.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would not recede and concur for a couple reasons.

I think we have gone through enough debate on the bill. I am not even going to try to refresh your memory relative to why it was here and the necessity of it. I will point out to you that, I believe, yesterday or the day before this body enacted; and yesterday the other body enacted two pieces of legislation under an emergency dealing with energy situation; one giving the Governor emergency powers, and the second one creating the office of energy resources. I would remind you that in that particular bill was a section that stated that any time that the Governor does make any type of a rule or regulation relative to the energy crisis that after it has been in

effect for 90 days, or it is going to be in effect for 90 days, that the 80 day period he shall call us back into session for us to deal with it. If we go ahead and indefinitely postpone this particular bill, ladies and gentlemen, in 80 days I will see you back here.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I dislike very much debating. I have been against this bill right from the very start because we don't need it. Maybe I don't understand it quite as well as Mr. Simpson, but I believe I do. We don't need this bill. And here we are in the closing session and we are trying to get done this week, we have gone over a week now more than we planned on, and I can't see what good a committee of conference is going to do us in this bill because the other body has indefinitely postponed this bill and I can't see what chance we have of doing it. I hope you will go along with my motion and kill this bill once and for all and get it out of here, we don't need it.

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

Mr. BIRT: Mr. Speaker and Members of the House: If I understood the motion right, the motion was to insist which would send it back to the Senate, it didn't call for a committee of conference.

The SPEAKER: The Chair would state that the gentleman from Bridgewater, Mr. Finemore, subsequently moved to recede and concur which motion does take precedence.

The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House recede and concur with the Senate. All in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Jalbert of Lewiston 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 Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: The good gentleman from Standish, Mr. Simpson, gave his reasons why he was opposed to this bill. I have a couple of reasons.

Saturday the individual who drove me up to a filling station, I paid, no comment made, I paid eight dollars for what would have normally have cost me about four and a half to five dollars for gasoline. I asked to have a windshield cleaned. I got a grunt. And I actually gave a half a dollar tip and it fried me to a crisp. The only energy crisis that I have seen is the crisis of rising prices. And I might suggest that the gentleman from Standish, Mr. Simpson, who said we will be back here in 80 days, it doesn't take us that long to get around the world anymore.

If we have created a problem why, it would be created tomorrow morning. No one has talked to me about this thing. I am willing to go along. When I drive I am a notoriously very, very slow driver. I certainly hope that we recede and concur. I don't think we should be dictated to to this extent.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: This bill has absolutely nothing to do whatsoever with what you pay for the price of gasoline.

What we are talking about here is we are talking about the right of the Commissioner of the Department of Transportation and the Chief of the Maine State Police to lower speed limits in time of emergency, and I think we discussed this bill in detail when it was before us last time to the point that if in fact that we are going to take and only the legislature can establish the speed limits and if we are going to allow them to do it under emergency conditions then we have to put it in the statutes that we stand to have all our speeding convictions possibly overturned by the

courts. As I said, and I will repeat, I think I can read the statute of the bill that we passed very plainly, that right at the present time that the speed limits without this bill have been lowered by the Governor. And as long as they have been lowered by the Governor it is part of the energy crisis, that if that remains in effect for an additional 90 days that at the 80 day period he shall call this legislature back into session to deal with the situation. I believe that we passed that piece of legislation. I believe this piece of legislation is good. I would ask that you not recede and concur and that we can insist.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: It is with great trepidation that I get up to speak against our floor leader this morning, but I feel that the immediate crisis is over.

I think the people have been very fair. I think they voluntarily have followed the posted speed limits on the turnpike. And I think that they do so. I see no need for this bill at this time. I don't see where we have this great problem. I see no reason why the people don't want to voluntarily follow this. If some people want to pay a little more money for the gasoline, because apparently there is sufficient amounts of gasoline available. So if you want to pay the additional price and ride a little faster I see no reason, at this point, and I listened to Simon the Energy Czar, and he says that the immediate problem is over. So I would hope you would go along with the motion by the gentleman Mr. Finemore to recede and concur.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: It pains me greatly to disagree with the gentleman down in the right-hand corner. It just gives me some courage because I do agree with the gentleman Mr. Norris of Brewer. I think we felt that when we came here that there were many things that we have got to do and we have got to do right off. I think now the pendulum has begun to swing the other way, and

there is not too much need of doing any of these emergency things that we thought were necessary when came here, probably desirable, to attempt to save all the gasoline that we can. I guess this is about the only thing left that we have got on this deal. However, my observation of what is beginning to happen on the highways today, and I expect it is going to continue and get much worse through the summer, that people are not ready, do not feel that this reduction in speed is necessary enough, in the light of developing conditions today. So I guess what I am trying to point out is; we could pass this, but I think with the way the public is feeling it will be almost an impossibility to enforce it.

The truck people have objected right along and I think they have been justified in their objections. I never run one of these big trucks, I have run some little ones, and I know sometimes that it is awful necessary to get a little speed sometimes to get over a hill. For that reason I think the truck drivers were justified from the very beginning to objecting to this.

So in light of what I think is going to happen, what I think many of you feel is going to happen, that the crisis of—well, I guess I will back up. The indications that I see is while we have feared a terrible crisis in gasoline this summer, I don't think it is going to develop. I don't think even the tourist industry, the agricultural industry or anybody else are going to have anything to worry about. Again, if I am mistaken and we should go along with the other body, of course it don't take too long to get the legislature back here again. Sincerely, ladies and gentlemen of the House, I feel that with the present attitude of the public, the driving public, I don't think it is going to be any easy job to enforce reduced speed limits. I certainly agree with the honorable gentleman from Brewer, and I hope you go along and concur with the Senate.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I guess probably I am going to stay in concurrence with the seatmate, the

gentleman from Standish, Mr. Simpson, this morning and oppose the motion to recede and concur, and hope that we would insist.

I think probably my own views are that the long-range outlook on energy is not good. I don't think that we will ever see the days when we will have unlimited supplies of gasoline like we have enjoyed in the last twenty or twenty-five years. I just feel that we are slowly using up all of our energy that is not new energy being produced. We are not, until we can find different ways of developing energy from other sources I think we are going to have periodic times of trouble. To allow this law to go on the books, so that at times when there are peak periods when energy is not available in the form of gasoline, I think makes sense. I fail to see anything wrong with this. I feel that the elected and appointed officials in the State will react to this much more timely when the need prevails. And to put this law on the books, I fail to see what harm it could do. I hope you will vote against the motion to recede and concur then we can vote to insist.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am in the energy business, in the fuel oil and gas and we do see some signs of reduced prices in the very near future, and the energy crisis is getting much less than it was even two weeks ago. I would like to see this House recede and concur, because I don't see that we could gain anything. The only thing I could see that we could gain is that if we talk long enough, the energy crisis will be all over. This is about the only thing you can get us into is a talking contest. So I hope you will vote to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Kelleher; Mr. Jalburt.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: That's all right Mr. Speaker, Mr. Kelleher is a very fine man. Mr. Speaker just a little difference in nationality that's all. I would like to comment on the remarks of my very dear friend from East Millinocket, Mr. Birt. Mr. Simon, on

Face the Nation, Sunday, the head of the National Energy Crisis, made the flat statement that we could get along without Arabian oil; without Arabian oil. Does that mean that the energy crisis is that severe? I am one of those who does not believe it anyway. I was never turned away for oil or gas. I can tell you one thing about the energy crisis that has really blossomed out and that is on the prices. That has really gone sailing. I mean, if you are really going to pay all out, I think you ought to be able to drive your car at least a few more miles than we are told that we can't drive it now.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, another angle on this thing.

Of course, we are a tourist state and we want to invite people to travel in Maine next summer, and what better advertisement than to have the Legislature indicate that we feel the energy crisis is over and there is plenty of gas available in Maine and we are not going to lower the speed limit on the turnpike. I think that would be one of the best things for promotional point of view that these two Houses could do.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Just to continue on the light that Representative Norris has spoken on, I believe that I read in the paper the other day where our cousins down in the Maritimes is spending \$10,000,000 in Maine and New England on advertising, that there is plenty of gasoline in the Maritimes and there is no shortage down there. I am of the opinion that there is no real shortage in this country with the exception of the fact that the companies have put us into the position where they have boosted the power by tightening up the valve of the pump.

I voted against this bill before and I would hope that the House would recede and concur with the Senate because it is kind of ridiculous to travel at 55 miles an hour, in my opinion. I have an automobile which I can get better gas mileage at 60 than I can with 50 and I think that is probably true with most

people in this State with a little larger automobile. I don't believe it was necessary. I can remember, in November, going to a conference in Boston with Mr. Goodwin and, really, to listen to the speakers that were there, they scared the daylight out of all of us by telling us with what a shortage we were going to be faced. Although we did feel a pinch, the pinch was mostly in the pocketbook, really, and not in the oil truck coming to our house or gasoline at the filling stations. I think that this is really necessary and I hope that we would recede and concur with the Senate.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I would like to say that we heard the authorities on this floor, who we all agreed with, when we were first starting out that 55 miles an hour was the best possible speed, would save the most gasoline in the least speed we could travel. We all went along with that and I believe the Legislators and most of the truck drivers on 95 have gone along with it. I know the speed has been very good on that road, even the trucks. I think we don't need anymore new laws and I think Mr. Norris mentioned, it is true, we have had our papers full of it, we have had it in two different papers this past week, in regard to New Brunswick advertising lots of gas to get the tourists and I think this hurts us. I think if they see in the papers where we are going to pass another law that will lower the speed, giving them no privileges whatsoever, they are going to stay away from our State. I think we should do something about it. I don't think we want to lose one dollar in this State, we want to hold onto it all.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure whether or not I am concerned about the price of gasoline or the amount that we are going to have or anything else. But I do know that I have been told, right now, there is a one dollar limit on

the turnpike today at the Citgo stations. I don't know who is responsible for that but that is going to create a problem and, obviously, it still is a problem.

I quite agree that the Canadians have the capability of producing more than they need. And, of course, that is exactly what they are doing and, as a matter of fact, when I was in Quebec last time, it was obvious that they are doing all they can to make sure that they do entice Americans across the border. And I suspect that we have been doing that for years.

I have gotten to a point, like some of you, I guess, that I don't always believe everything that comes out of Washington. But there is one thing I understand, and that is, basically, what Congress and the President have done. They simply said that if we do not lower the speed limits that we are ineligible to receive Federal highway funds. Now if that should be the case, it is going to have a tremendous impact on this state this summer, because, as I understand, the way it works, is that most of the money that we put into the construction field, as far as highway construction is concerned, and relocations and renovations upon highways, these state monies are matched with Federal money, either 90-10, if it is a totally federal project, interstate system, or if its a 70-30 project, for example, railroads or other major highways in the State. And if we don't have the federal money, I think we are going to be in somewhat of a problem. It is obvious, at this point in time, that the tax we now have is not going to generate the money that we thought it was going to and we are going to have serious problems in that area. That, really, I guess, is the thing that bothers me the most.

I quite agree that I believed in the remarks of the gentleman from Enfield, Mr. Dudley, a long time ago, and I voted with him on that issue of the points being not lost or when you go between the 60 and 70 miles an hour limit. But we lost that, and now we are caught in this situation. I don't like to be voting for this bill anymore than many of you but it is just one of those things where, I believe, we don't have a choice. I am sure that if we wanted to worry or not worry about the construction industry and the

amount of the people it affects in Maine, then we wouldn't have to worry at all.

I quite agree with what the gentleman from Standish, Mr. Simpson, said because the way that we enacted the energy bills last week, or early part of this week, it, in effect, says that if the Governor lowers the speed limit for 90 days, that remains in effect for 80 days, and then on the 81st day, the Governor must call the Legislature into Special Session. That would mean, that we in fact, after 80 days after we adjourn would probably consider the fact that we would have to come back and enact this piece of Legislation in order that this State would not lose federal funds in the field of highway construction. Now I think that is most important. I think that the Governor would have to be, if he were responsible in trying to prevent this crisis from developing, would have to call us into Special Session for that one purpose. I, for one, intend when we come back, if I should be a member of the next Legislature, to vote and introduce a bill which would repeal this particular provision, assuming that the Federal government has reversed its position. We are then in the position to move on our own.

So I would ask you to vote this morning to insist and vote against the pending motion to recede and concur, even though I don't like to.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I made a motion. Does that count for that or —? You know, I know what pressuring is because I have done a little of it myself. Now, what about all the other states that haven't met in session? There are over 35 of them that have not met, and I know that they don't intend to meet. Are they going to lose their federal funds? This is just steam conversation, and it turns me cold.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to be left cold, but from time to time have to listen to the gentleman from Lewiston, Mr. Jalbert, talk about the

amount of money that this State loses and gains. And yesterday we listened to what effects the budget is going to have. And I just wanted to tell you what I know.

It is my understanding, that for those states who are not meeting, it is my understanding that the Congress has put in a rider saying that provided the Governor has expressed a desire, if he does not have the power to do so, that he will introduce the legislation at the next proposed legislative session of that particular state and that satisfied the federal government. I don't know what the motives are and I don't purport to know the motives of the federal government and the President of the United States in making this particular thing a requirement. It is just one of those things, that it is one of these avenues where the federal government has made it very clear. It is one of those areas where the federal government, I think, can exercise its muscles when it wants to and wishes to. And I can give you all kinds of examples where they have done that in the past. For those of you, just for example, those of you who live in Aroostook County, I would like you to just stop and think about what any of us or all of us can do about preventing the closing of the hospital in Island Falls.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Willard.

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: I will go along with the gentleman in the right-hand corner, Mr. Standish, Mr. Simpson, because I am convinced that the reason we have gas now is because we haven't used as much.

I know my electric light bill was \$17.00 this December and it was \$35.00 just because we didn't have outside lights and we cut down on lights and heating with electricity. Everybody has stopped running their cars so much, driving their cars so much, and I am sure that this has resulted in hundreds of millions of gallons of gas all over the United States. I don't think we should think the thing is all done, because I am convinced that it is not. We do not produce as much oil so we can use it as we did back in 1971 and 1970.

The SPEAKER: The Chair recognizes

the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure what this is apropos to, except it is germane to the bill. But I would tell this House that I have never felt that there was a real honest-to-God energy crisis here in the United States. There has been a dislocation in the distribution of oil. For instance, where I buy my gas, the last time I was there, and this wasn't a line, it was because the place was busy, there were five of us who got gasoline while I was there and four of them were Canadians. The Canadians are coming over to the United States and buying their gasoline. Now, if we had a real energy crisis, this would not be allowed. This is my opinion of it. As a matter of fact, roughly three stations in our small town probably wouldn't be operating today if it wasn't for Canadian business. And I don't want to see it shut off, but I think it would have been if we had had any real problem as far as gasoline is concerned.

I also go along with the fact that many of the cars are geared up so they actually run better at a little bit higher speed than at 50 miles an hour, and they use less gasoline. Some of the lower powered cars, in order to get up to 50 miles an hour, have to work pretty hard. But a car that is geared up and has a powerful engine in it, is not working at its peak performance to somewhat beyond 50 miles an hour.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: As so many times, we don't address ourselves to the issue. This bill is a matter of clarifying administrative procedures. It gives the officials concerned a legal basis for any rulings they may make. There is nothing new with what the speed limits are or what those officials may decree. They can read the papers. I am sure they don't want to give the tourists a bad impression of the State of Maine. And as an auto man, I am grateful for the easing of the fuel crisis. I certainly hope it continues to ease.

The gentleman from Millinocket was

correct. This is a long-range problem. Fuel will be in shorter supply than we would like to have it for an indefinite period of time. This bill merely gives the named officials legal authority. And when you get away from the emotion, as I call them, irrelevant arguments, this makes sense to me. It puts our officials in a position to move decisively when it is necessary. I urge you to vote against the motion to recede and concur so that we can insist against what I consider the shortsighted action of the other body.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House recede and concur with the Senate. All those in favor of receding and concurring will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, P. P.; Bragdon, Bunker, Bustin, Carrier, Chick, Cote, Curtis, T. S., Jr., Dam, Deshaies, Dudley, Dyar, Evans, Fecteau, Finemore, Goodwin, H.; Hoffses, Hunter, Jacques, Jalbert, Kauffman, Kelleher, Kilroy, LaPointe, LeBlanc, McCormick, McHenry, Mills, Najarian, Norris, Ricker, Shaw, Shute, Sproul, Tanguay, Tyndale, Wheeler.

NAY — Baker, Berry, G. W.; Berube, Binnette, Birt, Bither, Boudreau, Brawn, Briggs, Brown, Cameron, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cottrell, Cressey, Crommett, Curran, Davis, Donaghy, Dow, Drigotas, Dunleavy, Dunn, Emery, D. F.; Farnham, Farrington, Flynn, Fraser, Gahagan, Garsoe, Genest, Good, Goodwin, K.; Greenlaw, Hamblen, Hancock, Hobbins, Huber, Immonen, Jackson, Kelley, Kelley, R. P., Keyte, Knight, LaCharite, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McKernan, McMahon, McNally, McTeague, Merrill, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Palmer, Parks, Peterson, Pontbriand, Pratt, Rolde, Rollins, Ross, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Stillings, Susi, Talbot, Theriault, Tierney, Trask, Trumbull, Twitchell, Webber, White, Whitzell, Willard, Wood, M. E.; The Speaker.

ABSENT — Ault, Carey, Farley, Faucher, Ferris, Gauthier, Herrick, Lawry, O'Brien, Perkins, Santoro, Sheltra, Soulas, Strout, Walker.

Yes, 38; No, 97; Absent, 15.

The SPEAKER: Thirty-eight having voted in the affirmative and ninety-seven in the negative, with fifteen being absent, the motion does not prevail.

Thereupon, on motion of Mr. Simpson of Standish, the House voted to insist.

Non-Concurrent Matter

Bill "An Act Establishing the Maine Public Transit Fund Act" (S. P. 938) (L. D. 2576) which was indefinitely postponed in the House on March 21.

Came from the Senate with that body insisting on their action whereby they passed the Bill to be engrossed as amended by Senate Amendment "A" (S-405) and Senate Amendment "B" (S-407) and asking for a Committee of Conference.

In the House:

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

Mr. SIMPSON: Mr. Speaker, I move we adhere.

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

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

The SPEAKER: The gentleman from Rockland, Mr. Emery, moves the House recede and concur, which motion takes priority.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Again, very briefly here we are with a bill that came out of committee unanimously to be referred to the 107th Legislature. In the other body the bill was substituted for the report. The majority of the committee concurred that this was a situation whose time had arrived, but to do it in this manner, in my opinion, is irresponsible. It is just an attempt to do nothing, because we can study it, we can come back here in the regular session and appropriate the proper amount of funds to be matched when the federal

money is available. The federal money isn't even available, and in all probability it won't be available until we get back here. So I would hope you would defeat the motion to recede and concur and then go along with the motion to adhere.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the gentleman from Brewer. As I read the bill, there really isn't anything left to study. All it says is that the Commissioner of Transportation and his department shall make funds available if the municipality makes funds available and if there are federal funds available. So I don't see that there is anything to study.

The point is, we ought to have some framework from within which we can get some federal funds if they become available before next January. I think that a Committee of Conference would be a good idea, simply because we could put an amendment on this bill that would say that no funds from the State will be used unless federal funds become available. In that way, we will be in a position if the funds do become available before we come back into session to take advantage of them, and if they don't there won't be any money in the State to use anyway. So I would be in favor of the motion of the gentleman from Rockland, Mr. Emery, because I don't think we want to kill this yet.

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

Mr. GAHAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I would agree with the gentleman from Bangor, Mr. McKernan. There is nothing to study. These funds are to be used at the local level, and it is up to the local municipalities to decide how they want to use any federal money should they become available. Municipalities, groups of cities, regions, counties can make their own transportation plans and apply for the federal money should it become available. There would be no purpose served in referring this to the

107th Legislature. I hope you will support the motion of Mr. Emery of Rockland to recede and concur.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I would try to answer the good gentleman from Bangor, Mr. McKernan's question. He said the bill is poorly drafted. All we wanted to do was to have a vehicle to refer the matter to study and to the next legislature. I don't believe that with a Committee of Conference and in a matter of an hour or two you can align this very important problem. I agree there is a need; I agree there is a problem. But the whole intent was simply to provide a vehicle to put this to study in the next legislature. Of course it is poorly written. Nothing was written at all other than the vehicle to provide for the study. That is all we were after. That is all the committee was after. I don't think you can approach the thing intelligently by a Committee of Conference and spending an hour or two or even a day or two with this very important problem.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: I guess the energy crisis is one of the subjects that I am most interested in. I am an electronic engineer by profession, and I am interested in all aspects of energy. And during the energy crisis of the past several months, one of the things that we continually hear from Washington, from State officials, from practically anyone in this country that knows anything about energy problems is that one of the solutions that has been proposed that has an opportunity to work is mass transportation. It seems to me if municipalities, especially the larger ones that are choked and thousands of automobiles running around, tremendous gas lines, it just seems to me that it makes sense to give these municipalities a vehicle through which to pose solutions to some of this in-city transportation, and this appears to me to be one of the possibilities.

So I would very much favor the passage of this legislation, and I feel that

the motion to recede and concur would be in order and it would give our municipalities an opportunity to plan for mass transit in the future. I don't think we need to send it to a study. And I also know that if we are going to solve this problem, we have got to act now. I don't think we can wait a year or two years or three years, because the problem is just going to compound itself.

Mr. Speaker, I would ask for the yeas and nays.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am not going to say anything at length on this. I did speak at length the other day, and this House has voted very decisively to go along with what was the unanimous report out of the Appropriations Committee in regard to this bill. The Committee did study it very carefully, and they felt that this was not the time to put it in effect. The House has twice agreed by a large majority to go along with that.

I hope you continue and do not back down and go along with the other body. I concur with the motion of the gentleman from Brewer, Mr. Norris.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief on this particular bill. I cannot support the motion to recede and concur.

First of all, I would like to make it perfectly clear I am not running for Governor and I am not running for Congress, but I do think that there is a need to develop public transportation in the State of Maine. If any of you had an opportunity to read the Maine Sunday Telegram over the weekend, you saw the problem that that particular journalist referred to for a person who is trying to seek public transportation say between Brunswick and Lewiston. What he had to do was take the Greyhound to Portland and make a connection and go up to Lewiston. I think that is the problem.

What this particular bill here does, it provides us with nothing other than an inadequate instrument for planning for public transportation needs in the State

of Maine. I think that it would not look towards developing and planning an integrated, well-coordinated public transportation system in the State. All it does, it sets up a fund, and as I said last week, this sort of planning process could very likely be — I think if everyone takes an opportunity to look at this bill and what it does, it allows the Commissioner of Transportation to set up planning grants in any particular community that might apply for it.

We have in excess of 400 communities in this State — 400 communities in the State. That means that potentially every one of these communities, depending on the amount of money involved here, it is not a very substantial amount of money, could apply for a planning grant. I think that is poor thinking. I think it is poor action on our part. I have to agree, although I disagreed with them yesterday, those members of the Appropriations Committee, that this thing should be studied, and we should look at the overall public transit needs of the entire state.

As I said last week, we passed the priority social services bill last year, and one of the categories of funding under that particular bill was transportation services. And as some of you may know, there are some of these programs on the line now. They have these 15-passenger minibuses that are going around shuttling senior citizens from community to community. I think if we pass this bill and we have got that one on the line, it is poor planning on our part. We are just going to create more fragmentation of services and I think that we have to take a good, hard look at this thing.

Some of you might remember last year I sponsored a bikeways bill for half a million bucks — a half a million bucks for bikeways. The Appropriations Committee in their wisdom said, "Let's study it." That is what they did. The study is forthcoming and it is giving us a little bit of money to implement a demonstration program this time around. But I think that is the route we have to take. I think this is a very very poor instrument, and I hope that you will defeat the motion to recede and concur and that you will go with the Appropriations Committee on this one. I

think this is a very poor instrument.

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

Mr. GAHAGAN: Mr. Speaker, Ladies and Gentlemen of the House: The bill was L. D. 2576 and if you care to turn to page two, I would like to make just two brief points.

Number one, I am reading from Section 4213, the fund is established to assist State, local and regional governmental units as well as transit districts. And in reference to Mr. LaPointe's remarks, under Section 4213, eligible facilities and equipment may include buses and rolling stock and other real and personal property needed for efficient and coordinated mass transit systems.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am wondering what is going on. This House passed unanimously an Order that I presented to make a study of mass transit in Maine. And I don't see it anywhere on the table of the other branch. Yet, I see this coming along with the body insisting and putting on two amendments and asking for a committee of conference. In all the years that I have been here, I have never heard or seen such a procedure. And I would suggest that this thing be either set aside or tabled until later on to find out just where that Order is that we passed unanimously to make a study of mass transit.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I guess I missed something.

I don't know what the gentleman from Lewiston was looking at me for, but I would like to address myself to this particular question anyway right now.

As I read the bill, I think the gentleman from Caribou, Mr. Gahagan, just pretty well outlined it and that is just exactly I guess one of the reasons why I am opposed to the bill because of page two. The gentleman from Portland, Mr. LaPointe, I think, brought out all the

good points that really needed to be pointed out as to why it shouldn't be passed. When you are talking \$50,000, that is a fund which municipalities, and I will state that it will probably be the bigger municipalities, that have some type of mass transit program, can apply to and receive help from, out of the \$50,000. I don't know how far \$50,000 is going to go in this State relative to it. When you read the bill, I see nowhere in there where it says that \$50,000 can't be used unless its matched by some type of federal funds. It just says that any of the portion of the State funds expended may be used to earn federal funds available for the planning, operation, and capital improvements for public mass transit facilities. It doesn't say 'shall,' it says 'may.' So you have \$50,000, and how far is \$50,000 going to go for mass transit in this State? I recently returned from Washington where we discussed mass transit and one of the things I was very much upset with in Washington was the fact that most of your highway allocation funds this year, out of Washington, the highways in this country really took a beating because the Congress decided when the budget came out that a great portion of those funds this year was going into mass transit. And I would also advise the members of this body right now there is a little gem in that bill that says that those funds will only go to cities of 100,000 or more, and you can tell me how much money Maine is going to get.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I didn't know that I was particularly looking at the gentleman from Standish, Mr. Simpson, but I am looking at him now because he is the Majority Floor Leader and as the Majority Floor Leader, he is supposed to be the man that knows all. I will direct the question at him. He, as well as I, remember this House voted last week for an Order to make a study of mass transit. I don't see it on the calendar of the other body; I have not seen what's happened to it; I want to know where it is.

The SPEAKER: The Chair recognizes

the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I believe, and I will correct myself if I am wrong, but I believe if I go out and look in my legislative council file, I think you will find it is on the agenda for new business at our next meeting, having been passed by the other body and sent down to us, sent to the Legislative Council to be referred for study. I will check it, and if I am wrong, I will come back and tell him so.

Mr. Jalbert of Lewiston was granted permission to speak for a third time.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Has that been done on all the other Orders that are on the other side calendar in the other branch?

The SPEAKER: The Chair would inform the gentleman that the pending motion is the motion that the gentleman from Rockland, Mr. Emery made, that the House recede and concur on this particular L.D. 2576, "An Act Establishing a Maine Public Transit Fund Act."

Mr. Jalbert was granted permission to speak for a fourth time.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I am fully aware of that, but I think what I am talking about is very much germane. We are talking about mass transit; is that correct? Last week we passed an Order that would study mass transit. It passed unanimously. I know for a fact that it was tabled in the other branch. I want to know where it is and what has happened to it, that's all. Then I see this thing come up with two amendments on it and a Committee of Conference. I just don't understand it. I am confused that is all.

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

Mr. LACHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I think I might be able to answer the question for the good gentleman from Lewiston, Mr. Jalbert.

I ran out and tried to check to see where the Order was. I have a copy of the Order, which was House Paper 2079. That order had been passed in the

House, went to the Senate, placed on the table, taken off the table, and passed in the Senate. Therefore, Mr. Simpson is probably right that it will be on the agenda of the Legislative Council.

The SPEAKER: The Chair recognizes the Gentleman from Bangor, Mr. McKernan.

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House; I think the remarks from the Gentleman from Portland, Mr. LaPointe, although I don't totally agree with him, have some merit, and that is we do have to study what can be done in an inter-city type of mass transit program. I think we have to look at mass transit as it affects the whole State.

This is a different issue here. This bill that we have in front of us now deals with what the municipalities and groups of municipalities and specific regions can do on their own, with State and Federal assistance, to develop their own mass transit programs in those areas. So I think that is a different issue. We also, I think have to provide mass transit funds for studies to see what we are going to do as a State, the whole State. I think this issue here deals specifically with municipalities and regions. And the gentleman from Standish, Mr. Simpson, mentioned that it says only may apply for federal funds. Well, I think that is the purpose of the committee of conference so we can work out problems like that; that we can make sure we can tie it in that no State monies will be spent unless there are federal funds available to be matched.

I think, also, the remarks from the gentleman from Brewer, Mr. Norris, are very misleading. He, at least, would have us believe that this bill was drafted by the appropriations committee for the sole purpose of studying the whole issue of mass transit. That is absolutely incorrect. It was drafted by one of the staff assistants, and was drafted so it could be passed and we could get federal money. But was not just haphazardly drafted so that we could study it for another six months. The point is that we need this kind of mass transit now; this bill was drafted so that it could be enacted; and if the gentleman from Brewer has any problems with it, I would appreciate it, instead of just

saying that it was drafted so we could study it to say what the problems are and what we should do about it. I don't think he is going to bring up anything that can't be corrected in the committee of conference. Therefore, I would support the motion of the gentleman from Rockland and hope that you will agree with me.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Since the good gentleman from Bangor brought it in and corrected me, and I guess he was probably right, it was drafted by a staff assistant. But it has a price tag on it of \$950,000. And the gentleman who sponsored the bill told us that without the \$950,000, and I have the testimony in my committee book, that the bill was no good, he said, if you can't give us \$950,000, don't give us anything. That is the exact testimony the sponsor of the bill made in the committee hearing. He said anything less than that is nothing. So, we referred it to study to find out if, in fact, what he says is true. But the price on the bill was \$950,000. And believe me, we don't have \$950,000. We went in the hole this morning another \$600,000 on the SSI program. We just don't have the money. You can talk around it; you can talk to it; there has been an Order passed to study this whole thing. Now you can say you can split it up into segments. The order has passed and it has gone to the legislative council and they are going to refer it to study. I hope that we will be firm and vote against the motion to recede and concur and adhere on this and proceed along with our business.

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 Rockland, Mr. Emery, that the House recede and concur with the Senate. All in

favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berube, Boudreau, Briggs, Brown, Chonko, Clark, Conley, Cooney, Cote, Crommett, Curran, Curtis, T. S., Jr.; Dam, Dow, Emery, D. F.; Farley, Farnham, Flynn, Fraser, Gahagan, Goodwin, K.; Hancock, Huber, Jackson, Jacques, Maxwell, McCormick, McKernan, McMahan, McTeague, Morin, L.; Morton, Peterson, Pratt, Ricker, Rolde, Rollins, Smith, S.; Snowe, Stillings, Susi, Trumbull, The Speaker.

NAY — Albert, Berry, G. W.; Berry, P. P.; Binnette, Birt, Bither, Bragdon, Brawn, Bunker, Bustin, Cameron, Carrier, Carter, Chick, Churchill, Connolly, Cottrell, Cressey, Davis, Deshaies, Donaghy, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Farrington, Fecteau, Finemore, Garsoe, Gauthier, Genest, Goodwin, H.; Greenlaw, Hamblen, Hobbins, Hoffses, Hunter, Immonen, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, McHenry, McNally, Merrill, Morin, V.; Mulkern, Murchison, Murray, Najarian, Norris, Palmer, Parks, Pontbriand, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Sproul, Talbot, Theriault, Tierney, Trask, Tyndale, Webber, Wheeler, Whitzell, Willard, Wood, M. E.

ABSENT — Ault, Carey, Evans, Faucher, Ferris, Good, Herrick, Lawry, Mills, O'Brien, Perkins, Santoro, Sheltra, Soulas, Strout, Tanguay, Whitcheil, Walker, White.

Yes, 44; No, 87; Absent, 19.

The **SPEAKER**: Forty-four having voted in the affirmative and eighty-seven in the negative, with nineteen being absent, the motion does not prevail.

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

MR. GAHAGAN: Mr. Speaker, I move we insist and join in a Committee of Conference.

Mr. Norris of Brewer requested a vote on the motion.

The **SPEAKER**: The pending question is on the motion of the gentleman from

Caribou, Mr. Gahagan, that the House insist and join in a Committee of Conference. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

45 having voted in the affirmative and 82 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Simpson of Standish, the House voted to adhere.

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

MR. NORRIS: Mr. Speaker, I now move that we reconsider our action whereby we voted to adhere and hope you all vote against me.

The **SPEAKER**: The gentleman from Brewer, Mr. Norris, having voted on the prevailing side, moves the House reconsider its action whereby it voted to adhere. All in favor of reconsideration will say yes; those opposed will say no.

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

Messages and Documents

The following Communication:

STATE OF MAINE

Office of the Governor

Augusta

March 26, 1974

To Honorable Members of the House of Representatives:

I am pleased to submit the report entitled "Federal Funds in Maine — A Second Look." This summarizes and details the changes that have taken place since an earlier report "Federal Funds in Maine" was prepared early in 1973.

Total Federal outlays in Maine in fiscal year 1973 were in excess of \$1.025 billion and included over \$245 million in cash payments to state and local governments. These amounts represent significant increases over 1971 levels both in total and per-capita receipts and show that efforts by our state agencies to maximize use of available federal dollars have tended to be successful. A continuation of our efforts in this area is vitally important to the attainment of our future goals for the state.

I wish to thank the State Budget Office for preparing this report and particularly Robert W. Harding and Richard R. Ericson, the analysts who

researched and wrote it.

Signed: Respectfully,

KENNETH M. CURTIS
Governor

The Communication was read and ordered placed on file.

The following Communication:

STATE OF MAINE

One Hundred and Sixth Legislature

Committee on Transportation

March 22, 1974

Honorable Richard D. Hewes

Speaker of the House

State of Representatives

State House

Augusta, Maine

Dear Speaker Hewes:

It is a pleasure to inform you that the Committee on Transportation has considered and acted on all matters referred to it by the One Hundred and Sixth Legislature in First Special Session.

Following is the tabulation of bills as reported out of committee:

Total Number of Bills

Received	27
Ought to Pass	7
Ought to Pass as Amended	4
Ought to Pass in New Draft	5
Divided Reports	3
Leave to Withdraw	6
Referred to the One Hundred and Seventh Legislature	2

Very truly yours,

Signed:

MYRON E. WOOD
House Chairman

The Communication was read and ordered placed on file.

Orders

Mr. Greenlaw of Stonington presented the following Joint Order and moved its passage:

WHEREAS, Marie W. Wood of Castine served as a State Representative in the 105th Legislature; and

WHEREAS, Mrs. Wood served her community as selectman for 7 years and more recently as town manager for one year; and

WHEREAS, Mrs. Wood for many years has been very active in civic, church and political organizations

giving unselfishly of her time and energy; and

WHEREAS, Mrs. Wood has announced her intentions to retire from active public service; and

WHEREAS, on Sunday, March 24, 1974, the Town of Castine recognized those accomplishments by holding a reception in her honor; now, therefore, be it

ORDERED, the Senate concurring, that Members of the House and Senate of the 106th Legislature pause in the deliberations during this special session to congratulate Marie W. Wood for the years of commitment to her community and state and to offer her our best wishes in retirement; and be it further

ORDERED, that a suitable copy of this Joint Order be forwarded to Marie W. Wood as a token of our appreciation for her years of devoted public service. (H. P. 2082)

The Order was read and passed and sent up for concurrence.

(Off Record Remarks)

Mr. Dudley of Enfield presented the following Joint Resolution and moved its adoption:

WHEREAS, the Legislature has learned of the sudden death, on March 23, 1974, of former Representative Melvin Lane of Waterville; and

WHEREAS, he was an ambitious worker who, in addition to the active pursuits of the meat business, served as a Member of the 96th, 98th, 99th, 100th and 102nd Maine Legislatures; and

WHEREAS, the passing of this civil servant of long standing is a great loss not only to his family and many friends but also to his colleagues in the Legislature; now, therefore, be it

RESOLVED: That We, the Members of the 106th Legislature, now assembled in this first special session, pause to extend our deepest sympathy to the family and friends of the Honorable Melvin Lane and our deepest understanding to all others who share in the loss; and be it further

RESOLVED: That a suitable copy of this Resolution be prepared and presented to his wife and family in honor of his memory. (H. P. 2083)

The Resolution was read and adopted and sent up for concurrence.

(Off Record Remarks)

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, is the House in possession of Senate Paper 920, L. D. 2545?

The SPEAKER: The Chair would answer in the affirmative. The House is in possession of Bill "An Act to Organize the Mainland Unorganized and Deorganized Territories of the State into Grand Plantations," Senate Paper 920, L. D. 2545, which the House accepted Report B, "Ought not to pass" yesterday.

Mr. PALMER: Mr. Speaker, having voted on the prevailing side, I move we reconsider out action whereby we accept Report B, and I hope this House will vote against me.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, moves the House reconsider its action whereby it accepted Report B in concurrence.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to ask for a roll call on the gentleman's motion, and I would hope that you would go along with his motion for reconsideration.

Yesterday, I realize there was a good deal of discussion on this bill, and I hope I will be forgiven for passing out some additional information on it today — the compiled articles of Bob Cummings in the Portland Press Herald, but perhaps they will be of some use in dealing with this very important issue.

I rise today not with any great hope of changing any minds, but merely to emphasize certain points and to explain the thoughts that led me to put my signature on the "ought to pass" report of the Grand Plantations bill.

First, I would like to comment on the objections that have been raised to the concept of the Grand Plantations, which is merely an organizational device for dividing our unorganized territory, at least half of the land area of the State of

Maine, into a self-governing entity. The major objection has been that by this act we would be imposing a government upon the people of this territory and that this is the wrong thing to do. Yet, what sort of government do they have now? They have what many people regard as the most awful form of government possible, no local control, but a control exercised strictly from the State Capitol in Augusta, a bureaucracy imposed from outside without any local input, and in some people's book, this could even be called socialism or in other people's book, imperialism. In fact, I do have a letter in my pocket addressed to one of the State agencies, to Mr. Haskell at LURC, and the address given is Moscow, USSR, by one of the inhabitants of the unorganized territory.

Of course, in the context of our unorganized territories, this imposition of government from the State Capitol doesn't amount to really very much, and that is why no one has ever gotten very excited about its ideological implications. And the Grand Plantations bill, no matter how you slice it, is an attempt to give self-government to that area.

Should the people in an unorganized township decide they want more self-government as a town or as a regularly organized plantation, can they have it under this bill? Yes, of course they can. At any time they want they can pull out of a Grand Plantation on their own. And an amendment on this bill — and I will stress this committee amendment because I believe some members are not aware of it — will also provide opportunities at regular intervals for referendums within the Grand Plantations, and if the people are dissatisfied with this form of government, they can vote it out after an initial trial period.

The question of the legislature's imposing things upon people is usually a question of point of view. I was intrigued recently to read over the bill that we passed during the regular session without even a vote, I believe, to set up tax assessing districts throughout the State. We have given the sole power to an official called the State Tax Assessor to place the municipalities of this State into

tax assessment districts, or in other words, to create new governmental units for the purpose of tax assessment, and there is no appeal that I can discern in the bill, no referendum, no way to change this one man's decision.

Some of us in certain towns can tell you about imposition from Augusta in regard to a certain legislative item called L. D. 1994, and there is no referendum there, no escape clause for the people, except the few cries of protest growing noticeably feebler. The majority will say, as they did with 1994 or tax assessment districts, that this is being done for the greatest public good. That is the justification for these laws.

The basic context of the Grand Plantations bill, as everyone knows or should know, is not whether it is an imposed government or whether some aspects of it seem impractical or might not work or might anger some of the inhabitants, the ultimate substance of this bill is its relationship to the public lots question. This is what has the people excited. This is what has engendered heated opposition. In many instances, I am sure, this is the real object of attack when doubts and reservations are raised about the organizational aspects of the Grand Plantations bill.

The Attorney General, in his testimony before our committee, made a statement that was quite arresting; it was even dramatic enough to be repeated in full-page ads throughout the State. His words were to the effect that not since the debates over water power rights in the 1920's had Maine had an issue of such dimensions before it.

I would like to take a few more moments of your time to examine just what did happen in the 1920's related to the issue we have before us today. In 1923, a bill was brought before the legislature to create the Kennebec Reservoir Company to have the State land agent turn over to this company all state lands and public lots in a particular area of Somerset County so that a dam could be built at Long Falls in Township 3, Range 4. In simple language, this was a straight giveaway of the State's rights in certain lands to what is now basically the Central Maine Power Company. At least this is the way that Governor

Percival Baxter, State Senator Owen Brewster and a few others saw it. But they were overwhelmed by a very powerful lobby. The bill passed. Baxter vetoed it. His veto was overridden. He then appealed to the people to initiate a referendum petition. When the people responded, there was an attempted compromise and Baxter thought he had a deal whereby these rights would not be given away in perpetuity but would be leased for a set period of years at a specified annual figure. Baxter's compromise finally fell through and no bill was enacted in 1923.

In 1927, a very similar bill was enacted but with a major difference. Baxter's principle that the State should not give away its rights in perpetuity was enacted into law. In order to create what is now Flagstaff Lake, the company has agreed to a 50-year lease at an annual rental of \$25,000 a year, and at the end of this 50 year period the State may take over the property or renegotiate the lease.

I would like to state for the record in the hopes that someone in authority will hear me that 1977 is fast-approaching and the State will have to make a decision as to what it wants to do about this lease. But because of the efforts of men like Baxter and Brewster, we are in that position. The rights of the people of the State of Maine were not given or sold away forever. To my mind that is where we stand today.

This bill before us, in the opinion of most experts, will return the grass and timber rights of public lots to the people of Maine. It is a question, as I see it, that we cannot dodge merely by saying let us leave this up to the courts. It is our duty as legislators, I believe, to assert the claim of the people of the State of Maine to these public lots. Here is a vehicle for making this assertion; for establishing the rights of the State in these lands just as Baxter and Brewster half a century ago established a great struggle that valuable water rights would not be deeded away in perpetuity; the State would retain its control to benefit all its citizens. It was on this question of the assertion of the rights of the State of Maine to the public lots as a matter of public policy whereby we deem that the

State control of these lots is in the best interests of our people that I decided to support this bill. It is the statement of policy that is at least 100 years late in coming. Today you have a chance to make up for the negligence of the past, and I hope you will support the motion to reconsider.

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

Mr. DYAR: Mr. Speaker and Members of the House: I hope this morning you will vote against reconsideration of this piece of legislation.

I have spent about six years of my spare time and made it more or less my hobby to study the public lots situation here in the State of Maine. I have read with great interest the articles written by Mr. Cummings; he brought out a lot of facts. I find in reviewing many of his articles he has not seen fit to get his feet wet.

Yesterday afternoon we spent a great deal of time speaking about the rights of minorities. In that particular case, ten, fifteen to twenty people. I think this morning we have got the same basis of opinion the rights of minorities when we talk about 5,600 in the unorganized townships of the State of Maine. For approximately six weeks I have been attempting to get the maps showing what the a proposed grand plantation encompassed, and possibly by blackmail this morning I did receive two copies for the first time.

Having attended many of the public hearings held outside the capitol complex here on the public lots situation, I cannot remember the grand plantation concept being spoken about when they were holding their hearings in the areas where there were unorganized townships. And yet we have this bill coming out setting up a new form of government.

I am quite concerned on this new form of government. If it is so good, possibly rather than the eight grand plantations we should have ten grand plantations. I can visualize the grand plantation of Portland which would encompass all of Cumberland and York Counties. This would be a very feasible operation, in my mind, and could cut costs. We could have one grand plantation manager for

the plantation of Portland. We could have seven assessors; we could have one school superintendent. Everything would turn up rosy. I would like to see the public lot located in grand plantation of Portland, possibly in Cumberland Foreside or Deering Park 1000 acres set aside for the people of the State of Maine to pitch their tents and take scenic walks and so forth.

I think this is what you are asking the people of the unorganized townships in the State of Maine here this morning to do.

I don't think that you have asked these people how they feel on this aspect of new government. The bill itself says that the manager of the new plantation shall be approved by the State Personnel Board. It does allow the grand plantation to have their mayor for two years, but then he must apply and be acceptable by the State Personnel Board. So I can visualize some more Bostonians coming up into our areas and become grand plantation managers at twenty or twenty five thousand dollars a year to bring their wisdom with them. I do think in the past six months some of our outside help here have found the difference between a TV pole and a totem pole; whether it is good or not, I don't know.

I think if we have to go this route the least this legislature could do is allow these 5600 people to vote on referendum on whether or not they want to become a part of a new governmental process. Evidently County Government was not thought of too much as far as being the ruling form of government in the grand plantation concept. But I see all the dirty work in the duties have been handed down to the county commissioners.

I have questions on, say my own area, my own legislative district which is a grand plantation, along with Representative Faucher, and I guess possibly Representative Herrick. I am wondering if this will be a single member district or multimember district as far as reappointment is concerned. I wonder what the zip code will be for the grand plantation. I wonder if there will be any autonomy for the 60 some unorganized townships that will be involved in this particular grand plantation.

I think in order to get back the timber

and grass rights which rightfully belong to the people of the State of Maine we are going in the back door and putting a burden on the people and the landowners in the unorganized townships that they cannot bear. I think possibly we could compromise, allow, if we are going to go this route, at least allow the elected officials in the grand plantations to set up their own zoning, of course, in doing this we would have to repeal the Land Use Regulation Commission. This might assure some of the people in the unorganized townships to go along with this concept of government and give them free rule.

I think when you come to your local plantation meeting and the order is put out for the 60 present unorganized townships to assemble within the center of the new grand plantation that there will be problems. I can visualize those who wish to participate in a local plantation meeting, taking the day off, driving 100 miles to the plantation meeting, attending that meeting, and then driving 100-plus miles back home. This is all well and good. But I certainly hope when you vote this morning you will not be voting on the public lots issue, you will be more concerned about the new concept of government. If this new concept of government is so good let's establish it to cover the entire State of Maine and possibly set up ten, fifteen or twenty new grand plantations encompassing this entire State.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I hope that you will vote not to reconsider. I thought that we had this very comfortably laid to rest with its hands neatly folded and desirably so.

I rise in protest to what my friend Mr. Rolde, here from York, has told you.

In the first place, much of what Cummings and many of these other people that start talking about this, they start talking about the sale of timber and grass rights. What I am talking about in this grand plantation goes far back of that. It goes back to the man who fought the Revolutionary War. Men who, if they hadn't given what they did, we would not

be here today in government at all. We would not have had a Massachusetts to separate from. These men were given grass here in Maine and they divided among their families, and they sold parts of it. Their ancestors are still living in these unorganized townships of the State of Maine.

I would call your attention to a book that is quite interesting that is put out by our Taxation Department. It is entitled Maine State Valuation 1973. Just for an example, I have opened here to the Trescott Township. Trescott was a grant, originally, to Lemuel Q. Trescott who was one of General Washington's tried and true officers. This grant has come down through the years. This did become an organized town. Then a good part of it was taken away from the town and put into the Moosehorn Game preserve. And they found they had no tax base. And so they deorganized the town because they felt that through the use of the county commissioners and their representative in Augusta that they would be well represented. As a matter of fact, by petition over 90 percent of these people have said that they are well satisfied with their present form of government. But I would point to you one page of the people that this is divided among. This is not just the lands of the great timber companies. We are talking of not only Trescott but of all through these unorganized townships. Here is Trescott with one page that has about 60 names on it. Here are two more pages in Trescott. And if you go through this book you will find many, many land owners of a half an acre, sixty five-hundredths of an acre, four acres, two hundred and twenty one acres, these are not great land owners that are trying to steal public lands from the State of Maine. But you are trying to steal their birth rights when you say that they can not have a warrantee deed that means something, that they can not have their own form of government that you are going to place your will over theirs.

Now, I think that if we ever had a minority group in the State of Maine, this is a minority and we should protect it. I hope you will not vote to reconsider.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Not too long ago, under a previous bill, the gentleman from Kennebunk or Kennebunkport asked a question regarding contracts with the State. And I think he has a legitimate concern. Because the state has made contracts a century or a century and a quarter ago with individuals granting them the right to cut grass and timber on the public reserve lots. Now, what this legislature is attempting to do in 1973 and 1974 is to impose its thinking on what was the intent of the legislature in the early 1800's. For the legislature to do that, I think, is to be very egotistical and arrogant in its stance.

The right to cut grass and timber is going to be litigated in the court; that is where it belongs. The legislature makes the laws let the court interpret it. If we act as prosecutor, jury and judge this State is in trouble.

Now, is this a piece of legitimate legislation? I don't think so. I have never felt so. From the agenda of the Public Lands Committee Executive Session on November 27 of 1973, I will read this: "The staff feels that the two primary areas of potential legislation for this committee to report out are, One; a state-wide timber practices act and, Two; organizing of the wildlands to bring legitimate governmental advantages to those areas and also to terminate the timber and cutting rights." To terminate the timber cutting rights; we are now going to pose our thinking by what a contract intended to sell a century ago.

I think we are moving into very difficult areas when we are attempting to do this.

Now, the first item was, "a State wide timber practicing act." That one, in my mind, was the most important. We are, in this State, a quarter of a century late in introducing forest practices, a quarter of a century late. And each year that we delay legislation of this sort is going to postpone the full effect of this type of legislation at least 25 years, and more closely 50 years. But we are so intent about enacting legislation that will bring to bear upon the court in this State influence that will help them to terminate grass and cutting rights.

I think the measure in the courts ought to go on its own basis. This State has stood for 100 years or more and said the grass and timber rights as sold at that time mean the grass and timber rights and the right to cut until the organization of the towns into townships are plantations. And to attempt that this late date to influence the court, I don't think is a good procedure. I hope you do not vote to reconsider.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This has been a most interesting long debate and I would only like to maybe condense it.

It seems to me it really comes down to two questions involved; the question of grass and timber rights, and, secondly, the question of politically organizing the unorganized territories. It seems to me practically everyone in this House is in favor of the State regaining the grass and timber rights, and it seems that this bill does that, there can be little question about it. There is no other guarantee that any other bill or any other decision will regain those rights for us. This bill will do it and we know it will do it and it will guarantee it.

As far as organizing the unorganized territories, it seems to me that the discussion that we have had here that people are split somewhere between 20 percent for and 50 percent for. So it may be a 50-50 proposition. However, there is an amendment that says that the people can be organized if they so choose after three years. I think that is a very important part of this bill. So, if we want the grass and timber rights back this bill will do it. If the people don't want to remain organized they have the choice not to remain organized. It seems to me that it boils down to the fact that we are taking a bigger risk if we don't pass this bill because then we may not get back the grass and timber rights if the people don't want to stay organized they don't have to. I would urge you to vote yes on the reconsideration motion.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: I rise this

morning for a purpose which I am sure you would anticipate.

I am surprised to hear the gentleman from Lubec, Mr. Donaghy, say that reconsideration is something maybe improper, because I thought it was part of the procedure that was allowed to us here and that I noticed it being done on various occasions. And I regard this as a very momentous occasion.

As far as the putting your own dictates onto the shoulders of the people, I suggest we could go down or go into the Clerk's office perhaps or to the law Library and get the statute books and bring them up here and recite out of them for ever and ever where we had imposed various restraints on the people everywhere.

Now, this job in the wildlands, unlike many of those things, is an opportunity to give a small amount of autonomy to the people living in those areas. As I pointed out adequately, I felt, previously, we are already taking our restraints and our proper restrictions, I believe, to the people in those areas. And in many cases they find it frustrating and difficult to understand. If they had a manager and a small council, a modified form of plantation government, which we propose, I think they would be much better able to deal with the problems that we have brought to them. I can't see that the gentleman from York, Mr. Rolde, has very eloquently pointed out to you the differences and the conflicts between private interests and the general broad public interests, and that is exactly what is represented here. These timber rights rightfully belong to the citizens of this State and should be returned to the citizens of this State. This is the vehicle which will do it and also give a certain amount of autonomy to the citizens living in those areas.

Now, I have attended the hearings as much as many of the other members of the committee, I am sure. And I am left with the impression especially following the hearings that there are great many people who would favor this moderate type of government in their unorganized towns. Therefore, I decided that I would support it, and I hope very much that you will go along with the move to reconsider.

The SPEAKER: The Chair recognizes

the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday I gave you all of my reasons for voting against this bill. Today I would like to read you a letter from one of my constituents.

It starts off: Is this democracy?

Are our Legislators in Augusta going to be influenced by people in the populated southern part of Maine and force a form of government, which is not wanted, on the people living in the unorganized townships?

A March 22nd article in a Maine weekly stated, "If ever there was a time for calls and letters about the public lands, this is it." The article also spoke of opposition by pulp and paper companies to the Grand Plantations Bill which surfaced at the last public hearing on March 19. Lastly it stated, "A full report on the hearing will be published in next week's issue."

That is a little late to get the facts. By then the bill will have been passed or defeated.

At the hearing on March 19th many facts came to light. Some of these are:

1. No one from the unorganized townships spoke in favor of the bill.

2. Petitions signed by people from the unorganized townships opposed to the bill were presented to the Public Lands Committee.

3. These people in the unorganized townships do not want to be used as pawns in the Public Lots issue.

4. Only one member of the Governor's Public Lands Committee attended a recent public hearing, supposedly held by the committee, in Washington County.

5. No one spoke in favor of the bill at the Washington County hearing, although five people did indicate to the Committee chairman later that they favored the bill.

6. This bill would create another layer of government which will be costly to administer.

7. The new form of government will do little that is not already being accomplished by State and County government.

8. Timber and grass cutting rights on

the State's Public Lots were sold in good faith in the 1850's and 1870's, and the present owners of these rights have deeds signed by the State Land Agent.

9. Timber and grass rights deeds would be terminated, according to the wording of the deeds, upon passage of the bill.

10. A spokesman for the pulp and paper companies who own many of the timber and grass rights deeds stated that the companies stand ready to negotiate with the State regarding the cutting rights and the location of the Public Lots.

This was signed by Abbott Ladd, 78 Weld Street, Dixfield, Maine.

I hope ladies and gentlemen that you will vote against the motion to reconsider.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the gentleman from York, Mr. Rolde, and the gentleman from Caribou, Mr. Briggs on the issue.

I obviously spoke along those lines yesterday. But unfortunately, I think we have reached a day of reckoning and we, if there is any hope of us getting out of there we have to be realistic. There is no way that this bill is going to get by the other body, it is obvious by what took place and I think, obviously, that we should not be influenced by their vote, or attempt to influence you. But after all, I think that if we were going to be here another two weeks then I would be willing, and I, obviously, am a proponent of this legislation, I indicated that yesterday. But in all reality, if there is any hope of us getting out of here on Thursday, which I am beginning to think that is looking further and further away, we may just be here on Monday as well; then we better start thinking about it. Unfortunately, I am going to vote against the motion to reconsider.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: During the presentation of this bill before our Committee on Public Lands the Attorney

General of our State came before us and said that there had been a gargantuan lobbying attempt to kill it. And it is because of a gargantuan lobbying effort since yesterday that I moved reconsideration, because I want you to vote against me and kill this issue once and for all.

This has now turned into a political football. And I am sure that anything I say here this morning would have very little effect because our minds have sort of been made up for various other reasons other than cutting rights and giving people a measure of self-government.

But I am going to take just five minutes or two minutes or three minutes and capsule what I said yesterday. I still believe they are valid arguments, I still believe we must consider them when we vote regardless of what pressures may be brought to bear or have been brought to bear.

First of all, it deals with just two items, cutting rights and a measure of self-government to those in the unorganized territories of Maine. And with one stroke of the pen, one broad brush approach this bill terminates or would seek to terminate cutting rights.

I mentioned yesterday, and I cannot mention too much, the fact that this is too complex a problem to solve in such a simplistic manner. Number one, contrary to what much of the press has said, less than 50 percent of all of the cutting rights in this state are owned by the big paper companies. Many of these lands were bought for pennies an acre, to be sure, back in the 1850's by people, by persons, by individuals, and have been sold and resold. We must also consider the fact that in the last decade many of these lands have been sold and resold and traded on the basis of the cost of land which was sold with a warrantee deed. So you are not talking about taking back a right which was bought for three cents; you are talking about rights which were bought for thousands of dollars. There is a problem here, and one little broad brush approach will not solve it. Many of the owners of these cutting rights have purchased these rights in the last 20 and 30 years and paid significant prices for them.

Now there is a way to get these cutting practices back, and I am sure they will come back, but this is not the method, because it is a simplistic approach to a very complex problem. And I submit to you, it is no answer.

Now as to the other problem the problem of giving these people the right of self-determination, some measure of self-government, let me remind you again that these people who are to be organized never had one word to say about this bill — they never had one ounce of input. And the only thing they did, we recovered our tracks two or three weeks ago to make it look like they had the input by going to Kingman and Connor and Edmunds to hustle up some support, just like we have been doing the last 24 hours. The fact of the matter is, these people have not had one ounce of input.

We sit here in this House day after day and complain about the federal government thrusting down our throats things which we do not want, that the State of Maine doesn't want. We want some self-determination. Yet, we will sit here and vote for a bill which is going to force down the throats of people in unorganized territories a somewhat sophisticated form of government which they do not want. They have said so over and over again, and I know where the figure comes from that 20 to 50 percent want this bill. We have never seen that in any committee meeting we ever had nor had petitions to that extent.

So I say, in conclusion, that we all want the cutting rights back, and we will get them back, but we will get them back in a manner which is right and honest, and I am sure that honorable men working on this can do it and are doing it at this very moment in time.

So I hope that we can forget the politics of this issue at the moment and think about the two facts, cutting rights and government, and in both cases I say to you, the bill accomplishes absolutely nothing and is foisting upon these people a form of government which they do not want, which is very simple and is put forth for only one little purpose. I hope you will vote against the motion for reconsideration.

The SPEAKER: The Chair recognizes

the gentleman from Caribou, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker and Members of the House: I very seldom, so far as I know, request any great thing from this House and perhaps have no right to do so. I certainly have no right to ask any of you to compromise yourselves nor would I do so. But I would like very much to have this bill pass the House, and I don't like the inferences that a lot of these efforts have been made purely for the purpose of jamming something down someone's throat, because this is absolutely and totally incorrect in my opinion.

It is very easy to say honorable men are working and will make this all come to pass and there are methods to do this without explaining to us or giving us any benefit as to what those methods may be. There is every right and obligation of this State to organize these unorganized areas if we choose to do so. And for us to say, "Wait for the court to decide" is nothing but an absolute cop-out because they feel that the court will most likely decide in their favor. So that makes it a very easy thing to say.

I don't think that we are going to gain anything by continuing the discussion. I am sorry that the gentleman from Eagle Lake, Mr. Martin, has taken the course that he has, but he has every right to do so, of course, and I would respect that right. However, last session he, himself, had a bill in which would organize every single unorganized township into a plantation. Before this, the gentleman from Strong, Mr. Dyar, also had a bill in to organize all the unorganized townships overnight so that we could get back the grass and timber rights. So it does seem at least as though everyone does want to get back the grass and timber rights, and that is the main thing, of course, what this is all about. I tried to make that clear yesterday. But in doing so, this bill attempts to take a measure of autonomy and self-government to the people in the unorganized territories who presently have none. And you can bet your bottom dollars that there are a lot of people in these areas who are in favor of this idea. They are not all against it, as you have been attempted to be made to believe. I can guarantee it, because I

have been into these areas and listened to them, and at least 50 percent of them in Sinclair are declared to be for it, according to their very voice and statement to me here at the hearing last week, and at least 50 percent of the people in Connor are for it, according to my own observations and contacts with these people, notwithstanding the fact that they also have been contacted by the International Paper Company to find out whether they were going to attend the hearings. And every type of inference has been made that there was a possibility that it might not be looked upon very kindly if they took too much of an interest in it.

I know this is not true. I know the company didn't intend this, but when an agent for the International Paper Company calls someone in the unorganized town and tells them that the company is interested to know whether they are going to appear at the hearing at Augusta to organize the Grand Plantations, the inference is not lost on these citizens, believe you me. And I hope that the motion made by the gentleman from Nobleboro, Mr. Palmer, to reconsider will prevail.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman from Caribou, Mr. Briggs, that waiting for the court case would really be neglecting our legislative duties. Although I am going to support the motion to reconsider, I am not necessarily wed to the Grand Plantation bill, but I am wed to the idea of regaining their grass and timber rights.

I would like to pose a question to the members of the Public Lands Committee who know a lot more about this than I do, obviously, and that is, if this Grand Plantations bill is such a bad idea, why in the last year that this committee has been functioning was not a different proposal come up with from those five people that would, in fact, get our public lands back if they are in fact in favor of regaining our grass and timber rights? This isn't criticism of them at all, I just wonder, since

everyone seems to agree that the grass and timber rights should be regained, why there wasn't a report that would put forward a different proposal?

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't know as I really want to completely answer the gentleman from Bangor, because I will be frank with you, if I did I probably would regret some of the things that I would say. Some of the things that have been said here this morning maybe by the gentleman from Nobleboro, Mr. Palmer, are accurate, especially to a lobbying effort.

You know, I guess it doesn't matter who lobbies, it just depends on whose ox is being gored whether you are for or against it, and I respect anybody's right to lobby, and I suppose I have been guilty of it myself, and I probably will be guilty of it in the future. So that is perfectly within their prerogative.

But you know, a couple of things just came out from the gentleman from Caribou, Mr. Briggs, especially when he made the remark once again, as he did the other day in the public hearing, to the point that people in the unorganized territory were coerced because of inferences that were put on the telephone call as to whether they were going to appear before the public hearing or whether they weren't. It would seem to me that if I owned some rights or if I had some rights, that one of my rights is also to defend them and that one of my rights is also to take and make a phone call if I want to, I don't know as one of my moral rights would be to actually call up and threaten somebody, and I think it is wrong for anybody to sit on this floor and insinuate that that might have been done without documentation of proof that somebody in fact was given this type of a phone call.

There has been, since this committee formed, a good many hearings, as I said yesterday. Thousands and thousands and thousands of letters have gone out of this building to people over this State asking them to appear before the public hearings. After a while it got to the point that I could call a roll call of exactly who was going to be there of the eight or ten

people, and every one of them addressed themselves to the public lots.

One group wanted the public lots always kept unlocated so that we would always have a one-twenty fourth dividend interest in them and they would be managed by the other landowners and we would then be able to use all twenty-fourths of the particular township and not just one twenty-fourth. Others wanted it left so that they could always camp on it, and they didn't want the snowmobilers on it. The other groups wanted it kept so that they could always hike on it, that they didn't want skiers on it. The other group didn't want any type of other activity, and this is the thing that we started to face. Everybody wants to do something with the public lots, but everybody wants to do just what they want to do.

What are we going to do with the public lots that benefit all Maine people and I stress the word "all Maine people" who have an interest in every single part of recreation? Some people are very much opposed to the leasing of any of the camp lots that we have on the public lots to camp owners. And some of these people have had those camps for some time, and now suddenly, all of a sudden they feel that we are wrong in the way we lease them and for the amount, and I am not saying we have leased them for the right amount, but suddenly they have got an investment there and there are certain individuals, including some of those on our committee, who would suddenly like to terminate that, because they don't feel that the public lots should be used that way. So it makes a difference as to what you want to use the lots for as to what your feelings on the lots are.

The committee completely wrestled and wrestled and wrestled and it is still wrestling with the subject. I personally am a little bit disappointed with the activities of the committee, and I will stand here and accept my share of the responsibility. In fact, I will share more. As the House Chairman, I will accept more than my share of the responsibility because I don't believe the public lands committee has really met in executive session and handled some things in executive session the way they should. I think we have brought on very fine staff

who, in their best wisdom, did a job that they were asked to do, and the concept of the Grand Plantations came out of that staff.

I think the five of us who signed the bill "Ought not to pass" did not oppose the Grand Plantations idea even though Mr. Briggs would have you believe that we have been against it from the concept. We were willing to take and let it go. If we wanted to oppose it, I suppose the vote could have blocked it right in the committee. I believe we have our rights to make a determination whether we feel it is in the best interest of the people in the State of Maine just as certain members of the committee, ever since the concept, would do everything possible to get the grass and timber rights back, and I respect that view.

There is a referendum clause in the amendment that could be placed on this particular bill that would in essence say that if the people in the unorganized territories did not like the "super government" that is going to be imposed on them from Augusta, they could then vote it out. That would be fine, because it would have been accomplished then and the grass and timber rights would have come back to us and those people in the unorganized territory would still not have any rights to the public lots that are in their area, whether they organize or don't organize.

At the committee hearing, in executive session, anyway, it was determined by both groups, after given considerable deliberation, to put an effective date into the bill so that hopefully a consent decree could come about. It was finally decided that, no, I guess it would have to go on its own merits, pro or con. Suddenly the committee amendment came out with those proposing it that there be an effective date of June 1. That was left so that if we felt, those of us who might come back in the 107th or whoever else comes back in the 107th, could then repeal the legislation in the 107th.

I would take a look at some 2,000 bills, and I would ask you how many of them have been complete repealers in this session or any other session. I think that is a very poor argument if I have ever heard one. There is no guarantee in this

bill that in fact the grass and timber rights will be returned to the people in the State of Maine.

There is a court case presently pending, as we have discussed, Cushing vs. Lund. Politically speaking, I think there are some members of the committee who feel as though that we should have been the ones to institute the action and they disagree very much that somebody else who felt that their rights were being infringed upon brought action against the State. I don't know what right the State has to think they are almighty, that somebody can't bring action against them. But this is what has been done.

If this bill were to pass in both bodies and be signed into law by the Governor, as I said yesterday, you no doubt would make the other bill moot, except for one portion of it, and that is probably the definition of grass and timber rights and maybe that would help us retain, if we could determine just exactly what grass and timber rights are, then probably we could go back and collect some more funds because of certain things that have happened on the lots. This bill in itself will be a challenge in the courts and it will still be some time before we can get the grass and timber rights back.

Mr. Briggs made a comment that "timber rights rightfully belong to the persons of this State." He is entitled to this opinion. I suppose the legislature is entitled to that opinion, or maybe we are not entitled to it. But if I hold a deed to a piece of property or to the rights of a piece of property, I don't believe the legislature has got the right to suddenly terminate that deed without my having the opportunity to go to court and let the courts be the last determining factor. Therefore, I think we are prejudging something that no matter what, whether it is this bill or the bill that is there now, is going to be definitely determined by the courts.

A comment was made that the people should have a right to organize. I believe that the people in the unorganized territory should have every right for the reverse. I think it is unfortunate that politics have gotten involved in this bill, and I think it is absolutely true right this minute, standing here, that the public

lots in this State have finally come into the arena of politics. I believe, personally, that some of us on that committee were backed into a corner like we have never been backed before, and if it ever took courage to probably pass out a bill "ought not to pass," the five signatures that were on that bill "ought not to pass," took some courage like you never saw before. I believe the committee has still got the opportunity to definitely work with this situation. It has been with us well over a hundred years, and I am sure it is not going to be settled right off quick. I am sure that the committee will still be addressing itself to the question as to how we can or cannot best recover the grass and timber rights, and once they are recovered, and I am sure that they will be recovered too, that we will have the best opportunity in the world and sit down with the owners of the lands to determine how they can be best used for all the people in the State of Maine. The landowners in this State are on record, right in our hearings that are on tapes, to the point that they only want to determine whether their rights are upheld or not upheld and that they are more than willing to cooperate and sit down with us and work out reasonable solutions for a transfer of the lots or the sale of the lots so the lots can be used in the best interest of all the people in the State of Maine and not maybe just for a select few.

I personally think we should be realistic this morning; we should face the facts of life. We should not reconsider this particular issue. If it is reconsidered I assure you there will be more hours and hours of debate and publicity, and I can assure you that I don't believe that this piece of legislation is going anywhere during this session. It will give us something to think about, something to look over. We will have the opportunity to have more input from the people in the area, and, who knows, maybe if the court case does come back and is not favorable to the State of Maine, maybe by that time this bill, or a reform of the bill or some other method, will be in a proper form to the point that we then can actually enact and get our grass and timber rights back. I am sure that most of you realize that the oil conveyance law of, L. D. 1994, no matter

how some of us feel about some of the major pieces of legislation ever gone through this body or other bodies, that it doesn't always go through best the first time, and usually when it comes back, it comes back in a far better form and in a better shape to pass to the point where it is a good piece of legislation that can be upheld by the courts. I am sure that as we go along this will be the same situation, and when we talk about organization of unorganized territories or a recovery of the grass and timber rights in this State, to such a degree that all of us are satisfied and all people are happy.

I think we have to respect the large timber owners in this State, and I guess I will address myself directly to the paper industry in this State. It is awful easy for some individuals to stand up and knock people down, especially when they think they are taking on the giants. You know, I guess these people have done an awful lot in this state, and we have not kept pace with the times, behind us, to the point that our rivers did become polluted, certain things did happen. I don't know if all of a sudden we should stand up and severely criticize an industry which I think I recognize as the number one industry in this State and an industry which right now means an awful lot to the economy of this State.

I believe there are some people, I guess, who would just as soon see the paper companies leave the State of Maine. And as I take a look at the figures over the last eight years as to what the Maine Legislature has done in the way of the amount of money that we have to appropriate, it has increased something like 300 percent. But at the same time, our economy has not increased to that extent; our population has not increased to that extent; the work force has not increased to that extent; and new industry coming into this State has not increased to that extent. Yet something that has helped pay for those bills, this year somewhere in the neighborhood of \$600,000,000 worth of taxes, and the number of jobs that they provide certainly falls under attack and people stand up and say they have raped the State of Maine and they are not needed in the State of Maine and they are not necessary in the State of Maine. I

personally disagree with that type of a concept, and I think we should be standing here and trying to assist in helping these people rather than putting them into a position where they have to continually fight the legislature, who would, certain members of the legislature, who would just as soon see them go into non-existence. I don't believe that they have mismanaged the lands, and I don't believe they will. I believe the public lots will do very fine if the grass and timber rights are not recovered today, and that in due time we will be back here and will have the thing before us in proper form and we won't be imposing upon the small group of people in a large area of this State, super government from Augusta, which is what we should be getting away from and not into.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Standish, Mr. Simpson, has really explained this out just the way it should be explained, and I think it is one of the best explanations we have had on this bill so far. However, going back to some of the previous statements we have heard, we have heard about intimidation by the paper companies, I have received calls on some issues and I don't think the people who called me called me to intimidate me, I think they called me to express their views. Now, I am sure that if the paper companies were out to intimidate anybody or try to really twist an arm and change their minds, they know pretty well who their friends are in this legislature. I am sure that they could have come up with some funds so that we, who are opposed to the bill, could have come out with a pamphlet of the opposition views to this public lots bill, which would be bigger than the one that was printed by the Maine Audubon Society. Since the opposition is not as well organized as the proponents, their money is not available.

It has been said that this is going to give the people of the unorganized territories a measure of self-government. It is going to give them a measure all right, but it is going to be

very small, because if you would read the bill, it says that the voters are going to assemble and vote or they can vote by absentee ballot for their council. But then the council is going to be presented a list of people that they can choose from as managers. These managers must meet the qualifications and be set up by the Department of Personnel and be certified by the Department of Personnel. They can serve for two years without this, but then if they don't meet those qualifications, they can no longer serve as managers. I just don't happen to be able to see where we have anything on what the qualifications of a Grand Plantation manager is going to be.

They also in the same section speak of the removal of the Grand Plantation manager and he shall be removed in the same procedure described for town managers. I would hate to think that the people in the various municipalities have the town manager or selectman, council form of government would vote for their councilman or their selectman and then Augusta would send that town a list and say, "All right, these are the only people you can hire as your town manager." That is what we are saying in this bill. The people can vote for their councilman, but the councilman will only select the Grand Plantation manager from those who have been certified by the Department of Personnel. Now, this is sure giving the people a measure of self-government. It is giving it to them, but I don't think it is giving it to them in the way that they think they are getting it.

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

Mr. BITHER: Mr. Speaker, Ladies and Gentlemen of the House: Just one brief word and it is not about the bill at all, but it is about lobbying on this bill.

The SPEAKER: The Chair would hope that the gentleman would confine his remarks to the merits of the L. D. which is being considered.

Mr. BITHER: I can't speak about the lobbying and the pressures I have been under on this bill? I just want to speak very briefly anyway. Whatever you decide, Mr. Speaker.

I have consistently voted against this bill and I shall vote against it now and,

for that reason, I have been very highly pressured to just give one vote for good old George. Now, the man isn't George, but we shall call him George. I hope not too many people have fallen for that a bit.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: At this point, I just want to say one thing. I would like to have "grass" removed from this nomenclature of the issue. I don't think there has been a barn full of grass cut on these public lots in the last one hundred years. The whole deal to me, too, is not political, it is economic. If you have the timber rights to a township, or I guess there are 36 townships that are involved that are the public lots in toto, you own the land. What else is there of value on a public lot except timber? So in reality, if you have the timber rights, you own it and you get all the value from it without owning it, in a sense. I think it is a very important issue.

I think this bill has brought to the attention of the people of the State the things that are involved. I am sorry to see that the committee didn't come up with some of the conclusions that honorable men and intelligent men are going to reach on this great issue.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to prolong this any more than you want to have me, but I must rise on that last statement from our very esteemed friend from Portland. We are not talking about townships; we are talking about public lots within townships. This is only a very small part of any of these townships, and in many cases no one knows where they are, and to place these on the face of the earth, with the cost of lawyers and surveyors today, some of them could cost \$50,000 just to find out where they are. This is no exaggeration, which brings me to another point from the young gentleman — I am not sure if it is Orono or Old Town or Bangor — but he asked what was wrong with this.

I think without saying too much

against my good friends the attorneys, of which I know the Speaker is one, I would refer him, I think it is the last issue of the U.S. News and World Report. It has a cover story that says the legal profession is sick, and this is one of the big problems here — the end justifies the means, and this is not true. I was not taught this in Sunday School and you weren't taught this in Sunday School. Let's get back to the basics.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I know it is getting late, but this is a pretty important thing and I would just like to make a few remarks in connection with it.

Once in a while, you know, a big idea will come along, and it is so big that it is a little difficult to grasp — immediately, that is. I think that is something about this bill right here. It is a pretty big idea.

We have had some long speeches, we have had some short speeches, but I think I concur with the analysis that the gentleman from Exeter, Mr. Smith, gave about an hour ago, maybe it was an hour and a half now. Yesterday afternoon I asked two questions. They were both answered or have been since, but one in particular was answered directly, and that is that this bill would give the people in the unorganized territories more government than they have now. Fifty-six hundred people would have more voice than at present. To me, something is more than nothing. And if they don't like it, the bill as amended in committee allows for deorganization at the end of three years, so the referendum is provided for.

The other question I asked had to do with Cushing vs. Lund, a case that is now before the courts and asked if it addressed itself to compensation for any investment in the grass and timber rights by the present owners, and the gentleman from Standish very candidly answered the question in the affirmative, that that case does address itself to that problem, and that is an item that hasn't been discussed much here today or yesterday.

Most everyone, proponents and opponents alike, say that they are for

getting back the grass and timber rights. Even Mr. Bell, the gentleman who was spoken of yesterday at the hearing, and I went to the first hearing and the second one, he said that he didn't understand the bill. One of the remarks he made that elicited quite a laugh was that he would always oppose anything he didn't understand. I think I respect that to some extent, and he is the gentleman who also brought in the petitions and said at the second hearing, he supported those petitions. But he also made a remark that I don't recall whether it has been brought up here or not, but it was repeated, and he repeated it at the request of one of the gentlemen on the committee. In very unequivocal terms he said he felt that the State should get back the grass and timber rights now.

Ladies and gentlemen of the House, if everyone wants to get the grass and timber rights back, this is a route we can take. No other route has been put forward. How else do they propose to do it? We talked about high roads and low roads yesterday, and I see that no other road, high or low, is indicated now. This bill in the present law that we have does provide a remedy, simply that when organization takes place, the rights revert to the new organization. At that time, the grass and timber rights, under the terms of long-standing law, would be back in the hands of the people.

Cushing vs. Lund provides for a remedy, compensation for any loss under the law which might occur if the courts ruled that grass and timber rights did no longer exist. Passage of this bill only decides the grass and timber rights question now. So I think we ought to decide it now. This form of government that is more government than they have now can be rejected by the people after three years if they don't want it. And to paraphrase the words of a witness before one of the committee hearings, after they tried it and didn't like it, they could vote to deorganize. The method sounds reasonable. The form of government being set up is a viable one. You get the grass and timber rights back. I hope you will vote to reconsider the bill.

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 Nobleboro, Mr. Palmer, that the House reconsider its action of yesterday whereby it accepted Report B, "Ought not to pass" in concurrence on Bill "An Act to Organize the Mainland Unorganized and Deorganized Territories of the State into Grand Plantations," Senate Paper 920, L. D. 2545. All in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Briggs, Brown, Bustin, Carter, Chick, Chonko, Clark, Conley, Connolly, Cooney, Cottrell, Dow, Dunleavy, Emery, D. F.; Farley, Flynn, Gahagan, Gauthier, Goodwin, H.; Goodwin, K.; Hamblen, Hobbins, Hoffses, Jackson, Jacques, Kauffman, Knight, LaCharite, LaPointe, LeBlanc, McHenry, McKernan, McMahon, McNally, McTeague, Morton, Mulkern, Peterson, Rolde, Shaw, Smith, S.; Snowe, Susi, Talbot, Tanguay, Tierney, Tyndale, Whitzell, Wood, M. E.

NAY — Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Churchill, Cote, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Drigotas, Dudley, Dunn, Dyar, Evans, Farnham, Fecteau, Ferris, Finemore, Fraser, Garsoe, Genest, Good, Greenlaw, Hancock, Herrick, Hunter, Immonen, Jalbert, Kelleher, Kelley, R. P.; Keyte, Kilroy, Lawry, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, Merrill, Mills, Morin, L.; Morin, V.; Murchison, Murray, Najarian, Palmer, Parks, Pontbriand, Pratt, Ricker, Rollins, Ross, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Sproul, Stillings, Theriault, Trask, Trumbull, Twitchell, Webber, Wheeler, White, Willard, The Speaker.

ABSENT — Albert, Crommett, Deshaies, Farrington, Faucher, Huber, Littlefield, Norris, O'Brien, Perkins, Santoro, Sheltra, Soulas, Strout, Walker.

Yes, 50; No, 85; Absent, 15.

The SPEAKER: Fifty having voted in the affirmative and eighty-five in the negative, with fifteen being absent, the motion does not prevail.

On request of Mr. Birt of East Millinocket, by unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

On motion of Mr. Birt of East Millinocket,

Recessed until two o'clock this afternoon.

After Recess

2:00 P.M.

The House was called to order by the Speaker.

Passed to Be Engrossed

Bill "An Act Creating the Post-Secondary Education Commission of Maine" (H. P. 2075) (L. D. 2601)

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

Bill "An Act Providing Funds for Maine Vacation Travel Services" (S. P. 952) (L. D. 2604) Emergency

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

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This bill has an appropriation of \$150,000, the money being turned over to the Department of Commerce and Industry for the promotion of the State. I will not

argue — or I will completely agree with the fact that we are faced with an energy crisis. I think it isn't something that is going to go away immediately. I am also not completely convinced that this is the way to handle it, to turn \$150,000 over to the Department of Commerce and Industry for promotion of the State.

I am further upset by the fact that there is a carry-over here where this money can be spent in '74 or 1975, and I would like to see indications that there is going to be some kind of real unique approach here and not the usual approach which has been forward by Commerce and Industry on this sort of thing. I have seen one indication of what they plan to do, which was the glossy folder that was sent out to us approximately two weeks ago to our homes, and I was not overly impressed by this. \$150,000 is a great deal of money. There are many good programs that are going to be begging for money the end of this session, and I, again, question whether this should be spent for this purpose at this time.

Possibly an amendment on this bill, or if this bill could be changed in some way so there would be a greater input from the hotel people — at this point, as I understand it, there is a promise from the head of Commerce and Industry that he will abide by the wishes of the hotel people, but I think there should be something definite written into the bill giving a great deal more control over how this money is spent.

Thereupon, Mr. Curtis of Orono requested a vote.

The SPEAKER: The pending question is passage to be engrossed. All in favor of this Bill being passed to be engrossed will vote yes; those opposed will vote no.

A vote of the House was taken.

46 having voted in the affirmative and 41 having voted in the negative, the Bill was passed to be engrossed and sent to the Senate.

The following Enactors appearing on Supplement No. 1 was taken up out of order by unanimous consent:

Passed to Be Enacted

An Act to Establish Guidelines for Release of Accused Persons Pending Trial (S. P. 946) (L. D. 2594)

An Act Clarifying the Regulation of

Roadside Cutting Practices (S. P. 948) (L. D. 2596) (S. "A" S-419)

An Act Amending the Elderly Householders Tax and Rent Refund Act to Improve Benefits (H. P. 2050) (L. D. 2584) (S. "A" S-412)

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.

An Act to Authorize Interagency Transfer of the Supervision and Control of Public Lands (H. P. 2073) (L. D. 2600) (H. "A" H-792)

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

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

Mr. HANCOCK: Mr. Speaker, I now move that this item, L.D. 2600, be indefinitely postponed.

The SPEAKER: The gentleman from Casco, Mr. Hancock, moves that this Bill and all accompanying papers be indefinitely postponed.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: As the Chairman of the Public Lands Committee, I would ask for a division.

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

A vote of the House was taken.

18 having voted in the affirmative and 79 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Order Out of Order

Mr. Carter of Winslow presented the following Order and moved its passage:

ORDERED, that John Kiernan, Mark Gable, Gary Blaski and James Blanger of Winslow be appointed Honorary Pages for today.

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

An Act Creating the Maine Consumer Credit Code. (H. P. 2043) (L. D. 2582) (H. "B" H-778) (H. "C" H-779) (H. "E" H-784) (H. "G" H-786)

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

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

Mr. DESHAIES: Mr. Speaker, I now move the indefinite postponement of this bill and all accompanying papers.

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

The gentleman may proceed.

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I don't know how many of you had the opportunity to watch TV last Sunday afternoon at five-thirty, but WGAN-TV was interviewing the Commissioner of Business Regulation for the State of Maine. It was a one-half hour program and it is called "At Issue." The Commissioner was being interviewed by five or six reporters. The subject of this bill, the Consumer Credit Code, came up during the interview, and I would like to pass on to you the remarks the Commissioner made.

One reporter asked the Commissioner, is this bill really necessary and will it truly help the consumer? And the Commissioner replied, and I quote, "There presently exists within the Banking Department a Division of Personal and Consumer Finance that is specifically charged with the responsibility of protecting the consumers," contrary to what was said on the floor last week, that no such agency exists. It does exist, and I have said so repeatedly, and they are charged with protecting the interest of the consumers.

When the reporter asked the Commissioner her opinion of the bill, this is Mrs. Weil, a very fine lady, the Commissioner replied, and I quote once more, "The present laws we now have controlling interest rates and consumer affairs are much simpler to administer than the proposed consumer credit code before us." I will repeat that — the

present laws we now have controlling the interest rates and consumer affairs are much simpler to administer than the proposed code before us. And she went on, we can now go to a lending institution and present them with a three or four-page document and say, "Here, you will abide by these regulations." But with this bill, we will have a 67-page document and it will definitely pose a problem to administer, and we will have a problem with staffing. These are not my words. This is from the Commissioner of Business Regulation who will be charged with administering this entire program.

If this bill goes through, it will still require the services of the Attorney General's Office to enforce. That Department does now, with the present laws, and why do we need a new department with staff and directors? Why can't we let the existing bureaus perform their jobs? What advantage is there, except additional expense?

The Commissioner was very emphatic in stating that the creditors, the consumers, the lending institutions still don't fully understand the context of this document, and it has been under study for years. The present laws are adequate when they are enforced.

The 104th Legislature had this document before them, but they evidently felt there were adequate laws on the books and enough bureaus to administer, and they did not pass it, neither did the 105th Legislature. Why should the 106th pass this out simply to create a new bureau and expense to the taxpayers?

I have been told repeatedly that this department would be self-funding, but where will these funds come from? From the people they are called upon to regulate. Those who are being regulated will finance the department who is watching them. I am not suggesting anything, but if they are to be completely independent of influence, they would and should go to the General Fund as other departments do. And then we are off — a whole new round of expenses to the taxpayers that will grow year after year, and it is so unnecessary if we would only allow the present bureaus to work.

We heard yesterday on the status of the State's finances. Quite bluntly, we are broke! How can we afford new bureaus? How do we dare? This bill very, very carefully avoids the number of people that will be required for staff. There is absolutely no mention whatever on how many people will be required. It could be five, it could be ten or a hundred. No one knows, and we don't really need it.

Mr. Speaker, ladies and gentlemen of the House, I hope you will go along with indefinite postponement of this bill and all accompanying papers and, Mr. Speaker, I request the yeas and nays.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I was hoping that we had finished with this bill the other day when there was a rather extensive discussion on all the points which the gentleman from Westbrook, Mr. Deshaies, has brought up here again today. I think the House was satisfied at that time with all the testimony that they heard, I hope they will be here today.

There are a couple things that I think I should respond to. First of all, the only agency that is in State Government now that does the things that Mr. Deshaies, says it has done to protect the consumers in the credit field is an office in the Banking Department charged only with enforcing the truth in lending law. That is all they do. Yet, he says that all of the credit problems are taken care of; that is simply untrue factually on its face.

Second of all, he again attacks the funding of this bill, and this has been considered by a lot of knowledgeable people. They have found the funding mechanism to be adequate for the purposes prescribed in this bill. It has not been something that has been considered off the top of anybody's head. This has been the object of considerable deliberation.

Finally, the credit laws in this State do not extend to all credit institutions, and this bill does make that extension for the first time in the history of the State. This office is important; the structure of this bill is important, and I think that it is a reasonable and good bill. I hope today

that you do not succumb to the final tactic that has been played here today, that you will go along, as you have in the past, and support this bill.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: I would like to ask a question of the gentleman from Dover-Foxcroft. Could you tell me without taking it off the top of your head how many new employees that is going to encompass?

The SPEAKER: The gentleman from Old Town, Mr. Binnette, poses a question through the Chair to the gentleman from Dover-Foxcroft, Mr. Smith, who may answer if he wishes.

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

Mr. SMITH: Mr. Speaker and Members of the House: It is a little difficult to tell, but the thing is going to raise somewhere in the neighborhood of \$60,000, if I recall, so the employee count will be constrained to that amount of money, that is for sure. It should take very few employees in this effort. Again, it is not going to take anything out of the General Fund; it is written into the law. All you have to do is read that. I hope you will accept this and again support the bill.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I must differ with the gentleman from Dover-Foxcroft, Mr. Smith, when he states the only ones interested in this is the Truth in Lending Branch of the Banking Department. He knows very well, and many of you folks know very well, that the Attorney General's Department has a section set aside for this type of thing. It is not the only thing that they do. But the Assistant Attorney General Quinn at all times is working to the benefit of the consumers of the State of Maine who may be defrauded or gypped or whatever you want to call it. The gentleman from Dover-Foxcroft well knows that this type of thing, be it on credit or whatever, is well taken care of by that department. If it isn't I am

sure that the Attorney General would be around asking for more help. These laws are all on the books.

I would add just one thing to what Mr. Deshaies has told you. I didn't have the privilege of listening to the program Sunday, but I have listened to the tapes of it. And I would bring to you one more thing that was brought out as a result of the questions beyond the fact that this originally was started by the merchants to give a little impetus to their revolving charge accounts.

The Commissioner of Business Regulations stated very flatly that the only way that this bill would benefit the consumer is if the rates that are set up in this bill were lowered as she has asked, and that has not been done. If the rates were lower, the consumers would benefit, and this lowering of the rate has been turned down on at least two occasions when we tried to amend the bill so that these rates would be more in line with what seems necessary as far as good credit policy is concerned. If you want to benefit the consumer, the way to do it is to reduce the rates that are being allowed by this bill.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I disagree with my good friend from Dover-Foxcroft, Mr. Smith, when he says this is a tactic being used by my very good friend Mr. Deshaies from Westbrook. I think it is very fortunate for the members of the House that were able to hear the broadcast to enlighten the House as to just what did go on at that time. I am sure that if the commissioner says this will pose a problem to administer and it will pose another problem as far as staffing, that we should take this into consideration at this time.

I can wholeheartedly agree with Mr. Donaghy when he says the problem of the bill is the rates. Now, we did have several attempts to try to lower the rates to protect the consumer, but these did not pass. Evidently this is quite evident that this is not a consumer protection bill by any means; it is to protect other interests other than the consumers. And the other thing that Mr. Deshaies

brought out is quite evident also, that this is not a consumer protection bill when it is going to be funded by the very people that are going to be regulated. So anybody with any common sense or and judgment at all can realize how much regulation there is going to be when the person paying the bill is the one being regulated. I think today is a good time to put this bill to rest, it should have been put to rest quite a while back, but we should really put it to rest today and get this over with. If there has ever been a sham come before this House, I would say this is the sham right here.

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

Mr. JALBERT: Mr. Speaker and Members of the House: a great deal of the debate that has gone on the last few days between the gentleman from Dover-Foxcroft, Mr. Smith, and the gentleman from Westbrook, Mr. Deshaies, and others has pretty much gone over my head. I didn't quite understand it, there were some questions that I would have asked. I am one of those who is fortunate enough to happen to turn on the TV, as I do practically every Sunday that I am at home to listen to at issue.

There are three things stuck in my crop and stuck there for good. Number one, there was no assurance whatever of funding, which means this is going to cost us money, that is number one. Number two, the word consumer was very, very, very rarely used if at all, and this is supposed to be a consumer bill. Number three, Mrs. Weil was very positive in her dislike for the interest rate. Those three items stuck in my crop if nothing else did, and that decided me then and there. At first I was *comme-ci comme-ca* on the bill, but when I got through listening to the person who would have to administer it and her vagueness in it, I made up my mind if she were sitting here that she would vote against this measure, I decided it was about time I did the same thing.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I think that

some word must be in order now relative to the Department of Business Regulations, since their name is being used in a variety of terms. I didn't see the TV show involved. Commissioner Weil did appear before our committee in support of the Maine Consumer Credit Code, and I certainly haven't seen anything as yet in communication to it, as members to the committee that she is opposed to it. That is the first point I would like to make.

Second, I refer to the good gentleman from Lewiston, Mr. Jalbert to page 57 of the Maine Consumer Credit Code where I believe he will find the description of the funding process under which this bill would be funded, will not cost us more money, Mr. Jalbert and men and women of the House, because it is completely internally self-funding.

Number three, the Commissioner is not responsible for the immediate administration of this act. This is part of the funding that would create an administrator who would be responsible for this and her responsibility would be merely one of overseeing it just as she oversees the Commissioner of Insurance and the Banks and Banking and so on. So she would not be involved with the minute administration of this act.

I think this is an awfully important bill. A lot of work has been put into it. Mrs. Weil came to this State and came on the job about the middle of October after this bill had been studied and researched for well over two years. Then she made a few statements, as well she should have, but I don't think we should throw all that work down the drain. I think we have a lot of support for this bill in this State. It is supported by the lending institutions, but it is also supported by consumer groups, ladies and gentlemen, by a number of consumer groups, people who have been in this hall many times. It is supported by the Maine AFL-CIO, it is supported by COMBAT; it is supported by a lot of people who just simply feel that the time has come for us to provide a good and decent means of enforcing the credit laws in this State.

I would like to comment again as I had to comment last week, about the factual error presented to us by the

gentleman from Westbrook. He stated that the Department of Banks and Banking is empowered to take care of the creditors. This simply and factually is not true. They are indeed designed to protect the consumers, but it is the consumers who deposit money in institutions, not the consumers who borrow money, and that is what this bill is about, to protect the men and women of Maine who have to borrow money and I think it is a good bill. It has come a long way; we have had amendments, both houses are in concurrence, and I feel we should pass it this afternoon.

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

Mrs. CLARK: Mr. Speaker, Men and Women of the House: I would thank the gentleman from Durham, Mr. Tierney, for addressing himself to some of the concerns that we have heard from members of the floor this afternoon. I would also ask that you vote against the pending motion of indefinite postponement for many reasons. One, the act before us is a redraft signed out by a majority of ten on the Committee of Business Legislation. It is entitled "An Act to Create Maine Consumer Credit Code," and it is called the Maine Consumer Credit Code for one very simple reason, for it encompasses in one, sound, statutory, encompassive structure all consumer credit transactions; that is all it does. But it does give to the State for the first time a comprehensive consumer credit code. Is there a need for it? Yes, indeed.

For example, the present laws that we have are not only inconsistent, not current, but even obsolete. In some situations, for example, we have a 16 percent usury law for loans over \$2000, but no one knows how it applies to that part of the loan which is less than \$2000. The Attorney General has changed his interpretation of this provision several times, the legislature has failed to clarify it, but both consumers and creditors are expected to continue to live with this unnecessary ambiguity.

The Industrial Loan Law is another example of a known ambiguity, created by accident, which is not being clarified. We now have a hodge-podge of at least 8

different laws each covering a different part of the industry, drafted at different times over a 40 year period. Sometimes they overlap, and when they do, they create ambiguities which harm both consumer and creditor. Sometimes they are rewritten poorly, and this also hurts everyone. There is no reason why Maine people have to live with this hodge-podge of 8 different laws. The Maine Consumer Credit Code will allow you to give the people of Maine a single law on this subject and one which is more internally consistent than our present laws.

The present Maine consumer credit law does not cover the credit terms of installment purchases from merchants, except for automobile dealers; it hardly touches the credit terms of commercial banks or savings banks or credit unions. In other words, large numbers of consumer credit transactions in this state are regulated not at all by our present law. If I buy a TV from a dealer on an installment contract, or borrow that money for it from a commercial bank, there is almost no Maine law which regulates the terms of that contract or loan. If the same loan were made by a Small Loan Company or Industrial Loan Company, its terms would be more regulated.

A second point on this same idea is that some creditors have different regulation of the terms of otherwise very similar loans, depending only upon differences in their names. Why should an Industrial Loan Company be able to charge only 12 percent on a loan, while a Small Loan Company can charge 30 percent on the same loan to the same consumer? Are names that important? The Maine Consumer Credit Code will cover all consumer creditors in this state, and will treat equally all creditors who lend at the same rate, regardless of their name.

This bill will also preserve the consumer protections in the area of Home Solicitation Sales. Representative Ann Boudreau from Portland is our House expert in this area in Home Solicitation sales. It will both preserve and extend other consumer protections to all credit transactions. The present partial prohibition of the holder in due course doctrine would be extended to the

credit card and the interlocking loan. Our anti-flipping law would be extended to all high rate lenders. Restrictions on harassing collection techniques, now applicable only to collection agencies, would apply to all creditors.

Also new, additional protections would be provided.

Is there a need to create the Maine Consumer Credit Code? I, for one, and nine other members of the Committee on Business Legislation agree there is a need.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I rise actually to reply to Mr. Tierney. Although what the good lady from Freeport has just said sort of confirms part of what I was going to say to Mr. Tierney, that this is sort of one of our usual lawyer's bills and we have to use twelve words to take the place of one, where one will suffice, because if you don't use the twelve words, possibly you might lose a chance to do some litigation.

As far as the anti flipping law, I think that as far as I can see with our revolving charge accounts that go on and on, you have brought back flipping. But what I was going to say to Mr. Tierney, he said that he didn't know that banks were anything more than thrift institutions, well my first experience with banks was many long years ago when I borrowed some money from one, and many other people have borrowed from banks. They are loan institutions as well as thrift institutions. If they didn't have money coming from some source, they wouldn't have it to loan out. But they are both lending and thrift institutions. Some are known as savings banks, but they have been known to offer a mortgage or two now and then.

But as far as the commissioner is concerned, it was said that she did not make recommendations to our committee. I beg to differ on this, I happened to be there the day she came there representing the Banking Department. As a matter of fact, I think the Superintendent of Banking, Mr. Giddings was there on that particular

day and she said or offered some rates that she thought would be far more appropriate for this bill as far as our consumers are concerned. Now for some reason or other, I am not sure why the nine who signed "Ought to pass" wouldn't go along with this, but this is one of the reasons that I voted against the bill. I think it is too long; I think it is unnecessary, and I think the rates are too high. I hope that you will vote to indefinitely postpone.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the motion now pending. This is not a perfect bill, but it does do a lot for a lot of people that really need this legislation. We have had a lot of discussion on the interest rates. I introduced two amendments in this body that were accepted there that lowered the interest rates. One of them was killed in the other body. I don't feel that this should go down the drain just because that happened. There is always another year and another legislature.

We have heard discussion about the people being regulated would be financing the people regulating them. This is nothing new, the Banking Department, the Insurance Department are funded by the people they are supposed to be regulating. We have heard about the Consumer Fraud Division in the Attorney General's Office; they do a good job, but they are understaffed, they are way behind in their work and they cannot handle any more. This will cost the State money for additional help in there. If you pass this bill, it is being funded; the funding is in the bill. It will not cost the Senate any money, and I hope you will go along and support the bill.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I certainly would have no reason to disbelieve any comment that the young man from Durham would tell me, the gentleman, Mr. Tierney, because I have too much high regard for him. As I stated before, I

would call myself a complete neophyte in this situation. And if he tells me that he calls Mrs. Weil and she tells him that she is for this bill, fine. But if you want to recess, Mr. Chairman, we can very easily set up the tape and play it loud enough to listen to Mrs. Weil's voice saying, "I am not happy with the high interest rates." Now, to me, when she said that, that was the meat and potatoes of the deal. Extra side dishes don't interest me at all; it is the brown potatoes, and the meat that I am interested in. That is what I survive on for an hour and a half every noon. Now, that is exactly what Mrs. Weil told me. What she told him, I believe. What she told on TV I believe because I heard it, now if he wants to hear it let's recess, let's put on the tape Mr. Deshaies has got and let him hear it.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to relay maybe in part a conversation, maybe in part a little bit of my own impressions. I don't particularly care what Mrs. Weil says. Mrs. Weil came to Maine late last fall, Mrs. Weil was not aware of what was going on or had been going on for some time. Mrs. Weil does not know everything about Maine, nor does she know everything about what is going on, and I frankly would like to tell you a little bit of that.

I am not happy with the interest rates provided in this code either. I don't think they are as low as I would want them to be. I suspect if they were as low as I would want them to be or they were to be, we wouldn't have any banks or lending institutions around. The point is that this legislation attempts not to change that interest rate from what it has been over the years. It doesn't attempt to change interest rates primarily because no one has to kid ourselves or we would never get it through. That basically is what is going on.

But really what is going on is one other thing. Ever since I have been a member of this body, I have heard and I have seen and I have been involved in dealing with some of the people from the small

loan agencies. They are the ones who are really out to kill this. We shouldn't kid ourselves about that. They are the ones who are really interested in making sure that this doesn't go through, because they are the only ones whose rates are being affected by it. They are the ones who don't want it. That is basically the issue here. The others aren't affected; the others won't be affected. We can change those rights accordingly when we want to. The purpose of this bill is to codify existing statute.

The gentlelady who happens to head up the Department of Business Regulation I think indicated she is not happy with the rates, and I think the gentleman from Lewiston has well pointed that out. I listened in part to some of the discussion that she had on television. That doesn't mean that we necessarily kill a codification bill because we think the rates are too high, because that isn't the issue here at all. The issue is whether or not we want to extend some of these consumer items in this bill from one specific area to a broad across the spectrum. For example the harassment provision in this bill, I think, is more important to me than many of the other things, because I think this is one of the areas where I have been concerned. I am not happy with the interest rates in this bill either. I would rather see them much lower.

But I don't think this bill was ever intended to lower interest rates per se. And the people who have studied this I think made an effort to try to be fair, to try to be suitable, to try to provide a workable arrangement where they could live with the bill. To my knowledge there is one group that isn't happy, and they won't be happy after we have given them the State.

Last year I attended the national legislative conference in Chicago. And if I recall, one of the members came over and he wanted to take some of us out to dinner, and I gracefully declined. I said that I really didn't want to have my meal bought by the small loan agencies. The following noon I found myself sitting at the table with one. He indicated that he felt very sorry about Maine, and that they were going to have to close more institutions, these lending institutions that rip off the hard-working man. And I

said, "I just don't feel sorry about it at all." But maybe, if he wanted me to, I would be happy to provide him some celebration at some point when all of them left the State.

All of you are aware of the remarks of the gentleman from Standish, Mr. Simpson, indicated about his own participation or involvement in stock ownership in one of these outfits back in the south or the central part of the country. He indicated he got out because he felt pretty bad about the whole thing. That's basically an issue here. And I would ask you to vote against the motion of the indefinite postponement.

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from Eagle Lake, Mr. Martin, for his very interesting remarks on the interest rates. I have deliberately stayed away from them. But if you are not happy with them, neither am I.

But let's get back to the funding of this bill. Mrs. Boudreau, in her remarks, forgets, conveniently, that Banking and Insurance must go to the general fund annually for funding. Banking to the tune of \$100 thousand; and Insurance to the tune of \$70 thousand.

There is absolutely nothing in the remarks made by Mrs. Clark that is not presently available to the consumer without the use of a sixty-seven page document that is unnecessary. All they are doing is cheating the taxpayer. And I hope this House goes along with indefinite postponement.

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

Mr. TRASK: Mr. Speaker and Ladies and Gentlemen of the House: Most of the salient points of this bill have been very ably covered by the other members of the Business Legislation Committee. It was a majority report out of the committee.

Much has been said about interest rates. I don't think this is the important thing in this bill. I think the important thing is we are codifying this law, putting it all in one body, so that it can be properly administered. Now, I think this an evolutionary type bill. It isn't going to stay this way forever. You will have an

opportunity within the next months to change it. And I hope you will oppose the motion to indefinitely postpone.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: At least one closing point to this. It would be nice for a simple bill; it would be nice for a short bill. It's neither. It's not a simple subject; it's not a short subject.

The Committee has lived with this bill for nine months, working months. That's not counting the summer when we probably looked it over. I think the majority of the Committee supported the bill.

Again, the rates are adjustable; the rates are not the chief important thing in it. It's because of consumer measures that are tying in with this bill that are important. I would request the Clerk, if she could read the members of the Committee who signed on the bill.

Thereupon, the Clerk read the Committee Report.

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

Mr. DYAR: Mr. Speaker and Members of the House: I haven't had the opportunity to go through this bill as thoroughly as I should have.

I think my concern is not only the interest but possibly some of the charges that come into this for additional cost to the person seeking or paying the loan. I believe here some months ago the papers had a report of the activities of a Miss Susan Smith who had done some investigating of banks in the State. I think a section there reminds me of some of the complaints of my constituents. We go to certain institutions for a loan or a mortgage and there are institutional charges placed upon that loan which are many times explained as being a practice or a policy of the institution, which in some cases might be a two or three per cent charge on the entire loan for service that institution might be providing.

Another problem arises many times in the case of mortgages, which I don't know whether this bill speaks to or not, is the so-called title search which may cost the consumer \$25.00, may cost, may cost

\$175.00, may cost \$100. Many times the charge is made and the title search is not actually carried out. I am wondering, if we are so interested in protecting the consumer, if possibly some of these points shouldn't have been considered in the legislation. I haven't seen it in the bill. It may be there. But if we are trying to pass legislation here today under the title of the Maine Consumer Credit Code, and some of these provisions are not in here, I think it should be added to the Maine Credit Code.

I believe there is a small section on credit cards. Possibly many of you people are not aware that a person in business who contracts with an agency to use their credit card signs a contract for normally two and a half per cent of the merchandise sold, the selling price, goes to that agency having the credit card. But here again, once in a while you run into one of these institutional programs where they have their own rules and guidelines that may not be in the contract. For instance, on a sale of five dollars or less I believe it is the practice of some of these people to assess the businessman a \$2.00 service charge on a 5.00 sale. Now that is about 40 per cent interest. There is two and a half per cent interest to use the credit card on a five dollar sale. Now, possibly the Committee heard some of these complaints and took it into consideration.

But I think it would be of a little more working capital, possibly, to the Attorney General's office and allow the consumers in the State of Maine who feel they may be taken astray on some transactions to possibly that the consumer will be getting a better deal.

I think possibly this bill is letting in sidelines that will not be protecting the consumer as much as it will be protecting the lender.

The SPEAKER: The Chair recognizes the Gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House:

The gentleman from Milo, Mr. Trask, said that the interest rates wasn't really the most important thing in this bill, that it was the fact that everything was being coded by being into one document.

Well, that may be in his line of thinking but it is not in mine. I think interest rates are a very important factor to the people of the State of Maine. And I am sure that if we were to go through all these legislations on the books now, take all the good bills and the bad bills pertaining to this subject and put them into one document or, so-called, codify them, I don't think it would make every bad bill good. And that is what we are saying here today; that because we are taking these bills and putting it into one document it becomes good.

Now the method of financing the bill, the funding of the operation, this does bother me; where the very people who are being regulated are the ones paying the bills. I don't see where there can be any effective regulation through this method at all.

Now, the gentleman from Eagle Lake has used the word 'rip off' several times. And he is not in his seat now; but to that gentleman I would like to say that maybe it would be a good idea if we changed the name of this bill and we called it the Maine Consumer Rip Off Code. Because this is what we are doing. We are getting ready to give the Maine consumer the real old rip off, if that is the way you want to put it. I feel we are giving them something they don't want. We are going to make them feel they do want it, but they are going to get it when they find out what we've given them. And I could put it in a lot plainer English if I wasn't on the floor of the House. But it so happens I'm inhibited. But this is just what we are doing to the people of the State of Maine today if we don't kill this bill. And it should be killed and killed now.

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

MR. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I would like to reply first of all to the gentleman from Strong, Mr. Dyar. So I think he is seeing this bill as being broader in its effect than it actually is. This is not supposed to control commercial transactions. This bill is defined as a Consumer Credit Code. Consumer credit has only to do with the buying of consumer products, as by strict

definition in the bill; such as, household goods, appliances, clothing, this type of thing. It doesn't extend to commercial transactions. It is, the Consumer Credit phrase, is a term of art. It doesn't indicate that it is anything other than a consumer credit code as defined in the code. And the Code says on Page 9 that it pertains to good services primarily for personal family household or agricultural purposes. So it is narrower than what the gentleman from Strong, Mr. Dyar, understands it to be.

Now we fought this battle in interest rates, as I said the other day and many other people noted on numerous occasions. The most recent one was in the regular session of this present legislature, the 106th legislature. That issue was decided then. Yet, there are other things in this bill that we have to consider. We ought not to sluice this bill on an issue that we decided in the regular session. It is important I think that this bill contains an extension of the 36-month rule which we have all fought for on the floor of this House on many occasions, extends this from small loan companies to the entire financial structure of the State in the area of consumer credit transactions. It extends the prohibition on balloon payments which some of you started before I came to the legislature. It extends that ugly practice to cover all the financial institutions of the State. It extends prohibition on referral sales frauds from the home solicitation sales act or other contracts. It extends the prohibition of the holder in due course to include credit cards and interlocking loans. It extends the present protection against credit insurance abuses from the small loan act to other credit institutions. It extends protection against harassing collection techniques. It prohibits sellers of merchandise certificates from charging interest rates until after the goods are delivered.

I hate to parade down through these things again. I told you about them the other day. At that time you decided this was a good bill. I hope that after all that we have said that you will go along with this bill.

Mr. Deshaies was granted unanimous consent to address the House a third time.

Mr. DESHAIES: Mr. Speaker, ladies and gentlemen of the House: I listened very attentively to the remarks made by Mr. Dyar and the questions that he brought up. The abuses that he cites are very conveniently forgotten in this bill; the closing costs, the account reserves, and various other practices. They are very conveniently overlooked in this bill. And the proponents call it a consumer bill. It is pure and simple a lenders bill, a bankers bill, a merchants bill. I don't care what it is called. But it certainly is not a consumer bill.

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

Mr. DYAR: Mr. Speaker and Members of the House: In answer to the gentleman from Dover-Foxcroft, Mr. Smith, I realize we are talking about the \$49 radio and the \$179 washing machine, but I am also concerned with the \$400 chain saw, the \$13,000 farm tractor, the \$40,000 skidder, the \$50,000 truck.

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 Westbrook, Mr. Deshaies, that Bill "An Act Creating the Maine Consumer Credit Code," House Paper 2043, L. D. 2582, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Binnette, Bither, Bragdon, Brawn, Brown, Bunker, Cameron, Carey, Carrier, Churchill, Cote, Cressey, Crommett, Dam, Davis, Deshaies, Donaghy, Dudley, Dunn, Dyar, Evans, Farley, Farrington, Fecteau, Ferris, Finemore, Flynn, Fraser, Good, Herrick, Hoffses, Hunter, Immonen, Jalbert, Kauffman, Kelley, Kelley, R. P.; Keyte, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maxwell, McCormick, McHenry, McMahon, McNally, Merrill, Morin, L.; Parks,

Pratt, Ricker, Ross, Shaw, Sproul, Stillings, Strout, Twitchell, Wheeler, Wood, M. E.; The Speaker.

NAY — Albert, Berry, P. P.; Berube, Birt, Boudreau, Briggs, Bustin, Carter, Chonko, Clark, Conley, Connolly, Cooney, Cottrell, Curran, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Emery, D. F.; Gahagan, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Hobbins, Huber, Jackson, Kelleher, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Maddox, Mahany, Martin, McKernan, McTeague, Mills, Morton, Mulkern, Murchison, Murray, Najarian, Norris, Palmer, Peterson, Pontbriand, Rollins, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Susi, Talbot, Tanguay, Theriault, Tierney, Trask, Tyndale, Webber, Whitzell, Willard.

ABSENT — Chick, Farnham, Faucher, Gauthier, Genest, Jacques, Morin, V.; O'Brien, Perkins, Rolde, Santoro, Sheltra, Silverman, Soulas, Trumbull, Walker, White.

Yes, 64; No, 69; Absent, 17.

The SPEAKER: Sixty-four having voted in the affirmative and sixty-nine in the negative, with seventeen being absent, the motion does not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Mr. SIMPSON: Mr. Speaker, having voted on the prevailing side, I move the House reconsider its action and hope you all vote against me.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the House reconsider its action whereby this Bill was passed to be enacted. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

44 having voted in the affirmative and 83 having voted in the negative, the motion did not prevail.

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

Orders of the Day

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

Mr. CARTER: Mr. Speaker, would I be in order at this time to move reconsideration of item 2 on page 6 of today's calendar? This is Resolve Permitting the County of Kennebec to Extend Money for Public Ambulance Service, House Paper 2037, L. D. 2572?

The SPEAKER: The gentleman from Winslow, Mr. Carter, moves that the House reconsider its action of yesterday whereby the House voted to recede and concur on L. D. 2572.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope at this time that you would agree with me to reconsider on the item. As you know, my basic objection to this piece of legislation has remained the same throughout, ever since it started. My objection is really based on the use of federal revenue sharing funds. These funds should be spent for the entire county, with no community left out. It also follows that if these funds must be used for the entire county, then they have to be used on an equal basis and not in a discriminatory manner.

I have had the same objections to the solid waste management bill that we discussed previously in the earlier part of this session and it was enacted. It was enacted over my objections for the same reasons that I am speaking on now, that funds should not be expended unless all communities within the governmental unit benefits on an equal basis or on a pro rata basis.

Now, in the Attorney General's opinion that I had distributed to you yesterday bears me out on this, and I call your attention to the bottom paragraph of the Attorney General's letter. It reads as follows: "The federal law relative to revenue sharing is to provide funds from the federal government for the benefit of the whole governmental unit, whether it be municipal, county or state." I repeat, for the benefit of the whole governmental unit, whether it be municipal, county or state. "This resolve does not seem to accomplish this

purpose. This resolve would authorize the county commissioners, utilizing federal revenue sharing funds, to establish a service in those communities that are willing to be assessed for the service. This is not the utilization of revenue sharing funds for the benefit of all the residents of Kennebec County, but only for the residents of those municipalities that are willing to be assessed for such service."

Before I went to the Attorney General to get this opinion in writing, I tried to get an amendment drafted to remove this objection. I went to the Legislative Research Office and I was told in no uncertain terms that it was impossible to draft an amendment that would remove the objection that I had to this bill. I then had the Attorney General's opinion reproduced and distributed to all of you, and I would urge you to read it and take the message back to your county officials and to your local government officials, because I know that in some instances the State funds have been expended, that are federal revenue sharing funds, have been expended on a discriminatory basis. Some communities have been denied their rightful share, and I would urge you to look into it.

This bill has been amended, as you know, to remove one of the portions that makes it undesirable, which is that portion of assessment. This has nothing to do with federal revenue sharing funds. This is the basic state law which states that the county can assess only under certain conditions as provided in Title 30, subsection 252 and 254. It has nothing to do with federal revenue sharing funds. And it should be apparent to you now, after all we have been going through, that this is nothing but a raid on federal revenue sharing funds by the City of Augusta at the expense of the rest of the county.

The ambulance service that is available at the southern end and the ambulance service that is available at the northern end are both in different categories. One is private and one is public. Both these services traverse the county lines. The service at the southern end services Lincoln County and Sagadahoc County, and the service at

the northern end services Somerset County. I ask you ladies and gentlemen of the House, is it fair for the taxpayers of Kennebec County to use their federal revenue sharing funds to subsidize a service in other counties? Would you be willing to let your federal revenue sharing funds be spent in that fashion? I don't believe you would.

I say to you that this is discriminatory and it is not equal treatment under the law. If the southern end of the county is really interested in better ambulance service, I would suggest to them that first off they make an attempt to purchase the existing service and not make an attempt to legislate that person out of business.

I would hope that you would go along with reconsideration so that we may put this bill in its proper perspective.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Last Friday afternoon when George West, the Deputy Attorney General, delivered his opinion to my good colleague from Winslow, Mr. Carter, he was met in the corridor by the gentleman from China, Mr. Farrington, and myself. He advised us that if we removed this one particular clause, one particular paragraph in regard to assessment, our bill or this proposal would be absolutely constitutional, and he had no problems with it, none whatsoever. For that reason, we did draw this amendment and have it drawn in conformity with his suggestion. In fact, he crossed out the particular paragraph himself.

In addition to this, inadvertently another paragraph had been omitted, apparently, between the committee report and the drafting of a new draft coming out, and that pertained to this statement, "that this resolve should not be construed to allow the commissioners in the several counties to provide a county-operated and maintained ambulance service." So we felt that we had somewhat clarified this bill and made it a much better one.

In regard to the gentleman from Winslow, we are trying to have better service not only in the Augusta area or the southern Kennebec County area, but

also in the northern Kennebec County area, and I would call to his attention a letter sent to Mr. Farrington, the gentleman from China, signed by a party named Albert L. Bernier. Al Bernier is a two time Democratic mayor of Waterville. He is currently a member of the Waterville Hospital Council, whose purpose is, as I understand it, is a matter of planning and coordination of the hospital services in northern Kennebec County. He sends this letter to Carroll Farrington and it reads as follows: "Dear Carroll: The bill is drafted, it seems to me to provide adequate flexibility to deal with our established Delta Ambulance Service in northern Kennebec County and any prospective public ambulance service in the southern end of the county, the bill provides ample leeway, lagway for working out the individual relationships between each agency and the County Commissioner. I see no need for any additional amendments or suggestions. Thanks again for your courtesy."

I think what we are running into is what we have said before, and incidentally, we have debated this rather extensively on two previous occasions, and I am assuming if it prevails this afternoon, we will debate it again as it becomes an enactor, but this thing doesn't seem to want to die. I am surely disturbed when they tell me the gentleman from Winslow, Mr. Carter, suggested this is strictly a raid by the City of Augusta on federal funds or federal revenue sharing. I can assure you that I have been advised by the city Manager that Augusta will go on its own if these funds are not available in some other way, Augusta will probably go part way in at any rate. We certainly believe that these federal revenue sharing funds, which are available, should be distributed to the remaining communities or made available for a better public service in the ambulance area. I hope you will go against the reconsideration.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: The original bill that was presented to me on County Government allowed the County of Kennebec, the Commissioners of

Kennebec, to expend money for ambulance service. I more or less took it upon my own to redraft the bill, the resolves, and brought out points which I thought, in my mind, would clarify the situation here in Kennebec County.

The only objection I received from the Attorney General's office was the section of the resolve that said that the county commissioners could not assist municipalities for the services rendered, inasmuch as Title 30 in this section that pertains that municipalities did not allow this. Although I would assume that possibly the Commissioners could contract to the towns with town approval and get around this section.

I am quite concerned with the ruling on the federal revenue sharing money, because in essence, that is what has been said here, that if a municipality builds a swimming pool that if you don't swim, you are being discriminated against. If a municipality buys a fire engine and you don't have a fire, you are being unjustly taxed. I have a letter here in front of me from the Seton Hospital in Waterville, another letter here from the Augusta General Hospital, relative to this piece of legislation, and both people signing the letters from the two hospitals involved, are in concurrence with this piece of legislation. So certainly the two cities, Augusta and Waterville, as far as two of the hospitals are concerned, they do agree that they can get along with this legislation and they feel that the legislation is necessary. So, hopefully, this afternoon you will not vote to reconsider.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: A lot of mention is made about the Seton Hospital in Waterville and I would like to point out that the Seton Hospital is one of three hospitals in the City of Waterville, Thayer Hospital is another hospital, which is currently satisfied with the service that is given in the municipality. Another one is the Osteopathic Hospital which is satisfied with the service that is being given, so that the Seton Hospital, in effect, is a minority and is out voted really two to one. It seems strange that they would only contact one hospital in

Waterville, I can understand why they only contacted one in Augusta.

One of the things that has been bugging me the most about this whole thing Mr. Brown asked us earlier, would seem to be behind us. If you would take out your list on the legislative council or agent list, you would see that agent number 70 happens to be Charles Moreshead, who is lobbying for the City of Augusta. Charles Moreshead happens to be the Commissioner elected to serve all the people in every city and town in the county. If you would look at Agent 100, you would see that it is Paul McClay, who is the second of three commissioners in the county and he is registered to lobby for the City of Augusta. He was also elected to represent each and everyone in the county. Now, if you don't think that is discrimination, I don't know what is. I would say that both of the gentlemen apparently have the ethics and the morals of a tomcat. I haven't said anything out of the way, Mr. Speaker, unless, I personally offend the gentleman from Augusta.

The SPEAKER: For what purpose does the Gentleman arise? The gentleman from Waterville, Mr. Carey, still has the floor.

Mr. BUSTIN: I would simply like to say this, for him to characterize two personal friends of mine, and two people who are County Commissioners in Kennebec County, to say they have the morals of a tomcat, I think is highly irregular and very inappropriate.

The SPEAKER: The Gentleman from Waterville, Mr. Carey, may continue.

Mr. CAREY: Thank you, Mr. Speaker, By the way, one of them happens to be a Democrat and the other one happens to be a Republican. I certainly hope the gentleman from Augusta doesn't take offense to that remark.

The gentleman who was referred to as Al Bernier is a two-time Mayor of the City of Waterville, he is the President of the Hospital Council and we had a grant for some \$400,000 which we asked for, through the three hospitals, to increase our medical capacities in the City of Waterville, and the towns of Winslow, Fairfield and Oakland and the surrounding areas. We had the same problem with Mr. Bernier on that one

also. It seems as though the Seton Hospital which used to be run by the Sisters of Charity, are no longer around. The Sisters have now moved out and the hospital is now planning, to the best of the memory of some of us who are in political life and elected officers at the local level, they are trying to live off everybody else. This may be true because Mr. Bernier, who is a reputable attorney in the City of Waterville, is one of the persons who refused to submit a list of taxable property that the hospital had to the local tax assessors, so I would not put too much weight on the fact that Mr. Bernier wrote a letter on this thing. The idea is that two out of the three hospitals have not gone along with this and if they were going to take Seton Hospital, then they should have also contacted the other two hospitals.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: It is a sad occasion when we have to resort to calling names on such a worthy cause as this. We are actually talking about, ambulance service, better ambulance service, for those within the confines of Kennebec County and I just think in the case of the ambulance in Windsor, which China supported to the tune of \$2,000 out of their major appropriations this year. If someone was injured in Knox County or Lincoln County and they had a call, they would go.

I have, personally, attended a meeting in Waterville, Maine whereby all the hospitals were represented, Kennebec County and one in Somerset County.

The very fact that this has turned out to be a controversial matter should mean to most of you that there is a need for more cooperation for the benefit of those who might be injured in the area. I hope you don't reconsider this matter.

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

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to apologize on behalf of the Kennebec County Delegation for washing our laundry before you again today. Also to make you aware that the

other day I read a list of people who have supported the bill in Kennebec County's Delegation and I said there were nine who were supporting and four who were against. I believe that the call now would be ten representatives from Kennebec County in favor and only three against.

Paul McClay and Charles Moreshead are registered lobbyists for the City of Augusta for the purpose of the applications which the City of Augusta had for the liquor license at the Augusta Civic Center and as such, they had to register.

I have a letter also from my hospital, from Richard Dorr, who is the Administrator at that hospital, who wholeheartedly supports the need for qualified ambulance and up-graded ambulance service.

The State plan to me providing emergency medical service, states that it is the goal of this State that the level of training for emergency personnel be up-graded to meet the emergency care needs of the citizens of Maine. This goal will bring professional status to the trained emergency medical technicians. The advanced first-aid course is currently all that is required of an ambulance attendant, it is not sufficient to meet new emergency medical care requirements. The American Red Cross reflects this fact in that they have now replaced this advanced first-aid course with a new emergency care personnel training program.

I would like to address myself briefly to one other point, the point of accountability. Positions have accountability to the public. Hospitals have accountability to the public; the police department is accountable to the public; we, as Legislators, are accountable to the public but the private ambulance service does not have that state of accountability and to show that they don't, the ad that I read to you two days ago, Ace Ambulance Service was going to curtail its service from 5:00 p.m. until 8:00 a.m. in the morning. That is not public accountability. We need a twenty-four qualified, well-trained, ambulance service for all of Kennebec County and that is what this resolve will provide and I would hope that you would vote no on the motion to reconsider.

The SPEAKER: The Chair recognizes the Gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: With this letter that the gentleman from Winslow, Mr. Carter, has reproduced and distributed, this even raises more doubt in my mind as to whether we are doing the right thing today or not, if we were not to reconsider this now. What we are doing with this bill, and I am sure if it is successful in Kennebec County that we will be faced in the next session with bills coming in for all the counties wanting to do the same thing, that is having the county take over the ambulance service. In some of the counties, and I am not familiar with Kennebec, but with Somerset, I am somewhat familiar, we do have quite a few of our municipalities contract with private firms and we are getting good coverage. If a bill were to come in, such as Somerset, then I am sure that my town would be the first one to say, well, we are not going to subsidize our local ambulance service anymore, let the county take over and run it. The only thing I can see with this bill now is where there is a lot of unfairness written in the bill, like, you take a \$100,000 revenue sharing money that belongs to everyone in that county and you start using it for limited number of municipalities, while those other municipalities are maintaining their own ambulance service, then these people are, in reality, paying a tax twice. Now this revenue sharing money belongs to all the people and since according to the Attorney General they can't get assessment made on the municipalities that use the service, then this was one part of the bill I did highly favor because I hate to see any town get a free ride at the expense of another town. I think we should reconsider this and if we can't do anything with it here now, since there already is an amendment on it, to take off the emergency preamble, then really, it is not that important because it is now not becoming an emergency so it could well be thought over or worked on and come back to the 107th in a different form that would be pleasing to everyone and accomplish the purpose for which it was designed. Again, I will say that I do not

believe that this is fair to the communities that are operating their services when you take part of a \$100,000 that is rightfully theirs away from them.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to answer a few questions that have been brought up.

The first person I would like to answer is Mr. Dyar, who fortunately is not in his seat. I would be at a loss to understand Mr. Dyar's logic when he would suggest to us that the systems in the communities would not benefit from the purchase of a fire truck if they had no fire. I fail to see the logic, I mean, after all, if the protection is there it is to the benefit of everybody. One of the prime things a fire department does, normally, is to lower the insurance rates for homeowners and that affects everybody in the community.

Another point is Mr. Whitzell of Gardiner, cites the votes and it is not the first time, it has been several times, the vote of a delegation. And I wonder how the delegation would really have voted had they been aware of all the facts in the case.

The last point I would like to bring up is that I would like to pose a question through the Chair to the gentleman from Augusta, Mr. Brown, if he would care to answer. Why is the grandfather clause forever used whenever the House or the other body passes legislation? Is it not to prevent suits because of legislating someone out of business or out of a job?

I suggest to you, ladies and gentlemen, of the House, that if you do this, if you pass this document, you will, in fact, be legislating someone out of business. In doing so, I believe the gentleman was perfectly in his right to sue. And if he was successful, and I am sure he would be, this would add further discrimination to the taxpayers of Kennebec County, especially those at the north end. I would hope that you would reconsider so that we can put this bill rightfully where it belongs.

The SPEAKER: The Chair recognizes the gentlewoman, from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker, Ladies and Gentlemen of the House: Couldn't an amendment be put in to divide the money evenly as on a per capita basis and let each town and city use it for what they want? If they want ambulance service, use it for that; otherwise, use it for something else.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: Towns already have revenue sharing, they have their revenue sharing given to them. This is county revenue sharing to be spent for the best interest of the county.

I am really interested in the remarks the gentleman from the north end of the county about this revenue sharing must be well distributed. Well, we have three new hospitals in Waterville, a new one in Gardiner, they are building one in Augusta. And I did quite a lot of work for the one in Gardiner and it took quite a while. Because all the Hill-Burton money, the federal funds, were going into the three hospitals in Waterville, we couldn't get a cent of them. Now, all of a sudden, they are really interested where this federal money is going because some of it is coming to the southern end of the county. I represent 6500 people. They don't come from the City of Augusta. They can use this ambulance service, I think they should have it. I am very much against reconsideration.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Among the items that the County Commissioners of Kennebec County are spending money for the benefit of some areas and possibly not so strongly and beneficial to other areas. There is some \$38,000 that they currently are spending in the Waterville area, primarily for mentally retarded children, of which the vast majority or the large majority is made up of children from the Waterville-Winslow area. I find no fault with this, none whatsoever. But at the same time I think you may have some unbalance or imbalance as they distribute funds. I assume that the county commission will sit down with the

various public officials and will sit down with various hospital people to work out these programs as Mr. Bernier suggested here.

I would like to call your attention to an item which I saw in last Sunday's Maine Sunday Telegram. It was on the editorial page or the page just opposite it. And the headline in the column it says, "from the Maine Weekly's," and it is quoting an item from the Lisbon Post. I have never happened to see the Lisbon Post and I am unfamiliar with it. But this is what he quotes in the last paragraph, "Just as postal service should be looked upon as a service, which might require government subsidies, rescue service in a modern nation should not be left to chance. Every citizen expects a fast response by trained personnel, when his or her life is threatened. This is not too much to expect in a nation which sends men to the moon." As my colleague from Augusta, Mr. Bustin, said the other day, we are just trying to get better ambulance service.

The SPEAKER: The pending question is on the motion of the gentleman from Winslow, Mr. Carter, that the House reconsider its action of yesterday whereby it voted to recede and concur on Resolve Permitting the County of Kennebec to Expend Money for Public Ambulance Service, House Paper 2037, L. D. 2572. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Carter of Winslow 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 Winslow, Mr. Carter, that the House reconsider its action whereby it voted to recede and concur with the Senate. All in favor of reconsideration will vote yes;

those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Berube, Binnette, Bither, Boudreau, Carey, Carrier, Carter, Conley, Cooney, Cote, Crommett, Curran, Dam, Faucher, Fecteau, Ferris, Finemore, Gauthier, Herrick, Immonen, Jalbert, LaCharite, LaPointe, Lawry, Lewis, J.; Lynch, MacLeod, Mahany, McKernan, McMahon, McNally, McTeague, Mills, Morin, L.; Ricker, Rollins, Ross, Shute, Smith, S.; Snowe, Tanguay.

NAY — Ault, Baker, Berry, P. P.; Birt, Bragdon, Brawn, Briggs, Brown, Bunker, Bustin, Chonko, Clark, Connolly, Cottrell, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Dow, Dunleavy, Dyar, Emery, D. F.; Farnham, Farrington, Flynn, Fraser, Gahagan, Garsoe, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Hobbins, Hoffses, Huber, Hunter, Jackson, Kauffman, Kelley, R. P.; Keyte, Kilroy, Knight, LeBlanc, Lewis, E.; Maddox, Martin, Maxwell, McHenry, Merrill, Mulkern, Murchison, Murray, Najarian, Parks, Peterson, Pontbriand, Pratt, Rolde, Shaw, Simpson, L. E.; Smith, D. M.; Sproul, Stillings, Susi, Talbot, Theriault, Twitchell, Webber, Wheeler, Whitzell, Willard, Wood, M. E.

ABSENT — Albert, Cameron, Chick, Churchill, Cressey, Drigotas, Dudley, Dunn, Evans, Farley, Genest, Jacques, Kelleher, Kelley, Littlefield, McCormick, Morin, V.; Morton, Norris, O'Brien, Palmer, Perkins, Santoro, Sheltra, Silverman, Soulas, Strout, Tierney, Trask, Trumbull, Tyndale, Walker, White.

Yes, 42; No, 74; Absent, 33.

The SPEAKER: Forty-two having voted in the affirmative and seventy-four in the negative, with thirty-three being absent, the motion does not prevail.

On motion of Mr. Simpson of Standish, the House voted to take from the table the following Unassigned matter:

Bill, "An Act Relating to Income from the Public Reserved Lands" (H. P. 1739) (L. D. 2185) (C. "A" H-755)

Tabled — March 14, by Mr. Simpson of Standish

Pending — Passage to be engrossed

On motion of Mr. Martin of Eagle, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted, and on further motion of the same gentleman, the Amendment was indefinitely postponed.

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

House Amendment "A" (H-801) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: If you will take a look at the amendment, House Amendment A, under filing number H-801, the statement of fact pretty well explains it but I would just like very quickly to review it with you. This bill was, in fact, referred to the taxation committee for review and it came from the committee with a unanimous ought to pass report. The purpose of the report and as amended by the taxation committee, was to return to the plantations to the right that they enjoyed prior to the passage of L. D. 1812 during the Regular Session. What the amendment does is to correct the situation and the law to make it perfectly clear that the income that is derived from the sale of timber, the sale of grass and timber rights, and the sale of stumpage, on the part of the State on these public lots, that interest from such incomes will go back to the plantation. L. D. 1812 provided that all of that went back to the State. And, of course, in fact, what happened is that we have plantations in this State that have been in existence for hundreds of years or as long as Maine has been a State. And of course, what happened was, because they were a plantation, they were not entitled to the same benefits that the towns were entitled to. The requirement was provided that 10 percent of the income from the total assets of the provision that is available and is kept by the State Treasurer, will be kept for management of that organized township fund. And the rest of it will revert back to the plantations for their use, which, of course, they have been using for school purposes. This will

return to the plantations the rights that they had prior to the passage of L. D. 1812.

What had happened, when we passed that at the end of the Regular Session, we passed it, as you all remember under the hammer in the heat at the close of the Regular Session in two or three days, is that we automatically told the plantations, in effect, that we passed a law that the plantations no longer were to receive either the income or the interest from that date, from October 3, 1973. What this meant, of course, is that for those of us and those of you who represent plantations that have always used this income for school purposes to decrease the total cost of education, were going to be deprived of that right. But for those of us who live in towns, that provision was not changed. Basically, this is what the amendment does and I would be willing to respond to any questions that any of you might have.

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

Mr. BRIGGS: Mr. Speaker, Ladies and Gentlemen of the House: I have some serious reservations about because I feel it doesn't give them merely the interest from the account but it gives them the entire sum of money in toto. It is not correct, he says; he is shaking his head vigorously. I must accept that as a negative response, even though it is sometimes difficult to tell, Mr. Speaker.

If it does represent the entire sum of money that can be taken from a cutting on the plantation, I think it would be a mistake and I think it would be an incentive to ever so much more intensively cut the resource than it would be before. If the income itself is going to be made available to the plantation, I think I could favor that. But if they are going to be allowed to have all of the resources from all of the cutting that is done on the public lots, on the plantations, I think that would be a tragic mistake and I would be against it. I would like him to answer that besides just shaking his head. I would like him to stand up and respond.

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

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

Mr. MARTIN: Mr. Speaker and Members of the House: I will verbally answer him as well as visibly. It is the intent of the legislation and the amendment to return to the system that we had prior to October 3, 1973, where the income derived from the amount held in trust by the treasurer is returned to the plantation's municipal officers for the purpose of removing it from the school budget and that is it. It is not to return the total income at all, because obviously that would not be the way to do it, because that is not the way that it is intended.

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

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps I should clearly understand Mr. Martin's explanation, but I am not sure that I do. Due to the fact that the Plantation of Westmanland is in my district, I guess my question, I would be reassured if Mr. Martin will reassure me that we are back with everything, back to the time this changed. Obviously they had the right to sell stumpage off their so-called full lots up to that time, and that is for their school fund or their — the question is that, does this restore everything back to that date?

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

Mr. MARTIN: Mr. Speaker, I would like to respond to the question posed by the gentleman from Perham, Mr. Bragdon. As the gentleman knows, prior to the October 3, 1973, the process for Westmanland or for any of the plantations that I represent, if anyone wanted to cut on the public lot, they would request from the Bureau of Forestry the right to advertise and suggest that they advertise for bids. The Bureau would then advertise for bids and those bids would come in and they would award to the highest bidder in terms of stumpage available and price. Then the Forest Commissioner would then send this back to the municipal officers of Westmanland and say, "Do you agree with our awarding to the

highest bidder the cutting rights on Westmanland?"

When October 3 rolled around, the Forest Commissioner notified the various plantations that they no longer had a right to tell him whether or not they would stop the cutting or whether even refer it, and from that on, the Forest Commissioner simply indicated that he would decide whether or not cutting took place, without the municipal officers being asked or advised.

If the gentleman will note, on the second page of the amendment, section 3 at the very bottom, it says, "The assessors in plantations organized prior to March 1, 1974, shall have final approval over actions taken by the Commissioner under Section 4162, Subsection 4 on the public lots located within their respective plantations." The Bureau of Forestry would have to go back under this law, if we enact it, to the plantation manager or the plantation assessor for their approval. So they simply wouldn't be cutting in their back yard without anyone knowing about it.

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

Mr. DYAR: Mr. Speaker and Members of the House: L. D. 2185 is my bill, and I am in concurrence with the amendment that is presently before you. In the regular session we did pass legislation which is now Chapter 628 of the Public Laws which created this problem.

Essentially what happened, the 54 organized plantations of the State of Maine were deprived of some \$97,000 a year which they had been using historically for education within the plantations. This piece of legislation will restore that money back to the plantation where it belongs. The money the plantations receive is the interest from the principle. The principle is held by the Treasurer of the State of Maine, invested, and they receive the interest back for educational purposes.

I think what Mr. Briggs was getting at, I would like to explain what has happened in some of our plantations since October, 1973. The Department of Conservation has gone to these plantations and already laid out many lots to be leased. Under the present

statute, unless this bill goes through, these lots could be leased on behalf of the State of Maine by the department and the local plantation officers and the people residing on the plantations would have no say. This legislation is putting back in the hands of the plantations what was taken away in the regular session. It bothers me, it was taken away basically in what is now three lines of about three and a half pages in this book here. So actually those of us who overlooked this when it was passed in the 105th, as far as lines are concerned, had very little to overlook, but we certainly had an impact on our plantations by overlooking it.

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

Mr. CAREY: Mr. Speaker and Members of the House: I would like to address a question through the Chair to the gentleman from Eagle Lake, Mr. Martin. Are these public lots in these plantations marked, because the Statement of Fact says, "The amendment also gives the assessors of plantations a veto power over the management actions of the Director of the Bureau of Public Lands on public lots located in the respective plantations." If they are not located, can the assessor just pick out what is hopefully the best lot and say that is the public lot?

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: In each of the occasions where you have plantations and they are organized plantations, as a matter of fact, some of them are bigger than towns, they have laid out public lots. In other words, there are none of them that have the undivided public lots or public lots that are all over the place and we don't know where they are. Each instance, in the case of plantations, the public lots are laid out much the same way they are in the municipal organized towns or cities.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: To go a little further than what Mr. Martin

has said, all the organized plantations are divided into lots, the whole town. I am familiar with quite a few, having cut over quite a few, the Township of D and the Township of E and so on and so forth, anything that is organized and a lot isn't organized, the majority of it is divided into lots. They were divided years and years and years ago. And if you want to go over to the Forestry Department, on any organized plantation or most any lot, they will give you a plan of that lot. That will show you, with the exception of a few cases, where the public lots are.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The only reservation I have, if a portion of this income is to be used for schooling and the rest of it returned to the fund, I would like to be assured that enough money is taken for state agencies such as the Forestry Department so that these departments are not funded from the General Fund to do anything on the public lots in organized townships or plantations. If they have income, let's use part of the income to fund the state services.

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

Mr. MARTIN: Mr. Speaker and Members of the House: To respond to the question posed by the gentleman from Livermore Falls, the second page of the amendment specifies per se that before the amount is returned to the plantation, 10 percent of that amount will be kept by the Bureau for the purpose of administering the local forest practices act that the state will at some point impose. This was not provided for before, and this is the reason why that is in there now. This will take care of the very concern that the gentleman is concerned about to make sure that we attempt to make the organized plantation fund pay for the management of it.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that House Amendment "A" be adopted. All in favor of that motion will vote yes; those

opposed will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 4 having voted in the negative, the motion did prevail.

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

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act Providing for a Workmen's Compensation Insurance Fund" (H. P. 2047) (L. D. 2580)

Tabled — March 25, by Mr. Simpson of Standish

Pending — Further consideration

(Passed to be engrossed in the House as amended by House Amendment "B" (H-770) and referred to the 107th Legislature in the Senate) (H. P. 1811) (L. D. 2292)

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

Mr. SMITH: Mr. Speaker, I move we recede.

Thereupon, Mr. Simpson of Standish requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Dover-Foxcroft, Mr. Smith, that the House recede. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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 Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: The reason I made the motion to recede is that I have an amendment that I would like to put on this bill and send it back to the Senate. Basically, what the bill does is change the nature of the fund that we are talking

about to a competitive fund, which would permit both the fund and the insurance companies to operate in the workman's compensation market in the State of Maine. I think that some of the objection, basically, to the approach that we have taken is that perhaps we are moving in an area that will exclude insurance companies.

Basically, what I want out of our efforts in this special session is to address the problem. The problem is that there are a lot of people who work in Maine who are not covered by workman's compensation, particularly people who work in agriculture, particularly people who work in lumbering, particularly people who work in some of the processing plants around this State. This bill, in its present form, will not allow the state fund to sell insurance, unless it overcomes a very, very significant obstacle, and that is that it receives approval of the Superintendent of Insurance, the Commissioner of Manpower Affairs, and the Chairman of the Industrial Accident Commission and before that approval can be certified, the fund must show that it is financially capable of undertaking the task.

Before it is financially capable of undertaking the task, there is another hurdle, bonds must be floated. To float the bonds necessary to establish this initial fund, the Executive Council's approval must be received. These are two very significant hurdles. I don't think that in the next two months or probably in the next year or two, these hurdles can be overcome. It is important that we begin to address ourselves to the need, the need of people who are not covered by workman's compensation.

I am not asking us to hurry; I am not asking us to do something that is foolish; I am not asking us to do anything but address ourselves to the need, the need of people who are not covered by workman's compensation.

I am not asking us to hurry; I am not asking us to do something that is foolish; I am not asking us to do anything but address ourselves to the problem. I think this is the only way the kind of ground work, a kind of study, a kind of thinking, that must be done to solve this problem can be done. If this thing does come back

to the House again, I myself will move to recede and concur. I hope that we can give this one more try. I think this is going to answer many of the questions that many of those who have been reluctant. I think it is a deserving cause, and I hope that you will go along with it.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will defeat the motion to recede at which time I would hope that the motion to recede and concur would be in order. I would just like to remind you that we didn't put this piece of legislation in conformity with the majority report of the Committee on Labor, which was to refer to the 107th. None of the testimony, none of the evidence, no detail, no data, were presented at the hearings that would justify our going into a competitive fund. The very factors that might make the monopoly fund work are those that would almost guarantee that a competitive fund would not. I am sure you are all aware that in the regular session of the 106th, we passed legislation allowing the people who are most troubled by the current situation of workman's compensation, the woods operation, would pass legislation allowing them to form cooperative groups to purchase group insurance. That was effective as of last October, but as of this time not one plan has been brought forth. Another illustration of the problem that faces the segment of this industry and one that I think would work against the very possibility that a competitive fund would be viable. So I hope you will defeat this motion.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: This is a rare occasion that the gentleman from Cumberland, Mr. Garsoe, and I agree on something. We have been in disagreement on a lot of measures, but on this one here, this was put out for a study and the study was incomplete. In the committee it was decided that we should have a complete study of this measure. Now my colleague from

Dover-Foxcroft says there is no hurry about it. He just made a statement, don't hurry about this amendment. Well, if there is no hurry about it, why don't we recede and concur with the Senate so we can get this thing over and done once and for all.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: The other day we had this bill as it came out of committee with three reports. It was very vehemently argued that we had to have the report that we accepted, which then went on and didn't go anywhere, and quite frankly, all we have in this amendment now is Report C, which is just another attempt to hopefully get this particular piece of legislation on the books.

I completely concur with the gentleman from Cumberland, Mr. Garsoe, and also the gentleman from Old Town, Mr. Binnette, that this is part of a study which has not been completed. If we put it on the books, in my opinion, we have placed this State right directly in the insurance business, and I am not willing to go that far yet, whether it is competitive or whether it is a sole insurer or what have you. I don't believe we need to get in the insurance business. If there is a need, then I want it to be well documented when it comes before this body.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: There certainly is a need for this legislation. The fact of the matter is, that there are many workers, especially in agriculture and the forest products industry, which don't enjoy workman's compensation now. The reason they don't have workman's comp is because it is too expensive. It is true that this bill will put the State into the insurance business, but that is not anything new. Many of the states are in the insurance business, the workman's comp business, and it is a proven fact that their program works much better than the private programs that we have in this State. As a matter of fact, on the average, there is a 30 per cent savings to

the employer, if we pass this legislation today.

Now I suppose there is a time when this legislature should be timid, but I don't think this is the time nor do I think this is a bill which we should be timid about. We should get all the workers that we can under workman's comp, it is only right. The only way that we are going to do it is to bring the cost of workman's comp down to the employer, and this is the only bill we have that will do that.

I don't think we ought to wait until the next session of legislature and study this again. This bill has been worked on since the regular session. And it is time to pass it now, it is time to get these people under workman's comp. We need this bill and I hope you will go along with the motion to recede.

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we do not recede. This matter should go to a study. It was the recommendation of the majority report of the Committee on Labor that was adopted in the other body. If our lumber or pulp industry is having problems in the area of workman's compensation insurance, then I think the legislature should try and help them, as we would any other industry, so that small woods operators, like Mr. Finemore, for example, would not be forced out.

I had a long talk with the Insurance Department last Friday on the subject of workman's compensation for the woods industry and I was given some rather interesting figures. Of all the lumber or pulp producing states in the United States, Maine has the lowest base rate for workman's compensation insurance for woods operations. The average rate, country wide, is \$17.35, base rate. Maine's base rate for workman's compensation insurance for woods operations. The average rate, country wide, is \$13.65. And Friday, I was informed that the department has been studying for some time and is about to approve a reduction for workman's compensation for woods operations to \$11.66, a \$2 reduction. It is a step in the right direction, but nevertheless it can

be improved, and I hope the study will reveal how. I hope we do not recede but allow this bill to go to study.

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

MR. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I only have one comment. I think you all know where I stand on the issue. Last Thursday, I think it was Wednesday or Thursday, we were debating this very thing, and I got a call from a friend of mine and he indicated that lo and behold, he had received a call from the insurance company that carries him, and they had lowered the rates \$2 per \$100 dollars a salary. That was the day, I guess, that we were debating the issue, and I was most impressed with the timing.

Now I understand from a friend of mine in the Insurance Department that there is now a study to lower it another \$2 so maybe if we can keep this bill alive another week, we may be down to a reasonable level. I couldn't think of a better thing in the world to do for the wood industry of northern Maine. And some of my friends in the insurance business, I spent a long time with them over the weekend, talking to them, and they are concerned, obviously, about the rates, they don't control the rates, as obviously the gentleman from Westbrook, Mr. Deshaies, can tell you, it is assessed by the higher-ups in the insurance industry, whomever that might be, and the rates just come from on high and they have to pass out the rates. They just carry forth what they are told.

I was most impressed to see the \$2 reduction. I am most impressed to see another \$2 being proposed as a reduction, and I can't think of a better thing to happen to the people in the wood industry as this just occurred. Maybe if this bill never passes at all, if we just keep it alive, maybe everyone in the wood industry will be able to afford workman's comp and they can buy it from the private carrier.

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

MR. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I kind of enjoyed the remarks from the

gentleman from Eagle Lake, Mr. Martin, but, brother, they didn't sell me.

You know, it is awful easy for someone to stand up and say, well, gee, the Maine Legislature, especially the House of Representatives, is well known for its real liberal actions around here during this session, especially when it comes to business actions on some things. To stand up and say, gee, the big, bad, insurance company suddenly called up and started reducing rates all over the State. I don't know how many other people got a phone call, but I bet that gentleman was the only one and I bet that the debate on this floor didn't have a bit to do with that company reducing his rates. I bet his experience had the rate reduced and nothing else but.

THE SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

MR. McNALLY: Mr. Speaker, Ladies and Gentlemen of the House: What concerns me more than anything else is to hear about this study that has been made. If we had a study and the study had been made, why in the world didn't they tell the Labor Committee in the hearing we had? Nobody had anything to say about a study. I think what the three fellows have told you here, there was no study and that there has been no study.

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

MR. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: It bothers me a great deal to have the gentleman from the far corner get up and imply that some big insurance company, just as the gentleman from Standish told you, sets these rates. He knows full well that these rates are regulated by the Insurance Department of our own State of Maine. They are not set completely by the insurance companies. They have to be approved by the Insurance Department here in the State.

I fully concur that this matter should be studied. I can't understand at all the gentleman from Dover-Foxcroft, Mr. Smith, telling you that the way the bill was you had to float bonds and you had to do this and you had to do that, but you are going to set up a competing fund, I can't understand why you are not going

to have to do the same thing on that, if it is going to have any value. I think the only way to do it is study it and do it right.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I suppose I should be in agreement with the gentleman from Exeter, Mr. Smith, because I am aware that the cost of workmen's compensation is so high that we in the potato business haven't been able to buy it. We do get along by putting on some liability insurance and gambling on that taking care of us.

However, with potatoes at \$20 a barrel, I seem to be somewhat reluctant to suggest that we subsidize on the state level to set up an insurance that we can afford to buy. So I think perhaps we would be safer to study it and maybe come up and look for it another time.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I am certain it won't persuade anyone terribly, but I think we might keep the record straight if we ask the Clerk to tell us what the report of the committee is. I ask the question because my recollection is that there were three reports. I think one report was Report A, or, if you will, the exclusive state fund and another report was to refer to the next legislature and a third report, I believe signed by the gentleman from Biddeford, Mr. Farley and the Senate Chairman of the committee was in essence along the line of the amendment now suggested.

Thereupon, the Report was read by the Clerk.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: The bill has been well debated. I think it is fair to say that initially the House accepted a bill which would provide for an exclusive or, in the phrase of others, a monopolistic state fund. The other body, by a very close vote, did not choose to accept any report. There are basically three positions

available and of course there is the positions as well to do nothing. One position available says refer it to the next legislature. The second position says the state takes over the whole areas and the third position would allow the existence of a state fund to take care of employers who voluntarily choose to do business with that state fund rather than go with a private insurance company.

I am certain a great number of you have been approached over the weekend, as I have, by representatives of the Casualty Insurance Industry that now engage in this \$18 million a year business. It is certainly their right to approach us, both from within state and out, but I would suggest this to you. We have talked in the past about how a state fund is more efficient, and I believe it is; some of you do perhaps some of you don't. But I know this, we have had private insurance companies in this business since about 1915, that is almost 60 years. There is still a very considerable unmet need in terms of the number of industries that including primarily the forest products industry and the agricultural industry.

Now, we can wait until next time and maybe we can wait not only two years but four or six or eight or ten. We have already waited 60. But the fellow who gets hurt this year or next year and whose employer does not have insurance or gets hurt and his employer has an insurance and has paid for it but it has taken six or eight weeks for the insurance company to process the claim. The people that are injured and subject to that problem, they can't wait, because they can't put off their injury, they have no control over it.

Mr. Speaker, I hope very much that the House will not so much retain its past position, but rather come back to the other body in a compromising posture, not for an exclusive state fund but for what is called a competitive state fund. I hope you will vote against the pending motion so the compromise, the middle way, may be offered and the bill may live, because remember the guy that is injured in the next year or two can't wait.

The SPEAKER: A roll call has been ordered. The pending question is on the

motion of the gentleman from Dover-Foxcroft, Mr. Smith, that the House recede. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, P. P.; Boudreau, Bustin, Chonko, Connolly, Cottrell, Curtis, T. S., Jr.; Dam, Drigotas, Dunleavy, Farley, Faucher, Gahagan, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Kelleher, Kilroy, LaCharite, LaPointe, Lynch, Mahany, Martin, Maxwell, McHenry, McKernan, McTeague, Mills, Morin, L.; Mulkern, Murray, Najarian, Peterson, Pontbriand, Rolde, Rollins, Smith, D. M.; Smith, S.; Strout, Susi, Talbot, Theriault, Tierney, Twitchell, Whitzell.

NAY — Ault, Baker, Berube, Binnette, Birt, Bither, Bragdon, Brown, Brown, Bunker, Cameron, Carey, Carrier, Carter, Chick, Churchill, Clark, Conley, Cooney, Cote, Cressey, Curran, Davis, Deshaies, Donaghy, Dow, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Fecteau, Finemore, Flynn, Fraser, Garsoe, Gauthier, Good, Hamblen, Hancock, Hoffses, Huber, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelley, Kelley, R. P.; Keyte, Knight, Lawry, LeBlanc, Lewis, E.; Lewis, J.; MacLeod, Maddox, McCormick, McMahon, McNally, Merrill, Morton, Murchison, Norris, O'Brien, Palmer, Parks, Pratt, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Trask, Tyndale, Webber, Wheeler, White, Willard, Wood, M. E.; The Speaker.

ABSENT — Berry, G. W.; Briggs, Crommett, Dudley, Dunn, Ferris, Genest, Herrick, Jacques, Littlefield, Morin, V.; Perkins, Ricker, Santoro, Sheltra, Soulas, Tanguay, Trumbull, Walker.

Yes, 47; No, 84; Absent, 19.

The SPEAKER: Forty-seven having voted in the affirmative and eighty-four in the negative, with nineteen being absent, the motion does not prevail.

Thereupon, on motion of Mr. Binnette of Old Town, the House voted to recede and concur.

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

Mr. BIRT: Mr. Speaker, I now move

that the House reconsider its action whereby it voted to recede and concur and hope you will vote against me.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves the House reconsider its action whereby it voted to recede and concur with the Senate. All in favor of reconsideration will say yes; those opposed will say no.

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

Mr. McKernan of Bangor presented the following Joint Order and moved its passage:

WHEREAS, a team of students from the University of Maine Law School recently were judged to have presented the best arguments in a mock trial involving the Law of the Sea; and

WHEREAS, the case, assumed to be before an International Court of Justice, drew legal teams from Brooklyn College, Columbia, Fordham, Harvard and Boston, Connecticut and New York Universities; and

WHEREAS, as regional winner, in April the Maine team will travel to Washington, D.C. to compete for the national championship at the annual meeting of the American Society of International Law; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the House of Representatives and Senate of the One Hundred and Sixth Legislature of the State of Maine while assembled this day in special legislative session take this opportunity to commend this outstanding legal team from the University of Maine Law School represented by: Dana A. Cleaves, Ronald Battocchi and Stephen S. Bragdon of Portland, J. Michael Huston of Gorham and holder of individual honors for best speaker, George Bowden of Casco, and proudly extend the best wishes of the Maine Legislature for their forthcoming national encounter at Washington, D.C., and be it further

ORDERED, that suitable copies of this Order be prepared and presented to the members of this distinguished team, their able student faculty adviser, Mr. Martin A. Rogoff, and their distinguished university in honor of the occasion. (H. P. 2086)

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

Mr. Susi of Pittsfield presented the following Joint Order and moved its passage:

WHEREAS, current projections indicate that additional revenues may be needed to finance state government in the next biennium; and

WHEREAS, efforts are already directed towards establishing the extent of these needs and others which are expected to develop; and

WHEREAS, in the interest of good government, it is desirable to establish new or expanded revenue sources which equitably meet future needs; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council is authorized and directed to study current means and trends in state finance for the purpose of accurately forecasting the financial needs and revenue outlook for the forthcoming biennium and to develop reliable information and data as to expansion of existing sources or added sources of revenue to adequately and equitably meet any needs projected; and be it further

ORDERED, that the council report the results of such study, including legislation to implement any and all recommendations, at the next regular session of the Legislature. (H. P. 2085)

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

The Chair laid before the House the second item of Unfinished Business:

Bill, "An Act Relating to the Consent to or Surrender and Release for Adoption" (H. P. 2051) (L. D. 2585) Emergency

Tabled — March 25, by Mrs. Boudreau of Portland

Pending — Passage to be enacted.

On motion of Mrs. Boudreau of Portland, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-804) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker and Members of the House: I would pose a question to the gentlewoman from Portland. This amendment, as I read it, and this is an area that I am very unfamiliar with, but it would seem to put the father of the illegitimate child at a distinct disadvantage when both the mother and father would be interested in adopting the child. I wish the gentlewoman could explain the effect of the amendment on the L.D.

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

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: This just changes the word "shall" to "may". It leaves some discretion up to the judge of probate. If we leave the word "shall" in there, in a case that the father's name is on the birth certificate, the mother has no idea where he is and there is no way for the judge to give him a notice in writing, then the only alternative left would be to publish this in a newspaper, which I think would be a pretty horrible situation.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I just looked at this amendment, and it does change "shall" to "may". We have spent a lot of time with this particular bill, and actually this bill here, it does say that the putative father should be given notice of a hearing. I personally believe that is the way it should be. If it isn't so, where are you going to put the blame, where are you going to put the responsibility as far as the child and the support of the child and everything? I personally don't believe — I think the law as presented is a good law, and I personally do not believe that we should leave it at the discretion of the judge of

probate. Therefore, I will not support the amendment.

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

Mrs. BOUDREAU: Mr. Speaker and Members of the House: I think we have to leave some discretion with the judge of probate, otherwise, we could have some situations that could hurt the children that might be involved in these cases. I am sure that if your daughter should be unfortunate enough to have an illegitimate child, the putative father disappears, she has no idea where he is, do you want her name published in the paper?

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker and Members of the House: I apologize for pursuing this, but the second paragraph, section 532C under Notice, which is the area where the amendment would fall, says that if the judge finds from the affidavit of the mother that the father is named in the birth record, that is that the father is already known, he is named in the birth record or that he is currently providing or has attempted to provide support for the child, or that he is currently involved or has attempted to become involved in a family relationship with the child, this indicates a positive action on the part of the father. If you adopt this amendment, you are going to eliminate all of his rights in the instance where he is actively trying to help his off-spring.

I move the indefinite postponement of the amendment.

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, moves the indefinite postponement of House Amendment "A".

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: We are not eliminating any of his rights, because if he has really lived up to these conditions, you would have no difficulty in locating him. This is in the cases where you cannot find him. The only way you can live up to this law — we have had an opinion from the Attorney General's

Office — you would have to publish it in the newspaper.

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

Mr. CARRIER: Mr. Speaker and Members of the House: There is apparently a difference of interpretation here. I look on page 4 at the two cases, the first one is if the putative father is in fact the natural father of the child but has not undertaken or is unwilling or unable to undertake parental responsibility in regard to that child, he shall rule that the natural father has not established parental rights. This is very mandatory and this is not at the discretion of the judge, and I don't think it should be either.

You go down to the third paragraph from the bottom, it also says that if the judge of probate finds that the putative father of the child has not petitioned or entered into the records of the court, or appeared within the required period as set out in this section, he shall rule — we are talking about the judge now — he shall rule that the putative father has no parental rights, that only the mother of the child must consent to the adoption and so forth. So this here in itself says that if the putative father, if the judge doesn't know where he is, the judge shall rule that the putative father has no parental rights. I think this is the way it should be, it should be "shall" instead of "may" and I think it is about time that we tell the judges what we want in these laws and that we enforce the laws.

Thereupon, on motion of Mr. Birt of East Millinocket, tabled pending the motion of Mr. McMahon of Kennebunk to indefinitely postpone House Amendment "A" and tomorrow assigned.

The Chair laid before the House the third item of Unfinished Business:

Bill "An Act to Provide for a Moratorium on the Issuance of Lobster and Crab Fishing Licenses" (S. P. 942) (L. D. 2587) (H. "A" H-782) Emergency

Tabled — March 25, by Mr. Greenlaw of Stonington

Pending — Passage to be enacted.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday I had thought it was necessary to offer an amendment to clarify a technical problem with this matter, but after setting this aside and discussing it with some of the other members, coastal legislators, I find it is not. I apologize to the House for delaying this, and I would now move final enactment of this bill.

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 an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

102 having voted in the affirmative and 2 having voted in the negative, the Motion did prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the fourth item of Unfinished Business:

Bill, "An Act to Regulate Sale and Processing of Crawfish" (S. P. 937) (L. D. 2575) (H. "B" H-788) (H. "C" H-789)

Tabled — March 25, by Mr. Maddox of Vinalhaven

Pending — Passage to be enacted.

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

Mr. MADDOX: Mr. Speaker, Ladies and Gentlemen of the House: I have been troubled since the introduction of this crawfish bill, and after careful consideration of all the factors involved, I feel that I must oppose it. My reasons for so doing are many, all germane to the subject, and I will endeavor to explain them as quickly as possible.

Over the years, Maine has had leading positions in a number of diversified fields. With the passage of time, these leaderships have been surrendered one by one. For instance, lumber, our forest produced a supply that made the City of Bangor the world's largest port for the shipping of this commodity. Today, only the statue of Paul Bunyan remains to remind us of this former industry.

Granite, in the expansion of our country, the great buildings of commerce and industry were built upon the solid foundation of Maine granite, and as the esthetic and religious character of the country developed, the architects of the country designed such structures as the Pilgrim Monument in Plymouth, Massachusetts, the Brooklyn Bridge, the Cathedral of St. John the Divine in New York, all of Maine granite. Today, the grandsons of the artisans who produced the material for these great structures swim in the water-filled pits that mark a departed industry.

Our shipping at one time was supreme. There was a time when the shipyards produced the ships that carried the commerce of the world over, and Maine men were as much at home on the streets of Hong Kong, Manila and Liverpool and other world ports as on the streets of Portland, Bath or Eastport. Now only decaying launching slips and crumbling logs and a few rotting derelicts abandoned on the coastal mudflats show evidence of this past ocean supremacy, with only Bath and a few small coastal yards maintaining our traditions. But here, in the subject of this bill, we have the lone survival of our maritime leadership. From our coastal waters, our Maine lobstermen supply the nation, and in some cases by plane the world, with what is acknowledged to be the finest product of the ocean's bounty — the Maine lobster.

In 1973 Maine landings were 17 million pounds. I will give these in round figures. The total landings of all marine products, 143 million pounds, lobsters representing 12 percent of the total landings. The value of all these landings was \$43 million, the lobsters representing \$23 million. With only 12 percent of the total landings, the lobster represented 54 percent of the value of all marine products. These percentages give factual evidence that in this Maine product Maine has an undisputed first, both in quality and in quantity. This protection of this position is of utmost importance to every citizen of Maine, both for its effect on the economy and for the value of its prestige. The introduction of inferior products had

lead to the undoing of many Maine industries. A trip through our towns and cities will show that very vividly. The abandoned mills and factories, with their crumbling stacks and shattered windows give mute evidence to the results of the importation of inferior products of foreign countries, such as paper shoes and plastic raincoats.

Now we have another threat, the importation of African rock lobster, so called, actually crawfish, to be offered as a substitute for our native lobster. To this action, I offer the most strenuous objection. Why do I object — first, because it is of inferior quality. Secondly, because it raises a doubt in the minds of our consumers that they may be victimized by an unscrupulous operator serving this imposter, camouflaged by sauces and salad dressing, resulting in a loss of confidence the public has reposed in our native product, with the resulting adverse effect on the industry, on the industry that is contributing \$23 million annually to our economy.

And thirdly, there are many small Maine industries that depend upon the patronage of a prosperous lobster fishery for their continued success. Will the importers of rock lobsters be a customer of any of these? Definitely not. Will the numerous small saw mills that turn out lathes, bows and sills for traps and long lumber and oak for boats benefit from the importation of rock lobster? Certainly not. They may lose if the reaction is severe enough.

What of the small boat yards in our coastal towns, many one and two-men operations? Keeping alive the skill and craftsmanship demanded in the construction of that superb craft, the Maine fishing boat, will the Maine importers of rock lobster be a customer of these craftsmen? Again, certainly not.

What of the fish processing plants who depend upon the sale of their cuttings for lobster bait to reduce their overhead expenses. Will the importers of rock lobster turn any dollars their way? Again, the answer is no.

What of the marine supply firms in our coastal cities who supply rope and chain and gas and oil and numerous other

items needed to keep the fishing fleet in operation, the electronic firms supplying the depth finders, radar, ship to shore phones and the small machine shops supplying the pot haulers and other auxiliary machinery. Will the importer have any need that will help these? Definitely not.

Each of these industries I have mentioned are contributing directly to the economy of Maine and a large part of their success is related to the prosperity of our fisheries. Why should the lobstermen and the public be subjected to unrest and distrust that the admission of this product will engender? Should a \$24 million industry and the welfare of 5,000 taxpaying Maine families be endangered by the benefit of a few restaurant and snackbar operators? I don't think so. Let us maintain the high standard of our most valuable marine product and not permit the introduction of an inferior product that could prove detrimental to both our local industry and our national image.

I move the indefinite postponement of this bill and all accompanying papers, and when the vote is taken, I request a roll call.

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

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the remarks made by Representative Maddox of Vinalhaven, and I wish to compliment him on the excellent presentation that he has made this afternoon.

I served on the Marine Resources Committee. True, I signed the bill out "ought to pass." I have since changed my mind, which is the prerogative of anyone who so desires. I certainly feel that Mr. Maddox has presented a strong case. I certainly cannot add anything to the remarks that he has made, except to say that we have prided ourselves in the Maine lobster, and it has become a symbol of our state, and I certainly support the motion that he has made.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I am a little hesitant to speak on this bill today after

the decisive defeat I received on a lobster bill last week, but I do think that the opinion of the majority of the committee on Marine Resources should be offered to the full membership of this body.

To give a little history about this legislation it should be pointed out that the State of Maine is the only State that prohibits the sale of crawfish.

The State's Attorney General, the Honorable Jon Lund has given the opinion that the present law now on the books prohibiting the sale of crawfish will undoubtedly be declared unconstitutional in the present case before the Maine Courts.

So for this reason it was the opinion of the committee and the commissioner that the legislature should enact some form of legislation to protect the lobster industry by regulating the sale of crawfish. I would ask the members of this House what protection the lobster industry will have if this bill is indefinitely postponed? It will have none whatsoever. So ladies and gentlemen this was an honest attempt by the Marine Resources Committee to implement a law to offer some degree of protection to a vital industry in this State.

So I would hope that the members of this House would not vote for the indefinite postponement.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, favor indefinite postponement of this bill and I will tell you why. I hate to get gypped. I have traveled some in Florida. I ordered Maine Lobster salad. I got crawfish. I started chewing on it and I chewed on the first forkfull for probably five or ten minutes until I got the waiter's attention. And I told him, I says, "this is not Maine lobster, this crawfish and I object. I object to you advertising it as Maine lobster." Well, he said, "let me bring the manager over." The manager came over and he apologized and he said that they had run out of lobster and maybe he didn't think anybody would know the difference. Well, I said, "I know the difference and I don't want to eat this."

And I guess for the sake of the record I won't tell you what I said about it. But anyway I got the most pitiful steak I ever had. I still rather had the lobster.

Now, let me tell you, we can take Maine lobster and boil it properly and you are getting Maine lobster and it is good. But when you get into salads and stews and chowders you can put in some crawfish. And it is much cheaper to buy than the meat of lobsters. But it is much tougher. It is a little bit hard to tell the difference between a piece of crawfish and a heel cut of the chunk of a boot that a man has been wading around in fish bait in. It reminds me a little bit of the story that I heard in Paris back in the early 1930's. And in those days rabbit pies, small ones, were available on the street corners, readily available as a hot dog at a baseball game today. And one man had become king of the rabbit pie business in Paris. And he sold out to somebody who asked him the secret of his success and he said that he was mixing horse meat and rabbit meat fifty-fifty. One horse one rabbit.

Now, when you go back to a lobster stew the good flavor of the lobster meat will cover up the flavor or the lack of flavor of this African critter that we occasionally get in here, but it can't make up for the texture.

Now, if you want something really good, and this I have recommended to a great many thousand tourists that I have had on my boats, and who have told me how much they enjoyed our Maine lobster; get a good Maine lobster chowder, made with good Maine Aroostook potatoes, made with good Maine milk and cream and blend that. I know it is getting near supper time boys. But add a little bit of good old salt pork right from a good Maine hog that has been fattened on the farm, a little onion out of the garden and you have got something really good. But when you start putting crawfish into it you are spoiling all of these dishes. And I just hope that you will go along with indefinite postponement of this bill that could pollute our lobster salads, our chowders, our lobster rolls and all the rest of it, and keep the name of our Maine lobsters good.

Now if the Supreme Court does

eventually rule down this law that stood for many years there is another session of the legislature coming in and they will be able to take care of the situation, so please vote for indefinite postponement.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I am sure at this point there are many of you saying that you have heard enough from Greenlaw in these past two years on lobsters and crawfish.

This is an important issue, the cost is an important issue to my people and I wish that I could have just a few minutes of time to urge you to vote against the pending motion, and believe me it is with extreme misgivings that I make that recommendation.

I think the gentleman from Stockton Springs, Mr. Shute, amply outlined to you the trials and tribulations that the committee went through. I don't really have any disagreements with the gentleman from Vinalhaven, Mr. Maddox, or the gentleman from South Bristol, Mr. Lewis or the gentleman from Southport, Mr. Kelley. My concern is there is a suit pending in Cumberland Superior Court now. Members of the lobby have worked this bill very hard. And as I indicated to you last week we presently have a noose around our neck and club over our head. If we do not enact this bill they will proceed in court.

Like some of my colleagues who oppose final enactment of this bill, I too, should like to see a court decision. In fact, I investigated the possibility of giving the Commissioner of Marine Resources the authority to regulate the sale of crawfish should the statute be overturned. It was not possible to do this. There are really two questions before us this afternoon: Can the State drag out this case in the courts until next January; and, are we willing to take that chance? I certainly don't know the answer to the first question. And I, as one legislator, am not willing to take that chance. If we do not enact this bill this afternoon we shall only be delaying the decision that we shall eventually have to make because, as Mr. Shute indicated there is considerable feeling this statute is unconstitutional.

Lest there be any doubt, let me emphatically state that my support for this bill is only passive at best. I am not so interested in the sale of crawfish in Maine as I am in the protection of one of our greatest resources, the Maine lobster, as the gentleman from Vinalhaven has so eloquently stated. It seems to me that three-quarters of a loaf is better than none. This is exactly where we are. I would ask that you oppose the motion to indefinitely postpone. And I also state here, emphatically, that if the enactment of this bill does pose problems for the lobster on the coast of Maine I guarantee that there will be people back in here next session tightening up whatever loopholes people may find with this law.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: As a representative from the coast of Maine I would also like to say just a few words on this subject. You have had a gourmet and epicurean discourse about our crustaceans tended to whet your appetite from the gentleman from Boothbay, Mr. Kelley. But I don't think he necessarily is all correct. Many years ago we prohibited other types of lobsters from being served in Maine and being placed in our markets because this was before we had the ability to ship our lobsters all over the country and all over the world. And we needed then to protect the market. I still believe that this is discrimination. Now there are a few people who come to Maine who would really just as soon have crawfish, not that the meat is that good because I will admit that it is tougher, as the gentleman from Boothbay, Mr. Kelley, most vividly has described. But, it is alright. I have eaten it many, many times, and it is alright. It would have to be listed on the menu as being crawfish; it can be used in a stew. We are not trying to foist the opinion off on our visitors that this is Maine lobster but if they can get it cheaper they might well be willing to buy it realizing they were not going to get Maine lobster.

Now, I have had absolutely no pressure from the lobstermen in my area. I view it as others have said today

that if it is ruled unconstitutional we will not have a restrictive bill like this, but it would be wide open. And then we would be trying to fool the public.

Speaking of fooling the public, Augusta is on the Kennebec River. I have lived on the Kennebec River all my life, I know quite a lot about the fisheries of the Kennebec River and their antiquity. The Kennebec used to be a very famous place for salmon. Now, if you go to Philadelphia, New York, or any of the large cities you will note on the bill of fare "Kennebec Salmon." There hasn't been a salmon caught in the Kennebec River, except by accident, a polluted one, for a great many years. But they are advertised. I think that is wrong. But we in Maine under this bill would not advertise these crawfish as Maine lobsters but as crawfish.

The SPEAKER: The Chair recognizes the gentlelady from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker and Members of the House: Mr. Maddox has just given us the reason why the people of Maine can not afford Maine lobster. A good part of the catch is shipped out of state and has become too expensive so we in Maine have to turn to substitutes whether we like it or not. Some of the restaurant owners at Old Orchard have asked that I vote for this bill so that they can put crawfish on the menu along with lobster if they choose to. I hope you oppose the indefinite postponement of this bill.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: When you gamble it is nice to know all the odds that you are gambling on. I am not particularly happy with the bill. But I think you must consider if you are going to vote indefinite postponement the complete picture and the odds that you are considering. If the court throws out the present law not only do you have the problems with crawfish getting into stews and things but this may be a minor problem. The major problem is that the present caliber length of keepable lobster is three and three-sixteenths inches. It has been estimated by the

Marine Resources Department that 94 to 97 percent of the catchable lobsters are being caught every year. What we are really worried about here is the question of the short lobster. If you open this up to crawfish you may well be opening up a wide market to short lobsters, and people will be a market in the State and a shippable market for them. If crawfish are being brought into the State and sold and generally around is going to confuse the enforcement of laws against short lobsters to a degree. I think when you consider indefinite postponement on this or voting against indefinite postponement you should consider the question of the short lobster in that.

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

Mr. MADDOX: Mr. Speaker, Ladies and Gentlemen of the House: I think I touched on many facets of this bill. But one thing I neglected to say, and I was purposely leaving it out, was the problem of enforcement. This has been brought up by the gentleman from Yarmouth, Mr. Jackson. And I would like to tell you right now, that if our present warden force, working as they do, cannot curtail the sale of short lobsters and productions of short lobsters, they are allowing them to be put into commerce to the extent that this would become a product sold as rock lobsters and you certainly are laboring under a misapprehension. In other words, you would be admitting our wardens are failing definitely in their positions for which they have been selected. I don't believe that is a consideration at all. I object strongly to being legally blackmailed as we have been by projected law suits that may happen. I tacitly agree almost, I don't know just how to put this. But I did not oppose the license freeze, I did not approve of the license freeze. The license freeze put upon the people of Maine because of a decision that might be handed down. We are now being blackmailed by a decision that might be handed down. The people who want this bill have filed a suit in Superior Court, I believe, or some court, it is on the docket. They don't want it brought up. Because if they could get this law, they

are all set. They don't want this brought up. They would be all set for this and we would be stuck with it. I doubt very much, as I have found from the Department of Marine Resources, that it could take five years before this would be implemented if the decision was adverse to the industry. I have definite assurance from the Department of Marine Resources that they do not want to try to regulate this law. They do not want to put men into restaurants and the snackbars of the State. And the money that is allocated from this bill to do it, to hire an extra man, wouldn't begin to look after one hamburger station.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the industry that the gentleman from Vinalhaven, Mr. Maddox just discussed, I would like to put our position on the floor or our case on the floor.

I don't know as we are actually blackmailing anybody. But I believe we filed suit in the courts and plan to proceed with the case. I think you will find that Commissioner Appolonio and also the Attorney General are the ones that feel very confidently that they are pursuing the case in such a manner that they will lose. The Attorney General is going to court to actually try to now defend something that he has already stated in an opinion that is unconstitutional. And therefore, I believe it is their opinion and would be my opinion that if we are going to have any type of crawfish law regulating the sale or the processing that we had better regulate it, that we had better not have anything on the books, we better have something on the books rather than nothing.

Under Title 12, Section 4452, which is exactly what is on the books at the present time, it reads as thus: "It is unlawful for any person to sell, offer for sale or possess for sale, within the state, crawfish, so-called, in any form." I would like to add to the gentleman from Oakland, Mr. Brawn, that if he wants to interpret that as bait, then the bait dealers in this State are illegal right

now. "It is unlawful to serve in public eating places, to label or advertise as lobster or imitation lobster any species of fish, either in a can or frozen or fresh state, whether removed from the shell or not, except species of lobsters, commonly known as *homarus americanus*", which is our Maine lobster. "The penalty, whoever violates any provision of this section shall be punished by a fine of not less than \$50.00 or more than \$1,000 or by imprisonment for not more than 90 days or by both," and that is not a light punishment.

Ladies and gentlemen, I would like to tell you that I believe that the people who are in the restaurant business in this State are just as proud of the fishermen in this State and just as proud of the State always being known as the Lobster State, as the fishermen who fish off the coast for them. I think the restaurant people in this State, who serve lobster, are also proud of their own industry. I don't think there is anything more embarrassing than to be from the State of Maine and have to tell a person coming into this State, "I'm sorry, we don't have any lobster today because the fishermen have decided to take them because they can get a better price out of state, therefore, they are placing them by the millions of pounds on planes in Bangor on the way to Germany, Sweden, Norway, England and the rest of Europe and also into the far West and the rest of the country." That is one of the most embarrassing things you have to face as a restaurant person, especially in the summer when the demand is there. I don't believe that any restaurant person in this State is going to take and knock down the Maine lobster, nor is he going to put on his menu, African crawfish, when he can get Maine lobster; or if he does, he will comply with the law in that he will advertise it properly because he cannot afford the penalty that is imposed upon him in the new draft or in the present draft. I personally believe that this is a good attempt to try to come to an equitable solution of a problem that is facing us in this State and I agree, wholeheartedly, with just about every single thing that every person has said here today, for or against this thing,

except for the indefinite postponement of that and I am opposed to that.

Mr. Maddox of Vinalhaven was granted permission to speak for a third time.

Mr. MADDOX: Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct a few impressions here that are definitely wrong.

It has been suggested by the previous speaker, the gentleman from Standish, Mr. Simpson, that the Maine lobstermen control the price. The Maine lobstermen have absolutely nothing to do with the price of lobster, absolutely nothing. His control over his product ceases when he comes into the float and sells to the dealer. If you want to tackle that particular problem you are going to get into an area that is going to take more than this Special Session to solve, because you are going to come into a manner of conglomerate. There are pulp wood companies up in Maine that are selling lobsters all over the country and regulating the price. There are dealerships in automobiles in Massachusetts. I don't know but there are cereal and bus companies that are selling lobsters. These are the conglomerate actions, and not actions of the fishermen. The fishermen are entirely at the mercy of the dealer in that respect.

Another thing is to emphasize the fact that how little he has to do with it, about fifteen years ago, the Maine lobsterman wasn't able to make a living, he wasn't even able to pay for his gasoline and oil, tried through the Maine Lobstermen's Association to refrain from hauling his pots for three or four days to raise the market and what happened? They were haled into Federal Court and the Maine Lobstermen's Association was fined a \$1,000 for price fixing. The lobstermen have absolutely nothing to do with the price, he just puts in the product that is returning so much to the Maine economy.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I feel that this amended bill with its safeguards is much better than nothing. I certainly oppose the motion to indefinitely postpone. Now,

if it were I, and I wanted to defeat this bill, I would preface my remark by the fact that our Maine lobsters are so delicious, that we were so justifiably proud of them, that I would then offer an amendment that Maine lobsters could no longer be anywhere in the world except in our great State of Maine.

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

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps that the good gentleman from Bath has really climaxed the debate on this subject. I would wholeheartedly agree with his suggestion. And if he would care to introduce a bill or an amendment, he has my wholehearted support for this bill. The only problem is, I am afraid that all of the people from all over the world, coming into the State of Maine, to eat these Maine lobsters, would consume the gasoline that we would not be able to go out and catch anymore lobsters.

Now, ladies and gentlemen, I think the gentleman from Vinalhaven, has pretty well covered this subject matter. But I do want to add one or two little things of my own here. As I look around the membership of this House, I recall the days when my brother had a fish market in the City of Rockland, I was a young man at that time, clerking in his fish market, and many, many of the members here in this House today were not even breathing our clean air, they are not even old enough to recall. At that time, we were selling lobsters for 25 cents a pound, there were attempts to camouflage the lobster. I could, in private, but I will not do it on the floor of this House, but I would tell you in private, the ways that it can be camouflaged and can be served in salads and can be served in stews and can be gotten away with as Maine lobster. It was not Maine lobster. But the way that the product is prepared and used in conjunction with lobster, it is served and gotten by with.

Now, if we are going to introduce the crawfish into this situation, I have every reason to believe that there is going to be more camouflaging and there is going to be more misrepresentation than there

ever has been in the past. We have, during this Special Session, had innumerable occasions where we have been threatened that the courts are going to do this, the courts are going to do that, and we have acted accordingly. Now we hear this afternoon, and it is getting along toward evening, but we have heard this afternoon that the courts are going to rule against the bill which the distinguished gentleman from Standish, Mr. Simpson, has read; that the courts are going to rule that this is illegal. All right. I say to you, if the courts are going to rule it illegal, let's let the courts do it, let's not, here and now, tell the courts what they are going to rule. Let's let them rule first and, then we, the members of the legislature, will act accordingly. I believe that everyone of you here are well aware that if the courts do rule that this statute is illegal, that you are going to see an appeal. Ladies and gentlemen, you know how long that matters like this can be dragged out. We certainly will be back here in another Regular Session and maybe two Regular Sessions before. So let's not, here and now, tell the courts how they ought to rule on this piece of legislation. Let's indefinitely postpone this legislation and get on toward adjournment.

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 Vinalhaven, Mr. Maddox, to indefinitely postpone Senate Paper 937, L. D. 2527 Bill, "An Act to Regulate Sale and Processing of Crawfish," and all accompanying papers, in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Baker, Berry, G. W.; Bragdon, Brawn, Cameron, Chick, Churchill, Connolly, Davis, Deshaies,

Dunn, Emery, D. F.; Evans, Farrington, Finemore, Hoffses, Kelleher, Kelley, Kelley, R. P.; LaCharite, Lewis, E., Littlefield, Maddox, McCormick, McHenry, McMahon, Merrill, Mills, Murchison, Palmer, Rolde, Shaw, Silverman, Strout, Tyndale, Webber, Willard, The Speaker.

NAY — Ault, Berry, P. P.; Berube, Binnette, Birt, Boudreau, Briggs, Brown, Bunker, Bustin, Carey, Carter, Chonko, Clark, Conley, Cooney, Cote, Cottrell, Cressey, Curran, Dam, Donaghy, Dow, Drigotas, Dunleavy, Dyar, Farnham, Faucher, Fecteau, Ferris, Flynn, Gahagan, Garsoe, Gauthier, Good, Goodwin, K.; Greenlaw, Hamblen, Hancock, Hobbins, Huber, Hunter, Immonen, Jackson, Jalbert, Keyte, Kilroy, Knight, LaPointe, Lawry, LeBlanc, Lewis, J.; Lynch, MacLeod, Mahany, Martin, Maxwell, McKernan, McNally, McTeague, Morin, L.; Morton, Mulkern, Murray, Najarian, Norris, O'Brien, Parks, Peterson, Pontbriand, Pratt, Rollins, Ross, Shute, Simpson, L. E.; Smith, D. M.; Snowe, Stillings, Talbot, Theriault, Tierney, Trask, Twitchell, Wheeler, White, Whitzell, Wood, M. E.

ABSENT — Bither, Carrier, Crommett, Curtis, T. S., Jr.; Dudley, Farley, Fraser, Genest, Goodwin, H.; Herrick, Jacques, Kauffman, Morin, V.; Perkins, Ricker, Santoro, Sheltra, Smith, S.; Soulas, Sproul, Susi, Tanguay, Trumbull, Walker.

Yes, 39; No, 87; Absent, 24.

The SPEAKER: Thirty-nine having voted in the affirmative and eighty-seven in the negative, with twenty-four being absent, the motion does not prevail.

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

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

The SPEAKER: The gentleman from Gouldsboro, Mr. Bunker, moves the House reconsider its action whereby it failed to indefinitely postpone this Bill and all accompanying papers. All in favor of reconsideration will say yes; those opposed will say no.

A viva voce vote being taken, the

motion did not prevail.

Thereupon, the Bill was passed to be enacted, by the Speaker and sent to the Senate.

The Chair laid before the House the fifth item of Unfinished Business: Bill "An Act to Change Weights and Related Provisions for Commercial Vehicles" (H. P. 2060) (L. D. 2592) (H. "B" H-791)

Tabled — March 25, by Mr. Birt of East Millinocket

Pending — Motion by Mr. Stillings of Berwick that the bill be indefinitely postponed.

(A Roll Call requested)

Mr. Finemore of Bridgewater offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-800) was read by the Clerk.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I would like very much to speak on this amendment before the motion is taken. I believe you deserve an explanation on an amendment as long as this. There was some dispute in regard to the length of the vehicles, and I agree with just 65 feet. So we have removed this under the first section and so now the longest vehicle that can be on the road is 56½ feet, same as it is now.

The second part of this amendment was placed in this by the gentleman from Farmington, Mr. Morton, and by the request of Mr. Mallar. This is so that all 1975 trucks cannot be loaded over the limit that is authorized by the manufacturer, and this proof has to be carried in the truck when the 1975 model is out, which is a very good move. It is a safety measure, and I am glad they have presented it. I hope the trucks will go along with it.

On the bottom of the first page, you will see "further amend bill" so and so under Section 5, before it read "and trailer." In other words, there was a lot of question here that could mean double bottoms, which we do not want, which we aren't in favor of, and we added the words "or trailer" — or trailer, this meaning the trailer now that is in effect with this little four-wheel trailer hauling

behind in the woods products and other products.

Item 9 on page 2 was left out of the bill completely. The operator of the vehicle shall be prima facie evidence that said operation was caused by the person, firm or corporation holding the permit or certificate for said vehicle from the Public Utilities Commission. This is so the driver isn't holding. It is very unfair for a driver of a vehicle that you have loaded or that I have loaded and he have points taken away from his license just because we overloaded the truck. He has no way of telling the weight of the truck. So this is just adding on the law that is already been on there.

I think that is about all that I can explain in the amendment. If there are any further questions, I would be glad to explain them. We have done just the request. I have followed along with Mr. Stillings in this and I hope I have covered everything that everyone wanted. I can't think of anything that I have left out. I hope we have made this satisfactory.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: There is just one question I would like to ask the gentleman from Bridgewater, Mr. Finemore. What is the difference in weights? Is there any increase in the weights of these trucks?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, poses a question through the Chair to the gentleman from Bridgewater, Mr. Finemore, who may answer if he wishes.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: Yes, sir, you mean in the bill itself, Mr. Kelleher? Well, if he means in the bill itself, I will explain that. I thought maybe he would answer it. On the three-axle trucks there has been an increase of 3,000 pounds. On the four-axle trucks there has been an increase of 3,000 pounds or less than 3,000 pounds. On the five trucks there has been an increase from 73,000 to 80,000 pounds, which would be a little over 6,000 pounds.

What we would like to do, ladies and

gentlemen of the House, If I may continue briefly, what we would like to do is have this amended and go to the other body to see what they are going to find. Maybe in the end it will be killed anyway. So we haven't got to worry too much about it. I hope at this time you will go along with the amendment and vote against the motion to indefinitely postpone, unless that motion is withdrawn.

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

A vote of the House was taken.

75 having voted in the affirmative and 16 having voted in the negative, the motion did prevail.

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

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Bridgewater, Mr. Finemore, has suggested that the series of amendments that he has just offered have overcome all of my objections to the bill, and that is true pretty much, except remember that there still are increased weights in this bill. The tolerances are still there, the special permit for the haulers of forest products is still there, and even though the frozen roads law has only been mentioned casually in this debate, I think we should all recognize the fact that any vehicle that is registered for 18,000 pounds or \$100 registration fee could carry any overload without paying the extra \$25 during the months of December, January and February, provided it is not in excess of the requirements of Section 1652.

I mentioned previously that this bill included no road limit, and that is correct. There is absolutely no road limit. The vehicle I talked to you about, the six axle rig. That could be registered for 100,000 pounds and could still carry 128,500 pounds with impunity under certain circumstances.

I also mentioned to you another concern, that we are increasing all of the weights; yet we were doing nothing

about the fine structure, and that is the case. The fine structure still remained the same. No vehicle except a six axle rig could be assessed any more than the \$200 maximum fine, plus the \$10 cost of court that is now in the law.

I must confess, though, that the amendment that has been offered taking out the extra length, taking out the double bottom feature, and so on, have served perhaps to make a bad bill a little better bill. I am not sure that is always the way we should go at legislation.

I hope that you will also note that Section 8 of this L. D. calls for the Transportation committee to study the truck industry in Maine. They are authorized to study the role of the motor truck industry in the economy of the State of Maine and in other states, including but not limited to allowable types of vehicles, vehicles lengths and widths, allowable axle and gross weight and highway user taxes and fees paid for the use of public highways.

If you accept this bill, I for one, at least, feel that it is very unlikely that regardless of the outcome of that study we'll ever reduce the weights from what we are establishing here. It seems to me that we are putting the cart before the horse. We should study the matter of truck weights and any other related matters thoroughly, especially before we enact legislation like this. I would still hope that you would vote for indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Berwick, Mr. Stillings, is a member of a time-honored profession, one that I appreciate very much, he is a teacher. I had occasion to look in a town report in 1928 as what the salaries of the teachers were at that time, and I think it will bear it out that at the present time these salaries are at least ten times what they were in 1948. We haven't had a change, I think it has been said before, in the trucking industry since that time, and I wonder how Mr. Stillings would feel if he hadn't had anything done on wages, hours and working conditions. We have heard

wages, hours and working conditions ever since I have been down here at least twice a year. Now a great deal depends on our decision here today.

In New Hampshire, New Brunswick our neighboring State and Province, the weights are much higher than they are in Maine. We are talking about efficiency and productivity, and we certainly can't do it with half a load. I know the people who are behind this thing, Ronald Emery, the first selectman in the Town of Peru, Norman Chadbourne is a very well known citizen of Cambridge; he is a man who distributes Gideon Bibles throughout that part of the country. Douglas Campbell, I guess his main reason for fame is that he attended the State of Maine Day in Boston when the Red Sox played last year. I oppose the pending motion and I would ask for a roll call.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I believe the day before yesterday I had a distribution put on your desks showing you the various sketches of different types of trucks, the axle limits, the tire limits, and so forth, and on the third page of that distribution it gave you the tire weights, for various size tires and pointed out that these tire weights had been around for about 50 years, since we have had the hard rubber tires.

I would like to point out several factors on this fact sheet, the length of the vehicle, less pound per foot, the less stress on most our bridges, the more axles, the less weight per axle, the less weight per tire, therefore resulting in less damage to road service. It goes on and on.

I think the question before this body this afternoon is not increasing truck weights, it is legalizing what our trucks have been hauling for the last four, five and six years.

Now, my legislative district, the county I live in, the surrounding counties, our main industry is lumber, and I dare say that nearly all the people living there earn part of their income or all of their income through the lumbering industry. Only in the past few weeks, the truckers have been faced

with these increasing costs, not only for fuel but for parts. They have increased fees for trucking a cord of wood upwards of \$2 and they are still operating in a bind. We can say we can pass this on to the lumbering industries and the paper mills, we can force them to increase their prices for wood. But here again, I don't think they can go much higher and I don't believe they would go much higher. I think this is very important legislation and hopefully you will vote against the indefinite postponement motion.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to answer one of the questions that the gentleman from Bangor asked, Mr. Kelleher. He asked if the weight of trucks have increased. Yes, the weights of trucks have increased, but the loads haven't. What are we doing here today? All we are asking is that two-axle trucks be increased from 32,000 to 34,000. We have the tolerances on there now. We are not asking for any increases in tolerances. All we are asking for is 2,000 pounds. On three-axle trucks we are asking for 51 to 54, is that very much? For four-axle trucks we are asking for 66,800 to 69,000, another 2200 pounds. We have the tolerances. Five-axle trucks, we are asking for 73,800 to 80,000. Now this is an increase of basically 6,200 pounds. What you have here in five axle trucks, your new trucks. I believe it is evident to me anyway, that these five and six-axes trucks should have more weight and be able to haul.

Now, on the six-axle trucks, we have no law on the books now. Let's give six-axle trucks a chance to haul some of these loads.

Mr. Speaker, I hope that the motion to indefinitely postpone is defeated today.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: When arguments are presented here before this body concerning this industry, that it hasn't had any increase or changes since 1948 or 1928, it seems to

me it is ridiculous, because you couldn't take a truck in 1948 and put the load on it that they have today. These trucks will be driving on secondary roads, and the roads aren't any wider than they were 20 years ago. In fact, when I came down to Augusta the other day from Bangor, a couple of weeks ago, I came down the old way on the secondary roads, and the roads are terrible. To ask people to drive on these roads where there are increased weights and they are not hauling three cords of wood in these trucks or four cords, they are hauling nine cords of wood. I was over to the International Paper Company, I told you the other day, I was amazed at the size of the loads that they were hauling in there, not only Maine trucks but trucks were coming from Canada. And to say that the increase in weights hasn't been substantially increased, I think that is somewhat wrong.

The roads can only stand so much, I know that when I am driving a car that these trucks, as large as they are, I don't want to make the load any less, but to try to go by them or to try to drive on the road with them, it is rather difficult. To turn around and increase it and come in with a bill such as we saw here two weeks ago with four committee reports, and it has been amended to death up and down and to try to pass in this body, I think it would be irresponsible. I hope the House supports the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Willard.

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't vote to indefinitely postpone this bill, because in my area we need it. We are using a lot of wood up there and it is getting further and further to haul it. And to make it economical and efficient, we need to haul more wood, or as much as we are hauling now and make it legal. The State will get more money from increased license fees than they will from fines, I am sure.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Dixfield, Mr. Rollins, mentioned school teachers. I am going to get back

to the subject of roads, but he mentioned what school teachers were making back in 1948. I would like to point out to him that we are discussing roads and road limits. And I wish to tell him the roads, at least in my area, and obviously I think Mr. Brawn can say the same thing in his area, that our roads are in no better shape now really than they were in 1948. They were not built to take the weight this gentleman is talking about; they weren't built to take the weight then and certainly they are not built to take that weight now. With the cost of asphalt going up three times what it cost — I am still working on the municipal budget — we won't be able to afford to prepare our roads to take these weights that the gentlemen are speaking of.

Mr. Dyar of Strong has mentioned his drawings, and I have looked them over quite conveniently. Every bridge that he seems to talk about, when he is hauling a full trailer or one of those thing-a-ma-jigs that they lug behind these trucks to haul logs on, everyone of these quite conveniently happen to rest on a pier. And I would tell him that there are very few bridges in the State of Maine that are exactly 50 feet apart or would exactly fit any trucks that are going across.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: A member of the Oxford County delegation and I were just exchanging thoughts here while the gentleman from Bangor, Mr. Kelleher, was discussing the truck weights. I sort of wondered, in a sense I guess, whether maybe we ought to take the gentleman from Bangor to load a couple of truck loads of pulpwood with us over a weekend and take him over some of the log roads that are constructed and over some of the bridges that are constructed in these areas.

We talk about the problem with bridges. I have seen bridges constructed, and as a matter of fact have helped to some degree, and those are still around even though the trucks have crossed over them for a full year, both during summer hauls and winter hauls, and those are not constructed to the

specifications of the State Department of Transportation. As a matter of fact, they are constructed with logs and they hold up very well under conditions that are adverse, probably more so than they would be under a regular highway.

I guess the thing that I am down on, and I feel strongly about it, is that since 1948 no attempt has been made to try to take into account the increased weight of trucks and the trucks have just gone sky-high in terms of the weight themselves. The load has not changed, the load totals have not changed. So what has happened is that the amount of load that is on the truck has actually decreased according to the law, and this is really a real problem. So if a trucker wants to have a safe truck to run through the various towns, then he loses the capability of having the weight, but if he wants to keep the weight of the load, then what he can do is to get the smaller truck and the load factor remains the same. This to me is exactly the opposite of the way we ought to go, because the safer the truck, it seems to me, the better we are in the long run. And in terms of protection to everyone on the road, of the people who are trafficking in terms of hauling or just vacationing, you are much better off with a safe truck with better linings and everything else on that truck, than you are to have just a good old farm truck hauling five cords of pulpwood on it.

I would ask you to vote against the motion of indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I was delighted to hear my friend from Eagle Lake, John Martin, mention bridges and saying that he has been over some bridges that are made out of logs and they can hold up these severe loads, because I have always said that I have thought that the Department of Transportation has too many employees over there, engineers, and maybe now, since he has mentioned the log bridges, we can do something about the bridge in my town of Skowhegan. Because I am concerned about increased weight limits and I am sure that many of you people have been

through my area in the summertime, and especially now that it is getting close to the month of April when the Maine Department of Transportation now will send their crew to my town and they will start in the middle of April, and they will stay on a bridge until the middle of September at least. This is a crew of six or eight men, and all they do is continually cut and weld. That is all they do. This has gone on for eight years now and it will still continue, because they have to keep welding the bridge. I am sure my good friend, the gentlewoman from Madison, has been down in my town enough to bear me out on this.

We cross two bridges. We have only one approach to our town, and it is over two bridges. And if you were on the second bridge, which is an overhead structure span, and a pulpwood truck was going on the other side and stopped, you would jump out of your car and leave it and run for the nearest piece of land you could get to, unless you have become accustomed to it. The bridges are not safe in some of these towns for these increased loads.

The other thing that concerns me is that we have been told here, now the bill is dead and it has gone to rest where it should have gone anyway, and that was the gas tax bill, that the Highway Department is not going to have any money to give to the towns to help them maintain their roads. I just don't think the people of the towns can afford to assume any more burden than they have already assumed. If we start increasing the truck loads now, we are going to put a burden on the roads. They are going to tear up much faster, and then we will have no road system at all. I think something should be done, but I don't see where it can be done until there is more money available for state aid to the municipalities in regard to their road construction. I don't think it is right to increase the burden on the municipalities by increasing weight limits. I am sure that the truckers, even though they are having a little problem now, I am sure they can get along for a little while longer, they are not going to go out of business and they are not going to suffer too badly. So this is why I support the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I was glad to hear bridges mentioned, because maybe I am the only expert on bridges in this House. I had the good fortune back in 1937 to get a job with the State painting bridges. We had a very good crew, we had a crew that did a day's work every day, myself excepted possibly. We got 50 cents an hour for state bridges, 70 cents an hour for federal bridges.

I will say this for the Transportation Department. We had a very good foreman, he did a good job, and they plan to do this job, this painting and scraping, every seven years on the bridges in the State of Maine, and I really believe that they take good care of the bridges.

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

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: Since we have gotten into the fact that — I have been calling this the overweight truck bill — I will say this. Mr. Dam made a very good point, not only is the Madison bridge in that condition, but in Gardiner the same thing has been happening whereby most of the large ten-wheel trucks that carry anywhere from seven to ten yards of gravel, and we know they are overweighted many times, are actually stressing the bridge to its nth degree. What they have had to do is, the Department of Transportation is now welding it — several new eyebeams — so they can increase the load limit on those bridges.

I think if there is one valid argument that we haven't even talked about here today — I am not so much worried about the roads. We have lot of roads in Maine, but if there aren't that many new bridges and the Highway Department will not loosen up money on bridges, we had better all concentrate next year on finding some method of funding bridges.

The Legislative Council, last year, refused to allow a study by the Committee on Transportation into an alternate method of funding bridges. And when they proposed the one-cent

gas tax, many of us who had bridge projects in the works felt compelled to support that tax based on the fact that if we didn't support the tax we would be the last to be considered when it came to building these bridges. There is no money in federal funds to replace bridges. Bridges in Maine are in horrible shape, and many of the bridges need much more attention now than ever before. I would ask you to go along with Mr. Martin today, but be very much aware, those of us who come back, we are going to come back looking for some way to finance new bridge construction throughout the state so the bridges are safe.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly. To my good friend from Gardiner, Mr. Whitzell, I did not mention the Madison bridge. I mentioned the bridges in Skowhegan, and I said I thought the good lady from Madison, going over my bridges, she has seen this welding going on. We are not as fortunate in Skowhegan as the Town of Madison, because the Town of Madison is getting a brand new bridge and we are not getting a brand new one. That is all.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to make two brief points. I believe the Highway Commissioner did state at one of the hearings that salt damage was as much a detriment to the iron bridge as truck weights.

To the gentleman from Bangor, Mr. Kelleher, I would like to explain that in 1948, a small Ford truck, or a small International truck could haul legally about seven cord of wood. Today, a Mack truck, four axle, can haul legally about four cord. Today's truck has probably four to five times the braking power, has four to five times as much rubber hitting the surface of the road and is far safer. So I think what we are asking, it would force these men out of the big trucks and go back to the small trucks and they could still haul a load and be legal. A load of seven cord on

many small trucks, three-axle truck, is legal under today's present law.

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 Berwick, Mr. Stillings, that Bill "An Act to Change Weights and Related Provisions for Commercial Vehicles," House Paper 2060, L. D. 2592, and all accompanying papers be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Bither, Boudreau, Bragdon, Briggs, Bunker, Bustin, Carey, Carter, Chick, Chonko, Clark, Conley, Connolly, Cressey, Dam, Donaghy, Drigotas, Farley, Farnham, Fecteau, Flynn, Goodwin, K.; Hobbins, Huber, Jackson, Jalbert, Kauffman, Kelleher, LaPointe, Lawry, Littlefield, Mahany, McCormick, McKernan, McMahon, McTeague, Merrill, Parks, Rolde, Stillings, Trask, Tyndale, Webber.

NAY — Albert, Ault, Berry, G. W.; Berry, P. P.; Berube, Birt, Brawn, Cameron, Carrier, Cooney, Cote, Cottrell, Curtis, T. S., Jr.; Davis, Deshaies, Dow, Dunleavy, Dunn, Dyar, Evans, Farrington, Faucher, Ferris, Finemore, Gahagan, Garsoe, Good, Greenlaw, Hamblen, Hancock, Hunter, Immonen, Kelley, Kilroy, Knight, LaCharite, LeBlanc, Lewis, J., Lynch, MacLeod, Martin, Maxwell, McHenry, McNally, Mills, Morin, L.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Peterson, Pontbriand, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Snowe, Strout, Talbot, Tierney, White, Whitzell, Willard, Wood, M. E.; The Speaker.

ABSENT — Binnette, Brown, Churchill, Crommett, Curran, Dudley, Emery, D. F.; Fraser, Gauthier, Genest, Goodwin, H.; Herrick, Hoffses, Jacques,

Kelley, R. P.; Keyte, Lewis, E.; Maddox, Morin, V.; Perkins, Pratt, Ricker, Santoro, Sheltra, Smith, S.; Soulas, Sproul, Susi, Tanguay, Theriault, Trumbull, Walker, Wheeler.

Yes, 44; No, 73; Absent, 33.

The SPEAKER: Forty-four having voted in the affirmative and seventy-three in the negative, with thirty-three being absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "B" and House Amendment "D" in non-concurrence and sent up for concurrence.

The Chair laid before the House the first tabled and today assigned matter: Bill, "An Act Changing the Membership of the Legislative Ethics Committee" (H. P. 2069) (L. D. 2599)

Tabled — March 25, by Mr. Stillings of Berwick

Pending — Passage to be engrossed.

On motion of Mr. Simpson of Standish, retabled pending passage to be engrossed and tomorrow assigned.

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

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Dams and Reservoirs." (S. P. 916) (L. D. 2527) reporting that the House recede and concur with the Senate in passing the Bill to be engrossed as amended by House Amendment "A" (H-721) and "B" (H-725) as amended by Senate Amendment "A" (S-387) thereto.

The SPEAKER: The Chair would state that it improperly ruled this morning.

Mr. Kelleher of Bangor withdrew his motion to recede.

The same gentleman moved the House reconsider its action whereby the Conference Committee Report was accepted.

Mr. Simpson of Standish requested a vote on the motion to reconsider.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I think this is far too important a bill to reconsider at this point. We accepted this morning the Conference Committee Report that called for an appropriation of \$1,000. It is adequate to meet the need, and if we go ahead now and do this, we are actually delaying action. In fact I believe the proponents who say they want more for this actually are trying to kill the bill.

It is a very, very important bill for many people throughout this State, and I hope seriously that we do not reconsider our action whereby we accepted the Conference Committee Report.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: Just to clarify one point that my good friend raises. I am not trying to kill this bill, but what I am trying to do and I think this House should do is leave the \$9,000 that was on there, because there is not going to be sufficient money to operate this bill.

If you want to kill the bill, or if you want to keep the program so it doesn't go anywhere, you go right along with my friend from Nobleboro and accept the thousand dollars. But if you want to do something worthwhile and keep this bill alive, I suggest that you reject the Conference Committee Report and leave the \$9,000 on there. But if you want to destroy it, go right ahead and go along with my friend from Nobleboro.

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

Mr. HUBER: Mr. Speaker and Members of the House: I believe we already discussed this this morning at great length. The vote to accept the Committee of Conference Report was 92 to 28. I hope we have a similar vote against reconsideration.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House reconsider its action of earlier in the day whereby it accepted the Conference Committee Report. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

31 having voted in the affirmative and

71 having voted in the negative, the motion did not prevail.

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

Committee on Legal Affairs on Bill "An Act to Authorize the Construction of a District Court Facility in Lewiston." (S. P. 786) (L. D. 2266) reporting "Ought to Pass" in new draft (S. P. 888) (L. D. 2484) under new Title "An Act to Authorize the City of Lewiston to Issue \$500,000 Bonds for the Construction, Original Equipping and Furnishing of a District Courthouse and to Authorize the City to Lease such Courthouse to the District Court of the State."

Pending — Acceptance of the Committee Report in concurrence.

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

Mr. COTE: Mr. Speaker, I now move that this Bill and New Draft and both amendments be indefinitely postponed.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, moves the indefinite postponement of this Bill and all accompanying papers in non-concurrence.

(Cries of Yes and No)

The Chair will order a vote. All in favor of this Bill and all accompanying papers being indefinitely postponed will vote yes; those opposed will vote no.

A vote of the House was taken.

75 having voted in the affirmative and 6 having voted in the negative, the motion did prevail.

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

Mr. JALBERT: Mr. Speaker, I move that we reconsider our action whereby we just indefinitely postponed this item, and I hope you vote against my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves the House reconsider its action whereby this Bill and all accompanying papers was indefinitely postponed in non-concurrence. All in favor of reconsideration will say yes; those opposed will say no.

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

Supplement No. 2 was taken up out of order by unanimous consent.

From the Senate: The following Joint Order: (S. P. 956)

WHEREAS, present statutory provisions authorize municipalities to retain all or a portion of the State tax levy to offset local appropriations; and..

WHEREAS, the proceeds of the State tax levy which are to be so retained exceed in some instances the amount of local appropriations; and

WHEREAS, existing legislation makes no provisions for the manner in which such excess proceeds of the State tax levy are to be handled; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council be authorized and directed to study the manner in which the State tax in municipalities is handled under the Revised Statutes, Title 36, sections 451, 452 and 453 to determine how such excess proceeds of the State tax levy should be treated; and be it further

ORDERED, that the Bureaus of Taxation and of Property Taxation be directed to provide the Council with such technical information and other assistance as the Council deems necessary or desirable to carry out the purposes of this Order; and be it further;

ORDERED, that the Council report its findings and recommendations to the next regular session of the Legislature.

Came from the Senate read and passed.

In the House, the Order was read.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker and Members of the House: I would direct a question through the Chair to someone in the House. Could someone tell us where this order came from, the origin of it and perhaps the purpose behind it? It seems to me a very, very important order for us to pass under the gavel without certainly looking at Title 36, Sections 451, 2 and 3, that someone might add some light to that, because there are very serious implications, I believe, on local municipal tax rates.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending passage in

concurrence and tomorrow assigned.

From the Senate: The following Joint Order: (S. P. 959)

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out bill Making Additional Appropriations for the Expenditure of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1974.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

From the Senate: The following Joint Resolution: (S. P. 958)

WHEREAS, Saturday, the 23rd day of March, brought to a tragic close the useful life of the Honorable Cyril M. Joly, Sr. of Waterville; and

WHEREAS, Judge Joly was a prominent and productive member of many councils and has left to each a deep and meaningful record of service; and

WHEREAS, he was a highly respected member of the legal profession, whose varied and distinguished accomplishments have contributed immensely to the dynamic growth and progress of his city and the State of Maine; and

WHEREAS, he will be deeply missed by his family, by his many colleagues, friends and associates and the community he served so well; now, therefore, be it

RESOLVED: That we, the Members of the One Hundred and Sixth Legislature of the State of Maine, assembled this day in Special Legislative Session, are joined in this tribute to the memory of Cyril M. Joly, Sr. each in his own way in extending thoughts and prayers of sympathy and condolence to his sons and daughter and their families and all others who must share this great loss; and be it further

RESOLVED: That a suitable copy of this resolution be prepared for the members of the family and that when the Senate and House of Representatives of the State of Maine

adjourn this day, they do so in his memory.

Come from the Senate read and adopted.

In the House, the Resolution was read and adopted in concurrence.

From the Senate: The following Joint Resolution: (S. P. 960)

WE, the Senate and House of Representatives of the State of Maine, assembled in the Special Session of the One Hundred and Sixth Maine Legislature, do respectfully represent that:

WHEREAS, many Maine citizens have faithfully served their country in the Armed Forces in Vietnam and Southeast Asia; and

WHEREAS, many have sustained injuries or sacrificed in other significant ways and many have made the supreme sacrifice and have given their lives; and

WHEREAS, some have been prisoners of war or missing in action; and

WHEREAS, some are still listed officially as missing in action; and

WHEREAS, the Honorable Richard M. Nixon, President of the United States of America, urged the people of this nation to join in commemorating Friday, March 29, 1974 as Vietnam Veterans Day; and

WHEREAS, the Honorable Kenneth M. Curtis, Governor of the State of Maine will have issued a Proclamation directing that the flag of the United States be displayed on all public buildings on that day and requesting officials of state and local governments, schools and civil and patriotic organizations to give their enthusiastic support to appropriate ceremonies and observances throughout the State; now, therefore, be it

RESOLVED: That We, the Senate and the House of Representatives of the State of Maine, express the deep and lasting gratitude of the 106th Maine State Legislature for the services and sacrifices of our fellow Maine citizens in the military service of our country during the Vietnam conflict and urge all citizens of the State of Maine to participate in the events of this day of March 29, 1974 as one means of honoring those men and women of Maine who

served their country faithfully and courageously during this period of time; and be it further

RESOLVED: That copies of this resolution, duly authenticated by the Secretary of State, be released to the news media.

Comes from the Senate read and adopted.

In the House, the Resolution was read and adopted in concurrence.

Non-Concurrent Matter

Bill "An Act Making Supplemental Appropriations from the General Fund for the Fiscal Year Ending June 30, 1975 and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government" (S. P. 951) (L. D. 2602) which was passed to be engrossed in the House as Amended by House Amendment "F" (H-806) and House Amendment "H" (H-809) on March 25.

Came from the Senate with House Amendment "H" (H-809) indefinitely postponed and the Bill passed to be engrossed as amended by House Amendment "F" (H-806) in non-concurrence.

In the House: On motion of Mr. Martin of Eagle Lake, the House voted to recede and concur.

Passed to Be Engrossed

Bill "An Act Relating to Legislative Ethics and the Disclosure of Certain Information by Legislators" (S. P. 954) (L. D. 2605)

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

Mr. McMahon of Kennebunk offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-817) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I guess I don't understand it. I wonder if the gentleman would explain it.

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

The Chair recognizes that gentleman.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: To answer the gentleman from Eagle Lake, in reading sub-chapter 3, L. D. 2605 number 391, 392, it lists the various requirements that will apply, if this is adopted, to members of the legislature, all of which I am in agreement, I might add. But the last paragraph in that section stipulates that attorneys at law shall indicate their major areas of practice and, if associated with a law firm, the major areas of practice of the firm in such matters as the committee shall require. Now, I have no objection to that either. However, I feel that if this document is adopted, that paragraph might be construed next time as to be the only restriction on attorneys, and it is in the interest of clarification that I offer this amendment.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: The amendment does exactly what the sponsor of the amendment desires to do, that is clarify the bill before us. I would suggest that this was certainly the intent of the State Government Committee when we redrafted the bill, and I think it is a good amendment. After the amendment is adopted, I am prepared to give a description of all of the provisions within this L. D. 2605 or answer any questions which people might have.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I think the gentleman from Kennebunk has put on a very fine amendment, offered a very fine one, it is clarifying. I certainly don't think that the occupation with which I am affiliated should be super citizens nor second class. I think this is fair all the way around to the lawyers and the other professions and occupations in the House, and I hope the House would go along with the amendment.

Thereupon, House Amendment "A" was adopted.

The SPEAKER: The pending question is passage to be engrossed. The Chair will order a vote. All in favor of this Bill

being passed to be engrossed as amended in non-concurrence vote yes; those opposed will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 7 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Second Reader

Tabled and Assigned

Bill "An Act Extending Bargaining Rights to State Employees" (S. P. 817) (L. D. 2314) (C. "A" S-401) (S. "C" S-413) (S. "D" S-435)

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

Mr. Garsoe of Cumberland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-812) was read by the Clerk.

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

Mr. FLYNN: Mr. Speaker and Members of the House: I move the indefinite postponement of House Amendment "A" and would speak to my motion.

The SPEAKER: The gentleman from South Portland, Mr. Flynn, moves the indefinite postponement of House Amendment "A".

The Chair recognizes the same gentleman.

Mr. FLYNN: Mr. Speaker and Members of the House: I feel this is quite an articulate way to kill a bill, which I feel is a very good bill. I do not see where the figures come from and where they figure the Attorney General is going to have to add two or three personnel or where the Labor Foundation has to have people at the same time. Two hundred and six thousand dollars would mean an awful lot of people to put in that department. Therefore, that is why I move the indefinite postponement of this and I would ask for a roll call.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to debate the merits of the bill,

because this morning, by a good-sized majority, this body embarked the State on this course of action. So I don't think it is germane at this point to redo again the merits or demerits of the bill.

But just as my friend and seatmate from Bangor, on a previous article mentioned that if we are going to do something we have got to fund it. I would call your attention to the situation that I have placed before you. I would in passing just mention that I make my living in this field, but I didn't feel that it was incumbent upon me to draft up the necessary personnel. So a week or so ago I requested the service of one of the legislative staff assistants, an impartial, unbiased individual, explained the situation to him and asked him to consult various authorities in the field and to come up with a reasonable money package to put on this bill.

This provides for a director to represent the executive branch in all labor matters. You have got to realize, ladies and gentlemen that you are, we have as of now, embarked on something new. This is a function that the state is not equipped to handle at this time. So, there has to be a department under the Governor set up to implement the functions on the part of the State as an employer. So we need a top-notch director in the executive branch. This salary is estimated at thirty to thirty five thousand dollars. And don't get shocked at that, because you won't get anyone worth his salt in this field unless you go that far, with a secretary.

The Attorney General's Office agrees that with the ramifications we have embarked upon, the legal questions, the analyses that are going to be needed in the evaluation of the contracts to be written, they need an additional position in their office. This information came from their office. They have been in consultation with the people that have drawn this legislation up from the very beginning.

I have taken a very conservative estimate that there may be — and keep in mind the sponsor says there could be as many as 200 units formed in State Government. Trying to be conservative in estimating 25 units and one negotiator handling five or six units, they estimate

the need for five negotiators at \$20,000, with secretaries at six to seven thousand dollars. The Research Department would be needed. With a research, and investigator and a secretary to each, this would result in additional costs of fifteen, twelve, and six to seven thousand dollars.

So, the report concludes under this hypothetical yet conservative setup, the minimum cost for your payroll only would be \$217,000 per annum. Incidentally, this does not account for the anticipated doubling of the public employees Labor Relations Board staff who are now going to be involved in this nor the costs of mediators and arbitrators at \$75 a day, plus expenses. This is just to create a staff under the Governor to implement the State's responsibility and interests under the legislation that was approved here this morning.

If I can respond to the remark that this is an attempt to kill the bill, I guess my feelings on the bill are well enough known so that perhaps it might lend itself to that concept, but this isn't the concept. We have decided to do it in this body; if we are going to do it the only responsible course of action that follows is to fund it. Please don't be persuaded that you can take actions like this, wave a magic wand and have peace and light to send all around. This is going to take a top-notch department to guard and protect the public interests of this State, and this money is needed.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I was considerably upset this morning by the overwhelming majority that this bill got to put the State employees under Labor Relations Board. I don't think it is appropriate for me to say anything at this time, but I think I have got to. I think we made a terrible mistake.

I have talked with different ones, and when you have got good relations, such good relations as we have under the present working system, I don't know, somehow or other I think all but three or four people in this House made a terrible mistake this morning when they decided

to go along with this labor relations idea. If you do persist, I agree with the gentleman from Portland, Mr. Garsoe, that we should be realistic and finance it. I guess that is all I will say.

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 South Portland, Mr. Flynn, that House Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Berry, P.P.; Berube, Binnette, Boudreau, Brawn, Briggs, Bustin, Carey, Carter, Chick, Chonko, Clark, Conley, Connolly, Cooney, Cote, Curtis, T. S., Jr.; Dam, Deshaies, Dow, Drigotas, Dunleavy, Dyar, Farley, Farnham, Farrington, Faucher, Fecteau, Finemore, Flynn, Gahagan, Good, Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Immonen, Jalbert, Kelleher, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Littlefield, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McTeague, Merrill, Mills, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Peterson, Pontbriand, Rolde, Rollins, Snowe, Strout, Talbot, Tierney, Tyndale, Witzell.

NAY — Ault, Birt, Bither, Bragdon, Churchill, Cottrell, Cressey, Davis, Donaghy, Dunn, Evans, Garsoe, Hamblen, Hunter, Jackson, Kauffman, Knight, Lewis, J.; Lynch, MacLeod, McNally, Morin, L.; Morton, Palmer, Parks, Shaw, Shute, Simpson, L.E.; Stillings, Trask, Twitchell, Webber, White, Willard, Wood, M.E.

ABSENT — Albert, Baker, Brown, Bunker, Cameron, Carrier, Crommett, Curan, Dudley, Emery, D.F.; Ferris, Fraser, Gauthier, Genest, Goodwin, H.; Herrick, Hoffses, Jacques, Kelley, Kelley, R.P.; Keyte, Lewis, E.; Maddox, Mahany, Morin, V.; Perkins, Pratt,

Ricker, Ross, Santoro, Sheltra, Silverman, Smith, D.M.; Smith, S.; Soulas, Sproul, Susi, Tanguay, Theriault, Trumbull, Walker, Wheeler.

Yes, 72; No, 35; Absent, 42.

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

Mr. Garsoe of Cumberland offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-813) was read by the Clerk.

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

Mr. McTEAGUE: Mr. Speaker, I move indefinite postponement of the amendment and ask for a roll call.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, moves the indefinite postponement of House Amendment "B" and requests a roll call vote.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, ladies and gentlemen, in Section 979-D, I have attempted to insert the fact that the actual function of bargaining, the actual function at the table of negotiations will not become effective until January 1, 1975. Now if we are going to be responsible in this situation, let's realize there is a real world out there, and we have got to be paying attention to what we do. And to dump this State into this situation without giving time to set up the staff, which we just decided not to fund, and to accomplish the training that is going to be necessary right down through almost every issue on government, right down to the lowest level of supervision, these people have got to be made knowledgeable about contracts, however implemented, the handling of grievances, or they are going to contribute to the trouble. They are all going to be living under contracts. So the intent of this was that the act become effective under its normal procedure, but that the actual process of negotiating would not start until January 1.

Now don't anybody tell me that this is an attempt to kill the bill it isn't; it is an attempt to make this bill a responsible vehicle. I have been refraining from advising you how to vote, and the results are disastrous, 125 to 6, 110 to 14. I am sorry, but I have got to withdraw that and this time I want to tell you, please support this amendment. This is not against the bill. This has to do with the implementation of this bill. And if we have any regard of the status of an employer, as this bill makes it let's make it a responsible and reasonable process so that the State will, indeed, be more prepared when the time comes to go to the table.

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

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: At this time I would like to tell you that this is an attempt to kill the bill, unlike what the gentleman from Cumberland, Mr. Garsoe, said. If we do adopt House Amendment "B", what in effect we are doing is hindering the productivity of collective bargaining for State employees. The adoption of this amendment would not allow the State employees the fruit of their efforts gained from the bargaining process until 1976, because the budget proposal for 1975 was already formulated. So I do support the motion to indefinitely postpone.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: My remarks are merely, I guess, a form of inquiry to the gentleman from Cumberland, Mr. Garsoe. Why does he persist in saying amendment after amendment that this is not an attempt for him to kill the bill? We believe him.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: It was only because someone was unkind enough to suggest it.

In answer to the gentleman from Saco, Mr. Hobbins, he is right. I am not concerned with the employees in this

situation, I am concerned with the State of Maine as an employer. Now, I suggest it is about time we all started thinking about the State of Maine as an employer. We just made him one this morning; now let's let him get his pants on before we haul him out of bed.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a few questions. Is the State prepared now to enter into labor negotiations? What staff do they have? Who is prepared in the State agency? Certainly the department heads are not. You are getting into a field that is completely alien from anything they have ever done before, and I think you ought to allow some intervening time to lapse before they are thrown into this struggle.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: Unless the people of this House have actually ever had anything to do with labor negotiations, I think they had better listen to what Mr. Garsoe has said. I am not saying that necessarily you must vote with him, but at least listen to what he is saying to you, because I have worked on it. I have been one of the ones to make the snowballs for the negotiators, and it is quite a process. I would suggest that someone table this until tomorrow. That is not so I can go home, although I want to, but let's table this until tomorrow and at least chew this over among ourselves and find out what we have gotten ourselves into.

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

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: I move this lay on the table until the next legislative day.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that this matter lie on the table one legislative day. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

24 having voted in the affirmative and 62 having voted in the negative, the motion did not prevail.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I feel somewhat sorry for the gentleman from Cumberland, Mr. Garsoe, because I think a lot of times when legislation comes on this floor, at least I, for one, always try to listen to those people who I feel have some expertise in it. This is one area where I don't have an awful lot, and I question very seriously if anybody on this floor does. I think the gentleman from Cumberland, Mr. Garsoe, does have that expertise. I also have done a little querying about the price tag for this particular bill and, unfortunately, I think the gentleman was absolutely right. It will end up on the Appropriations Table whether we put appropriation on today or not.

He just made a point, and it is a point that I think we ought to really, seriously, consider, and that is that we are the employer and not the employee, and as such, we certainly now, in this special session, have got a very hot, political potato thrown at us, collective bargaining for the State employees. I am not opposed to collective bargaining for the state employees but I guess what I know about the thing is that when you start it, at least the employer starts here and the employee here and then you find the middle of the road. You don't start with the employee and the employer left out. I think that is just exactly what we are faced with here, and I think it is about time we realized that fact. Therefore, I think that putting this type of an effective date on the implementation of it is a very, very legitimate amendment which should go on this particular bill and we had better realize it.

You know, quite frankly, I get a little political right now, because if this bill came from the Governor's office as part of his call, which it did, then he should be representing us as an employer and not an employee, and I don't believe that he did. Therefore, I think we better take it

under our consideration to make sure that we do protect ourselves as the employer and that during the course of the next few months we do set up the establishment and the ground rules and the operation that is going to protect our interests in the collective bargaining procedure. I hope you will adopt this House Amendment.

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

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: I would try to get political but I can only learn from lessons demonstrated here. The Governor, like the members of the Legislature, does not represent this State as an employer or the State employee, but he is representing everybody here. We want to keep things going.

Here is why you don't want to delay the effective date. It is true that bargaining will require learning on both sides, the employer interest and the employee interest. Unless this bill goes into effect in a normal course of events, 90 days after this legislature adjourns, the employees of the State will not have a chance to even designate which employee organization they want to represent them. So a lot of preliminary things have to be done before anyone can bargain for anyone else.

The first thing is, it has to be determined, what are the appropriate units? Employees have to have a chance to hold elections under the supervision of the Public Employees Labor Relations Board. All these things take time to phase in, but if the amendment suggested here, as I read it, is placed on, no one may do anything until January 1.

The gentleman from Cumberland, Mr. Garsoe, does have very considerable experience in the field of public employees labor relations. I often differ with him philosophically, but I am happy to call him a friend. I don't think the State is ready to sit down at the table tomorrow nor are the employee organizations. I guess you have to crawl before you toddle, and toddle before you walk, because if you lay in the crib and don't do anything, you will never move.

The first step is for the State acting for

the Public Employees Labor Relations Board to determine what grouping of State employees with each other make sense. That is a task that will consume a considerable amount of time. I would be very surprised if there would be any significant bargaining, even as early as January 1. So these things must be done, these preliminary steps must be taken, but if you put a delay in the effective date of the bill, there is not time to engage in these basic preliminary steps. Then we run into the fact that ultimately, since there is no right to strike under the bill, since anything that affects the appropriations must ultimately come back to this legislature, you run into the State's budgeting processes. If you don't allow, whatever it is, 10,000 or 15,000 State employees to even to begin to tell the Public Employees Labor Relations Board what their preferences are, and if you don't allow the executive department and the department heads to have their input on what their preferences are as to what groups of employees should be placed together for the purpose of collective bargaining, and if you don't allow this to go into effect in units to be determined and you don't allow planning for the budgeting process, which must be ready for the next legislature, because the legislature retains that authority clearly under this bill, you're not in reality delaying this bill until January 1, 1975. My feeling is that in practical terms you are delaying until January 1, 1977, or thereabouts.

If you are opposed philosophically, and you think it is wrong for State employers to have some of the rights, I don't say the right to collective bargaining, because they clearly don't under here, but at least the right to sit down and make your desires known and have good faith participation by their management, if you don't believe in that right and you can't kill a bill outright, then we come back to what Mr. Garsoe said about his position. If this amendment were to prevail, perhaps it wouldn't be killing the bill forever, but it certainly would be killing it in terms of any practical application for a period in excess of two years. I guess by then another legislative session might roll

around and those who are opposed to the bill might have another shot at it.

The bill has been developed on a bipartisan basis. It is true that it was a matter of concern to our Governor. It has also been a matter of concern to the legislative leadership. And also a matter of concern to the Chairman of the Joint Standing Committee on Labor, as I recall it, who sponsored the bill. We haven't had any talk yet in this House or in the other body that I am aware of, that voting on this bill be on a partisan line, I don't think we should. But if this is a party matter and I'm not informed of it I would appreciate it if the gentleman from Standish, Mr. Simpson, would advise the House if it is a party matter. I assume it is not. And I assume that neither is it a party matter to so delay the thing by the reasonable date, so-called, of January 1, 1975, that you really deal with January 1, 1977. I hope you will defeat the amendment, that the House will stand where it was this morning, and then we'll all go home and have supper.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentleman of the House: The gentleman from Brunswick has completely misrepresented my amendment. I would have thought he would have known more about it, since he got up and moved indefinite postponement.

The amendment is very definitely drawn under Section 979-D to refer only to the bargaining process. I agree that the bargaining units should be set up and every other aspect of the bill should go into effect in its normal course. But the State needs time to get ready for bargaining. He admits, also, that bargaining probably won't start until January of 1975 anyway. So I expect him to withdraw his objection, his motion for indefinite postponement. This only says that the obligation to bargain, the actual process of coming to the table and commencing the operation, will not begin before January 1, 1975. That's a reasonable period of time. The gentleman indicated it probably wouldn't begin before that anyway.

He says that neither labor nor management is prepared. And I do refute that. Management, the State, is not prepared. But labor is prepared. Make no doubt of that.

And so he raises the question, possibly, for reasons of confusion. I wouldn't accuse him of that, but he is beginning to get me confused about budgets and fiscal years. And I just got a note here that fiscal years, budget years, really don't have any effect on this. Whenever it happens it is going to be put into a budget somewhere. So that unless there was some dire emergency that there was such a crying need in this State for action of this type that we must expedite it or accelerate it to the point of not really doing it in an orderly manner, I insist that this is a reasonable amendment to put to this bill and is not designed to kill it. If making sense out of it kills it, why let it die. But this doesn't. It is not an attempt to kill the bill. It is intended to provide for an orderly transition.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Not that the hour is late, that makes no difference to me, but I really think that this ought to be thought over. And in all fairness, and because I really want to look over the debates between 1975 and 1977, I would strongly urge that this bill be tabled until tomorrow morning so that we can know just exactly where we are on this thing.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. McTeague of Brunswick to indefinitely postpone House Amendment "B" and tomorrow assigned.

(Off Record Remarks)

Mrs. Baker of Orrington was granted unanimous consent to address the House.

Mrs. BAKER: Mr. Speaker and Ladies and Gentlemen of the House: In case anyone in the House doesn't already know it, the bill for the errors and inconsistencies is coming up soon; it will be on tomorrow's calendar. And I would like to call your attention to the

folder that I had distributed to your desk two or three days ago. And it is a brief explanation of each section in the bill. I would like to say something about the bill itself.

The original draft of the bill, L.D. 2337, was prepared by the Director of Legislative Research, Sam Slosberg. And that involves all the errors and inconsistencies that have come to his attention since the end of the regular session. Then when the Judiciary Committee held its hearing on that bill we received sixty-five amendments offered by various members of the legislature. These were considered by the Committee and the greater part of them were rejected because we considered them substantive in nature. And we have decided previously that if one member, only one member, of the Committee objected, found an amendment substantive, that we would not include it in the bill from the Committee. So many of these amendments that have been coming to your desk, were thinned out by the Committee as being considered too substantive to be in the bill. However, that does not mean that they shall not have merit. Some of these amendments do have merit. It does mean, however, that they will be exposed to the light of day, and that the legislature has a chance to know about them and decide whether or not they want to accept them. And that is what has been coming to our desks for the last day or two.

Now the bill, as I understand it, will be before us tomorrow with some thirteen amendments adopted by the Senate. And I would suggest that members of the House look this bill through with this key, and also look at the amendments before it comes before us tomorrow so you will be prepared to vote as you see fit.

Mr. Dam of Skowhegan was granted unanimous consent to address the House.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House; The other morning when I referred to the article in the Waterville Morning Sentinel pertaining to the Town of Oakland, which my good friend Mr. Brawn represents, I tried to several times get

around mentioning the Town of Oakland, because I figured he would come right up on his feet quick, and I didn't want to excite him too much because it was the first part of the morning.

I am sure that anywhere Mr. Brawn would reside that there would be nothing illegal or irregular about a town meeting, because I don't think Mr. Brawn, knowing him as well as I do, would allow such a thing to happen. But I

would like to point out to him that there must have been problems with the town meeting, because they did have a recount. And even though they came out the same, there must have been some question.

On motion of Mr. Birt of East Millinocket,

Adjourned until nine-thirty tomorrow morning.