

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

Friday, April, 11, 1969

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

Prayer by the Rev. Mr. Walter Brown of Randolph.

The journal of yesterday was read and approved.

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

Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Bill "An Act Providing for a Guest Fishing License" (S. P. 136) (L. D. 420)

Came from the Senate read and accepted.

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

**Ought to Pass with
Committee Amendment**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Salaries of Official Court Reporters" (S. P. 62) (L. D. 185) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "B".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-70) was read by the Clerk and adopted in concurrence. Senate Amendment "B" (S-74) was read by the Clerk and adopted in concurrence, and the Bill assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on Towns and Counties reporting "Ought not to pass" on Bill "An Act Creating County Commissioner Districts" (S. P. 60) (L. D. 168)

Report was signed by the following members:

Messrs. MARTIN of Piscataquis
MILLS of Franklin
— of the Senate.

Messrs. HAWKENS of Farmington
CROMMETT

— of Millinocket
LABERGE of Auburn
FORTIER of Waterville
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Mr. PEABODY of Aroostook
— of the Senate

Messrs. DYAR of Strong
HANSON of Vassalboro
WIGHT of Presque Isle
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

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

Mr. DYAR: Mr. Speaker, I move the acceptance of the Minority "Ought to pass" Report in non-concurrence.

The SPEAKER: The gentleman from Strong, Mr. Dyar, moves the acceptance of the Minority "Ought to pass" Report in non-concurrence. Is this the pleasure of the House?

Thereupon, Mr. Levesque of Madawaska asked for a vote on the motion to accept the Minority Report.

The SPEAKER: A vote has been requested on the acceptance of the Minority Report. The pending question is on the motion of the gentleman from Strong, Mr. Dyar, that the House accept the Minority "Ought to pass" Report in non-concurrence. All those in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

50 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought not to pass" Report was accepted in concurrence.

Non-Concurrent Matter

Bill "An Act to Amend the Eating Place Licensing Law" (S. P. 220) (L. D. 668) on which the House accepted the Minority "Ought not to pass" Report of the Committee on Health and Institu-

tional Services in non-concurrence on March 26.

Came from the Senate with that body voting to insist on its former action whereby the Majority Report reporting "Ought to pass" as amended by Committee Amendment "A" was accepted and the Bill passed to be engrossed as amended by Committee Amendment "A", and asking for a Committee of Conference.

In the House: On motion of Mr. Soulas of Bangor, the House voted to insist and join in the Committee of Conference.

Non-Concurrent Matter

An Act relating to Compensation of the Panel of Mediators (H. P. 691) (L. D. 891) which was passed to be enacted in the House on March 28 and passed to be engrossed on March 20.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Huber of Rockland, the House voted to insist.

Non-Concurrent Matter

Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act relating to State Historian" (H. P. 710) (L. D. 924) which was accepted in the House on March 21.

Came from the Senate with the Report and Bill recommitted to the Committee on State Government in non-concurrence.

In the House: On motion of Mr. Starbird of Kingman Township, the House voted to recede and concur with the Senate.

Messages and Documents

The following Communication:
THE SENATE OF MAINE
AUGUSTA

April 10, 1969

Honorable Bertha W. Johnson
Clerk of the House of
Representatives
104th Legislature
Augusta, Maine

Dear Madam Clerk:

The Senate today voted to Adhere to its former action whereby it indefinitely postponed Bill, "An Act Relating to Septic Tank and

Cesspool Cleaners." (H. P. 685) (L. D. 884).

Respectfully,

(Signed) JERROLD B. SPEERS
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

Mr. Richardson of Cumberland presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation be and is hereby authorized to report a Bill or Bills providing at a minimum, sufficient revenue to fund the so-called Current Services and School Subsidy Bills now before this Legislature. It is further authorized to do this by proposals to increase existing taxes or proposals for new taxes, or both. (H. P. 1120)

The Joint Order received passage and was sent up for concurrence.

By unanimous consent ordered sent forthwith to the Senate.

House Reports of Committees

Leave to Withdraw

Mrs. Cummings from the Committee on Education on Bill "An Act to Provide Relief for 'Municipal Overburden' in Educational Costs in Maine Municipalities" (H. P. 459) (L. D. 596) reported Leave to Withdraw.

Mr. Marstaller from the Committee on State Government reported "Ought not to pass" on Bill "An Act relating to Police Officers of Indian Tribes" (H. P. 393) (L. D. 503).

Mr. Rideout from same Committee reported same on Bill "An Act relating to Cutting of Brown Ash by Indians" (H. P. 644) (L. D. 832)

Reports were read and accepted and sent up for concurrence.

Referred to Committee

on Judiciary

Tabled and Assigned

Mr. Dennett from the Committee on State Government on Bill "An Act to Establish a State Department of Family Relations" (H. P. 1051) (L. D. 1382) reported that it be referred to the Committee on Judiciary.

Report was read.

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

Mr. OUELLETTE: Mr. Speaker, may I have item four tabled until Wednesday next?

The SPEAKER: The gentleman from South Portland, Mr. Ouellette, moves that L. D. 1382 be tabled until Wednesday, April 16, pending acceptance of the Committee Report. Is this the pleasure of the House?

The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, I would like to ask whether the motion of precedence is the long date or the short date; can I have it tabled for two days?

The SPEAKER: The longer date holds priority.

Thereupon, the matter was tabled pending acceptance of the Report and specially assigned for Wednesday, April 16.

Ought to Pass in New Draft New Draft Printed

Mr. Marstaller from the Committee on State Government on Bill "An Act Permitting the Establishment of an Indian Township Passamaquoddy School Committee" (H. P. 379) (L. D. 488) reported same in a new draft (H. P. 1119) (L. D. 1439) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and assigned the next legislative day.

Ought to Pass Printed Bills

Mr. Buckley from the Committee on Agriculture reported "Ought to pass" on Bill "An Act Increasing Tax on Milk Producers for Promotional Purposes" (H. P. 401) (L. D. 512)

Mr. Gilbert from same Committee reported same on Bill "An Act relating to Taking Possession of Animals Unlawfully Detained" (H. P. 538) (L. D. 717)

Mr. Mitchell from same Committee reported same on Bill "An Act relating to Length of Time in Boarding Stray and Abandoned Dogs" (H. P. 205) (L. D. 255)

Mr. Mosher from same Committee reported same on Bill "An Act

Increasing and Relating to Disposition of Fees Payable to Maine Milk Commission" (H. P. 503) (L. D. 674)

Reports were read and accepted, the Bills read twice and assigned the next legislative day.

Ought to Pass with Committee Amendment

Mrs. Lincoln from the Committee on Claims on Resolve in favor of Rodrigue J. Albert, M. D. of Fort Kent and Peoples Benevolent Hospital of Fort Kent (H. P. 456) (L. D. 593) reported "Ought to pass" as amended by Committee Amendment "A" (H-168) submitted therewith.

Mr. Donaghy from the Committee on State Government on Bill "An Act to Improve the Management of the Indian Township Forest Resources and Passamaquoddy Trust Funds" (H. P. 394) (L. D. 504) reported "Ought to pass" as amended by Committee Amendment "A" (H-165) submitted therewith.

Same gentleman from same Committee on Resolve Authorizing Forest Commissioner to Convey Certain State Lots in Franklin County" (H. P. 945) (L. D. 1206) reported "Ought to pass" as amended by Committee Amendment "A" (H-166) submitted therewith.

Reports were read and accepted, the Bill read twice and the Resolves read once. Committee Amendment "A" to each was read by the Clerk and adopted, and the Bill assigned for third reading and the Resolves assigned for second reading the next legislative day.

Divided Report Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act relating to Membership and Salary of State Liquor Commission" (H. P. 782) (L. D. 1015)

Report was signed by the following members:

Messrs. WYMAN of Washington
LETOURNEAU of York
— of the Senate.

Messrs. DONAGHY of Lubeec
MARSTALLER of Freeport

STARBIRD
of Kingman Township
DENNETT of Kittery
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Mr. BELIVEAU of Oxford
— of the Senate.
Messrs. RIDEOUT of Manchester
D'ALFONSO of Portland
Miss WATSON of Bath
— of the House.

Reports were read.

(On motion of Mr. Rideout of Manchester, tabled pending acceptance of either Report and specially assigned for Wednesday, April 16.)

Order Out of Order

From the Senate: The following Order:

ORDERED the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 15, at 10 o'clock in the morning. (S. P. 431)

Came from the Senate read and passed.

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

Passed to Be Engrossed

Bill "An Act Repealing Supreme Judicial Court Messenger in Cumberland County" (S. P. 286) (L. D. 932)

Bill "An Act relating to Annual Meeting of Farmington Village Corporation" (S. P. 339) (L. D. 1137)

Bill "An Act to Study Desirability of Extending Route 161 from St. Francis to Canada" (H. P. 928) (L. D. 1189)

Bill "An Act relating to Relocation Assistance in State Highway Projects" (H. P. 1118) (L. D. 1438)

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

Amended Bills

Bill "An Act Creating the Uniform Anatomical Gift Act" (S. P. 349) (L. D. 1215)

Was reported by the Committee on Bills in the Third Reading, read

the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Third Reader Tabled Until Later in Today's Session

Bill "An Act relating to Outdoor Advertising" (H. P. 670) (L. D. 861)

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

Mr. Fortier of Waterville offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-163) was read by the Clerk.

Thereupon, on motion of Mrs. Brown of York, tabled pending adoption of House Amendment "A" and assigned for later in today's session.

Bill "An Act relating to the Camp Trip Leader's Permit under Fish and Game Laws" (H. P. 814) (L. D. 1053)

Bill "An Act Establishing a Scenic Highway Board" (H. P. 837) (L. D. 1075)

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

Enactor Tabled and Assigned

An Act relating to Residence of Write-in Candidates on Ballots (H. P. 889) (L. D. 1148)

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

(On motion of Mr. Richardson of Cumberland, tabled pending passage to be enacted and specially assigned for Tuesday, April 15.)

Passed to Be Enacted

An Act relating to Turn Signals (H. P. 1059) (L. D. 1390)

Was 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.

Orders of the Day

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

Bill "An Act to Prevent the Pollution of the Waters of China Lake" (H. P. 704) (L. D. 904) (Committee Amendment "A" adopted H-124)

Tabled—April 4, by Mr. Carey of Waterville.

Pending — Passage to be engrossed.

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

Mr. CAREY: Mr. Speaker and Members of the House: Having been informed by the Attorney General's office that this bill may possibly be unconstitutional and needs extensive reworking, I would ask that it be recommitted to the Committee on Natural Resources.

Thereupon, the Bill was recommitted to the Committee on Natural Resources and sent up for concurrence.

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

Bill "An Act relating to the Sale of Fireworks" (H. P. 284) (L. D. 360) (In House, Indefinitely Postponed) (In Senate, passed to be engrossed as amended by Senate Amendment "A" S-44)

Tabled—April 4, by Mr. Corson of Madison.

Pending—Motion of Mr. Corson of Madison to recede and concur.

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

Mr. CORSON: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been tabled and retabled in the hopes that I would have at this time a display of the Class C fireworks, a dummy display, which would clearly demonstrate exactly which fireworks we are dealing with. Unfortunately this display has not arrived and rather than keep this bill floating indefinitely I will attempt to discuss it today and move that it be passed to be engrossed.

The display, I don't know where it is—probably someone in the Legislature of one of our sister states is trying to figure how come

a fireworks display showed up in its halls. However, this bill was passed to be engrossed by the Senate in non-concurrence as amended. The amendment prohibits the sale or the offer for sale of Class C fireworks to anyone under the age of sixteen.

I would like to submit for the consideration of this body that the largest explosive device which would be legalized would be one-quarter inch in diameter, one and one-half inches in length, and would contain no more than two grams of pyrotechnic material. I would further submit for your consideration that our citizens would be far safer on July 4th to set off fireworks in the backyard than to be out on the highways.

The SPEAKER: Does the gentleman move that the House recede and concur?

Mr. CORSON: I do so.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: When this was brought up before us on the last occasion we were promised by the gentleman from Madison, Mr. Corson, that there would be a representative from the manufacturers who would show us a display. I didn't miss a day here, but I may possibly have missed it. I would ask the gentleman from Madison if the manufacturer has made a display to us so we can make some judgment in this matter.

The SPEAKER: The gentleman from Waterville, Mr. Carey, poses a question through the Chair to the gentleman from Madison, Mr. Corson, who may answer if he chooses. The Chair recognizes that gentleman.

Mr. CORSON: Mr. Speaker, Ladies and Gentlemen of the House: This display is on the way here. I talked with the representative from the fireworks company again last week and he assured me that it is on the way. Where it is, I have no idea. I hesitate to ask that this be tabled again as I think I have strained the patience of this body quite enough by having this thing retabled.

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

Mr. CAREY: I would ask that this matter lie on the table for one week pending the gentleman's motion.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that this matter be tabled pending the motion of the gentleman from Madison, Mr. Corson, that the House recede and concur.

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

Mr. RICHARDSON: Mr. Speaker, I request a division on the motion.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of tabling this matter will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

56 having voted in the affirmative and 69 having voted in the negative, the motion to table did not prevail.

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

Mr. TEMPLE: Am I in order to speak on this now?

The SPEAKER: It is open for debate.

Mr. TEMPLE: Mr. Speaker, Ladies and Gentlemen of the House: This morning we have before us again the bill to legalize fireworks in Maine. You also have Senate Amendment "A" which would allow anyone of sixteen years or older to purchase these fireworks. This amendment takes away none of the dangers whatever. I do not intend to take your time to repeat the many bad points of this legislation because I feel concerned people already realize the serious results.

As a member of the 104th Legislature I would like to protect the health, safety and welfare of all the people of the State of Maine. Therefore, let us remember our duty. Fireworks when present, no matter by whom, cause fire, burn and maim. Therefore, I hope you will vote against the motion to recede and concur and I ask the vote be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marsteller.

Mr. MARSTALLER: Mr. Speaker and Members of the House: I hope that when we consider this we will vote for the motion and allow our young people to have fireworks. We do many things for our young people; in fact we do so many things for them they don't have a chance to do anything for themselves. Now if we are going to celebrate Fourth of July, let's let our young people get a bang out of it. We see our young people now trying to get a bang out of dope and other things and yet we prohibit them from having such little things as this fireworks bill would allow. I hope you will vote for the motion.

The SPEAKER: The Chair recognizes the gentlewoman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: I would like to move that this bill lie on the table for two days.

Thereupon, the Bill was tabled pending the motion of Mr. Corson of Madison to recede and concur and specially assigned for Wednesday, April 16.

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

Bill "An Act Creating the Winterport Water District" (H. P. 1045) (L. D. 1373)

Tabled—April 8, by Mr. Mitchell of Frankfort.

Pending — Passage to be engrossed.

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

Mr. EVANS: Mr. Speaker, seeing that Representative Mitchell isn't here today, I would like to table this bill until the next legislative day.

Thereupon, on motion of Mr. Levesque of Madawaska tabled pending passage to be engrossed and specially assigned for Tuesday, April 15.

On request of Mr. Richardson of Cumberland, by unanimous consent the following matter was taken from the table out of order:

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—April 9, by Mr. Jalbert of Lewiston.

Pending — Passage to be enacted.

On motion of Mr. Richardson of Cumberland, under suspension of the rules, the House reconsidered its action of March 19 whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-172) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: This L. D., which bears the number 1232, is the current services budget for the next biennium. In order to move this bill along it is necessary to amend the preamble to the bill. The Attorney General has advised us that the language in the preamble insofar as it deals with the question of merit pay increases and salary range changes is unconstitutional.

This amendment which I have offered, House Amendment "A", would correct this by removing the Legislative Reserach Committee from passing on emergency requests for merit increases, range changes and reclassifications. The Appropriations Committee feels very strongly that we must bring a halt to the merit increases, range changes and reclassifications which are not budgeted and which result in an annual spiral in the cost of state government. This is a very necessary step the Appropriations Committee feels and therefore this amendment is designed to put a halt to this practice.

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

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

Bill "An Act relating to Open Season on Partridge or Grouse and Pheasant" (H. P. 330) (L. D. 439) (In House, passed to be engrossed) (In Senate, passed to be engrossed as amended by Senate Amendment "A" S-69)

Tabled—April 9, by Mr. Marstaller of Freeport.

Pending—Further consideration.

On motion of Mr. Kelley of Southport, the House voted to insist.

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

An Act Repealing Certain Procedure for Registration of Voters (H. P. 628) (L. D. 816) (Vetoed by the Governor)

Tabled—April 9, by Mr. Ross of Bath.

Pending—Further consideration.

The SPEAKER: Shall this Bill become law notwithstanding the objections of the Governor?

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: There is always much talk about reforms which would lead to better government. The Republican Party has always favored this concept. For this reason in the election law field in 1901, after a two-year study, there was a complete revision which included a uniform system of registrars. The revised law was so good that the State received the American Heritage Foundation award.

Then suddenly and apparently without any rhyme or reason except out and out politics, the 102nd Legislature made a drastic change in this law, saying that notaries public and justices of the peace could register and enroll voters. Now someone dreamed up this scheme so it would be easy to sign up large blocks of individuals. They evidently didn't feel that the treasured right of voting was worth the effort of appearing before the proper officials and in the proper way.

On our previous votes before today they have gone down party

lines and I do not understand exactly why, because the practice is as unfair to one segment as it is to the other. But after the last vote in the House a capable, astute, conscientious member of the Democratic Party told me that he had been doing a great deal of thinking about this and he said to me, "Rodney, I know that some of your ideas in my opinion don't have much merit, but I now feel that you are exactly right on this one." And I thought that this influential and enlightened gentleman would contact the Chief Executive and make him realize that this really was very fine legislation.

Consequently I was very much surprised last Wednesday to see on our calendar the first veto message. If I were thin skinned my feelings would probably be hurt because last year I remember I worked very hard to secure final passage on two very important items and both of those were vetoed. Now already I have one.

Governor Curtis is an honorable, conscientious man and I'm sure that he is motivated by the very best of intentions. But he of course is so busy that he doesn't have the time to investigate all things in depth. In his message he mentions that this would reduce significantly the number of registered voters. However, he failed to check from the clerks and registrars to see the very large number of voters who were registered improperly. He says that it is too bad to end the system which has been effective in getting many more citizens on our rolls in the State of Maine. Oh it's been effective alright, it has even brought on to our rolls certain persons who are not citizens. He said that it would discourage voting by making registration more difficult.

I only say, must we nowadays spoon feed everything to people? Are the days gone when it was an honor and a privilege to register, when we took pride in going to the board of registration just as soon as we could after we reached the age of twenty-one? He says that Maine should be proud of a law which permits notaries and justices to register and enroll people. I for one was extremely proud

of our former revised and up-to-date law which won national acclaim. I am very sorry that the Governor was too busy to check with clerks and registrars — in other words, people who know, to find out what a poor law it was. I am sorry that he didn't check with a number of persons who were turned away from the polls and not permitted to vote during the last election because they were not enrolled properly.

If he had known all of these facts, he would have realized that this one facet alone is our whole system, a very poor public image; and knowing all of this, and since he is very concerned for upgrading our government on all levels, I feel that he would never have vetoed this legislation and I sincerely hope that the House will override the veto.

The SPEAKER: Shall this bill become law notwithstanding the objections of the Governor?

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I don't know that I should glorify the remarks made by the gentleman from Bath, Mr. Ross, this morning. However, I really should tell it as it is, as it really is. I think probably what Mr. Ross is telling us this morning, that because this piece of document was passed by the 102nd Legislature that it is a bad piece of legislation and we should get rid of it.

I think if Mr. Ross would look at the record properly, that the amount of registered people that were registered under this new law, is no more and is no different than when you used to have to register in the Clerk's office or the Town Manager's office or the Board of Selectmen's office, and all they had to go by was a big black book. Only to find out on election day that somebody — or in the primary election, somebody somewheres along the line had registered somebody into a party that he had not wanted to be registered in.

Now I see absolutely no difference between the big black book that somebody inadvertently had a new voter register into a party

that he did not wish to be a part of. This here is a piece of legislation that was put on the books in 1965, and in my humble estimation has helped some of the people receive a part in our form of government. If it had not been there, we might have had them and yet we might not have them, regardless of what party affiliations they might be.

So I feel certain that if the gentleman from Bath, Mr. Ross, would apply himself in using this piece of legislation that has been on our books to good use, whether he be trying to register a Republican or a Democrat, could still do so, and could justifiably do a well deserved job of registering people properly. So that's why I feel that this morning a gentleman has stated that the Governor in the corner office is a conscientious and hard-working Governor, yet every time and every opportunity that he or his party in the last two years has had a chance to take a swipe at him, from one direction or the other, for absolutely no reason other than pure politics. I didn't see that they come out that he was such a conscientious Governor then.

I think probably two years ago, when the Governor first took office, if it would have been at least at all possible, the Majority Party two years ago would have started the impeachment procedure to get the Governor out of office by the way they were going. So that now that the Governor has become a conscientious Governor, I hope that the people this morning will see fit that this is still a good law and we will support the Governor in his veto message.

The SPEAKER: Is the House ready for the question? The question being, shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the Maine Constitution, the yeas and nays are ordered. It takes a two-thirds affirmative vote to make this become law without the sanction of the Governor. All of those in favor of An Act Repealing Certain Procedure for Registration of Voters, House Paper 628, L. D. 816, becoming law notwithstanding the objections of the Governor will

vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Berman, Birt, Bragdon, Brown, Buckley, Bunker, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Crosby, Cummings, Curtis, Cushing, Donaghy, Durgin, Dyar, Erickson, Evans, Farnham, Finemore, Foster, Good, Hall, Hanson, Hardy, Haskell, Hawken, Henley, Heselton, Hichens, Huber, Immonen, Jameson, Johnston, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, MacPhail, Marsteller, McNally, Meisner, Millett, Moreshead, Mosher, Norris, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Thompson, Tyndale, White, Wight, Williams, Wood.

NAY—Bedard, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Porter, Casey, Coffey, Cote, Cottrell, Couture, Cox, Crommett, Croteau, Dam, Drigotas, Dudley, Emery, Eustis, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Hewes, Hunter, Kelleher, Keyte, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Marquis, Martin, McKinnon, McTeague, Mills, Morgan, Nadeau, Ouellette, Rocheleau, Santoro, Sheltra, Starbird, Tanguay, Temple, Vincent, Watson, Waxman, Wheeler.

ABSENT — Curran, D'Alfonso, Danton, Dennett, Harriman, Jalbert, Jutras, Mitchell, Trask.

Yes, 80; No, 60; Absent, 9.

The SPEAKER: The Chair will announce the vote. Eighty having voted in the affirmative and sixty in the negative, eighty not being two thirds, the veto is sustained.

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

HOUSE REPORT — "Ought not to pass"—Committee on Labor on Bill "An Act Revising the Employment Security Law and Providing for an Executive Director" (H. P. 897) (L. D. 1158)

Tabled—April 9, by Mr. Huber of Rockland.

Pending—Acceptance.

Thereupon, on motion of Mr. Huber of Rockland, the "Ought not to pass" Committee Report was accepted and sent up for concurrence.

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

HOUSE REPORT — "Ought to pass" in New Draft — Committee on Labor on Bill "An Act relating to Chiropractic Services for Injured Employee under Workmen's Compensation Law" (H. P. 95) (L. D. 104)—New Draft (H. P. 1115) (L. D. 1434)

Tabled—April 9, by Mr. Huber of Rockland.

Pending—Acceptance.

Thereupon, on motion of Mr. Huber of Rockland, the "Ought to pass" in New Draft Committee Report was accepted.

The New Draft was given its two several readings and assigned the next legislative day.

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

Bill "An Act relating to County Inventory of Property and Bids" (H. P. 650) (L. D. 838) (Committee Amendment "A" (H-157) Adopted)

Tabled—April 9, by Mr. Crommett of Millinocket.

Pending — Passage to be engrossed.

On motion of Mr. Crommett of Millinocket, under suspension of the rules, the House reconsidered its action of April 8 whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-169) was read by the Clerk and adopted. Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill passed to be engrossed as amended and sent to the Senate.

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

An Act to Provide for the Expunging of Certain Records of Arrest (S. P. 223) (L. D. 663)

Tabled — April 9, by Mr. Hewes of Cape Elizabeth.

Pending — Motion of Mr. Lund of Augusta to reconsider passage to be enacted.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: In its present form this bill presents some serious problems in the field of law enforcement. I had prepared an amendment which is on your desk under the filing number H-170, but in order to give the gentlemen on the Judiciary Committee and the sponsor of the bill an opportunity to review the amendment and hopefully to avoid taking as much of the House's time, I would hope that some member of that Committee might move that this bill lie upon the table for two legislative days.

Thereupon, on motion of Mr. Hewes of Cape Elizabeth, tabled pending the motion of Mr. Lund of Augusta to reconsider passage to be enacted and specially assigned for Wednesday, April 16.

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

HOUSE REPORT — "Ought not to pass" — Committee on Highways on Bill "An Act relating to Reimbursement of Fuel Tax for Miles Traveled on Maine Turnpike" (H. P. 371) (L. D. 511)

Tabled — April 9, by Mr. Keyte of Dexter.

Pending — Acceptance.

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

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

HOUSE REPORT — "Ought not to pass" Committee on Education on Bill "An Act to Create a School Administrative District in the Town of Jay" (H. P. 428) (L. D. 552)

Tabled — April 9, by Mr. Dyar of Strong.

Pending — Acceptance.

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

Mr. RICHARDSON: Mr. Speaker, I move that this lie on the table until Wednesday, April 16.

The SPEAKER: Does the gentleman object to this matter being tabled unassigned?

Mr. RICHARDSON: Yes, Mr. Speaker, I do. I would prefer that it be tabled until Wednesday, April 16.

Thereupon, the matter was tabled pending acceptance of the Committee Report and specially assigned for Wednesday, April 16.

The Chair laid before the House the twelfth 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 — April 9, by Mr. Richardson of Cumberland.

Pending — Passage to be enacted.

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of same and 13 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

HOUSE REPORT — "Ought not to pass" — Committee on Towns and Counties on Bill "An Act to Place Full-Time Deputy Sheriffs under the Personnel Law" (H. P. 530) (L. D. 701)

Tabled — April 9, by Mr. Porter of Lincoln.

Pending — Acceptance.

On motion of Mr. Henley of Norway, tabled pending acceptance of Committee Report and specially assigned for Wednesday, April 16.

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

An Act relating to Licensing of Ambulance Service, Vehicles and

Personnel (S. P. 263) (L. D. 867)

Tabled—April 9, by Mr. Martin of Eagle Lake.

Pending—Motion of Mr. Birt of East Millinocket to Indefinitely Postpone.

Mr. Birt of East Millinocket withdrew his motion to indefinitely postpone.

On motion of the same gentleman, under suspension of the rules, the House reconsidered its action of March 25 whereby the Bill was passed to be engrossed as amended by Committee Amendment "A".

On further motion of the same gentleman, the Bill was recommitted to the Committee on Health and Institutional Services in non-concurrence and sent up for concurrence.

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

Resolve Proposing an Amendment to the Constitution Repealing the Provisions which Establish the Treasurer of State as a Constitutional Officer (H. P. 14) (L. D. 14) (In House, finally passed) (In Senate, indefinitely postponed)

Tabled—April 10, by Mr. Shaw of Chelsea.

Pending—Motion of Mr. Sahagian of Belgrade to Insist.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker and Ladies and Gentlemen of the House: I wish to repeat a small portion of the statement that I made before the House yesterday morning. I am still convinced that this is a good bill and will accomplish just what I have described earlier. However, we have got to have courage as Legislators this session more than ever before. We have got to act responsibly. We cannot afford to continue practices of the past. Instead, we have got to initiate improved practices and laws for the future. So therefore, I now move that we insist.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: A

matter of parliamentary procedure.

The SPEAKER: The gentleman may pose his inquiry.

Mr. DONAGHY: What is the procedure to recede and concur?

The SPEAKER: The gentleman's motion would be in order if he makes it. It has high priority.

Mr. DONAGHY: I so move.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, now moves that the House recede and concur.

The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker, I request a division by the yeas and nays.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I strongly object to the motion to recede and concur where this document has been killed in the other branch. It is my sincere feeling this morning that this is a very good piece of legislation and I would think if we really want to tell it as it is, and the gentleman from Bath, this morning, Mr. Ross, is sincere in his proposal that we should have some reforms, that have been on the books for so many years, has been adopted by both political philosophies in the State of Maine, that we should have some governmental reforms. And I think probably the members of this House should vote against the motion to recede and concur and insist on the prior action taken by this House, if this is what we actually want to do this morning.

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

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: I don't today agree with my friend from Belgrade. I think that this office is a check of balance. As my memory is longer than some others in the House, I can remember when we had a State Controller who was running around Augusta with a quarter of a million dollars worth of State

funds in a handbag getting ready to head for the South Seas, and I agree that we should vote to recede and concur on this bill.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: In the interest of good government, my motion has been made. We have heard this morning about the big black book which actually was done away with by subsequent legislation, even before that 102nd Legislature came into being.

On this matter of the treasurer, we have had an example very recently of what happens when the corner office wants to make a job for the good and true. We have an example in the Fish and Game Department, we also have an example in our Indian Affairs Department; and we don't need any more in the Finance Department, we already have one.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker and Members of the House: I stand in support of the gentleman from Belgrade, Mr. Sahagian. We had this bill in State Government. It seems to me that if we are ever going to make some changes we have got to start somewhere, and this seems like an awfully good place to start.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: I agree with Mr. Rideout and Mr. Sahagian. We passed this bill by 103 votes, I believe, some few weeks ago. I believe we should do the same today by an even bigger margin. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker, a question of the gentleman, Mr. Starbird, I don't know where he is from. He said 83, it was 103.

The SPEAKER: Is the House ready for the question? The pending question, the question of priority, is that the House recede

and concur. 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 and more than one fifth having expressed the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that the House recede from its former action and concur with the Senate in the indefinite postponement of Resolve Proposing an Amendment to the Constitution Repealing the Provisions which Establish the Treasurer of State as a Constitutional Officer, House Paper 14, L. D. 14. If you are in favor of receding and concurring you will vote yes: If you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Baker, Bragdon, Buckley, Clark, H. G.; Cummings, Curtis, Cushing, Donaghy, Dyar, Evans, Farnham, Foster, Gilbert, Hanson, Hardy, Henley, Immonen, Kelley, K. F.; Kelley, R. P.; Lewis, Lincoln, Marsteller, McNally, Meisner, Millett, Moreshead, Mosher, Page, Porter, Rand, Scott, G. W.; Shaw, White, Wight, Williams, Wood.

NAY — Barnes, Bedard, Benson, Berman, Bernier, Binnette, Birt, Boudreau, Bourgoin, Brennan, Brown, Bunker, Burnham, Carey, Carter, Casey, Chandler, Chick, Clark, C. H.; Coffey, Corson, Cote, Cottrell, Couture, Cox, Crosby, Croteau, Dam, Drigotas, Dudley, Emery, Erickson, Eustis, Faucher, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Giroux, Good, Hall, Haskell, Hawkins, Heselton, Hewes, Hichens, Huber, Hunter, Jameson, Johnston, Kelleher, Keyte, Kilroy, Laberge, Lawry, Lebel, Lee, Leibowitz, LePage, Levesque, Lewin, Lund, MacPhail, Martin, McTeague, Mills, Morgan, Nadeau, Norris, Noyes, Ouellette, Payson, Pratt, Quimby, Richardson, G. A.; Richardson, H.

L.; Rideout, Rocheleau, Ross, Sahagian, Santoro, Scott, C. F.; Sheltra, Snow, Soulas, Starbird, Stillings, Susi, Temple, Thompson, Tyndale, Vincent, Watson, Waxman, Wheeler.

ABSENT — Allen, Carrier, Crommett, Curran, D'Alfonso, Danton, Dennett, Durgin, Harriman, Jalbert, Jutras, Marquis, McKinnon, Mitchell, Tanguay, Trask.

Yes, 36; No, 97; Absent, 16.

The SPEAKER: Thirty-six having voted in the affirmative and ninety-seven in the negative, the motion does not prevail.

Thereupon, on motion of Mr. Sahagian of Belgrade, the House voted to insist.

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

HOUSE REPORT — "Ought not to pass"—Committee on Inland Fisheries and Game on Inland Fisheries and Game on Bill "An Act Providing for Adequate Fishways in Dams and other Obstructions" (H. P. 857) (L. D. 1099)

Tabled — April 10, by Mr. Carter of Winslow.

Pending—Acceptance.

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

Mr. CARTER: Mr. Speaker and Members of the House: I move that we substitute the Bill for the Report, and I would speak on my motion if I may.

The SPEAKER: The gentleman from Winslow, Mr. Carter, moves that the House substitute the Bill for the "Ought not to pass" Report. The gentleman may proceed.

Mr. CARTER: Mr. Speaker and Ladies and Gentlemen of the House: The reason that I make that motion is that I would like to introduce House Amendment "A" which has filing number H-167 which is now on your desk.

Those of you who served in the 102nd Legislature might recall the compromise bill, reported out by the Fish and Game Committee, that was finally enacted into law as Sub-section 2201 of Title 21. This compromise bill, for all intents and purposes, would serve to eliminate barriers to anadromous fish, such as Atlantic salmon, sea trout, better known as rainbow trout,

sturgeon, smelts and so on, all of which frequent the tide waters below the Augusta dam.

Now there is on your desks, this morning, a copy of an article that appeared in the Kennebec Journal last Tuesday which will serve to substantiate this point. Many members of the 102nd Legislature felt that the compromise bill would be adequate. Shortly after the session ended and the bill became law, a petition containing more than the 200 required signatures was initiated by residents of Augusta and submitted according to the new law. A hearing was subsequently held here in Augusta. At the hearing, the counsel for the petitioners established beyond any doubt that there was abundant fish, anadromous fish or Atlantic salmon, below the Augusta dam, and that they could not navigate that dam to reach the upper reaches of the Kennebec to spawn. And by Commissioner Speers' own words, to me on several occasions, he stated that Atlantic salmon do spawn in Bond and Togus Brooks which are both below the dam. This has also been verified by other reliable sources.

At the hearing held as a result of the petition, the biggest objection that the Commissioner raised was that a fishway at the Augusta dam would allow the carp, a bottom feeder, access to the upper reaches of the Kennebec Valley. And the carp, according to the Commissioner, would be much too destructive and undesirable. However, after it was pointed out that this fish is not a migratory fish, to which the Commissioner later agreed, and that this same fish, the carp, was also stocked in the upper reaches of the Kennebec valley—namely, the Half Moon Pond, at the same time that it was stocked in Merrymeeting Bay, and new objections were raised by the Commissioner. These also proved to be groundless. Needless to say, the petition was denied, and to this day I still don't know what the real objection is to providing a fishway on this dam.

My proposed amendment would provide for a manned fishway during the spawning run of anadromous fish. Such a manned fish-

way would not only deny the carp passage, but would also eliminate any other undesirable fish. I also can't believe that the cost of such a fishway would prove to be disastrous to the owners or occupants of the dam, as my amendment also calls for. According to sound estimates, based on \$2,000 per foot, the 18 foot Augusta dam fishway would not exceed \$40,000 to \$50,000, and this would be indeed small if financed over a 20-year period. Such a cost would also be indeed small when you compare it with the approximate figure of \$30 million that will have to be spent by the residents of the Winslow-Waterville area for pollution abatement in the very near future. If the municipalities must spend these amounts of money, then I can't see why the Kennebec River can't be beneficial to both industry and the people that border the edges of it.

It is a known fact that an Atlantic Salmon fisherman spends anywhere upwards to \$100 per day when he is on a fishing trip, be it on the Meramechee River, or other rivers outside the State. Wouldn't it be much more beneficial to both industry and the inhabitants of these municipalities, and the state, if those persons were to spend his money within the state?

My proposed amendment also allows the owners or occupants of the Augusta dam two years after the 104th Legislature adjourns to comply. I don't believe this to be unreasonable either. I think that my proposed amendment is fair to all, and I would hope that you would go along with me on my motion to substitute the bill for the report so that I may introduce my amendment. Thank you.

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

Mr. LEWIN: Mr. Speaker and Members of the House: I find that I must, in good conscience this morning, oppose L. D. 1099, and the amendment now proposed, and I would like to speak on it.

The SPEAKER: The gentleman may proceed.

Mr. LEWIN: This bill had a good hearing before the Committee on Inland Fish and Game, a committee composed of ten sym-

pathetic men to good conservation and to the encouragement of better fishing. The Committee has recommended wholeheartedly that this bill "ought not to pass." The Department of Fish and Game has also recommended that this bill "ought not to pass." Now there must be good reasons why both the Committee and the Department think this bill should not pass, and I will try to relate a few of them to you.

I am not strange to the Kennebec River. I have lived here since 1925 when I wasn't away on a trip at the expense of Uncle Sam.

I think our first job must be to clean up our rivers, and this includes the Kennebec; and after this is done we can, where needed, install fishways. The Kennebec, which seems this morning to be a primary concern, is not clean enough yet, and believe me, nobody wants good fishing more than I do. We can get federal assistance to build fishways when we can demonstrate the usefulness. I doubt if we could get any funds for the Kennebec today.

Fishways don't determine what kind of fish pass through them, and there are undesirable fish as well as desirable ones. Analysts have already told us there are carp in the Kennebec and we don't want to encourage them. I want the Department, with its experts, to decide when a fishway would be helpful on the Kennebec or anywhere else. This is a field for experts and not up to a group of a few fishermen. Under this bill the Department would have to spend half of its time in Court.

If you will read the statutes we already have read carefully, you will find this isn't necessary. Title 12 of Section 2201 says in part: "Whenever the Commissioner shall deem it expedient, he may require a fishway to be provided, erected, maintained, repaired or altered by owners or occupants of any dam or other artificial obstruction above tidewater in any inland waters frequented by salmon, landlocked salmon, shad, alewives or other migratory fish."

This section then goes on to provide for petitions by citizens and

public hearings. This law was put on the books in 1965 and I think is working well. We have hundreds of dams in Maine and hundreds of fishways. Some were built at the discretion of the Department and other, yes, destroyed at the discretion of the Department. But they must decide what is right in each case.

This bill doesn't leave any discretion with anyone—whether it involves the Kennebec or any other river or stream. And if the Department doesn't require a fishway, whether needed or not, any ten citizens can go to Court, have the dam declared a nuisance, and the Court must order the Commissioner to destroy the dam. And this does not say, ladies and gentlemen, "may," it says "shall."

I want good fishing as much as anyone else and I want good fishing on the Kennebec, but I don't propose to demand a fishway on every stream and river without someone deciding first if it will be helpful or harmful and whether the right kind of fish will go through it. You just can't write a bill like this to cover every situation.

I believe we have adequate laws and we have a good department. Let's not harm fishing in Maine with good intentions and I would move for indefinite postponement of L. D. 1099 with amendment.

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

MR. CARTER: Mr. Speaker and Members of the House: I would like to take issue with my good friend, Mr. Lewin from Augusta. He still has not answered or opposed any real objection to my proposal. I stated before that a manned fishway, during the spawning run of the anadromous fish only, is not an excessive cost, and it doesn't require attendance all year round by the Fish and Game Department. My proposed amendment also would not place any burden on the Fish and Game Department as far as construction funds are concerned. This would be up to the owners and occupants of the dam, and a small fee of perhaps \$22,000 to \$25,000 financed

over a twenty-year period is very small indeed.

I would hope that you would go along with my motion and vote against Mr. Lewin's motion of indefinite postponement, and help us to have industry and the citizen both benefit by its own natural resources. Thank you.

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

Mr. KELLEY: Mr. Speaker and Members of the House: I would like to speak in support of Mr. Lewin's motion. I am very familiar with the Kennebec River; I've owned property along its shores for over 40 years. I feel that a fishway when the right time comes would be a good thing, but I also want to point out that you need more than fishways. Fishways will let the fish up the stream, but if you don't have proper shields on the intakes in the dams, the fish that you let up get chopped up in the power wheels and we lose the fish. For many years salmon have tried to come down from Moosehead, and they get chopped up in the wheels as they come down river and never make the ocean. I think that it would be very unnecessary to try to put in fishways at this time.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the House: I don't know that this morning I stand in defense of this fishway in the Kennebec, but I, too, not very many sessions ago, made a great stand for fishways in the State of Maine, not necessarily the Kennebec, and for my cries I received the lovely fishway in the Piscataquis River where it dumps into the Penobscot.

I only want to report to you this morning that this has made elegant fishing the whole length of the Piscataquis River, both trout, bass, and many other fish that we never had before, and we heard the same arguments that we're hearing here this morning, that it wouldn't be no good, they would be chopped up in water wheels, and the river water was filthy.

These same arguments were used against me in those days. Let me tell you, they nearly convinced me, their cries were so loud.

However, the fishway was built, and I invite any member who goes north to stop and see it. It's a beautiful thing, and it didn't bankrupt anybody. The Bangor Hydro even participated in part of the cost of the construction, and we're real proud of it and we hope you get to see it, and I really hope I live to see the day when there will be one in the Kennebec, when there will be one in all the rivers of Maine, and I think steps should be taken starting now to put these in.

I sincerely hope that any member that gets in the area, when you go up the turnpike, and you get off at the Howland exit, it's only about half a mile to the fishway, and I hope you view it. If you do, the attendant at the Bangor Hydro has a key, and he can shut the fishway and show you the fish that's migrated in it. If you're from the Legislature, I'm sure he would. And I think if you do this, you'd have a lot different view on fishways. And I think the problem of course this morning is to find the money, the Fish and Game Department or us here are money conscious, and we probably can't find the money this morning to build one in the Kennebec: but I think we will always bear in mind this should be built as soon as possible in the Kennebec and all other rivers in the State of Maine. And please do see this one at Howland at the mouth of the Piscataquis.

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

Mr. LUND: Mr. Speaker and Members of the House: Although passage of this measure will impose an additional burden on a local industry, I'm inclined to oppose the motion to indefinitely postpone; and I wish I could agree with the gentleman who has spoken in support of relying upon the advice of the experts, but I have found, over a period of time, that there are many occasions in which we seem to find that the expert

biologists really don't know all there is to know about the matters of fish biology.

To take a brief case in point, Lake Cobbossee here near Augusta used to be excellent salmon fishing. The biologists decided a few years ago that it was no good for salmon fishing, and they wouldn't plant any salmon in it. They thought togue were worth trying and they put togue in, and hardly anybody caught the togue. Now they are trying the salmon again, and we're catching salmon. So it seems to me that often times they are not as positive in their findings as they seem to be. I can't quite understand their statement that the river isn't ready yet, because we are catching anadromous fish at Cobbossee Stream coming out in Gardiner. I, myself, have seen striped bass caught, and further down river from there.

The article which you have on your desk indicates that another biologist has seen salmon spawning below the dam at Augusta, and anybody who cares to stop by the parking lot and cast a bare hook into the water can catch as many smelt as the law will allow. So I would hope that the House would vote against the motion to indefinitely postpone.

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

Mr. EVANS: Mr. Speaker, I would like to pose a question to anybody that can answer this, through the Chair, on section 2201, Fishways. It says all rivers and streams and their tributaries. Now on this amendment that was put in by Representative Carter, does that cancel that part out?

The SPEAKER: The gentleman poses a question through the Chair to anyone who may answer, but the Chair would advise the House that there isn't any amendment before this body at the time.

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

Mr. CARTER: If I may answer, Mr. Speaker, I realize this is the third time I rise, my answer to the question would be in the negative if the amendment is introduced.

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

Mr. EVANS: Mr. Speaker and Members of the House: The way this bill is written, that any farmer or small landowner that wanted to dam up a brook to water his cows or his stock, or use it for a place to swim, he could be ordered to put in a fishway. This bill extends too much. Now the good gentleman from Augusta said that the biologists are not always correct on their things — neither are the lawyers when they write up these bills. Now this bill takes in too much territory altogether, and I am in favor of indefinite postponement of it. The farmer is being fast ridden out of the country. At least let's let him make a little pond if he wants to water his stock without having to be told he's got to have a fishway.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of this House: After listening to my good friend from Augusta, Mr. Lewin, I am inclined to believe that he has not looked upon the Penobscot River as a clean river, because as he stated, that the river is not clean enough yet to put in a fishway. I will say this, that they put in a fishway in Bangor, they've got one up in Old Town, and they've got one up in Milford, and yet that river has got to be clean.

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

Mr. LEWIN: If my memory doesn't fail me, I had no reference to the Penobscot River, it was the good old Kennebec.

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

Mr. LUND: Mr. Speaker, in response to the comments of my good friend, the gentleman from Freedom, Mr. Evans, I would be the first to admit that lawyers often make mistakes, and that's what keeps other lawyers busy. I think that possibly Mr. Evans may not be aware of the present law, because the present law with regard to the building of dams is

quite stringent, and I suspect that a farmer who wants to build a dam on a stream at the present time has to get permission from the Fish and Game Department, and if need be, can be required to put in a fishway, so although I haven't got the law precisely before me, I would suspect that he is objecting to what actually is the present law now.

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

Mr. MORESHEAD: Mr. Lund made reference to the fact that if a fishway were to go in under the present law you need permission of the Commissioner of Fish and Game, and it is my understanding in regard to the dam here in Augusta that the Commissioner has not granted this permission because in his discretion this river, the Kennebec, is not ready for a fishway at this time.

The SPEAKER: The pending question is the motion of the gentleman from Augusta, Mr. Lewin, that both Report and Bill "An Act Providing for Adequate Fishways in Dams and other Obstructions," H. P. 857, L. D. 1099, be indefinitely postponed. The Chair will order a vote. All those in favor of the indefinite postponement will vote yes, those opposed will vote no, and the Chair opens the vote.

61 having voted in the affirmative and 60 having voted in the negative, the motion did prevail. Sent up for concurrence.

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

Bill "An Act Amending the Liability of Landowners Law" (H. P. 735) (L. D. 953)

Tabled—April 10, by Mr. Hardy of Hope.

Pending — Passage to be engrossed.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman from Brunswick, Mr. McTeague's question yesterday, I will read five lines from section 3004, the liabil-

ity: "This chapter does not limit the liability which would otherwise exist for willful or malicious failure to guard, or to warn against, a dangerous condition, use, structure or activity; or for injury suffered in any case where permission to hunt, fish, trap, camp, hike, sight-see or participate in recreational activities was granted for a consideration***." In other words, Mr. Speaker, any resort which offers skimobile trails and you get injured while enjoying these facilities at that facility, there is a question of liability.

However, on the other hand, if you stop, let's say, at the Senator Motel up here on the way to one of our snowmobile use areas, take your snowmobile from your trailer and get injured there, they offer no snowmobile facility, and therefore would not be responsible in the case of injury.

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

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

Bill "An Act Amending the Charter of Portland Relating to Title of Chairman of the City Council" (H. P. 998) (L. D. 1300)

Tabled—April 10, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

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

The Chair laid before the House a matter tabled earlier in today's session and assigned for later in the day:

Bill "An Act relating to Outdoor Advertising" H. P. 670, L. D. 861 (C. "A" H-156)

Mr. Dudley of Enfield offered House Amendment "B" and moved its adoption.

The SPEAKER: The Chair would advise the gentleman that House Amendment "A" is before the House and must be disposed of.

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

Mr. HARDY: Mr. Speaker, in regard to House Amendment "A" to L. D. 861, the present law as well

as 861 says that on-premise high rise signs adjacent to the interstate within fifty feet of the building or permanently emplaced structure can have two signs back to back. If you go beyond this fifty foot area from the building or permanently placed structure, the on-premise high rise sign can only have one panel on this structure. This amendment, Mr. Speaker, is trying to broaden the law so one structure over fifty feet from the building would be allowed to incorporate two signs.

It is not even certain if the State Highway Commission would interpret this phrase in the same light. This only gives the opponents the right to argue that they could have these signs. This is obviously another attempt to allow more signs on our interstate system. It has been part of the law since 1961 and there has been no previous effort to have amendments presented before this body in this period of eight years. It was not placed before our committee last Thursday and so the Natural Resources Committee could not have an opportunity to study the true meaning and impact of this amendment. This is just another effort to confuse and delay, and I therefore move to indefinitely postpone this amendment.

The SPEAKER: The gentleman from Hope, Mr. Hardy, now moves the indefinite postponement of House Amendment "A" (H-163). Is this the pleasure of the House?

The motion prevailed.

Mr. Dudley of Enfield offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-164) was read by the Clerk.

The SPEAKER: The pending question is the adoption of House Amendment "B."

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday on our desk was a communication addressed to the Presiding Officer of the other body in relationship to this bill which indicated that just compensation had to be paid, and so the gentleman from Enfield, Mr. Dudley, is introducing this amendment.

Now following adjournment yesterday, I spoke with Richard Sullivan of the House Public Works Committee in the U.S. Congress who indicated to me that the question posed to him was the question of what was the Federal law. At no time was Mr. Sullivan asked whether or not our bill before us today was okay.

I have had placed before you a telegram or a copy of a telegram which comes from Fred S. Farr, Highway Beautification Coordinator for the Bureau of Roads, Department of Transportation, Washington, D.C. in which he says:

"Pursuant to your telephone request through Senator Muskie's office this is to inform you that L.D. 861 in the form submitted to us February 27, 1969 meets the requirements of the Highway Beautification Act of 1965 as amended. Your Act provides for the compensation for removal of outdoor advertising and if enacted would not in our opinion subject Maine to a penalty for failure to include a provision for compensation in your state law. With regard to Section 131 (n) of the Federal Act as amended in 1968 we stated in October 2, 1968 in a circular memorandum to Regional Federal Highway Administrators that '... this amendment does not prohibit a state from removing signs on its own initiative. It is a limitation on the federal government only' signed: Fred S. Farr.

Mr. Speaker and Ladies and Gentlemen of the House, I move that this amendment be indefinitely postponed.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, now moves the indefinite postponement of House Amendment "B."

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I'm a little bit shook for a minute here because I thought Mr. Martin was speaking in favor of the amendment because if you read his letter put on your desk it says: as amended. Now I checked this morning and they assumed that this bill that Mr. Martin was talking about had already carried my amendment, that it had already been

presented, and it says on this note that he passed you and he read it to you himself, as amended, your act provides for the compensation for removal of outdoor advertising and if enacted. In other words, they thought that it did include my amendment, and they said so in the letter which he has presented to your desk, and so if you will read carefully, he should be speaking in favor of the amendment, and so it says — I will read it to you once more so try to erase the—you may be confused, I almost was myself with my own amendment, because I checked no later than a few minutes ago, as amended, it says, that's quite plain, as amended, but the amendment wasn't accepted the other day, I am just presenting it this morning. Your act provides for the compensation for removal of outdoor advertising, and if enacted, In other words, if my amendment was enacted, then we comply with the law, so I hope—I intended to straighten your thinking out some and I hope you will go along with the amendment because it's a must if we—in other words, let's say that we haven't been tried on this, but if I was an outdoor advertiser, which I am not, and I had a sign and this Federal law was on the books, I certainly would get compensation, and let me say once more while I am on my feet, if I did have a sign or if you had one, we would expect compensation if we had put a lot of money in this sign, and I think that they should have just compensation if we're taking something away from somebody that we should be responsible people and see that these people got paid, I would want to do that, and that's just what this amendment will do, and it does make us comply with the Federal law and I hope this amendment is accepted. Thank you.

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

Mr. MARTIN: Mr. Speaker, I agree there is confusion. The first sentence says that we are talking about the Highway Beautification Act of 1965 as amended; the Federal law as amended. We are not referring to any amendment to which the gentleman from Enfield,

Mr. Dudley may or may not have introduced.

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

Mrs. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This week you are witnessing the tactics of the outdoor advertising and petroleum industry to kill a bill which calls for reasonable realistic controls of outdoor advertising, L. D. 861. Any one of you who has followed the course of events in efforts to stop visual pollution along our highways over the past ten years are well aware of these maneuvers to table and table, amend and amend, bury their anti-conservationist proposals under seemingly simple phrases which stall our legislative processes and bid for more time to dilute the outdoor advertising law already in effect. Normally, I have no objections to reasonable tabling and amendments, but these you have before you are being used to confuse and confound you.

I would call your attention to the broad statewide support this L. D. 861 has had not only by the public clamoring at the hearing for some controls but for those of you who didn't attend the hearing last Thursday, those testifying in support of this bill were four department heads, the Commissioner of DED, Forestry, Parks and Highways, the Maine Municipal Association, the Natural Resources Council, the Maine Good Roads Committee, the Keep Maine Scenic Committee, the Garden Club Federation of Maine, the Maine Federation of Women's Clubs, York County Regional Planning Commission, Maine Highway Safety Committee, Coastal Resources Action Committee, Bar Harbor Chamber of Commerce and support by letters of the Maine Audubon Society and Appalachian Club as well as democratic and republican legislators, our majority leader Harrison Richardson, Senator Carl Cianchette, Representative John Martin, and many, many letters from private citizens and even restaurant and motel owners. The Natural Resources Committee gave this bill unanimous ought to pass.

I would like to call to your attention a memorandum from the

office of Howard A. Heffron, Chief Counsel to the United States Department of Transportation, Federal Highway Administration, which states that his office had reviewed the proposed Maine legislation L. D. 861 and in his opinion, I quote, "The bill substantially conforms to the Federal Act." This hardly sounds as though they are going to exact heavy penalties upon us that have been suggested.

I was further informed that this L. D. was being used by the coordinator of the Highway Beautification office of the Federal Highway Administration as model legislation for those states who are now in the process of preparing legislation to get compliance with the terms and provisions of the Highway Beautification Act of 1965. It seems obvious that they wouldn't be advising other states to use this if it was going to jeopardize their federal highway funds.

Speaking of this, those avalanche of fellows who have arrived to roam the third floor in an effort to dissuade you from supporting L. D. 861 are primarily here to confuse and confound you. They had one of their members testify at the hearing that it was totally unnecessary for this legislature to enact any legislation to comply with the Federal statutes; incidentally this is totally opposite to all the advice we have received from the federal level. He further assured us that he felt that the ten per cent penalty would never be used. Now we are being told, inspired by the same fellows roaming the halls, that if we enact L. D. 861. "Likewise this section of the This seems hardly consistent and surely not a basis for confidence in any of their other accusations.

I am sure if you will consider carefully Commissioner Stevens would hardly be giving wholehearted support to a bill that was going to jeopardize the Federal Highway funds. You have a letter from him on your desks this morning.

Now let us turn to Amendment "B". Needless to say this along with the telegram that was placed on your desk yesterday, and mine,

was quite a bombshell inspired by those fellows in the halls who intended it to be. I am sure if any of you observed me yesterday, you might have thought I was going to have apoplexy and blow up and I know my seatmates thought I had developed Saint Vitusis dance. But in the cool light of another dawn this is a ridiculous amendment, a blatant attempt to kill the bill before any of you have been given a chance to pass judgment or to understand what a realistic and reasonable proposition you have before you to stop proliferation of signs and the gradual erosion of our highways. This L. D. will not ruin the advertising industry in the State of Maine as many of you have been told in the last twenty - four hours.

I would now further call to your attention a n o t h e r memorandum from the office of Frank Farr who is the coordinator of the Highway Beautification Program at the Federal level. In a reference to public law 90495 Section 131N of the 90th Congress, which was referred to in the telegram you received yesterday, I quote, "This amendment does not relieve a state from the remaining requirements of providing effective control of outdoor advertising simply because federal funds have not been appropriated under the federal law for sign removal. To avoid the possibility of the ten per cent penalty provided by the 1965 Highway Beautification Act, a state must provide control of signs adjacent to its Interstate, Federal Aid and Primary highways, establish size, lighting and spacing in permitted areas and define commercial and industrial areas as provided under the Act as amended and taking such other steps as required." All this is done in L. D. 861. "Likewise this section of the law," and I am still quoting, "does not prohibit a state from removing signs on its own initiative."

This is the very basis of why we have provided the amortization clause Section 2719, subsection 7 in L. D. 861, so that Maine could start to get the job done without federal funds which seem very unlikely of being appropriated in any reasonable time. We have

also provided in subsection 6 the right to use federal funds should they ever become available. Now amendment "B" would strike out subsection 7 which is the meat of the bill to get the job done. As anyone can see, we could pass all the other sections in this L. D. and sit around for years waiting for federal funds and in the meantime signs would still proliferate our roadsides. Now as to the three million dollar appropriation, everyone looking at this knows that this is a totally unreasonable and solid attempt to kill the bill. At this time with the financial situation of the state, it is ridiculous to ask the people of Maine to pay outdoor advertising companies money to remove signs when they have had the privilege for years and years to earn thousands of dollars along the roadsides that our taxpayers dollars have built. After all, if there were no roads there would be no place for their signs.

Even though I have quoted profuse statements from the federal government, I say that we as Maine citizens can do this job on our own in our own way. As far as I am concerned, we don't need out-of-state lobbyists to tell us how to do this job. We in Maine can do it and should do it through L. D. 861.

I urge that we follow Mr. Martin's motion for indefinite postponement. When the vote is taken I would call for a roll call.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: We have been told that one of the prime purposes of the bill is to conform with the Federal highway money. I too did a little research in regards to this bill and I have a sixteen-page manuscript which has been directed to the Secretary of Commerce through the Office of the Attorney General, Washington, D.C., dated November 16, 1968, and I will only read the last paragraph. I quote:

"To the Secretary of Commerce, Washington, D.C. To repeat I have concluded that Section 131 requires every state to provide just compensation as a condition of

receiving the whole amount of Federal - Aid Highway funds apportioned to by the Secretary of Commerce on or after January 1, 1968, and I see no basis for concluding that this requirement is unconstitutional as to any state. Signed Ramsey Clark, Attorney General."

So as I see it, Maine could lose as much as three and a half million dollars because of the ten percent penalty clause. We also could get ourselves into a real legal mess by passing this law without just compensation. This amendment will provide for this compensation. I support the amendment of the gentleman from Enfield, Mr. Dudley.

Mr. Martin of Eagle Lake was granted permission to speak a third time.

Mr. MARTIN: Mr. Speaker and Members of the House: In answer to remarks made by the gentleman from Bangor, Mr. Soulas, I would point out that those remarks by the Attorney General were made last year, or in 1966, and they were by the ex - Attorney General. I would further point out that the telegram I have, which you have a copy of on your desk, is dated as of 1969 and answers the question of whether or not the state law provides for compensation.

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

Mr. BERMAN: Mr. Speaker and Members of the House: Because of the great deal of work that has been piling up in the Judiciary Committee, I have not had the opportunity to give L. D. 861 the attention that it deserves. First off, I will say that I am very much in favor of 861. I think that we should definitely do something as far as beautification of our highways are concerned.

Apparently there is an element of conflict as to whether the amendment proposed by my seat-mate should or should not be adopted. In one way or another that conflict will be resolved. However, if the House in its wisdom chooses not to adopt the amendment, obviously the State of Maine is going to be obligated to pay just compensation; as a matter of

fact, the bill provides for just compensation.

Now, I would like to propose a practical question. I would like to ask the gentle lady from York, or anyone else who may care to answer, just how much L. D. 861 will cost the taxpayers of the State of Maine if we pass it without the amendment proposed by Mr. Dudley.

The SPEAKER: The gentleman from Houlton, Mr. Berman, poses a question through the Chair to the gentlewoman from York, Mrs. Brown, who may answer if she chooses. The Chair recognizes that gentlewoman.

Mrs. BROWN: There will be no cost to the State of Maine if signs that are nonconforming are taken down under the amortization clause. If you will read Section 7, under 2719,—“When the federal share of just compensation for the removal of nonconforming outdoor advertising signs as prescribed in the Highway Beautification Act of 1965 and the Federal-Aid Highway Act of 1968 is not available to the State of Maine or when the immediate removal of nonconforming outdoor advertising signs is not required but removal via regulation over an extended period of time is satisfactory, the commission is authorized to use the police power of the State to establish a reasonable amortization period which will be long enough to allow recoupment of the capital investment which these nonconforming signs represent but which contemplates that at the end of this period the nonconforming sign will be removed by the owner without compensation.”

He has gained his compensation by being able to amortize it over this period of years. I will further say that out of twenty-five states who have an agreement under the 1965 Highway Beautification Act, twenty-three of them have used their police power after the period of amortization has taken place.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: The bill is receiving a

great deal of discussion and debate. I think this is entirely proper. In 1965, the then Governor John H. Reed appointed myself and several others to a committee which was designed to attempt to see to what extent Maine was complying with the Federal Highway Beautification Act of 1965 in an attempt to work out solutions to these problems. This effort has continued from then until now, and I commend Representative Brown for the tremendous amount of work that she has done and the tremendous amount of support that she has received from organizations and groups all over the State of Maine, representing all interests, including commercial interests—not just those who are interested solely in beautification.

And it is for this reason that I rise today to speak in support of the motion of the gentleman from Eagle Lake, Mr. Martin, to indefinitely postpone this amendment. The amendment appears to me to be a rather ill disguised attempt to cloud a pretty good piece of legislation, which is the product of months and months of sincere effort. The amortization program is a substantial and meaningful and I say entirely legal answer to the question of just compensation. I would like to point out—I believe Mr. Martin touched on this in response to the suggestion raised by Mr. Dudley, but the amendment that the telegram refers to, ladies and gentlemen, is the amendment to the Federal Highway Beautification Act, an amendment passed by Congress; and not the amendment offered to us by the good gentleman from Enfield, Mr. Dudley. So that the bill in its present form without amendment does in fact conform to the Federal law, and I think we should adopt the bill unchanged by any amendment offered simply to kill it. It is for this reason that I support the motion to indefinitely postpone and I support the gentlewoman's request for the vote being taken by the yeas and nays.

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

Mr. CAREY: Mr. Speaker, I would like to ask a question of the

gentleman from Cumberland, Mr. Richardson pertaining to this amortization problem. We have Urban Renewal in Waterville and we have some houses that we expect to take by eminent domain, and I am wondering if it is at all possible that if some of these are apartment houses and we can prove that the building has been amortized over several years, could we take them at absolutely no cost to the City or the Authority?

The SPEAKER: The Chair doesn't consider this germane or pertinent to the subject, but the gentleman from Waterville, Mr. Carey, poses a question through the Chair to the gentleman from Cumberland, Mr. Richardson who may answer if he chooses and the Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker, in support of the Chair's position, I am quite sure that the question is not germane, and I am really not going to answer it except to say that it is clear that the amortization procedure authorized by Mrs. Brown's bill does in fact conform with the Federal regulations on taking property in this manner.

Now whether or not it would apply under our Maine law with respect to apartment houses and the like, I really have no idea.

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

Mr. DUDLEY: First I would like to say this, it is not my intent to kill the bill because I see that we should do something, but I do want to say this while I am standing here now that the Federal Government saw fit that these people should have just compensation, and in so saying they said we will pay seventy-five percent of the cost, so they saw the need. I see the need, I can see the need like they do in Urban Renewal they pay for the property. When we take down these signs I think they should be paid, now I don't know if you do or not. Seventy-five percent the Federal Government says we will pay, so our part is only twenty-five percent.

The only other point I want to make is this, that if you think that this amendment asks for too much money I'll go along with whatever you think it might cost. It was my calculation that it might cost that much but if it doesn't cost that much, we won't spend that much. In other words, if it only costs half of that, that's all we will spend. It was my opinion that it might run to that figure, but if it don't, I'll go along with a lesser figure, but I do think in view of the fact that the Federal Government says they do acknowledge that these people should be paid and they say we will pay seventy-five percent, I think that we as honest people here today should see that we give our twenty-five percent so that these people could be paid just compensation.

And my last words would be this that I do not intend to kill the bill, I am only looking for justice for these people that do own the signs whether they be big or small, and I would like to say further that these are not all big sign companies, there are a lot of individuals that own restaurants, motels and small businesses of which some of your neighbors may be one of. There may be big companies involved but there certainly are a lot of small people involved, farmers that advertise their product and other people, so I don't want them to impress upon you that this is some big sign company; this is many good honest citizens of Maine that have paid good money for these signs and in my opinion should be justly compensated. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, Ladies and Gentlemen: Without discussing the merits of this bill, I would submit to the House that when I first came to this House I learned the hard way that there are many ways to kill a bill. This is an example of one method. This emendment is a blatant classic effort to kill this bill by amending it to death. I resent this archaic strong-arm tactic and I hope you do also. I support Mrs. Brown and I hope you too will support her and

vote to indefinitely postpone this amendment and all other foolish attempts to cloud the issue.

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

Mr. CAREY: Mr. Speaker, I am not here to try to confuse the issue, I may end up voting for this bill without amendments, but I am primarily concerned with possibly setting a precedent here.

Is there anyone in this House who can tell me that we do have a provision for picking up property by amortization? I feel that if we are going to pick up something, let's go ahead and do it, but let's pay for it. This is my argument. Can anyone answer my question?

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

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

Mr. RICHARDSON: Mr. Speaker, the concept of amortization for a non-conforming sign use as representing just compensation I don't believe is particularly novel and I think it is perfectly legal for us to proceed in that way with respect to this bill.

The problem with respect to dwelling houses or non-conforming uses of apartment houses and the like I don't think is germane to this issue. I believe that we have clear legal precedent and authority to proceed in this manner, and the best minds available tell us that we do. If, in fact, the Federal Government does meet its obligations, then of course a cash payment method could be adopted, but in lieu of that in view of the Federal Government's unwillingness to fund the program which it adopted in 1965, which I submit as it was adopted in 1965 was a very poor program, in view of their reluctance to fund it, I think that we should proceed along the route that is outlined by this bill, and it is for this reason that I say that the amendment offered by the gentleman from Enfield, Mr. Dudley, which I believe has been initiated

by large sign companies who have a vested economic interest here at stake and in view of the past history of this legislation I think we should not adopt this amendment.

The SPEAKER: The pending question is the motion of the gentleman from Eagle Lake, Mr. Martin, that House Amendment "B" be indefinitely postponed.

The Chair recognizes the gentleman from Albion, Mr. Lee.

Mr. LEE: Mr. Speaker, I had no intention of getting up before, Ladies and Gentlemen, and speaking on or about this bill. I am an honest man and I believe we all should be honest with ourselves. It is my belief that this is a back door attempt. If I objected to this bill which I think I do a little bit, there are some parts that I don't particularly understand, but it is my belief if you are going to do that, come in through the front door and talk to the people headfirst.

I believe there are instances in here where people could get hurt that are cut off. They are allowed as I understand it on-premises signs and only two can be put on a numbered route, but they made a big issue about this amendment and I don't believe it's right on the information that I have. The two extra employees necessary to enforce. We already have inadequate—not adequate, but highway sign legislation and the Highway Department has a department to take care of it and the cost is already there and it can be handled from that source, so I would support the motion to indefinitely postpone that amendment.

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

Mr. RICHARDSON: Mr. Speaker, I would rise in support of the motion to indefinitely postpone this amendment, and I would point out to my very good friend from Enfield, Mr. Dudley, that I am sincere in my belief that probably half of the signs to which he refers are illegally erected at the present time and not authorized by the Highway Commission. The Highway Department, as Mr. Lee has pointed out, does have a department for this, and it is a rather complicated process, I went

through it once and gave it up because I wouldn't even bother with a sign again with the complications there were in it. So I would support the motion of Mr. Martin to indefinitely postpone this amendment.

The SPEAKER: 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 and the Chair opens the vote.

More than one fifth having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is the motion of the gentleman from Eagle Lake, Mr. Martin, that House Amendment "B" be indefinitely postponed. If you are in favor of indefinite postponement of House Amendment "B" you will vote yes, if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Bedard, Benson, Berman, Bernier, Birt, Boudreau, Bourgoin, Bragdon, Brown, Buckley, Bunker, Burnham, Carey, Carter, Casey, Chandler, Chick, Clark, C. H.; Corson, Cote, Cottrell, Crommett, Crosby, Croteau, Cummings, Curtis, Cushing, Dam, Donaghy, Drigotas, Dyar, Emery, Erickson, Eustis, Evans, Farnham, Faucher, Fecteau, Finemore, Fortier, A. J.; Fortier, M., Gauthier, Gilbert, Hall, Hardy, Haskell, Hawkens, Henley, Heselton, Hichens, Huber, Hunter, Immonen, Johnston, Kelley, K. F.; Keyte, Kilroy, Laberge, Lawry, Lebel, Lee, Leibowitz, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Martin, McNally, McTeague, Meisner, Millett, Mills, Morgan, Mosher, Noyes, Page, Payson, Porter, Pratt, Quimby, Richardson, G. A.; Richardson, H. L.; Rideout, Rocheleau, Ross, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Starbird, Stilings, Susi, Temple, Thompson, Tyndale, Vincent, Watson, Waxman, White, Wight, Williams, Wood.

NAY—Binnette, Carrier, Couture, Cox, Dudley, Fraser, Giroux, Hanson, Hewes, Jameson, Kelleher, Marstaller, Norris, Rand, Soulas.

ABSENT—Bremant, Clark, H. G.; Coffey, Curran, D'Alfonso, Danton, Dennett, Durgin, Foster, Good, Harriman, Jalbert, Jutras, Kelley, R. P.; LePage, Marquis, McKinnon, Mitchell, Moreshead, Nadeau, Ouellette, Sahagian, T a n g u a y, Trask, Wheeler.

Yes, 109; No, 15. Absent, 25.

The SPEAKER: The Chair will announce the vote. 109 having voted in the affirmative and 15 having voted in the negative, the motion to indefinitely postpone does prevail.

Is it now the pleasure of the House that this bill "An Act relating to Outdoor Advertising" be passed to be engrossed as amended by Committee Amendment "A"?

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

Mr. EVANS: I would like to pose one question. It was mentioned here in the House something about two signs. Does that mean each individual business would be allowed two signs?

The SPEAKER: The gentleman from Freedom, Mr. Evans, poses a question through the Chair to any member who may answer and the Chair recognizes the gentleman from York, Mrs. Brown.

Mrs. BROWN: Mr. Evans, if you will read the bill, you will see that a business is allowed ten on-premise signs. He is allowed one on-premise sign that is fifty feet away from his structure.

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

Mr. EVANS: I know of a concern that operates a country store on route 3. They are located off the main highway. They were on the main highway until they put a cut-off there that cut them out. Now to get anybody to their store they have to advertise on the main highway which is a primary road. Will they be allowed to have any signs on that road?

The SPEAKER: The gentleman poses a further question and the Chair recognizes the gentlewoman from York, Mrs. Brown.

Mrs. BROWN: If you will read the bill, I haven't it before me, but there is a provision for any such building or business that is off a primary highway that they may have two signs spaced 300 feet away at a corner that would be leading to their enterprise.

Mr. Evans of Freedom was granted unanimous consent to speak a third time.

Mr. EVANS: I would like to inform the speaker just before me that I have read the bill and it is just about as clear as mud.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marsteller.

Mr. MARSTALLER: Mr. Speaker, this bill before us is an attempt to conform with the Federal Statute in terms of highway advertising. I am the first to admit that we have problems with highway advertising, but I would also say that this Federal Statute is not a statute designed to help the business or the situation that we have here in the State of Maine. We often times go along and try to conform to get Federal money, and in this Highway Beautification Act and other Federal acts, for instance the act of planting shrubbery along our highways, some of this shrubbery is fine, but as you drive up 95 in places where you have a good view now you will notice little trees coming up, and very soon you won't be able to see the good view because to conform with the Federal Act we had to plant so many trees along our highways. So that legislation in the federal nature that is good for out-of-state out west where they have lots of open spaces and need a few trees, isn't necessarily good for Maine. I think our businesses depend a great deal on our highway advertising and I think we can do better than this bill to control highway advertising and help our businesses in Maine. I hope that you will vote against this bill.

Thereupon, Mr. Carey of Waterville asked for a vote.

The SPEAKER: A vote has been requested. All in favor of this Bill "An Act relating to Outdoor Advertising," House Paper 670, L. D. 861, being passed to be engrossed as amended by Committee

Amendment "A" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

85 having voted in the affirmative and 21 having voted in the negative, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

The SPEAKER: The Chair would request the Sergeant-at-Arms to come up here to the rostrum.

Ladies and Gentlemen of the House: As you know, Peter Eames is serving his last day here as the Sergeant-at-Arms of the House. He is due to be in the Service next week. And on behalf of the Members of the Legislature who have contributed to this purse, collected by a former superior and it was a good job done and we are very very grateful for it; and Pete in presenting this to you and saying goodbye we wish you every Godspeed.

Whereupon, the Sergeant-at-Arms, Peter C. Eames, was presented with a purse, amid the applause of the House, the Members rising.

The SPEAKER: The Speaker of the Maine House does not want to go into another week of legislative session without making recognition to a good physician in this House. As you know, there is an old saying—Is there a doctor in the House? We have been extremely fortunate here this session in having Doctor Santoro as a member of this body. Some of you may not know that he is a medical physician because the Chair of course because of tradition necessity recognizes him as Mr. Santoro of Portland. But, Doctor, we are extremely grateful to you and for your services to these members. You are always very gracious when we have a little problem, and we had a problem this morning and I am delighted that Representative Allen is back in his seat looking flushed and well again. (Applause)

On motion of Mrs. Cummings of Newport,

Adjourned until Tuesday, April 15, at ten o'clock in the morning.