

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, April 2, 1969

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

Prayer by the Rev. Mr. Robert Canfield of Gardiner.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees
Ought Not to Pass**

Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act relating to Financing School Administrative Districts" (S. P. 331) (L. D. 1130)

Came from the Senate read and accepted.

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

Covered by Other Legislation

Report of the Committee on Education on Bill "An Act Requiring that 1966 State Valuations be Used in Computing Foundation Program Subsidies for Administrative Units" (S. P. 65) (L. D. 187) reporting "Ought not to pass", as covered by other legislation.

Came from the Senate read and accepted.

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

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

Mr. Ross from the Committee on Taxation reported "Ought not to pass" on Bill "An Act relating to Property Tax Credits for Veterans" (H. P. 533) (L. D. 704)

Mr. Susi from same Committee reported same on Bill "An Act to Exempt Certain Totally Disabled Veterans from a Portion of Real Estate Taxation" (H. P. 745) (L. D. 963)

Mr. Keyte from the Committee on Transportation reported same on Bill "An Act relating to Signs on Slow Moving Vehicles" (H. P. 1057) (L. D. 1388)

Reports were read and accepted and sent up for concurrence.

**Ought to Pass with
Committee Amendment**

Mr. Drigotas from the Committee on Taxation on Bill "An Act In-

creasing Maine Forestry District Taxes" (H. P. 875) (L. D. 1118) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment "A" (H-145) was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bill.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker, I move that we be in recess for five minutes.

The SPEAKER: The gentleman from Southwest Harbor moves that we be in recess for approximately five minutes. Is this the pleasure of the House?

The motion prevailed and the House recessed.

After Recess

Called to order by the Speaker.

Passed to Be Engrossed

Bill "An Act relating to Secondary School Tuition" (H. P. 720) (L. D. 938)

Bill "An Act to Provide Social Security Rights to Firemen" (H. P. 880) (L. D. 1123)

Bill "An Act to Incorporate the Town of Bowdoin School District" (H. P. 888) (L. D. 1147)

Bill "An Act relating to Confering Degrees by Eleemosynary, Inc." (H. P. 924) (L. D. 1185)

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

Third Reader

Tabled and Assigned

Bill "An Act relating to Boilers and Unfired Steam Pressure Vessels" (H. P. 1100) (L. D. 1417)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mrs. Baker of Orrington, tabled pending passage to be engrossed and specially assigned for Wednesday, April 9.)

**Third Reader
Tabled Until Later
in Today's Session**

Resolve Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years (H. P. 12) (L. D. 12)

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

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

Mr. JALBERT: Mr. Speaker, I would present House Amendment "A" and speak briefly on the motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, presents House Amendment "A" and moves its adoption.

House Amendment "A" (H-146) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. JALBERT: Mr. Speaker and Members of the House: Very briefly, because I know that this will be back with us for final passage, but anyone who doesn't go along with the spirit of compromise shouldn't be here in my opinion. This thinking of nineteen years of age was the thinking of several of us; as a matter of fact Representative Corson of Madison put in such a bill. I have discussed it with him where we have this in motion now, I have discussed it with him and he agrees with me to withdraw his suggestion and go along with nineteen, for which he should be commended.

Mr. Speaker, I move the adoption of House Amendment "A".

Whereupon, on motion of Mr. Scott of Presque Isle, tabled pending adoption of House Amendment "A" and assigned for later in today's session.

Amended Bills

Bill "An Act relating to Secondary School Tuition" (H. P. 373) (L. D. 482)

Bill "An Act relating to Fees for Transcripts of Evidence Furnished by Official Court Reporters" (H. P. 603) (L. D. 784)

Bill "An Act relating to Hunting Licenses" (H. P. 688) (L. D. 888)

Bill "An Act relating to Support of Children by Parent Who Does

Not Have Custody" (H. P. 933) (L. D. 1194)

Resolve relating to Fishing in Robbins Pond, Aroostook County (H. P. 767) (L. D. 987)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolve read the second time, all passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Orders of the Day

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

Mr. LUND: Mr. Speaker, may I inquire whether the House is in possession of L. D. 663, Senate Paper 223, An Act to Provide for the Expunging of Certain Records of Arrest?

The SPEAKER: The answer is in the affirmative.

Mr. LUND: Mr. Speaker and Members of the House: This bill provides that when a charge against a person is dismissed or when he is acquitted, that the clerk of the court shall forward a certified copy of the docket entry of the acquittal or dismissal to any law enforcement agency, including the State Bureau of Identification, who would then be required to expunge the records with respect to the arrest and the charge.

While the purpose for this measure is laudable, in its present form it appears to me to have two serious drawbacks. It would impose very serious burdens upon an already heavily burdened staff in handling these records of conviction; but more serious than that it would deprive police agencies, who have reason to inquire for investigative purposes, of important and valuable sources of information.

It is my hope, Mr. Speaker, that these problems can be ironed out through an amendment. If they cannot be ironed out I think that this bill ought not to receive passage; but for the purpose of seeing if an amendment can be drawn and talking with the sponsor about this problem, I would hope that some member of the House would move that this item lie upon the

table for one week pending re-consideration.

The SPEAKER: The Chair understands that the gentleman moves that the House reconsider its action whereby on yesterday it passed to be enacted L. D. 663.

Whereupon, on motion of Mr. Danton of Old Orchard Beach, tabled pending the motion of Mr. Lund of Augusta to reconsider and specially assigned for Wednesday, April 9.

Mr. Lee of Albion was granted unanimous consent to address the House.

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the Legislature: We have recently passed a bill naming the Yarmouth to Cousins Island Bridge the "Ellis C. Snodgrass Memorial Bridge," House Paper 870, L. D. 1113. If you will take a minute to read the short autobiography which was placed on your desks, you will note that Mr. Snodgrass' life was a true story never surpassed by Horatio Alger's novels.

He was a man small in stature but he stood big as a giant among the contractors of the State of Maine. He was a firm believer that contractors of the State of Maine could do anything that needed to be done, allowing that the impossible may take a few days longer. His specialty was pitting the strength of men and machines against the elements of land and water to accomplish what seemed to be impossible.

I believe that it is indeed fitting that a lasting memorial such as this sturdy bridge be dedicated to our late friend Ellis C. Snodgrass.

Orders Out of Order

On motion of Mr. Santoro of Portland, it was

ORDERED, that Rev. Stanley Harding of Portland be invited to officiate as Chaplain of the House on Tuesday, April 29, 1969.

On motion of Mr. Bedard of Saco, it was

ORDERED, that Merry Searle and Jeanne Moore of Thornton

Academy be appointed to serve as Honorary Pages for today.

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

Mr. JALBERT: Mr. Speaker, am I in order to take a recalled matter up now which is the very last item on page six?

The SPEAKER: The gentleman is in order. Report of the Committee on State Government on Bill "An Act to provide a Uniform Fiscal Year for Municipalities (H. P. 98) (L. D. 106) reporting "Leave to Withdraw" which was accepted in both branches and recalled from the Legislative files by Joint Order House Paper 975.

Whereupon, on motion of the same gentleman, under suspension of the rules, the House reconsidered its action on January 29 whereby it voted to accept the Leave to Withdraw Report.

On further motion of the same gentleman, L. D. 106 was re-committed to the Committee on State Government in non-concurrence and sent up for concurrence.

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

Report "A" (5) — "Ought to pass" — Committee on Natural Resources on Bill "An Act to Prohibit the Sale or Use of the Chemical Compound Known as DDT" (H. P. 1) (L. D. 1)—Report "B" (4) — "Ought not to pass"

Tabled — March 27, by Mr. Corson of Madison.

Pending — Motion of Mr. Jameson of Bangor to indefinitely postpone.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: I have felt somewhat like a jack-in-the-box in the last five minutes with various things coming up. However, I did want to speak on L. D. 1 and call to your attention that the Natural Resources Committee had two bills very much alike — in fact they were alike, and by the circumstance of adjournment yesterday they are both on today's calendar.

L. D. 1 was the bill introduced by the gentleman, Mr. Crommett, from Millinocket, and L. D. 173 by the gentleman from Madison, Mr. Corson. We heard these bills together and they were identical. After much deliberation we re-drafted L. D. 173, which now appears on today's table, it is item six on page four, and it now bears the number 1415, which is the redraft of the other DDT bill. And so with this bit of information I would urge that we accept the motion of the gentleman from Bangor, Mr. Jameson, to indefinitely postpone L. D. 1.

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

Mr. CROMMETT: Mr. Speaker and Ladies and Gentlemen of the House: I rise to oppose the motion of my friend the gentleman from Bangor, Mr. Jameson to indefinitely postpone L. D. 1. Based on documental evidence, we know that much wildlife has been destroyed by the indiscriminate use of persistent pesticides, and for \$10,000 you get food chain manification. The ecologists, entomologists and biologists all agree that the continued use of DDT is detrimental to mankind and is an environmental pollutant.

To prohibit the sale, use or possession of DDT is consistent with the President's Science Advisory Committee which recommends the elimination of the use of persistent toxic pesticides. L. D. 1 is exactly the same as a bill presented to the 103rd Legislature, endorsed by the Natural Resources Council of Maine, the State Biologists' Association, and the Maine Audubon Society, based on documental evidence of the harmful effect of DDT on wildlife and the pollution in the environment.

These same people still agree that the continued use of DDT is harmful, but they don't know what to do about it. One of their own, Dr. Charles F. Wurster, Jr., a molecular sociologist, has said, "With many effective alternatives of low toxicity available, there is no justification for the further use of DDT." He also said, "There cannot be a controlled use of an uncontrollable compound. The only

thing that matters is whether you use it or not."

This pamphlet, Portland Press Herald, dated March 7, 1964. "Ex-DDT Backer Says He Wouldn't Approve It Now." "Scientist Testifies DDT Is Uncontrollable." "Biologist Blast; DDT Pesticides." "Towns to stop using DDT." "State Fish Swimming in DDT Waters." "Scientist Disturbed Over World-wide DDT Fallout."

"The widespread destruction by DDT of Salmon runs in the rivers and streams of New Brunswick is probably the best documented in the whole library of unintended 'side effects' published in the scientific literature (Elson, Fisheries Research Board of Canada, 1967). More than 130 pages of the Journal of the Fisheries Research Board of Canada, No. 4, 1967, are devoted to a description of this disaster."

"The President's Science Advisory Committee report entitled 'Use of Pesticides,' prepared by a panel of nine distinguished scientists, which recommended elimination of persistent toxic pesticides in the environment. Persistent pesticides include such commonly used chemicals as DDT."

"Secretary Udall's order banning the use of DDT on U. S. Department of the Interior lands." "Governor King's ban on the use of DDT on New Hampshire state lands." "New York's ban on the use of DDT in its lake trout watersheds." "Manitoba's ban on the use of DDT by Province employees."

"Increasing evidence of the reluctance of public officials to resort to DDT in public pest control programs — a reluctance which is unfortunately by no means universal as yet." "Maine May Be Headed for 'Silent Spring'."

It might be interesting to know the sponsors of this pamphlet. Sponsoring organizations: The Maine Audubon Society, Natural Resources Council, and the State Biologists' Association.

The lack of courtesy by the Natural Resources Council of Maine, the State Biologists' Association and the Maine Audubon Society in

their failure to communicate with the sponsor of L. D. 1 brings to mind the saying "Fools rush in where angels fear to tread." The implication was clearly stated by the paid lobbyist who opposed rather than supported L. D. 1. It is my considered judgment somewhere along the line, known only to the appeasers, the merchants of death have been given free rein to ply their trade on the unsuspecting citizens of the State of Maine.

The continued use of DDT denies to every citizen the right to be secure in his own home against the intrusion of poison applied by other persons.

The SPEAKER: The Chair recognizes the gentlewoman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker and Members of the House: You have heard that we had before us two bills to prohibit the sale of DDT. The testimony established before the Natural Resources Committee was that there are any number of pesticides that are even more highly toxic than DDT. Biologists or experts in the field were leary of just outlawing DDT and the thought was that this might have the effect of equally dangerous substances not being policed as well as they should be.

There did appear to be a reasonable approach for some household users of DDT and there also should be taken into consideration the possibility of a serious epidemic where the use of DDT because of its efficiency might have to be used. Now I call to your attention that in the 103rd session we created a Pesticides Board. We feel they have been watching this problem, but it did seem that this is where the responsibility should be left. It was felt by many members of the Committee that the better approach was to strengthen and fund this board. L. D. 173 in a new draft L. D. 145, which is on page six of today's calendar, is a re-write and amends the present statute to give the Pesticide Control Board the right to control and regulate sale and use of all chemical poisons, the manner of application and areas where they may be applied.

The previous statute appears simply to apply to just commercial applicators. The amended bill will apply to all. The Board can prohibit DDT as well as all other chemical substances. It was the feeling of the Committee that a good discussion would illustrate to the Pesticides Board the strong feeling about controlled use of DDT.

It would seem by appropriate funding of the Pesticide Control Board and acceptance of the re-written L. D. that we can have an effective pesticide law in Maine. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the Legislature: I'm not prepared to quote a lot of eminent authorities on this or a lot of learned professors. About all I'm interested in is the people of the State of Maine.

Now about twenty-five years ago the farmers of Aroostook were able to get DDT. It was the first insect killer that ever really worked. We in Aroostook used it on a grand scale and if the people are going to get all shook up over DDT they should have done it twenty years ago.

If you people would like to see for yourselves the effects of long time use of DDT, I hope that each and every one of you will take a trip to Aroostook County around about the first of August. You will see one of the world's garden spots; you'll see 150,000 acres of potato blossoms; you'll see flowers purple and white reaching right off to the horizon. You'll see 30,000 acres of beets in beautiful shades of green; you'll see fields of hay and grain. You will see plenty of birds and if you're lucky you'll see perhaps moose, deer or bear. Now I'll admit that the snow gets a little deep in the winter up there and the thermometer drops a little low, but in the summertime there's no better place on the face of this earth than Aroostook County.

As far as the people go, I think you'll have to agree with me that they look healthy and happy. Not so long ago the basketball team

of the City of Caribou was commended by this Legislature for winning the Class LL State Title. Now the City of Caribou boasts that they grow the most and the best potatoes in Aroostook County. Some of them won't agree to that but by the same token they use the most DDT. Island Falls also won the small school state title. Now this proves to me that our boys can still hold their own with any in the state even if they are polluted with DDT. Thank you.

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

Mr. HARDY: I would like to point out that the United States Department of Agriculture, Beltsville, has not recommended that this be discontinued. I would like to point out that the Food and Drug Administration, which is the watchdog of everything we eat, hasn't recommended the elimination of this product. I would like to point out that our own State Department of Agriculture Extension Service has not recommended the elimination of this product. And when the vote is taken I would request a division.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Chick.

Mr. CHICK: I would like to rise in favor of the motion to indefinitely postpone this bill. I would like to point out one thing to the members of the House and that is we realize there has been at times misuse of this pesticide as well as others. But I think all of you must be aware of the fact that the pesticide as it is used is probably the one that is most exposed to danger, is the one that is putting on the application and there is no farmer or householder that would use DDT if he could find a good substitute for it.

Now we do have a Pesticide Control Board who can regulate the use of DDT and they have in some cases and they can in the future when a product is brought on the market that will do the job as good or better than DDT. They can control its use—prohibit its use for certain products, and I think that is the way to handle it rather

than to ban, to pick out one pesticide and ban it, as has been brought out in the House here today. So I hope that the motion to indefinitely postpone does prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Miss Watson.

Miss WATSON: Mr. Speaker and Members of the House: I rise in support of the gentleman from Millinocket, Mr. Crommett.

I find it increasingly difficult to understand why public officials have stood by and allowed the continued use of a pesticide known to be toxic. We wouldn't think of giving a child a bottle labeled "poison" to play with, yet we have permitted our trees to be sprayed with a deadly chemical compound which is now in the milk we drink, the fish we eat, the soil in which we grow our food, and even believed to be in the tissues of unborn babies.

There are other, less dangerous, chemicals which can be used in place of DDT. Granted, DDT is the cheapest and most effective pesticide in the control of Dutch elm disease and other pest problems, but it is hardly worth the risk we are taking. It just does not seem reasonable that a scientific technology which can send men around the moon cannot create a pesticide which is not harmful to wildlife, and most importantly to human life. The real question here is not simply a ban on DDT. The question is how much longer are we going to contaminate the earth with poison; how much longer are we going to pollute our rivers with human waste and industrial garbage; how much longer are we going to befoul the air we breathe with smoke and chemical exhaust; how long before we wake up to find that this land of ours with its God-given natural beauty is nothing but one big open sewer?

We can still turn back this tide of despoliation, but I submit to you, ladies and gentlemen of the House, that our time is rapidly running out.

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

Mr. JAMESON: Mr. Speaker and Members of the House: I would

like to pose a question to the lady from Bath, what she would suggest to use as a substitute for the DDT?

The SPEAKER: The gentleman from Bangor, Mr. Jameson, poses a question through the Chair to the gentlewoman from Bath, who may answer if she chooses. The Chair recognizes that gentlewoman.

Miss WATSON: Mr. Speaker: Not being a chemist, I'm not too well versed on the subject. There is a chemical now called sumithion which I understand that the Forestry Department has been experimenting with, and I would be very interested to see what the results have been.

The SPEAKER: The pending question is the motion of the gentleman from Bangor, Mr. Jameson, that both Reports and Bill "An Act to Prohibit the Sale or Use of the Chemical Compound Known as DDT," House Paper 1, L. D. 1, be indefinitely postponed. All in favor of the indefinite postponement of this Bill will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

98 having voted in the affirmative and 31 in the negative, the motion to indefinitely postpone did prevail.

Sent up for concurrence.

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

Bill "An Act relating to Form and Arrangement of Ballots in General Elections" (H. P. 724) (L. D. 942) (Committee Amendment "A" H-124)

Tabled — March 28, by Mr. Levesque of Madawaska.

Pending — Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

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

Bill "An Act relating to Certain Disqualifications under the Employment Security Law" (H. P. 565) (L. D. 746) (House Amendment "A" H-131)

Tabled — March 28, by Mr. Durgin of Raymond.

Pending — Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

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

HOUSE REPORT — "Ought not to pass" — Committee on Claims on Resolve to Reimburse the Towns of Thomaston and Warren for Fire and Municipal Protection Services for the State (H. P. 718) (L. D. 936)

Tabled — March 25, by Mr. Erickson of Warren.

Pending — Acceptance.

Thereupon, the "Ought not to pass" Report was accepted and sent up for concurrence.

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

HOUSE REPORT—Ought not to pass — Committee on Towns and Counties on Bill "An Act Creating a Second Assistant County Attorney for the County of York" (H. P. 302) (L. D. 378)

Tabled—March 26, by Mr. Tynedale of Kennebunkport.

Pending—Motion of Mr. Danton of Old Orchard Beach to Reconsider Acceptance.

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

Mr. CROSBY: Mr. Speaker, I move that this bill be recommitted to the Committee on Towns and Counties.

The SPEAKER: The Chair would advise the gentleman that we must reconsider the acceptance of the "Ought not to pass" Report.

Thereupon, the pending motion to reconsider acceptance of the Report prevailed.

On motion of Mr. Crosby of Kennebunk, the Bill was recommitted to the Committee on Towns and Counties and sent up for concurrence.

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

An Act relating to Licensing of Ambulance Service, Vehicles and Personnel (S. P. 263) (L. D. 867)

Tabled—March 27, by Mr. Birt of East Millinocket.

Pending—Passage to be enacted.

Thereupon, on motion of Mr. Birt of East Millinocket, retabled pending passage to be enacted and specially assigned for Friday, April 4.

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

HOUSE REPORT—"Ought not to pass"—Committee on Judiciary on Bill "An Act to Provide for Forfeiture of Vehicles Used to Transport Gambling Apparatus, Burglar Tools, Lottery Tickets and Equipment Used to Counterfeit Money" (H. P. 733) (L. D. 951)

Tabled—March 28, by Mr. Richardson of Cumberland.

Pending—Acceptance.

Thereupon, the "Ought not to pass" Report was accepted and sent up for concurrence.

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

HOUSE REPORT—"Ought not to pass"—Committee on Judiciary on Bill "An Act to Provide for Forfeiture of Vehicles Used to Transport Narcotics" (H. P. 734) (L. D. 952)

Tabled—March 28, by Mr. Richardson of Cumberland.

Pending—Acceptance.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mr. MacPhail.

Mr. MacPHAIL: Mr. Speaker, I move that L. D. 952 be substituted for the Report.

The SPEAKER: The gentleman from Owls Head, Mr. MacPhail, now moves that the House substitute the Bill for the "Ought not to pass" Report.

Whereupon, on motion of Mr. Hewes of Cape Elizabeth, tabled pending the motion of Mr. MacPhail of Owls Head to substitute the Bill for the Report and specially assigned for tomorrow.

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

HOUSE REPORT—"Ought to pass" in New Draft—Committee on Natural Resources on Bill "An Act Prohibiting the Sale or Use of DDT" (H. P. 147) (L. D. 173) —New Draft under title "An Act Revising the State Board of Pesticides Control Law" (H. P. 1097) (L. D. 1415)

Tabled—March 28, by Mr. Evans of Freedom.

Pending—Acceptance.

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

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: Reading this bill, this new draft, it sounds good; it would be good if it could be worked out. We do have a Pesticide Control Board, but the members of that Board sit in judgment on their own programs. The Pesticide Control Board has the power now, if they would exercise it. The Pesticide Control Board hasn't done anything; I do not anticipate they would do any more.

The reason for this bill is to supplement another bill that is coming up to fund the Pesticide Control Board. I don't think this is going to do anything, it just sounds good. I would talk on the other bill when it is presented, and of course I will oppose the funding because the gentlemen that make up the Pesticide Control Board I think are my friends, I am friendly with them, but all they would do with this money, it would be returned to the Inland Fish and Game Department and the Sea and Shore Fisheries Commission the money they have already spent in doing something that they should do for their own department, and I would move the indefinite postponement of this measure.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Corson.

Mr. CORSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the gentleman's motion to indefinitely postpone this bill. I have been

in conference with the representatives of the Natural Resources Council, the State Biologists' Association and the Audubon Society. This is the bill that these gentlemen think is the best means of solving the problem we have in this state of pesticide pollution. These gentlemen are experts on the subject. I feel that their judgment is worthy of consideration, and I think it is much better to approach it on an individual case basis where an application for the use of a certain pesticide has been made rather than attempting to outlaw specific forms of pesticides, because we cannot through legislation keep up with the chemical industry in its continuing development of new and sometimes more dangerous pesticides. Therefore, I would hope that this motion to indefinitely postpone will be defeated.

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

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: All due respect to my seatmate, the gentleman from Madison, Mr. Corson, I cannot help from thinking I have not been in communication with the various members that — the Audubon Society, the State Biologists' Association and Natural Resources Council. I do not understand the logic of their reasoning. I do not understand why certain legislators should buckle under pressure to maintain the status quo, certain legislators that do not have the courage of their convictions to vote their conviction are guilty of irresponsible legislation. Irresponsible legislation is not good government. That which is not good government is not good for the people, and I submit to you ladies and gentlemen that a poison as deadly as DDT recognized by the scientists, yet continue to use it in the face of documented evidence, are guilty of a crime against the citizens of the State of Maine.

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

Mr. SNOW: Mr. Speaker, I would like to speak in opposition to the motion of my good friend Mr. Crommett from Millinocket. I feel there is certain dangers in the pesticide known as DDT. I do have confidence in the Pesticide Board. I feel that in past years we have used a lot of this chemical in Aroostook County. Less and less is being used each year. The last few years that I raised potatoes I didn't use DDT; there are a number of farmers today that aren't using it, they are substituting other chemicals. Perhaps some of these other chemicals will create more problems than the DDT did. I have faith in the Pesticide Board and if we went to them and made application for the use of this chemical and they felt that the application was justified, they would so grant it. It would be handled much in my opinion as today, if anyone wishes to use dynamite they must make application for the use of such a product and if the use is justified the application is granted. I feel there are some instances where DDT can be used and not be harmful, and I feel that in those places the Board would exercise the rights which they have.

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

Mr. MILLS: Mr. Speaker, after listening to this discussion, Mr. Speaker, I would pose a question to any member of the House that is interested in agriculture and has used this DDT, what methods used to remove this poison from the fruit, vegetables and so forth that they sell to the consumer?

The SPEAKER: The gentleman from Eastport, Mr. Mills, poses a question through the Chair to any member who may answer if they choose.

Mr. Evans of Freedom requested a division.

The SPEAKER: The pending question is the motion of the gentleman from Millinocket, Mr. Crommett, that this Bill "An Act Revising the State Board of Pesticides Control Law," H. P. 1097, L. D. 1415, be indefinitely postponed. A vote has been requested.

All those in favor of the indefinite postponement motion will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was had.

33 having voted in the affirmative and 98 having voted in the negative, the motion did not prevail.

Thereupon, the "Ought to pass" in New Draft Report was accepted, the New Draft read twice and tomorrow assigned for third reading.

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

HOUSE MAJORITY REPORT
(7)—"Ought to pass" in New Draft—Committee on Natural Resources on Bill "An Act Reclassifying Prestile Stream of the Meduxnekeag River Basin" (H. P. 478) (L. D. 632)—New Draft under title "An Act Reclassifying Waters of the St. John River Basin" (H. P. 1096) (L. D. 1414) and **MINORITY REPORT** (2) reporting "Ought not to pass"

Tabled—March 28, by Mr. Noyes of Limestone.

Pending—Motion of Mr. Eustis of Dixfield to Accept Majority Report.

The **SPEAKER**: The Chair recognizes the gentleman from Limestone. Mr. Noyes.

Mr. **NOYES**: Mr. Speaker, I move the acceptance of the Minority "Ought not to pass" Report.

The **SPEAKER**: The Chair would advise the gentleman that the pending question is the motion of the gentleman from Dixfield, Mr. Eustis to accept the Majority Report. He may debate against the motion.

The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. **WILLIAMS**: I would like to oppose the adoption of the Majority Report. I would like to give you a few thoughts on the Prestile situation. I served on the first Natural Resources Committee when it was a new body in this legislature and I was the House Chairman during almost all the time the water was classified including the Prestile. We classified the Prestile in the middle 50's and it was badly polluted at that time with sewage and starch waste. This was before

the Vahlsing Company ever started in.

The Canadians then as now were screaming pollution and fish kill. I remember someone posted a snapshot on the bulletin board in the hall showing a bunch of dead trout killed by starch waste in a pool below Mars Hill. It looked fishy to us so we abstracted the picture, got it blown up and discovered it was a bunch of suckers, not a trout in the lot. We finally classified the Prestile B-2, which they have never been able to meet.

Let's take a look at what we are talking about. The Prestile is a small tributary of the St. John, perhaps a little larger than Bond Brook. It rises in Easton where the Vahlsing plant is located and then runs through Presque Isle, Westfield, Mars Hill, Blaine and Bridgewater where it enters New Brunswick; and then goes by Tracy's Mills and Centerville. All the way down it picks up pollution from small villages. Mars Hill has a good treatment plant; the rest have none. The Canadians who dammed the stream last fall when the water was very low in protest for pollution have no treatment plants either. They just dump everything into the stream and let it go merrily on its way.

The Canadians have a lot to say about the lost trout fishing. Who are we growing trout fish for anyway? There are still trout in the branches of the Prestile, but who in his right mind would want to go fishing in the main stem of the Prestile when there are hundreds of miles of good trout water in Aroostook County? If the water was ever so pure, you could not swim in the Prestile because except for a few pools there is not water enough.

Most of the woes of the Prestile are now being laid at the door of the Vahlsing Company and no doubt they have added pollution, but I would submit to you that the Prestile never was able to make B-2 before they came. I think myself that it was a mistake to drop the classification to C. I also think that it would be a greater mistake to try to make B-2 or B-1 out of this water. There is not enough of

it either for boating or bathing and I am sure it is not needed for drinking water.

This is a long-range problem and I think someone should amend this bill to a straight C and see if this cannot be met. With a little luck on rain I think it can.

The Vahlsing Company has about \$46 million invested in their plant and are trying desperately to clear up their waste. The farmers have as much more invested in land and machinery. If this bill were to pass in its present form it would eventually put Vahlsing out of business. Whether trout would ever come back into the Prestile remains to be seen. We are spending a lot of money in this State to attract new industry and I seriously question the destroying of an industry we already have which employs around 1200 people. At the present time there is no major industry in the State that has to live with a B-2. Why pick on Vahlsing?

It all boils down to a speech I made in this House a good many years ago. You have to make up your minds whether you want pickere[?] or payrolls.

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

Mr. HARDY: I am one of the two members, Mr. Speaker, Ladies and Gentlemen, who signed the "Ought not to pass" Report. I also said in this House when this Legislature classed the Prestile Stream as B-1 and I stuck my tongue in my cheek when I voted for it knowing full well that towns up and down the Prestile at that time had no sewerage plants. And I know full well today that some of these towns on the Prestile have plants on the drawing board and will eventually get their situation cleaned up. And I know full well that this stream did not meet classification of the B nor of the C when we did this.

Right now the Vahlsing Company is under indictment by the Attorney General for a public nuisance. Right now Vahlsing and the Prestile, not wholly by him, isn't meeting Class D. The only way the Attorney General or any law enforcement agency can get at this thing is under the public

nuisance clauses of our Statutes because nothing we do here with classification today will change the fact that Vahlsing or anyone else doesn't have to clean the stream up until 1976.

Now I think it is wholly unreasonable to hang a classification on Vahlsing in this stream, that anybody sits here and thinks it is going to happen tomorrow, when we know full well it isn't. I think the only reasonable thing to do is to go along with what Mr. Vahlsing says he is doing, what the towns along the stream say they are doing, and when this does meet the present classification then is the time to reconsider and up it rather than now when it isn't even meeting Class C. I am very much opposed to the motion of the gentleman, Mr. Eustis, to accept the Majority "Ought to pass" Report in this case.

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

Mr. FINEMORE: Mr. Speaker. Members of the House: It seems rather odd that there would be so many people, even my good friend Mr. Williams — he has been a good friend for many years, would make such statements in this House, especially in regarding the size of the Prestile. This little stream you can jump across. It takes quite a jumper to jump fifty feet, and there's lots of places the Prestile stream is fifty feet wide. The Prestile stream from Mars Hill to the Canadian border is all open for boats, you can sail up and down it all you wish.

But to get along with the bill, this bill you have before you has a question for each and every one of us and I believe we must be fair with ourselves and answer it. Do we want to allow pollution to go on as it is now and never allow our children, our grandchildren, our great-grandchildren to know what the State of Maine once looked like? Wouldn't we like our children to know what a clear brook looks like, what a breath of fresh air smells like, a brook where you can take an alder pole and a can of worms and go walk near a bank of an unpolluted stream or river and catch a few speckled trout and

smell them cooking? This is something all you members here near my age enjoyed; why not let this generation and generations to come enjoy it?

With this in mind I would like to introduce a stream that is included in this bill and explain why we in Aroostook County are so interested in saving it from unnecessary pollution, I mean what I say here because with a little effort and some expense to industry that has already wasted millions of dollars on other studies not as important to life and enjoyment of our people, especially our younger generation.

The Prestile Stream from its source at Bishop Pond to the Canadian Border is approximately 23.5 miles in length. I would like to stop here and say this stream isn't in the City of Presque Isle. It flows south in southern direction through the towns of Easton, Westfield, Mars Hill, Blaine, so-called Robinson, and Bridgewater; then crosses the Canadian Border. This stream has long been famous for its trout fishing and is reported by the biologists to be one of the finest natural habitats for the rearing of game fish in the eastern United States.

At the time the water was classified by the Legislature in 1955 and 1957, I might add that Representative Reed, who later became Governor Reed, and James Ezra Briggs, who later became Senator Briggs of Caribou, and myself worked on this bill to get it classified in two segments, and specified individual high quality classification for each. The northern portion of this stream received a classification of B-1, second from the highest, drinkable after treatment. The southern portion of the stream was classified as B-2 water, lower than B-1 but also drinkable after treatment.

By the above act, the Town of Mars Hill was placed in a position where it could no longer discharge raw waste into the stream and faced with construction of a new sewerage treatment plant. In 1960 Mars Hill complied with the law and built a sewerage treatment plant under the direction of the Water Improvement Commission. In 1961 a potato processing plant

was built, which is now one of the largest of its kind in the United States. This plant of necessity had to use the Prestile Stream to carry away its waste.

Then came the sugar plant. The 102nd Legislature lowered the classification to D, the lowest permitted under our pollution program in Maine; since that time it has become a C.

Under this L. D. 1414, we are hoping to get it back to the classification set up by the 97th in 1955, being B-1, Prestile Stream main stem from the Westfield Bridge to the International Boundary in the Town of Bridgewater, B-2. I cannot begin to tell you what a situation we had this past summer with dead fish, the odor from them and from the water which was so thick in the month of July it could hardly run.

I would like to add that this is the recommendation of the Legislative Research Committee.

I would like to read to you a clipping from the Maine Sunday Telegram of March 23, 1969.

"GOOD NEWS ON CLEAN UP

—Eight firms bordering the Aroostook River in Presque Isle, Caribou, Fort Fairfield, Washburn are putting up \$100,000 toward planning a joint pollution abatement effort, expect their regional abatement plan to be completed in 1973.

Vahlsing is not part of the group.

—A Lewiston-Auburn Pollution Control Commission, comprising several dozen firms, is ready to embark on joint pollution abatement efforts, awaiting only the release of federal funds.

—Great Northern Paper on the Penobscot has a multi-million dollar abatement plant under construction, expected to be completed in 1972.

—In Winthrop-Manchester area, a new diversionary system will abate pollution of Lake Annabessacook by channeling waste into the Augusta treatment plant.

—The town of Oakland and Cascade Woolens have agreed on a joint anti-pollution plant, waiting only federal funds.

—Scott Paper has announced it will spend \$16-\$20 millions at Winslow Mills; target date not till 1976."

I would like to impress upon you the line "Vahlsing is not part of the group." We were told in the hearing of this bill that Vahlsing has received \$440,000 to start a program to abate pollution. To date I cannot learn of any effort being made on the part of this industry to aid the abatement of the pollution being dumped into the Prestile Stream.

Enforcement is going to cost money on the Aroostook River and the Prestile Stream, but let's give the necessary legislation to make it possible to allow the office of the Attorney General to enforce it. We have no law on the books at this time with teeth enough in it to bring the offenders to court and hold them.

In 1967, the 103rd Legislature established a time table for construction of abatement facilities. Two dates in this schedule are especially important, and I would like to read them to you from the Revised Statutes Volume VI, Title 39. It says Time Schedule. A municipality, sewer district, person, firm, corporation, or other legal entity shall not be deemed in violation of any classification or reclassification adopted on or after January 1, 1967, at any time or times prior to October 1, 1976.

I do not believe that we are hurrying Mr. Vahlsing any way in asking that this stream be reclassified. During the month of July last year, I would like to mention that not tens or hundreds of trout—and I would like to mention here that these were not suckers, because I think probably I have been around long enough to tell a sucker from a trout—and other trash fish so-called but thousands dead along the shores with an odor that caused people to move from their homes for several days until the Canadian Government put crews in the Prestile Stream to pick up the dead fish and spray the banks of the stream; this was less than two miles from the U. S. Border.

Mr. Speaker and members of the House, I saw this in the next sentence my own self, not one day but several days. We picked up trout nearly seventeen inches long still trying to get oxygen, and there were barrels of trout six to ten

inches long. I ask you, do we want this to go on?

I believe in the hearing the proponents of this bill tried to state facts to the Committee, but Mr. Vahlsing made one statement on a car wash in Bridgewater, stating their waste was going directly into the Prestile Stream. At that time I could not dispute him, but on returning home that week I found that the photos he presented were taken while the car wash was still being constructed, and upon being put into service it had the proper disposal septic tanks and so forth and it was using a fluid and not soap, the fluid would not harm fish.

Let's think of our younger generation and vote in favor of this bill. After listening to Representative Miss Watson this morning, I do think that her speech in regard to so much waste and pollution was well founded, but I am surprised this morning to hear my good friend Mr. Williams, who should know the Prestile Stream as I know it, and the Prestile Stream has been one of the finest trout streams and it can be brought back in a matter of two or three years again.

And I would like to also comment on something Representative Williams has stated, the fact that these other streams and tributaries still have trout. But I wonder how they are going to have trout if they have no way of getting there. And all of our trout comes from Canada. They have to come up the St. John River, up the Prestile Stream, then up the Whitney Brook, and Rocky Brook and so-called brooks along the line. And if they can't get up the Prestile Stream we aren't going to have any fish in our district. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Members of the House: I am going to try to be very brief this morning, although I feel that this is an important piece of legislation that should be dumped completely. Whether you choose to dump it in the Penobscot River or whether you choose to dump it in the Kennebec River, or you choose to dump it in the Prestile Stream—

it is just a matter of format. The bill must be dumped. If we are going to continue as responsible members of the House of Representatives in continuing the use of DDT which goes in all the rivers and streams in our state, including our lakes—and you have seen enough documented evidence that this is presently being done, we are going to try to tell one industry in our state that they must do something to prevent the pollution of one stream by changing the classification to the point that they are going to have to close their industry, but yet we are going to take the action on only one industry, and we are going to let the rest of the industries go as they are.

Now if we are going to take this type of action here this morning, I feel that there must be something wrong with our system; although I have expounded over the years that until somebody comes out with a better system, ours is still the best in the world.

Now this morning we killed a bill supposedly to try to help clean the pollution of our streams, preventing deadly poison to be served on tables throughout the state and country, and we sit by and let that go by as being acceptable. Then we turn around by another piece of legislation and we are telling the people of one industry — you must either clean it or leave it.

Now, Mr. Speaker and members of the House, I now make a motion that this bill and all its accompanying papers be indefinitely postponed, and when the vote is taken I ask that it be taken by the yeas and nays, to make sure that we are indicating to one industry that unless we are prepared to help the municipalities and the industries — and when I say we are prepared to help, every member of this House can go down on record as approving a sum of money for the municipalities and the industries to help prevent the pollution, if you are ready to take that action then we should do it. But not go through the back door on one industry and try to choke them to death because we feel that at one time there was trout fishing in one stream. This I think is

probably trying to reach through the back door and I don't necessarily appreciate it.

When we are ready to take this action of helping these communities and these industries, then we should go around and talk about reclassification. So I hope when the motion is taken that people will take heed as to what is needed, what is necessary and what we should be doing, and not go try to go through the back door. Thank you.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that both Reports and Bill be indefinitely postponed, and this is a motion of priority.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I find myself in complete concurrence this morning with the gentleman from Hodgdon, Mr. Williams, as well as the gentleman from Madawaska, Mr. Levesque. I was a member of the legislature that declassified this stream to D, and because of that declassification, as you have been told previously this morning, tremendous sums of money have been spent here to create an industry. The sum of \$46,000,000 has been mentioned. There is both state and federal guarantees to this industry in this amount of money. I feel that we would be repudiating a commitment that we made at that time, and I am not amongst those who are going to do it. I go along with the motion of the indefinite postponement of this bill. I do not believe by changing the classification you're going to permit the accomplishment of the act any more than you can now make it what it's classified today. Just as Mr. Williams has stated, we have a commitment to the people. In this we have created the industry, money has been put in there. We've got to take serious consideration when we vote on this.

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

Mr. HARDY: Mr. Speaker and Members of the House: I wish to take only one minute to further

speak on this issue. I want the House to fully understand that today this is Class C, and today Mr. Vahlsing is not meeting Class C, and I am in total agreement that he should meet Class C, and when he does the Prestile Stream will no longer smell, and when he does, the Prestile Stream will support the trout that we're listening to this morning.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I would like to concur this morning with the gentleman from Madawaska, Mr. Levesque, and also with the gentleman from Hodgdon, Mr. Williams, as I too served on the committee that set up this pollution thing, and it was then Class D, and that was before the industry known as Vahlsing moved in, or even thought of moving in. This is one of the points that I wanted to mention, and there's been some controversy over the size of the stream. I suspect one man might have been looking at it in the spring of the year when it's quite big in places, and the other man may have been looking at it in the summertime when it's a pretty small stream in places. The stream does have some wide places and does have some pretty small places, but I don't think that's neither here nor there in relation to the subject this morning.

I think that we've made a commitment in previous legislatures before this industry moved there, and it would be like Indian givers if we was to try to change it today after they've spent a lot of money and moved there, to try to move them too fast. I'd be reluctant to do that because I was one of those that took part in setting this up as D.

The other thing that I wanted to point out. I was one of those that blowed up this picture that was on the bulletin board of these big trout, and we blowed it up big enough so you could see they were suckers — I was in on that too. Thank you.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I don't think we are trying to drive Mr. Vahlsing out of Aroostook County and I don't think this bill will drive him out of Aroostook County, and I would like to say one reason he doesn't meet C. Every time he gets a lagoon full — and I do not feel bashful in saying this, he will find some excuse, same as he did in January of this year, to break a lagoon.

He had a pipe break up there this year, and it could have been fixed without breaking the lagoon, but the bulldozer operator made a statement himself in public that he was told to break this lagoon so that he could fix the pipe so the lagoon could drain.

Mr. Vahlsing has made no effort whatsoever to meet a C grade, and he even says himself that he'll never meet a C grade. But we are not going to try to shut his industry down, and we won't be shutting it down because he has until 1976 to bring it up, and you've got quite a few legislatures from now to then who could change this classification.

It seems to me when you come to court, in any kind of a court today, you should come with clean hands. Well this is not true in Mr. Vahlsing's case. He doesn't agree with the Attorney General's Office, he doesn't agree with anyone, just with himself.

I think if we have made a mistake in the State of Maine in making an investment such as we have with Mr. Vahlsing, that we shouldn't try to penalize the people of Aroostook County just because they have made a mistake in investment. And I might say, so many are talking on this stream here, the size of it, I wish they would come up and see it. I don't believe any of them has ever looked at the stream; and when the vote is taken, I hope the people see fit to vote against indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Topsham, Mrs. Coffey.

Mrs. COFFEY: Mr. Speaker and Members of the House: I am on this Natural Resources Committee, and this was not given a good

hearing. The Report has come out of committee wrong. I don't know how it happened. I was under the impression I signed the "ought not to pass." Mr. Hardy was under the impression he signed it— Mr. Snow, Mr. Jameson. Until this committee knows what it's doing, I don't see how the Floor of the House can vote on something, and I move for an indefinite postponement.

The SPEAKER: The pending motion is for the indefinite postponement of both Reports and Bill. Is the House ready for the question? The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

More than one fifth 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 Madawaska, Mr. Levesque, that both Reports and Bill "An Act Reclassifying Prestile Stream of the Meduxnekeag River Basin," House Paper 478, L. D. 632, in New Draft, House Paper 1096, L. D. 1414, be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Baker, Bedard, Benson, Bernier, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Brennan, Buckley, Bunker, Carey, Carrier, Carter, Casey, Chick, Clark, C. H.; Coffey, Corson, Cote, Cox, Crommett, Crosby, Croteau, Curtis, Cushing, D'Alfonso, Dam, Dennett, Donaghy, Drigotas, Dudley, Durgin, Dyar, Erickson, Evans, Farnham, Fecteau, Fortier, A. J.; Fortier, M.; Foster, Fraser, Gauthier, Gilbert, Giroux, Hall, Hanson, Hardy, Haskell, Hawkins, Henley, Heselton, Hewes, Huber, Hunter, Immonen Jalbert, Jameson, Johnston, Keyte, Kilroy, Laberge, Lawry, Lebel, Lee, LePage, Levesque, MacPhail, Marquis, Martin, McKinnon, McNally, Mills,

Mitchell, Moreshead, Morgan, Mosher, Nadeau, Norris, Noyes, Ouellette, Page, Payson, Porter, Pratt, Quimby, Rand, Rideout, Santoro, Scott, G. W.; Shaw, Sheltra, Snow, Soulas, Susi, Tanguay, Temple, Trask, Waxman, White, Wight, Williams.

NAY — Allen, Barnes, Berman, Brown, Chandler, Clark, H. G.; Cummings, Danton, Emery, Eustis, Finemore, Good, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Lewin, Lewis, Lincoln, Lund, Marstaller, McTeague, Meisner, Millett, Richardson, G. A.; Ross, Sahagian, Scott, C. F.; Starbird, Stillings, Thompson, Tyndale, Vincent, Watson, Wood.

ABSENT — Burnham, Cottrell, Couture, Curran, Faucher, Gaudreau, Harriman, Hichens, Leibowitz, Richardson, H. L.; Rocheleau, Wheeler.

Yes, 103; No, 35; Absent, 12.

The SPEAKER: One hundred and three having voted in the affirmative and thirty-five in the negative, the motion does prevail. It will be sent up for concurrence.

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

REPORT "A" (5) — "Ought to pass"—Committee on Inland Fisheries and Game on Bill "An Act Repealing the Bounty on Bobcat" (H. P. 34) (L. D. 35)—REPORT "B" (5)—"Ought not to pass"

Tabled—March 23, by Mr. Lewin of Augusta.

Pending — Acceptance of either Report.

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

Mr. LEWIN: Mr. Speaker and Members of the House: I move the acceptance of Report "A."

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

Mr. PORTER: Mr. Speaker and Members of the House: Fortunately, this bill is not of too great importance when compared to the bills concerning the current services, school subsidies, and University of Maine, this bill doesn't stand too high. However, it is before us, and we're expected to act

upon it, and I'm just going to add to your confusion.

At the hearing we had two of probably the best experts in the State of Maine on bobcats: one, Ash Peaslee, and two, Lloyd Clark. Ash Peaslee has hunted cats a good part of his life. He has one dog who has caught 250 bobcats. His second dog has caught over 100. So in all, Ash has captured pretty near 400 bobcats. Two weeks ago he had already captured 29 this year, so unquestionably Ash Peaslee is an authority. Also in that same area is Lloyd Clark, to my mind, one of the finest warden supervisors in this state. Lloyd has spent most of his life in that very same area with Ash Peaslee.

Those two experts could not agree. Ash Peaslee wanted to get rid of bounties, Lloyd Clark wanted to keep them. So now you're looking to the Committee — we're no help either. Our committee was divided five to five.

Now we're talking in terms of \$8,000 because that is about what the bounties are each year. To a retired school teacher, \$8,000 looks like Mt. Katahdin, but when compared to the size of the budget of the Fish and Game Department, it's not very large. Personally, I'd be in favor of taking the bounties off bobcats and put them on dogs, because I am convinced that dogs kill five to ten times as many deer as do the bobcats in our state.

You may ask why I voted to keep the bounty on bobcats. When I joined the committee last January, I fully resolved to try to protect fish and game. Our generation is having the cream of hunting and fishing. The coming generations are going to have skim milk. I know it is impossible, but I would like to have my four grandchildren enjoy the hunting and fishing that I have enjoyed.

It is said that a deer in the State of Maine is worth from two to three hundred dollars. We wouldn't have to save many deer to change the \$8,000. Now I know you're confused, and I'm convinced that no matter how you vote, there's going to be doubts in your mind. Thank you.

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

Mr. LEWIN: Mr. Speaker and Ladies and Gentlemen of the House: I will speak very briefly. The purpose of the \$15 bounty on bobcats has been, in theory, to control and reduce the population. In fact, it has proven to be a waste of money.

In 1951 the department paid \$6,105 in bounties. Last year they paid \$8,200. Some years we've paid a great deal more; in 1964, for instance, \$18,765. In the fifty years that we have tried to control the bobcat population, we've spent nearly half a million dollars on bounties without any effect on the population.

At the hearing held recently, various experienced hunters and woodsmen disagreed on how much of a killer of the deer the bobcat really was. One man, a game warden in fact, said they would kill practically anything they came across. Another, also a game warden, said they were naturally lazy, and killed only to eat, that they killed very few deer, mostly the weaker ones, and lived largely on partridge and smaller animals. The point is, that at the hearing there was no evidence introduced by anyone to indicate that the \$15 bounty had any measurable effect on their habits or the population.

I might say that New Hampshire has given up its bounty on bobcat, so has Canada. We are now paying bounties on cats actually not killed in Maine. Years ago the fur price for bobcats was practically nothing. Today they average about \$15, and a good pelt will bring even more.

Bobcat hunting is fast becoming a popular winter sport. I believe that this will do more to control the cat population than a bounty will do. In closing I would say that last year two thirds of all bounties were paid to sport hunters, and only one third to trappers. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Machias, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Members of the House: I am heartily in accord with the time-

honored custom of the House that freshman legislators should be seen, but seldom heard. Having been here now fourteen weeks, and this bill being of considerable interest to my constituents, I would like to add my two-cents worth. I had hoped that my maiden speech might be on some different subject, but during the past two weeks I have received many calls from the people in my area, Washington County. I have yet to hear one person who believes that the bounty should be removed from bobcats. To a man, they point out, that bobcats are among the most predatory of animals, that they do account for a large number of deer, and that any value that they might possess as a game animal is far outweighed by the destruction which they do create with our deer herd. I do believe that it is obvious that if this bounty is removed, this destruction of the deer herd in this area will accelerate.

That I should speak at all on this bill is a bit paradoxical, because I have never been hunting or fishing in my life. But since I do represent an area which is noted for that particular sport, and since the majority of my constituents are unalterably opposed to this, I would ask you to vote against the motion that this should pass. Thank you.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: I would feel a good deal the same as the previous speaker. There has been a good deal of support, from people that I've talked with, to maintain the bounty on bobcat, and most of the people that I've talked with, and I come from an area that is quite close to where there's a good deal of hunting, and the number of deer that are killed by cats apparently is relatively high. I was talking with a buyer of skins the other day, and he told me that he had just bought the skin of a cat, and that cat had killed two deer just prior to being killed.

The amount of money that is involved by the department is not excessive, but I do think that it does help to keep down the bobcat

population, and they are one of the very few animals that I know of in the woods that has no natural enemy. I would hope that the motion to accept the "Ought to pass" Report is defeated, and then we can accept Report B, "Ought not to pass."

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I think those legislators that live north of Bangor, up where the woods start getting big, certainly should support this piece of legislation and keep the bounty. Now the department of those people involved say that a deer is worth a minimum of \$250 apiece, and if you multiply this, that would only be around 35 deer, or 30 odd deer, that we'd have involved for this \$8,000. \$8,200 seems to be the top figure that is paid for this bounty, where \$6,000 has been one of the lower marks.

Now I can tell you from firsthand knowledge, that they do kill a lot of deer. As a matter of fact, only a week ago last Sunday I saw where a bobcat killed one right in the road on my own property. Now, if he killed this one, he no doubt killed more, because I didn't have the time to travel over all the woods in the area, and I do know they kill a lot, and I know that the trouble is there's two elements involved, and this seems to be one of the reasons. As you get south of Bangor your wooded areas are smaller, and the dog hunters can go in and chase them up a tree and kill 'em.

This is fun, 'cause once I had a dog and I found it great sport and had the legs to travel me through the woods many miles, but I was reluctant, as are many of the hunters today, to take a good dog in these big woods and loose him where you might not see him for days, or maybe weeks, and if you did ever see him again, he'd be so thin, you'd be ashamed to take him downtown so anyone could see him, 'cause he'd run for days before you could capture him again. But you see, down here where the woods are smaller, your hunters with dogs have very good luck because they can always get their

dog back, 'cause he'll only run over to the next town and he's got a tag on him, and it's easy to get the dog back. But as you get up where the woods are big, I find these people that's got these good dogs, they don't want to get up there and turn their dogs loose where they've got to go 400 miles to catch the dog again.

So I suspect you noticed the people, like Mr. Birt of East Millinocket, and those of us that live in that area, we feel that this is money very well spent. I hope you will support the bill to keep the bounty. That will be a vote against the present motion. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker and Ladies and Gentlemen of the House: I live in Waldo County. We have quite a few gentlemen there that take out these sports for hunting cats. One fellow there has about \$7,000 invested. He has to go clear up to Bingham or Flagstaff to find cat tracks. Well now, if he has to go that far, they must be getting pretty thin. And we have another representative right here in this House that has a brother that does the same thing and he maintains that we don't need this bounty, that it's just a matter of a few trappers that want this bounty. We had bounty on bear and it was taken off a few years ago, and now I believe the kill of bear is increased way beyond what it was when we had bounty on it.

The bobcat is getting to be a sport animal, and in a few years, if we keep on with this bounty on it, it will be extinct. And I hope that you vote to take the bounty off, because I don't think it's needed at this time.

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

Mr. HASKELL: Mr. Speaker and Members of the House: I think the opinion regarding bobcats does vary with geography. So to bring a further north point of view, I've been contacted by two professional trappers, and their point is that they trap bobcat, incidental to

their regular trapping, for the bounty; and if the bounty is removed, they then are not interested in attempting to set traps for bobcats.

I think in the northern Maine area, the bobcat certainly is more plentiful, and if it is valuable to control the bobcat population, particularly in the northern Maine area, I think it would be an error to remove the bounty.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoin.

Mr. BOURGOIN: Mr. Speaker and Members of the House: As a member of the Inland Fish and Game Committee, when this bill was proposed I was ready to go along with removing the bounty as we've removed the bounty from the Canada lynx two years ago. But after hearing Lloyd Clark tell us what he has seen through his experience in the woods, I will vote against accepting to remove the bounty from the bobcat.

Mr. Sahagian of Belgrade then moved the previous question.

The SPEAKER: For the Chair to entertain the motion for the previous question it must have the consent of one third of the members present. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

More than one third of the members present having voted, the previous question was now entertained.

The SPEAKER: The question now before the House is, shall the main question be put now, and this may be debated for five minutes by any member. Is it the pleasure of the House that the main question be entertained now? All those in favor say yes; those opposed say no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The main question is on the motion of the gentleman from Augusta, Mr. Lewin, that the House accept Report "A" "Ought to pass" on Bill "An Act Repealing the Bounty on Bobcat," House Paper 34, L. D. 35. All in favor will vote yes; those opposed

will vote no. The Chair opens the vote.

A vote of the House was taken.

61 having voted in the affirmative and 69 having voted in the negative, the motion did not prevail.

Thereupon, Report "B" "Ought not to pass" was accepted and sent up for concurrence.

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

Bill "An Act relating to Biennial Elections of Penobscot Indians" (H. P. 415) (L. D. 526) (Committee Amendment "A" H-128)

Tabled — March 28, by Mr. Starbird of Kingman Township.

Pending — Passage to be engrossed.

Mr. Rideout of Manchester offered House Amendment "A" and moved its adoption.

House Amendment "A" was read by the Clerk and adopted.

On motion of Mr. Starbird of Kingman Township, tabled pending passage to be engrossed as amended and specially assigned for tomorrow.

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

An Act Providing for Payment of the 1969 Education Subsidies to Municipalities (S. P. 414) (L. D. 1379)

Tabled — March 28, by Mr. Richardson of Cumberland.

Pending — Passage to be enacted.

On motion of Mr. Benson of Southwest Harbor, retabled pending passage to be enacted and by unanimous consent made a Special Order of the Day assigned for 9:30 o'clock tomorrow morning.

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

An Act to Appropriate Moneys for the Expenditure of State Government for the Fiscal Year Ending June 30, 1969 (S. P. 219) (L. D. 660)

Tabled — March 28, by Mr. Richardson of Cumberland.

Pending — Passage to be enacted.

On motion of Mr. Jalbert of Lewiston, retabled pending passage to be enacted, and specially assigned for Friday, April 4.

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

An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971 (S. P. 372) (L. D. 1232)

Tabled — March 28, by Mr. Jalbert of Lewiston.

Pending — Passage to be enacted.

On motion of Mr. Jalbert of Lewiston, retabled pending passage to be enacted and specially assigned for Friday, April 4.

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

An Act Permitting Employment of State Prison and Reformatory Inmates on County and Municipal Public Works Projects (H. P. 497) (L. D. 651)

Tabled — April 1, by Mr. MacPhail of Owls Head.

Pending — Passage to be enacted.

On motion of Mr. MacPhail, the House voted to suspend the rules and to reconsider its action of March 27 whereby it voted to recede and concur with the Senate.

On further motion of the same gentleman, the House voted to recede.

Senate Amendment "A" (S-50) was read by the Clerk.

Mr. MacPhail offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

House Amendment "A" to Senate Amendment "A" (H-144) was read by the Clerk.

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

Mr. VINCENT: Mr. Speaker, I would oppose adoption of House Amendment "A" which is a substitution of the word "shall" for "may." "May" is a three-lettered word and a rather weak word which doesn't clearly define anything and it's like standing on quicksand. The word "shall" is

a much stronger word and it should be left into this bill.

There has been a lot of debate on the merits of using prison labor. Under the provisions of the statutes of Maine, prison labor may be used free by the municipalities or the counties for road construction. The present method of using prison labor is that the State is the only body entitled to use prison labor. Under the provisions of this bill the counties would be provided the use of labor but there are no provisions in the original draft to provide for pay. We had an amendment presented by the other body which presented an opportunity to give these prisoners pay.

When a prisoner is paid under the rules and regulations of the department, a percentage of his pay is reimbursed to the prison for his upkeep. So in effect he is paying for his room and board while at the prison. It also provides an opportunity for him to put some money aside and to save for his release from active duty.

Also we have heard in debate that the names of these people have been sentenced for hard labor and shall pay their debt to society. I wish to remind this body that the concept of hard labor went out fifty years ago. No prisoner is compelled to participate in hard labor. If a prisoner is disobedient within the prison he is confined; he's not put on a job for hard labor. The only ones that are eligible for participation on a work release program are people that were not involved in organized crime or a violent crime, and they must take the initiative for this work program. They cannot be compelled to work on any work release program against their own will. If we are to provide incentive for these people to request work release, we must offer them something other than hard toil.

The SPEAKER: The pending question is the adoption of House Amendment "A" to Senate Amendment "A"

The Chair recognizes the gentleman from Durham, Mr. Hunter.

Mr. HUNTER: Mr. Speaker and Ladies and Gentlemen: You know I heard it said here the other day

that the jails was a place to punish people. Now I spent a lot of time in jails the last couple of years working in the personnel office of a company. I was reading the paper where someone was in for time and I would go there and interview the prisoner and I would take him right along and put him to work. I'm talking about the county jail business now, but I also attempted to do the same thing on the state level. It worked out awful well the prisoners that we took, it was a union job and they had to join the union and they dressed like everybody else, and one or two of them worked up and got in a supervisory position before their time was up. Now jails aren't to punish people, they are for rehabilitation. We spend a lot of money on rehabilitating a person before they get out.

Now years ago a person was sent to jail and they spent most of their time breaking rock and while — I suppose while they was breaking rock they was planning some job that they would do when they got out.

Now in this bill here it would appear to me that it would be the towns down in Knox County, town and county down there would be getting the advantage of it. I work or did work for a concern before I came here that was willing to spend \$40,000 to put up dormitories so we could take prisoners in and board them and like that and they would pay their board back to the state so it wouldn't cost them anything to do it, but I was told by the Warden that they didn't have prisoners enough. It seems that the prisoner population during these nice times that we are going through are down a little bit, and right the day I was there, they didn't have enough fellows to even pick potatoes out there at the farm and they didn't know what they was going to do about it. So I want to concur with the gentleman from Portland, Mr. Vincent.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mr. MacPhail.

Mr. MacPHAIL: Mr. Speaker, if Senate Amendment "A" should prevail without House Amendment "A" it would present certain com-

plications in that there is no money — it would require the state, when prisoners work on state projects to be paid, and there is no money appropriated for this and I don't know where the money would come from. There is another question whether they should be covered by workmen's compensation and so forth. Now this is a department bill which they requested, they think it is good therapy, it is good for the inmates of the prison, and besides these institutions have taken certain taxable property away from the towns and counties and they do like to reciprocate in some way if they can in helping them with some expenses in their work projects. Therefore, I would hope that you would go along with the motion to accept House Amendment "A."

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

Mr. VINCENT: Mr. Speaker, first of all the state departments are now eligible to use prison labor, and they have a general fund. Now the Forestry Department presently uses prisoners for clearance of parks and they do have appropriated funds for this clearance project, although they do not pay the prisoners at present. The bill before us now is just to expand it from state use to county use. There are no provisions outside of the Senate Amendment to provide pay on the county level. I might also remind you that if the prison laborers are used by the county, they will be in direct competition with outside free labor.

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

Mr. HEWES: Mr. Speaker, I am in agreement with the gentleman from Owls Head, Mr. MacPhail. It seems to me that this bill is a humanitarian bill, we are trying to help prisoners become rehabilitated when they leave the prison, and if you force employers to pay as much to the prisoners as you do to a non-convict, apparently honest hard working individual, then I would think the employer would be more interested in hiring the non-convict. A prisoner who

has been convicted of a crime may not be as industrious as a non-convict or as honest or as experienced in the field of endeavor, and I think that we are hurting the intent of the original law if we force the employer to pay the same salary that he would pay to a non-convict, and I concur with the thoughts of Mr. MacPhail. I thank you.

Mr. Vincent of Portland was granted unanimous consent to speak a third time.

Mr. VINCENT: Mr. Speaker, these prisoners have an opportunity of either staying in the prison or working, and in most cases these people are willing to work a lot harder than your civilian clientele.

Now we have covered the subject of the pay for the prisoners. If we wish to not pay them, then we are getting into the chain-gang concept of prison labor. This is ridiculous. This is a concept of the south. Prison labor at one time it might have been a concept in this state, but to blacken the eye of the state is ridiculous. These people all of their lives have been taken advantage of in one way or another. Sometimes they have taken advantage of themselves. Are we to take advantage of them again by exploiting them? And this is what this will be, exploiting people.

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

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: We passed a law a couple of years ago about a work relief program in the county jails, and my Sheriff in Kennebec County notified me that he had a man working in the jail as a cook, and this man said that if he went outside he could be employed in the restaurants and get a salary, so if he did this same work in the jail he should get the money that he would get if he was working outside. Now I think if we do not pass this amendment we will get to the point where a Judge will sentence a man to Thomaston and then he will have to set how much money he will get paid for going

down there. I am very much in favor of the motion of the gentleman from Owls Head.

Mr. MacPhail of Owls Head was granted unanimous consent to address the House a third time.

Mr. MacPHAIL: Mr. Speaker, you have heard reference made several times to the chain-gang, and I can assure you I don't know whether they ever used it in Maine, but not in the last fifty years certainly. There are no chains used. These inmates of the state prison have been working on these outside projects, and this is one of the preferred projects they like to work on. It is their desire, and they work harder to get a good record in prison so they can go out on these jobs, this is their request that they be permitted to work. I request when the vote is taken it be by division.

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

Mr. McTEAGUE: Mr. Speaker, I would ask a question of Mr. MacPhail or any member of the House that cares to answer. Is there in this bill or in other laws or in regulations of the Department of Corrections any provisions that would restrict competition between prison labor and free labor, particularly in times when employment might be short?

The SPEAKER: The gentleman from Brunswick, Mr. McTeague poses a question through the Chair to any member who may answer if they choose and the Chair recognizes the gentleman from Owls Head, Mr. MacPhail.

Mr. MacPHAIL: I don't know that there is any restrictions, but I can assure you that it never has been the custom to use prison labor in lieu of other labor that was available, put it that way.

The SPEAKER: The pending question is the adoption of House Amendment "A" to Senate Amendment "A," and a vote has been requested. All in favor of the adoption of House Amendment "A" to Senate Amendment "A" will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken. 98 having voted in the affirmative and 28 having voted in the negative, House Amendment "A" to Senate Amendment "A" was adopted.

Senate Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair now lays before the House on page 2 of your House Advance Journal and Calendar item 6 which was tabled and later today assigned: Resolve Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years, H. P. 12, L. D. 12, and the pending question is the adoption of House Amendment "A." Is it the pleasure of the House to adopt House Amendment "A"?

The motion prevailed.

Thereupon, the Resolve was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

Mr. Scott of Wilton presented the following Joint Order out of order and moved its passage:

WHEREAS, Warrant Officer Bard E. Davenport, 22 year old son of Arthur and Delcena Swett Davenport, Jr. of Wilton, was attached to the Armed Forces in Vietnam; and

WHEREAS, on March 27, 1969 Officer Davenport died in the line of duty while under enemy fire and in the service of his country; and

WHEREAS, this family above all others prays for peace, for they must suffer and bear the deepest wound and scar of war; and

WHEREAS, the State of Maine has contributed her full share of fighting men whose indomitable courage, valiant efforts and sacrifice in Vietnam defy any faith or duty to mankind; now, therefore, be it

ORDERED, the Senate concurring, that the 104th Legislature hereby tenders its deep sympathy to the members of the family of this valiant soldier in their sad bereavement; and be it further

ORDERED, that this Joint Order become inscribed as a permanent part of the legislative records of the State of Maine and that the Secretary of the Senate transmit an engrossed copy thereof to the parents of the deceased. (H. P. 1102)

The Order received passage and was sent up for concurrence.

On motion of Mr. Benson of Southwest Harbor, the House voted to reconsider its action of earlier in today's session whereby the "Ought not to pass" Report was

accepted on Resolve to Reimburse the Towns of Thomaston and Warren for Fire and Municipal Protection Services for the State, H. P. 718, L. D. 936.

On further motion of the same gentleman, tabled pending acceptance of the "Ought not to pass" Report and specially assigned for Tuesday, April 8.

On motion of Mr. Dennett of Kittery,

Adjourned until nine o'clock tomorrow morning.