

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Ninth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

**January 3, 1979 to May 4, 1979**

## HOUSE

Monday, March 19, 1979

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

Prayer by the Reverend Linwood Welch of the Ogunquit Baptist Church, Ogunquit.

Rev. WELCH: Let us pray. Our Father in Heaven, this morning we bring these Representatives before you. We thank you for them. We thank you for the work that they have done and for the sacrifices that they have made to be here to care for our state and to represent us. So this morning, Our Father, we hold them up before you. We ask you to lead them and guide them and give them wisdom in their debates and votes on the many pieces of legislation before them this day.

Our Father, as we listen to that beautiful band from Hall-Dale play our patriotic hymn, America, our hearts are thrilled with the fact that we are citizens of the greatest country in the world, the United States of America, and we pray for our land today. Sometimes it is ripped and torn. Our Father, by crime, by sadness, by hunger, and sometimes, Father, even by political corruption in high places. Our Father, we pray for your forgiveness. Help us to know our responsibilities and to perform them daily before thee. We pray in the name of Jesus Christ. Amen.

The members stood at attention during the playing of the National Anthem by the Hall-Dale High School Band of Farmingdale.

The journal of the previous session was read and approved.

## (Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, Mr. Elias of Madison was appointed Speaker pro tem for today's session.

Thereupon, Mr. Elias of Madison assumed the Chair as Speaker pro tem.

The following paper appearing on the Consent Calendar, First Day, was taken up out of order by unanimous consent:

## Later Today Assigned

(H. P. 901) (L. D. 1117) Bill "An Act to Allow State Championship Athletic Teams and Athletes the Right to Participate in New England Championship Events in Competition" (Emergency) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-106)

On the objection of Mr. Kane of South Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-106) was read by the Clerk and adopted.

The SPEAKER pro tem: Is there objection to giving this bill its second reading at this time without reference to Bills in the Second Reading?

The Chair hears objection.

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

Mr. STROUT: Mr. Speaker, I would like to have this tabled until later in today's session.

Whereupon, Mr. Cloutier of South Portland requested a vote.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Corinth, Mr. Strout, that this matter be tabled pending assignment for second reading and later today assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

72 having voted in the affirmative and 31 having voted in the negative, the motion did prevail.

On motion of Mr. Tierney of Lisbon Falls, Recessed until the sound of the gong.

After Recess  
11:05 A.M.

The House was called to order by the Speaker pro tem.

## Papers from the Senate

The Following Joint Order, An Expression of Legislative Sentiment recognizing that:

Kenneth H. Cadigan of Portland, a member of many of Portland's public service committees and organizations, had been awarded the Jefferson Award for public service work by the American Public Service Institute (S. P. 409) Came from the Senate read and passed.

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

Bill "An Act Concerning the Reason for Non-renewal of Policies Under the Maine Property Insurance Cancellation Control Act" (S. P. 392) (L. D. 1196)

Bill "An Act to Exempt Automobile Assigned Risk Policies from the Countersignature Requirements" (S. P. 393) (L. D. 1197)

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

In the House, were referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Prevent Tax Assessors from Assessing Taxes on Their Own Property" (S. P. 387) (L. D. 1195)

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

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

## Non-Concurrent Matter

Bill "An Act to Amend the Method of Appointment to the Advisory Committee on Medical Education" (H. P. 937) (L. D. 1147) which was referred to the Committee on State Government in the House on March 12, 1979.

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

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

## Non-Concurrent Matter

Bill "An Act to Increase Salaries of County Officers" (H. P. 201) (L. D. 227) which was passed to be engrossed as amended by Committee Amendment "A" (H-44) as amended by House Amendments "B" (H-57), "C" (H-58), "D" (H-75) and "E" (H-95) thereto and House Amendment "A" (H-46) in the House on March 14, 1979.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-44) as amended by House Amendments "B" (H-57), "C" (H-58) and "D" (H-75) thereto in non-concurrence.

In the House: On motion of Mr. Tierney of Lisbon Falls, the House voted to recede and concur.

## Non-Concurrent Matter

Bill "An Act to Establish more Convenient Hours to Permit Easier Access to Small Claims Court" (H. P. 302) (L. D. 397) on which the House accepted Report "C" "Ought to Pass" as amended by Committee Amendment "B" (H-86) report of the Committee on Judiciary, and passed the Bill to be engrossed as amended by Committee Amendment "B" (H-86) as amended by House Amendment "A" (H-94) thereto in the House on March 15, 1979.

Came from the Senate with Report "A" "Ought Not to Pass" report of the Committee on Judiciary read and accepted in non-concurrence.

In the House: On motion of Mr. Carrier of Westbrook, the House voted to recede from its action whereby Report C was accepted.

The same gentleman withdrew his motion to accept Report C.

The SPEAKER pro tem: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, I move that we accept Report B.

The SPEAKER pro tem: The gentleman from Westbrook, Mr. Carrier, moves that Report B be accepted in non-concurrence.

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

Mr. GRAY: Mr. Speaker, could we have an explanation of Committee Report B?

The SPEAKER pro tem: The gentleman from Rockland, Mr. Gray, has posed a question through the Chair to anyone who may care to answer.

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

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

The SPEAKER pro tem: The gentleman from Portland, Mr. Joyce, moves that this Bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: We have got to face facts now. Here is a bill that has survived two weeks over the date set for its demise. Here is a bill to add an additional expense of somewhere between fifteen and twenty thousand dollars of an additional burden on the people of the State of Maine.

We have problems with the small claims court. It is handling a great volume of work. The judiciary is well aware of many of its problems.

A year ago, a committee was set up and it is headed by a Supreme Court Justice. This committee is to study and recommend corrections for this particular court. That committee, the Justice has told me, will report on or about April 1. I don't think that we should be tampering with the administration of a court that is already under study and within two short weeks a report from the assigned committee will point out to us the major difficulties they are having with the court.

If there is a nighttime problem, which I don't feel there is, it could be more properly faced up to after we hear the report of the committee. That is why I urge that today we take this bill, indefinitely postpone this bill and all its accompanying papers.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I hope you vote against that motion, but before I go into the reasons why, I would like to answer Representative Gray's question, a very legitimate one — what is Report B?

Report B would call for within each district at least one district court to be available at least one hour one evening per month for the hearing of small claims. It would have an appropriation, as appended by the committee, of \$2,700 the first year and \$3,600 the second year.

This particular bill probably could do more to help the judicial department and the judiciary than anything else at this particular time, when the judiciary is not held in the most esteem by the people of Maine. It could show that the judiciary would be willing to go out of its way to serve the people of Maine instead of just having hours at the convenience of the judiciary. After all, any branch of our government, as far as I am concerned, is really there to serve the people of this state, not to just perform its duties at the convenience of the employees, and this particular report did not go as far as we were willing to do in the House the other day, but I certainly hope that you will support at least this small way of helping the judiciary out in its problems with its public image.

Secondly, Representative Joyce mentioned

that there is a committee to study the small claims court. I happen to be a small claims court fan and I have visited several small claims courts throughout the state and I attended a committee meeting just recently of the committee about which Representative Joyce is speaking, and there are some problems as far as ending up getting payments and so on, and these are among the problems that that committee is dealing with. But, in talking with the administrator, the assistant who is assigned to that particular committee, just the other day I asked if in a subsequent meeting if they had anything, any recommendations before them, that would conflict with Committee Report B, and there is nothing. Furthermore, they are not expecting to report out until the end of May. So I cannot imagine that anything that the Judiciary Committee - this is of the judicial department, not of our legislature - would report would in any way conflict with just trying in a small way in some of the courts throughout the state to allow the working people of Maine an opportunity to use that small claims court. Right now, if they wish to use it, many people have to lose a half a day's work, and as far as I am concerned, that is hardly justice.

The small claims court allows people with disputes revolving around money of up to \$800 to go before that small claims court, and I think that if there is one thing this House should stand for, it is helping the working people of the State of Maine to be able to use the small claims courts which we initiated just for them.

Please vote against the indefinite postponement motion.

The SPEAKER pro tem: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: I would assume that Mr. Gary knows what the answer is now. Actually, all the amendment did, as you know, the bill requested that the court be open one hour per night per month, once a month, and the amendment, somebody came up with the bright idea that it needed a fiscal note, which it probably did, and that is what the amendment is addressing, it puts on there a fiscal note of \$6,300 for two years, not \$15,200. I don't know where that figure came from - not \$15,200, as I just said, that it would cost to run this particular court.

I think the main thrust of this - it is not my bill but I happen to believe it is a good bill - the main thrust is that we do have, especially in my home town and a lot of others, people who work for a living and they work until four or five in the afternoon. They don't have a chance to get to these courtrooms for small claims. As a result of that, what happens is, rather than go to a lawyer and have to pay a sizeable fee, which they are probably entitled to, and they are left with hardly anything, they don't even bother. As a result, people get along without paying their bills and they are not prosecuted.

We had this saying - well, the judges are making their recommendations and they have their committees, let them run their own court. They have got plenty of time to make recommendations, but they haven't got time to go on committees chasing this and chasing that. If they did, if they have been at it for two years, why didn't they come up with it before. The only time you can get them to move is when you put some bills in here that are going to somehow or other affect them or mandate to them that they have got to do something. That is the only time that they move.

They say we are tampering with the court - we are not tampering with the court, we are tampering with the rights of the people, what is it good for then, and if they don't use it, it doesn't cost anything.

What is the solution? Everybody says we can do this and we can do that. What is the solution, let the people that have been hurt with their

own money, just hold onto the bill, and by doing nothing, by their non-feasance they condone the ones that don't pay their bills. I think something should be done about it.

We have bills now and the judiciary can't use the excuse that they aren't going to get paid, because you have bills in here to even pay the inactive or active retired judges, so everybody gets paid. Let'd give the people of this state a chance and we will start off with a small program. If it is good, we will expand it; if it isn't good, when you come back here next time, kill it.

I hope that you vote against the indefinite postponement.

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

Mr. MORTON: Mr. Speaker and Members of the House: The gentledady from Waterville left me a little bit confused this morning. First of all, I have got the impression from somewhere that these courts are frequently open in the evening presently, so I am not so sure why we need to specify this hour, but I would like to address a question to the gentledady from Waterville, if I may, Mr. Speaker. In her remarks she indicated that the court needed - this was going to help the court in some way, and usually when people need help, they ask for it. My question specifically to her is, is this something that the court is asking for?

The SPEAKER pro tem: The gentleman from Farmington, Mr. Morton, has posed a question through the Chair to the gentlemwoman from Waterville, Mrs. Kany, who may answer if she so desires.

The Chair recognizes that gentlemwoman.

Mrs. KANY: Mr. Speaker and Members of the House: The opponents appear to be the judges, if that answers your question. Perhaps the judges are not as politically aware or as close to the people as we are and, consequently, they are not aware of their need to improve their image in their standing with the public.

Now, you, in your particular area, happen to have a judge who seems very interested in working with the population. I know that he has gone out and talked with school children and so on, so if you have a district court open in the evening, you are the only one in the state, as far as I know. It is not the usual thing.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: Just for the benefit of those who might not know, there are 13 district courts in the State of Maine. Each one of those district courts has two or more divisions in it. For example, in Arroostook County, the district court up there has four divisions in it. Under this L. D., the district court is only required to sit one hour per month in the district court. I am not trying to carry this to ridiculous extremes, but the impact of this bill in Arroostook County, for example, would be to have the district court sit one hour per month in one of those divisions, which would mean that to cover all the division, it would be every four months that the district court would sit one hour per month. To make rounds, they would only sit there once every four months.

The other point I would like to make on this legislation is, if we treat the court system as state employees and, in effect, that is the way I consider them to be, if we are going to open up the court system for night hours, then what about the registry of deeds, the probate court and the state office buildings, department of motor vehicles? I think we are setting a bad precedent to get into this, and I prefer that we leave it alone.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I supported this measure the other day with an amendment which would have required every district court, and

there are 33 of them throughout the state, to stay open at least once a month for three hours. The rationale for the bill, as you understand, is to enable people who are not able to get into court to prosecute their own cases or to plead their own cases without having to hire an attorney, they could do so in the evening hours at their convenience when they might not be working.

I can't speak for all areas of the state; I think we have to leave it up to each Representative to cover his or her area, but there is a problem with small claims cases. There is a backlog, at least to my knowledge, in my region of the state, and I do think that some measure that would help open up nighttime hours would help alleviate these cases and these backlogs and permit our citizens to push through these cases.

In many instances, the small claims court and the small claims cases are really - it is the people's court and it is really the only opportunity that many of our citizens actually have and the only access they really have to the district court and to the court system.

I would hope you would oppose the motion and go along with the measure.

The SPEAKER pro tem: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I believe this question could be better handled through the County Bar Association in those counties where a problem does exist. I think the attorneys should approach the judges within their district and bring the matter to the court's attention in hopes that the court, of its own motion, would take remedial action.

Now, in Lincoln County, I have checked with the district judge for the six judicial districts, and I understand he is presently conducting evening hours, that he presently hears small claims and makes his court available to those who need that service outside of the regular working hours. I believe that this is possible within the court framework. It is not necessary for the legislature to mandate such a system throughout the state, particularly where it is not needed.

Mr. Joyce of Portland requested a roll call vote.

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

#### ROLL CALL

YEA—Austin, Birt, Bordeaux, Bunker, Call, Carter, F.; Cunningham, Damren, Dellert, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gould, Gray, Hanson, Higgins, Hunter, Hutchings, Immonen, Jackson, Joyce, Leighton, Leonard, Lewis, Lougee, Lund, MacBride, Marshall, Masterman, Masterton, McMahon, McSweeney, Morton, Nelson, A.; Norris, Payne, Peterson, Reeves, J.; Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Torrey, Wentworth, Whittemore.

NAY—Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Blodgett, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Brown, K. C.; Carrier, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Curtis, Davies, Davis, Dexter, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Fowlie, Gillis, Gwadosky, Hall, Hickey, Howe.

Huber, Jacques, E.; Jalbert, Kane, Kany, Kelleher, Kiesman, Laffin, Lancaster, LaPlante, Lizotte, Locke, Lowe, MacEachern, Mahany, Martin, A.; Matthews, Maxwell, McHenry, McKean, McPherson, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rollins, Soulas, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Vose, Wood, Wyman.

ABSENT—Berube, Elias, Gowen, Hobbins, Hughes, Jacques, P.; Peltier, Rolde, Simon, Violette, The Speaker.

Yes, 55; No, 85; Absent, 11.

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

Thereupon, on motion of Mr. Carrier of Westbrook, Report B was accepted and the Bill read once. Committee Amendment "A" (H-85) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Messages and Documents

The following Communication:

State of Maine

Inter-Departmental Memorandum

March 14, 1979

To: John Martin, Speaker of the House House of Representatives

From: Richard A. Dieffenbach, State Controller Accounts and Control

Audited Financial Statements for the Four Years Ended June 30, 1978

I am pleased to provide you with a copy of the financial statements of the State of Maine for the four years ended June 30, 1978. These Statements were audited by Coopers and Lybrand, independent certified public accountants.

RICHARD A. DIEFFENBACH

jlc

The Communication was Read and with accompanying report ordered placed on file.

#### Petitions, Bills and Resolves

##### Requiring Reference

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

##### Appropriations and Financial Affairs

Bill "An Act to Increase Legislators' Salaries to Eventually Equal the Minimum Wage" (H. P. 1047) (Presented by Mr. Brodeur of Auburn)

(Ordered Printed)

Sent up for concurrence.

##### State Government

Bill "An Act to Increase the Short-term Investment Capabilities of the State" (H. P. 1048) (Presented by Mr. Davis of Monmouth)

Committee on Business Legislation was suggested.

On motion of Mrs. Kany of Waterville, was referred to the Committee on State Government, ordered printed and sent up for concurrence.

##### Business Legislation

Bill "An Act to Prohibit Interlocks of Corporate Banking Positions by Professional Firms" (H. P. 1049) (Presented by Mr. Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

##### Election Laws

Bill "An Act to Clarify the Requirements Relating to Campaign Reports and Finances" (H. P. 1050) (Presented by Ms. Benoit of South Portland)

Bill "An Act to Prohibit Voter Registration on Election Day with Certain Exceptions" (H. P. 1051) (Presented by Mr. Hanson of Kennebunkport) (Cosponsors: Mrs. Hutchings of Lincolnville and Mrs. Wentworth of Wells)

(Ordered Printed)

Sent up for concurrence.

##### Appropriations and Financial Affairs

Bill "An Act to Provide Seed Money to Expand the Provision of Summer Residential Experiences for Maine Children" (H. P. 1052) (Presented by Mr. Kelleher of Bangor)

Committee on Health and Institutional Services was suggested.

On motion of Mr. Pearson of Old Town, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

##### State Government

Bill "An Act to Clarify the Rights and Responsibilities of Institutions to Dispose of Abandoned and Unclaimed Personal Property" (H. P. 1053) (Presented by Mr. Stetson of Wiscasset)

Committee on State Government was suggested.

On motion of Mrs. Kany of Waterville, was referred to the Committee on State Government, ordered printed and sent up for concurrence.

##### Health and Institutional Services

Bill "An Act to Permit a Resident of an Intermediate Care Facility who Receives Aid for the Medically Needy to Give at Least \$250 a Month from His Income to a Dependent Spouse" (H. P. 1054) (Presented by Mr. D. Dutremble of Biddeford) (Cosponsors: Mr. Matthews of Caribou and Mr. Rolde of York)

Bill "An Act to Improve Investment Opportunities for Local Government Units" (Emergency) (H. P. 1055) (Presented by Ms. Lund of Augusta) (Later Reconsidered)

(Ordered Printed)

Sent up for concurrence.

##### Judiciary

Bill "An Act to Clarify the Conflict of Interest Statutes to Include Law Associates and Former Law Associates and to Include both Classified and Unclassified State Employees" (H. P. 1056) (Presented by Mr. Howe of South Portland)

Bill "An Act to Adopt the Uniform Child Custody Jurisdiction Act" (H. P. 1057) (Presented by Miss Aloupis of Bangor) (Cosponsors: Mr. Tarbell of Bangor, Mr. Bordeaux of Mount Desert and Mrs. Payne of Portland)

Bill "An Act to Increase the Good Time Deduction" (H. P. 1058) (Presented by Mr. Fowle of Rockland)

(Ordered Printed)

Sent up for concurrence.

##### Labor

Bill "An Act to Set a Penalty for Employers Who Prevent Employees from Organizing an Employee Organization" (H. P. 1059) (Presented by Mr. Baker of Portland)

Bill "An Act to Provide for Industrial Notification on Plant Closing and Mass Layoffs" (H. P. 1060) (Presented by Mr. Baker of Portland)

(Ordered Printed)

Sent up for concurrence.

##### Legal Affairs

Bill "An Act Relating to Automobile Graveyard and Junkyard Permit Fees" (H. P. 1061) (Presented by Mrs. Damren of Belgrade)

(Ordered Printed)

Sent up for concurrence.

##### Local and County Government

Bill "An Act to Allow for the Implementation of an Optional County-manager Form of County Government" (H. P. 1062) (Presented by Mr. MaMahon of Kennebunk) (Cosponsors: Mr. LaPlante of Sabattus, Mr. Davies of Orono and Mrs. Masterton of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

##### Public Utilities

Bill "An Act to Reduce the Charges for Public Pay Telephones" (H. P. 1063) (Presented by Mr. Michael of Auburn) (Cosponsor: Mr. Davies of Orono)

Bill "An Act to Provide Information Assistance Under the Public Utilities Law" (H. P. 1064) (Presented by Mr. Michael of Auburn) (Cosponsor: Mr. Davies of Orono)

(Ordered Printed)

Sent up for concurrence.

##### State Government

Bill "An Act Relating to membership of Treasurer of State on Boards that Issue Debt" (H. P. 1065) (Presented by Mr. Davis of Monmouth)

(Ordered Printed)

Sent up for concurrence.

##### Taxation

Bill "An Act Defining a Retailer's Sale of Equipment Used on Its Business as a Casual Sale under the Sales and Use Tax Statutes" (H. P. 1066) (Presented by Mrs. Post of Owl's Head)

Bill "An Act to Establish Standard Assessment Procedures for the Tax Laws" (H. P. 1067) (Presented by Mrs. Post of Owl's Head)

Bill "An Act Providing for Administrative Changes in Maine Tax Law" (H. P. 1068) (Presented by Mrs. Post of Owl's Head)

(Ordered Printed)

Sent up for concurrence.

##### Public Utilities

Bill "An Act to Deregulate Intrastate Trucking" (H. P. 1069) (Presented by Mr. Michael of Auburn) (Cosponsors: Mr. Leighton of Harrison, Mr. D. Brown of Livermore Falls and Mr. Reeves of Newport)

Committee on Transportation was suggested.

On motion of Mr. Carroll of Limerick, was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

##### Transportation

Bill "An Act to Exempt Financial Institutions from the Motor Vehicle Dealers Law Licensing Requirements" (H. P. 1070) (Presented by Ms. Benoit of South Portland)

(Ordered Printed)

Sent up for concurrence.

##### Study Report

##### Committee on Transportation

Mr. Carroll from the Committee on Transportation to which was referred the Study Relative to Private Air Strips Pursuant to Joint Order (H. P. 2225) of the 108th Legislature, have had the same under consideration, and ask leave to submit its findings and report that the accompanying Bill "An Act to Provide Moneys for Snow Removal at Private Airports Open to the Public" (H. P. 1043) (L. D. 1194) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Report was read and accepted, the Bill referred to the Committee on Transportation, ordered printed and sent up for concurrence.

On motion of Ms. Lund of Augusta, the House reconsidered its action of earlier in the day whereby Bill "An Act to Improve Investment Opportunities for Local Government Units," House Paper 1055, was referred to the Committee on Health and Institutional Services.

On motion of Mrs. Prescott of Hampden, tabled pending her motion to refer to the Committee on Health and Institutional Services and later today assigned.

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair would thank the gentleman from Madison, Mr. Elias, for

acting as Speaker pro tem.

Thereupon, the Sergeant-at-Arms escorted Mr. Elias to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

#### Orders

An Expression of Legislative Sentiment (H. P. 1044) recognizing that:

Lisa Ellen Flanagan, a junior at Deering High School of Portland, has won first prize in the 16th annual statewide "Ability Counts" writing and survey contest sponsored by the Governor's Committee on Employment of the Handicapped

Presented by Mrs. Payne of Portland.

The Order was read.

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

Mrs. PAYNE: Mr. Speaker, Ladies and Gentlemen of the House: My friend and neighbor, Lisa Flanagan, a 17 year old Deering High School junior, is first prize winner in the 16th annual statewide "Ability Counts" essay contest.

This is sponsored by the Governor's Committee on Employment of the Handicapped and is open to all juniors and seniors of the state.

For her report on this years theme, "A Ramp is a Step Ahead," Lisa will have an expense paid trip to Washington to attend the President's Committee on Employment of the Handicapped and will receive a \$100 Savings Bond. Her report has now been entered in the national competition.

Lisa is a member of the Deering High School Group Council, captain of both the girls' varsity track and field hockey teams and a student member of the School Department Affirmative Action Committee.

For the first time since the initiation of the contest in 1963, all eight prize winners come from one school. Deering High School: Lori Lynn Drummond, Robert Gordon won second and third prizes and honorable mention went to Andrew Aslam, Michael Wilson, Ann Harrisburg, Barbara Christie and Wendy Linscott. Each will receive a certificate of merit and a Savings Bond at the Governor's award ceremony here in the near future.

I am sure that the others of the Portland delegation join members of the House in congratulating Lisa, her schoolmates and their English teachers.

Thereupon, the Order received passage and was sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1045) recognizing that:

Raymond C. Cotton on March 3, 1979, completed 50 years of loyal and efficient service as Town Clerk of Hiram

Presented by Mr. Kiesman of Fryeburg (Cosponsor: Senator Sutton of Oxford)

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

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Georgetown Berube of Lewiston be excused March 16, March 19, and March 20, 1979 for personal reason.

AN BE IT FURTHER ORDERED, that Representative Paul Violette of Van Buren be excused March 19 and March 20, 1979 for personal reasons.

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

Mr. Brennerman from the Committee on Taxation on Bill "An Act to Provide that the Rate for Delinquency Charges for Property Taxes shall be no Greater than 3% of the Rate of Municipal Borrowing" (H. P. 634) (L. D. 785) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 22, and sent up for concurrence.

#### Leave to Withdraw

Mr. Wyman from the Committee on Labor on Bill "An Act to Revise the Occupational Safety and Health Law to Conform with Federal Requirements" (H. P. 187) (L. D. 234) reporting "Leave to Withdraw"

Mr. Fillmore from the Committee on Labor on Bill "An Act to Extend Collective Bargaining Rights to County Employees" (H. P. 186) (L. D. 237) reporting "Leave to Withdraw"

Mr. Wyman from the Committee on Labor on Bill "An Act to Provide that any Work Over 8 Hours in One Day shall be Compensated by 1½ Pay" (H. P. 217) (L. D. 265) reporting "Leave to Withdraw"

Mr. Pearson from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating \$1,500 for the Pink Panthers of Millinocket to Represent Maine in the Cherry Blossom Festival" (Emergency) (H. P. 555) (L. D. 702) reporting "Leave to Withdraw"

Mr. Carrier from the Committee on Judiciary on Bill "An Act Relating to Right of Entry on Lands" (H. P. 418) (L. D. 515) reporting "Leave to Withdraw"

Mr. Hunter from the Committee on Transportation on Bill "An Act to Require Slow-Moving Vehicles to Display Slow-Moving Vehicle Emblems while Operating on Maine's Highway" (H. P. 359) (L. D. 465) reporting "Leave to Withdraw"

Mr. Marshall from the Committee on Taxation on Bill "An Act to Provide for a Tax Credit for the Gas Tax Relating to Taxicabs" (H. P. 715) (L. D. 888) reporting "Leave to Withdraw"

Mr. Leonard from the Committee on Taxation on Bill "An Act to Change the County Tax from a Property Tax to an Income Tax" (H. P. 567) (L. D. 715) reporting "Leave to Withdraw"

Mr. Brennerman from the Committee on Taxation on Bill "An Act Concerning Registration Fees for Persons Appearing Before County Commissioners for a Tax Rebate" (H. P. 400) (L. D. 507) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

#### Referred to the Committee on Judiciary

Mr. Rolde from the Committee on Education on Bill "An Act Concerning the Powers of the Board of Trustees and the Treasurer of the University of Maine and Concerning Real Property Belonging to the University" (H. P. 793) (L. D. 1001) reporting that it be referred to the Committee on Judiciary.

Report was read and accepted and the Bill referred to the Committee on Judiciary and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-97) on Bill "An Act to Increase the Permissible State Discount to State Agency Stores to 12% Under the Alcoholic Beverages Statutes" (H. P. 88) (L. D. 100)

Report was signed by the following members:

Messrs. FARLEY of York  
SHUTE of Waldo

— of the Senate

Messrs. DUDLEY of Enfield  
VIOLETTE of Van Buren  
CALL of Lewiston  
DELLERT of Gardiner

Miss GAVETT of Orono

Messrs. McSWEENEY of Old Orchard Beach  
SOULAS of Bangor

Ms. BROWN of Gorham

Mr. STOVER of West Bath

— of the House

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

Report was signed by the following members:

Mr. COTE of Androscoggin

— of the Senate.

Mr. MAXWELL of Jay

— of the House.

Reports were read.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: This happens to be my bill and you might wonder why I signed the "Ought Not to Pass" Report, the reason being that I was very unhappy with the Committee Amendment. The Committee Amendment would allow agency stores to charge an extra fee, especially after the other stores had closed. I think had we gone to a certain figure, a certain amount of money that they would be making, we would be better off.

I am not going to make a motion, I just wanted to explain the reason why.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I would move that we accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from West Paris, Mr. Immonen.

Mr. IMMONEN: Mr. Speaker, Ladies and Gentlemen of the House: I have been a member of the Liquor Control Committee for the past four terms. During the first three terms, there has been the introduction of the concept of state agency stores. Finally, we adopted that four years ago. This was considered to help serve the customers in the smaller communities that were a distance from the larger liquor stores and also to open some of these agency stores in the small communities where it wasn't a paying proposition, high labor costs and the rental costs.

The Vermont model was often explained. This law was written to allow 8 percent discounts for these agency licensees. This was seen as an ideal compromise. Soon after, it was found that this was only a foot in the door for developing other ideas. Certain agency stores were arranged in the far distant trading areas and the closing of state stores with high operating costs. Then they closed stores in Scarborough and Saco, which I do not consider far away, disadvantaged areas and is some towns, two competing agency stores were placed.

We members of the legislature were taken in. I presume there were product channels down to other interpretations, which we will not discuss now.

Two years ago, a bill came in to increase the allowance of 12 and even 15 percent. The general feeling was that agency stores had willingly accepted these contracts at 8 percent and an increase would not be needed. I suppose some would plead their case but it worries them, the savings for the state and the customers and it would show that the agency store provision is a gimmick, to close state stores regardless of cost factors involved in less populated areas. Yes, I said a foot in the door approach. If the present agency system does not work as profit business drawing card, they can give it up and the state can re-established the stores which had worked well for 40 years.

The State of Vermont, that was used as a model by the former director of the Alcoholic Beverages, gets along with a 4 percent markup discount system.

I believe there is a hearing this afternoon to set up a one-price system and stop the two-price system at the Kittery Liquor Store, which was set up to compete with New Hampshire. Should we accept this bill a third layer would be set up for liquor prices? I wish to support the "Ought Not to Pass."

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I would move indefi-



nite postponement of this bill and all its accompanying papers.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to take issue against my good friend Mr. Maxwell of Jay, but I just want to give you an idea of exactly what happened in the committee.

When we heard the bill, we had many proponents for the bill, people who owned agency stores. Just to explain to you the reason why agency stores were first established, they were not to be in competition with any liquor stores but they were to take care of a need for people who did not have a liquor store nearby. For that reason, the agency store was first established.

The rate is established by the state and that is 8 percent discount price to the agency stores. The bill was received very unfavorably, the committee was ready to vote the bill completely "Ought Not to Pass," so we decided to come up with an alternative and this was a compromise. The compromise was to allow the agency stores up to 3 percent over and above the price that they pay if they wanted to do it. They do not have to do it but if they so desire, they can take it upon themselves to do this.

Many of these stores operate very late hours and it is a necessity for people who are looking for a kind of liquor or what not to buy at that time. We felt that if they want to do it, they can do it; if they don't want to do it, they don't have to do it. So, if the sponsor feels that he doesn't want to give these people the opportunity, then I would urge you to vote for the indefinite postponement.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Bangor is absolutely correct, this is a compromise. The only thing that is being compromised here is, who is going to subsidize the profit for these agency stores? The bill would have required the state to subsidize the 3 percent difference and the only problem is that this ran into a little bit of money and, obviously, in a time of economic constraint that we are in, it would not be received too well that the state subsidize these agency stores who got involved in this process knowing full well that percent at which they would operate at below cost is 8 percent — they know that when they got involved.

Being the natural order of things, they wanted more money, so they came to us with this bill. The bill says the state is going to subsidize 3 more percent. The committee comes out with a compromise saying, no, the state won't do it, we will have the individual buyers, the public in general, pay for an extra 3 percent above cost.

Well, I think the gentleman from West Paris, Mr. Immonen, stated it very well and I want to reiterate it for those of you who may not have heard it. That is, these people operate under the knowledge that they were going to be operated at 8 percent and this is considered a lead item, this is to help draw people into the stores, it was not intended to make a large profit.

The foot is in the door, as the gentleman has already stated, to have this become a money-making venture. The agency store concept is not and was not intended for that and it is being slowly changed so that it becomes a money-making profit venture for those agency stores.

If you believe in the philosophy that why these things were initially passed, you will oppose the bill. If you are opposed to the state subsidizing the extra 3 percent, you will oppose the bill. If you are opposed to the public picking up the 3 percent increase, you will oppose the bill. In other words, I hope you will oppose the bill.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Jay, Mr. Maxwell, that this

Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

97 having voted in the affirmative and 12 in the negative, the motion did prevail.

Sent up for concurrence.

#### Consent Calendar

##### First Day

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

(H. P. 459) (L. D. 572) Bill "An Act Relating to Fatal Motor Vehicle Accidents" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-103)

On the objection of Mr. Carrier of Westbrook, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-103) was read by the Clerk.

On motion of Mr. Carrier of Westbrook, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.

#### Consent Calendar

##### Second Day

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

(S. P. 128) (L. D. 306) Bill "An Act Relating to Appropriation of Funds for Assistant District Attorneys" (C. "A" S-37)

(S. P. 119) (L. D. 228) Bill "An Act to Remove the Sunset Provision on the Tort Claims Act" (C. "A" S-38)

(S. P. 148) (L. D. 325) Bill "An Act Relating to Self Employee Workers' Compensation Insurance Coverage"

(H. P. 326) (L. D. 403) Bill "An Act Relating to Identification of Motor Vehicles used to Transport Handicapped Persons"

(H. P. 405) (L. D. 509) RESOLVE, Appropriating Funds for State Share of Access Bridge in the Town of Medford

(H. P. 168) (L. D. 199) RESOLVE, Providing for a Study to Reexamine the Location of an Additional River Crossing in the Town of Skowhegan

(H. P. 212) (L. D. 260) Bill "An Act to Increase the Personal Needs Allowance for Recipients of State Supplemental Income Residing in Adult Foster Homes and Boarding Homes" (C. "A" H-98)

(H. P. 338) (L. D. 437) Bill "An Act to Increase the Size of the Human Services Fraud Investigation Unit" (C. "A" H-99)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were 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 Making Additional Appropriations from the General Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government" (Emergency) (H. P. 1007) (L. D. 1169)

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

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: In this bill, it is said to be an emergency, there is a part of it that I wish someone in a better position than I am could explain a part of Part B. One thing I want you people to realize is, what they are asking for in regards to the spruce budworm funding, 60 percent of the funding comes from the landowner. Let me assure, when you say 60 percent of the landowners, that means a great deal of the land will never be sprayed. A great deal of my district is being assessed every year to pay for

this and we never have been sprayed and there is no hope of us ever being. This is the part that I am very much against, so I am asking you folks to vote against this bill.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would not vote against this bill. Part B is part of this bill. This particular bill is the emergency appropriations act that would keep the store open for the state until June 30 of this year. It contains a great many items, one of which is the spruce budworm funding, which the gentleman from Sangerville, Mr. Hall, referred to.

I would like to address myself to the point that he made after I think I have sufficiently impressed you with the fact that this bill has many, many, many more items in it than just that and that it is going to require a two-thirds vote in order to pass for enactment.

He has suggested there were people in the area where the spruce budworm has been infesting for several years who are not sprayed and who do pay into the spruce budworm program — that is true. But remember, if you spray an area, one area of spruce budworm, and another area isn't sprayed, that area does receive the benefit from that spraying whether it is sprayed or not, because it makes an attempt, successfully we hope, in alleviating the problem of spruce budworm whether it is sprayed in that area or not. So, it is not as simplistic as whether you are sprayed or not. You know, it has an effect. I can't think of an exact parallel right now, but I suppose education could be one. If you educate somebody in southern Maine and they come to the legislature, it affects northern Maine, too.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I would just further that point a little bit, just focus your attention on the last page under Section 7, and you would notice that the third paragraph down, what we are trying to do in that whole section is to ask the Department of Conservation to come up with a study by January 1, 1980, to look into this problem, not only with alternatives to spraying but also ways that you might allow people — and that third paragraph states "you might allow those landowners the maximum freedom to participate or not to participate." So, we have looked at this problem, we understand it, I hope, and I think that to vote against this bill because of that one section would not be wise on our part, and I would hope that you would let this bill go and also look at that section and see that we are trying to address this problem next January.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I would suggest to the House Chairman of the Appropriations Committee have he have an amendment prepared that would delete the section on spruce budworm, because I feel fairly confident that there are sufficient votes in this House to kill the bill entirely when it comes to enactment if that provision is in there.

I agree that there are a number of things in this bill that do need to be enacted into law, and I would be most interested in supporting them if it were not for the fact that the spruce budworm program is included herein.

I will be voting against this bill when the time comes for enactment. I think there are at least 50 other members in this House who will be doing likewise. If you want to fund the store, get this part out.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat distressed to hear that my neighbor from Orono would be voting against this bill because of the

spruce budworm, because as he very well knows, there are very many people in his community who work in the pulp and paper industry in the City of Old Town. That pulp and paper industry is absolutely dependent upon spruce wood products of this State.

I might point out to you while I am on my feet that a third of all the dollars in this state that are paid out for payrolls come from the pulp and paper and lumber industry in this state, and that turns over many, many times. The gentleman from Millinocket is nodding his head; he knows very well that is true. This forest industry is the backbone of this state, whether you like it or not. There is no industry in this state that is any more important to us, and to say that you are going to cut out the funds, what little they are, state funds, and hurt this industry, I think is travesty.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think the House Chairman has spoken very well on this. I briefly would add my comment.

We had a very good — the gentleman from Aroostook, Mr. Smith, the gentleman from Windham, Mr. Diamond, and the gentleman from Farmington, Mr. Morton, as a subcommittee on this. I am very sympathetic to the gentleman from Sangerville, Mr. Hall. I understand his problem. It has been brought to my attention. As a matter of fact, I am involved in the same problem myself, not personally but through marriage, and it is hurting me too. I am sympathetic to it and I want to see this thing straightened out.

However, there are things in this document, and I am addressing myself to the gentleman from Orono, Mr. Davies, there are things in this gem that I didn't exactly buy with open arms. So if you are going to start counting up, you can expect company, and sometimes I can be pretty good company.

I bought and I bought because I don't want to spoil the program. You just don't mess around with an outfit that has gone into a billion dollars of expansion in the last few years.

I have stood here and you gentlemen from the county well know that I hollered loud and long for many years — you are messing around with the number one industry, the potato industry. It has gone down now from number one to elsewhere. We have got the paper industry. I think the House Chairman, the gentleman from Old Town, Mr. Pearson, has put his finger right on it. We buy things we don't like. We buy Portland programs; we don't get anything out of it. We are told there is so much money. The first thing you know, they are five, six, seven times the amount and we don't say anything because we want to keep some other items, we want to keep the store open.

I like a promise. Let's say I'll take the comments of the gentleman from Orono as a threat and let's say that this is knocked off, I promise you that I am sticking my nose into this thing.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question to anyone who could answer concerning this excise tax that is being raised, in one case on soft woods from 38 cents to \$1.24 an acre and on mixed woods from 19 cents to 62 cents an acre. Does this relate to all parcels of land? Is there any minimum size that is exempted? Would this, for example, relate to people in York County who own parcels of land or woodlots?

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

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: The answer to that question, there is a seven million acre parcel of land which is called the spruce spraying pro-

ject area of which York is not a member. Last year, we sprayed about a million acres or a little bit more. This year, we are spraying 3.5 million acres. And to answer your question regarding the cost of that, it is going from 37 cents to \$1.24 because of the increased acreage.

A little history — last year, the second session of the 108th, we repealed, if you remember, in the unorganized territory all the 10 or 13 mills, whatever it might have been, and started all over. When we did that, we caused somewhat of a problem in that the State's General Fund was kicking out \$464,000 of which no money was coming in to pay for that. So we added 9 cents to \$1.15, which makes it \$1.24, and that is the reason why we went to 37 cents to \$1.24.

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, if I could, answer in part what our gravest problem has been. Since 1954, a program like this has been continued. It has been my experience since I have been on the forest policy program to listen and to listen in great depths to how the large landowners cried and how I, representing the many small landowners, have tried to defend what we need. Anytime we have a spraying of our land, we have had to take it out of our own pockets. The biggest thing in this whole budget is allowing the federal government to come in again and again and again with \$4 million more this year to pick up a tab that Don Hall or any of the representatives or any of those small landowners aren't going to get 5 cents out of it. Do you think that is fair?

You think about industry, my friend Mr. Pearson, I would like to inform you that nobody else gets the profits either, just the companies. I have no problem with them, if they wish to spray their land, that is their prerogative, but don't ask me and don't ask the many many people that are never going to be sprayed to pick up a part of the tab. That is what I am saying here, and how they could put something in a bill like this to get the rest of it is beyond me.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: There was a subcommittee of the Appropriations Committee which looked in depth into the spruce budworm problem, and I feel confident that as we went into that program and studied it, there was no feeling that spruce budworm spraying should be continued necessarily, but we did learn what they do. By the way, I hope you all recognize the fact that the spruce budworm suppression program does not and is not designed to kill spruce budworms anymore, as it was in its initial stages, it is designed to keep the forest alive so that there will be time available to harvest the timber that is causing the problem, the fir timber in the spruce budworm forest. It is called a spruce budworm, I don't understand why necessarily, because it really feeds a lot on fir and that is what causes the problem, but that is a little bit beside the point.

Since 1976, we have had this spruce budworm suppression program. It is ongoing and it is due to sunset in 1981. The question always comes up, should we spray or not?

Every one of us on the subcommittee has become convinced that the necessity to spray exists at the present time and it probably will exist for another year at least. We have every support from every direction, from the federal forest service, from the state forest service, from the natural resources council, they all agree that the physical act of spraying is necessary, even though you may want to switch completely from spraying as soon as possible. Only by keeping the forests alive are you going to have trees there to practice silver culture on when you do stop spraying.

We are convinced, number one, that spraying

is essential. Number two, the big question is, who pays for it? Well, I want to assure you that although this points up \$3.2 million, the actual state general fund dollars that are going into this, new money in this bill, is something in the order of \$275,000. The other \$180,000 was paid in last October from the spruce budworm suppression fund and from the funds that the gentleman from Windham, Mr. Diamond, described. The balance of the money comes from — and this is an \$11 million program now — the balance of the money comes from the federal government, \$4 million, and from the landowners approximately \$6.5 or 6.8 million.

Those landowners are in the spruce budworm district by law, which was passed back in 1976, and the decision as to which acres get sprayed and which do not is not up to the landowners, it is up to the State Department of Forestry, the Forestry Bureau. That is where the decision as to what to spray is made, and it is made on the basis of scientific studies of the area, the infestation of the budworm, how it is progressing. It is the decision which is made on a basis which is not designed to help or hurt anyone. It is designed to preserve the resources of the State of Maine. That is why it is not possible to keep from spraying some acres or for failing to charge for some that are being sprayed. They change from year to year. They have changed since the inception of the program.

Now, I hope you all heard what Mr. Diamond said, I forget whether it was Mr. Diamond or Mr. Pearson, with respect to what the plans are for the future, because we were very careful this time not only to structure everything possible into this at the expense of the landowners so that the state was exposed to no more than the Governor recommends, and I want you to realize that this is highly recommended program by the Governor of this state and the Congressional Delegation in Washington supports it one hundred percent and has done their utmost to insure that we get the federal funding this year.

The important thing is that we are trying to turn the thing around, and in so doing, we have specified in Section 7 that the department will, by January 1, 1980, come up with a plan, and I think it would be unconscionable and irresponsible today or in the future when it comes to the enactment stage of this bill — irresponsible, I say, to cut this out of the bill.

I hope you will go along with the engrossment today and the enactment by a resounding vote when it comes up for enactment.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the gentleman from Farmington, Mr. Morton, for the fine explanation. He explained it to us in the Republican caucus which we held this morning. I listened to him then and I have listened to him now, and I know that he means well; however, I think this is a rip-off to the taxpayers of the State of Maine — \$11 million again this time. This is the fifth year I have been here, and every year we are hearing the same old story — \$10 million or \$11 million. Would Mr. Morton please tell us how many million dollars has been expended for this program? I understand that they are studying it and I understand that they think it will come to a close and I think it will be great when it does close, but, another \$11 million, ladies and gentlemen.

I am sorry, but I have to vote to oppose this, because I know that there are other parts of this L. D. which I would like to vote for, so I am just explaining in advance why I will be voting against this.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Farmington, Representative Morton, and Representative Pearson, I think, and Representative Diamond have done an excellent job in



explaining to you why the committee took the position it did.

We know, and it has been mentioned, that spruce budworm is a problem that is not going to go away overnight. It has also been mentioned that it would be an irresponsible action if we did not fund this program at this time. If we don't fund this program, let me assure you that the ramifications will be great and they will be felt throughout the state.

Mention has been made that the small landowner does not benefit from this program. I beg to disagree with those who hold that position. The small landowners within the area and outside the spray area will benefit from this program in that they are able to sell their wood to the paper industry. If you cut off this program by not funding it this year, all of these small landowners who have a woodlot, who have been selling to the paper companies, will lose their market overnight. It, indeed, would be irresponsible on our part if we did not fund this program and see it through its termination in 1981.

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

A vote of the House was taken.

103 having voted in the affirmative and 18 having voted in the negative, the Bill was passed to be engrossed in concurrence.

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1979 (Emergency) (H. P. 1008) (L. D. 1170)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1979 (Emergency) (H. P. 1009) (L. D. 1171)

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

#### Amended Bill

Bill "An Act Relating to Filing Abstracts of Divorce Decrees with Registry of Deeds" (S. P. 104) (L. D. 201) (H. "A" H-101 to C. "A" S-28)

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

#### Passed to be Enacted

An Act to Require that Heads of State Agencies Report to the State Auditor any Suspected Improper or Illegal Financial Activity in their Agency (H. P. 195) (L. D. 244) (C. "A" H-53)

An Act to Clarify the Law Relating to the Maine Criminal Justice Sentencing Institute (H. P. 281) (L. D. 359) (C. "A" H-80)

An Act to Revise the Laws Concerning Fire Exits (H. P. 314) (L. D. 420)

An Act to Include the Fire Chief or his Designee in Filing Statements of Fire Occurrence (H. P. 439) (L. D. 556)

An Act Relating to Certification of Plumbing Inspectors (S. P. 154) (L. D. 372)

An Act to Amend the Safe Drinking Water Act (S. P. 155) (L. D. 330)

An Act Providing Funds for Young Women's Christian Association Fair Harbor Shelter in Portland (S. P. 194) (L. D. 461) (C. "A" S-27)

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

#### (Off Record Remarks)

##### Orders of the Day

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

Bill, "An Act to Increase the Minimum Wage to \$4 Per Hour" (H. P. 26) (L. D. 43) — In

House, Passed to be Engrossed as Amended by House Amendment "D" (H-89) on March 14, 1979.

— In Senate, Senate Adhered to Passage to be Engrossed as Amended by Senate Amendment "A" (S-29) on March 15, 1979.

Tabled—March 16, 1979 by Mr. Laffin of Westbrook.

Pending—Motion of Mr. Wyman of Pittsfield to Recede and Concur.

Thereupon, on motion of Mr. Wyman of Pittsfield, the House voted to recede and concur.

#### (Off Record Remarks)

On motion of Mr. Wyman of Pittsfield, Receded until four o'clock in the afternoon.

#### After Recess

4:00 P.M.

The House was called to order by the Speaker.

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

Bill, "An Act to Test an Open Season on Moose for a One-year Period" (S. P. 42) (L. D. 28) (S. "A" S-32 to C. "A" S-26)

Tabled—March 16, 1979 by Mr. Dow of West Gardiner.

Pending—Passage to be engrossed in concurrence.

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

Mr. DOW: Mr. Speaker, I move passage to be engrossed.

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

Mr. KELLEHER: Mr. Speaker, an inquiry? What priority at this time does the motion to indefinitely postpone have?

The SPEAKER: The motion to indefinitely postpone over the motion to engross would have priority.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The Maine moose, and we are fortunate today to be able say on the floor of the House that we do have moose in the State of Maine. From what I understand from department estimates, the herd is somewhere in the vicinity of 17,000 to 19,000 moose in the state.

Last year there were 200,000 licenses issued in the State of Maine to hunt deer, and I dare say that each of us who are representing a portion of this state in this body, hunters came from our representative areas. An interesting point to ask of your hunters in your respective areas is, how many of the 200,000 hunters in this state had an opportunity to see a moose? How many people in the State of Maine, and there are over a million of us, had an opportunity to see that beautiful and noble and big game beast here in the state? Very few — and the reason why there are very few — and the reason why there are very few is because the Maine herd, even though it is estimated between 17,000 and 20,000 in this great and broad and beautiful state of ours, is not seen by that many people.

When the law went on moose in 1935, it went on because it was an endangered species and the wisdom in the Maine Legislature at that time was to preserve and protect and give Ed Kelleher an opportunity, and everybody else in the state twenty years from then an opportunity to see this great and noble animal.

The Inland Fish and Game Committee has come out with a bill that would issue 700 permits to hunt the Maine moose, and I suggest to you that I think it is an absolute lottery system to generate money for the Fish and Game Department if, in fact, this House is going to allow us to go and not shoot the Maine moose but to slaughter it. The Maine moose is just like a cow in someone's pasture on the farm. David slew Goliath with a slingshot. I suggest that if this bill ever gets to a point of passage, we would

probably be better off if we gave the hunter a broad axe to slaughter this beautiful animal.

The Fish and Game Department says that we should have a harvesting practice in this state on the Maine moose. I might suggest that we have one now — we have had two or three types of harvesting programs for the Maine moose for the past 25 years. One is, and I am sure that it will be brought out in the debate today, that our friend across the border in Canada, when their moose season is on, they call the Maine moose across the border and they are shot in Canada. I might suggest that some of those moose, if they do call them across, perhaps came from New Brunswick in the beginning. That is harvesting number one.

Nature, in its way, harvests itself through disease and through predatory animals when the moose gets weak. So let's say that the Canadians might shoot 200 or 300 moose, let's also say that disease captures another 200 moose, and then we have the third harvesting method that has been in the State of Maine for a number of years and that is the poacher. We all know who the poachers are. They are those friendly fellows that need to shoot the moose to feed their families. That is what everybody keeps telling us. They don't do it to sell the moose, they don't do it for the sake of killing it but because they need it to feed their families. Let's say they harvest 300 to 400. We have three harvesting programs now — Canadian nature and the poachers. Let's say that they shoot or harvest somewhere 800 to a 1,000.

The biologists tell us that there are only 17,000 to 20,000 of them in this state. Of course, they like to narrow it down, they want to narrow the region down in the state that you can only hunt where the big woods are, the great woods of the State of Maine. Well, that is where the moose are going to be. They are not going to be on the streets of Bangor and they certainly are not going to be on the streets of Portland and, unfortunately, there are not enough of them in York County.

I think the State of Maine, through its elected Representatives in this body, in the past 12 years that I have been here, and I believe the moose bill has been around for at least 16 or 18 years, it has held a public referendum in this House very session, and each and every session, with the exception of the last one, although there was a veto message sustained here, the Maine House of Representatives has voted consistently against passing a moose bill.

We are all aware of what happened in the other body, but I would like to think because there are more of us in this body, that we are closer to our constituents on a one-to-one basis.

I would hope that this House would not pass the Maine first open season on moose in the State of Maine for this year simply because I want the youngsters of the future, in the State to have an opportunity to see the Maine moose 20 years from now.

I have hunted, not as extensively as some of you I am sure, but I have hunted the Maine woods for the past 20 years, and I can count on my right hand the number of moose that I have seen, and most of those were in Baxter State Park.

I move that this bill and all its accompanying papers be indefinitely postponed. I would request the yeas and nays when the vote is taken.

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: I want to make a couple of corrections and point out a couple of things. I will try to keep it brief.

First, the herd is estimated to be, as Mr. Kelleher said, between 16,000 and 20,000, but that is in the zones where we are allowing them to hunt, not the whole State of Maine. There are supposed to be that many in that particular area. Also, as he noted, this is for 700 permits only, and the Province of New Brunswick has had a moose season for 19 years now. Last

year, they had 4500 qualified permits, ours is 700, they had 4500; they harvested 1500 moose. So, I would say under that, being the same type of conditions that ours is, we would harvest maybe 500, 400, instead of the 700.

I would ask you to vote against the indefinite postponement of the bill and let us have a one-year experimental season.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief. Like my good friend from Bangor, Mr. Kelleher, we arrived at these hallowed halls about the same time and we have, every year since then, or every other year, battled for the majestic moose. As I think back to some of the great speeches that have been made — Mr. McNally, ex-Senator McNally read a long poem one time; I addressed the question one time with an article out of the magazine from John Hopkins that dealt with the decimation of game on the Sanghetti Plain, the decimation of the whales around the world and, of course, the greatest predator of all, and I am going to try to prove it to you in a moment, is man. Things left to the natural scheme of things, they tend to survive pretty well.

My good friend Mr. Kelleher mentioned that there were 200,000 licenses and let's forget the moose for a moment. How many of those people saw a deer in the woods? Here we are, we are all hot to get the moose and we partially have decimated the deer herds. You have heard testimony in here that the coyotes are getting them, the dogs are getting them and they are being caught in snares, traps and there is no food, but the problem is man. It is man that is killing off the deer herd.

For those good folks, and I will try to be brief, who are worried about the economic impact, the economic impact of the sports coming and going into this lottery — of course, the poor fellow in the backwoods of Maine won't get a chance but he will go out and kill his moose anyway, I guess — let's save the moose herd until the deer are gone. Let's keep one check in the bank, let's save the moose and then maybe we can close the season on the deer and we could kill off the moose and build the deer herd up and kind of balance our resources that way.

So, I hope you do go along with my good friend Representative Kelleher from Bangor and indefinitely postpone this bill this afternoon.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I will admit what Representative Kelleher said — probably he hadn't seen more than a handful of moose around the Bangor area but if he travels to the northern portion of the State of Maine, in Region one and two, there are several thousand moose up there.

This season doesn't open until 1980, and also it has been rumored that the drawing will be held in the fine city of Bangor, which will attract a large attendance there to witness this public drawing.

One of the old time guides up in the northern part of Maine stated, when are they going to wake up down there in the Fish and Game Department and decide to close the deer season up here and open it up on moose? He said, my hunters go out and see more moose than they do deer.

So, I certainly hope that you won't move to indefinitely postpone this piece of legislation.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: My good friend Representative Kelleher has not done his homework. I submit to you that this bill was not a department bill. This 700 kill and a great bit of this bill was a bill that I put in before the commit-

tee. The rest of the bill was a portion of the bill put in by Senator McBreairty and the bill came out under Senator McBreairty's name.

I sent a copy of the bill to the department prior to the start of the session and the department did not respond to my letter. I left the bill as it was. They had no comments to make; they did come down and testify at the hearing.

As my good friend Representative Churchill has told you, you have to go out in the woods if you are going to see a moose. He said he hadn't seen a handful of moose or he could count them on one hand, and I will tell you what, I can count on one hand the moose that have been killed by a car in the past two or three weeks just up in my area. There are many, many moose in the woods. Up in the northern part of the state, which the bill affects, we have from 15,000 to 19,000 and that is correct.

Traditionally, yes, the moose bill has not been passed by this legislature. Last year, we turned around and we did pass it and the Governor vetoed it and the veto was sustained, but I will tell you this, if we didn't try something new, we would still be back in the stone ages. We wouldn't even have automobiles. So, we need to try something new.

As far as the deer herd goes, I can take you to places up in my area, around the Madawaska Lake area, up the Blackstone siding area, and I can show you why there are not too many deer up there, because I can show you where the shrubs, the brush and the low boughs on the trees are eaten by moose. Moose tracks are all over, no deer tracks, and deer will not stay in a yard where the moose has browsed because of the height that the moose can browse. That is the reason we are short of deer and unless we can do something, we are going to be a lot shorter of deer in our area.

I didn't put in the moose bill because I felt that it was going to hurt the herd. There was a lot of study done. In fact, I was on the Fish and Wildlife Committee during the 108th and I heard testimony upon testimony from our friends in the north who have an open moose season. If you were there and you heard how their herd had been enhanced, it has less disease that it once had. Once they started their moose season, they have more moose than they had when they started their moose season. So, I am not out to hurt the moose.

As far as the beauty of the moose, I will tell you this, I think the deer is a much prettier animal than a moose. Old liver lip just doesn't hold too much in beauty to me.

I would hope that you would not indefinitely postpone this bill and let's let it go through and give us a chance.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: My district isn't included in this district for the hunting, but I would like to tell you a little story.

In October, I left a grange dinner on the campaign trail, and on my way home that night, I encountered my first moose — \$900 damage was done on my car. This is one of the pieces that was ripped off. The windshield was smashed, the mirror was ripped off — \$900 damage later, the moose wandered back off in the woods without a scratch.

This is not exactly a peaceful animal at all times. This is one of several accidents that has happened in our area and there is truly an abundance of moose and we are not even in the hunting district.

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

Mr. MacEACHERN: Mr. Speaker, I would like to have the Clerk read the Committee Report.

Thereupon, the Report was read by the Clerk.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I thank the Clerk. This is probably one of the very few unanimous

reports that the Fisheries and Wildlife Committee has ever put out. It is the first one on the moose bill, which is indicative of the fact that we did a lot of work and spent a lot of hours trying to satisfy as many people as we could with a viable moose bill. I think we have it now. I think this probably the best moose bill that has ever come out and it is only a one-shot deal, one year, 1980. In order for it to be continued another year or more, it would have to come back before a legislative body and be voted on again.

I think the time has come when we take a few moose and satisfy some sportsmen and try to proliferate the herd. I am convinced that a moose season will make the herd stronger and larger and they will range over a bigger area. This has been true in New Brunswick. We have been given evidence of this, and I think now is the time we should vote for this and I wish you would vote against the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I think I have been closer to a moose than anybody else here. The moose is very beautiful in August, September, October and November, late in the season, when it has some meat on its bones and his hair looks slick and the antlers are sticking out there full grown, and they are beautiful. He is about 20 or 30 yards away from the car so you can see the sun gleam on him; that is a beautiful creature.

I am going to give you just a little change in the beauty of the moose when he is coming through the windshield, when he attempts to jump over the hood of a car but the momentum of the car is just a little faster, although only 25 miles an hour, than the moose calculated on, so instead of clearing the hood, he lands in the windshield and on top of the car. If you have never had the experience of a moose, a 1,000 lb. moose coming through the windshield and on top of the car, you don't know all about moose. That is an experience by itself.

This moose that I speak of, along the first few days in December, was an accident that involved my wife and myself. She was driving the car. Somebody said, wasn't you frightened? We didn't have time to be frightened. The whole episode only lasted about four seconds, but we were darned frightened when we got out of the car. If you have never felt the glass and windshield pulverized and forces back over you, then you have an experience yet to feel. If you have never felt the hood of your car coming down on your head and shoulders from the heft of the moose, then that is something else you don't know about the moose.

There are too many moose in Aroostook County and they need to be thinned out.

I go along with the words of my good friend from Bangor, that they don't see the moose in Bangor, Portland or the other cities — if they do, it is very infrequent, but I see them. I have seen five in a group, I have seen three in a group, I have seen two in a group, and not later than six weeks ago, even in the winter time, there were three across the road a mile away from me and that is unusual for them to be traveling that late in the winter.

This bill is needed and I urge you not to vote for indefinite postponement. If anybody wants to spend a little more time with me, I can give them a little more vivid picture of that accident.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose this indefinite postponement made by my good friend from Bangor, Mr. Kelleher, and I would like to go over a couple of comments that he made.

He stated that there are 200,000 licenses issued for deer hunting each fall. I think there are even more than that, but in the two hundred

and some odd thousand hunters that go out there, the harvest is 30,000 deer out of better than 200,000 licenses.

There are approximately 18,000 to 20,000 moose in the state; there are 700 permits that are going to be drawn. There is going to be a certain percentage of the permits that will never go hunting. Out of the remaining permits, you are going to be lucky if you get 40 to 50 percent success. So, in essence, you are talking about 250 to 300 moose out of a herd of 18,000 to 20,000.

I don't know how David and Goliath got into the act with a slingshot, I can go back one better. I can remember when the Yankees slew the Red Sox with a baseball — where does that come in? He also made the comment about seeing very few moose. You will never see them on Exchange Street or in Portland.

I don't know why Representative Norris brought John Hopkins into it, but he made the comment to decimate the deer herd to save the moose herd — I will leave it to you.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I know my good friend from Washington County is not attempting to be facetious here today nor am I. I think he understands what my arguments are, that I do not believe that the Maine moose herd is so large that we can now afford to risk the opportunity of thinning it with humans going into the woods with rifles to shoot them. I do believe that this is a beautiful animal and I think the State of Maine is proud of the fact that we do have a herd that ranges somewhere between 17,000 and 20,000 animals, and that is the important point.

I can understand and appreciate the discomfort that Mr. Mahany had, and the gentlelady from Oxford County had, in encountering a moose in the manner in which they did. But I am not facetious enough to think that there are moose on the streets of Bangor or Portland.

My point is, it is an opportunity for those of us who do hunt deer or hunt birds, in fact, there are even some of us who like to go canoeing or even walking in the Maine woods or taking an opportunity to go to Baxter State Park and view the beautiful area there just to see a moose. I don't believe that anyone of us would appreciate the fact of having friends of ours or people coming into Maine vacationing having an opportunity to see that beast, and it is quite a sight. You know why? The population is so thin here in the State of Maine or in New England or in the United States, that is why I think we should preserve the integrity of that herd. We should not be issuing hunting licenses to shoot them.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't usually agree too often with my good friend from Bangor but this afternoon I think he is certainly right on target.

Sometime ago, I read in a national magazine that some sportsman, he called himself a sportsman, he had a deer farm. He would put some bait on this thing that went across on a wire and the deer would chase it and he would charge people \$50 to shoot that deer as it went across there. You know, the sportsmen, the true sportsmen, across this country were so outraged, they were furious. They just thought that was the most terrible thing, and I agree with them by the way, that you could do. You have a deer in captivity and you let him chase this bait across the wire and a hunter stands back 20 yards and shoots it. How cruel, for the love of money, can some people be?

You know as well as I do, that every seen moose is going to be a dead moose, there is no doubt about it. They are very gentle, they are very tame. I have been in the woods myself, quite a few years ago, I saw a moose and I couldn't scare that moose, he just looked at

me. I think probably losing something that we have is one thing, but getting it back is another. Sometimes when you lose something that we have in environment, we never get a chance to get it back once it has gone.

A good friend of mine said to me, you know, well, I have got to support the moose bill. He said, one of my towns has 100 registered hunters. I have over 3,000 in the City of Westbrook and I am not going to support it because I don't think it is the right thing to do.

I don't care if I am backed or not, but I am telling you I think the most important thing we can do is to preserve what we have. These experts that we spend all this money on and all their education and all their knowledge on moose, if they are wrong, we will never get them back. If they have miscalculated, and I don't know whether they have or not, who am I to judge anyone with a lot of education and brains, maybe they are right, but I will tell you one thing, I don't want to take a chance on them.

We have a Fisheries and Wildlife Committee that is probably superb to none, than any other committee. They are all hunters, they are all sportsmen and they all support killing the moose. Not one of them are opposed to it.

I was at the hearing and you should have heard the people that were for it and the people against it. It seems to me that the members on the Fisheries and Wildlife Committee have got their mind (and it has been since I have been in this House and I haven't been here as long as Mr. Kelleher) for some reason, that Fisheries and Wildlife Committee, which I have the greatest respect for its members, they have got this in there that they have got to kill the moose, and I don't see this as a great bill. Why is it so important to kill those helpless, friendly, lovable creatures? They are not intelligent because if they were, they would run when they saw man, but the deer runs. You see a deer in the woods and, boy, the minute he sees a man, he is gone. A moose won't do that.

That great committee that we have on Fisheries and Wildlife, they were talking about the herd getting smaller and smaller, 200,000 licenses. You will never see that Fisheries and Wildlife Committee ever recommend to the people of Maine that we never have deer season. You won't see that because these people way up north make their living on that. They make their living on the out-of-staters who come into Maine and buy a license. You see, this is what we call economy. This keeps the economy going at the price of killing off the deer. This also is going to try to keep the economy going by killing off the moose.

When my good friends in this House tell you that there will only be 200 or 250 moose killed, don't you believe them. I want to stand on the floor of this House and come up and say to you, if it is passed, how many licenses were sold? How many moose were killed? And it is just about going to even out. Can we afford to lose 700 moose? I don't know that answer. Maybe we can. All I know is that I agree with Mr. Kelleher. If we do lose them, we are never going to get them back, so if we make the mistake that the other body made and you know, haven't they made so many in the last week —

The SPEAKER: The Chair would advise the gentleman to please refrain from referring to the other body. We are on the same position with the other body and we cannot relate to that.

Mr. LAFFIN: Thank you, Mr. Speaker, I will refrain from saying anything evil about the other body.

The SPEAKER: Or for that matter, anything good.

Mr. LAFFIN: Seriously, ladies and gentlemen, let's think this over very carefully, let's not lose what we have. It would really be a shame for the great State of Maine to never have another moose. As I say, if Mr. Kelleher is right, we have to listen to him, if he is not

right, there has been no harm done.

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 correct a few things that have been implied here. First of all, we had a hearing on this bill that lasted about five hours. We had it at the Civic Center. We had over 200 people in attendance. We had two people who spoke in opposition to this bill. The rest of the people who were there favored a moose bill. I think that indicates to some extent how much support there is for a moose bill.

Secondly, Baxter State Park has been mentioned here once and we can't hunt anything in Baxter Park, so that is not included in this bill even though it lies within the area that the proposed moose hunting area will be in.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Mr. Laffin's question that the biologists say they can now harvest about 25 percent of their herd annually, which should mean that if there were only 17,000, there would be 4250 animals, or if it were 20,000, it would be 5,000 animals. I believe that 700 is a very small percentage of that amount.

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

Mr. P. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: A couple of weeks ago, I got up here for the first time and I snuck by all right, so I am going to give it another try.

I am sure all of you who have been here have heard this all before, so I am not going to try to bore you, but I wasn't here to take advantage of what was said before so I might be a little repetitious. I will try not to be.

The man whose recommendations that the Fisheries and Wildlife Committee followed was Mr. Francis Dunn, who probably knows more about moose than any other man in the United States, if not more, the tops. His recommendation was for 1200 moose; we went for 700. He has been studying the moose herd for almost 25 years.

Mr. Kelleher brought up the slaughter aspect of the whole thing. The car accident was brought up. There was a reason for that. When a deer is in the road, as you have all probably noticed, you can see his eyes; a moose, you cannot. You can't see him until you are right on him. That is the reason why so many moose are killed on the roads. Last year, 200 to 300 moose were killed on the roads and railroads of this state. When you see animals killed on the highways and on the roads, there is a reason for that. There are a lot of them. You see the coons dead on the road, you see the rabbits on the road, there are a lot of them.

Mr. Kelleher has made some good points. He said about 300 were poached. I say to you that there are a lot more than 300 poached and there is a reason why. There is no value on these moose in the eyes of some people. They shoot them and leave them there to rot. You don't see that done with deer. Why? Because deer is a resource. The guy says, and I have heard it said before, leave the deer alone, we will be back to hunt them in November. For whatever reasons, that guy has got justification in not shooting that deer. We don't have that with the moose. In the Kingfield area alone last year, friends of mine found 17 moose and the most of it that was missed was one hind quarter, the rest was left there to rot. That is just in one area.

In Sidney, Maine, not too far from here, we had four moose. They had been there for three years. Two of them were killed on the highways this year alone. Now we only have two. Those moose were left alone but two are gone. Why? Because the area could support two moose. They started moving around, they got on Interstate 95 and got killed.

He mentioned something about disease. One of the biggest factors you have to contend with if you have animals is disease. When the herd gets so large, if the disease does get there, you lose one third to one half of the herd because of the population of the animals. If the animals are thinned out, they have a better chance, just like people, disease doesn't jump so fast.

This whole thing — one of the main arguments on the moose bill, and we listened to it for five hours and two guys got up and spoke against it and both of them were talking from the heart, I understand that, but they didn't have any sound data to back up what they were saying.

They are looking for data. These 700 moose are going to get that data. If it determines that the moose hunting season is infeasible, we are going to drop it. This is a one-time thing.

In New Brunswick, they have had a moose season for 17 years. The Commissioner, Mr. Carter, said, we have never had a better moose herd or better animals. When we started our moose season, it was experimental. We had less data than you people have and we had less moose but we have more now.

One final point, way back in the early 1930's they expressed some concern about our deer herds in this state. The farms were growing up, the deer's natural habitat was getting grown up so the deer were moving out and they were thinning down. So in their wisdom, they closed the deer season for two consecutive years on the fact that there were very few deer around. The following year we had a blizzard, a very bad blizzard, and that winter over half of our deer herd was lost of starvation.

If you go to the Law Library downstairs, you will see areas where the boughs had been completely cropped off by the deer. After they had eaten the young shoots, they had eaten the buds, anything they could get ahold of, they ate trees, they ate bark and they still died of starvation. Thousands of deer died of starvation.

I am not saying that this is going to happen tomorrow with this moose herd but in northern Maine there are a lot of moose, and if Mr. Kelleher wants to come this summer, I will show him a lot of moose. I was up there for two weeks at First Roach at Kokadjo, where we used to see 30 deer in a two-week period of time and we cover a lot of area. We hunt the area hard and we fish it hard. We would cover a 60 or 70 mile radius this year in two weeks' time. We did not see a deer but we did see 45 moose in this same 60 to 70 mile radius. Some could have been the same moose, I grant you, but not all 45 of them. This is just in that area. Up near Flagstaff, the same problem. Up where Mr. McKean comes from, Limestone, the same problem.

I have hundreds of pictures of moose that I have taken the last couple of years. There are plenty of moose around.

The question is, is the experimental moose season going to be good or not? I think it is going to be good. I felt that way before I came here and I still feel that way now. That is why I urge you all to vote against the motion to indefinitely postpone this bill.

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

Mr. DAVIES: Mr. Speaker, Members of the House: It gives me great pleasure on any occasion when I get to stand up and agree with my good friend from Westbrook, Mr. Laffin. Unfortunately, once again, today will not be one of those occasions.

It may seem a little bit strange for a person who has a reputation as one of these extremist environmentalist types to be standing up in favor of a bill that would allow for a hunting season on moose. However, I see it as a bill that should be compatible with environmentalists.

We have a moose herd in the state that has been documented to be growing on a regular basis, natural predators are not controlling it

enough and we are beginning to see the development of the worm that burrows into the brain of the moose and causes the moose to do very strange things, and we want to find some more information about that.

I think the bill that has come out of the Fisheries and Wildlife Committee is a very tightly constructed, well reasoned bill that puts limitations on how much hunting is going to be done, where it is going to be done, but it does allow us to have some human control on the moose herd to begin doing some of the research that is necessary to make the final decisions on whether or not the state and the moose herd can bear a regular hunting season. So, I think an experimental season for a one-year period, one week during that year, is a reasonable approach to take.

I am voting for this bill as an environmentalist and I would urge some of my friends who may be having some trepidation about it to think of it in that light. Here is something that is tightly controlled, it is not going to be wild, uncontrollable killing of moose. In fact, it is putting a very stringent limitation in time and number of permits that are going to be allowed, so I think this is a reasonable approach to take and I would urge you to support it.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. HIGGINS: Mr. Speaker, I would like to pair my vote with the gentleman from Waterville, Mr. Boudreau. If Mr. Boudreau were here, he would be voting no and I would be voting yes.

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

Mr. CALL: Mr. Speaker, I would like to pair my vote with gentleman from Lewiston, Mr. Jacques. If Mr. Jacques was here, he would be voting no and I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, I would like to pair my vote with the gentleman from Westbrook, Mr. Carrier. If Mr. Carrier were here, he would be voting no and I would be voting yes.

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

Mr. HANSON: Mr. Speaker, I would like to pair my vote with the gentleman from Portland, Mrs. Nelson. If Mrs. Nelson was here, she would be voting no and I would be voting yes.

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

Mr. JACKSON: Mr. Speaker, I would like to pair my vote with the gentleman from Portland, Mrs. Payne. If Mrs. Payne was here, she would be voting no and I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, I would like to pair my vote with the gentleman from Cape Elizabeth, Mrs. Masterton. If Mrs. Masterton was here, she would be voting yes and I would be voting no.

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

Mr. KELLEHER: Mr. Speaker, I would like to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If Mr. Jalbert was here, he would be voting no and I would be voting yes.

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

Mr. DAVIES: Mr. Speaker, I would like to pair my vote with the gentleman from So. Portland, Mr. Howe. If Mr. Howe was here, he would be voting yes and I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Rogue Bluffs, Mr. Nelson.

Mr. NELSON: Mr. Speaker, I would like to pair my vote with the gentleman from Madison, Mr. Elias. If Mr. Elias was here, he would be voting no and I would be voting yes.

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

Mr. LaPLANTE: Mr. Speaker, I would like to pair my vote with the gentleman from So. Portland, Ms. Benoit. If Ms. Benoit was here, she would be voting yes and I would be voting no.

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

Mr. GOULD: Mr. Speaker, I would like to pair my vote with the gentleman from Gouldsboro, Mr. Bunker. If Mr. Bunker was here, he would be voting yes and I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, I would like to pair my vote with the gentleman from Portland, Mr. Brannigan. If Mr. Brannigan was here, he would be voting no and I would be voting yes.

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

Mr. CONNOLLY: Mr. Speaker, I would like to pair my vote with the gentleman from Portland, Mr. Vincent. If Mr. Vincent was here, he would be voting no and I would be voting yes.

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

Mr. TIERNEY: Mr. Speaker, I would like to pair my vote with the gentleman from Biddeford, Mr. D. Dutremble. If Mr. D. Dutremble was here, he would be voting no and I would be voting yes.

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

#### ROLL CALL

YEA—Aloupis, Baker, Berry, Bordeaux, Brenerman, Brown, A. Brown, D., Carroll, Carter, F., Chonko, Cloutier, Hickey, Huber, Hunter, Joyce, Kany, Laffin, Lewis, Lowe, Michael, Norris, Post, Prescott, Reeves, P., Silsby, Small, Soulas, Stover, Wood, Wyman.

NAY—Barry, Beaulieu, Birt, Bowden, Brodeur, Brown, K. L., Brown, K. C., Carter, D., Churchill, Conary, Cox, Cunningham, Curtis, Damren, Davis, Dellert, Diamond, Doukas, Dow, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gowen, Gray, Gwadosky, Hall, Hobbins, Hutchings, Jacques, P., Kane, Lancaster, Leighton, Lizotte, Lougee, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A., Masterman, Matthews, McHenry, McKean, McPherson, McSweeney, Mitchell, Morton, Nadeau, Nelson, A., Paradis, Paul, Pearson, Peltier, Peterson, Reeves, J., Rolde, Rollins, Roope, Sewall, Sherburne, Smith, Stetson, Strout, Studley, Tarbell, Torrey, Tozier, Tuttle, Twitchell, Vose, Wentworth, Whittemore, The Speaker.

ABSENT—Austin, Berube, Blodgett, Dexter, Dudley, Dutremble, L.; Fowlie, Hughes, Immonen, Kiesman, Locke, Maxwell, McMahon, Simon, Theriault, Violette.

PAIRED—Bachrach, Carrier; Benoit, LaPlante; Boudreau, Higgins; Brannigan, Sprowl; Bunker, Gould; Call, Jacques; Connolly, Vincent; Davies, Howe; Dutremble, D., Tierney; Elias, Nelson; Hanson, Nelson; Jackson, Payne; Leonard, Masterton; Kelleher, Jalbert.

Yes, 30; No, 77; Absent 2, Paired, 28.

The SPEAKER: Thirty having voted in the affirmative and seventy-seven in the negative, with two absent and twenty eight paired, the motion does not prevail.

Thereupon, the Bill was passed to be en-

grossed in concurrence.

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

Bill, "An Act to Amend the Representation of Towns on Community Schools Districts" (S. P. 93) (L. D. 179)

Tabled—March 16, 1979 by Mr. LaPlante of Sabattus.

Pending—Passage to be engrossed in concurrence.

On motion of Mr. Connolly of Portland, retabled pending passage to be engrossed in concurrence and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Improve Investment Opportunities for Local Governmental units" (H. P. 1055) which was tabled earlier in the day and later today assigned pending the motion of Mrs. Prescott of Hampden to refer to the Committee on Health and Institutional Service.

Thereupon, the Bill was referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Allow State Championship Athletic Teams and Athletes the Right to Participate in New England Championship Events in Competition," (Emergency) (H. P. 901) (L. D. 1117) which was tabled earlier in the day pending assignment of Second Reading.

Thereupon, the Bill was assigned for second reading tomorrow.

On motion of Mr. Jacques of Waterville, adjourned until ten o'clock tomorrow morning.