

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Thursday, April 21, 1977

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

Prayer by the Reverend William Grice of the First Congregational Church of New Gloucester.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

THE SENATE OF MAINE
AUGUSTA

April 20, 1977

Honorable Edwin H. Pert
Clerk of the House
108th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The Senate today voted to Adhere to its action whereby it accepted the Majority Ought Not to Pass Report on Bill, "An Act Relating to use of Flashing Red Lights on School Buses when Negotiating Turn Arounds on Public Ways." (H. P. 207) (L. D. 266)

Respectfully,

Signed:

MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE
AUGUSTA

April 20, 1977

Honorable Edwin H. Pert
Clerk of the House
108th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The Governor having returned: Bill, "An Act to Improve the Performance of the State Lottery." (H. P. 212) (L. D. 222) together with his objections to the same, the Senate proceeded to vote on the question, Shall the Bill become a law notwithstanding the objections of the Governor?

According to the provisions of the Constitution, a yea and nay vote was taken. 11 Senators having voted in the affirmative and 21 in the negative, the Bill accordingly failed to become law, and the veto was sustained.

Respectfully,

Signed:

MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

Bill "An Act Authorizing Emergency Services to Children and Youth" (S. P. 447) (L. D. 1644)

Bill "An Act to Authorize Services to Children and Youth" (S. P. 450) (L. D. 1646)

Came from the Senate referred to the Committee on Health and Institutional Services, and ordered printed.

In the House, referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act Recognizing County Charters and Establishing County Charter Commissions" (S. P. 437) (L. D. 1648)

Came from the Senate referred to the Committee on Local and County Government and ordered printed.

In the House, referred to the Committee on Local and County Government in concurrence.

Bill "An Act to Simplify, Improve and Reduce the Cost of State Agencies Auditing Human Service Contracts and Grants" (S. P. 435) (L. D. 1647)

Came from the Senate referred to the Committee on Performance Audit and ordered printed.

In the House, referred to the Committee on Performance Audit in concurrence.

Bill "An Act to Provide for Legislative Oversight of Executive Programs and to Provide for Legislative Review of Administrative Rules" (S. P. 353) (L. D. 1645)

Came from the Senate referred to the Committee on State Government and ordered printed.

In the House, on motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending reference in concurrence.

Bill "An Act Concerning Excise Tax on Boats and Motors" (S. P. 463) (L. D. 1637)

Came from the Senate referred to the Committee on Taxation and ordered printed.

In the House, referred to the Committee on Taxation in concurrence.

Reports of Committees

Leave to Withdraw

Report of the Committee on State Government reporting "Leave to Withdraw" on RESOLUTION, Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives to 99 Members and Establishing the Size of the Senate at 33 Members (S. P. 8) (L. D. 13)

Report of the Committee on Local and County Government reporting "Leave to Withdraw" on Bill "An Act to Increase Salaries of the York County Judge of Probate, Register of Probate and Register of Deeds" (S. P. 235) (L. D. 737)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

Ought to Pass in New Draft

Committee on Health and Institutional Services on Bill "An Act to Provide Civil and Criminal Immunity for Persons Participating in Administering Medications" (S. P. 159) (L. D. 436) reporting "Ought to Pass" in New Draft (S. P. 460) (L. D. 1583)

Committee on Local and County Government on Bill "An Act to Increase the Salaries of Certain County Officials of Waldo County" (S. P. 226) (L. D. 688) reporting "Ought to Pass" in New Draft under New Title, Bill "An Act to Correct the County Officers Salary Act" (S. P. 459) (L. D. 1582)

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

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

Ought to Pass

Report of the Committee on Education reporting "Ought to Pass" on Bill "An Act to Extend the Effective Date of Sections of the School Finance Act of 1976 Allowing Local Administration Units to Raise and Expend Additional Funds and to Exclude Such Funds From Computation made pursuant to That Act" (Emergency) (S. P. 204) (L. D. 602)

Came from the Senate with the Report read and accepted and the Bill recommitted to the Committee on Education.

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

On motion of Mr. Lynch of Livermore Falls, the Bill was recommitted to the Committee on Education in concurrence.

Non-Concurrent Matter

Bill "An Act Regulating the Sale of Handguns" (H. P. 1315) (L. D. 1588) which was

referred to the Committee on Judiciary in the House on April 12, 1977.

Came from the Senate referred to the Committee on Legal Affairs in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act Relating to the State Bureau of Identification" (H. P. 1360) (L. D. 1601) which was referred to the Committee on Judiciary in the House on April 13, 1977.

Came from the Senate referred to the Committee on Legal Affairs in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Provide Uniformity in the Method of Payment of Fees in Criminal Cases" (H. P. 1364) (L. D. 1599) which was referred to the Committee on Judiciary in the House on April 13, 1977.

Came from the Senate referred to the Committee on Local and County Government in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Improve the Marketability of Real Estate" (H. P. 1415) (L. D. 1627) which was referred to the Committee on Business Legislation in the House on April 14, 1977.

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

In the House: On motion of Ms. Clark of Freeport, the House voted to insist.

Non-Concurrent Matter

Later Today Assigned

Bill "An Act to Provide Voluntary Teacher Certification" (H. P. 745) (L. D. 950) on which the Minority "Ought Not to Pass" Report from the Committee on Education was read and accepted in the House on April 13, 1977.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" Report from the Committee on Education read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-145) in non-concurrence.

In the House:

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

Mr. LYNCH: Mr. Speaker, the sponsor is not in the chamber and I would like to have someone table it until later in today's session.

Whereupon, on Mr. Connolly of Portland, tabled pending further consideration and later today assigned.

Messages and Documents

The following Communication: (S. P. 467)

POST-SECONDARY EDUCATION
COMMISSION OF MAINE
AUGUSTA, MAINE

April 19, 1977

To: Governor James B. Longley and Members of the 108th Legislature
From: Leonard M. Dansky, Ph.D., Chairman Post-Secondary Education Commission

We are pleased to transmit to you and members of the 108th Legislature the attached position of the Post-Secondary Education Commission of Maine regarding a comprehensive student aid program. The State Commission voted unanimously on April 12th, 1977 to support the attached document.

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

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

Petitions, Bills and Resolves Requiring Reference

The following Bills were received and referred to the following Committees:

Education

Bill "An Act to Provide for Art in Public Buildings and Other Facilities" (H. P. 1448) (Presented by Mrs. Mitchell of Vassalboro) (Cosponsors: Mr. Wood of Sanford, Mr. Wyman of Pittsfield)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Require the Maine Human Services Council to Hold Public Hearings on Maine's Title XX Plan of Social Services" (H. P. 1447) (Presented by Mr. Brenerman of Portland)

(Ordered Printed)

Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 1444) recognizing that: Patricia Rae Crandemire of Machias will attend the U.S. Naval Academy at Annapolis and is the first female from Maine to attend any of the four major service academies (Presented by Mr. Nelson of Roque Bluffs)

Was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1446) recognizing that: Kathleen Ann Gilbert of Windsor, Maine's 1977 Junior Miss, will represent Maine in the Junior Miss National Pageant to be held in Mobile, Alabama. (Presented by Mrs. Mitchell of Vassalboro)

Was read and passed and sent up for concurrence.

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Elmont Tyndale of Kennebunkport be excused April 26th, 27th for personal reasons.

House Reports of Committees Ought Not to Pass

Mr. LaPlante from the Committee on Local and County Government on Bill "An Act to Appropriate Funds for the Purchase of Maine Communities and the War of Independence — A Guide for the Study of Local Maine History as Related to the American Revolution" (H. P. 642) (L. D. 786) reporting "Ought Not to Pass"

Mr. Hickey from the Committee on Local and County Government on RESOLVE, Authorizing the Purchase of "The Falls — Where Farmington, Maine Began in 1776" (H. P. 363) (L. D. 455) reporting "Ought Not to Pass"

Mr. McPherson from the Committee on Local and County Government on Bill "An Act Appropriating Funds for the Purchase of 200 Copies of 'A History of Casco, Maine 1976' and 'Casco, Maine: A Bicentennial Album, 1976'" (H. P. 645) (L. D. 789) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 20, and sent up for concurrence.

Leave to Withdraw

Mr. Carroll from the Committee on Transportation on Bill "An Act to Authorize a Feasibility Study for a Lewiston River Road from Lewiston to Lisbon" (H. P. 890) (L. D. 1098) reporting "Leave to Withdraw"

Mr. LaPlante from the Committee on Local and County Government on Bill "An Act to Give Counties Power to Assess and Collect Their Own Taxes" (H. P. 714) (L. D. 913) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Gray from the Committee on Local and County Government on Bill "An Act Repealing the Lucerne-in-Maine Village Corporation" (H. P. 128) (L. D. 161) reporting "Ought to Pass" in New Draft (H. P. 1445) (L. D. 1669)

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill "An Act to Revise Fees Which may be Charged by Towns for Licensing Innkeepers, Victualers or Tavernkeepers" (Emergency) (H. P. 640) (L. D. 784)

Report was signed by the following members:

Messrs. HICHENS of York
JACKSON of Cumberland
O'LEARY of Oxford — of the Senate.

Mrs. BERUBE of Lewiston
Mrs. MARTIN of Brunswick
Messrs. HICKEY of Augusta
McPHERSON of Eliot
STOVER of West Bath
GRAY of Rockland
DRINKWATER of Belfast
TRUMAN of Biddeford
LaPLANTE of Sabattus — of the House

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-176) on same Bill

Report was signed by the following member:
Mr. HENDERSON of Bangor — of the House

Reports were read.

(On motion of Mrs. Huber of Falmouth, tabled pending acceptance of either Report and specially assigned for Monday, April 25.)

Divided Report

Later Today Assigned

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution to Provide that the Membership of the House of Representatives shall be Three Times that of the Senate and that Each Senate District shall be Composed of Three Contiguous House Districts (H. P. 839) (L. D. 1026)

Report was signed by the following members:

Mr. MARTIN of Aroostook — of the Senate.

Mrs. LOCKE of Sebec
Mrs. BACHRACH of Brunswick
Messrs. DIAMOND of Windham
CHURCHILL of Orland
VALENTINE of York
SILSBY of Ellsworth
CURRAN of South Portland — of the House.

Minority Report of the Same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Mrs. SNOWE of Androscoggin
Mr. COLLINS of Aroostook — of the Senate.

Mrs. MASTERTON of Cape Elizabeth
Mrs. KANY of Waterville
Mr. STUBBS of Hallowell — of the House.

Reports were read.

(On motion of Mr. Palmer of Nobleboro, tabled pending acceptance of either Report and later today assigned.)

Divided Report Later Today Assigned

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives to 132 Members and Establishing the Size of the Senate at 33 Members" (H. P. 85) (L. D. 105)

Report was signed by the following members:

Mrs. LOCKE of Sebec
Mrs. MASTERTON of Cape Elizabeth
Mrs. BACHRACH of Brunswick
Messrs. DIAMOND of Windham
VALENTINE of York
SILSBY of Ellsworth
CURRAN of South Portland

— of the House.
Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-180) on same Bill.

Mrs. SNOWE of Androscoggin
Mr. COLLINS of Aroostook — of the Senate.

Mrs. KANY of Waterville
Messrs. STUBBS of Hallowell
CHURCHILL of Orland — of the House.

Reports were read.

(On motion of Mr. Palmer of Nobleboro, tabled pending acceptance of either Report and later today assigned.)

Consent Calendar

First Day

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

(H. P. 399) (L. D. 519) Bill "An Act Providing for the Revocation and Nonrenewal of Motor Vehicle Dealer Licenses for Nonpayment of State Taxes" — Committee on Transportation reporting "Ought to Pass"

(H. P. 644) (L. D. 788) Bill "An Act to Require a Mandatory Transition Period for Certain County Officials" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-174)

(H. P. 465) (L. D. 570) Bill "An Act to Establish Registration for Governmental Vehicles" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-177)

(H. P. 646) (L. D. 790) Bill "An Act to Require County Commissioners to Notify Municipal Legislative Bodies of County Budget Hearings" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-173)

(H. P. 643) (L. D. 787) RESOLVE, Allowing Cumberland County the Authority to Appropriate Funds from the Fiscal Year 1976 Surplus to Pay the Deficit from the 1976 Fiscal Year (Emergency) — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-175)

(H. P. 556) (L. D. 673) Bill "An Act Concerning Board of Directors of Transit Districts" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-178)

(H. P. 846) (L. D. 1037) Bill "An Act Amending the Law Relating to Load Binding" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-179)

(H. P. 591) (L. D. 718) Bill "An Act to Increase Certain Fees of Registers of Deeds" (Emergency) — Committee on Local and County Government reporting "Ought to Pass"

as amended by Committee Amendment "A" (H-181)

(S. P. 188) (L. D. 585) Bill "An Act Relating to the Fair Trade Act" — Committee on Business Legislation reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 22, under listing of the Second Day.

Consent Calendar Second Day

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

(H. P. 423) (L. D. 528) Bill "An Act to Authorize Affiliated Banks to Operate Combined Common Trust Funds"

(S. P. 74) (L. D. 183) Bill "An Act to Revise the Maine Regional Library System" (C. "A" S-72)

(H. P. 883) (L. D. 1054) Bill "An Act Changing the Name of Webster Water District to Sabattus Water District and Providing Compensation for the Trustees" (C. "A" H-169)

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

Passed to Be Engrossed

Bill "An Act to Clarify the Criminal Trespass Law" (H. P. 1438) (L. D. 1639)

Bill "An Act to Authorize a School Nursing Health Consultant in the Department of Educational and Cultural Services" (H. P. 868) (L. D. 1061)

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

Second Reader Tabled Unassigned

Bill "An Act to Prohibit the Telephone Companies From Charging More Than \$17.50 for the Installation of a New Telephone in a Residence" (H. P. 881) (L. D. 1072)

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

(On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending passage to be engrossed.

Bill "An Act Concerning the Crime of Prostitution" (H. P. 629) (L. D. 770)

Bill "An Act to Repeal the Habitual Offender Law" (H. P. 325) (L. D. 416)

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

Bill "An Act to Continue Providing Aid to Certain Charitable Institutions" (Emergency) (H. P. 546) (L. K. D. 663)

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

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, I spoke to this House in reference to the Maine Legislature appropriating funds in the amount of \$30,000 to the Arthritis Foundation. I believe at the time I gave my views as to why we should not appropriate funds and why we should start taking action in the appropriation of these funds. Today we have before us a bill which calls for another \$81,000 to be given to these organizations. My concern is that right now in the Maine Legislature, through this body, if we should approve this expenditure as well, we would have approved to date approximately \$120,000 — \$10,000 earlier in the session, \$30,000 yesterday, and \$81,000 today.

I am not going to ask for a roll call because I fully realize that many members of the House,

even if you should agree with my views, will not vote in favor of killing this legislation because of the pressure that you feel you will get from back home. Unfortunately, after speaking yesterday, I know the pressure you are talking about. I received some of those phone calls at home last night from people who were upset. I will tell you something, I don't mind taking the heat, but I wish someone else would join me.

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

Second Reader Tabled and Assigned

Bill "An Act to Provide for Licensing of Bottle Clubs" (H. P. 232) (L. D. 295) (C. "A" H-166)

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

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

Mr. JACQUES: Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Lewiston, Mr. Jacques, moves that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill. We had a hearing on this bill and some people from the bottle clubs showed up to present some testimony against the Bill. We got together with them afterwards and drew up some amendments. The amendment, H-166, is an amendment that the bottle club people themselves offered. They had me offer the amendment, saying they would support the bill if I would include that amendment. We went to the committee, went to the work session. This bill has the support of many, many bottle club owners across the state.

This bill came out of the last session in an Omnibus Liquor Control Bill, came out unanimously "ought to pass," but it was ruled by the Chair in the special session that it couldn't be taken up in a special session, so I sponsored the bill in this session.

Bottle clubs are springing up everywhere across the state and presently there is no regulation at all. These people set up, in some cases, fly-by-night organizations, some people rent a building, charge an admission fee, people come in, bring their own bottles and there is nothing wrong with that, I am not saying that. As a matter of fact, we did amend this bill to satisfy those bottle club owners who stay open until five in the morning.

The original intention of the bill was to have bottle clubs come under every other regulation. Just like anyone else who owns a bar, they would have to take the drinks off at one o'clock in the morning, etc. After talking to many bottle club people and finding out that some of those people stay open until five in the morning, we amended the bill so these people could stay open.

Captain Martin from Liquor Enforcement came to the hearing and part of the problem with these bottle clubs is that if Liquor Enforcement or the Department of Public Safety gets a complaint about these places, they have no powers at all. They can't go on the property and check it out, they can't do anything.

All this bill does is license them, they pay a \$100 license fee, and Liquor Enforcement personnel can go on the property just like they could a private bar, look around and see what is going on. It is as simple as that. I really can't see why anybody would be against licensing these clubs. Most of the people I have talked to, the good bottle club owners would like to see their clubs licensed because they know there are some clubs around that are conducting

other kinds of affairs within the walls of those clubs than just drinking and having a good time.

I have nothing against bottle clubs, I think they are necessary. I think for those people who want to go there and have an inexpensive night, that is what they should be able to do and I don't see any problem with this bill. All it does is license them and gives Liquor Enforcement the authority to enforce liquor laws. That is all it does.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would like to pose a question to the gentleman from Waterville, Mr. Boudreau. The question is, why does the amendment contain a provision that will allow these bottle club licensees to operate between 1:00 a.m. and 5:00 a.m. when other establishments that have liquor licenses must cease selling liquor at one o'clock? What justification do you give to that provision.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, has posed a question through the Chair to the gentleman from Waterville, Mr. Boudreau, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. BOUDREAU: Mr. Speaker and Members of the House: Like I said, in the original bill we wanted to apply the liquor laws to everyone and have those people be forced to take drinks off the table at one o'clock, just like in a private bar, etc. We had some people who came to the hearing, bottle club owners, many people who stay open after one o'clock and cater to those people who work in private establishments.

There was a lot of evidence presented that some of these places stay open after one, have a little area of their club where people go, waitresses, people who work at night go there after work to just relax and have a drink, whatever, and I think basically it was a compromise. Essentially, I would like to see liquor laws apply equally to everyone and have those people close at one, but I didn't feel I wanted to put those people out of business either.

There were a few people in Bangor who opened their bottle clubs at night, and they stay open until six in the morning, and I wouldn't want to see those people put out of business. Like I say, the bottle clubs are fine as long as liquor officers have powers to enforce liquor laws. I don't have any problem with them staying open until five, and I talked to Captain Martin about this and he felt it was really imperative to get these clubs licensed, and he felt that if he had to give in on this point and let them stay open until five, that was all right with him, so we included the amendment.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: To further answer the question by Mr. Greenlaw, a licensed bar today sells liquor and a bottle club doesn't. In a bottle club, you bring your own, so actually no money or liquor is being sold or transacted. That is why it wouldn't come under that provision, if you had any questions.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if you read the amendment, H-166, but it certainly doesn't help my community or any community of size.

It says here in the amendment that if you have 10 acres or more, that means you are excluded, that means that the liquor inspectors do not have to go there, that they are not allowed in that particular place. What kind of legislation is this. This is the only way they could get this bill through, by doing that.

A bottle club is a poor man's club. This is a place where they don't serve liquor. They bring

their own and they can dance and do anything they want during the evening there, but they are not allowed to buy liquor. And all this bill is to have a liquor inspector. Why do they need to be there? There is no liquor served there. It is just like having a private party in your own house. Why do we need this legislation? I will tell you why, because the hotels and these other organizations do not want these clubs. This particular man who does go to these clubs cannot afford to go to a restaurant and sit there all evening and have entertainment.

This legislation, to me, was introduced to do just exactly what they want it to do, exclude a person who has 10 acres of land. Does that make any sense to any of you people here? It doesn't to me, not in my community. Ten acres of land would take the whole city. So I am going to let you people make up your own minds here as to whether we need this law or not. There are just more laws and more inspectors to bother you.

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

Mr. BURNS: Mr. Speaker, I would pose a question to anyone on the Liquor Control Committee. Is there anything in this bill which negates the requirement for the town to pass on whether or not liquor will be sold in that town?

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

Mr. BOUDREAU: Mr. Speaker, in answer to that question, no.

I would like to comment on a few comments made by Mr. Jacques from Lewiston. The reason that the amendment includes the provision of ten acres is because our Honorable Speaker came down to the work session and wanted to have some input into this bill because I guess there are some bottle clubs up in Aroostook County, private clubs that have a lot of snowmobile trails and have a lot of land, and it was felt that if you have this kind of a bill, these people won't be able to take advantage of the snowmobile trails and apparently when they are on that private property snowmobiling, they bring their bottles with them, whatever, and I have nothing against that. So, in order to exclude the recreational areas where families take part or where there is snowmobiling, and I have never seen one of these clubs up in the country, but that is why. That wasn't my idea, that was the idea of the committee and as a result of the input from the Speaker.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I have met with the bottle club owners all over the state in regard to this legislation. They do support it, they do want some regulations put in, and I can say right now that from talking with these people, they hope this amendment does pass, and if you have any questions on the amendment, I am sure they would be happy to talk to you about them, as I would, and as the gentleman from Waterville, Mr. Boudreau, would.

The point should be remembered — I have talked to them and other people have too, and not just in my area but in several areas, and they do support this, they do want this regulation.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: This amendment exempts every one of these people. It exempts them from being surveyed by the liquor inspector. Naturally they want it; I don't blame them. This is a good bill for them, it exempts them. They are not allowed in that area, the liquor inspectors. We don't want them in our area either, we don't need them in our area because they don't sell liquor. Why shouldn't that bill be approved by them? Why wouldn't they like it? Naturally they would like it, it exempts them. Read the amendment.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "ought to pass" report on this bill; however, I just noticed something in the amendment that I was not aware of when I did sign it "ought to pass;" otherwise, I would not have. Consequently, unless this can be corrected, I would like to ask that this be tabled for two legislative days.

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

Mr. WHITTEMORE: Mr. Speaker and Members of the House: This is just a matter of clarification in my mind. As I understand a bottle club, it is just like your personal home. You have a right to have people come into your home and they can drink, and you can charge a fee if you want to. It is a matter of clarification. Is this right or wrong?

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

The Chair recognizes the gentleman from Waterville, Mr. Budreau.

Mr. BOUDREAU: Mr. Speaker, Mr. Whittemore is correct. I think one of the reasons we need this bill is because there are people who are going out, for instance, and renting a building on any given night, hiring a band, charging an admission fee, the people are going into this place and bringing their bottles, and there is absolutely no regulation, no nothing. There is no problem with those clubs that are designed for recreation, for family use, etc., and I think Mr. Jacques' comment about his area not needing this legislation — the bill is designed primarily for those urban areas where a lot of clubs are springing up and where people are renting buildings, having people there drinking all night.

For instance, some of the things that were brought up at the hearing, if a person rents a building and there is drinking out in the parking lot, that person who rents that building, calls it a bottle club for that night. He charges admission and says, you are a member of my bottle club for \$2. You go into the place, bring your bottle, but there are some problems in that you have some public drinking. You have drinking out in the parking lots of these places and there is absolutely nothing anybody can do, a law enforcement officer or anybody else, because it is considered a private place. If I go there and rent the building and hire my own band and have people come in for admission, it is considered a private party.

This bill is not going to harm anybody who has a legitimate bottle club, who has membership or whatever the case may be. They simply pay for a license and they follow the liquor laws of the state. I can't see what the problem is with that.

There have been some problems with some bottle clubs in this state. In some of these clubs people have complained that there were people, kids, people who weren't of age drinking in these places and that type of thing, and there is absolutely nothing anybody can do because it is considered a private place. This bill is not going to hurt legitimate club owners, it is not going to prevent anybody from having a party at their house, it is not going to do any of those things. All it is going to do is allow us to know where the bottle clubs are, who operates them, who runs them, know what is going on there and just check them out. It is very simple.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I urge you to support the motion to indefinitely postpone this bill. After reading it and reading the amendment, or even without the amendment, this bill sets up a variety of classes of people, depending on like if you were a non-profit VFW hall, you wouldn't

have to be licensed under this, according to the amendment, even though you offered yourself out as a bottle club day after day. Also, if you had a snowmobile club that didn't own a lot of land or anything and just wanted to have a dance one night, you would have to get a license and come under the auspices of the liquor control inspectors, even though it was just your particular snowmobile club. If you wanted to hire a hall for a wedding, as I read this, if people were going to bring in their own bottles, you would have to have a license for this and you would have to come under the auspices of this.

Conceivably, your own private home could come under this bill, and I think that this really needs some more work and a lot more time and study before anything like this could be done.

I really can't see the necessity for this. I am sure that some bottle club owners want this. The problem is, there are a lot more people out there that would come under this that probably don't even know about this bill and don't want it.

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

Mr. BIRON: Mr. Speaker and Members of the House: The obvious problems have been talked about with the bill, but there is one problem that hasn't been talked about, and that is, the bill has no fiscal note. If you are talking about using the boys in green going around, you are going to have to give them more money and there is no fiscal note on the bill.

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

Mr. HALL: Mr. Speaker and Members of the House: It is my impression from this amendment that people like the Republicans or Democrats, if we want to have a party for fundraising, we would be included and would have to pay a hundred dollars for a license. Is that so?

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

The Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, I think a lot of you are probably confused about just what a bottle club is. What they are doing at bottle clubs is making space available at profit for themselves. I am sure the Elks or whatever, if they want to have a fund raising activity they are generally going to sell the booze, in which case they come under the liquor license which has to be secured through the Liquor Commission.

This legislation that we are proposing in this bill is basically to prohibit such things as prostitution and gambling and other instances that have come about through complaints, particularly from the urban area around Portland, and it won't generally affect most communities, but the intent here is to make sure that the bottle clubs that do operate, they operate under acceptable conditions and don't include prostitution and gambling and other profit-making intentions. This does have the support of those reputable bottle clubs through this amendment, and I would request that somebody table this item for two legislative days, as Mr. Raymond has suggested.

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

Mr. GARSOP: Mr. Speaker, I move this be tabled until later in today's session.

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

Mr. MAXWELL: Mr. Speaker, I move that this bill be tabled for two days.

Whereupon, Mr. Goodwin of South Berwick requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Jay, Mr. Maxwell, that this Bill be tabled pending the motion of Mr. Jacques of Lewiston that the Bill and all

accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

56 having voted in the affirmative and 45 having voted in the negative, the motion did prevail.

Amended Bills

Bill "An Act Relating to Utility Rate Making Treatment of Certain Advertising and Sales Promotion Expenses of Electrical Companies" (H. P. 778) (L. D. 965) (C. "A" H-170)

Bill "An Act to Provide Interest on Judgments in Civil Actions" (H. P. 575) (L. D. 699) (C. "A" H-168)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

Orders of the Day

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

HOUSE DIVIDED REPORT — Majority (12) "Ought Not to Pass" — Minority (1) "Ought to Pass" — Committee on Public Utilities on Bill "An Act Protecting Consumers from Termination of Certain Utility Services when such Termination may be Dangerous to their Health" (H. P. 653) (L. D. 796)

Tabled — April 13, 1977 by Mr. Quinn of Gorham.

Pending — Motion of Mr. Kelleher of Bangor to Accept the Majority "Ought Not to Pass" Report.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: In the order of an explanation, we don't have the committee report in front of us today, but I was the lone signer to this bill. After signing the bill, I did this at the request of the sponsor, and this is now being taken care of by the PUC. Therefore, I hope we all accept the "ought not to pass" report.

Thereupon, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

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

HOUSE REPORT — "Ought to Pass" as Amended by Committee Amendment "A" (H-151) — Committee on Transportation on Bill "An Act to Provide for Specially Designed Registration Plates for the Maine National Guard" (H. P. 504) (L. D. 623)

Tabled — April 13, 1977 by Mr. Bustin of Augusta.

Pending — Acceptance of the Committee Report.

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

Mr. BUSTIN: Mr. Speaker, I move that this Bill be indefinitely postponed.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, moves that this Bill and all its accompanying papers be indefinitely postponed.

Mrs. Berube of Lewiston requested a vote on the motion.

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

A vote of the House was taken.

Whereupon, Mr. Bustin of Augusta 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 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 Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that every once in awhile in both bodies of the legislature there appears some kind of legislation which cannot pass the straight-face test. That is to say there are bills that are presented which sometimes we wonder whether we can indeed pass them with a straight face. It is my opinion that the measure before us right now is that kind of bill.

There are those who are going to try to convince you that what we have here in this bill is a legislative referendum on how you feel about the Maine National Guard, and that is not the case, that is absolutely not the case. The issue is whether or not you think that out of all the people of the State of Maine and out of all the people in state employ, that this group should have specially designed license plates. The major issue, I would think, in determining whether you want to answer that question yes or no is fundamentally why should they have specially designed license plates?

We have on the books now a law which permits people to have vanity plates. It strikes me that if there are enough people in the Maine National Guard who want to have a license plate indicating that they are, it would be a small matter to make application, if they have some kind of an association meeting and they all get together, to make application for license plates that begin with the initials MNG, then followed by a number. That would take you all the way up to MNG-999, and I seriously doubt whether there are 999 people in the National Guard who would want this kind of a measure.

That is my thinking. I have absolute confidence in the Maine National Guard. I think, in fact, they do not get enough credit for a lot of the good things they do in terms of helping build parks and this kind of thing, they largely go unrecognized, but this kind of recognition seems to me to really miss the point. I would hope that the House would go along this morning, indefinitely postpone this bill. The last session, this thing went all the way to the Governor's desk and he ultimately vetoed it and it was sustained over in the other body. I don't think you ought to go that far, and I think we ought to take care of it today.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: This bill, as you know, came out of committee and was put on the Consent Calendar indicating there was no opposition within the membership of 13 people.

I don't think the gentleman from Augusta is very nice to make flippant remarks about a bill like this. I wish I had the ability to respond in a flippant manner but I don't possess that ability.

I don't think that this is creating a precedent. We already have legislative plates, for which we all pay \$2. Those are specially designed. The handicapped have a specially designed plate. We have thousands of vanity plates, and the National Guard is requesting as a unit, as a group, that they be allowed to purchase, they don't want them for nothing, to purchase for \$10, after having paid for their own registration and excise taxes.

I also wish I had the ability that my seatmate

last year, Representative Quinn, has in describing vanity plates. He did it in a very delightful, humorous manner, but I remember one or two license plates that he mentioned that are vanity plates, and I personally think that any state which can allow the driver of an automobile to place the name of a cat on the license plate and ride around the State of Maine showing "Bummy" on the front and back plate, I think we can allow the National Guard, which is a legitimate organization, to have specially designed plates.

I think it would have a positive effect of easy identification in times of emergency, and there are times when we have used their services. It also would be a sign of recognition for their work and service to our state. As you know, since they now do their training in state, no longer leave the state, they perform various services, and since 1971, they have saved to the State of Maine a little over a million dollars in services rendered, building summer camps, working for the Parks and Recreation Department, building boat ramps for those of you who are fortunate enough to own a boat, and they have done this at no cost to the state. I imagine if we had to pay \$50 an hour or more for a bulldozer, the cost would be far greater. We also have federal grants that are generated by the National Guard. I suppose I could go on and on, but I will briefly say what some of the other states do for their National Guard.

There are 22 states who give income tax advantages ranging from \$500 to \$6,000, as in the case of Arkansas. Eighteen states give educational benefits ranging from free tuition costs to partial reimbursement on tuition at the state universities. The State of Maine does nothing, and I don't think it is too much to ask that they be allowed to have specially designed plates.

Finally, there is a fiscal impact, you know. If only 700 guardsmen purchased these plates, and I am not going to say they are your friends, your relatives, your neighbors, but they are, it will bring in enough revenue, after all costs are met, of \$6,000. This was given by the Secretary of State and the Budget Director. So if you want to make \$6,000 real quick to pay for many of the worthwhile causes that we espouse, then I suggest we support this bill.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to take issue with a point that I think the gentleman from Augusta tried to leave with you. He tended to lump the National Guard people as other state employees. These people are not state employees. Through good fortune, they are volunteers that we are very lucky to have. I would, if necessary, give up my special plate for these people and just want to leave you with the fact that we prance around the state with brilliantly colored plates and, frankly, I think the National Guard deserves the recognition more than we do.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose the position of my good friend, Representative Bustin. The Maine National Guard has had a proud history of military accomplishments. Unfortunately, due to the circumstances of time, the Guard's strength is presently down by 286 people. I think it is vital to all of us to have a strong Guard. I would ask the legislature to support the position of the members of the Guard in their recruiting. I think the authorizing of this plate would be very vital and helpful to them.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: As cosponsor of this L.D., I would like to make a couple of comments this morning, and I guess basically a couple of them I would direct to my good friend from Augusta, Mr. Bustin.

One of the questions he asked is, why? Well, as cosponsor of this L.D., I think one of the reasons that I offered to present it in this L.D. form rather than go the route that he suggested of having MNG-1 through MNG-999 or MNG-1 up through MNG-4444, which is the membership today, it is my feeling and understanding from the Secretary of State's Office that by going the route that we are proposing in this L.D., it would be a cost saving to the state to have a uniformity than it would have the initials that they could do through a vanity plate.

I would like to make another comment that what we have done in the last two years is, we have tried to come up with a change in a bill that hopefully will meet the approval of the two branches of the legislature and hopefully the Executive Branch. I think one of the problems that we had two years ago was that there was not enough charge on the additional registration fee, \$5 at that time, that there was some concern that this would not pay for the cost of having these plates made up. I bring to your attention today that this bill calls for an additional \$10 over and above the regular registration, not \$5, but \$10.

I think another valid point here is that the original bill was for each plate year. I think, as many of us know, we haven't had a new plate for a good many years, and if we were to go eight to ten years, this could be a substantial cost that maybe in fact two years ago the Executive Branch was right. However, with the \$10 charge each registration year, this, in my way of thinking, and I think if you look at the bill very closely today, in the first paragraph it says, and I am going to read the first sentence — "The Secretary of State, upon certification by the Adjutant General, the Maine National Guard, that 25 percent of active and retired members of the Guard desire specially designed plates in place of regular registration plates."

What I am saying in this bill is, when 25 percent of the active members, which would mean 1,100, show us the intent that they are interested in this plate, then we will adopt and have this made in uniformity. For the new members, I would just like to show you — this is what we are talking. This is not a vanity plate; this is a uniform Maine National Guard plate with a plane and the Minutemen on it.

I think today that we would be making the right move for the morale of the National Guard to pass this bill on its way, and I somehow feel that this is a better bill than we had two years ago.

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

Mrs. TARR: Mr. Speaker, Men and Women of the House: When my good friend from Augusta, Mr. Bustin, was speaking, I was sitting here listening and thinking, what a nice man, he is going to support this bill. And then he just turned right around and said we will just indefinitely postpone this. He asks why we want this bill. I would pose the question to Mr. Bustin, why not? I would hope you would go along and support the bill.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a very good bill and I will tell one or two of the reasons why I think so. About two years ago, the National Guard engineers were building a recreation park down in the Town of Robbinston on Route 1 at the top of a hill. It is a narrow road and the entrance going in was very hard to make. There were several accidents there and

then the National Guard came back in, rebuilt the whole area there. Some of the cars that they came in to do the job were their own private cars. It became a hassle then to locate who owned the cars. One of the state police was hunting all over and had to call in to find out who the car was registered to. The car was registered to a person 200 miles from Robbinston. It turned out, he was a member of the National Guard. He was working 75 feet away from where the cop was, running a small bulldozer doing some grading. If the number plate had been issued in the National Guard and it was registered to him, there would have been something to check and immediately they would know who he was and where he was, but four hours times was wasted chasing that thing down.

You also have the problem of the National Guard engineers going out on a Saturday or Sunday and they may be traveling off in one direction. The fellow who lives half way between and ought to report, and sometimes they are excused from doing it, would travel from the middle of the point over to the National Guard Armory and then turn around and duplicate the trip all the way back. Meanwhile, we are going into conservation on fuel and everything else. I think this would be a great identification plate.

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

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: In one word — pride. Any organization can serve better when they serve pridefully, and it is my opinion that these National Guard members who display this plate indicate that they are serving with pride. I would urge you to support Representative Berube.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The previous speaker has taken the words out of my mouth. I certainly couldn't agree with him more. I want you to realize this pride is going to be backed up by a \$10 bill for each one of these guardsmen, many of whom are not the wealthiest people in the State of Maine.

So, to the gentleman from Augusta, I will say, I don't want to pass this bill with a straight face, I want to pass it with a smile on my face.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker and Members of the House: I would like to urge the members of the House to go along with Mrs. Berube today because the National Guard does many things besides build dams. They stand ready to protect us in time of an emergency, and during World War II, Company K in Belfast was nearly wiped out to a man, almost every family there was affected. I would be very proud if this House could go along and have on the plate National Guard for the members.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: As House Chairman, I don't usually ask for too many votes, but today I am asking for 150 of the 151 and that isn't much of a request. I have great pride and great respect for the Maine National Guard. They are willing to pay for these plates, they are paying the full cost, \$10, so I am not asking for 151, I just want 150 votes this morning.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: First, let me indicate that I was never aware that I had so many good friends here. Secondly, let me say that we have had a lot of testimony and practically no one has gone to the issue of the bill. The question I raised was, why? The bill's sponsor raised two reasons — one, easy identification in times of

emergency. I will leave that one with you. Then I asked whether or not a friendly amendment to have license plates for all the volunteer firefighters in this state might be applicable, or doctors or off-duty fire fighters in cities and various other groups who might be called upon in times of emergencies far more often than the National Guard. The second reason put forth was recognition for their work. Now, on that one I will not make argument.

I have already indicated that as far as I am concerned they do very good work. In fact, without trying to tell their association what to do, I would suggest that they devote their energies rather than to free fishing licenses and hunting licenses and license plates to keeping open the three armories that are proposed for closing so that they continue to do those works. That is a substantial issue. There is an issue where we can say, we recognize you. How many people are going to vote here today to give them free license plates and turn around at the end of the session and close three armories? That will be an interesting contrast in terms of roll calls.

The final point I would make is simply this. This bill's cosponsor, if you listened carefully, told you that 75 percent of the people affected do not want the specially designed license plates. He said 25 percent of the people involved have said that they want it; 75 percent said that they don't want it.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I get amazed when a gentleman will get up and try to confuse the issue. Number one, he said that I said that only 25 percent were interested in this and that is not correct. What I said was, when 25 percent of the membership comes forward and requests this, then we will make the uniform plates. In other words, we are saying that we have to have the 25 percent before we move because of a cost saving.

I don't know how many of these people want it. I would hope that a hundred percent would. It is my understanding that there is a good portion of those people who are interested. I don't know today whether it is 25, 50 or 75 percent of them, but before we go to the uniform plate, we need 25 percent of the membership interested in order to do it. That is the first thing.

The second thing, he says that this is a free plate. This is not a free plate, this is a \$10 fee over and above the regular \$15. How can you argue a bill that is going to bring in revenue at a time when we could use the money, and I believe, Mr. Speaker, ladies and gentlemen of the House, that if I am going to support programs that are going to cost money, I am willing to support programs that are going to bring in revenue. And I will say to my good friend from Augusta, Mr. Bustin, that if he has any other organization in the state that wants to come forward and show me the interest that these people have shown, and they can come up with a sufficient number, I don't care whether it is \$10,000, if they will come forward with 25 percent interested, I will vote for his bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, that this Bill and all accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, Blodgett, Boudreau, P.; Brennerman, Brown, K. C.; Bustin, Byers, Chonko, Connolly, Diamond, Dutremble, Goodwin, H.; Green, Hall, Hobbins, Jackson, Jensen, Joyce, Kane, Lizotte, Lynch, McPherson, Mitchell, Nadeau, Najarian, Post, Sprowl, Tozier, Truman, Twitchell, Valentine Wilfong.

NAY — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Benoit, Berube, Birt,

Boudreau, A.; Brown, K. L.; Burns, Carey, Carrier, Carroll, Carter, D.; Churchill, Clark, Connors, Cote, Cox, Cunningham, Curran, Dexter, Dow, Drinkwater, Dudley, Durgin, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Gillis, Goodwin, K.; Gould, Greenlaw, Henderson, Hickey, Higgins, Howe, Huber, Hunter, Hutchings, Immonen, Jacques, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, Lewis, Locke, Lougee, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahon, Mills, Morton, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Trafton, Tyndale, Whittemore, Wood, Wyman, The Speaker.

ABSENT — Bennett, Biron, Bunker, Carter, P.; Davies, Devoe, Gray, Hughes, Jalbert, Kerry, LeBlanc, Littlefield, Lunt, Moody, Peakes, Spencer, Talbot.

Yes, 32; No, 102; Absent, 17.

The SPEAKER: Thirty-two having voted in the affirmative and one hundred two in the negative, with seventeen being absent, the motion does not prevail.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-151) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

Bill "An Act Establishing an Experimental Open Season on Moose" (H. P. 1298) (L. D. 1495)

Tabled — April 13, 1977 by Mr. Tyndale of Kennebunkport.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, I now move the indefinite postponement of this Bill and its accompanying papers and would like to speak to my motion.

The SPEAKER: The gentleman from Kennebunkport, Mr. Tyndale, moves that this Bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: It is with somewhat mixed emotions that I make this particular motion at this time because of my friendship with some of the people who are proponents of the bill and for the reason that they have approached it in a very delicate, fine way at this time. However, my deep concern here, and I think this is a big issue, one of the biggest we will approach, is a point of conservation — which way do we go?

We have a bill before us now which will permit the open hunting season on one of the greatest assets we have in the State of Maine, that beautiful, majestic, statuesque moose.

You know, they brought up the question the other day at the hearing which was held too early in the morning for most of my people to attend, nine o'clock in the morning, to be exact, at the Civic Center, how many moose are in the State of Maine? I then inquired of some of the most outstanding guides, people of the woods, hunters and other people connected with this particular field, and I get the figure to be no more than 14,000. So you see, over the years that they have been protected, they are not a very productive animal. This one point in particular, when you have 14,000 animals in 20 million or more acres of land, that is a very, very small drop in the bucket, and it would take no time over the period of years, either four or five years of hunting to eliminate that particular asset that we possess.

I have people from all over the country stop at my farm in the summer and ask me, where

can I get a picture of a moose? I say, well, I don't know, I have only seen four in the last years, five years to be exact, so I couldn't tell you where to go. They would go up through the east and downeast and around the country and through the Rangeley area and come back to me and maybe one or two of them have the good fortune of getting a picture of a moose.

This animal, in particular, has been protected over a period of time to the point where he and she (moose) have not been afraid of the human person. You can walk up to them in the woods, and I would suggest there is no need of taking a gun with you, just take a baseball bat. That would be quick, silent, and then the warden wouldn't hear whether you were getting two.

Now, the second procedure on going hunting for moose is this, getting them out of the woods. That is a pretty big animal to cart out of the woods. Of course, our friends from New York and Chicago have a simple way of doing this. Why do I want this moose? I don't need the meat to eat, but I would like those spreading antlers. So they chopped the head off and got out of the woods as fast as he could hoping that a warden wouldn't see him, because as you know, the present bill restricts that sort of thing.

The third thing, the fourth, the fifth reasons that I could give you could go on and on. I want to hear what these fellows say about the moose and why they want to get rid of them. I do know that they have a problem in certain areas where members of the moose family, particularly sick ones, will become very domesticated and hang around for someone to give them a lift out of their misery, but they are not looking for this particular type of moose, they want that one with the splitting antlers. And if any of you have been to the waterfront up in the Allagash, as I have, up at Desolation Pond to be exact, and have seen a moose standing in the water with those spreading antlers, be sure you have a camera with you, because there are a number of people determined that that beautiful sight will be taken out of our woods.

Do these people need the moose for meat? Come now, meat is cheap enough for anybody nowadays to buy and I don't think it is a particularly good meat, as far as I am concerned, because I have been to many hunting breakfasts and I didn't think it was so hot and neither was the bear meat.

Do you know the history of the caribou over the years, one of the most beautiful animals we had in the State of Maine, and how fast they disappeared? No more caribou, so we thought we would get some more and put them up at Baxter Park and protect them. You can't get back what you have lost.

The State of New Hampshire found this out, and one friend of mine over in New Hampshire told me that the moose population in New Hampshire is approximately about 200. Do we want to get in that position too?

I know your bill, as it came out of the committee, makes this a pretty restricted situation, and I know that most of you fellows want to protect the moose. What about the other people, the 600 or more, and you allow a companion to come with that 600 original licenses are going to be passed out in lottery, we hope, what about them? Will they be protective of the moose? How many wardens have you got in the woods that could follow every hunter around that is going to shoot a moose? You know you are going to find a few in the woods after the thing is over because how are they going to get them out? Those things are pretty heavy, and I have seen them as I have been in the woods, time and time again I have found animals strewn about the woods, even deer that were not taken out after they were shot. Would your penalty in the bill prevent the hitting of a moose on a highway? That has been going since the day of the founding of this state in 1820, so I don't think

that is an issue at all. Unfortunately, anybody can hit an animal on highway during the hunting season because the deer are on the run and the moose haven't been on the run, so if there are any in the highway, they are sick moose that have come close to the domestic area.

The real issue here is conservation. Over the years we have been taking a little bit out of the conservation of all the great assets we have in the State of Maine, and I hope we don't continue that, because you young people in the House will come to the day when you will find that most of our assets have disappeared down the drain by bills of all sorts of kinds, and I hope you will give me a nay vote on this bill today that this animal may be protected once more and add to the beauty of our state.

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

Mr. MCBREAIRTY: Mr. Speaker, Ladies and Gentlemen of the House: I wish I could say this is my bill, but I cannot because of the many others who have worked and have some input in the bill. They include Dr. Coulter, Professor of Wildlife at the University of Maine; Francis Dunn, Game Biologist, who has spent many years researching Maine's moose; Mr. Carter, Commissioner of Wildlife, New Brunswick, Canada; Maynard Marsh, Bill Peppard and several members of our own Fisheries and Wildlife Department, and the Joint Standing Committee on Fisheries and Wildlife who have not only worked but reported out L.D. 254 unanimous "ought to pass."

L. D. 254 is exactly what the title indicates, An Act Establishing an Experimental Open Season on Moose. To many, L.D. 254 is just another moose bill. To me and the many others who have spent years in research and hours drafting L.D. 254, we feel that finally a bill has been drafted that should please both sportsmen and the many people who wish to protect the valuable resource, our Maine moose.

I am sure we are all against the deliberate waste of a valuable natural resource. How can anyone who claims to be a true conservationist be against a limited harvest that our Canadian friends have proven will actually improve the moose herd.

For too many years our moose have been killed by motor vehicles, by poachers, and allowed to die of old age without any attempt to develop the full potential of the herd for the full benefit of all concerned.

The bill we have before us has been drafted to eliminate waste and to correct many of the inequities I have just mentioned. L.D. 254 will allow a limited experimental, legal harvest of up to 600 moose in Zones 1, 2 and 5. I am sure many of you don't realize the vast area of woodland and the estimated number of moose in the three zones I have mentioned. The total number of acres of moose habitat in zones 1, 2 and 5 is over 8 million acres. The estimated number of moose in Zones 1, 2 and 5 is over 20,000. This bill has been drafted to give a maximum number of sportsmen a chance to hunt on a minimum number of permits. The added penalty in L.D. 254 will cut down on poaching nearly enough to take care of the legal harvest. The only ones who should be against this bill are the poachers and Canadians who during the open season call hundreds of Maine moose across the border and harvest them on the Canadian side.

In summary, if this bill is passed, it will eliminate waste, it will increase the penalty which will better protect moose in your populated areas, allow a limited experimental one-year open season in places where moose are overpopulated and also generate some revenue for research and protection of all our wildlife. After a one year experiment, we, the members of the 108th Legislature, will have a chance to study the results and decide if we want an open season to continue.

As to pictures, if I should happen to have the time, I will take a picture of a moose up in Aroostook County next summer on the hood of some family car with the family inside and the windshield busted out. I saw three of those last summer.

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

Mr. WHITTEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I am very much in favor of this trial moose bill. My wife and I have gone hunting up in the Moosehead area, Greenville, Jackman area for many years, the early part of the season, and we used to go up there, not that we got much game, but we enjoyed getting in the big woods and we saw plenty of deer. Then, year after year there just weren't any deer. About two years ago we were up there and we hunted hard for about three days and didn't see even a deer sign, nothing but moose tracks. Finally I guess I was getting quite excited that I had to have a deer and my wife yelled, quick, there is a deer coming down through the woods. I looked up and I saw this supposed deer coming down through the woods facing me, his head down, very small, I up and fired. I walked up into the woods and lo and behold, there laid a dead moose, a small moose. That was up in back of First Roach Pond. If you people are acquainted up there, it is about 18 miles out — at least I drove 18 miles out to a warden to report it and I have never gone back up in that area hunting again.

There used to be plenty of deer there and these moose are driving the deer out. They eat the feed. I have talked with game wardens and many old time hunters to make sure what I am saying is correct, and they verified it, they are driving the deer out.

Many people say, what sport is there in shooting a moose? If you like to go out and shoot wild game. I can see the excitement. There is no big deal, they do stand there like an old cow, but what is the difference, you shoot them or they die of old age? You shoot deer don't you? What is the difference?

I see nothing wrong with this bill and I certainly hope that you will back it and give us the trial. If there are too many moose shot, Fisheries and Wildlife will stop us. We are not going to eliminate them. So I urge you all to give this serious consideration. No out-of-state hunters are going to be in on this, remember that. This is for our own local people, so I would urge you to go along with this bill.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Tozier.

Mr. TOZIER: Mr. Speaker, Men and Women of the House: I had the opportunity a few years ago to go up to Canada to hunt this animal. They aren't in the cow pastures and waiting beside the road for people to hit them with baseball bats and all that stuff, it is just not that way. We went back off the main traveled road 20 miles to a camp and hunted the animal back there. I chased one personally for eight hours before I killed it. We had no problem getting it out, just cut it up and carry it out, put it on the tractor and take it to your car. It was very good eating, too, contrary to my very good friend, Mr. Tyndale, and I have had both Maine moose and Canadian moose, and they are both awfully good eating.

I voted "ought to pass" on this bill and I hope you will too.

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

Mr. PELLETIER: Mr. Speaker, Ladies and Gentlemen of the House: I have some constituents at home who are not old enough to vote, not old enough to hunt, and they have expressed a little thought to me on the subject, and it goes like this. We think that we shall never see a moose more lovely than a tree. We have turned the hunters loose this fall, we may never see a moose at all.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to relate what one poacher told me in my area, in Shirley, Maine. He and two other men, half drunk one Saturday night last fall, where there was plenty of moose out in the woods, went up in the woods and spent a Saturday night. They got three moose. They took the chain saw, sawed them up and put them in the back of a truck to haul them back. I know this isn't too pleasant to hear, but in order to answer Mr. Tyndale, this is how people are getting moose out of the woods. To me, that isn't very ethical, and I don't know yet how I will vote on it, because according to my reports, I have got 59 for and 59 against, but I thought I would let you know how vicious some people can be.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: There are a couple of concerns I have on the bill. I think we have touched on one, and that is the hunter that gets well into the woods, sees a moose in the middle of a pond, probably in three feet of water, kills it from the edge of the pond and he has a great deal of weight and meat sitting out in the middle of the pond. The usual thing that will happen with any animal as big as a moose, they will take the hind quarters and the rack and lug it out and they will leave the rest to rot. I think there is a tremendous waste here.

There is also a question of the hunter who is hunting moose will try to get the prime bull. He wants the best possible trophy to take back and the best meat. Therefore, in this kind of hunting, you tend to take the best breeders. The moose that would improve the herd the most tends to be the one that is hunted. It wouldn't work here, but, of course the European system is to make you hunt with a guide and the guide tells you what you will shoot and you don't shoot anything else but.

I am not convinced that a bill such as this would cut down on poaching. We limit it to in-state people. I think there is going to be a tremendous demand from out-of-state deer hunters coming in here to take out a rack and moose meat with them, and I think it may just increase the pressure for poaching.

The final concern I have in the bill is on Page 2, Section 6, there is a specification of weapons permitted. I jokingly said at one point that I was going to present an amendment to the bill saying that all moose will be harvested with a sledge hammer, the handle no longer than four feet. At least in the first couple of years, the majority of moose will stand there and you will be able to walk up to within a close range and drop them. This will be humane at least. I have a concern, though, in specifying the weapons they say "using rifle slugs and/or other firearms, except handguns and rimfires, shall be considered legal for hunting moose." I would suggest that an animal as big as a moose, you will find people going into the woods with 44-40, you will find them going into the woods with 30 calibers, carbines, you will find them going in with 38's, you will find them going in with some very light weapons and they probably should be hunted with 348, a 33 Winchester, if you can find any, heavy caliber bullets; otherwise, you are going to wound one and you are going to put a lot of lead into it and it is going to go running off and a good hunter will chase it down but the bad hunter probably won't. Therefore, I think the bill should have, as one of the earlier bills did, it should specify the caliber that will be used so you won't get light weapons being used on it and light bullets being used on it. That is my objection to this; therefore, I will vote against it.

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

Mr. LAFFIN: Mr. Speaker, Ladies and

Gentlemen of the House: I have read this moose bill very carefully and there are many parts to the bill that I certainly do object to. I am not a nature lover and I don't really care whether people go hunting or not, to be truthful with you. I don't think they are a beautiful animal. I think they are about the homeliest things I have ever seen. But I do say it is not a sport. I do say that it doesn't take much of a sport to go out there and shoot this big animal who won't even run from you. That is not a sport.

I have heard people tell me, oh, the moose are dangerous up in northern Maine. Well, if they are killing people, ruining everything up there, then let's send the Marines up and get rid of all of them. Don't just have an open season on them.

The second thing that I question is an experimental season. Why is it experimental if this is such a good thing to get rid of the moose? I will tell you why it is experimental, because they, themselves, don't know what is going to happen. The members of the Fisheries and Wildlife Committee, the Commissioner of Inland Fisheries and Game, the wardens, they don't know if it is going to extinct the moose. Personally, I don't care if you want to go up there and kill all the moose. I only saw one in my life anyway. I told the story on it last session and it didn't go over very good, so I am not going to repeat it. But, I think that this type of animal, if you want to get rid of them — I can sympathize with those who want to shoot the moose if they feel that this is the best way to do it.

I would like to look at the bill for a moment and I would like to look at the bill where they are going to charge \$30 for a license. But you see, \$30 only generates, and I am not very good at figures, but it only generates about \$18,000. Consequently, they want to spend at least \$80,000, and the bill says no more than \$80,000, on their biologists and all those professionals — I want to be careful to use good words here — all those people who are well educated in this field, but where is the big lump sum of money coming from? I will tell you where it is coming from. It is coming from \$3 fees from the people who think they are going to be the lucky ones out of the 600 to get picked to go up and shoot those moose. Well I can tell you, ladies and gentlemen, the odds are mighty fine against them.

If we are to have a moose season, then I want the people of Westbrook, and on my figuring where I represent, we have two and a half representatives, Mr. Quinn is our half representative from Westbrook, we have two and a half representatives and that figures out to 15 licenses. I want 15 people from Westbrook to shoot moose if this legislature says they are going to. And rightly so, the people of Portland should demand that 60 Portland residents be allowed to shoot moose, and those living in single-member districts, it figures down to six people to shoot moose. If you divide it up equally that way, I don't think there would be too much objection.

We have over 190,000 Maine hunters in this state, men and women, 190,000. How many of them are going to want to get into this pool for \$3? You are going to get the people who want to shoot moose. You are going to get the people from northern Maine, the majority of them, and you are going to get the people from southern Maine who live in the cities and who, by the way, have more hunters in southern Maine than there are in northern Maine because we have more people in southern Maine than we have in northern Maine. So you don't have to be too intelligent to figure that out.

This animal hurts nobody, in my opinion. This animal does no damage, in my opinion, maybe gets in a farm crop and might eat a head of lettuce, or he might eat something like that, but I don't believe that we should, as legislators, take

a shot at extinguishing the moose herd on a simple theory that they are getting into people's gardens. I think that we have a little more intelligence than that.

It further states in the bill that they hope to raise out of this \$150,000 that they are going to put into the treasury of the Fisheries and Wildlife of this state. I don't know what they are going to do with the rest of it, it is kind of hard to find out what they do with their money in that department, but whatever they are going to do, they are going to spend at least half or \$80,000, whichever is greater, to pay people to check and see what damage has been done to the herd. That doesn't even make sense. You are going to pay people to go out and see what damage the hunters have done to the moose herd. I don't understand that. That is too much for me to understand. Why have a season, turn around and then say, now we will spend \$80,000 to see how much damage we have done to the herd. I don't understand that.

The other thing that I am very concerned with is that the commissioner has the right to stop the six-day season at any time he deems the herd is in jeopardy. Right there, that should tell intelligent people of this legislature that there is doubt. The commissioner can stop the hunting season. He doesn't stop the hunting season on deer. We have quite a long hunting season on deer. Why? Because the deer is fast, they can run fast, they are hard to get, they go into swamps, they go behind trees and there is a sport in shooting a deer for the simple reason that they are harder to get. But I will tell you something, every moose seen will be a dead moose. There is no job in shooting one of those.

So, the commissioner that this legislature is going to let stop a moose season, maybe in two days they will get 600 moose, it is very possible. I don't think it would be much of a job to shoot a moose. He is almost as big as the side of that wall, and I think I could shoot and hit that wall from right here, so I don't think it is going to be much of a job.

The other thing that I object to in this bill is when they close the season, the damage will have been done. The other thing that I object to when I look at this bill, when I look at who signed for the bill, these same people who support killing the moose, who hurt no one, they are big and they are gawky and they are stupid looking and they are just an animal, but yet they hurt no one, and these same people are appalled at executing a murderer who kills human beings.

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

Mr. MCBREAIRTY: Mr. Speaker and Members of the House: I just want to bring out a couple of points. I would like to ask the question, who protects the wildlife in the State of Maine? Is it the non-hunter or the hunter? It is the hunter through his fees that he pays into Fish and Game. If we didn't have hunters, allow hunting and charge these fees, we would be taking one heck of a chunk out of the General Fund to protect the wildlife.

This bill that is before us is a combination of a bill sponsored by myself with cosponsors and another one sponsored by Bob MacEachern.

I just want to one comment on Mr. Laffin's speech. He tells how easy they are to see and how easy they are to shoot, and he also says that he has only seen one in his whole lifetime. It might take a little hunting to get that one in six days, and I don't feel that we will come anywhere near filling our quota, even if it is 600.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MACEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make one comment on some of the remarks of my friend from Westbrook. First of all, we have it on very good authority that the moose population in the area that we propose hunting

them is in the vicinity of 20,000 moose. We are proposing to kill at the maximum 600 of these moose. I am sure that we are not going to have a hundred percent success ratio, and I can't understand why anybody would think that we are going to make the moose extinct by harvesting 600 moose or less.

Secondly, we had testimony at our hearing from experts from Canada where, incidentally, they have had a moose season for some 13 years limited and almost the same provisions in it as what we propose here.

We had testimony that since they have had the moose season, the herd is healthier, they grow bigger in size, they don't stand around and wait for somebody to club them with a baseball bat. The number of the herd has increased and their reasoning behind this is the fact that the weaker moose have been killed off leaving the sturdier ones and better breeding stock so that the herd has survived better. They have spread over a wider area of the Province at the inception of the moose season over there, it was a small area in the Province that they had an open season and the rest of the area moose weren't in evidence, but after the season was open for a few years, the herd spread over the whole Province. They started off with a very limited number of licenses and now they are up in the vicinity of 1,500.

Mention was made of the \$30 fee for a license. This is not a license fee, this is a tagging fee. They are required to bring the entire moose out to a tagging station and have it tagged and leave certain parts of it so that biologists can examine them and test them for malnutrition and other moose diseases, and this is the research part of what we are talking about, part of it anyway.

The \$3 application fee is where the biggest part of the revenue will come from in this. I have talked with sportsmen from all over the state and very few of them say that they wouldn't be willing to invest \$3 to get a chance to shoot a moose.

The purpose of the experimenting and earmarking the money for experimentation is not to see what damage was done through the hunt. The purpose of it is to study the animal first hand by checking the carcasses and find out what problem, if any, there is with the moose herd and try to do something about it in the future. This is the reason for the earmarking of that part of the money.

Mention was made that the commissioner has the authority to stop the season. He also has the authority to stop a deer season if at any time he thinks the herd is being placed in jeopardy. I am sure that under this bill the commissioner would never have the opportunity to exercise this because if all 600 people shot a moose, it still wouldn't place the herd in jeopardy. We have had testimony from our expert biologists that we could safely harvest in excess of 1,000 without endangering the herd. These are just a few points that I thought I would clear up.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I am also on the Fisheries and Wildlife Committee and I am also a cosponsor on this bill. I would like to say that a lot of work, a lot of thought, a lot of soul-searching concern has been put into this experimental moose bill, and there is a reason that it is experimental, because we want to be very very careful. The last season that they had in the State of Maine was in 1932 and we know what happened, the herd was depleted because it was not a controlled season. This bill allows for a controlled season.

Yes, the moose is a large animal. We sometimes refer to him, laughingly, as old liver lip, and he is pretty to look at, especially to another moose. We hunt game which is far more beautiful than moose. I submit to you that

a deer is far more beautiful, a pheasant, partridge, even the great black bear, but we have season on them. Some moose are docile, especially those who are sickly or infested with ticks. If you want some real sport, you try to get close to healthy moose during the rutting season and I know that you will very quickly learn how to climb a large tree. I have tried it and I learned to climb quick.

A lot of the information that I have is factual information and it was given to me by Mr. Frank Dunn. Mr. Frank Dunn has worked over 20 years as a research biologist and of all those years, most of it, in the Moose Research Program, and he is considered one of the leading experts on moose research in the State of Maine.

The last complete moose census was in 1971. The zones that we are concerned with right now are Zones 1, 2 and 5, which take up Aroostook County, part of Somerset County, part of Penobscot, Piscataquis, part of Hancock and part of Washington. In other words, it is the northern section of the state. In zone one, they have estimated a total of 1,575 moose; in zone two, 7,200; in zone five, 725, which very quickly adds up to over 10,000 in just those three zones. Using Mr. Dunn's figures, our population in the hunting zones affected would now be up much higher considering a 12 percent reproduction rate in a healthy cow moose. The overall state moose right now, population, is upwards to 25,000. This bill only calls for the harvest of 600 animals, and as you have heard from my good friend Mr. MacEachern, they did testify that a harvest of 1,000 animals would not significantly hurt the moose herd.

The moose season in Canada has been proven very beneficial to man as well as to the herd itself. Testimony from Mr. Brian Carter, who is the Director of Wildlife Management in Canada, gave the following facts which are pertinent to us right here in the State of Maine. Let's remember, they have been gathering the data since 1964. As a result of their controlled moose hunt, there has been an overall increase in the vigor and the health of the moose herd. There are now less incidents of meningeal worm; this is a common disease in the moose and it is called moose disease, in fact. A moose who has the meningeal worm becomes confused, he becomes docile, and I would like you to remember that this is only transmittable from moose to moose, not moose to deer or moose to people or anything else, this is strictly a moose disease and this is what they call it. They found that in the moose hunt, those animals who are infected with the meningeal worm come close to the edge of the roads, they will even come into town, they are the easiest animals to find in a moose hunt. Therefore, what you are doing when you hunt and kill the moose with the meningeal worm, you are harvesting an animal who is going to die eventually anyway and possibly he will die a very inhumane death, so you are putting him out of his misery. I would like to point out to you also that the meningeal worm, which is the moose disease, does not affect the meat in any way. The meat is completely palatable, it is good and it does not hurt the human.

Before Canada began harvesting their moose, through a controlled season, some animals had a tick infestation of 200 ticks per square foot on their hides. Since they have done their research after the hunt, they have noted a significant drop in the tick infestation, primarily due to the fact that the animals who are infested are slower animals, they are easier to find and they are the one that are killed. Since Canada's controlled season, the biologists from Canada, the game control people in Canada, have noted through their studies an overall average increase of 150 pounds of weight per animal due to the spreading of the herd by the hunter.

Everybody says that the moose is stupid. I

have seen quite a few of them, I am from northern Maine, and I don't find them to appear to be real stupid. You go out in an area where there are moose and you fire a weapon even during deer season, you go back the next week and you won't find too many moose in that area because they do spread. They are scared of humans, it is understandable, just like all the other animals that we hunt, they are scared of humans.

Through the hearings, through the letters, the phone calls, it is quite apparent to the members of the committee and to myself that over 189,000 hunters in this state, taxpaying hunters, may I say, would appreciate the chance to legally hunt moose. This L.D. gives them that particular opportunity without depleting or damage to the herd, which is what we are concerned with, and in fact, it could even be beneficial to our moose herd. A citizen who desires this hunt should at least have that opportunity, while those opposed to hunting the moose do not have to ask for a license or apply for a permit; thus, both of them have equal opportunity to uphold their personal convictions. Therefore, in light of the information that we have received, I urge you to put the experimental moose season in the State of Maine.

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I suppose perhaps that I shouldn't be speaking on this bill because I have never owned a hunting license in my life. I can't see any sport going out and killing anything. However, have heard some figures that don't seem to jibe. I have heard 14,000 as the moose population. I have heard 20,000. I have heard 25,000 and I haven't heard any one say that the area will not sustain the number of moose that we have now. In other words, they aren't dying off because of lack of feed. I do feel that the moose is a great advertisement for the State of Maine, and before I vote on this bill, I wish someone would answer this question. There is another question I have too. In 1932, the last time we had open season on moose, how many more moose are there now than there were in 1932?

The SPEAKER: The gentleman from West Bath, Mr. Stover, has posed a question through the Chair to anyone who may answer if they so desire.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: You have heard testimony here this morning on the dumb moose. In six years of being on the committee and chasing this thing back, biologists will tell you, the same as Representative McKean has told you, that there is a neningeal worm that is transmitted through deer, it goes up through the hoof and does not penetrate the brain of the deer; it is the reverse in the moose, it penetrates through the hoof and travels through the system and lodges in the back of the brain. When that occurs, that is when people report seeing a moose smashing his way down through at high speed or smashing into trees and everything else. That moose is on his way towards death from that worm.

To give you one more point that I think is very pertinent here. The gentleman that runs the New Brunswick Department of Wildlife over there told me that at the end of the hearing down here — I said, do you think we can do it in Maine, and he said, I hope you don't. We will lose \$450,000 to your sportsmen. There is our answer right there on that point. The other one is, if you have a cut line all the way round the border in Maine, if you ever get into that area, you walk out into that area and you see that every few miles apart the Canadians have built an observation plant approximately 40 feet into the air with a little shelter in the top and that is

where they take their sport, around the borders of Maine.

They have those experienced moose callers over there that know the mating call very well, and when they start sounding off, it is our young bulls in the moose herd that respond. They cross the line and are shot and claimed on the Canadian side, so what we have been doing for years and years is to actually support the sporting propositions of New Brunswick and the surrounding Canadian territory with our responsibility in growing a moose herd. They have been reaping the profits and that is where half of the editorials we see in our papers opposing it are being written is right over the line into Canada because I have had them talk to me in Eastport and tell me what they were going write. If we want to go on, I think the stupidity is on our own part in not having a Maine moose season; let's get some of the profits.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to debate a lot on this this morning, but a couple of things have been said — in fact, I wasn't going to get up again, but a couple of things that have been said disturb me a little bit. These professionals on the wildlife service are telling you stories of sick moose. You don't hear too much about the healthy ones, but they are telling you stories of sick moose. Are you going to go up to them and look them over and see if they are sick or not? Are you going to take and divide this herd up so that the hunters know? We are talking of only 600 licenses — 600 people in Maine will be allowed to shoot moose, so that is 600 moose that we will lose. Do you think that the rest of the 190,000 hunters who want to hunt moose are going to stay home. They could go to Canada just the same. I don't think it is going to lose 600.

My only question is, and I didn't want to ask this today of the Fisheries and Wildlife, but I am going to ask this question. On the \$80,000 that is in the bill, was a public hearing held, was testimony taken from the hunters of Maine that they wanted \$80,000 to check the herd over or was it put on by the Department of Inland Fisheries and Wildlife? If this was put on in committee by the Fisheries and Wildlife Department, there is your answer. They are so in doubt that they, themselves, don't even know whether this is going to work or not.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MAC EACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I think I can answer that question. The proposition of earmarking money was not advertised but it was suggested at the public hearing that we add a provision for part of this money to be earmarked for moose research.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to some of the points that were brought out during this debate. One, I was very much interested in the statement of Mr. McKean that 180,000 hunters in the State of Maine would like to have the opportunity of hunting moose. This I do not deny and it is probably right. This is not an experimental bill at all. It will go on and on until the moose are gone. As I said before, they are not a reproductive animal, not to any extent and, therefore, we will come to a day when this natural resource will be gone. I think this is the big issue here. They are friends of mine, incidentally. I have known Representative Mills for years, I am very fond of Mr. McBreairey, who talked me into snowmobiling and I went out and took a ride once and fell off and had a heck of a time, and I am very, very much in agreement with some of the things that were said but let me tell you, this is not the issue here. The is-

sue here is conserving the natural resources of the State of Maine. I think the various speakers who have gotten up have answered this question for you. This is not an experimental hunting season but will be continued from this year on until the moose are eliminated. Let me tell you this, in a great many instances, the deer herd is in serious trouble from over-hunting.

I think that someday we will have to come to a point of considering whether we have to help the Fish and Game Department in the way of funding. I disagree that they can live off fees because they have proven that this year.

I can't see, for instance, another point that was brought up, where the waste comes in. This is amusing to me because waste, as the dictionary tells us, is something which is simply thrown away, so I don't know what you mean by the waste.

A third thing that bothered me and a point that I was really very interested in was the difference of mathematics in this bill. You have heard 20,000, 40,000 and 80,000, 100,000 all the way up the scale, someone has got to be wrong.

I listened to Senator Frank Anderson yesterday, the former Senate Chairman of the Fish and Game Committee for a long, long time, and Senator Anderson was a man who delayed the hunting season on moose up to this year when he is no longer with us. He has been an author, a guide, a man that was probably more knowledgeable on hunting than any other man in the State of Maine and he put his hand on my shoulder and he said, Monty, stop this if you can and he said the true figure was somewhere about 15,000 moose in the State of Maine, not in any one particular hunting area. I say that some of those figures that have been given out, I think the fellow had a little more moose milk than he ought to have.

This has been bantered around as far as I can remember, and I have been up here 17 years, so someday, I presume, by a bill that is getting better all the time to get the foot in the door will come about. I ask you to weigh this very carefully before you vote. This is a very, very serious conservation measure and I hope you will vote with that thought in mind.

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

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I have listened with a great deal of interest to what has been said and I think there is merit in all that has been said, but it amuses me to listen to people who feel that they are experts in a field which when they rise to speak about the issue demonstrate that they don't really know what they are talking about.

I heard it said that a moose was a very slow animal. I should like to explain to you that the moose will outrun a deer. I was coming down off Saddleback Mountain one night, picked up a moose in the road in front of me, he ran all the way to White Brook, if any of you are familiar with that area, a distance of four miles and we clocked in at 38 miles an hour. I would submit to you that this is not a slow and clumsy animal. They only look slow because they have a racking motion; somewhat like a racking horse, so that kind of fools you a little bit about the speed of them.

I would like to talk about something that is more factual than what has been said so far. I feel that as responsible citizens of this great state we should have a deep concern for the many resources with which we have been endowed. Game is a valuable and renewable resource that unfortunately cannot be stockpiled and therefore should be harvested to the best advantage for a sound and on-going management program. There are those who would say, let nature take any surplus of moose we have. The balance of nature just does not work that way, because when the herd becomes too large for the amount of availability of the food supply, sickness and disease threatens

their very existence. This bill before you will allow for the issuing of 600 permits and it would seem to me that it would be very unlikely that hunter success would be anywhere near the 100 percent level which, if accomplished, would be a mere 600 out of a herd of some 20,000, and this is a statewide figure and, in fact, natural propagation should more than offset the kill.

I feel that this bill, L. D. 254 for a limited open season for the harvesting of a limited number of moose from a known sizeable herd is conservative in the number of permits and has reasonable built-in safeguards to prevent any overkill of a fine mooseherd, and I request a roll call vote.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I think the heart of the issue with respect to moose hunting is that moose have been a protected species in our state for years. We don't really have testimony that we are overpopulated in the state. We hear that some of them are infected with a disease. However, if we open up limited hunting, how do we know if we are going to be shooting the healthy ones as opposed to the unhealthy ones? Also, because the moose have been protected in our state, if you go through the northern counties of the state, you walk through the woods, you walk to the lakes and the streams and some of the shallow ponds, you will notice very quickly that the moose are relatively and actually they are a very tame animal and species in our state. I have gone through many of the northern counties in our state and they come out and stand in the middle of shallow ponds and eat lichens off the bottom of the pond.

As opposed to deer, I can't see the sport of shooting moose that is tantamount to going out and shooting cows, it seems to me, that are grazing in the pasture. If the rationale for shooting moose is because we have hunters in our state that would like to harvest moose for the purpose of being able to put antlers up above a mantel piece, if that is our rationale, then perhaps we ought to have a Fish and Game warden go out and harvest 500 or 600 sick, unhealthy moose that are infected with this disease. I can't see the rationale of hunting a protected and very tame animal in our state, and a rare species.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MAC EACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to clear up two points. It has been insinuated here on the floor that the committee just reached in the air and picked out a figure and said this is a number of moose that we have and that is simply not true. I have a very good friend who has worked for the Fish and Game Department as a biologist in excess of 20 years, much of which time has been spent on the study of the moose. This gentleman is Francis Dunn from Patten. I have a great deal of respect for his ability and his opinions and he gave testimony to our committee that we could very safely harvest in excess of 1,000 moose.

I don't know where former Senator Anderson gets his information from. This gentleman that I am referring to here is a graduate from the University of Maine in biology and he has over 20 years of experience. If we can't take his word for anything, I don't know why we need biologists in the department to begin with. I realize that Senator Anderson has been a long time advocate of no moose season and I don't know what his reasons are but I don't know what his background is and training in moose research.

Secondly, we have bantered around here the idea of diseased animals. This is somewhat of a misnomer, this is a tick infection that they get that affects their brains. It in no way affects the meat, it is very edible for human consumption,

and causes no problem. The only thing it does is kill the moose eventually. I would much rather see some meat in my freezer than a dead moose laying out in the middle of the woods with the coyotes eating on it.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: We have heard about diseased moose and one individual indicated that maybe we should send the Marines up to take care of them. I have another suggestion that might be more beneficial. If we go in and ask for about 200 Ceta positions, we could hire 200 unemployed individuals in the state, ask the EDA, the Economic Development Administration, to give us some money so that we could get the proper equipment for them to go there with, have them harvest the number of moose that they think they should particularly the sick ones, bring them back down into the city area and we will sell them for food stamps, then cash in the food stamps and apply the money to balance our budget.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I intended to make a long speech this morning but because of the lateness of hour, I will simply touch the high points.

I have heard this matter debated for several sessions and I would say very simply that the endangered species such as moose, bison or buffalo, the herds in the belt of Africa, all of these animals, the greatest enemy that they have is man. It is man that kills the moose. It is man that kills the buffalo. To stand up here this morning and say that killing off an endangered species, the season was closed, the moose were practically gone in the State of Maine, that is the reason that it was closed, they were going to be gone, they became an endangered species, why they didn't put them on the endangered species list and prevent them from being killed nationally is more than I can figure out and it is probably something that should be done. Now, we are going to hear today that we will kill them off because it will make them more prolific. It is not working with the deerherd.

Since I have been here, we have had emergency legislation for the commissioner to close the deer season because there were not enough deer, and I submit that the same problem there was the problem of man, not disease, if it was disease that killed them off, they would have been long gone before man ever got here. They were here and healthy and strong up until man got here and we almost killed them off once, let's not do it again.

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

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I didn't think I would have to mention this part of it. I thought we had covered it quite nicely, but Representative Norris promised me that this should be entered into. We should explain our reasoning, our rationale, on anything that we do. My reasoning for considering an open season for the harvesting of a very limited number of our moose population basically is that we may obtain more information about the health and the conditions of the animals and their requirements, which would be the only logical manner in which this information could be obtained. Some areas may have too many moose for what food and cover there is in the area that they are inhabiting and more particularly, I am most concerned about the number of our Maine moose being called across the Canadian border, the area that we are talking about, only to be shot by hunters on the Canadian side. As you know, Quebec has a moose season and therefore harvest many of our moose, not only in Canada but in Maine, and I have had actual documenta-

tion where they have a horse standing by and hurriedly come over 150 to 200 feet into the Maine area and rapidly hook up to the moose and haul him across into Canada.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Just to answer my good friend, they do have, and use in Africa quite successfully tranquilizer guns, they don't kill any of the animals. They transport them if they are plentiful in one area to another area in order to protect the species, so you don't have to kill something in order to make it live.

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. Those in favor 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 Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, I would like to pair with the gentleman from Presque Isle, Mr. Lunt. If he were here, he would be voting no and I would be voting yes.

The SPEAKER: The gentleman from Hope, Mr. Sprowl wishes to pair with the gentleman from Presque Isle, Mr. Lunt. If the gentleman from Presque Isle Mr. Lunt were here, he would be voting no and the gentleman from Hope, Mr. Sprowl would be voting yes.

The SPEAKER: The pending question before the House is on the motion of Mr. Tyndale of Kennebunkport that L.D. 1495, Bill "An Act Establishing an Experimental Open Season on Moose" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopous, Bachrach, Benoit, Berube, Brenerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carey, Chonko, Clark, Connolly, Cox, Curran, Dexter, Diamond, Dudley, Durgin, Dutremble, Flanagan, Fowlie, Gauthier, Gill, Goodwin, K.; Gray, Green, Hall, Henderson, Hickey, Howe, Huber, Hunter, Jackson, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, Lewis, Mackel, Martin, A.; Masterton, McMahon, Mitchell, Najarian, Norris, Peakes, Peltier, Post, Prescott, Raymond, Shute, Silsby, Stover, Stubbs, Tarbell, Theriault, Tierney, Trafton, Tyndale, Valentine, Wood, Wyman.

NAY — Ault, Austin, Bagley, Beaulieu, Berry, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Byers, Carroll, Carter, D.; Churchill, Conners, Cote, Cunningham, Davies, Devoe, Dow, Drinkwater, Elias, Fenlason, Garsoe, Gillis, Goodwin, H.; Gould, Greenlaw, Higgins, Hobbins, Hutchings, Immonen, Jacques, Kerry, LeBlanc, Littlefield, Lizotte, Locke, Lougee, Lynch, MacEachern, Mahany, Marshall, Masterman, Maxwell, McBreairty, McHenry, McKean, McPherson, Mills, Morton, Nadeau, Nelson, M.; Nelson, N.; Palmer, Pearson, Perkins, Peterson, Plourde, Quinn, Rideout, Rollins, Smith, Strout, Tarr, Teague, Torrey, Tozier, Truman, Twitchell, Whittemore, Wilfong, The Speaker.

ABSENT — Bennett, Bunker, Carrier, Carter, F.; Hughes, Jalbert, Jensen, Moody, Spencer, Talbot.

PAIRED — Lunt, Sprowl.

Yes, 66; No, 73; Absent, 10; Paired, 2.

The SPEAKER: Sixty-six having voted in the affirmative and seventy-three in the negative, with ten being absent and two paired, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

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

Bill "An Act to Provide that the Position on the Primary Election Ballot and on the General Election Ballot of the Names of Candidates for Major Offices shall be Determined by Lot" (H. P. 479) (L. D. 594) — In House, Passed to be Engrossed on April 7. — In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-71).

Tabled — April 14, 1977 by Mr. Quinn of Gorham.

Pending — Further Consideration.

On motion of Mrs. Nelson of Portland, the House receded from its action whereby the Bill was passed to be engrossed.

Mrs. Nelson of Portland offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-165) was read by the Clerk.

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

Mr. NADEAU: Mr. Speaker, I wish the gentlelady from Portland, Mrs. Nelson, would explain her amendment.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: It simply clarifies what is meant by lot and I would be glad to explain it to you. As it is written, the Secretary of State or his designee, the third Wednesday in November, would call for a public drawing of the letters of the alphabet. Those letters would be put into a receptacle, it could be a goldfish bowl or it could be a shoebox, whatever, very much the way, as I understand it, they used to have the draft, and the Secretary of State or his designee would simply reach in and pull out a letter, which could be an S, which would mean that all the ballots for the primary and the general election, the first name on the ballot would begin with S. He would then reach in and pull out another letter, which could be a B, so that the second letters of the alphabet rearranged for the primary and general election could be B.

It is painless, it is open to public scrutiny, anyone is allowed to come, you would have much notification, it is inexpensive, it doesn't cost anything, and the Secretary of State's office thinks it is a reasonable amendment, they are very pleased with it; in fact, they helped me write it. It would give you plenty of time to set up your campaign literature for some of those who wish to say I am 15th on the ballot or whatever.

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

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MACEachERN: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side on Bill "An Act Establishing an Experimental Open Season on Moose" (H. P. 1208) (L. D. 1495) I now move that we reconsider our action and hope you will vote against me.

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, moves that we reconsider our action whereby the House voted to pass L.D. 1495. Those in favor will say yes; those opposed will say no.

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

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

Bill "An Act to Authorize the Transfer of all Assets and Liabilities of the Patten Water District to the Town of Patten and the Dissolution of the Patten Water District" (Emergency) (H. P. 1333) (L. D. 1503)

Tabled — April 14, 1977 by Mr. Birt of East Millinocket.

Pending — Passage to be Engrossed.

Whereupon, the Bill was passed to be engrossed.

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill, "An Act to Establish Maine Writers Week" (H. P. 826) (L. D. 999) — In House, Passed to be Engrossed on April 11. — In Senate, Indefinitely Postponed.

Tabled — April 14, 1977 by Mr. Quinn of Gorham.

Pending — Further Consideration.

On motion of Mr. Wood of Sanford, the House voted to insist.

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

Bill, "An Act to Ensure that the Powers and Duties of Fire Chiefs are subject to Municipal Collective Bargaining Agreements" (H. P. 230) (L. D. 293) — In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-106) on April 7. — In Senate, Indefinitely Postponed.

Tabled — April 14, 1977 by Mr. Bustin of Augusta.

Pending — Motion of the same gentleman to Insist.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Silsby.

Mr. SILSBY: Mr. Speaker, I would ask that someone explain the way this L.D. is amended, please.

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

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I will make an attempt to explain this to the gentleman from Ellsworth and all others, and I can certainly see why there is a question about it. This is one of those not particularly unique situations where the subject matter has precious little to do with the title. In fact, when the bill came before our Labor Committee, everyone was absolutely adamant that we were not going to adopt any bill which would say that the powers and duties of the fire chiefs are negotiable. Even strong labor advocates don't go that far. It turns out that what we are after in this particular thing, there is another section of the law that lists all the titles and duties of fire chiefs and it is a big list, and one of them says, "shall promulgate rules and regulations for the department." All the amendment that is on this bill says, "except those which are subject to collective bargaining." In other words, it removes the conflict between the promulgation of rules and regulations from the Maine Municipal Employees Labor Relations Act so that those things which are subject to negotiations continue to be the subject of negotiations without dispute.

Thereupon, the House voted to insist.

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

House Report — "Ought to Pass" as Amended by Committee Amendment "A" (H-159) — Committee on Education on Bill "An Act to Facilitate Out-of-state Post Graduate Education in Certain Professions" (H. P. 408) (L. D. 502)

Tabled — April 14, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Acceptance of the Committee Report.

On motion of Mr. Lynch of Livermore Falls, tabled pending acceptance of the Committee

Report and specially assigned for Monday, April 25.

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

Bill, "An Act to Amend the Vocational Education Laws" (Emergency) (H. P. 1209) (L. D. 1329)

Tabled — April 14, 1977 by Mr. Lynch of Livermore Falls.

Pending — Passage to be Engrossed.

Mr. Blodgett of Waldoboro offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-183) was read by the Clerk and adopted.

Whereupon, on motion of Mr. Lynch of Livermore Falls, tabled pending passage to be engrossed as amended by House Amendment "B" and tomorrow assigned.

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

Bill, "An Act to Permit Vehicular Traffic to Turn Right at a Red Light" (H. P. 43) (L. D. 60)

Tabled — April 14, 1977 by Mr. Flanagan of Portland.

Pending — Motion of Mr. Jensen of Portland to Indefinitely Postpone House Amendment "A" (H-156) to Committee Amendment "A" (H-152).

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I respectfully request permission to withdraw House Amendment "A" to Committee Amendment "A".

The SPEAKER: The gentlewoman from Portland, Mrs. Beaulieu withdraws House Amendment "A".

The gentlewoman may proceed.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: The reason I am asking for this is in lieu of new information and to be able to introduce a more comprehensive amendment. When I offered House Amendment "A" last week, there was concern and question about how many communities do have more than 10 signaled intersections and how many would have to hold public hearings. With the help of Commissioner Mallar, I have statistics now that there are 7 communities in this state involved. Bangor has 26 intersections; Augusta, 14; Portland, 84; South Portland, 19; Westbrook, 11; Auburn, 13; Lewiston, 31; and the figures were put together very quickly so they might not be all that accurate.

A new amendment has been prepared. It was advised by Representative McMahon, the prime sponsor of "the right turn on red bill" and is satisfactory to both of us and I am grateful for his help.

If all of you would take a look at Committee Amendment "A", it states that the local communities and DOT will determine whether or not to prohibit the right turn on red. All I ask is that mine and your local officials have input from the citizens before they work with DOT.

Therefore, I offer House Amendment "B" to Committee Amendment "A" and move its adoption.

House Amendment "B" to Committee Amendment "A" (H-167) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "B" thereto was adopted and the Bill assigned for second reading tomorrow.

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

House Divided Report — Majority (7) "Ought to Pass" as Amended by Committee Amendment "A" (H-162) — Minority (5) "Ought Not to Pass" — Committee on Natural Resources

on Bill "An Act to Promote Consistency Between Certain Regulatory and Proprietary Decisions of the State" (H. P. 338) (L. D. 429)

Tabled — April 19, 1977 by Mr. Blodgett of Waldoboro.

Pending — Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, I move the acceptance of the Majority "Ought to Pass" Report.

At the present time, there are no specific guidelines for the Director of Public Lands to use except those associated with the environmental permits. This proposal would allow the director flexibility in the leasing of state lands but could still take other factors into consideration. The word "may" is a very important part of this bill. The Committee Amendment puts a time limitation, July 1, 1979, on the bill. This will allow time for any guidelines which would be non-environmental and which could be developed and adopted by the various state agencies and by the legislature, and for this reason, to facilitate the leasing of lands by the Bureau of Public Lands, I would ask you to accept the Majority Report.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-162) was read by the Clerk, and adopted and the Bill assigned for second reading tomorrow.

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

Bill, "An Act to Enable the City of Portland to Collect its Sewer Assessments over a Period not to Exceed 10 Years" (H. P. 531) (L. D. 647)

Tabled — April 19, 1977 by Mr. Kelleher of Bangor.

Pending — Passage to be Engrossed.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the gentleman from Bangor, Mr. Kelleher, for tabling this bill for me while I had some unanswered questions to ask. I did confer with the sponsor of the bill, Mrs. Boudreau from Portland, have received satisfactory answers to some that I thought were problems in the bill and were definitely not problems in the bill and I would now move passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

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

Bill, "An Act Requiring the Marking and Removal of Ice Fishing Shacks on Frozen Tidal Waters" (H. P. 525) (L. D. 643) (C. "A" H-160)

Tabled — April 19, 1977 by Mr. Shute of Stockton Springs.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: This is a little bill that I had tabled a couple of days ago. I didn't think it was a partisan bill but we did have a little trouble on tabling, so I hope we don't let that interfere today.

I have several objections to this bill. I know that it doesn't really amount to much, but it does affect the smelt camps, and I have quite a few smelt camps in my area, only during the wintertime, of course. The reason that I object to this bill mostly is that the bill requires quite a penalty. You will note that the bill has been replaced by a Committee Amendment. The Committee Amendment is under Filing No. H-160. It is a very short amendment and I would like to read the amendment to you. The amendment says, "It is unlawful to place any shack or temporary structure used for ice fishing on frozen tidal waters or use the shack or structure

unless the owners name and address are painted or otherwise clearly marked on the outside with two inch letters." This is two inch letters, no more, no less, and I would like to tell you what the penalty is for not marking the smelt shack or the \$10 ice house in two inch letters.

"Whoever violates this section shall be punished by a fine of not more than \$300 or by imprisonment of not more than 90 days or by both." To me, this sounds like a rather stiff penalty for the offense that might be committed by the offender. I submit that it probably would be better for somebody to write their name on a bad check than it would to fail to put their name on their smelt camp.

It is quite a large penalty. I think this can be done on the local level, it can be done in local ordinance or in a local building code even if you want to, but I am a little bit against having a statewide building code or a statewide zoning code for smelt camps. They only cost about \$5 to \$10 to build and I don't think the state ought to get into regulation of smelt camps too much.

As I said before, this can be done locally. I think this was a local issue that brought this bill into the legislature, and I guess the questions asked, on this bill at least, are you in favor of state control or are you in favor of local control? If you are in favor of local control, let the officials at the local level handle it.

The second question is, are the fines in this bill reasonable with the offense that might be committed? I suppose anyone could say that if there are three inch letters on smelt camps, well, that wouldn't qualify. The bill calls for two inch letters, two inch letters only.

Third, is this legislation necessary and if it is necessary, is it meaningful?

I would hope that you would vote against the passage of this measure.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I will try and reply to some of the problems that have been pointed out with the bill. Many of the rivers, the tidal rivers that the smelt shacks are on lap over town lines and there has been a problem enforcing the removal of the shacks when the ice goes out.

I would point out that many of these shacks are worth far more than \$10. A good smelt shack can cost quite a bit. Most of the good ones are picked up at the end of the season but there are always a few that aren't and usually they are the less good ones that are left there to go down with the ice. Particularly in the Brunswick area, they go down into the Merrymeeting Bay, which is a prime waterfowl and fishing area and they are very unsightly. They mess up the bay and they promote pollution.

We also had a problem in Yarmouth on the river there going out and clogging up the channel for people trying to bring boats in out of it. It is hoped that this will handle that. The feeling being is that if a man's name is on his shack, he will be a little more hesitant to just let it go out because he could be found and caught up with.

There is a question here also on the fine, and it is my understanding that this is exactly the same fine that is levied on the fishing shacks on inland waters, ponds, lakes and this sort of thing, fresh water, inland waters, so this is why this particular fine was chosen. Maybe it is too high but it is also, as I say, on the inland waters and so it is uniform with that. I think the problem maybe is even higher on some of the tidal waters than on the inland waters and the argument for the two inch lettering is that this is something that they can be seen from the shore with a pair of field glasses when the ice becomes sufficiently rotten so you can't walk on it to actually see whose shack it might be. I

think that answers it and I hope you will vote for the passage.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I think that Representative Jackson has sort of explained part of the problem to you and what the problem is, when we have ice shacks on the river, the ice melts, the shacks are in the river, float down stream and provide navigation hazards.

The problem with local ordinances is that one town may in fact require lettering on the shacks in waters right adjacent to its town, but it doesn't mean that a shack up river won't float into its area and they would have no idea who that shack belongs to or who is responsible for getting it out.

We were not willing to go along with what was presented to us, which was sort of a mandated state ordinance telling each town what they had to do, but in looking into this problem, we found out that although there is a state law presently which requires a labeling of fish shacks on inland waters, and that is exactly the same as is in the amendment which was reported out of committee so people could be found who were responsible for the fish shacks and responsible for removing them. There was no such state requirement for fish shacks on tidal waters, so while we were in fact not willing to pass a mandated state ordinance for how the removal of fish shacks was to be handled, we felt that there should be some sort of mechanism to at least find out who these shacks belong to when they did present navigation hazards.

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

Mr. PALMER: Mr. Speaker, I would like to pose a question through the Chair. In looking at this Amendment H-160, and I am interested in this bill because I have had many, many people in my area call about it, I find that my amendment has just one page and the second page is the school funding act and I am not really too sure — does this amendment still leave the fine at \$300 with imprisonment of not more than 90 days?

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

The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: As has been stated several times before, the fine and the penalties are exactly the same as they are presently for inland waters and that is the \$300 and imprisonment for not more than 90 days. I think it is the desire of this legislature to make that fine less. That could be done by an amendment or the amendment process, whether it be here or in the other body. The issue we are trying to deal with at this point is that we should have the same kinds of safety regulations for fish shacks on tidal waters as is presently the case in inland waters.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I do truthfully agree with the intent of this bill and am very much interested in seeing it pass, but I have a deep feeling that it is a pretty stiff penalty for a \$5 or \$10 smelt shanty or whatever it might be, and I would respectfully suggest that someone would have this bill tabled so we could amend the fine situation.

Thereupon, on motion of Mr. Marshall of Millinocket, tabled pending passage to be engrossed and tomorrow assigned.

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

Bill, "An Act to Increase Flexibility in the Funding and Operation of the Vocational-

Technical Institutes" (H. P. 221) (L. D. 285) (C. "A" H-158)

Tabled — April 19, 1977 by Mr. Howe of South Portland.

Pending — Passage to be Engrossed.

Whereupon, the Bill was passed to be engrossed and sent to the Senate.

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

"An Act Prohibiting the Hiring of Illegal Aliens" (H. P. 126) (L. D. 159)

Tabled — April 19, 1977 by Mr. McBreairey of Perham.

Pending — Passage to be Enacted.

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

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

"An Act to Provide Certain Travel Expenses for County Commissioners of all Counties" (H. P. 495) (L. D. 614) (C. "A" H-107)

Tabled — April 19, 1977 by Mr. LaPlante of Sabattus.

Pending — Passage to be Enacted.

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

On motion of Mr. Kelleher of Bangor, the House reconsidered its action of earlier in the day whereby Bill "An Act Relating to Utility Rate Making Treatment of Certain Advertising and Sales Promotion Expenses of Electrical Companies" (H. P. 778) (L. D. 965) (C. "A" H-170) was passed to be engrossed.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending passage to be engrossed.

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

Bill, "An Act to Provide County Commissioner Districts in Washington County" (H. P. 1225) (L. D. 1359) — In House, Passed to be Engrossed on April 12. — In Senate, Indefinitely Postponed.

Tabled — April 19, 1977 by Mr. Quinn of Gorham.

Pending — Further Consideration.

On motion of Mr. Tierney of Lisbon Falls, tabled pending further consideration and later today assigned.

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

Bill "An Act Concerning Municipal Transit Districts" (H. P. 721) (L. D. 973)

Tabled — April 19, 1977 by Mr. Jensen of Portland.

Pending — Passage to be Engrossed.

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

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

"An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1977, and Changing Certain Provisions of the Law Necessary for the Proper Operations of State Government" (Emergency) (H. P. 1255) (L. D. 1413)

Tabled — April 19, 1977 by Mr. Connors of Franklin.

Pending — Passage to be Enacted.

The SPEAKER: The pending question before the House is on passage to be enacted. This being an emergency measure it requires a two-thirds vote of all the members elected to the House. Mrs. Huber of Falmouth is excused from voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

115 having voted in the affirmative and none in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act Relating to the Plans and Specifications Governing School Construction (H. P. 143) (L. D. 173)

Tabled — April 19, 1977 by Mr. Lynch of Livermore Falls.

Pending — Passage to be Enacted.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I guess I am going to ask my good friend from Gorham, Mr. Quinn, to do something in a moment, but I thought I should probably explain it.

What we propose to do is to allow this bill to lie on the Unassigned Table until such time as we find what direction we are going in the whole entire area of school construction. We feel that we would be premature to pass this bill at the present time and the good gentleman from Livermore Falls, Mr. Lynch and I are in total agreement on this, so that will be the motion that will be made.

On motion of Mr. Quinn of Gorham, tabled unassigned pending passage to be enacted.

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

Joint Order — Relative to Joint Rule 20A — Reports of Committees (H. P. 1440) Read in House April 20.

Tabled — April 20, 1977 by Mr. Quinn of Gorham.

Pending — Passage.

On Motion of Mr. Tierney of Lisbon Falls, tabled pending passage and specially assigned for Monday, April 25.

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

Resolve, Authorizing Robert J. Gilbert of Rumford to Bring Civil Action Against an Agency of the State of Maine (Emergency) (S. P. 61) (L. D. 134) (C. "A" S-48)

Tabled — April 20, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Final Passage.

The SPEAKER: The pending question before the House is final passage. This being an emergency measure, it requires a two-thirds vote of the entire elected membership of the House. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

105 having voted in the affirmative and none in the negative, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

An Act to Transfer the Alcohol Treatment and Education Program of Operating under the Influence Offenders to the Department of Human Services (S. P. 130) (L. D. 310) (C. "A" S-45)

Tabled — April 20, 1977 by Mr. Connolly of Portland.

Pending — Passage to be Enacted.

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

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

"An Act to Establish a Presidential Primary in the State of Maine" (H. P. 187) (L. D. 249)

Tabled — April 20, 1977 by Mr. Higgins of Scarborough.

Pending — Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: My only concern with this bill yesterday was the fact that it did not have a fiscal note on it. I have been informed since then by the good gentleman from Augusta, Mr. Bustin, that since there is no presidential primary within the next two years, we do not need a fiscal note on it. I don't know if that is correct procedure or not but maybe this is the answer to all our financial problems if we just put all our spending packages into a program that would not take effect for two years and then not pass any money to go with it.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: This little jewel has been sailing through here with no comment, and I would like to say a few words before I ask for the opportunity to vote against this.

This bill reminds me of my grandmother's pie crust, it is flaky. You remember when you used to play sandlot baseball, you would toss the bat and each one would put his hand above the other and finally somebody was grabbing for air. This seems to say that no matter when New Hampshire places its primary, we are going to jump in and match them.

Whether a presidential primary is desirable or not, I think we can forget. I would just call your attention to this aspect of the bill, which I think is getting us into the circus act of two states playing hopscotch, so when this measure does come up for final enactment, I would request a roll call.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the cosponsors of this bill, as you may be aware or may not be aware.

To answer one of the questions of the gentleman from Cumberland, Mr. Garsoe, the bill calls for, and it doesn't call for reaching for air, but it calls for the State of Maine to have their primary the same date as the date of New Hampshire. However, if the State of New Hampshire moves back into the preceding year, the State of Maine reverts back too, I think, the second Tuesday in March, so we wouldn't be reaching for air in this bill.

A couple of the reasons I supported this bill and cosponsored it was that I have attended quite a few caucuses in my legislative district and I am sure each one of you have in your respective districts, and I guess the question is, how many people attended your Republican or Democratic caucus? I would submit that probably not more than 10 or 15 people attended your caucus. How many people attended your state convention? I submit less than 2000 people attended your state convention and is 2,000 people a proper percentage of the people in our state to have a say on selecting the President of the United States and his running mate?

I think we should have a broader participation in the selection of our presidential candidates. Right now, the presidential candidates are selected by probably one percent of the people in our state. That is not a very large percentage and not very good participation in our government. The selection of presidential candidates is one of the main themes of a democratic society and I would think that each one of you would want a large participation in that.

If some of you might possibly feel uneasy to have a presidential primary because it might reduce some of your power that you might have gained at your municipal caucus to attend the state convention in the process of electing our presidential candidate, I don't think we should let that fear interfere with our vote. The people back home had the good, common sense to elect

each one of us. I think that is something in their credit, and I am sure they would have the good, common sense on selecting a good presidential candidate. I would just ask you to go along with the majority report on this bill and go for the passage of it.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think the only comment I have is that I did sign the "ought not to pass" on this. I am not convinced of the real need for it in the State of Maine. I will vote against it on the floor. The only comment I had is to answer the question that was made by the gentleman from Scarborough, Mr. Higgins, as to the fiscal cost of it. There not being a primary this year, there is no cost but it is estimated that it would cost at least \$100,000 to carry on the presidential primary in Maine.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I did ask the Secretary of State's office if a fiscal note would be needed and of course they indicated no, unless somebody wanted to set up a fund in which we put aside a portion of that \$100,000 price tag each year. Of course, elections do cost money, but that is a small price to pay for the citizens participation in moving towards a New England presidential primary.

The whole presidential nomination process is a national mess — a primary here, a convention there. Thirty one individual states had presidential primaries last year. It was like playing hopscotch — New Hampshire first, then came Vermont and Massachusetts on the first Tuesday in March, then Florida, Illinois, down to North Carolina, then New York and Wisconsin on the same day and so on. I think we would be helping the country if we in Maine assisted in moving towards regional primaries. Let's help make some sense of this national mess. It would help those who aspired to be president not to have to run back and forth, and back and forth across the nation.

Vermont and Massachusetts took the first step in moving towards the New England presidential primary last year. They both held theirs on the first Tuesday in March and if we assist in getting New Hampshire to join the group with the wording in this proposed legislation, we will be almost there. The other New England states are interested in a New England primary, too. We would have three years to work this out. So I am hopeful and optimistic that all of New England will end up with a primary on the first Tuesday in March of 1980.

Language such as contained in the enactor before you is the only way we can move towards a New England presidential primary in the absence of federal legislation by each state enacting presidential primary laws and what would we gain besides helping to reduce that mishmash and crisscross mess nationally. The candidates would certainly be encouraged to address more issues of significance to us in Maine and New England. Economic development, capital outflow in the northeast, development of forest potential and Representative Post and Greenlaw — are you listening — marine resources, transportation, TRI, Mr. Carroll, and energy to name some.

I hope you will support a presidential primary for Maine.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have heard my very good friend from Cumberland, Mr. Garsoe, say a lot of incredible things on the floor of this body, but today I have heard something I never thought I would ever hear. He stood and denigrated his own grandmother's apple pie on the floor of this House. Incredible performance.

I would suggest that Mr. Garsoe's grandmother's apple pie was probably not flaky, I bet it was very tasty and I think the crust was no doubt a compliment to the process of cooking, just as this bill is a compliment to the electoral process as it relates to the presidency of the United States.

You will probably recall, those of you who have been here before, that I was one who led the opponents to a similar measure in content last session, and there were three reasons for that. I listed those three reasons in floor debate. I would like to review those and why I have changed my mind.

The first one was that the bill last year, there was no way we could escape New Hampshire having the first in the nation. We talked about how it was not really good for American presidential politics to have such a small number of voters have such a tremendous impact, considering the media coverage, on the election process. This bill has corrected that problem. This bill says that our primary will be held on the same day. You know that we were fortunate to have in our state the night before last the Governor of the fair state who said that there is no way that we are going to be able to get around New Hampshire having the first one and made some laughing comment to the effect that they would get up earlier, at six o'clock in the morning, and close the polls at three and still have the first one. If they do that, that is okay, but he didn't say that they could get around having it on the same day. We think we have that problem solved in this bill. Whenever they set it, we have it the same day.

I would suggest that this is a very important step to the regional primary concept. By the time 1980 rolls around, if we pass this bill and the other states get together, we are going to have a regional primary for New England and Mrs. Kany has already indicated to you the attributes of that proposal.

The second reason that I voted against it last year but have changed my mind relates to the party selection process and the matter of electing delegates to the national convention. At that time, I was chairman of one of the major parties in this state, and I sincerely believed that the party process ought to have the opportunity to work, and we had developed, and I am speaking now only to the people in my own party, I don't know the rules of the other party, we had developed a fantastic rule-making process governing the selection of delegates who would pick presidential candidates. After three or four months, I came to understand those rules pretty well, but as I went round the state, trying to explain them to municipal committees, I am sure all I left in the dust was confusion and certainly the people who came to those caucuses were very, very confused.

The party participation, rank and file participation in those caucuses, was extremely low. You really could not justify such a small amount of people having the major impact on that decision. Because of that low party participation, and I am sure it exists in the other party as well, I have changed my mind on that.

The third reason relates to whether or not the candidate's name would be on the ballot. Last year, the way the bill was drafted, there was no way that you could put an obvious candidate for President on the primary ballot. This bill says that the Secretary of State can place on the ballot any bona fide candidate, a person who is making statements in the national media. As long as that person looks like a bona fide presidential candidate for the party, his name goes on the ballot. The candidate can have an affidavit to take his name off if he wants to. If we are having a lot of primaries on the same day, you can be sure that anybody who is interested in this job is not going to take his name off the ballot. So, I would suggest that the thing

to do here today is to pass this bill to be enacted.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: It seems that I also have to instruct the gentleman from Augusta in the virtues of pie crust. I would point out to that distinguished gentleman that flakiness is an attribute of the perfect pie crust but not of legislation. I would further remark to this point that it is the bat going up in the air and someone finally grabbing an empty space and it puts the state in a position of merely playing hopscotch, as the gentlelady from Waterville said, with a sister state that has stated their intention that we will not be coming in with them at the same time.

If we decide to go to the presidential primary route, I hope we consider it as a straight-forward bill. The way this one is drawn up, we could even find Mr. Bustin's name in contention and only if he would take it out would we find that we wouldn't have a chance to vote for him.

This is a bad bill and let's give it the bat.

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

Mr. LYNCH: Mr. Speaker, I would like to ask a question. If the Secretary of State can place on the ballot names that he thinks are qualified and viable candidates, doesn't that give the Secretary of State a lot of leeway to introduce some straw man onto the ballot in order to defeat one or more candidates? Is that possible?

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch has posed a question through the Chair to anyone who may answer if they so desire.

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

Mrs. KANY: Mr. Speaker, Members of the House: I will be happy to answer that question. In addition to the Secretary of State placing all those who are notorious national presidential candidates on the ballots, people can have petitions and they would require only 1,000 signatures, so others definitely may get on the ballot.

In addition, I would like to speak to something that Representative Garsoe talked about earlier about pies, about flakiness and I would assert that there is nothing flaky about trying to improve the selection process for the President of the United States. Probably most of us would agree that selecting a president is the single most important decision our democracy makes every four years. An essential part of this decision is the presidential nominating process and that is the main or primary (no pun intended) reason for this bill, increasing citizen participation in the presidential selection process so the people of Maine will have more of a voice in choosing the presidential candidates so they will participate to a greater degree.

Perhaps our caucuses have not been spicy enough. We certainly don't get much participation with just caucuses. Only about 3 percent of Maine's enrolled Democrats went to caucuses last Spring. That is certainly a lot less than the 33 or 43 percent turnouts we have had at the last three state level primaries and a heck of a lot less than the 65 percent New Hampshire gets at every presidential primary. In the Democratic Party, only 140 out of our 500 voting territory even held a Democratic caucus last spring. Maine Democrats elected only 1700 out of the 1823 authorized delegates to the State Convention, and Representative Shute indicated that the Republicans have a similar problem. I think we can do much better than that, much better than a 3 percent turnout, and I believe a presidential primary might help.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: This issue was discussed

pro and con in the committee. There are valid arguments on both sides of the issue, but I think the thing that changed my mind so that I signed this out "ought to pass" was the information that the New Hampshire Presidential Primary is one of their major sources of income to the State of New Hampshire. In fact, they feel so strongly that Maine must be a threat to them, as you remember, they sent four Representatives down to the hearing to oppose our bill.

There was some discussion of putting a self-destruct clause into this bill so that if it didn't produce the income and the greater voter participation we hope it will, it would self-destruct. But we decided that we didn't think this was necessary, because a future legislature, if this does not work out the way we hope it will, they can always repeal it. I do hope that you will let this go on its merry way.

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

Mr. PEARSON: Mr. Speaker, I would like to pose a question through the Chair to Mrs. Kany, the gentlelady from Waterville. That is the same question that Mr. Lynch asked, which she didn't answer — does this bill give the Secretary of State considerable power to put on the ballot many names to lower the chances of a person that the Secretary of State might not want to win.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed a question through the Chair to the gentlewoman from Waterville, Mrs. Kany, who may respond if she so desires.

The Chair recognizes that gentlewoman.

Mrs. KANY: Mr. Speaker and Members of the House: I am sorry if I didn't make it clear enough. Yet, it does give considerable powers to the Secretary of State, because the Secretary of State would be the one with the drafting, the wording on this bill, to decide who was nationally known, noted or notorious for being a presidential candidate for a particular party. But, as I mentioned earlier, too, people, without going to a lot of trouble, 1,000 signatures on a petition could add names. Because of that, I don't think they are just limiting those who will be listed on the ballot to those that the Secretary of State shall decide.

While I am up, I have just one other thing I wanted to mention as far as caucuses, and that is that many people throughout the state are literally being disenfranchised, have no voice at all or are unable to have any voice at all at a caucus as far as selecting the major presidential candidate, and that is because people who are out of town and cannot be present at a caucus have no input. There are those who are incapacitated and unable to attend. In addition, there are many people throughout the State of Maine who are working on split shifts, working in stores that are open in the evening and so on who have no input, no way of participating in a caucus.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Let me also attempt to answer the question from Mr. Pearson and Mr. Lynch. The answer that Mrs. Kany has given is accurate, except that it may be a little misleading. You may think from her answer that the Secretary of State could decide on his own that the Governor of Oklahoma might be someone who would go on the ballot.

The Secretary of State is limited in his selection to people who are running for president, and what it gets around is this business like in the Democratic Primary last time, Henry Jackson was a candidate in one state but not in another state. So the Secretary of State, if Mr. Jackson decided to pass up Maine, the Secretary of State could put Jackson on the ballot. Jackson could then send in an affidavit to take his name off.

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

Mr. BOUDREAU: Mr. Speaker and Members of the House: I voted "ought to pass" on this bill, but my main objection to it was the provision dealing with the Secretary of State. In Section A it says: "The ballot shall include the name of any person who is a member of a political party who has been determined by the Secretary of State, in his sole discretion, to be generally advocated or recognized as a candidate." That was the only problem I had with the bill, and it just seems to me here that we can really get involved in some partisan politics when the Secretary of State is of one party or the other and he is going to use his sole discretion as to who is going to be put on the ballot. That is the only problem I have with the bill.

Another thing which I would like to say, and I think it is incumbent upon me to say this being a member of the committee, talking to the Secretary of State, he has told me this bill will cost \$100,000. Of course, like the gentleman said, we don't need an appropriation this year, but I would think that if we are going to vote for this bill we are essentially saying it is a good bill and we think it is worth \$100,000. As a member of the committee, I think that should be brought out.

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 passage to be enacted. All those in favor of L.D. 249 being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Beaulieu, Berube, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. C.; Bustin, Carroll, Carter, D.; Chonko, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Drinkwater, Elias, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Jacques, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Locke, MacEachern, Mackel, Marshall, Masterton, Maxwell, McBreairty, McHenry, McKean, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Peltier, Perkins, Plourde, Post, Prescott, Quinn, Rideout, Shute, Spencer, Stover, Strout, Stubbs, Tierney, Tozier, Trafton, Truman, Twitchell, Tyndale, Valentine Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Bagley, Benoit, Berry, Birt, Brown, K. L.; Burns, Byers, Carey, Carrier, Churchill, Conners, Cunningham, Dexter, Durgin, Dutremble, Fenlason, Garsoe, Gillis, Gould, Huber, Hunter, Hutchings, Immonen, Jackson, Lewis, Lizotte, Lougee, Lynch, Mahany, Martin, A.; Masterman, McMahon, McPherson, Morton, Palmer, Peterson, Raymond, Rollins, Smith, Sprowl, Tarr, Teague, Theriault, Torrey, Whittemore.

ABSENT — Bennett, Bunker, Carter, F.; Clark, Devoe, Dudley, Gauthier, Hobbins, Hughes, Jalbert, Jensen, Littlefield, Lunt, Moody, Norris, Silsby, Talbot, Tarbell.

Yes, 85; No, 48; Absent, 18.

The SPEAKER: Eighty-five having voted in the affirmative and forty-eight in the negative, with eighteen being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

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

An Act Relating to Dogs Running at Large (H. P. 557) (L. D. 674)

Tabled — April 20, 1977 by Mr. Wilfong of Stow.

Pending — Passage to be Enacted.

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

The Chair laid before the House the following matter:

Bill "An Act to Provide Voluntary Teacher Certification" (H. P. 745) (L. D. 950), which was tabled earlier in the day and later today assigned pending further consideration.

Mr. Goodwin of South Berwick moved that the House adhere.

Mr. Lynch of Livermore Falls moved that the House recede and concur.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Birt of East Millinocket 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 more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

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

Mr. BIRT: Mr. Speaker, we had quite an extensive debate on this bill the other day, and I think after we discussed all the pros and cons on it, we voted against the passage of it, and I would hope that you would hold to that same action this morning.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I suppose some of you might be wondering what 'it' is at this time of day, so I would like to just briefly indicate that this is a bill that would allow, if a particular person requested, for nursery school teachers to be certified by the State Commissioner of Education, and this is to allow those nursery school teachers who wish to certify themselves. It has no effect on any schools or any nursery school teachers who do not wish to be involved, but it does provide a formal way by which nursery school teachers can identify themselves as having achieved certain criteria. They are trying to upgrade their own background, and this is a method that may help them do that.

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

Mr. GOODWIN: Mr. Speaker and Members of the House: The reasons I opposed this measure are many and varied. I hark back to a bill that we had, an issue we dealt with in the last session, in the 107th Legislature.

I would like to just respond to one thing that Representative Henderson has said, that if they really want a voluntary certification program, there is a statewide organization, I think it is the Early Childhood Development Association, that would develop their own standards and have their own certification, voluntary certification program. The reason that I am opposed to having the state do this is that I think we all know full well that once this is done as a voluntary measure, in a couple of years there will be proposals come in here to make it mandatory.

Two years ago, we dealt with a bill to license and regulate nursery schools, which can be anywhere from a little group that wants to have

a nursery school for two hours a day, three days a week, to a full-fledged day care center, and the problem with that is that there are many people — the regulations that the department came in with were about an inch thick and would have probably put half the nursery schools in the state out of business.

I think what is going to happen, this is just a natural progression for any bureaucracy, once they get this step, they go to the next step, and I think if they are really serious about doing something along this line, they have a private organization that could do this very competently and very well.

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

ROLL CALL

YEA — Bagley, Boudreau, P.; Burns, Churchill, Connolly, Cox, Dexter, Drinkwater, Elias, Greenlaw, Henderson, Hunter, Kany, Kelleher, Lynch, Maxwell, Mitchell, Najarian, Nelson, M.; Peakes, Pearson, Rollins, Spencer, Stubbs, Theriault, Torrey, Wood, Wyman.

NAY — Aloupis, Ault, Austin, Bachrach, Beaulieu, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. L.; Brown, K. C.; Bustin, Byers, Carey, Carrier, Carroll, Carter, D.; Chonko, Conners, Cote, Cunningham, Curran, Davies, Diamond, Dow, Durgin, Dutremble, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould; Gray, Green, Hall, Hickey, Higgins, Howe, Huber, Hutchings, Immonen, Jackson, Jacques, Joyce, Kane, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Lizotte, Locke, Lougee, MacEachern, Mackel, Mahany, Marshall, Masterman, Masterton, McBreairty, McHenry, McKean, McMahon, McPherson, Mills, Morton, Nadeau, Nelson, N.; Palmer, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Shute, Silsby, Smith, Sprowl, Stover, Strout, Tarr, Teague, Tierney, Tozier, Trafton, Truman, Twitchell, Tyndale, Valentine, Whitmore, Wilfong.

ABSENT — Bennett, Bunker, Carter, F.; Clark, Devoe, Dudley, Gauthier, Hobbins, Hughes, Jalbert, Jensen, Littlefield, Lunt, Martin, A.; Moody, Norris, Talbot, Tarbell.

Yes, 28; No, 104; Absent, 18.

The SPEAKER: Twenty-eight having voted in the affirmative and one hundred four in the negative, with eighteen being absent, the motion does not prevail.

Thereupon, on motion of Mr. Palmer of Nobleboro, the House voted to adhere.

The Chair laid before the House the following matter:

House Divided Report — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-180) — Committee on State Government on Resolution Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives to 132 Members and Establishing the Size of the Senate at 33 Members (H. P. 85) (L. D. 105) which was tabled earlier in the day and later today assigned pending acceptance of either Report.

On motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of either Report and specially assigned for Monday, April 25.

The Chair laid before the House the following matter:

House Divided Report — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on State Government on Resolution Proposing an Amendment to the Constitution to Provide that the Membership of the House of Representatives shall be Three Times that of the

Senate and that Each Senate District shall be Composed of Three Contiguous House Districts (H. P. 839) (L. D. 1026) which was tabled earlier in the day and later today assigned pending acceptance of either Report.

On motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of either Report and specially assigned for Monday, April 25.

The Chair laid before the House the following matter:

Bill "An Act to Provide County Commissioner Districts in Washington County" (H. P. 1225) (L. D. 1359) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Mr. Tierney of Lisbon Falls, tabled pending further consideration and specially assigned for Monday, April 25.

(Off Record Remarks)

Mr. Jackson of Yarmouth was granted unanimous consent to address the House.

Mr. JACKSON: Mr. Speaker and Members of the House: I will not move reconsideration on "An Act to Provide Minimum Subsidy Payments for Small Administrative Units H. P. 185, L. D. 247. This is a bill that passed as an emergency yesterday, and I think it should be drawn to our attention that there is a price tag on this of \$106,000.

Yesterday, we had a long debate on the Arthritis Foundation and a number of other things with a list of price tags. It bothers me to see a bill go through here without any comment being made on it. I realize it is tempting when things are going nicely not to rock the ship, but I think on school funding bills and bills of this nature, there should be some comment made as to what they are intended to do and the price tag on them.

I don't want to move reconsideration. I voted for it and I think it is a good bill, but I think there should be comment made on it and I hope at this time someone on Education could briefly tell me what this does.

On the disagreeing action of the two branches of the Legislature on Bill "An Act to Provide for Local Hearings by the Public Employees Labor Relations Board," S. P. 27, L. D. 40, the Speaker appointed the following Conferees on the part of the House:

Messrs. BUSTIN of Augusta
ELIAS of Madison
PELTIER of Houlton

On the disagreeing action of the two branches of the Legislature on Bill, "An Act to Amend the Duties of the Commissioner of Educational and Cultural Services Relating to the Teaching of Maine Studies, H. P. 158, L. D. 196, the Speaker appointed the following Conferees on the part of the House:

Mr. WYMAN of Pittsfield
Mrs. MITCHELL of Vassalboro
Mr. LAFFIN of Westbrook

(Off Record Remarks)

On motion of Mrs. Post of Owls Head, Adjourned until two o'clock tomorrow afternoon.