

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, April 3, 1975

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

Prayer by the Rev. George Gnade of Madison.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Communication:

THE SENATE OF MAINE
AUGUSTA

April 2, 1975

Honorable Edwin H. Pert

Clerk of the House

107th Legislature

Augusta, Maine

Dear Mr. Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Remove Certain Provisions in the Motor Vehicle Statutes Concerning Unnecessary Tire and Brake Noises" (S. P. 100) (L. D. 378):

Senators:

GREELEY of Waldo

CLIFFORD of Androscoggin

MERRILL of Cumberland

Respectfully,

Signed:

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

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

Reports of Committees
Ought Not to Pass

Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act Concerning Veteran's Preference in State Employment" (S. P. 166) (L. D. 549)

Was placed in the Legislative Files without further action, pursuant to Joint Rule 17-A in concurrence.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Relating to Liability of Natural Gas Distributors" (S. P. 37) (L. D. 93) reporting "Ought to Pass" in New Draft under Same Title (S. P. 419) (L. D. 1267)

Report was signed by the following members:

Messrs. CLIFFORD of Androscoggin
COLLINS of Knox

— of the Senate.

Messrs. HUGHES of Auburn
SPENCER of Standish
HENDERSON of Bangor
BENNETT of Caribou
HOBBINS of Saco

Mrs. MISKAVAGE of Augusta

— of the House.

Minority Report of same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Messrs. HEWES of Cape Elizabeth
PERKINS of South Portland
GAUTHIER of Sanford

— of the House.

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

In the House: Reports were read.

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

Mr. BENNETT: Mr. Speaker, I move acceptance of the Majority "Ought to pass" Report.

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

The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: It is with reluctance that I oppose the gentleman from Caribou on this particular bill, but I think it need not pass.

As I understand the L. D., which is a new draft, L. D. 1267, there is a presumption created by which if an explosion occurs, the burden then becomes the gas company's to prove why it occurred. In other words, if someone is lighting a match in the kitchen and the explosion takes place, the gas company has the burden of going forward, and they were not personally right there. They only contact that particular dwelling through their gas lines, and this is a substantial change in existing law.

A bill with the same title has been here in past sessions and has been defeated. I ask for a division and hope you will vote against the pending motion.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to comment on the "ought to pass" report, in that what this bill is trying to do is to shift the burden, in effect, from the individual homeowner to an organization which has better resources and better capability of finding exactly where an explosion has occurred and what the reasons are for it, mainly, the gas company.

A single individual, if his house blows up, it is very difficult for him to prove or to know what parts of that complex caused the explosion. It is also very very expensive for that person to try to trace back through the gas lines and engage technical expertise to find out what has actually happened.

What this bill does is to put the liability on the gas companies to at least show that it was something other than their own negligence that has caused this disaster. They are not held liable if in fact they did not contribute, but they have the expertise and the presumption is, because they are producing the gas and because they have supervision over the distribution line, that they have more capability of discovering the problem and a likelihood that it was in fact due to their distribution system. So really what it does is shift from a single individual, who would have a very difficult time showing what the cause was, to an organization which has that capability.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I kind of agree with the remarks made by Representative Hewes on this bill. It is very hard to prove in almost 99 percent of the cases who is responsible for this. In case of a leak of any kind, 99 percent blame the companies. So, as Mr. Henderson mentioned to you, I agree that it is very hard to prove that the company themselves are not to blame for most of

these cases. Therefore, this is the reason why we signed the minority report.

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

Mr. LYNCH: Mr. Speaker, I would like to ask a question of some of the legal minds in the House. Is this an attempt to ask someone to prove themselves guilty?

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, poses a question through the Chair to any member of the legal fraternity.

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

Mr. PERKINS: Mr. Speaker and Members of the House: I think it is just the reverse of attempting to prove one is guilty. This would shift it to the point where the gas company would have to prove they were innocent.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: As you know, I was not in the 106th Legislature, but I watched this same bill by the same sponsor with interest. It was defeated and the bill should be defeated this time.

It is not fair in most instances to place what is called or can be called "automatic blame." If we pass this bill, it shows that we don't think that the utility should have a chance to protect itself. This is a bad bill and I am going to vote against it.

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

Mr. SPENCER: Mr. Speaker and Members of the House: This is a fairly technical piece of legislation, and I think it would be worth it to go through the two sentences which are in question. What the first sentence of the bill does, it says that a natural gas company or natural gas pipeline company which distributes natural gas shall be held strictly liable for death or injury to persons resulting from explosions or fire occasioned by natural gas escaping from any portion of the natural gas distribution system under its control. What this means is, if the gas escapes from the portion of the pipeline under the control of the gas company, they will be liable for the explosion or fire which results from that gas.

The reason for adding this to the law is that under the present law the gas can escape from the pipeline, and the gas company can then argue that because they were in compliance with all the rules and regulations of the Public Utilities Commission they are not at fault, that they were not negligent. Even though the gas escaped from their gas line, they say, well, it is not our fault because we obeyed the regulations. So then the person whose house is blown up, the person whose children are killed, whatever happens, has nobody that they can proceed against to recover their damages, even though the gas escaped from the portion of the pipeline under the control of the gas company. What this does, it says that if you can't show that the company was negligent and the company cannot show that the gas did not escape from the portion of the system under its control, then they will be liable. And if you don't make this change, you have a situation where the gas escapes from the pipeline under the control of the gas company and, yet, they say, we weren't negligent. We obeyed the rules, therefore there will be no recovery.

That is the basic thrust of this bill, to allow somebody to recover when the gas escapes from the pipeline of the company, whether or not they were in fact negligent in that they did not exercise reasonable care. It is simply saying that the gas company is better able to compensate the victims of these explosions than each individual member of the public is. A lot of time has been spent in working out the details of this bill in discussion with the parties involved, and I think it is a fair resolution of the problem.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I have to disagree with my good friend Representative Spencer. This burden automatically shifts, a hundred percent of the proof, to the gas company. They have all the burden. They have to show that they are not responsible. There is no responsibility on the other party.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: We have heard here the problems of deciding who is responsible, whether it escapes from part of the pipeline that is under the company's control or under the control of the homeowner or the resident.

I would like to relate an instance which we had in Brewer this past summer, which was a gas explosion, and the people in the house did not even have gas in the house. As is common in a lot of our cities, these old mains are under the streets and they get leaks in them that filter gradually into a cellar of a house and you have an explosion and obviously the owner of the property, if he has no entrance of gas into his house cannot be responsible. So it is not always, or in many of these cases, at least, it is not difficult to establish whose responsibility it is, and I think this bill makes it a little more clear whose responsibility it is in a case like this.

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

Mr. CURRAN: Mr. Speaker and Members of the House: I would like to pose a question to Representative Cox through the Chair. I understand that the reason for the explosion was caused by putting in that sewer district.

The SPEAKER: The gentleman from Bangor, Mr. Curran, poses a question through the Chair to the gentleman from Brewer, Mr. Cox, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. COX: Mr. Speaker and Members of the House: Well, the question of whether it was caused by the sewer district working in the area or not is to my mind rather moot. The gas mains were there and the explosion was caused by gas not by the direct action of the company that was working laying the sewer mains at the time.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly I believe under present law, under the existing law without this bill, proof as to liability can be established. There are methods of proof of evidence now that permit that. This law would change the burden of going forward from the party claiming to be aggrieved or injured or

damaged to the supplier of the gas. In criminal law, a person is presumed to be innocent until proven guilty. Under this bill as proposed, although it is a civil matter, not a criminal matter, the gas company is presumed to be at fault and then they must go forward and prove they are liable.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to add one more point. This is not a criminal proceeding that we are talking about, we are talking about a civil action. We are not talking about guilt or innocence as opposed to who should bear the costs of the damage that was done.

Referring to the comment by the gentleman from Brewer, Mr. Cox, I would just like to say that even under this bill, as I understand it, that gas company would be able to introduce evidence that in fact it was not their fault, it was the fault of whoever was constructing the sewer. The point is, the burden will be on the gas company to introduce that evidence and will not be on the injured homeowners to have to go out and find out exactly what caused it.

I think that passage of a bill such as this would be nothing more than just adding to the cost of doing business of a gas company. If they are going to promote a substance which is dangerous, they are just going to have to bear the burden if anything happens of proving that it was not their fault as opposed to individual homeowners who were hurt.

The SPEAKER: The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker and Members of the House: I would like to pose a question to anybody that could answer it for me. In Bridgton we don't have gas mains running under the street. There are a lot of other things we don't have too, but we do have bottled gas. Would this apply to just bottled gas?

The SPEAKER: The gentlewoman from Bridgton, Mrs. Tarr, poses a question through the Chair to any member who may care to answer.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: In a word, no, it does not apply.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: As a Representative from Auburn I feel I should rise to give you a little of the human side of what occasioned this bill. As you may remember, a number of years ago there were several gas explosions in the City of Lewiston. These were explosions in houses which were not even connected to the gas lines; they were not customers of the gas company, and yet, as it turned out, gas had seeped through the fissures from the streets from broken gas lines into the basements of those houses. The explosions were incredible, people died, and the fear and fright throughout the community which occurred as a result of that was something I think both Lewiston-Auburn residents can testify to.

Fortunately, at that time the Public Utilities Commission did a study of the problem to see what had caused it, and that study resulted in evidence which

could be used by the injured parties or their heirs in this case to recover damages. This would not always be the case. That was a very expensive study. It cost the PUC something like \$20,000.

The problem that we are facing now is, who should bear the burden of that kind of expert investigation to prove or disprove liability on the part of the gas companies.

We were told by the lobbyists for the gas company that they consider themselves not negligent as long as they are following the Public Utilities Commission regulations, and the reality of an explosion caused by leaking gas mains is still with us. This bill would at least shift that burden to a company with the resources and the ability to get experts who can bear that cost.

The ultimate cost, we all admit, will have to go to an insurance policy and will then be transferred to those people who pay the gas rates and pay for the services of gas.

The committee which worked very hard on this bill felt that that was only fair in a situation where people were being injured were not even gas customers. So, the 9 to 3 report which we are debating today urges that you pass this bill to provide simple justice for people in cities like Lewiston and Portland which have gas companies and inherently dangerous substance and need some protection at least from damages which result.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Peakes.

Mr. PEAKES: Mr. Speaker and Members of the House: Having recently come from earthquake country in California, I am a little remiss at this bill. Out there if we had a natural calamity, or I suppose we could have an earthquake in Maine, the gas lines would break. There are so many things that can happen other than a company's negligence. I think this is going too far and I hope that we will defeat this bill.

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

A vote of the House was taken.

63 having voted in the affirmative and 62 having voted in the negative, the motion did prevail.

Thereupon, the New Draft was read once and assigned for second reading tomorrow.

Divided Report

Seven Members of the Committee on Liquor Control on Bill "An Act Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees" (S. P. 4) (L. D. 4) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (S-40)

Report was signed by the following members:

Mr. GRAFFAM of Cumberland
— of the Senate.

Messrs. LIZOTTE of Biddeford
TWITCHELL of Norway
DYER of South Portland
PERKINS of Blue Hill
IMMONEN of West Paris
RAYMOND of Lewiston

— of the House.

Four members of the same Committee on the same Bill report in Report "B" that the same "Ought Not to Pass"

Report was signed by the following members:

Messrs. FAUCHER of Solon
JACQUES of Lewiston
MAXWELL of Jay
PIERCE of Waterville

—of the House.

Two members of the same Committee on same Bill report in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "B" (S-41)

Report was signed by the following members:

Messrs. DANTON of York
CARBONNEAU of Androscoggin

—of the Senate.

Came from the Senate with Report "A" accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-40).

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I am going to move that we accept Report "B" but before I do I would like to yield to the gentleman from Lewiston, Mr. Jacques.

The SPEAKER: The gentleman from Jay, Mr. Maxwell, moves that the House accept Report B "Ought not to pass".

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: During the late adolescence, it was normal and healthy for a youth to seek independence from authority as represented by parents, teachers and adults.

A late teenage boy or girl in trying to desperately establish his or her identity as a man or a woman, things that adults do that are prohibited to youth, are invested with particular importance and excitement. It becomes a challenge to do things that are prohibited; it is a very human trait to be proud of getting away with it. Teenagers are far more concerned with winning the admiration of their peers than they are with winning approval from parents or representatives or adult authority. Young people admire daring in others and in our society. There are many opportunities for youth to prove his fearlessness as a lawbreaker than as a conformist to authority.

Contradictory as it may seem, adolescents breaking the law can be a twisted impression of idealism so characteristic of his age. He is passionately seeking freedom; he is trying to demonstrate courage and virility. He is proving that he can conform not to the rules prescribed by parents or by law but to the code of his own age.

Adolescence does not always couple freedom with responsibility nor have they the judgment and wisdom to limit their freedom so they do not become licensed, so that they do not endanger themselves and others.

To me it seems particularly important that young people learn for their own freedom to conform with the well being of themselves and others. There must be external rules and laws, but unless these can be and are enforced, the attitude of disrespect for law is encouraged. We all remember the prohibition era when highly respected citizens probably broke the law and when lawlessness was extended in many directions. The breaking of one law led to the breaking of others and this generation has grown up with the heritage of disrespect for law.

I believe that young people can help to

become law abiding, responsible citizens if dealt with by the firm hand with a light touch. The internal rule governing their conduct must take into account their philosophical need to assert their freedom, to prove their identity and to win admiration of their peers. We must remember, prohibition increases their desire to dare and to do.

We had a hearing on this particular bill. I don't know if we had one person come in and favor this bill. As a matter of fact, most of them I would say were dry that would like to see the prohibition back in the state. I am telling you ladies and gentlemen, if you vote for this today you are going to have more concerned parents than you have at this present time.

I haven't seen one statistic that these people came to our committee saying to us that if the drinking age is up to 20 that it is going to save lives, that it is going to save young men from drinking. There isn't one that could prove that to me.

I have written to New York State and got some statistics which they made a study of, a year study. These people were appointed by the Governor, a 21 man panel. There were doctors, Rabbis, Priests, college professor, high school teachers, high school principals, all walks of life, and also the police commissioner. Now, the police commissioner reported on cases of 28,000 people in three months and these people recommended leave the age at 18 years old in New York State. This is a few years back. Out of 12,000 cases of young people between 15 and 17 — this is a New York State survey that was conducted — 4,000 were young people that was involved in accidents, 94.3 percent were not drinking. Now, this is out of 29,000 cases in all. This is between the age of 15 to 17. From the age 18 to 20, 12,000 youngsters were involved in accidents. Again 95.8 were involved in drinking a little or none.

Now, this 18-month study, we could take advantage of this if we look behind us and see what has happened. I am telling you, I have discussed with our area people, police officers and everyone else, and they told me it would be almost impossible to enforce this law, because now that they have it, they can not do away with it.

We have other problems that concern us. We gave them the adult rights, and now you are going to say to them, sure, you can go out and fight for your country, you can go out and buy a gun, you can go out and get married, you can go out and get a driver's license, but yet you have got to be 20 years old to be able to drink. To me this is absurd. It doesn't sound like we think much of our children.

I think the problem is with us, and I have children growing up and I hope that I can handle them but I don't think I can handle them just because there is a law that says you can't drink until you are 20 and I am going to drive it into his head that he can not drink. This is going to be an impossible task to be able to do. I don't see how the parents can say here, well, let's put a law on so we don't have to take care of them. Let's go to work and earn money and let the kids take care of themselves. This is what has happened, and this is the same problem in the school. This is the same darn thing that is happening right in the school right at present. Every school principal is saying, hey, we have got to put the law back up to 20.

I have one letter here from our school principal from St. Dominic Regional High School. He says to us, "Bring the age to 20. Thank God we haven't had that problem"

yet." Now, there is a good fact right here but I say let the parents be responsible. I don't care what law you put on, you are not going to stop them from doing it. As a matter of fact, you are going to make criminals out of them and you are going to make criminals out of the people that are in the business also because it is going to be an impossibility for them to say, you can buy a car and sign a contract to get married. It is just like saying, we have too many divorces, let's do away with marriages.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I totally concur with Representative Jacques. At first I thought it would be a good idea to raise the drinking age to 19, thinking too that it would get the drinking out of the high school age level. But the more I looked into it, the more I came to the same conclusion as Representative Jacques.

There are high levels of drinking-related accidents among the young, but the accidents do not start leveling off until about the age of 25 or so, as the insurance companies have noticed and have reflected in their car insurance rates.

Why put the drinking at 19; maybe it should be 26 or 75. The real question is, are responsible drinking and age really related? If we want to keep alcoholic beverages away from those under 18, perhaps we should enforce the present law. Why don't we also concentrate on providing a thorough alcohol education program beginning in the lower elementary grades, something which is done on just a very small scale now.

I simply don't believe raising the drinking age back up again to either 19 or 20 will solve all the many social problems connected with alcohol abuse, and I wish to move for indefinite postponement of Report B.

Was that motion made?

The SPEAKER: The pending motion before the House is acceptance of House Report "B" which would be "ought not to pass". The motion to indefinitely postpone the bill and all accompanying papers would be in order at this time.

The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I so move.

The SPEAKER: The gentlewoman from Waterville, Mrs. Kany, moves that this bill and all accompanying papers be indefinitely postponed.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am not that interested in canned speeches. They sound good to listen to, and the facts, I am not interested in that, that only confuses the issue as far as I am concerned.

The fact that I am interested in is the people that I am here representing in great numbers, and the largest majority, whether they are right or wrong, and that I won't argue with either, want this raised to the age 20. I am against indefinite postponement of this bill.

I am not concerned about my own thinking and I am not concerned about the canned speeches nor the facts. The fact that I am here representing these people and I know what they want and whether they are right or wrong I support them and they want it raised to 20 and that is how I

intend to vote this morning. I think you people might consider their views.

I have no doubt in the world but what the gentleman from Lewiston is carrying out the wishes of the people in Lewiston, but he is certainly not speaking for the people from the district that I come from because I have had personal contact and plenty of mail and I even talked to the high school senior class in the district that I represent and out of a class of 18, two of them thought that it ought to be left as it is and the rest of the class thought that it should be raised to 20 and I thought that was a pretty good thing in itself. The children even think that it is a good idea to raise it to 20 in my area.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This is probably one of the hardest questions I have had to make a decision on in this House since coming here. And before final enactment, and I believe it probably will go to final enactment, there are a few things that I want to pass on to you this morning that persuaded my mind, made my mind up.

Number one, age is an arbitrary thing. Whether we set it at 18, 20, 40 or 12, it is still an arbitrary age. Just what are we dealing with when we discuss the 18 and 19 year olds? Actually, about 15 percent of that group is what we are concerned with. In this age group, 75 percent of these youths are fine, young, American citizens. They want to do right and they will do right, regardless of which way the law is. There is 5 to 10 percent of the remaining group that are going to do just what they want to do anyway, regardless of what the law is. So, actually, we are dealing with 15 percent of the people in this age group. We are attempting to guide their morals by legislation. I do not believe this will happen.

Education, as Representative Kany stated, is the answer, I believe, not only education of the 18 and 19 year olds, but education from birth to the grave.

There has been a great deal of discussion on this bill. I have not seen any bills introduced into this legislature in the area where we are most concerned, and this is alcohol in the schools. No one has seen fit to come forward with a bill to assist the school authorities in the control of alcohol.

I did note on my desk this morning L. D. 1407, which would reduce the age of a representative to 18. He would come in here if this bill passed and would not be able to socialize with most of us.

It also poses another question to me as to 1977 when most of us are going to be running for reelection, we hope. The proponents of this bill, are you going to go up to a voter and say, you are intelligent enough to vote for me, but you are not intelligent enough to control your alcohol. I go along with the indefinite postponement of this bill.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: As many of you know, I make a living in this line, and it is a very good living. I might add. But I have seen the problems concerning this and I have seen the problems where an 18-year-old will buy it for a 15-year-old. I do not approve of that, but under the law there is nothing I can do about it.

The people in my community, some are for it and some are against it. And when the gentleman in front of me said this was a tough bill to vote on, it hit it right on the

head. You cannot please all of the people all of the time; that is an impossibility.

But I think this bill means more than whether a boy 18 or a girl 18 can buy alcoholic beverages for his own use. I think it is deeper than that. I think it goes into the schools and into the junior high schools where it does not belong. And even though I sell it, I make a living at it, I try to abide by the law on booze more than anything else because it is very important to me. First of all, naturally, I don't want to lose my license, but I am in a situation where I am already in trouble with the liquor people and I probably will lose it for 7 days, but it was not intentional and I will have to pay for my mistake, which I expect to.

When a young person comes in with a false ID, you try to correct them and you try to find it, but they are sharp and don't think they are not. And if we of the older group don't think the young people are intelligent today, you have got another think coming, because they are very intelligent. In fact, they are smarter than I ever was, probably am right now. But I hate to see young people get involved in this at a young age because I know what it can do to a family and I know what it can do to a home.

I agree with Mr. Dudley 100 percent when he says, and I will repeat that — personally I have got enough business to do to mind my own business, and I don't care what my neighbors do. But if the people of a community ask you to support a thing, we usually support it or at least I do. I have voted for bills up here that personally I didn't think in my own conscience were the best, but the people felt it was, and if they call me and say, we would like to have you support this and more do than don't, I feel obligated because they elected me. I didn't elect myself.

This is a tough bill. It was stated by the gentleman from Lewiston, and he is absolutely right, young people have to fight, young people have to do everything on their own, but I feel that it is a deeper problem than that. I associate with young people and I am very interested in young people. I believe in young people's programs. Just how much education you can give them on alcohol, that is a very very debatable argument.

Someone in the House here mentioned this morning that they are going to do what they want, and that is very true. When we were young, we did what we wanted and the young people today are certainly no different than we were.

When the legislature was asked about this bill, I did a little talking about it at my place of business. The majority of the people, and believe you me, they are great, parents will say, I drink but I don't want my kids to. So the first thing I say is, why? They come back and say we argue and we fight when we are drinking. When we don't, we don't fight.

You ask the young people what they feel about it. They want it, those who buy it. I say to them, how many do you give to a boy or girl 15 and 16. The majority of the kids are pretty truthful and they tell you the truth. They say, well, I have got a friend of mine down the street and he can't buy it, but I give him a little once in a while. I think it is more important whether the boy or girl 18 is to buy this or whether you are going to let them have it at a younger age. Personally, and I can speak personally, because that is all I can speak for is myself, I don't try to speak for someone

else, if I had my way, there would never be a bottle of booze sold in this state. But that is not for me to say; the people of this state say we want it, we have it, so they are entitled to it.

Many have said that the dry's oppose this and the dry's oppose that. Well I do not favor not selling it at all as long as the people are for it. I will go for that, and I certainly wouldn't want to see prohibition back. But I do believe that each individual has to search their own individual conscience if you as an individual wants your child drinking at a younger age — and this is a tough decision and it will have to be answered by only you and you alone.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief. I do have a couple of things I want to say, and I guess I will start off by saying this. I grew up in Bangor, Maine, and the first job that I ever had at the age of 14 or 15 was that of a short order cook. Some of you who know me know the story; I have told it before. But the first job that I ever had at the age of 14 or 15, I was a short order cook in a place called Joe's Canteen, which is a beer joint on Main Street in Bangor. To this day, I have never taken a drop of beer. I don't drink, but I think you will find my views in this House as being pretty liberal.

I would like to get back at this particular problem here. I realize, as you realize, that we do have a problem in our schools. We have a problem in our schools insofar as the 15-year-olds, the 16-year-olds, the 17-year-olds being able to acquire liquor, and that is a problem, and I realize we have to deal with that problem. But as it stands now, 18-year-olds have adult rights across the board — all across the board. I don't think it is right and I don't think it is fair for us to come back and take one segment of those rights out and say, now, you have misbehaved, you have abused this particular right and now we have got to take it away from you.

At the special session last year, we debated and we fought for the ERA, which gave women rights all the way across the board and we have not come back and I don't think we will come back and say you have misbehaved in this particular right, so we are going to take that away from you. I don't think that is right. I don't think that is fair of us. I think the problem is there. The 18-year-olds do have that right now, and I do not think it is their responsibility to take care of those children who are 16, 15 or 14. That is our responsibility, and I have a distinct problem when society tells me or when society starts using me as a scape goat for the 18-year-olds. That problem belongs in the home or in the school or in the churches. It does not belong with the 18-year-olds. I think they do have that right and I think they are trying to take care of that right.

I spoke, along with the gentleman from Portland, Mr. Mulkern, to about 200 students down at Portland High School, and the distinct feeling that I got was the fact that 15, 16 or 17-year-olds can go in and buy booze now almost anywhere they want to. It is just not being enforced. They can pick it up anytime they want to. It is not the 18-year-olds to a great extent that are giving the younger kids alcohol. They can go in and purchase it now. And as I talk to them, they sound to me like a very very mature group of young kids, and I respect that. I sincerely respect that.

I don't know how many of you read the Sunday Telegram — no, it was the Express, the Evening Express, which was last Saturday's, which ran an article, a poll, on this particular bill. There were a couple for raising the age limit and there were several against it, but there is one that I would like to read to you, and it makes a great deal of sense to me. This is from Martha Hanson from Bonny Eagle. She says, "No, I feel that if the drinking age is raised to 20, it would not solve the teenage drinking problems. If that is the purpose of the age limit being raised" — here is what I like — "people have got to care why people drink and what their problems are caused by. People would drink no matter what the age." I am saying the same thing.

Society dictates to us to a certain extent whether we drink and how much we drink, not the law. If the law is at 18 or 20 or 22 or 25, that does not stop one from purchasing alcohol. Society dictates to us how much we drink and when we drink.

I have been mixed up in quite a few organizations in my time, and almost every organization or every conference or every seminar that I go to, the major item at that particular place is alcohol. It is a part of our life. How can we sit here and say we want to take that away from the 18-year-olds that have all the other rights. I don't think that is fair, and I do support the motion to indefinitely postpone.

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

Mr. FARNHAM: Mr. Speaker, a parliamentary inquiry, sir. Was the motion by the gentlewoman from Waterville, Mrs. Kany, that Report "B" be indefinitely postponed?

The SPEAKER: The Chair understands from her motion it was to move that the Bill and all of its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I urge you not to vote for the indefinite postponement of this bill and all its accompanying papers. I think we should stay in line with the current status of the bill, accept the bill as amended by Committee Amendment "A".

We have had this bill before us in the past, and the big cry in the past was, if they are old enough to fight, they are old enough to drink. We haven't anyone fighting anymore, so I presume that argument has gone by the boards.

This bill very nearly passed two years ago, but at that time the situation in the schools was just beginning to be a problem. From Kittery to Fort Kent teachers are now telling us, it is a problem, that the average age of the high school senior before graduation is 18, and now the beer, wine and hard liquor is being fed to the kids that are 16, 17, 15 and even 14. It was most unusual until a few years ago to find a boy or girl in school under the influence, and invariably when that was found, it was some young whipper-snapper doing it on a dare, not that he was doing it on purpose — he was doing it on purpose, but more of a dare than anything else.

It is not a bit uncommon now to find this situation in our schools. I think all you have got to do is look at the traffic record of the last few years and see the great number of young people 18, even 17, 18 and 19 now before the courts for drunken driving. Age 18 and 19 are rebellious ages,

they are great ages. I like to look back on my own days of 18 and 19 when no one was going to tell me what to do; I knew all there was to know and I was going to do it. But it isn't an age that is responsible when it comes to drinking. I would urge you — I am not going to go on, there are going to be a lot of people talk on this — but I urge you not to vote for indefinite postponement. Don't be stormed by groups of high school students coming down here and snowing you and scaring you to death. They think a lot differently when they are 25 years old than they do when they are 18.

This is our chance this year to straighten out a mistake we made a few years ago.

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

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to respond to the statement made by the gentleman from Enfield, Mr. Dudley, a few moments ago who spoke on his trips home to his constituency on the weekends. He had had input from high school children and parents in favor of this raising the drinking age. I am a commuter and I go home on a daily basis and I get a lot of input throughout the week. As a matter of fact, I have carried a lot of high school seniors to Augusta throughout this session to visit the legislature in session. I brought four of them down this morning. I don't know as they knew this bill was coming up or not, but they happened to come down this morning. I talked to them, I talked just a half hour ago with the superintendent of schools in my district, which is just about half way between Kittery and Fort Kent, and I have had no sentiment for raising the drinking age from any of these groups. The superintendent of schools says there is no drinking problem in our high school in our district. The seniors, other students in the schools tell me there is no drinking problem in our school, they agree with the administration of that school. There is no difference now than what there was before the drinking age was lowered from 21 to 18.

I heartily concur with the feeling that adult rights are across the board rights or not at all. If you are an adult at 18, you have the right to serve in the armed forces, you have the right to vote, you have the right to drive an automobile, you should also have the right to drink.

I have heard many arguments presented here, and the only one that gave me any cause at all, really, given that background, is that report that there has been an increase in highway accidents since the drinking age has been lowered. That may be true. I wonder if this is not a continuing trend that would have gone on regardless of the drinking age and whether it is not independent of that.

From my constituents point of view, the only input I have had that has urged me to raise the drinking age has been from one group in my home town, the women's club in my town, and I think there is no 18 or 20-year-old in that group. As a matter of fact, I think they would all still be able to drink under the amendment on our desks to raise the drinking age to 50. Other than that, I have had no individual contact on this, and I heartily endorse the motion to indefinitely postpone.

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

Mr. USHER: Mr. Speaker and Members of the House: I received about seven letters from my area of Westbrook. I selected one of them that I thought I would

read before you. This is from a young man, concerning L. D. 4. "Representative Usher: I am old enough to be married and assume the responsibilities. I am old enough to serve our country. Last fall you asked for my support in the election, and now you are trying to take away one of my privileges as an adult. Please consider all the others that are assuming the adult responsibilities."

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

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I don't feel that this is a law and order issue. I really feel this is a Mother's Bill. I agree with many of the speakers in remarks injected here today. The study of alcohol and alcoholism has been a lifetime experience with me.

In 1961, I spent the summer at the Yale School of Alcohol Studies. I have worked with teenage drinking problems most of my adult life. I have been involved with the courts and the legal fraternities, who I have found to be puzzled in even defining intoxication so that we have had to turn to the church for the definition that they gave us of the theological drunk, and this spells out a person intoxicated to the point that he is unable to determine right from wrong, and this has been the best explanation of intoxication for us in law enforcement.

I left law enforcement after 27 years. I have been out of that profession for less than two years. I tell you now, because of this lower 18-year-old drinking age, there is evidence of alcohol is getting into the junior high schools; this greatly disturbs me. People who study the alcohol problem often refer to the DAP and this is the drinking age population.

Our neighbors in New Hampshire did a study on teenage drinking several years ago. This study today is used in many colleges and universities. They proposed a study from 18 to 25. It was necessary in that state at that time to lower their study to include 14-years-of-age people. This did not surprise me, for in my career I have dealt with the drunk, I have dealt with a drunk 6 years of age. I have dealt with the drunk 8 years of age. I understand about the generation gap; I know what it is. I have gone to the House, found the parents who live in fear of alcohol. They sit home and wait every time their daughter Suzie or their son Jack goes out to that high school dance. This is a genuine fear these parents have, and I should pay tribute not to both parents, for I feel this generation will give an indictment towards the fathers of today because of my experience bringing that child home, carrying him up the stairs, going into the kitchen, I have always found that mother sitting up in the kitchen waiting for that child who is due in at one and you carry the child in at three. I am concerned there; where is the father? You know the father watches the eleven o'clock news and turns into the sack. Some of you are guilty; I admit my guilt. The mother remains up. Talk to the teenager today. How do they estimate their father's activities? They will tell you, my dad turns me off all he says is, when I was your age I had to chop wood; when I was your age I had to wash the dishes up in Bangor. These are the things that are bothering the kids. Ask them, how about your mother? They might tell you that mother doesn't understand their problems but one thing they will tell you, my mother tries to understand my problem. My mother is there when I get in at one, two or three

o'clock in the morning. I cannot rap with my father, but my mother has always got the time to talk.

Yes, I have carried these children but these weren't the real sad cases. The sad cases where I go along or with a priest or a clergyman would walk up the stairs in the middle of the night to tell the parent that that child is no longer theirs. Always there seems to be that villain there, that alcohol.

I say to you, mothers understand. This is a mother's bill. I feel that we have a duty to raise the age up to 20, keep this out of the schools and I feel that this is what the mothers of Maine want and I will so vote.

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

Mr. SNOW: Mr. Speaker and Members of the House: I rise to support the motion of the gentlewoman from Waterville, Mrs. Kany. I think this bill is trying to deal with a problem in the wrong way. It is trying to deal with a problem which exists among children who are younger than 18. The problem is that these children can buy the liquor. It is easier for them to go out and buy it. We are trying to tell these people, I think, tell our children, that we trust them to make a contract, we trust them to drive a car, we trust them to vote right, we want to take away their right to do this. History reminds us that people who are afraid of something or who can't be bothered to take the time to deal with a problem very often respond with some sweeping legislative prohibition.

My opposition to raising the drinking is not because I think that there is no problem or because I believe every 18-year-old is mature enough to make a dependable judgment but because I think that mere legislative action in this area is a woefully inadequate solution to the problem, and beyond that that, it postpones the realistic context of being legally responsible in which we can really teach responsible social behavior in this area.

I think regulation, example, and realistic expectation from parents is the most important factor in the development of the young person's values, the values which regulate his social responsibility. I am therefore very much in favor of the context in which parental responsibility for a young person's social behavior must deal with the fact that he is learning to drink. To increase the drinking age, in my opinion, is essentially to beg the issue of parent's responsibility to make some practical impact on their youngsters' attitudes about drinking or by 20 years of age the average young person has been away from home for from one and a half to two years.

The students at Falmouth High School, at my request, staged a panel discussion on this topic. It was difficult to find teenagers and to find adults who would support the position of raising the age. I have four teenage children myself, one of them is 18. He and I have talked about this at great length. He and I know what I am saying today because we worked it out together. I hope you will support the motion of the gentlewoman from Waterville to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: I rise to object to the motion to indefinitely postpone; I support the bill. I do agree with the gentleman from Falmouth, Mr. Snow, in two of his points. One, this bill is addressed at a problem of people who are actually under 19, he is

correct in that assessment. And secondly, I agree with him that the bill probably will not solve the drinking problem.

My initial response to a bill of this type is negative. I don't believe in taking away freedoms unless it is absolutely necessary. But in the course of examining the question and in talking within my constituency, I discovered that the problem is essentially one of that within our schools. I sent 126 letters to everyone I could identify within my district who is associated with the schools in any capacity from teaching to cafeteria workers. I receive 46 responses, 45 of them urging me to support the bill. Therefore, my choice is very clear. The position that most of these people took was that the seniors in high school are 18 years of age. Once they become 20 then they are in a different milieu, they no longer associate with the 16- or 17-year-olds; they are working or they are in college and a sufficient problem exists within the school of my district that, almost unanimous percentages of those associated with or understanding the problems in the school, all of whom are concerned, responsible adults urged me to support the bill and I, therefore, urge you to vote against the motion for indefinite postponement.

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

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the motion to indefinitely postpone this bill so that we might have an opportunity to vote for the 20-year-old change in the law. I have an 18-year-old son and I realize when I go home this evening that probably he won't be speaking to me because we have discussed this at great length. I don't have any serious objections to 18, 19-year-olds drinking as such, but I have strong objections and I have visited with the principals in our school system in South Portland and listened to them, the people that work with these teenagers every day, something that I don't do, and I have to take their word for the problems that they are confronted with daily. These problems are increasing every year and the noticeable increase has come in the last couple of years since the legislature granted the rights for 18-year-olds to drink.

I would like to read just one or two little paragraphs out of this particular document from the principal and the assistant principal in charge of the students at the South Portland High School. They have noticed a large increase in absences and excessive tardiness and when questioning the students, alcohol has been involved in a large number of the cases. They find more students who are more readily admitting to them that alcohol is becoming a crutch to them in school because of pressures or subjects or girlfriends or what have you.

The statement he makes in this letter says that a few years ago the 21-year-olds were buying alcohol for the older teenager, now the 18 year old are buying it for the 14, 15, 16-year-olds. School activities are falling off. A supervised dance, no one attends any longer. They all go for house parties, uncontrolled, unchaperoned house parties in other areas. If they do have a dance that is attended, then there are always a number that are thrown out for disturbance because they are intoxicated.

Another principal of the junior high school in the city cites, and I am not going to read these examples and cases, but

there are a number of them here of students attending the 24-Hour Club, which is an alcoholic club for rehabilitation in our area. Other students that are receiving guidance help and psychiatric help for alcoholic problems at the age of 14 and 15.

Another example he cites of a group of high school students buying a large amount of beer for a group of students in South Portland. They went in the woods, got stoned and then set the woods afire and it caused quite a problem in the city there for the fire and police departments.

Another letter from the other principal of the other junior high school that cites examples of high school students buying liquor for the junior high students and keeping it in their lockers and in a couple of cases here at recess time becoming fairly intoxicated and becoming sick in the classes following because of the liquor that was purchased for them by high school students.

These are my major reasons. I have also discussed this with our police officials and juvenile officers and my major reason for strongly supporting the age being changed to 20 years of age is because discussions with people who know what is going on.

I hope that you will not support the motion to indefinitely postpone and go along with the majority of the Committee on Liquor Control that recommended Report "A".

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

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: The last time I rose to address this body it was to speak against a bill which I felt was not particularly needed and one which was potentially damaging to the employees of Keyes Fibre in whom I naturally have a particular interest.

Today when I rise, I can honestly say that I honestly want to influence no one because I realize that the issue before us is a very emotional one. Why then, you might ask, do I take your time and choose to speak on this subject.

First of all, I feel that this is one of the most important issues that we are going to face during this session of the legislature. Since I have researched this as thoroughly as I possibly could, I feel that it is incumbent upon me to express my findings to you. Secondly, as a former high school teacher and a former college dean, I feel that I have probably larger than usual interest in young people, and I hope that I know where their head is in most instances. I do want to do what is the very best for them.

I would like to say that the group and the sponsor of this bill is sincere and well-intentioned group of people that I have ever seen. My mail had been overwhelmingly asking me to support the bill. I realize what the political repercussions probably can be. As one member said to me, "Dick, if you speak against this bill you are going to serve two terms in the House; your first and your last." And that may very well be. But I can not vote on mail and pressure alone.

I feel that the people of my district elected me to study and investigate issues such as this as thoroughly as possible, and I can assure you that I have done my homework. I have spent countless hours on this bill and I have talked with hundreds of people.

I would like to begin today by examining some of the information which the sponsor provided us with at the hearing. I am sure you will realize that at best this

information is objective and at worst it is slanted toward the sponsor of this bill, but I want to use his figures and not mine and not anybody else's.

This, by the way is a questionnaire which he sent out first of all to high school principals. The first question he asked was, has the 18-year-old drinking law created more teenage problems? And I don't know what he used for a list of principals, they obviously were of his choice — 44 said yes; 24 said no or not many problems.

Second, in the response of school principals was the effect the 18-year-old liquor law has had on classroom activity. This falls into several categories from disruptive behavior where three answered in the affirmative, to no report, to unprepared lessons, 1, etc. There is only one category that has any significant amount of people in it. These are from his figures; 35 principals said no effect at all. The second largest group, by the way, was 5 from 35 to 5, and they said very few problems, so 40 out of the 52 principals said either no effect at all or very few problems. I think that is significant. Question number three was the effect on school activities. Here again it fell into several categories, most of which had very small numbers of curtailed activities, 7; disruptive behavior, 4; 2 and 3 and so forth.

Again, there are only two large categories. Number one, 15, no effect at all, to answer the question, 25. Next, the police chiefs, increasing the 18-year-old problems because of the drinking law; 21 said yes, a total of 17 either said no, little change or impossible to determine in these categories.

I feel I would like to take a couple of minutes to read a letter from the police chief's legal advisor from the Town of Winslow, part of which I represent. "Dear Representative Pierce: I am writing on behalf of Winslow Police Chief Ronald Whary and myself to express our opposition to legislative attempts to raise the legal drinking age. We appreciate the fact that there is a drinking problem in the schools, but do not believe this is the way to solve the problem.

"We believe that it is unfair to accord eighteen year olds all the rights and responsibilities of adulthood, except the right to lawfully purchase and consume liquor. Also, since there are many more; eighteen and nineteen year olds out of school than in, it seems unfair to penalize the majority of them just because some do bring liquor into the schools. Perhaps a better approach would be stricter laws against liquor on school premises.

"Also, we have not noticed a higher percentage of operating a motor vehicle under the influence of liquor (O.U.I.) being committed by teenagers than by drivers in other age groups. During my 13 months as an assistant county attorney, I saw many O.U.I. cases, and I recall, only a very few involved teenage drivers. And in Chief Whary's experience, the vast majority of O.U.I. cases involved older drivers.

"We are not denying that there are obviously serious drinking problems involving teenage drinking. There are also serious problems with older drinkers. We all know that Prohibition was a great failure; the proposed legislation seems to be a Prohibition aimed only at young adults.

"We see no reason why a nineteen year old, who may well be earning his or her own

living, with a family of his or her own, should be denied the right to lawfully buy and consume liquor in a sensible way. If a young adult abuses this right, he or she should be penalized just as would any older adult.

"It would be an added burden on the police to have to enforce a law prohibiting young adults from having liquor, and might mean less time to deal with incidents of alcohol abuse, such as O.U.I., regardless of the person's age.

"We believe that the proposed legislation is unjust and unworkable, and we urge you to oppose it. Thank you very much, Sincerely, Joan Phillips Sandy, Legal Advisor, Winslow Police Department."

The hearing on this issue was a very impressive one. There were many people there, most of whom, all but one, I believe, spoke in favor of the bill. I noticed that there was an absence of any guidance counselors there, and I made this point at the hearing. Not one single guidance counselor from the State of Maine was there to oppose this bill or to be a proponent for it. I then went back to Waterville, arranged a meeting of all the guidance counselors at my high school, and I could not find one single one of them who feels that this legislation will do what people say it will do or who favor it. They are all opposed to it. And I think guidance counselors are a very important part of our educational structure. They deal with the young people on a day-to-day basis, on a one-to-one basis, and many times know more of their problems and what is causing them than either the police or other administrative school officials.

I would like to just refer briefly to one more chart which was also provided by the sponsor, and it lists some very impressive statistics.

Fifteen-year-olds from 1973 to 1974, a 483 percent increase in drunk driving. I think that is quite a shocking figure. I think it should also be mentioned that the numerical difference between the two years was 58 cases. I think these two figures should be balanced. This large percentage decreases to 16 to 17 to 18 and 19. At 18 years old, the increase was 28.2 percent. At 19 years old, the increase was 4.2 percent. The overall average for all ages was 10.5 percent. So in other words, the 18-year-olds was higher than the average, and the 1919-year-olds was actually far below the average. To me, this clearly points out one of the major weaknesses of this legislation. It is penalizing one group of people, the 18 and 19-year-olds, in order to get at another group of people, the 14, 15, 16 and 17-year-olds. I think it is a sad day when this legislature cannot propose legislation better than that under these circumstances.

The argument also is often heard that if we raise the age limit we are going to get the drunken driver off the road. I think the statistics I just quoted you don't necessarily support that, and I want to offer a couple other thoughts for your consideration.

Now that the 18 and 19-year-olds will not be able to go into a bar, restaurant or public place and drink, do you think they are going to stop? Or are, in fact, they going to go and get a couple racks and go out in the car and drive around and drink? I think many of them may well do that. They are not going to stop because they feel the police might check them.

Secondly, New Hampshire, as you may or may not know, recently defeated a similar law and left the age at 18. So you people along the border towns I would think could expect quite an increase in the drunken driving, people who are going over to New Hampshire to drink where they can do it legally. So you may put more, not less drinking drivers on the road.

Ladies and gentlemen, we have a problem; there is no denying that. The March 5 issue of Newsweek magazine had a very interesting article in it, and I hope perhaps some of you had a chance to read it. Just to quote you a couple of quick statistics from it: In the 8th grade of upper middle class Brookline, Massachusetts, 36 percent of the students had been drunk. In the 6th grade, 14 percent of the students had been drunk. And the major reason for the proliferation was found to be tolerance by the parents, most of whom are drinkers themselves. "Parents who hassle their kids most about other drugs are willing to look the other way on alcohol." This was confirmed by a poll taken by almost 800 students at Waterville High School, in which they eliminated the senior class, because they felt they would be prejudiced toward the subject, and they found that the 14, 15 and 16 and 17-year olds, the major source of their liquor was the home. Less than a third in these categories were obtaining liquor from people 18 years old or older.

Newsweek also listed four reasons for the alcoholic problem — parental acceptance, peer pressure, family and social problems and the desire to appear grown up. The article ended with something which I would like to quote: "Teenagers have always used alcohol and they always will. And because teenage use is patterned after adult use, there is no way kids are going to stop drinking until adults do."

Very briefly, I would like to sum up for you why I cannot support this legislation. One, as I informed you, it may actually increase the drinking while driving. Two, it is inconsistent. It has no logical basis. Three, it may push young people toward more easily obtainable drugs. Four, it will be another law which many people will not enforce but instead will give lip service. Five, it will prevail on more young people to break the law, and when they do it in one area, they are going to do it in other areas. Six, to punish one group to get at another group is wrong. It will remove the self confidence from the vast majority of young people to get at a small minority. Seven, and perhaps most important, we are rushing into this on a highly emotional basis with no facts or studies to anticipate what the results might be.

You know, too often I think we are quick to speak against some legislation without offering any alternatives or suggestions. I think that is wrong too. Therefore, I would like to give you my views on what does need to be done on the positive side, and I have four recommendations.

First of all, I think obviously we need to attach the problem where it is and that is by strengthening the family unit. This is general, I know, but this can only be done at that level. This is where the problem begins, with the family.

Secondly, I think we have got to enforce the present laws before we start making more laws. Sixteen and seventeen-year-olds are going into bars in wholesale numbers and getting served. Sixteen and seventeen-year-olds and younger are

going into stores and buying beer. Adults are procuring liquor for minors. How many have you seen arrested for this. It is against the law, you know. Last year a statistic, which you may or may not have heard, out of the whole State of Maine, the whole year, counting stores, counting bars, counting restaurants, counting them all, 114 minors were cited for drinking — 114. That is not even convictions. That is just how many the law enforcement officials cited. I think that clearly points out that we are not enforcing the present laws.

My third recommendation would be adoption of an alcohol prevention program in the schools. Such a recommendation is before us in L. D. 1081. Our approach to alcohol misuse has always been treatment oriented. I think we should also consider prevention oriented material. The Jaycees too have a program which I think is a very logical approach.

Finally, and again I think perhaps the most important, I feel that the legislature or the Governor should appoint a professional study commission of competent clergymen, doctors, psychologists and any others who may feel responsible to study this issue, and upon receipt of their report, which would have the benefit of a more lengthy period on which to base their statistical findings than we now have, the 108th Legislature could proceed to take logical and rational steps based on their recommendations. And whether or not I am in this body at that time, I certainly would be more than happy to act on their recommendations.

If we do pass this law today, I hope very much that what I have said is wrong, because I think if it is not wrong, you are in for some very disastrous consequences.

I would like to end with just reading you a note which I received from a good friend of mine, Reverend Arthur Durbin, and no person, perhaps even the sponsor of the legislation himself has worked harder to get this law passed than has Reverend Durbin. He has had people call all the legislators in our area, he has written us all many times, and I respect him for this because he genuinely believes that this law will answer the question, will solve our problem. His letter said, very simply, "Dear Dick: In the spirit of Palm Sunday, may your vote on L. D. 4 be dictated by your conscience." I am not going to vote as he would have me, but I can tell him and I can tell you that my vote will be dictated by my conscience.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to add a few brief remarks on this legislation in my capacity as an individual legislator.

I will say that I was fairly intrigued by a remark that was made earlier by the gentleman from Hampden, Mr. Farnham, where he said the argument that had always been used to defeat this bill was, "If they are old enough to fight, they are old enough to drink." His argument was, we are not fighting now, therefore we should raise the age to 20. I carried that a little bit farther in logic and I would wonder if we did raise the age to 20, and God forbid this country were to start fighting again, would we rush back here to lower the age back to 18?

This is a very difficult bill to deal with, and I think we have all wrestled with our consciences on it. I have been asked by some people that I respect very highly to vote for it. I realize that there are some

problems that have happened with the schools, and I have great sympathy for those who are concerned by these problems. But I am going to vote against the bill because of a very practical concern that was touched on by the gentleman from Waterville, Mr. Pierce, and that was the fact that I represent two border communities that border New Hampshire, and the State of New Hampshire has the drinking age still at 18. I don't think that any of these problems are going to be changed to the youngsters down in my area. They will go across the border into New Hampshire, and many of the youngsters from your communities will drive down to New Hampshire and drink legally in New Hampshire and then will attempt to drive home. I can remember when we had the drinking age at 18 and New Hampshire had it at 20, and I can remember standing outside our liquor stores and seeing the carloads of young people from New Hampshire coming over to buy their liquor in Maine. So for that reason, which is a practical problem, because I feel the passage of this law will solve none of the problems down in my area, I am going to vote against it.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to be voting for the indefinite postponement of this bill. I am a high school teacher and I have taught for the last five years a course entitled "Alcohol, Crime and Drugs." I also directed a drug crisis center, and I think that this piece of legislation evades the real issue.

I am not for moving the responsibility from parents onto the heads of the 18 and 19-year-olds as a group, nor am I willing to take the responsibility that belongs to school administrators, teachers, for the policies they have in regard to alcohol and place that on the members of the 18-year-olds in their high school.

I am very fearful that this piece of legislation might create a false sense of security and that those children who do have drinking problems, and the problem runs much deeper than the drinking, will not get the help they need. People will convince themselves that by raising this drinking age we have solved our problem.

I have been teaching in high school now for 7 years. I have been a senior class advisor for all 7 years. I have chaperoned every one of their events at the end of the school year, and I have seen no significant change in the drinking behavior from 1968 until the present.

If this law were to pass, what would be its real effect? Well, I think the majority of 18 and 19-year-olds who are obeying the law, who are not selling it to minors, will obey the new law. Those who are irresponsible at 18 will still obtain alcohol and will still sell it to those younger. You will still have the store owner who will sell it to anybody who has the money if he thinks he can get away with it, and you will still have the parents who will ignore the problem.

I cannot endorse a piece of legislation that is going to say to a person who is 18, a person who by law can choose to marry and who can legally do one of the most important things, I think, in this world, and that is to bring a human being into it, be responsible for it and raise it and tell them they don't have the maturity to go down and have a beer.

The SPEAKER: The Chair recognizes

the gentleman from Winthrop, Mr. Bagley.
Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to say very much but I have a short note I want to read and a story I wanted to tell, but there are one or two other items I wanted to mention.

Somebody mentioned about the guidance people here. I talked with two of them and they told me they were not here because of the school vacation and they were getting paid and would stay where they were.

I have a note from the Student Council from Winthrop High School. That is a freely elected student council, elected by the students and this note says: "The majority of our student council feels that the drinking age should be raised to 20 years of age. Sincerely yours, Maureen Doughty, President of the Winthrop High School Student Council."

Now my story is very brief. I have been in the school business now for 46 years, and back when I was high school principal, I used to take seniors and different classes to Mt. Kathadin. So, this particular year, we were taking the seniors from a small high school to Mt. Kathadin. When we were loading up, one of the boys, I guess he was 18 years old probably, it wasn't legal at that time, he brought in a six-pack of beer. One of the younger women teachers saw it and she promptly tapped each bottle on a rock. Well, 15 or 20 years later, 15 years later, I guess, I saw the boy who had brought the six pack of beer and we were reminiscing, he said, do you remember when Miss Smith broke my six pack, and I said, yes. He said, I was kind of upset at the time, but I have a 7-year-old boy now and you know what I hope, I hope that when he gets in high school he gets a teacher just like Miss Smith. The point is, most of these 18 and 19-year-old boys and girls, 25 years from now when they have children of their own approaching that age will be delighted if you pass this bill.

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I arise to support the Representative from Waterville, Mrs. Kany. When I was 18 years old, I used to break the law. I had enlisted in the Marine Corp at 18. I could drink liquor at the age of 18 as long as I was on a Marine Corp base. Now, there are more than 18-year-olds in military. When I was off base with some of my older buddies, I had to present false I.D.'s and break the law. Now I ask you, is that right?

Liquor is a social problem that knows no age. I am acquainted with people who are 50 years of age and not responsible drinkers. We have given our 18-year-olds the right to participate in the governmental process by giving them the right to vote. How can we say to them, you are responsible enough to vote but not responsible enough to discipline your drinking habits? Are we going to penalize the many 18-year-olds who do not buy alcohol for younger children? We do not allow the street sale of drugs in this country and yet these drugs find their way into elementary schools and into high schools.

Finally, the good gentleman from Portland asked us to think about the parents who have 8 and 12-year-olds who come home drunk. Well, I ask you to think about the children who have parents coming home drunk. A good parent can do something about his child's drinking. What can a 8-year-old do about a drunk parent?

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I had no intention of getting up on my feet to speak on this issue, but since the community of Winslow was brought into it, I feel that I must give the other side of the coin.

I naturally am going to support this piece of legislation. I will cite you the reasons why. First of all, we have a problem and I don't think there is anyone in this hall that we don't have a problem.

Let me read to you what occurred five days after this law was enacted. It relates to one of the questions. How has the 18-year-old drinking law affected the classroom activity in school? The answer is: "Our first inschool drinking problem occurred five days after this law was in effect." Now the point is, we have a problem, and we have a bill before us that can solve this problem. True, it is not the perfect vehicle. Whenever we pass legislation in this House, many times the vehicle is not always perfect but it is a beginning, and I say it is a beginning in the right direction and we should support this piece of legislation.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise again to speak regarding this bill, the bill for the mothers of Maine, a step in the right direction. I can understand how the gentleman from Waterville is confused about the problems of alcohol. It has been long recognized that alcoholism does not spring from the bottle, it springs from the personality. The false courage, yes. Perhaps the church is confused also on this problem. They always asking there, when is a skinful sinful?

The 20 year age for drinking certainly would be a workable law. Guidance counselors, oh, how I hate that word. The teenagers today, they remark that they see them once a year. They ask the question, I want to be a pilot; the counselor will reply, your I.Q. is down, pick something else. They turn them off. Don't believe me, ask your teenager.

Statistics on crime — look, nobody knows how much crime there is in America; nobody knows how much crime there is in Maine. When you quote the number of teenagers arrested under 18 for drinking, believe me, the police do not process the majority of these through the criminal justice system. Our policy, and I am sure a state-wide policy, when you got that young fellow in there, drinking at 16, 17, and he could turn the world upside down at midnight, the first question he would ask, are you going to tell my father that I have been drinking? I always answered, no, I will never tell your father. There is the telephone, you call him and you tell him. You know, I didn't get many repeaters. The only advice we would give to the father as he sheepishly ducked out of the side door of the police station would be this when he would ask if he had to bring the boy back — we would only say, look, if you can't handle the problem, you give us a call. You know, when fathers were put on the spot, they handled the problem.

This bill, I sincerely believe, would get alcohol out of the junior high school systems. That is, from my way of thinking, the best point.

No question with the gentleman from Waterville. I think it has been fairly established in the field that I passed through that children learn to drink in

their own homes. We accept this. Laws not enforced, no, very few of the statutes are enforced. The laws are there when you need them and you have a problem with them, the police could stand on the corner and march many people through the criminal justice system; this is not our way of life.

Alcohol education — Maine law requires it study there. In Yale, when they did a study throughout the country about alcohol education in the schools, they found that the system didn't change much, that once a year the science teacher would stand before the student body in the classroom or in the auditorium, take that one glass of pure alcohol and dip a worm in it, pull the worm out and say, this is what happens if you drink. We know that doesn't happen when you drink.

I feel that the mothers of Maine are asking you for this so that they will have more school activity in the evening, extra-curricular activity, and they won't have to worry about Johnny going to the gym and finding Henry pulling a six pack out of his locker.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: As you probably know, this is probably the first time I have spoken before a group like this.

I am not a mother, but I certainly am a father. I have raised five children and they are beautiful children. Now each one of them went through this same period, what all of you people have spoken about here before. I would just like to say this, the oldest one now is 30 years old and she is a school teacher. She and her husband have bought a home and they owe money at the bank and they are paying it. Now, I have another son who is a Junior at the University of Maine and he has bought a trailer. He has conformed with all of the laws that all of the rest of you people here have and he started in voting at age 18.

Each one of these children that we have had problems with at home. Sometimes they have had a drink too much probably, just the same as their father has. I have been known to have a drink too much once in awhile, but the basic thing I wanted to say is that each one of these children now are responsible men and women. They have taken their place and they are contributing to society and they started in at a young age.

I hope that all of us here are good parents and remember that. I think each one of us should have some feeling that they have a closeness with the family, and I think this is one of the main things we are talking about here today, because today they are 15, tomorrow they are 16 and before long they are men and women sitting in the same places where we are here today.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not absolutely opposed to raising of the drinking age. I do feel, however, that stronger rationale could be made for raising it to 19, but I don't want to stand here and argue split hairs on this particular subject.

I am absolutely opposed to the raising of the drinking age without corresponding raising the age of all adult rights. I do not understand how any responsible legislator in this House today can honestly say to an 18 or 19-year-old, you are old enough to

sign a contract, you are old enough to buy a house, you are old enough to get married and raise a family, you are old enough to vote, including to vote on liquor questions at a local referendum, but you are not old enough to go down to the bar and buy a beer or the store and get a six pack.

Yes, there are problems, there have always been problems. There were problems when I was growing up. I, at times, have had too much to drink when it was illegal, but I feel that anyone who sits here today and votes for this bill thinking that this is going to solve the problem is doing nothing more than what an ostrich does when he sticks his head in the sand. You are given a false sense of security.

Support this bill by school officials is a copout. I ran an adult education program for two years. I dealt with adults. There were times when adults wanted to bring a can of beer into a classroom — I kicked them out of the program. There were times when adults over 20, over 21, came in drunk and I kicked them out of the program. The school official today who cannot handle the problems in his school and is not backed up when he does handle these problems by the parents, then this law isn't going to help.

I come from a border town. New Hampshire just voted to keep the age at 18. How can I go back and tell an 18 or 19-year-old from South Berwick that if he crosses that bridge on the Salmon Falls River and goes over to the "Stop and Go" right across the bridge, immediately when he crossed that bridge, he becomes a mature adult capable of going into that store and buying a six pack of beer but not capable of bringing it back across the bridge. Is there some magic to that bridge? Is there some magic between the Maine Legislature and the New Hampshire Legislature? I don't think so.

Mr. Laffin from Westbrook stated that 18-year-olds now buy beer for 15-year-olds. When I was 15 and in high school, 21-year-olds would buy beer for 15-year-olds, this is not going to change. It is still against the law, whether you are 18 and buy it for 15-year-olds or whether you're 21 and you buy it for 15-year-olds.

Yes, there are cases of 18 and 19-year-olds in the court for drunken driving. Whether or not there are more, that is a debatable question. If you pass this bill, those cases will still be in court but attached with them will be cases for illegal possession; you will be making criminals out of your 18 and 19-year-olds.

This bill, I say, is a step in the wrong direction for the mothers and fathers of the State of Maine. By passing this bill, you are taking one more responsibility from the parent and throwing it onto the laws of this state. I feel that the parents should be made to have more responsibility, not take more away from them.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I will try to be very brief. Secondly, I am not going to come up with a canned speech; I am going to come up with something which I have had occasion to run into a good many times.

I am like a lot of others here who have been elected and I have been reelected and I am responsible to my constituents, and up to this date I have had many requests from some of my people to be sure and do what you can to bring the drinking age up to the age of 20. I know that it is not going to

be a cure all, that is for sure, but it is going to be one step, making it a little harder for some of the youth to get intoxicating liquor.

I would like to say, and I hate to say it, my police people have brought something to me which is really disgusting. One evening they were called, it was the early part of the evening, just a little before eight, by a lady who looked out her window and she saw a group of kids out there and she said she didn't think they were very old, so the police went there and when they got there they found a little girl about the age of 13 who was on her hands and knees trying to throw up everything she had eaten for a month. They took her to the station and they called up her father and got him up there. In less than two hours from that time, they were called out to the YMCA where they were holding a teenage dance; the dance had to be stopped because there were too many older boys and girls that were kind of disturbing and there they found a little girl 12 very, very intoxicated.

Let me say this to you people, it is disgusting, it is really disgusting when you see that you can get this intoxicating liquor so easily right now. The school principal tells me that some of the older boys manage to take it up and in some way or other, they don't go into their lockers but they have it right on the school premises and I agree with him that if there is anything we can do to uphold the law and stop the youth from getting in bad, I want to do it.

Representative Goodwin stated that it is an easy matter where he lives to go across the border, but let me tell him, there are an awful lot of people that don't live near that border and it would cost us an awful lot of money if we wanted to go down and get a few cases of beer, I will tell you. Really, it might affect him and that area, but as far as I am concerned, it affects me in my area where I am a long ways off from down there, and as yet, I have not received one piece of information from any of the teenagers, although I have received many calls and letters relative to this subject.

I am certainly not going to support this vote of indefinite postponement, that's for sure, because I am going to vote in favor of keeping that bill alive, and I certainly hope that many of you people here do likewise.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I have listened to many speeches here this morning for and against this bill. I feel that I should congratulate the gentleman from Waterville, Mr. Pierce, for having done his homework on this bill. I think it is incumbent upon us to have listened to his wisdom, to the words and to the message he brought to us today. I think we should support his views. I am going to, and I am going to vote for indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I will be very brief. I would like to touch on something that has been said this morning. It has been said this is an emotional measure. I don't think it is. I think it is very factual, and whichever way we vote, I don't think it is our emotions.

It has also been said that 18 and 18-year-olds will drink anyway. Perhaps they will, but by passing this bill we

perhaps can lessen this a little.

I was quite concerned when I heard that the committee had invited in a special class to hear their viewpoints, all proponents of the bill. I am sure if the rest of us had known this, we could have brought in students who were for the bill. And as we heard from the gentleman from Winthrop, his council was for the bill, and I think many of us have young people who are for the bill. I would just like to say that all classes and all students are not against the bill.

I would hope that you would vote against postponement of this bill and consider the passage of it.

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

Mr. DYER: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of this bill, "Ought to pass," I would like to say just a very few words. I do have in front of me the statistics from the Cape Elizabeth Police Department, the Scarborough Police Department, and I am not going to go through that because it is very astonishing. But one thing that does amaze me is the fact that we have this liquor problem in our section of the state in the high schools and junior high schools and they do not have it in the other sections of this state.

I have two sons that are teaching in high school in the State of Maine. One of them happens to be a basketball coach in our local area. He left the locker room about three weeks ago to leave the boys to themselves and he came back about 20 minutes later and he found out that he didn't have a basketball team to put on the floor that night because there weren't any of them capable of going onto the floor because the minute he left they started drinking. So that is in one of our local schools.

But I do feel that I must say that I am going to support the raising of the drinking age from 18 to 20. I have many many letters and I can say if this bill does — voted one way or the other, there is going to be a lot of people in the State of Maine that are going to be short of money because of postage. I do have many bills and I have not received one letter in favor of leaving the drinking age at 18. Therefore, I am going to vote against the indefinite postponement of the bill and all its accompanying papers.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion of the gentlewoman from Waterville for indefinite postponement.

I, too, have received the questionnaire and the answers to the questionnaire that was sent out by the sponsor of the bill to the superintendent of schools and the chief of police in my town. In regard first to the questionnaire that went out to the superintendent of schools, having served a good number of years on the school board, even though I do not serve on it now because I did not choose to run for reelection because I had too many other things to do, it amuses me when I look at the questionnaire that the superintendent sent. Number one, it is not even signed, so I don't know even whether he sent it or not. But one of the questions, the first one, as you all know because I assume you all have it from your superintendents and chiefs of police, has there been an increase in the problems of teenagers since the law became effective? The answer on mine

was yes, 17, 16 and 15-year-olds too.

It says, has the 18-year-old drinking law affected classroom activities? Of course, again, the superintendent or whoever wrote this thing, one of the clerks, says yes. It says, how is the 18-year-old drinking law affecting social activities in school? They go on to say that because of the lower high school age of obtaining — and this is rather hard to read because it is not typed out and whoever wrote it out, they write something like I do and I have to stop and interpret my writing, but this was written by either a member of the faculty or by a secretary in the school district, and maybe by the superintendent, but I would suggest to him that he take a handwriting course again unless he can use a typewriter. So, it says because of the lower high school age of obtaining liquor, we, the faculty, dread having school social functions, especially dances. Well, that part really amazed me because immediately my mind went back to when I was on the school board before we had passed the law to allow 18-year-olds to buy liquor, and one of the problems we were dealing with at that time was liquor at dances. Some of us on the school board had come up with the suggestion that they would have tickets to go to the dances, it would be limited to high school students, and once they were in the building, if they left they could not reenter.

A couple of the school board members joined with the faculty that was present that night saying, "Oh, you can't do this, you can't deny the rights of these students to reenter and limit it to only high school students, because some of the senior girls and boys, they have boy friends or girl friends going to college and they come up for the dances and they would be their date or their escort. So you couldn't limit it there." So we never did, but the problem was not with the high school students bringing the liquor into the dances, it was a problem with the older students, and yet the school board and the faculty didn't want to cope with the problem. This is the problem in the schools today. It is not the youngsters that are creating the problem, it is the administration that is creating the problem.

We in the past sessions of the legislature have created problems. We passed bills where we have taken the right of the parent away in the area of allowing minors to obtain medical services without parental consent, receive birth control pills without parental consent, so we can't blame the parents entirely.

At the same time, the people of the state in 1971 said the 18-year-olds are old enough to vote. This has been brought out many times this morning, and I ask you people, if these people are old enough to vote and run for selectmen in the towns or overseers of the poor or assessor and govern your lives, aren't they old enough to drink a 12-ounce bottle of beer? Or is the fact that they are going to alter your life and the life of everyone in the community, that is not as important as drinking a 12-ounce bottle of beer? I think that is utterly ridiculous reasoning, just as much as I think it is ridiculous reasoning the report that I received from the police chief in the town of Skowhegan, because these people say one thing and when they get done writing they contradict themselves into another.

In the answer to the first question, has there been an increase in the problems with the teenagers? Yes, there was, but only slightly. What percentage of teenager's driving violations can be attributed to liquor? Negligible, under 5

percent. This doesn't pertain just to my town. These figures came out of the county courthouse, and my town is the shiretown for Somerset County.

What percentage of teenage crime violation can be attributed to liquor? Negligible — under 5 percent. But, the chief of police in my town makes one intelligent statement in this letter. Due to the lack of education and experience in handling, this is where we have failed. We haven't had the education; we haven't funded programs for education, and if we were to put it in the public school system in the State of Maine today, because of the system the way it is set up, you wouldn't find a teacher, no matter what category they are in, that would volunteer to teach it. You would have to hire a specialist to come in that would create another thousand jobs, so we have denied the young people the right to an education as far as alcoholic beverages are concerned. But then the chief of police in my town, even though we have no problems and he says so, he says, however, we endorse raising the age to 20.

It so happens the chief of police in my town is my cousin. It so happens the chief of police in my town was named after me, Everett, but that doesn't stop me from taking objection to him. I do think that he is a fairly intelligent individual, but after reading a statement like this saying there are no problems but raise the age anyway, I question his wisdom and his judgment and even to the degree of questioning the intelligence.

Last Saturday night I was in the town of Solon. I was at the Solon Hotel. It is operated by a member of this legislature. I saw three people ousted by the security patrol that was there. They weren't teenagers. They were over 50 years old. I have had occasions to go into an establishment in my town and we only have one that sells beer, a tavern. I have not seen the problems that have been cited this morning created in my town by the 18-year-olds. I have seen them created by the people that are older.

So I don't think, actually, we have such a great problem in this state as we have been led to believe. I have not received many, many, many letters on this. I have received one letter from the prime sponsor — since they use that word with CETA funds, it is a good word to use with this business — the prime sponsor of this bill, and that is Mr. Bubar's organization. I respect Mr. Bubar and his organization; I respect what he is trying to do because he believes in it and in some areas on some of the questions that have been raised in the past by his organization, I have even agreed there.

But I want to commend the store keepers in my area, anyway, the wholesalers of alcoholic beverages in my area that serve my area, because I did not receive one letter from them asking that I support the killing of this bill. So I haven't been loaded with mail on this. One letter does not sway me one way or the other. I think this is an issue where each one should vote our conscience.

I think that we have to really sit down and think who is pushing this, what it would do and the problems that would come if we were to pass this bill today. I again do agree with the Governor of this state, James Longley, and I have to agree with him today. He said the whole nation is looking to the State of Maine for leadership. I agree there. I think we have a very unique situation in the state because

of the election, but I am more concerned that the people of the State of Maine are looking to this legislature for leadership, and I don't think we are giving the people of the State of Maine leadership when we pass a bill in one session of the legislature and then come back and repeal it in the next. This has almost become a pattern. I think it is time we stopped. I think it is time for us to say to the people of the State of Maine, you have elected us, you have sent us to Augusta to represent you, and we will represent you in the best way possible. I think after we vote for a bill, that because of a special interest group and again this is words I used from a speech that was made by our great Governor, Mr. Longley, when he referred to special interest groups, I don't think we should be swayed and I don't think we should be pressured. I think what we should do is say to the people of the State of Maine that when we passed that law we thought it was good and we still think it is good. And if the people of the State of Maine do not like what happens here today, they don't have to live with it. All they have to do is get off their fannies, get up a little elbow grease, collect a few pencils, go to the Secretary of State's Office and get some petitions up, go around and collect the roughly 37,000 signatures and let's go back to a constitutional amendment. Let's take away the voting rights of the 18-year-olds. Let's put it back to 21; let's maybe put it to 25, but let's let the people decide.

I say today is not the day for us to stand here and be wishy-wishy. We have been wishy-washy on too many things — on this, on the industrial complex situation in the state, on the environment, on the tax situation. This is not the leadership that the people in the state are looking for; the leadership that they are looking for is for us to make up our minds and then stick to the issue.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Since the first of February, I decided that sometime I was going to spend a few hours and look over some back records of the legislature. It indicates that I have been on my feet at this session so far 12 times less than any other session since I have been here. Now for those of you who know me, if you don't think that is an amazing feat, there is something wrong with you from the neck up. There is one thing, however, that will get me on my feet on any issue, and that is when I am not given the facts. I am very proud to say to anyone at any time — and you know there are so many over the many years that have been so prone to stick that hammer in. I sometimes wonder myself, when those people really put the hammer in to yours truly, I wonder if they sometimes think what I think of them?

As far as I am concerned, I am pulling no punches. I have got an answer, and the answer that I have got is a lie. I came into this House today with no thought at all as to where I was going to go. My answer is signed — Lewiston High Principal, the envelope by the sponsor of the bill. I called the principal of the high school. He never sent this. I am supporting Mrs. Kany.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: It took a lot of soul-searching to decide to stand and speak on this issue, and I will stand and echo the words of the gentleman from

Lewiston, Mr. Jalbert. I received the same type of communication from the principal of my high school, supposedly, and it is filed in file 13 down there and it was exactly the same thing. I don't think we have received the facts from these little letters we received on our desks from our chiefs of police, supposedly, and from our school principals, supposedly. I just got off the phone a few minutes ago with the chief of police back in my community. He said something to the effect that he did not support the lowering of the age when it went down. There has been an increase, a small increase, in the problems with the 18-year-olds and 19-year-olds since the drinking age went down. I submit to you, ladies and gentlemen of the House, perhaps part of this increase in the problem of the 18 and 19-year-olds since the drinking age went down is not only the drinking age going down but many many of some of the liberal rulings of our government in the past few years, more rights to the younger people, and I submit to you this morning, that we haven't received the facts and I have yet to have one person supporting this bill explain to me that this will solve the problem. They are all talking about legislating something that is not going to solve the problem that they are trying to get at.

I also heard the argument that, well, my mail is running 2 to 1, 100 to 0 in favor of this legislation — this is a question I have been wrestling with ever since I was elected. I received 151 letters to vote one way and 150 letters to vote the other way on a particular issue and am I obliged to vote with the 151 people? I will solve this problem this morning when I vote on this issue when I support Mrs. Kany's motion to indefinitely postpone.

As the gentleman from Skowhegan said, the people voted for it, the people elected us, I think the people trust us. I was given a petition from a group, a special interest group if you want to call them that, a group of people back in Houlton with 40-some signatures on it, most of these people I know quite well, supporting L. D. 4. I went to a meeting of these people, it happened to be a Senior Citizens organization, without taking a stand one way or the other. I brought up, without a motion, some of the points that had been raised here this morning, denial of one right as opposed to giving them the rest of the rights and all the different points that were brought up here this morning. I still have that petition but I honestly don't think this morning that if there were 40 signatures on it when I received it, I honestly don't think there would have been 10 placed on there after I finished.

This is an emotional issue. It sounds great. I was sent down here by my constituents from Houlton to take all the facts and vote the way I thought I should vote and that is the way I will vote when the motion comes.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: This is truly an emotional matter. This morning, two hours ago, I probably would have voted for L. D. 4. I will say that nobody in my community has sent me any literature for or against this bill. I did not attend the hearing but I understand the high school principal in Kittery attended; whether the high school principal in Eliot attended, I do not know.

I did receive a letter from another person, from the chief of police in Eliot,

and he favors L. D. 4. However, as Representative Goodwin says, New Hampshire has lowered their age and 73 percent of the beer consumed in Kittery is bought in New Hampshire anyway, so the local children will go over there and get it. We have plenty of open spaces and fields and woods where they park, beaches. The police try to enforce it now but they cannot and, therefore, I am going to vote for indefinite postponement.

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. If you desire a roll call, you will vote yes; if you are opposed, you 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 before the House is the motion of the gentlewoman from Waterville, Mrs. Kany, that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. Those in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Bachrach, Bennett, Berry, P. P.; Berube, Burns, Bustin, Byers, Call, Carey, Carpenter, Carroll, Clark, Connolly, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, Dow, Drigotas, Farley, Faucher, Fenlason, Goodwin, H.; Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Hutchings, Ingegneri, Jacques, Jalbert, Kany, Kauffman, Kennedy, Laverty, LeBlanc, Lovell, Lunt, MacEachern, Mackel, Martin, A.; Martin, R.; Maxwell, McKernan, Mitchell, Nadeau, Norris, Peakes, Pelosi, Peterson, P.; Peterson, T.; Pierce, Powell, Raymond, Rideout, Rolde, Smith, Snow, Spencer, Talbot, Tarr, Tozier, Truman, Usher, Wagner, Walker, Wilfong, The Speaker.

NAY — Albert, Ault, Bagley, Berry, G. W.; Binnette, Birt, Blodgett, Boudreau, Bowie, Carter, Chonko, Churchill, Conners, Cooney, DeVane, Doak, Dudley, Durgin, Dyer, Farnham, Finemore, Fraser, Garsoe, Goodwin, K.; Gould, Gray, Hewes, Higgins, Hinds, Hunter, Immonen, Jackson, Jensen, Joyce, Kelleher, Kelley, Laffin, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lynch, MacLeod, Mahany, McBreairty, McMahon, Mills, Miskavage, Morin, Morton, Najarian, Palmer, Perkins, S.; Perkins, T.; Post, Quinn, Rollins, Saunders, Shute, Snowe, Sprowl, Strout, Stubbs, Teague, Theriault, Tierney, Torrey, Twitchell, Tyndale, Webber, Winship.

ABSENT — Flanagan, Gauthier, LaPointe, Mulkern, Silverman, Susi.

Yes. 73; No. 72; Absent. 6.

The SPEAKER: Seventy-three having voted in the affirmative and seventy-two in the negative with six being absent, the motion does prevail.

Sent up for concurrence.

Non-Concurrent Matter

Bill "An Act Exempting Solar or Wind Power Facilities from Sales Tax" (S. P. 56) (L. D. 125) which was indefinitely postponed in the House on April 1.

Came from the Senate with that Body having insisted on its former action whereby the Minority "Ought to Pass" in New Draft (S. P. 402) (L. D. 1171) Report was read and accepted and the New Draft passed to be engrossed as amended by

Senate Amendment "A" (S-39) and asked for a Committee of Conference.

In the House: On motion of Mr. Morton of Farmington, the House voted to insist and join in a Committee of Conference.

The following paper from the Senate appearing on Supplement No. 1 was taken up out of order by unanimous consent:

From the Senate: The following Joint Order: (S. P. 431)

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill "An Act Appropriating Additional Funds to the Department of Health and Welfare for Medical Care Payments and General Assistance Payments for the Fiscal Year Ending June 30, 1975."

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Petitions, Bills and Resolves Requiring Reference

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

Agriculture

Bill "An Act Relating to Dogs" (H. P. 1353) (Presented by Mr. Mahany of Easton)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Appropriate Additional Funds to the Bureau of Mental Retardation" (Emergency) (H. P. 1356) (Presented by Mr. Hennessey of West Bath)

Bill "An Act Appropriating Funds to the Department of Mental Health and Corrections for Fire Prevention and Structural Safety Improvements at the Military and Naval Children's Home at Bath" (Emergency) (H. P. 1357) (Presented by Mr. Hennessey of West Bath) (Cosponsors: Mrs. Goodwin of Bath, Mrs. Chonko of Topsham)

Bill "An Act to Appropriate Funds to Provide Continued Alcoholism Services for the Indian People of Maine" (H. P. 1367) (Presented by Mr. Talbot of Portland)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Relating to the Rebate of Unearned Finance Charges under the Maine Consumer Credit Code" (H. P. 1350) (Presented by Mrs. Boudreau of Portland)

Bill "An Act Amending the Consumer Credit Code as it Relates to the Timely Mailing of Billing Statements" (H. P. 1352) (Presented by Mrs. Boudreau of Portland)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act Concerning the Information Required on the General Register of Voters" (H. P. 1359) (Presented by Mr. Dam of Skowhegan)

(Ordered Printed)

Sent up for concurrence.

Energy

Bill "An Act to Create the Passamaquoddy Tidal Power Project Study Commission" (Emergency) (H. P. 1343) (Presented by Mr. Silverman of Calais)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Restricting Guide Licenses to Residents and Requiring Nonresidents to Have a Guide While Hunting or Fishing" (H. P. 1354) (Presented by Mrs. Morin of Old Orchard Beach)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Establish Legislative Control over Licensing Standards for Ambulance Services and Personnel" (H. P. 1348) (Presented by Mr. Spencer of Standish) (Cosponsors: Mr. Shute of Stockton Springs, Mr. Jackson of Yarmouth, Mr. Rolde of York) (Approved for introduction by a Majority of the Committee on Reference of Bills Pursuant to Joint Rule 10)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Expedite the Procedures of the Public Employees Labor Relations Board" (H. P. 1364) (Presented by Mr. Dam of Skowhegan)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Relating to State, County and Municipal Procurement of Engineering, Architectural and Construction Consultant Services" (H. P. 1342) (Presented by Mr. Carter of Winslow)

(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act to Extend the Hours for Sale of Liquor During the Tourist Season" (H. P. 1358) (Presented by Mr. Jensen of Portland)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Cause the Aroostook County Commissioners to Hire a Full-time Administrative Assistant" (H. P. 1362) (Presented by Mr. Carpenter of Houlton) (Cosponsor: Mr. Finemore of Bridgewater)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Establish the Maine Commission on Cable Television" (H. P. 1344) (Presented by Mr. Jacques of Lewiston)

Bill "An Act to Codify the Charter of the Portland Water District" (H. P. 1345) (Presented by Mrs. Najarian of Portland)

Bill "An Act to Amend the Charter of the Auburn Sewerage District" (Emergency) (H. P. 1360) (Presented by Mr. Hughes of Auburn) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

Bill "An Act Relating to Termination of Utility Service" (H. P. 1361) (Presented by Mrs. Mitchell of Vassalboro)

Bill "An Act Repealing Invalid Rate Provisions and Other Provisions of Questionable Validity Pertaining to Public Utilities Commission Jurisdiction over Sanitary, Sewerage, Sewer, Utility and Water Districts" (Emergency) (H. P. 1370) (Presented by Mr. Bustin of Augusta) (Cosponsor: Mr. MacEachern of Lincoln)

(Ordered Printed)

Sent up for concurrence.

Bill "An Act to Establish the Maine Building Code" (H. P. 1346) (Presented by Mrs. Najarian of Portland)

Committee on Reference of Bills suggested the Committee on State Government.

(On motion of Mrs. Najarian of Portland, tabled pending reference and tomorrow assigned.)

State Government

Resolution, Proposing an Amendment to the Constitution to Provide for Facsimile Signatures on Commissions (H. P. 1349) (Presented by Mr. Faucher of Solon)

Bill "An Act Relating to Veterans Preference under the State Personnel System" (H. P. 1351) (Presented by Mrs. Najarian of Portland)

RESOLUTION, Proposing an Amendment to the Constitution to Allow Municipalities to Provide Limited Property Tax Incentives to Encourage New Business (H. P. 1365) (Presented by Mr. Dam of Skowhegan)

Bill "An Act to Clarify the Administration of the Department of Manpower Affairs" (H. P. 1366) (Presented by Mr. Rolde of York)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Exempt from the Sale Tax Sales to Private Transportation Companies of Buses used Primarily to Transport Pupils and of Parts for those Buses" (H. P. 1355) (Presented by Mr. Hennessey of West Bath)

Bill "An Act Providing for a Change in Standard Deductions in the Maine Income Tax Law" (H. P. 1363) (Presented by Mr. Dow of West Gardiner)

Bill "An Act to Reduce the Residence Requirement for Qualification for a Veteran's Tax Exemption on His Estate" (H. P. 1368) (Presented by Mr. Wagner of Orono)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Increase Certain Weight Limits for Class 2 and Class 3 Motor Vehicle Licenses" (H. P. 1369) (Presented by Mr. Greenlaw of Stonington)

(Ordered Printed)
Sent up for concurrence.

House Reports of Committees

Ought Not to Pass

Mrs. Miskavage from the Committee on Judiciary on Bill "An Act to Require the Identification in Telephone Company Directories of Subscribers using Recording Answering Devices" (H. P. 415) (L. D. 502) reporting "Ought Not to Pass"

Mr. Hewes from the Committee on Judiciary on Bill "An Act to Prohibit the Use of Telephone Recording Answering Devices" (H. P. 673) (L. D. 848) reporting same.

Were placed in the Legislative Files without further action pursuant to Joint Rule 17-A.

Leave to Withdraw

Mr. Faucher from the Committee on Legal Affairs on Bill "An Act to Authorize Removal of Dam on Bond Brook in Augusta in Order to Remove a Danger to Playing Children and to Permit Anadromous Fish to Ascend that Brook" (H. P. 814) (L. D. 988) reporting Leave to Withdraw

Report was read and accepted and sent up for concurrence.

Consent Calendar

First Day

In accordance with House Rule 49-A, the following items appear on the Consent Calendar for the First Day:

(H. P. 410) (L. D. 516) Bill "An Act Establishing the Code of Fair Practices and Affirmative Action as the Equal Opportunity Standard for State Financial Agencies" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-120)

No objections being noted the above items were ordered to appear on the Consent Calendar of April 4, under listing of the Second Day.

Consent Calendar

Second Day

In accordance with House Rule 49-A, the following items appear on the Consent Calendar for the Second Day:

(H. P. 542) (L. D. 658) Bill "An Act Providing Compensation for Members of Inland Fisheries and Game Council"

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

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

(H. P. 107) (L. D. 104) Bill "An Act Relating to State Subsidy for Units with Federally Impacted Students" (Emergency) (C. "A" H-116)

No objections having been noted at the end of the Second Legislative Day, the House Papers was passed to be engrossed and sent to the Senate for concurrence.

Passed to Be Enacted

Emergency Measure

An Act Relating to the Transfer of Misdemeanor Proceedings without Trial to the Superior Court (H. P. 1045) (L. D. 1111)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted signed by the Speaker and sent to the Senate.

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

Mr. NORRIS: Mr. Speaker, in regard to item 7 on page 2, Bill "An Act Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees," Senate Paper 4, L. D. 4, having voted on the prevailing side, I now move we reconsider our action and hope you will all vote against me.

Thereupon, Mr. Carey of Waterville requested a division.

Mr. Finemore of Bridgewater requested a roll call vote.

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

Mr. KELLEHER: Mr. Speaker, I move this lie on the table one legislative day.

Whereupon, Mr. Faucher of Solon requested a division on the tabling motion.

The SPEAKER: The pending question is, on the motion of the gentleman from Bangor, Mr. Kelleher, that this matter be tabled pending the motion of Mr. Norris of Brewer to reconsider whereby the Bill was indefinitely postponed and tomorrow

assigned. All in favor of tabling for one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken. 40 having voted in the affirmative and 96 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that the House reconsider its action whereby this Bill was indefinitely postponed in non-concurrence. 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 Brewer, Mr. Norris, that the House reconsider its action whereby this Bill was indefinitely postponed in non-concurrence. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bagley, Berry, G. W.; Binnette, Birt, Blodgett, Boudreau, Bowie, Carey, Carter, Chonko, Churchill, Conners, DeVane, Doak, Durgin, Dyer, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, K.; Gray, Hewes, Higgins, Hinds, Hunter, Immonen, Jensen, Joyce, Kelleher, Kelley, Leonard, Lewin, Lewis, Littlefield, Lizotte, MacLeod, McBrearty, McMahon, Miskavage Morin, Morton, Najarian, Palmer, Perkins, S.; Perkins, T.; Post, Quinn, Saunders, Shute, Snowe, Sprowl, Strout, Stubbs, Teague, Tierney, Torrey, Twitchell, Tyndale, Webber, Winship.

NAY — Bachrach, Bennett, Berry, P. P.; Berube, Burns, Bustin, Byers, Call, Carpenter, Carroll, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, Dow, Drigotas, Faucher, Goodwin, H.; Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Hutchings, Ingegneri, Jackson, Jacques, Jalbert, Kany, Kauffman, Kennedy, Laffin, Laverty, LeBlanc, Lovell, Lunt, MacEachern, Mackel, Mahany, Martin, A.; Martin, R.; Maxwell, McKernan, Mills, Mitchell, Nadeau, Norris, Peakes, Pelosi, Peterson, P.; Peterson, T.; Pierce, Powell, Raymond, Rideout, Rolde, Smith, Snow, Spencer, Talbot, Tarr, Theriault, Truman, Usher, Wagner, Walker, Wilfong, The Speaker.

ABSENT — Dudley, Farley, Gould, LaPointe, Lynch, Mulkern, Rollins, Silverman, Susi, Tozier.

Yes, 66; No, 75; Absent, 10.
The SPEAKER: Sixty-six having voted in the affirmative and seventy-five in the negative, with ten being absent, the motion does not prevail.

Passed to Be Enacted

An Act to Repeal the Requirements that Assessors Conduct Annual Inventories of Births, Beekeepers and Dogs (S. P. 87) (L. D. 258)

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

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to make any motion one way or the other on

this and neither would I move to table it but I do want to get into the record one of the feelings I have on this bill. I was one of the signers from the committee on the "ought to pass" report because of the objection I had to the bill.

I understand, of course, with the tax assessing system that we have passed in the last session, which may be repealed in this session after the good hearing we had over at the Armory, that in the last session we had made all the assessors real certified people, capable of assessing just real estate property and so they didn't want to do this job of checking the dogs or the births and the beekeepers. Well, we don't need the beekeepers anyway because that was repealed. But the thing that bothers me is, in the small towns, and this I want it in the record mainly for, is that when we take away this duty which the small town assessors do, there will be no way for the municipal clerks to have any record of who licenses a dog or who does not license a dog. It will be left up to the honor system just as much as our welfare system in the State of Maine is left up to the people certifying their own needs in order to get welfare. If you think that the welfare system is being operated in a good honest fashion, then of course there would be no problem with this bill because the person keeping the dog would be just as honest.

But the other thing that concerned me is two years ago when we were at the height of a rabies problem in the State of Maine, the commissioner of Agriculture sent letters out to the town clerks in the towns and municipalities asking why there was such a drop in dog registrations. I can see an even bigger drop when there is no mechanism set up in the state for the listing of dogs that should be licensed.

I can also see coming back here in the next session and given a healthy appropriation to the Department of Agriculture because they have lost their fees. So, this is the objection I have to this bill. I would not have objected to the bill if it could have come out later in the session after we had decided what we are going to do with these real, real professional real estate assessors or whether going back to the old fashioned assessor that we used to know in the past when they did a real job or whether we are going to keep them up there on that high certified list of high paid professionals where I don't think they are going to do the job, but the bill didn't come out in the right place. This is the only reason I am saying what I do; I want it to appear in the record so at the next session when we come back with that healthy appropriation for the Department of Agriculture I can be like the good gentleman from West Enfield, Mr. Dudley, and stand up and say — I told you so.

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

Enactor Tabled and Assigned

An Act to Exempt Fuel Adjustment Charges from the Sales Tax (H. P. 189) (L. D. 266)

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

(On motion of Mr. Rolde of York, tabled pending passage to be enacted and specially assigned for Monday, April 7.)

Orders of the Day

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

Bill "An Act Relating to County Administration of Certain Federal Programs" (S. P. 416) (L. D. 1312)

In Senate -- Referred to Committee on State Government.

Tabled - April 2, by Mr. Rolde of York.

Pending - Reference.

On motion of Mr. Dam of Skowhegan, referred to the Committee on Local and County Government in non-concurrence and sent up for concurrence.

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

Bill "An Act to Establish the Department of Indian Police" (H. P. 1274) (Committee on Reference of Bills Suggested Committee on State Government)

Tabled - April 2, by Mr. Talbot of Portland.

Pending - Reference.

On motion of Mr. Talbot of Portland, referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

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

Bill "An Act to Incorporate the Frye Island Village Corporation." (H. P. 1316) (Committee on Reference of Bills Suggested Committee on Legal Affairs)

Tabled - April 2, by Mr. Dam of Skowhegan.

Pending - Reference.

On motion of Mr. Dam of Skowhegan, referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

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

Bill "An Act Converting Allagash Plantation into the Town of Allagash" (H. P. 1276) (Committee on Reference of Bills Suggested Committee on Legal Affairs)

Tabled - April 2, by Mr. Dam of Skowhegan.

Pending - Reference.

On motion of Mr. Dam of Skowhegan, referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

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

Bill "An Act to Provide for Reimbursement of Court Appointed Attorneys for Reasonable Disbursements made on Behalf of Their Clients" (H. P. 1265) (Committee on Reference of Bills Suggested Committee on Appropriations & Financial Affairs)

Tabled - April 2, by Mr. Gauthier of Sanford.

Pending - Reference.

On motion of Mr. Gauthier of Sanford, referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

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

Bill "An Act to Limit Priority Liens in Individual and Group Health Insurance Policies" (H. P. 1252) (Committee on Reference of Bills Suggested Committee on Judiciary)

Tabled - April 2, by Mr. Gauthier of Sanford.

Pending - Reference.

On motion of Mr. Gauthier of Sanford, referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

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

Bill "An Act to Increase the Veteran's Property Tax Exemption" (H. P. 1174) (L. D. 1172)

Tabled - April 1, by Mr. Palmer of Nobleboro.

Pending - Passage to be Engrossed.

On motion of Mr. Palmer of Nobleboro, retabled pending passage to be engrossed and specially assigned for Monday, April 7.

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

An Act to Permit Furloughs for Prisoners of County Jails: (H. P. 427) (L. D. 521)

Tabled - April 1, by Mr. Kelleher of Bangor.

Pending - Passage to be Enacted.

On motion of Mr. Kelleher of Bangor, retabled pending passage to be enacted and specially assigned for Monday, April 7.

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

An Act for the Humane Treatment of Animals in Schools, Public and Private. (H. P. 457) (L. D. 561)

Tabled - April 1, by Mr. Davies of Orono.

Pending - Passage to be Enacted.

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

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

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

House Amendment "A" (H-119) was read by the Clerk and adopted.

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

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

Bill "An Act Relating to Dealers in Used Personal Property" (H. P. 502) (L. D. 618)

Tabled - April 1, by Mr. Stubbs of Hallowell.

Pending - Motion of Same Gentleman to Indefinitely Postpone Bill and Accompanying Papers.

On motion of Mr. Stubbs of Hallowell, retabled pending his motion to indefinitely postpone and tomorrow assigned.

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

Bill "An Act Establishing the Civil Rights of Hemophiliacs" (H. P. 840) (L. D. 986)

Tabled - April 1, by Mr. Smith of Dover-Foxcroft.

Pending - Motion of Mr. Davies of Orono to Recommit to the Committee on Human Resources.

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

Mr. ROLDE: Mr. Speaker, I move this lie on the table two legislative days.

Thereupon, Mr. Talbot of Portland requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from York, Mr. Rolde, that this Bill be tabled and specially assigned for Monday, April 7, pending the motion of Mr. Davies of Orono

to recommit to the Committee on Human Resources. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Talbot of Portland requested a roll call vote.

The SPEAKER: 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 an insufficient number having voted for a roll call, a roll call was not ordered.

The SPEAKER: The Chair will announce the vote.

107 having voted in the affirmative and 7 having voted in the negative, the motion to table for two legislative days does prevail.

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

Bill "An Act Appropriating Funds for the State Share of the Spruce Budworm Control Program and Imposing a Tax on Forest Lands for Spruce Budworm Control" (H. P. 560) (L. D. 689)

Tabled — April 2, by Mr. Jalbert of Lewiston.

Pending — Passage to be Engrossed.

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

Mrs. NAJARIAN: Mr. Speaker, I move this lie on the table one legislative day.

Thereupon, Mrs. Najarian withdrew the motion for tabling.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: I move for suspension of the rules for purpose of reconsideration.

The SPEAKER: The gentleman from Windham, Mr. Peterson, moves that the rules be suspended for the purpose of reconsideration.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I object and request a division.

The SPEAKER: The pending question is on the motion of the gentleman from Windham, Mr. Peterson, that the rules be suspended for the purpose of reconsideration. All in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker and Members of the House: A point of parliamentary inquiry? In order for the motion to carry what does it need.

The SPEAKER: The Chair would inform the gentleman it takes a two-thirds vote. The only thing the gentleman could do at this time is request a roll call.

Mr. Peterson of Windham has 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 Windham, Mr. Peterson, that the rules be suspended for the purpose of reconsideration.

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

Mr. KELLEHER: Mr. Speaker, I move that the House stand in recess for two minutes.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves the House stand in recess until the sound of the gong. Is this the pleasure of the House?

The Chair hears objection.

The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House stand in recess until the sound of the gong. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

117 having voted in the affirmative and 8 having voted in the negative, the motion did prevail.

After Recess

The House was called to order by the Speaker.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Windham, Mr. Peterson, that the rules be suspended for the purpose of reconsideration. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Call, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Davies, DeVane, Doak, Dow, Drigotas, Durgin, Farnham, Faucher, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Hennessey, Hobbins, Hughes, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laverty, Leonard, Lizotte, Lovell, Lunt, MacEachern, Martin, R.; McBreairty, McKernan, McMahon, Miskavage, Mitchell, Morin, Nadeau, Najarian, Norris, Peakes, Pelosi, Peterson, P.; Peterson, T.; Pierce, Post, Powell, Raymond, Rideout, Rolde, Saunders, Shute, Smith, Snow, Snowe, Spencer, Tarr, Teague, Theriault, Tierney, Tozier, Truman, Twitchell, Tyndale, Usher, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Bagley, Berube, Byers, Carroll, Curtis, Dyer, Farley, Fenlason, Garsoe, Gould, Gray, Henderson, Hewes, Higgins, Hunter, Hutchings, Immonen, Laffin, LeBlanc, Lewin, Lewis, Littlefield, Lynch, Mackel, MacLeod, Martin, A.; Maxwell, Morton, Palmer, Perkins, S.; Perkins, T.; Sprowl, Strout, Stubbs, Torrey, Wagner.

ABSENT — Binnette, Dam, Dudley, Gauthier, Hinds, LaPointe, Mahany, Mills, Mulken, Quinn, Rollins, Silverman, Susi, Talbot.

Yes, 100; No, 36; Absent, 15.

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

On motion of the gentleman from Windham, Mr. Peterson, under suspension of the rules, the House reconsidered its action of March 11 whereby Committee Amendment "A" was adopted.

Mr. Peterson of Windham offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-67) was read by the Clerk.

The SPEAKER: The Chair recognizes

the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Men and Women of the House: House Amendment "A" is under filing number H-67, I believe. You have a new amendment which was prepared which is similar to the amendment found under House filing H-67. I understand it was distributed weeks ago and that some of you may have tossed it out. You can refer to the amendment that is presently being passed out because it is in essence the same amendment. I hope that you can find it because I would like you to be able to follow this amendment.

The issue that we have before us today is probably one of the most important decisions that we will be making in the 107th Legislature in regard to funding of legislation.

Yesterday, the good Senator Muskie made a presentation after adjournment of the House that times are tight, the pie can only be cut into so many slices, and we have to establish priorities. Well, I am asking you today to carefully consider the arguments and the issues that I hope to present to you for your consideration. It is a weighty issue; it is an issue which oftentimes has come before this body in the past and has been passed without a true understanding of all that it pertains to.

My amendment essentially implements the recommendation that I made while serving on the Committee on Natural Resources on the study of the spruce budworm problem. It says in essence that landowners will be taxed according to the proportionate share of the land which they own in the spray area or the area to be sprayed. In other words, it places the burden upon those people who will receive the primary benefits of the spray program and therefore it raises the 30-cent appropriation per acre to \$1.75, because it will only affect those people who are receiving the benefit of spraying. I think that they should pay their fair share of the spray program. I do not think that the Appropriations Committee amendment, even though they worked very diligently, is the proper amendment. I don't think that these companies and major landowners will be paying their fair share.

I would like to share some information with you this afternoon in regard to this issue. One piece of information, and it is included in the Natural Resources Report on the spruce budworm and it states, "On December 4, 1974, the Portland Press Herald reported that Maurice Wing of International Paper Company stated to the Maine Congressional Delegation in Washington that the landowners had pledged \$3.5 million of their own funds toward the joint Federal-State effort to control the infestation — \$3.5 million that the paper companies pledged. I ask you today, the proposed program is only \$3.8 million. Where is that pledge of \$3.5 million today? Where has it gone? Nobody has satisfactorily answered that question yet."

I would also like to trace the history of the spray program. We have been spraying since 1954. We have sprayed 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and we propose to spray 12 times. The first time we sprayed, the fed's share of the spray program was 30 percent, the state's share was 20 percent and the private landowners' share was 50 percent. Today, under this provision, the landowners' share is down to 25 percent. So, while the state share has been going up the landowners' percentage of payment has gone down.

We have spent in the past \$6 million, almost \$7 million in spraying, and for what? The spray program has been a failure in that when it was originally sold it was told that it would retard or stop the spread of the spruce budworm. It hasn't. In fact, we find ourselves in a greater emergency situation today, according to those close to the scene; yet not one cent, as of October 1974, had been spent for research by the paper companies of this state or the large landowners, not one cent. Yet, today, we are going to be told that there is an emergency and that is it impending catatrophly and it is going to hurt the Maine economy. Yet, not one cent had been spent, according to testimony, by the U.S. Forestry Service in Washington or the private interest landowners in this state for research, and yet we are asking the state to fund this program with an additional million dollars. I ask you who have L. D.'s to be funded, who care about important social services and human services, establish some priorities. Is the spraying of the spruce budworm a priority? If it is sprayed, what will be the result? Who will benefit from that spraying?

At this time when we have spiraling inflation and deepening recession, is this this one of our priorities to spray the budworm only for the sake, and this is Commissioner Holt's word, to protect the foliage on those trees that have been attacked? This is not a proposal to stop the spread of the spruce budworm; it is a proposal to protect the foliage on the trees so that we will sustain their life a little longer so that the landowner will be able to salvage those trees. He is going to directly benefit from this spray.

My proposal will reduce the state's share down to \$500,000, which I think is reasonable. We in the last legislature assessed a mill and a half in the tree growth tax which generates approximately \$400,000 a year and I think even though that money goes into the general fund, it was the intent and purpose of the 106th that that money be used for the spray program, and I would endorse spending that money that is generated for the spray program. But to assess the landowners in the rest of the state who will not benefit from this spray program, I think is inequitable. The law court has said that it is constitutional, but already we have one company, Seven Islands Land Company, who owns 31 percent of the spray area, the area to be sprayed — 31 percent, is objecting to the Appropriation Committee's recommendation, and they are going to benefit to the tune of 31 percent. I don't understand that; I think we are in trouble if they bring it to a court action.

I also have some information that startled me frankly, and I think it will you if you people are concerned about bureaucracy running our government. I have a letter today that was dated March 7, 1975, on Great Northern Paper Company stationery. It was addressed to Mr. Maurice Wing, International Paper Company; Mr. Robert LaBonte, Scott Paper Company; Mr. Ray Wood, Diamond International Corporation; Mr. Donald Martin, Kennebec Pulp and Paper Company; Mr. Roger Mitchell, Georgia Pacific Corporation; Mr. Roger Cope, St. Regis Paper Company; Mr. John Harting; Oxford Paper Company. "Dear Sirs: I have today ordered 125,000 gallons of Seven-4 oil from Union Carbide. This insecticide will cost \$875,000 and will be sufficient to spray 500,000 acres of budworm

infested land. Total insecticide purchased to date under the agreement of January 17, 1975, are as follows — I don't know who that agreement of January 17, 1975 is between. I don't understand that, but here is the sentence that really infuriates me. "The State Bureau of Forestry has agreed to purchase the above chemicals from Great Northern Paper at cost." This legislature, you have not even authorized this expenditure, yet already Great Northern Paper has purchased or ordered 125,000 gallons. Now, if that isn't government bureaucracy, I don't know what it is. A copy of this letter will definitely be sent to Governor Longley, because I understand that part of his campaign message was do away with government bureaucracy. Right now we have had bureaucrats commit us to the tune of \$875,000 without authorization, at least from this body. I think somebody is counting their chickens before they hatch. I think somebody thought this body was going to be a rubber stamp. I don't care how you eventually go on this issue but I want you to give it some serious thought in all that it entails. I will read the rest of the letter in fairness to the person who wrote the letter. "Orders for Sumithion and Sevin-4 are conditioned upon EPA approval for use of these insecticides against spruce budworm and approval will be forthcoming shortly according to both manufacturers and the U.S. Forest Service. In addition to the above pesticide, the U.S. Forest Service will contribute enough Zectron to treat 180,000 acres, making the total pesticide supply sufficient to cover 1,847,100 acres. Although no major additional sources of pesticides are known, there are still some small deals being considered." This was signed by John E. Godfrey, Administrative Assistant, evidently, of Great Northern Paper Company.

I have another little message. As of March 26, 1975, notes from John E. Godfrey, Great Northern Paper Company. "The new ground equipment, which has been purchased by Great Northern Paper (reimbursed by State Forestry) is approximately \$60,000 along with the equipment in the state inventory, there is enough to accomplish the program." Already Great Northern has purchased the equipment with the expectation that the Forestry Department will reimburse them without this legislature's authorization. I don't know how you feel about bureaucrats running government but I reacted to it very harshly two years ago when some billboard legislation was presented before this legislature and certain things were done which I didn't think were done in the public eye's scrutiny.

So I ask you today, all things considered, to look at the amendment closely. My amendment makes those people who benefit directly from the spraying pay their fair share. It reduces the cost to the state by approximately \$500,000. It is up to you to decide how you want that money to be spent. The pie is beginning to be cut and if you want a slice in the future, you had better consider your vote very carefully today. I would hope that you would adopt House Amendment "A."

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I don't feel that I would be representing my area very well if I didn't get up and oppose this amendment.

The paper industry at this time is really struggling. Of course, my area depends entirely on the paper industry. The paper

industry, as a whole, throughout the state, has provided livelihood for millions of people and will continue to do it. They have been asked within the last few years to spend millions of dollars to clean up the rivers and they are doing it. The profits of the company in my area over the last few years has averaged less than 4 percent. This is not what you would call a profitable industry.

This budworm problem, if allowed to go on, is going to affect everyone in this state and if we expect the paper companies to pay all the bills, I don't know what they will do. In our area, our mill now is about 30 percent shut down. I don't want it to go down anymore.

I move that this amendment be indefinitely postponed.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to respond to the gentleman from Windham, my friend Mr. Peterson, on his discovery of hitherto unknown facts and I would just point out that it was made very clear at the hearing that the paper companies had put up what I believe they described as "front money" because of the fact that this spray material is in such scarce supply that had we waited until this body could act, there wouldn't be any available and in the event that this body chooses not to act, they will be at no risk because the demand is still scarce and they will be able to unload it, certainly at no loss.

I would hope that we could dismiss from our minds any possibility that there is some underhanded work going on in relation to this. If anything, to me, it emphasizes and underlines the crisis that this problem poses for the state, and I don't think I am diverging too far from the intent and language of this amendment if I take you back to the hearing and state flatly that there was uncontroverted, unrefuted evidence presented at that hearing that this is a crisis. It is a crisis that will be felt in the economic sense, the environmental sense, and the recreational sense.

There was no opposition to this proposition. There were over a 100 agencies represented at that hearing by their official spokesmen. The testimony of Mr. Goodall was very interesting to me in which he commended our Forestry Department and our landowners and paper companies for the approach they were taking and urged the spray program. Audubon was there, there was no debate on whether we should spray or not, there was no division as to what the impact would be were we not to spray. Six legislators and one private citizen questioned the division of cost and I submit to you, ladies and gentlemen, that the committee responded to this criticism. The amendment that is presently on the bill which raised the share on all the landowners of over 500 acres was in response to this opposition that was raised at the hearing and I think a responsible one.

This is regarded as a blow, as the gentleman from Windham has mentioned, this has been regarded as a blow by at least the Seven Islands Land Company. We are in possession of mail from them that indicates that they feel, and I am sure that they are expressing an honest view, that two years ago when the increment was added to the state property tax that their problems with the spruce budworm

financing were gone. Be that as it may, when this question was raised that the gentleman has posed that it should be assigned only to those acres being sprayed, the committee requested the opinion from the Supreme Law Court because he did raise a question that we thought should be answered before we could, in good conscience, recommend this course of action to you. That question has been answered.

Now, if this amendment ever was viable, it would have been viable only until this question had been answered. I submit that the question has been answered. This is an equitable and constitutional method and that the crisis we are facing behoves us to get about this business, kill this amendment, and pass this legislation.

I am not going to take you down the road, but there was also testimony, and I think this is what has to underlie our reaction as to how the pie is going to be divided. There was testimony given at the hearing that the potential impact on the economy of this state would total \$66 million if this one-year spraying is not performed. No one at the hearing proposed that this was the answer to the spruce budworm problem. No, it isn't. The price of doing nothing, I submit, would make adoption of this piece of legislation, or failure to pass the basic bill, an irresponsible act and I hope you will vote with the gentleman from Mexico and give this amendment the indefinite postponement.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: The reason the spraying area was reduced from 3½ million acres to 2 million at the time of the public hearing was because more spray was not thought at that time to be available, and not for financial reasons. I would like to stress that; I checked that again this morning with the Department of Conservation and I do believe that the spraying program is a very important one and it does have a major economic impact. But if we go along with just the Appropriation Committee's Amendment "A", the state would be paying through the General Fund, 26 percent of the spraying costs not paid for by our federal taxes. Yet, the state owns only 5½ percent of the 2 million acres to be sprayed, and I simply don't think it is necessary for the legislature to offer to pay such a huge percentage of this spraying costs when the large landholders in the spraying area can well afford a heavier payment burden.

I would like to take issue with Representative Fraser's well intentioned remarks, I am sure that the reason that the paper industry is not doing that well right at this particular moment is because they do not have the orders but they definitely do have the surplus and the working capital to pay for a program such as this.

We are all aware of our revenue crisis here, and if the state pays \$531,350, as proposed in House Amendment "A." Representative Peterson's amendment, the state would be paying well over its 5½ percent ownership's share and the state would be paying almost 14 percent of the spraying costs not paid for by federal taxes which we have helped pay into. I would personally prefer to see the state's over-budgeted General Fund pay out only 5½ percent of the \$3,850,000, the same percentage of public landholdings. But in the name of compromise, I will support Representative Peterson's House

Amendment "A" and I hope you will too.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Since the energy crisis, I think all of you have heard probably thousands and thousands of words about Maine's natural resources, how fortunate we are to have timberlands in the State of Maine. But I find little recognition on the part of the state and many of its people who are interested in natural resources and their preservation willing to put a dollar down behind their words. Paper companies are doing it.

You have to recognize that in this state there are a 100,000 people who own small plots of land who cut annually to pay their taxes, to supplement their income. Are you going to turn your backs on many of those who are in the spray area? They are the ones that are going to be hurt. The man that works in the paper mill is not going to suffer. There is going to be plenty of wood coming in to run his mill. The paper companies, if they don't spray, are going to have to try and salvage as much of this wood as they can and that automatically closes the door to all the private woodlot owners.

The Department of Labor and Industry says that the total wages in the State of Maine are a little better than \$734 million, and of that, \$157 million is paid directly to the paper mill workers. Another \$85 million is paid to people who work in lumber yards in the wood operations that support these lumber yards. That is \$242 million; that is a third of our state payroll.

Now in 1972, paper companies purchased almost \$29 million worth of pulpwood. They first purchased \$6.5 million worth of chips. If the wood that is infested on a paper company's lands has to be salvaged by the paper companies, you are closing the door to \$35 million worth of outside revenue to small lot owners, to chip operators as a by-product of the sawmills.

There has been great concern expressed in this House for the person who needs social service, that needs the assistance with state dollars. How about giving some consideration for the man who is working and scratching to make a living to support his family and probably pays state income tax in the bargain. This is not a paper company issue. This is an issue that concerns the people of the State of Maine.

We were congratulating ourselves a few weeks ago on a transfer of land from the Great Northern Paper Company to the State of Maine, several large parcels of land. Are we going to put our dollars where our words are? Can we expect the Great Northern Paper Company to spray these lands that are infested in this area? Don't we have any responsibility as a legislature to fund programs that support many of the income-producing features that we have in this natural resource, our timberlands?

I hope you indefinitely postpone this amendment. I think it is an unwarranted intrusion on profits that some of these large companies can make. And there was a statement made the other day that one company had \$40 million in profits. It might have, but they didn't come from the State of Maine, they came from operations outside of the state.

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

Mr. McBREARTY: Mr. Speaker, Ladies and Gentlemen of the House: In order for you to better understand why I sponsored L. D. 689 and strongly feel that it

should be funded, not as amended but as originally drafted, I believe it appropriate for me to first give you a little of my background and a few facts.

As my name McBrearty should indicate to many of you, I was born in Allagash. For many years my entire family depended 100 percent on lumbering along the Allagash and St. John Rivers for a living.

At a very early age, I was taught to realize the great economic and recreational value of our great Maine woods. A good part of my income all my life has come from working in the Maine woods. A good many years while farming, I was able to survive a hard year from the selective cutting of my wood lots.

Three years ago, I sold most of my wood land and saw a good part of it "clear cut" because of the damage being done by the spruce budworm.

For many years my son, Marvin, and I have spent most of our vacation time hunting, fishing and snowmobiling in the Telos, Chamberlain and Chesuncook area. It would be hard to find words to express our appreciation for the privileges extended to us by land owners in the use of their land and hundreds of miles of private roads.

In Maine, paper companies and most other private land owners have been the most generous people in the world in allowing the use of their land for recreation. Last fall I saw one company plow 25 miles of road at a considerable expense to reach hunters who were stranded after a 20 inch storm.

The people of Maine and other states have had practically unlimited use of this land for hunting, fishing, snowmobiling and many other outdoor sports. I personally have hunted with friends from as far away as Florida, Chicago and Texas. Without this privilege, Maine could not be called a four-season recreation area.

In the last few years, the Maine Legislature has passed many very expensive bills. Millions have been spent on land use, D.E.P., Conservation, Urban Renewal and many other programs. The intent of all this has been to do certain things. Protect the health, happiness and welfare of the people. Protect the environment and the economy of the State of Maine. Maine will spend, in the next biennium, over \$700 million to carry out these programs.

L. D. 689, if funded, as originally drafted, would have taken less than one half of one percent of our budget. I believe it would protect over 40 percent of the economy of the State of Maine.

As an example, the Bangor and Aroostook Railroad received 79 percent of its income from wood industries, this past year. I challenge any legislator to show me where less than one half of one percent of our budget can do more to protect the health, happiness and welfare of the people, protect the environment and, at the same time, help protect the economy of this state.

Putting aside the cold hard dollars and cents, figures in stumps, wages, taxes and the rest, there are other values in the forest which are lost for years following budworm attack. The fire hazard of budworm killed timber is incredible, not only for the standing dead snags, but because of the dead trees piled high on the forest floor preventing access.

In one check area in New Brunswick, which was not sprayed in the early 1950's, even though it was heavily infested with budworm, there were virtually no animals

present 10 years later because they could not travel through the woods. There were almost no birds in the sky or fish in the streams because the forest had been killed by the hungry insects.

Many people would have you believe that only paper companies will benefit from the spraying of our wood land. I am going to mention just a few of the reasons I believe this not true.

In the last few years, the State of Maine has taken control of thousands of acres of wood land along each side of our highway. Shoreland zoning has taken control of thousands of acres along the shores of our lakes, streams and great ponds. The Land Use Regulation Commission intends to set aside thousands of acres of private land for deer yards and other uses.

State and federal land within the original spray area includes The Allagash Water Way, Baxter State Park, Indian Townships, Aroostook State Park and Loring Air Force Base. Also included in the original plan was woods owned by over 3,700 small wood lot owners, many of them farmers in my immediate area.

Landowners pay taxes. At the time The Tree Growth Tax was enacted, I believe it was understood that all services, including protection, would be handled by the State.

The landowners have met their responsibility by paying their taxes in full. I don't believe it to be unreasonable to expect the state to face up to its responsibility and pay a fair share in protecting this valuable natural resource.

In a committee report put out by the Natural Resource Committee, who studied the spruce budworm problem this past summer, it states that of the 7.8 million acres of spruce-fir forest in Maine, 5.3 million acres are heavily infested and 3.5 million acres require spraying to prevent serious tree mortality.

If no spraying is done and we lose our spruce-fir forest, people who are against spraying (and those who question whether the state should help in this) will have a terrible cross to bear. I wonder how they can be so sure of themselves. Do they really realize the high stakes with which they are gambling?

All responsible people should be working together to try and solve this problem, and certainly it is discouraging to those of us who were born and brought up here and who make our living here to observe the attitude of seemingly responsible people who take pot shots, ridicule and otherwise play upon the people's emotions in criticizing the forest products industry — Where would we here in Maine be without it?

With the facts I have mentioned, it is hard for me to believe that many of our constituents would be against the State paying 25 percent of the tab. Public relations can and should be a two-way street. For the benefit of all concerned, let's at least try to keep Maine green.

This morning I was talking with Governor Longley and he indicated to me that he would go along with the 12½ percent that we have on it.

I believe this amendment has possibly been put on to try to kill this bill. I would urge very strongly that this amendment be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question through the Chair, and after reading this amendment, I am wondering if any landowners — and I feel

there is some, I have had communications with some with the suggestion that if this \$1.75 per acre goes on that they would like to be able to drop out of this program and would they be allowed to? Under this amendment here, there is a paragraph in there, 2705, and it doesn't look as if they could and this is the question I would like answered by whoever.

The SPEAKER: The gentleman from Franklin, Mr. Connors, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, this amendment would not let any landowner out of paying his fair share just like the Appropriation's Committee Amendment would not let any owner in the 2 million acre spray area plus the other area of the forestry district get out of the spray area. I would now like to address some comments.

I have asked the Forestry Department to tabulate how many state-owned acres are in the proposed spray areas. The State owns 80,617 acres, plus Baxter State Park, which is a 110,800 acres; that is a 190,000 acres out of the 2 million acres. I then asked, how much public lands in the budworm spray area in which paper companies have cutting rights — in other words, how many acres of state-owned land in which I think we should pay the spraying costs, how many of those acres do the paper companies have cutting rights? — 126,000 acres. They are going to reap the benefit of the spray, the trees that are going to be sprayed from the state-owned lands. We are not spraying these trees for the state, we are spraying them for a special interest. This leaves approximately 64,000 acres of state-owned and in which no cutting will be done by the private companies.

As far as the poor paper companies, the poor landowner, I had some figures that I went over their annual reports and these are 1973, the most recent ones I could obtain with the assistance of the paper industry, this is only five companies in the affected spray area. Gross receipts of Great Northern for that year — \$505 million; International Paper, \$2 billion — these are gross receipts. Scott Paper, \$931 million; Diamond International, \$567 million; St. Croix and Georgia-Pacific, \$2 billion, over 2 billion. What are the anticipated estimated revenues of the State of Maine for 1975 — \$750 million.

I ask you, I am for the spraying but I am questioning who should pay, who should fund the spraying. It seems to me, and everyone says, gross receipts don't mean everything, you have got to subtract out the expenses, the cost of doing business. The retained earnings of these companies, the total retained earnings, is \$1,651,000,000 for the year 1973. Those profits have gone up, those companies have made expenditures for proposed new paper mills in this state. Now, why would they spend millions of dollars to develop new mills that will produce more paper if they didn't think there was a resource there?

My amendment, ladies and gentlemen, calls upon this body to make a decision. You have heard from one speaker who said maybe some of the paper companies would like to drop out if it was a \$1.75 per acre. In other words, this is a business decision. If it isn't worth a \$1.75 per acre to the paper companies, those people who will be deriving the benefits, why should it be

worth a \$1.75 an acre to the State of Maine or more? This, to me, is a cost of doing business and it puts the burden where it should fall. They have to make the decision, whether or not it is worth it. If it isn't worth it, let's not fund the program.

The cash flow of these companies in the year 1973, was some \$35 million. I ask you, what is the cash flow of the State of Maine? I talked with Legislative Finance this morning and they told me that we are going to have to juggle some figures in order to make this expenditure. We can do it, but we are going to be juggling figures and that we are going to be using money anticipated in next years revenues. I don't know whether I want to do this. The Longley budget is based on some surplus and I am not sure those surpluses are going to hold, and I am not sure where this money is going to come to fund this unless it comes out of the same pot that we hope to fund some of the L. D.'s in this House — I don't know.

I don't want the impression left that I am being irresponsible. After some study, after some concern, I don't want to throw a lot of people out of work, I don't want to hurt the state's economy, but when I look at these statistics and the net return in earnings and what these people are paying for dividends, it seems to me that they can afford to pay their fair share and that is all that I am asking. I am only asking that the State pay 5 percent of the funding for land that it owns. Even though it owns the land, it is not going to benefit from the spraying because the timber and cutting rights belong to the companies.

So I leave you there with that decision. It is a weighty decision; it is one that I did not come too easily, but I thought there should be a full and thorough discussion on this measure and I am glad that the members that extended me the courtesy to get this amendment on the floor of this body.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: The previous speaker mentioned that he didn't wish to be irresponsible, but he has quoted figures on profits and volume of business on the several companies in Maine. He would give you the impression that the profits shown were the profits made in the State of Maine. Now, I can't tell you where every one of these companies has mills, but one that I am quite familiar with has a huge mill in Georgia; its profits are in the figures he gave. It has two or three mills in Wisconsin; its profits, if any, are in the figures he gave. It has mills in Arkansas; its profits, if any, are in the figures he gave. He left the impression, I believe, with you people that these tremendous figures all were incurred from work done in the State of Maine.

Now, International Paper, I know has 50 or 60 mills scattered all over the United States. It has several major mills in Canada. Has he included those figures? He ought to have if he wanted to distort? Now, the Canadian figures are not in there because the Canadian Company is separate and incorporated in Canada's Canadian I. P. I mean, he could have made a better picture if he had included the profits made in Canada too.

I would like to give you a little more history. Years ago, and I think it was around 1910 or 1912, there was no forest fire protection. Now, a forest fire didn't know my boundaries from the Representative from Windham, Mr. Peterson's. It could start on my land and it could run on to his.

It could go on to the Representative from Allagash Mr. McBreairey's land. So the landowners got together and said, we are paying property taxes to the state but apparently the state isn't going to give us any forest fire protection. If we own a house in town we pay taxes and we have a fire department to protect us and we have a sewer department and we have a highway department to build our roads, we have a police department to protect us, but if you happen to own a Township up south of the Allagash, you build your own roads, you supply your own police protection; nothing comes out of the taxpayer for those roads. One company alone has a thousand miles of privately constructed road, most of it wide open to the public and that part that is closed is generally because it is at your risk or you would kill yourself due to the heavy traffic of trucks hauling wood products.

So, the forestry district was formed. In addition to paying the so many mill tax on property tax, the forest owners assessed themselves so many cents to a dollars per acre to go into a common fire fighting fund. It didn't make any difference where your land was, if you were in the forestry district you paid the tax and every company paid the same tax all the way through. This is what they did for years until in the 106th Legislature you passed forest productivity tax and you combined everything under one umbrella, and that umbrella does include forest fire protection. I am surprised that we don't have a complaint that the state is spending money to protect these forests from fire.

Now, where did the money come from? It came from the very, very people that you are protecting. It didn't come out of anyone else's pocket at all. So, over the years this was done and the assessments were made and when we had a bad fire year and the fund went in the hole. There was an advance made from the General Fund to cover it. The next year the landowners were in and increased their assessment, repaid the State of Maine and tried to build up another reserve. It would go four or five years, and we have had some good years lately, no bad forest fires, the fund would be deemed safe and the assessment would be reduced.

Now we embark on another method. The only people who are going to get penalized are those who happen to own land in the particular area where the infestation is the greatest. Now, just south of that is a landowner with 750,000 acres. He is perfectly willing to pay his share of the cost because the wind is going to bring the moth down into his land and destroy that too unless there is some spraying. He is not quibbling one bit. He knows the moth can't read town lines; he just settles where he can.

A statement was made that all it was going to do was protect the foliage. You know very well if they spray it is going to kill millions and billions of moths. It isn't just going to protect foliage. Someone said the companies, and I think they were trying to help the bill, would have to salvage the wood. They couldn't salvage that 30 million cords of wood that can be destroyed in two years; they couldn't sell it in five years. Even if they could cut it down you haven't got the means to get it to the mills.

We heard a cry from one of the distinguished members of this House. We heard a cry a few years ago about see-through cartons so you could see meat.

Keyes Fibre. As the name of it — 750 employees. Their cartons are made of wood. When there isn't any woods there isn't any Keyes Fibre either.

There are no questions or no double talk on where the wealth of Maine comes from. We know from all the statistics over in the other building that one third of the people in Maine depend upon forest products for their living. They aren't all pulp and paper, there is wood turning mills, there is furniture factories, there are saw mills, I don't know the millions of uses there are for wood, for wood used in Maine. It isn't just the pulp and paper people you are protecting, you are protecting the livelihood of one third of the State of Maine and more than one third of the wealth, because for the most part these are high paying industries. If you don't believe it, look at the statistics for the average pay for a paper mill worker, double the average pay of a shoe factory worker. It is that kind of wages we need in Maine.

What happens if we don't spray. The forest goes and so go the mills. Sure, one major company now is holding up its possible development of another \$200 million industrial plant for the simple reason it doesn't know what this legislature is going to do, it doesn't know what the moth is going to do. This is what it all means to us.

Much was made of the fact that these companies have gone on their own. Yes, they met apparently in January and said, we have got to buy this chemical. The state can't buy it; it hasn't been authorized, so it hasn't got the money. So, they assessed one another and did the state a great favor. They have put their foot where their mouth is. They have bought the chemical and they are in hopes that the state will use that chemical. Sure, they can't get stuck because if we don't pass this legislation that chemical is highly valuable, there are millions of other people looking for it.

I say to you that this is a bad, bad amendment and it should be buried at least six feet deep.

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

MR. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I have never been a great defender of the paper companies. As a matter of fact, I think if you research the record, if anybody should happen to be interested and I doubt if anybody is, you will find that I voted against their interests even though we do a great deal of business with them, almost every time. The bill that the Appropriations Committee brought down before you is not a paper company bill. It is not a bill designed to enrich the great coffers of Great Northern and International and Scott. It is a bill designed to aid the small landowner, the man who doesn't have a paper machine to turn his profit out.

Actually, if you want to know the truth, I don't think that the paper companies would mind all that much this \$1.75 assessment. Because let me tell you what would happen. This \$1.75 assessment would knock the little landowner, the guy who owns five or four or three hundred acres, and there are a lot of them in this state, right out of business.

Just let me give you some figures, and I think you all have probably received these because you have gotten a letter from John Sinclair, Seven Islands, that is a non-paper company landowner, the biggest most profitable most glorious one in the state.

Let me give you the figures that they go by which are fairly representative. They accept the figure that everybody else does in the landowning business and the cutting business. If one quarter cord per acre is grown on the timber lands of this state on an average, one quarter cord, the stumpage value of that one quarter cord is \$2.00, one quarter of the average of \$8.00. So, you get \$2 that those who have to scrape a living out of the land have got to play with.

Seven Islands' figures, they put about 68 cents into taxes; 54 cents into management and overseeing and 20 cents goes to loss and damage and this sort of thing. That leaves a grand total of 58 cents an acre to pay taxes with, to make a profit. Just let me say, 58 cents an acre, okay, if you just happen to be over, if you happen to make \$25,000, anything above that of course you lose half of. Then, on top of that, you are going to take 30 cents an acre, if the Committee Amendment goes through and \$1.75 an acre if Mr. Peterson's amendment is accepted.

I have no doubt the Great Northern Paper Company is going to be able to accept this for one year, but I doubt very much if Seven Islands, the most profitable of the land management and operated non-paper company type organizations can accept \$1.75 for one year. They say that it is going to cost them a million dollars for 30 cents. They don't have that kind of cash on hand and the small landowner doesn't have that kind of cash on hand. And the fact of the matter is that 50 percent of the land that is to be sprayed is non-paper company land. This is a catastrophe in essence on the land of Maine. It is something that calls for spreading of the risk. I have been mindful that peoples lands that not going to be sprayed will be required to pay under either the \$1.75 or the 30 cent approach. I have called a lot of them. I have called, for instance, landowners in Oxford County whose lands are almost exclusively hardwood, and they said, "Gee Doug, we don't like that 30 cents an acre, let us think about it." Everyone that I have called on the 30 cents an acre called back and said we still don't like it but we have thought it over and we guess we had better pay it.

Let's just see what the landowners are paying. These are figures that I gave you yesterday and I want them fresh in your mind today, so I am going to give them to you again, it will take about ten seconds. The bill, as the committee report sent out, would require the expenditure at the state level of \$3.8 million. Of that \$3.8, \$2.8 will be raised by the 30 cent an acre excise tax on the landowners, that is 2.8 of 3.8. The remaining million will be raised this way; \$430,000 will be raised by the mill and a half tax on landowners that the last legislature imposed to fight spruce budworm. That leaves \$570,000, and that \$570,000 you have the state-owned lands and you have the spraying, and that includes Baxter and all the things that Representative Peterson has mentioned to you, in addition you have the spraying of the small landowner of less than 500 acres under the tree growth tax.

We thought rather than going to 500 acres, which is a relatively small holding if you try to earn your living from the land, we thought we would cut it back to a hundred acres, but it only made \$15,000 difference and it was a heck of a lot more trouble, so we left it there.

I think that you should consider what the \$1.75 is going to do to the landownership

pattern in this state. In one year it will radically change it -- in one year.

If the 30 cent an acre is taxed, which the committee recommends, is extended over very many years, that is going to do it too. If you want fewer and fewer and fewer landowners in this state, vote for \$1.75 an acre because that is what you are going to get. The big boys, the rich ones are all going to own the lands.

I hope that you will see the position that the Appropriations Committee has been in. This is a compromise measure. We have been mindful that there is not a great sentiment in this House to pay money to those who do not need the money, to the rich or to the big companies or whatever they might be. We have cut this bill back, I think, to a reasonable proportion. I think I have accounted for this money to you and there is one thing I haven't said, that out of that \$570,000, \$100,000 is going to be used for research. That is probably not enough for research, but that is all we can afford right now. That is non-matchable and that is straight state money. I think that we have pushed the non-paper company landowners not only to the point of just breaking even but to the point of losing money. I think that is an established fact. For years now, 5 percent return has been all that anybody has gotten on land.

So, as I said, that is the basic decision, and I hope that the legislature will accept the committee report, reject Mr. Peterson's position and go with the committee.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to Mr. Farnham or anybody who would care to answer. I think it is basic to the whole issue. If we can't salvage the infested wood, why should we spend any of the people's money to spray it?

The SPEAKER: The gentleman from Sabattus, Mr. Cooney, poses a question through the Chair to any member who cares to answer.

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

Mr. PALMER: Mr. Speaker and Members of the House: I would like to speak to that question and give to it a few remarks, and I will be very brief. The bill before you, without the Peterson amendment, is a bill which I believe is designed to reduce the magnitude of a massive salvage operation. I think this addresses itself to the question which the gentleman from Sabattus asked. A bill reduced and designed to magnitude of a massive salvage operation.

Thus far, we have been talking primarily about the large corporations. We have been talking about larger landowners. I want to tell you now that -- I want to read a few names to you, a few towns you people represent, see if you recognize these towns Albion, Benton, Boothbay, Bristol, Burnham, Clinton, Friendship, Hartford, Livermore Falls, Morrill, Norway, Palermo, Phippsburg, Searsmont, Sidney, Troy, Sumner, Waldoboro, Washington, Windsor, Wiscasset, and I could go on with two or three pages, where we have in this state at the present time moderate to high infestation of the spruce budworm.

This bill, without the Peterson amendment is designed to reduce a massive salvage operation. You realize that 50 percent of all the pulp which these big corporations buy today, they buy from

small woodland owners, not even in the infested areas, from these towns that I have been reading to you.

Now, these towns have small woodland owners, they have small woodland operators and these fellows, can you imagine what their business is going to be like if this salvage is so massive that the paper companies decide to use all of their own wood which is salvageable and stop buying from the small landowner in the State of Maine. I am sure they would try to buy some; I am sure they would be fair about it, but the fact of the matter still is, if I were in their position I would use my own salvageable lumber first.

These small woodland owners are now selling. I can see their market drying up unless something is done. And answering directly the question of the gentleman from Sabattus, I would say, it is designed to slow down to prevent a massive operation, and if we can slow it down, perhaps it will protect the investment that some of our smaller woodland owners have not in the spray area but throughout all the entire reaches of the State of Maine, because now the spruce budworm is along the coast in the southern regions of our state.

I would just simply close by saying that I think to throw into a debate like this the profit figures of a corporation is silly and I think it also is designed to hide the real issue. Truthfully, if the corporations don't make a profit, there won't be any paper mills and there won't be any jobs and that is one of the things we are talking about here. I think we have got it down to the real serious part of this bill, which is a job bill. This is strictly a job bill, not necessarily for the northern reaches of the state, but a job bill for your town, because I am sure in most every little town in this state there are operators who either own trucks or have small woodland lots who depend annually on sale of their product to the major companies in this state. I think this bill is designed to help them and I hope we will defeat the motion.

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

Mr. COONEY: Mr. Speaker and Members of the House: I would thank the gentleman for his explanation, but it raises another question. Your answer that the spraying program reduces the magnitude of the needed salvage. Is that correct? We have been, evidently, reducing the magnitude of the salvage for 20 years. How many more years do we have to do that at the state taxpayers' expense?

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: I am truly sorry to be up here delaying you another few minutes. I as well as many others are due in committee rooms at one-thirty and I hope to pick up a hot dog on the way.

The gentleman said something about the gross income of these paper companies being into the billions. Well, let's stop and think, ladies and gentlemen, how many families were provided for with that money, how many kids were sent to school, how many grocers were allowed to stay in business, how much sales tax it generated, how much income tax came from that to go to the state as a whole. These billions are great; I hope they continue, but if we go on the way we are going, they won't continue.

Here is an argument in this morning's paper. The Maine Paper Industry Information Office said Wednesday that a

recent survey showed that the paper industry is feeling an increase in tax from the poor state of the economy. A lack of orders for paper and paper products was cited as the reason for the downtrend production. Surveys showed that more than half of the paper machines in the state would be shut down for at least part of the ten-day period ending April 7. In the latest weekly tabulation by the industry kept in Augusta, six paper machines were down for three days, from March 28 to the 30th, with two of these operating only five days a week. Eight other machines went down March 30 and 31, with three of these remaining idle at least through April 6. Eleven additional machines will be down March 31 to April 6 and one other machine operating five days. Great Northern Paper Company announced recently that its mills in Millinocket and East Millinocket will be shut down for 72 hours April 30.

Ladies and gentlemen, we can't afford to have these mills down. In my town, I would say about 40 percent of it is down now. If we make them pay the added cost as suggested in this amendment, that cost has to be put into the cost of making paper, and if our companies in Maine can't make paper and compete with other companies throughout the country, we aren't going to have any orders. So it is not just the fire or the work dangers we are looking at here, we are looking at that loss of business, and if we lose the business, the whole state will be gone.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: There are several things I wanted to comment on. In answer to Mr. Cooney's question, perhaps we will forever have to spray, but I think it is a very worthwhile thing and I don't think that is really the issue here. The spraying does not only retard the defoliation process, but it retards the dying process of the trees.

This is an economic issue, but I don't think this is really a job issue right now. We do have a general economic slowdown throughout the country and, of course, our Maine paper companies are finally and lately being affected by this. But these companies are primarily national companies, they aren't primarily Maine companies, and I don't think it would affect the long run as far as the State of Maine if now we decided to ask them to pay a larger share. Let's not forget that our income taxes, our federal income taxes, would already be paying half of the cost of the spraying. Why don't we discuss this part of it as opposed to making it some job issue. Already the small wood lot owners are being affected, but I believe it is because of the general economic slowdown and would have nothing to do with this particular spraying proposition.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I think the lady is true. We do receive some of our federal money back. I think the federal revenue service receives a lot of it from the paper companies in their corporate tax. I think it receives a lot of money from the unusually high pay scale to the employees of the paper companies. I think the state receives considerable income from corporate and personal income taxes generated by paper companies, so there is a feedback through other directions for the support of some of these programs.

I would like to stress once more, I think there has to be some concern for the small private wood lot owner. Those not in the infested area are going to have their markets closed to them because of salvage operations on company-owned land. Those private operators owning land in the infested area, if they are not protected by a suitable spraying process, they are going to have trees dying for which they will have no market. They will not be able to salvage them, and when you consider the time it takes to grow a tree, many of these people would have their income, their wealth, their livelihood wiped out in their lifetime.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief. I know it is getting late, but I think that the question raised by Mr. Cooney and others is a very crucial question to the decision that will be made today, and that is that we are not doing something this year that is going to solve this problem, it is only going to be a temporary one. I think even the proponents have admitted that this will not reduce the budworm infestation, and that even if it could, it wouldn't matter because they would come right back again from Canada. What we are talking about is foliage this year and whatever the costs benefit ratio is going to be this year, it is going to be half of that next year if we have to do it again. In addition, the fact that we have been spraying so many years and that it keeps spreading raises at least some doubt in my mind if whether the spraying is actually helping or, in fact, hurting the problem.

In an edition of Maine Land Winter 1975 of the Maine Department of Conservation says the late summer of 1974 egg mass survey showed an average of 1100 egg masses per 100 square foot of foliage. For comparison, it would take 400 egg mass level and above to defoliate that 100 square feet of foliage. In addition, the proponents said that even if we spray it will only be 80 to 90 percent effective. What that really means is that we are taking that 1100 egg mass, reducing it down so there is still 100 or 200 left, and they will have the rest of that tree to munch away on and get as big and as healthy as they can be. If it weren't sprayed, those 400, it seems to me, would eat themselves out of house and home pretty quickly and kill themselves off. It seems to me that the thinking behind this and the past practice is not very reasonable.

In addition, I don't think that the question we are facing here is whether to spray or not but, in fact, who is going to be paying for it. Some people have said that we shouldn't have mentioned the profits from these large multi-state and international corporations because they come from other areas. I think that is a very important point. The fact is that that cost is not being borne solely by the production in Maine, the cost of Georgia-Pacific and International Paper is borne by all their subsidiaries and all their operations throughout this country, and that reduces the impact on the Maine economy and enhances their ability to relate to this problem.

The problem of fire hazards seems like an interesting one because it usually is raised in terms of drying out the floor and increasing combustion ability, but that kind of question isn't raised when there is

clear cutting and open spaces being made in that area by the companies themselves. That, I think, if it is going to be a consistent issue, it has got to be all the way around.

After all that jazz, one question. Baxter State Park has been mentioned. I talked with people who have been on the Advisory Committee of Baxter State Park and people who have been trustees of Baxter State Park and it's at least their opinion that they would not allow spraying in that area and I wonder if anyone can confirm or deny this for me.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: In Governor Baxter's bequest to the state, he left two townships that could be used for model forest practice experimentation and it is those two townships that are proposed to be sprayed. They are the ones that are heavily infested in Baxter State Park, and I don't know if anybody is going to force it on the authority if they don't want it, but it is my understanding that they are not going to refuse it if it is available.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I think Mr. Henderson has brought up some good questions and I, in listening to the answers to my own questions, have heard several times that Maine mills are down right now. They are not using the volume of paper they have been and we don't know how long it is going to last, of course, but I might say that if the mills are down, they are going to need less pulpwood. And if that is the case, aren't we, if we pass this in either form, obligating only the landowners, large or small landowners, as well as the taxpayers, of course, to a tax that isn't really going to improve their market for their wood? It is just as pure and simple as that.

I think Mr. Henderson has really started to hit on it. This is a natural cyclical thing. We have records going back into the 1800's about this problem, and if we are going to spend money, I think the last 20 years of spraying has indicated to us that the money isn't doing any good being spent on the spraying. It should be spent on research, on harvesting, something of that sort, but not on spraying. It just isn't the answer.

I sincerely hope that we will either adopt the amendment and then perhaps kill the bill or not adopt the amendment and then kill the bill. There is just no rationale for this at this time. The experience, the 20 years of experience with spraying, the cost to the state, we are talking about seven or eight million dollars of cost to the state over the last few years for spraying, that is \$7 or \$8 per capita; that is \$30 for a family of four. Let me ask you, if you went up to the doors of your constituents, knocked on their door and said, could we have \$30 from your family to spray the private lands of the paper companies and the private wood lot owners, do you think they would fork it over to you? I think they would slam the door in your face and I hope we do that to this issue this morning.

Mr. Lynch of Livermore Falls was granted permission to speak a third time.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think the direction in which Mr. Cooney has directed your attention is very incorrect. Do we take preventive measures before they are necessary or do we wait for a catastrophe

to strike? The annual yield on the Maine woodlands is rapidly being approached. If we allow all this acreage to go without spraying and business picks up, where are we going to cut?

The SPEAKER: The Chair recognizes the gentlewoman from Millinocket, Mrs. Lavery.

Mrs. LAVERTY: Mr. Speaker, Ladies and Gentlemen of the House: I think it is time for me to speak to you as just a State of Mainer to all of you State of Mainers. A lot of experience, a lot of research has gone into this morning, into this day's speech and you know facts, you know figures, but I speak to you as a lover of the Maine woods, which is ours.

Now, this problem today is entirely yours, yours individually. You may not recognize it until you begin to lose your beautiful Blue Spruce or your Evergreens in your back yard. You may not recognize it as your problem until your visitors come this summer and you want to show them the beautiful woods of Maine. You are going to be stunned to find that you don't have these woods, that they have been affected and you won't realize it until it becomes personal to you.

Also, if this doesn't hit you by this time, you are going to feel the change in the economy of this state. I don't pretend to give it to you as the people here have pointed it out, but if we do not save our forests now and you say, and you may say perhaps we can't, we can at least try and the idea of spraying at this moment is simply to hold, like a forest fire, you build a bank, you build another fire, you do something to stop the flow of the forest fire that is spread by the winds. These moths are spread the same way. We have no control of telling where they are going to go.

Now, as for research, I am sure research has been done and we would like to do more research, but we are not going to do research between now and this spring when the moths again trouble us.

I urge you seriously to get rid of this amendment and to vote for the bill as it stands.

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

Mr. GOODWIN: Mr. Speaker, there are a couple of questions that are bothering me on this bill that maybe someone could answer. First of all, the other day I read on the Spruce Budworm problem. It seems to me that I remember vaguely about how it takes something like three years or something through an infestation before you defoliate a particular area. If this is the case, why do we spray every year?

The other question I have I would like to direct to Representative Peterson, I guess I missed some of the debate. Under his amendment, the \$531,000 that will be raised out of state tax dollars, is this equivalent to the amount of state land that will be sprayed?

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, has posed a question through the Chair to any member who would care to answer.

The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, yes, it is roughly equivalent. May I take this opportunity to express to the members of this House that this amendment is not a frivolous gesture; it is not an irresponsible gesture. I will never accuse a member of this body of ever doing such a thing. This is a weighty issue. I think the proponents and

opponents have their reasons and I think they are valid, but I think to accuse people of trying to create a subterfuge or an emotional issue is not worthy of this House or the debate.

I apologize to Mr. Farnham if I left the impression that those figures I read off concerning the profits and returned earnings were only from the State of Maine, they are not; I did not intend to mislead you.

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

Mr. McBREAIRTY: Mr. Speaker, Ladies and Gentlemen of the House: I realize the time is late and I reluctantly rise to speak for just a moment. I farmed for 30 years and I sprayed every year. If I hadn't sprayed every year, or if the farmers as a whole hadn't sprayed every year, we would have had people starving to death in this country like many countries that haven't had that method of raising food. Everything we eat, practically, is sprayed for bugs or weeds or we wouldn't have it.

We are arguing here over a matter of three something an acre to protect the most valuable resource we have in the State of Maine, our forests.

I checked with a couple of farmers in Aroostook County the other day, just for fun I guess, and those farmers this past year spent \$60 an acre just to spray potatoes to protect them so you would have enough so that they would have to be sold to you for a \$1.25 a barrel.

To try to answer Mr. Cooney's and Mr. Henderson's question on whether we will have to keep on, we know in order to raise food we have to keep on. If we don't get a quirk in the weather or something to that effect, which we might sometime, I believe we will have to keep on spraying for this budworm or we will lose our forests.

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

Mr. GOODWIN: Mr. Speaker, my question still has not been answered, but I have another question now. If the farmers in Aroostook County spend so much money spraying their crops, has the state tax dollars been paid to help them?

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't planned to speak on this issue, but I have three questions that I feel I need an answer to in order to make up my own mind not on the amendment but on the bill itself. First of all...

The SPEAKER: The Chair would advise the gentleman we are referring to the amendment along at this time.

The SPEAKER: The pending question is on the motion of the gentleman from Mexico, Mr. Fraser, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Peterson of Windham 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 Mexico, Mr. Fraser, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Bennett, Berry, G. W.; Berube, Binnette, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carroll, Carter, Churchill, Conners, Curran, P.; Curran, R.; Curtis, DeVane, Doak, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gould, Greenlaw, Hall, Hennessey, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Joyce, Kelleher, Kelley, Kennedy, Lavery, LeBlanc, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBreairty, McKernan, Miskavage, Morton, Norris, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Powell, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Tarr, Teague, Theriault, Torrey, Twitchell, Usher, Wagner, Walker, Webber, Winship, The Speaker.

NAY — Bachrach, Berry, P. P.; Clark, Connolly, Cooney, Davies, Faucher, Gauthier, Goodwin, H.; Goodwin, K.; Henderson, Hobbins, Hughes, Ingegneri, Jensen, Kany, Leonard, McMahon, Mitchell, Morin, Nadeau, Najarian, Peterson, T.; Post, Quinn, Tierney, Truman, Tyndale, Wilfong.

ABSENT — Albert, Chonko, Cote, Cox, Dam, Dow, Drigotas, Dudley, Gray, Kauffman, Laffin, LaPointe, MacEachern, Martin, A.; Mills, Mulkern, Silverman, Stubbs, Susi, Talbot, Tozier.

Yes, 101; No, 29; Absent 21.

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

Thereupon Committee Amendment "A" was adopted.

Mr. Cooney of Sabattus requested a roll call vote on engrossment.

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 Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker and Members of the House: There are essentially three simple questions: what percentage of the spray area is composed of tracts of less than 500 acres; what percent of the spray area is composed of state-owned land; and what percent of the privately-owned grass and timber rights?

The SPEAKER: The gentleman from Standish, Mr. Spencer, poses three questions through the Chair to any member who cares to answer.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I can't answer all three of these questions, but I will try to get the answers by the time we get to the enactment stage, which I guess is the crucial stage anyway.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I would like to get the answer to number three out of the way. Mr. Peterson was in error when he gave us the information that we would be spraying the trees on the public lots for the benefit of whoever owns them. Right in his own amendment it specifies that the owners of the cutting rights in public lands are to be taxed, so that is the answer to number three.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: The only question that I can answer is the second question and that is that the state owns approximately 5½ percent of the two million acres. The public lands consist of 110,800 acres of the two million acres to be sprayed.

The SPEAKER: The pending question is on passage to be engrossed as amended on Bill "An Act Appropriating Funds for the State Share of the Spruce Budworm Control Program and Imposing a Tax on Forest Lands for Spruce Budworm" (H. P. 560) (L. D. 689) All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bagley, Bennett, Berry, G. W.; Berube, Binnette, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carroll, Carter, Churchill, Conners, Curran, P.; Curran, R.; Curtis, DeVane, Doak, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Joyce, Kany, Kelleher, Kelley, Kennedy, Lavery, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, Lynch, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Miskavage, Morton, Norris, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Smith, Snow, Snowe, Spencer, Strout, Tarr, Teague, Theriault, Torrey, Twitchell, Usher, Wagner, Walker, Webber, Winship, The Speaker.

NAY — Bachrach, Berry, P. P.; Clark, Connolly, Cooney, Davies, Faucher, Henderson, Hennessey, Hobbins, Hughes, Ingegneri, Jensen, Lizotte, Mitchell, Morin, Nadeau, Najarian, Peterson, T.; Post, Sprowl, Talbot, Tierney, Truman, Tyndale, Wilfong.

ABSENT — Chonko, Cote, Cox, Dam, Dow, Drigotas, Dudley, Gray, Kauffman, Laffin, LaPointe, MacEachern, Martin, A.; Mills, Mulkern, Silverman, Stubbs, Susi, Tozier.

Yes, 106, No, 26; Absent 19.

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

Sent to the Senate.

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

Senate Divided Report — Majority (12)
 "Ought Not to Pass" — Minority (1)
 "Ought to Pass" — Committee on
 Veterans and Retirement on Bill "An Act
 Relating to Retirement of Deputy
 Attorneys General, Assistant Attorneys
 General and Staff Attorneys" (S. P. 237)
 (L. D. 790) — In Senate, Majority "Ought
 Not to Pass" Report Accepted.

Tabled — April 2, by Mr. Rolde of York.

Pending — Acceptance of either Report.

On motion of Mr. Theriault of Rumford,
 the Majority "Ought not to pass" Report
 was accepted in concurrence.

On motion of Mrs. Post of Owls Head, the
 House reconsidered its action whereby
 Bill "An Act to Establish the Maine State
 Ferry Advisory Board, House Paper 1308,
 was referred to the Committee on State
 Government.

On further motion of the same
 gentlewoman, was referred to the
 Committee on Transportation, ordered
 printed and sent up for concurrence.

On the disagreeing action of the two
 branches of the Legislature on Bill "An
 Act Exempting Solar or Wind Power
 Facilities from Sales Tax" (S. P. 56) (L. D.
 125) the Speaker appointed the following
 Conferees on the part of the House:

BOUDREAU of Portland

USHER of Westbrook

TYNDALE of Kennebunkport

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

Mr. JALBERT: Mr. Speaker and
 Members of the House: I know it is late,
 but I have been around a few semesters
 and standing for five hours behind that
 rostrum is a trying task. I think the
 Speaker has done a fine job and I think
 we should commend him for it. (Applause)

On motion of Mr. Lizotte of Biddeford,

Adjourned until twelve o'clock noon
 tomorrow.