

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, April 16, 1969

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

Prayer by the Rev. Mr. David Dunn of Augusta.

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 relating to Qualifications for Appointment as Commissioner of Inland Fisheries and Game" (S. P. 388) (L. D. 1292)

Report of the Committee on Retirements and Pensions reporting same on Bill "An Act Including Teacher Assistants and Aides under State Retirement System" (S. P. 252) (L. D. 792)

Came from the Senate read and accepted.

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

Covered by Other Legislation

Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to Open Season on Muskrat in Somerset County" (S. P. 81) (L. D. 237) reported "Ought not to pass", as covered by other legislation.

Came from the Senate read and accepted.

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

**Ought to Pass in New Draft
New Draft Printed
Tabled and Assigned**

Report of the Committee on State Government on Bill "An Act Revising the State Purchasing Law" (S. P. 253) (L. D. 793) reporting same in a new draft (S. P. 430) (L. D. 1440) under same title and that it "Ought to pass"

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

In the House, the Report was read.

(On motion of Mr. Dennett of Kittery, tabled pending acceptance

in concurrence and specially assigned for tomorrow.)

Ought to Pass

Report of the Committee on State Government reporting "Ought to pass" on Bill "An Act relating to Expenses of State Liquor Commission" (S. P. 152) (L. D. 433)

Report of same Committee reporting same on Bill "An Act Revising the Form of New Bonds and the Procedure for Cremation of Old Bonds" (S. P. 362) (L. D. 1226)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read twice and tomorrow assigned.

Divided Report

Majority Report of the Committee on Inland Fisheries and Game reporting "Ought not to pass" on Bill "An Act Regulating Sunday Hunting" (S. P. 347) (L. D. 1213)

Report was signed by the following members:

Messrs. ANDERSON of Hancock
HOFFSES of Knox
— of the Senate.

Messrs. LEWIN of Augusta
THOMPSON of Belfast
PORTER of Lincoln
KELLEY of Southport
ROCHELEAU of Auburn
— of the House.

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

Report was signed by the following members:

Mr. MARTIN of Piscataquis
— of the Senate.
Mr. BOURGOIN of Fort Kent
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

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

Non-Concurrent Matter

Bill "An Act relating to Open Season on Partridge or Grouse and Pheasant" (H. P. 330) (L. D. 439) on which the House insisted on April 11 on its former action

whereby the Bill was passed to be engrossed.

Came from the Senate with that body voting to insist on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. ANDERSON of Hancock
MOORE of Cumberland
HOFFSES of Knox

In the House: On motion of Mr. Ross of Bath, the House voted to further insist and join in the Committee of Conference.

The Speaker appointed the following Conferees on the part of the House:

Messrs. LEWIN of Augusta
KELLEY of Southport
MARSTALLER
of Freeport

Non-Concurrent Matter

Bill "An Act relating to Length of Certain Motor Vehicles" (H. P. 398) (L. D. 508) which was passed to be engrossed as amended by Committee Amendment "A" in the House on March 27.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. CAREY: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that the House recede from its former action and concur with the Senate.

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

Mr. BOURGOIN: Mr. Speaker, I wish to call to your attention that we should not recede and concur, and I would like to table this bill until Friday of this week, because the industry needs this very much for small and large businesses. Thank you.

The SPEAKER: The Chair would inform the gentleman that his motion is not in order.

Whereupon, on motion of Mr. Carey of Waterville, tabled pending his motion to recede and con-

cur and specially assigned for Friday, April 18.

Non-Concurrent Matter

An Act relating to Compensation of the Panel of Mediators (H. P. 691) (L. D. 891) on which the House insisted on April 11 on its former action whereby the Bill was passed to be enacted.

Came from the Senate with that body voting to insist on its former action whereby the Bill was indefinitely postponed and asking for a Committee of Conference, with the following Conferees appointed on its part:

Messrs. QUINN of Penobscot
HOFFSES of Knox
BELIVEAU of Oxford

In the House: On motion of Mr. Huber of Rockland, the House voted to further insist and join in the Committee of Conference.

Non-Concurrent Matter

Bill "An Act relating to Delivery of Absentee Ballots" (H. P. 1064) (L. D. 1233) which was passed to be engrossed as amended by House Amendments "B" and "D" in the House on March 28.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Since the other body has disagreed with this excellent idea, and with the chance that even if we could arrive at a compromise it might well invoke another veto, and because my second veto of the session is the next item, now very reluctantly I move that we recede from our former action and concur with the Senate.

Thereupon, the House voted to recede and concur with the Senate.

Messages and Documents

The following Communication:

State of Maine
Office of the Governor
Augusta

April 15, 1969

Members of the Senate
and House of Representatives
of the 104th Legislature

With the greatest respect for the judgment of the Members of the House of Representatives and the Senate I feel obliged to return H.P. 724-L.D. 942 without my signature. On April 4, 1967 I presented a veto to a similar bill and at that time stated my reasons—both practical and theoretical. As I am still of the same mind on this subject today I would first repeat some of my views as explained two years ago.

1. The ballot, as it is now structured, provides Maine voters with a full range of choice. Voters can, if they wish, vote for individual candidates without regard for political affiliation or they may vote for all or most of the candidates of the political party of their choice in an easily understood manner. I think it is important that voters retain and recognize this choice. Independent thinking and independent voting have long been a characteristic of the Maine voter.

2. This bill would work a particular hardship to the working man who customarily votes after returning from his job to find a long line of people before him at the polls. Increasing the time it takes to vote will unquestionably be a deterrent that will dissuade many people from exercising their voting privilege and could be tantamount to disenfranchisement of some of our people. We should avoid this. It should also be noted that this bill would significantly increase the time and expense involved in recounts.

3. If the party square is removed, the available evidence and experience in other states indicates that many voters would not take the trouble to vote for candidates for lesser offices. Therefore, in many local elections candidates might very well be elected by a small minority of the voters not at all representative of the broad interests of the entire community.

4. Our system of government is most successful when party responsibility is clearly defined and when political parties are vigorous in their organization, personnel, and policy formulation. Deleting the party square tends to weaken the internal structure of political

parties since it places a premium on individual action by candidates at all levels, regardless of political affiliation. The result is that elections tend to become popularity contests in which issues are submerged and public policy takes a back seat to public relations.

5. Leading students of American government contend that we can best improve our state government in America by strengthening party responsibility, rather than by weakening it. In my judgment, a vote based primarily on the political philosophy of a candidate, indicated by this party allegiance, is to be preferred to a vote based solely on personality or ethnic background or social connections. Although L. D. 942 by itself would not result in the destruction of political party responsibility, we can avoid this undesirable end by avoiding this beginning.

The American political system is a complex based on many principles. When looked at superficially, these principles often seem in conflict. Studied more closely, they support and complement each other.

A case in point is the principle of party government on the one hand and that of voting for the best man on the other. A strong two-party system is an essential element in the sound operation of the American system. We need "outs" to criticize "ins", and we need the alternatives of approaching government that a two-party system makes possible. On the other hand, we rightly insist that ultimately the voters have a way of checking his party's nominations for public office by being able to vote for a candidate of the other party in those instances where he sees a clear superiority. This means that in general we do not prevent a voter either from voting for all the candidates of his party or from voting for a specific candidate not of his party. Apart from a relatively few local situations, Americans have indicated they want neither the non-partisan election nor a "party list" system. Most Americans prefer a convenient option of voting for the "best man" or the "best party" as they so judge.

Maine's present system of ballot columns listing candidates for

office under a party heading, with a party box at the top, seems to me to satisfy both the needs of party development and of personal voter choice. I think the elimination of the party box could seriously jeopardize our developing political parties. Our state's two parties have each been undergoing a rejuvenation, bringing into public life a whole new set of energetic and capable men and women. Party organization has served as an important means for encouraging the entry of these people into politics. Party platforms are frequently a source of ideas that help guide our state.

To summarize, the present system makes for free voter choice, and yet encourages healthy thinking in party terms. I see little value in altering the present arrangement, and I see difficulties if we do alter it. I sincerely ask members of the Legislature to sustain my veto of this measure.

Respectfully submitted,

(Signed) KENNETH M. CURTIS
Governor

The Communication was read and ordered placed on file.

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

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

Mr. ROSS: Mr. Speaker, I move that this item lie upon the table until Fridal, April the 18th.

The SPEAKER: The gentleman from Bath, Mr. ROSS, now moves that this veto be tabled until Friday, April 18, pending further consideration.

Whereupon, Mr. Levesque of Madawaska asked for a vote on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All of those in favor of this matter being tabled until Friday, April 18, will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

69 having voted in the affirmative and 56 having voted in the negative, the motion to table did prevail.

The following Communication:
THE SENATE OF MAINE
AUGUSTA

April 15, 1969

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

Dear Madam Clerk:

The Senate today voted to adhere to its former action whereby it indefinitely postponed 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)

Respectfully

(Signed) JERROLD B. SPEERS
Secretary of the Senate

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

The following Bill, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, was received and referred to the following Committee:

Appropriations and Financial Affairs

Bill "An Act to Provide for Special Plates Observing the State of Maine Sesquicentennial" (H. P. 1130) (Presented by Mr. Benson of Southwest Harbor)
(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. Ross of Bath, it was

ORDERED, that Mr. McKinnon of South Portland be excused from attendance for the duration of his illness.

Mr. Rideout of Manchester presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that Legislative Document No. 526, Bill, "An Act relating to Biennial Elections of Penobscot Indians," (H. P. 415) be recalled from the Governor to the House. (H. P. 1132)

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

By unanimous consent ordered sent forthwith.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker, I would ask if the House is in possession of House Paper 182, L. D. 221, Bill "An Act Exempting Sales to Certain Children Treatment Centers from the Sales Tax"?

The SPEAKER: The Chair would answer in the affirmative, the Bill is in the possession of the House.

On motion of the same gentlewoman, the House reconsidered its action of yesterday whereby it voted to recede and concur.

On further motion of the same gentlewoman, the House voted to insist on its former action and ask for a Committee of Conference.

The Speaker appointed the following Conferees on the part of the House:

Messrs. SUSI of Pittsfield
ROSS of Bath
Mrs. WHITE of Guilford

On motion of Mr. Fortier of Rumford, it was

ORDERED, that Joseph DeSalle of Rumford be appointed to serve as Honorary Page for today.

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage:

WHEREAS, the Arts Council of Lewiston and Auburn has brought the riches of Canadian culture to the people, and especially to the children, of the twin cities and surrounding area; and

WHEREAS, the Council is sponsoring a week-long festival of music, drama and poetry, and displays of painting and sculpture; and

WHEREAS, the aforesaid festival will enrich the lives of the people of Maine by bringing an appreciation of the spiritually derived values of the arts; and

WHEREAS, this cultural triumph is the result of the hard work and dedication of the Lewiston and Auburn people who have given long hours to the development of this project; and

WHEREAS, the work of the Arts Council represents another significant milestone in the cultural arts of Maine provided by the Lewiston-

Auburn area; now, therefore, be it

ORDERED, the Senate concurring, that the Arts Council of Lewiston and Auburn be commended for their contribution to Canadian-United States understanding and an attested copy of this Order be sent to Mr. Henry Bourgeois of Lewiston, general chairman of the Arts Festival. (H. P. 1133)

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

On request of the same gentleman, ordered sent forthwith.

House Reports of Committees Ought Not to Pass

Mr. Sahagian from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Bill "An Act relating to Working Capital of State Liquor Commission" (H. P. 619) (L. D. 807)

Mr. Chick from the Committee on Education reported same on Bill "An Act to Change the Age Requirements for Compulsory Education" (H. P. 374) (L. D. 483)

Reports were read and accepted and sent up for concurrence.

Referred to Committee on Legal Affairs Tabled Until Later in Today's Session

Mr. Eustis from the Committee on Natural Resources on Bill "An Act relating to Regional Planning Commission" (H. P. 828) (L. D. 1067) reported that it be referred to the Committee on Legal Affairs.

Report was read.

(On motion of Mr. Martin of Eagle Lake, tabled pending acceptance of the Report and assigned for later in today's session.)

Ought to Pass in New Draft New Drafts Printed

Mr. McNally from the Committee on Highways on Bill "An Act relating to Apportionment of Cost of Construction of State Aid Bridges" (H. P. 188) (L. D. 228) reported same in a new draft (H. P. 1129) (L. D. 1451) under same title and that it "Ought to pass"

Mr. Finemore from the Committee on Transportation on Bill "An Act Requiring Marking of Trailers Carrying Dangerous Liquids" (H.

P. 654) (L. D. 841) reported same in a new draft (H. P. 1131) (L. D. 1453) under title of "An Act Requiring Placarding and Bills of Lading on Motor Vehicles Transporting Explosives and Other Dangerous Articles" and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

Ought to Pass Printed Bill

Mrs. Coffey from the Committee on Natural Resources reported "Ought to pass" on Resolve to Authorize the Grant of Flowage Rights to the Auburn Water District (H. P. 839) (L. D. 1077)

Report was read and accepted, the Resolve read once and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Hall from the Committee on Agriculture on Bill "An Act to Remove the Prohibition Against Running Horse Racing During Certain Weeks in the Months of June and July" (H. P. 452) (L. D. 589) reported "Ought to pass" as amended by Committee Amendment "A" (H-183) submitted therewith.

Mr. Mosher from same Committee on Bill "An Act relating to Penalty for Sale of Diseased Horses" (H. P. 537) (L. D. 716) reported "Ought to pass" as amended by Committee Amendment "A" (H-184) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bills.

Tabled and Assigned

Mr. Scott of Wilton from the Committee on Business Legislation on Bill "An Act relating to Guarantees by Corporations" (H. P. 592) (L. D. 773) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

(On motion of Mr. Scott of Presque Isle, tabled pending acceptance of the Report and specially assigned for Friday, April 18.)

Tabled and Assigned

Mr. Scott of Presque Isle from same Committee on Bill "An Act relating to Installation of Sprinkler Systems in Hotels" (H. P. 260) (L. D. 336) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

(On motion of Mr. Lewin of Augusta, tabled pending acceptance of Report and specially assigned for Friday, April 18.)

Mrs. Kilroy from the Committee on Education on Bill "An Act relating to Sick Leave for Teachers" (H. P. 759) (L. D. 979) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment "A" (H-187) was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bill.

Mr. Richardson from the Committee on Education on Bill "An Act relating to Approval of Secondary Schools" (H. P. 275) (L. D. 351) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment "A" (H-188) was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bill.

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

Mr. KELLEY: Mr. Speaker and Members of the House: A point of order. Would I be out of order now to move the indefinite postponement of this bill?

The SPEAKER: The Chair would advise the gentleman that this will be assigned for third reading tomorrow and action can be taken upon it at its third reading.

Mr. Dudley from the Committee on Highways on Bill "An Act relating to Agreements between Municipalities and State Highway Commission in Laying Out Certain Highways" (H. P. 1029) (L. D. 1338) reported "Ought to pass" as

amended by Committee Amendment "A" (H-189) submitted therewith.

Mr. Lee from same Committee on Bill "An Act Providing for Maintenance of Certain Roads in Baxter State Park" (H. P. 230) (L. D. 286) reported "Ought to pass" as amended by Committee Amendment "A" (H-190) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bills.

Tabled and Assigned

Mr. Nadeau from the Committee on Highways on Bill "An Act relating to Short Term Permits for Trucks to Haul Loads" (H. P. 631) (L. D. 819) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

(On motion of Mr. Stillings of Berwick, tabled pending acceptance of the Report and specially assigned for Friday, April 18.)

Mr. Emery from the Committee on Public Utilities on Bill "An Act Creating a Sewer District in the Town of Jackman" (H. P. 1095) (L. D. 1412) reported "Ought to pass" as amended by Committee Amendment "A" (H-192) submitted therewith.

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

Divided Report

Majority Report of the Committee on Education on Bill "An Act relating to Membership on the Board of School Directors" (H. P. 981) (L. D. 1265) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. KATZ of Kennebec
STUART of Cumberland
KELLAM of Cumberland
— of the Senate.

Mrs. KILROY of Portland
Messrs. MILLETT of Dixmont
WAXMAN of Portland
ALLEN of Caribou

— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. RICHARDSON

— of Stonington

Mrs. CUMMINGS of Newport

Mr. CHICK of Monmouth

— of the House.

Reports were read.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I move that we accept the Minority "Ought not to pass" Report and I would speak briefly to that motion.

The SPEAKER: The gentleman from Stonington, Mr. Richardson, moves that the House accept the Minority "Ought not to pass" Report. The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker and Members of the House: I realize that this bill was submitted in all good faith as a bill to prohibit conflict of interests as far as serving on boards of directors or school boards are concerned. However, from the testimony which was given in the committee hearing it did not appear that this was a major problem throughout the State of Maine, and I would also submit that if the bill does pass that we should amend the bill to also include brothers and sisters and even cousins. So I would certainly hope that the "ought not to pass" report will be accepted.

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Millett.

Mr. MILLETT: Mr. Speaker and Members of the House: I think any of you, any of you, who have served here in previous sessions are already somewhat familiar with previous histories of bills of this type. This year we have before us the title of the bill submitted by the Representative from Old Town, Mr. Binnette, coming out in substantially new draft and the attempt is to make it similar to a new draft which came out of

State Government under the number of L. D. 1342.

Now there are needs I believe, in my own opinion, for legislation of this type. If there are any possible charges of conflict of interests between spouses and employed members of that particular school I feel they should be removed. However, I do feel there are needs, or there is a need, for at least one amendment in this draft but to clear the air of any possible conflict of interest charges or any other situations which do exist, I would hope that you would accept or vote not to accept the Minority Report and I would ask for a division on the vote.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: You have heard my good friend, Mr. Richardson of Stonington, say that that bill is good in order to prevent a conflict of interests. That is true and that is one of the purposes why I put it in, and I think that when we read the amendment, which I think is correct, that "No member of the school committee of any such town or spouse shall be employed as a teacher in any public school in said town or contract high school or academy located within a supervisory union of which he is a member of the joint committee."

Well one of the reasons that I think it's a necessity for conflict of interests, we have had a lot of conflict with the educators this year, especially with the teachers, and I think that there are some instances on these school boards where the member of the board is either a husband or a wife of some member who is teaching; and therefore it is pretty hard for them to not go along with their spouse or their wife in regard to requests. That is one of the main reasons why I put that in and I certainly hope that you will vote against the motion of "ought not to pass."

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

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: Two years ago we passed a similar bill to this. We came

back to the special session and found out that this was working a great hardship on a number of the smaller communities, so we killed the bill — passed on a bill that killed the bill we had already passed. We got this bill back again. I think we can do without some of these Yo-Yos, and I support the motion of Mr. Richardson to kill the bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am so sorry to have to rise this morning on such a minor piece of legislation, but I just want to put the record straight, that this was never a bill. One Legislature passed it as an amendment to an educational bill and it was thought by the special session that that wasn't the proper means, and so we changed it and said that possibly in the regular session we would hear this bill in its entirety in the form of a bill rather than an amendment.

So it's now before us and the problem is there, and I assure you the problem is growing. It is not only involving salaries, it is involving in some areas curriculum, because if the lady teacher tells her husband or the superintendent of schools that she doesn't want to teach a certain class at a certain hour or any of these problems, and they will take it up with the school board. She knows she's all right because her husband is going to look after her interests on the school board. And a lot of us from where I come don't think that this is just the proper way to handle it and we feel strongly that if a man or woman is serving on the school board that he certainly shouldn't have jurisdiction over his wife's pay and what the children will have for a curriculum, or even what classes she would teach.

So we feel strongly that something should be done in this regard, so I hope that you will not accept the Minority Report, that you will wait and accept the Majority Report.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: Just briefly in support of the good gentleman from Dixmont, Mr. Millett, I would call the House's attention again to L. D. 1542, which we heard twice in State Government, and I think in order to be consistent why we would have to accept the Majority Report on this bill; otherwise we are at loggerheads with each other.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise to support the Majority Report "Ought to pass." In my district we have a situation where the husbands of the teachers are on the board and, even when we go into executive session to discuss personnel problems, this still goes right back to the teachers. Many times any change we wanted to make in our system has been circumvented by the fact that this information goes right back to the teachers and the teachers put the pressure on the individual members of the board. And already the teachers do have a very strong union, and now when they move into the school board business itself pretty soon this is not going to be a two party of, whatever you want to call it, two system, as the board and the teachers—it is going to be the teachers running the whole system, and many times the teachers do not have any regard for the financial liability or financial responsibility placed on the communities. So therefore I do support the Majority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. Hichens.

Mr. HICHENS: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the gentleman from Stonington, Mr. Richardson. Two years ago, in the last days of the session, an amendment was put in to the Inconsistencies law on Education and was passed unbeknownst to many of us who were confused with all of the issues that were on our desks. As we went back to our towns many superintendents jumped on our necks because of the fact that

the school boards were going to be riddled by this new law.

So in the special session we brought it up again. The other day we had quite an example of political maneuvering in order to ruin a good bill. We had all kinds of maneuvering in the special session, went up to the very last day of that session, when finally this bill was repealed and the teachers—the spouses of these members of the school board, were given the opportunity to once more teach.

It affected a great many small communities in our state, and if this bill is passed today or passed in this Legislature it's going to affect these small communities again, create a very great hardship to these areas, and I believe that the Minority "Ought not to pass" Report should be accepted.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: In the Town of Brunswick we have a five-member school committee and until the last election on that committee we had two spouses, two husbands and teachers. I have no knowledge and I do not feel that there was any impropriety or lack of loyalty to the town as a whole. However, I think the situation which causes the appearance of a conflict of interest should be avoided.

One of the gentlemen who spoke before mentioned that he didn't feel that this was a problem from the testimony before the committee. I can say that it is a problem in our town.

The SPEAKER: The Chair recognizes the gentleman from Turner, Mr. Gilbert.

Mr. GILBERT: Mr. Speaker, Ladies and Gentlemen of the House: I served on a school committee for twelve years and I think that probably the most of the people who are opposed to accepting the Minority Report are prejudiced against education. I will support Mr. Richardson and the Minority Report and I will support Mr. Hichens' statement. I thank you.

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

Mr. WAXMAN: Mr. Speaker and Ladies and Gentlemen of the House: I hadn't planned on speaking, but when Mr. Gilbert mentioned that those who signed the Majority Report must be prejudiced against education I felt that I had to stand and say something. With all due respect to Mr. Gilbert, it is because I am prejudiced perhaps for education that I did sign the Majority Report. It seemed to me that education was coming under attack from many different quarters and for many different reasons, and although I sympathize with those who presented the problem of a small town and the problem they face in finding qualified people to serve on their school committee, I felt that if we could eliminate one particular problem that seemed to be an excuse or perhaps a very valid opportunity for attacking education, that I thought we ought to do it, and that's why I signed the Majority Report.

It isn't a black and white issue and I realize it presents problems in some small communities, but if we are going to have education on solid ground it seems to me we are going to have to eliminate every opportunity for attack that we can, and I think that by passing this particular bill we would certainly do that.

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Millett.

Mr. MILLETT: Mr. Speaker and Members of the House: I too am a little bit surprised at the charge that the signers of the Majority Report are prejudiced against education, and I would like to clear the record—I certainly am not.

Furthermore, I would like to answer to Mr. Hichens' statement about the immediate effect that this might have and point out that Section 3 of the bill does state that this will only apply to members of school boards or school committees who are elected after January 1, 1970. It would not have any effect on those who were presently serving.

And lastly in response to the statements that Mr. Waxman from Portland made, I think he has hit the issue very squarely. The charge that we have heard is that in the smallest of communities there aren't three people who are not connected with education but are still interested. If this is the case, this is a very poor situation. I am sure that even in the smallest of communities three unbiased people could be found to serve on a school committee and I would think that this would be the best place for community involvement of those who are not directly involved in the education process.

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

Mr. CHICK: Mr. Speaker and Members of the House: I rise to support the motion of the gentleman from Stonington, Mr. Richardson, and I am going to be brief, but I would like to point out just one situation where I feel that this bill serves a good import to the communities the way it is. And that is, I don't think there are many small communities where there is a full time teacher involved, but if this law is changed it wouldn't allow the smaller communities to use a spouse or maybe some member of the school board for a part-time teacher, a substitute teacher. And in some of the small communities it is becoming increasingly more difficult to get substitute teachers, and if this bill is passed they would no longer be able to do that.

So I think for that reason alone that we should adopt the motion of the gentleman from Stonington, Mr. Richardson.

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

Mr. FARNHAM: Mr. Speaker and Members of the House: I dislike to rise in opposition to two of the members of the Education Committee, who I know are dedicated to education, but I do want you to realize that what we are doing here is setting up qualifications at the state level for members of school committees; and I submit to you that in each community when you vote for a member of the school board you know who he or

she is, you know all his first cousins, his spouse if any, and I think this is a matter that should be left strictly to at the local level.

Mr. Millett of Dixmont was granted permission to speak a third time.

Mr. MILLETT: Mr. Speaker and Members of the House. I dislike having this dragged out, but I would like to point out in response to the comment raised or the question raised by the gentleman from Monmouth, Mr. Chick, I see this legislation before us as somewhat discriminatory between the two sections; namely that no member of the board of directors or spouse shall serve as a teacher or in any other capacity for SAD's. However, Section 2 does provide for a similar situation, similar coverage, in the single member municipality, but does not limit serving in any other capacity other than as a teacher. If the Majority Report can be accepted, I would expect to offer an amendment tomorrow to limit this to full-time teachers in both conditions; and this is my only objection. I think that this is a little bit too close, too direct.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would thank my friend Mr. Millett for raising the point about full-time teachers. I think it was also brought out at the committee by those who objected to the present law in favor of this bill that they objected to school bus drivers or janitors also being employed if their husband or wife was on the board.

And I would pose a question to my good friend Mr. Millett and ask him if he would have any objection if an amendment were submitted to this eliminating brothers, sisters, sons, daughters, granddaughters, grandsons, etcetera?

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Stonington, Mr. Richardson, that the House accept the Minority "Ought not to pass" Report on Bill "An Act relating to Membership on the Board of School Directors," House Paper

981, L. D. 1265. All of those in favor of accepting the Minority "Ought not to pass" Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 44 having voted in the affirmative and 85 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted and the Bill read twice.

Committee Amendment "A" (H-193) was read by the Clerk and adopted and the Bill assigned for third reading tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on Education on Bill "An Act relating to School Attendance of Pupils over Sixteen Years of Age" (H. P. 985) (L. D. 1269) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. STUART of Cumberland
KELLAM of Cumberland
—of the Senate.

Messrs. CHICK of Monmouth
WAXMAN of Portland
Mrs. CUMMINGS of Newport
Mr. MILLETT of Dixmont
—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. KATZ of Kennebec
—of the Senate.

Mr. RICHARDSON
of Stonington

Mrs. KILROY of Portland
Mr. ALLEN of Caribou
—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Millett.

Mr. MILLETT: Mr. Speaker, I move that we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Dixmont, Mr. Millett, moves that the House accept the Majority "Ought to pass" Report.

Whereupon, on motion of Mr. Vincent of Portland, tabled pend-

ing the motion of Mr. Millett of Dixmont to accept the Majority Report and specially assigned for tomorrow.

Passed to Be Engrossed

Bill "An Act Revising the Laws Relating to the Practice of Dentistry" (S. P. 264) (L. D. 868)

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

Third Readers Tabled and Assigned

Bill "An Act relating to Retirement Benefits for Call Firemen under State Retirement System" (H. P. 834) (L. D. 1072)

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

(On motion of Mr. Farnham of Hampden, tabled pending passage to be engrossed and specially assigned for Friday, April 18.)

Bill "An Act relating to Taking Lobsters by Use of Otter or Beam Trawls" (H. P. 908) (L. D. 1169)

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

(On motion of Mr. Bunker of Gouldsboro, tabled pending passage to be engrossed and specially assigned for Friday, April 18.)

Bill "An Act relating to Restoration to Service under State Retirement Law" (H. P. 966) (L. D. 1249)

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

Third Reader Recommended

Bill "An Act Reclassifying Waters of the St. John River Basin" (H. P. 1096) (L. D. 1414)

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

Mr. Good of Westfield offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-180) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Westfield, Mr. Good.

Mr. GOOD: Mr. Speaker, Ladies and Gentlemen of the House: Some days ago this bill went down to ignoble defeat. I think this was partly due by some rumors started in the corridors of the House and partially confirmed on the Floor.

Now the first rumor was the fact that we were trying to close up the Vahlsing processing plant. Nothing was ever more wrong than this. Nobody in their right mind would ever consider trying to do anything to close up a plant that provided jobs for the men. And another misconception was why single out one man. We haven't singled out one man. This man has singled out himself by refusing to cooperate, refusing to meet classifications or refusing even to start.

Now some years ago when the powers that be tapped individual companies and men on the shoulder and said, "You are polluting our waters; let's try to do something about it." The Great Northern Paper Company has started a pollution cleanup program. The Potato Service Company in Presque Isle has already ordered machinery for a cleanup program. Kitchens Food in Caribou has ordered their machinery. The Town of Houlton has \$150,000 to study this problem and they claim that within two years they will have a two and a half million dollar disposal plant operating in the Town of Houlton.

But the Prestile Stream flows merrily on in all its pollution. Now it has been stated that one reason for this is cost and know-how, that people don't know how to clear up this problem. I have it on very good authority, because I have visited the plant myself, that at the same time Vahlsing and the other boys were notified of the water pollution a plant in Canada called McCains were notified. Last October they started construction and the twenty-sixth day of March, 1968, they put this plant in operation. They are taking three hundred tons of filth a day out of this stream and

processing it in a cattle feed and making a paying proposition out of it.

This proves that this is no problem. Mr. Vahlsing has the money; he also has the time. If this amendment is passed it will give him three years. I am very sure that Mr. Vahlsing would not even admit that McCains Food can do in five months what he can't do in three years.

Now there is one other thing that we are overlooking in this pollution deal and that is the rights of the members who live along the banks of this stream. You know I am concerned for the people who live out on the bank of this stream. Let's go back a few years, not maybe as far back as the Children's Crusade, but we'll say a hundred years or so. Aroostook County was just getting settled and the stream which was to be called the Prestile Stream even then was known to be one of the cleanest in the area. Plenty of fish for food and sport, deep pools for bathing and swimming and fire protection.

Now this is not a big stream but it is not the little trickle that some would lead us to believe it is. It is a fertile, pleasant stream; the banks were desirable building lots and these lots were settled the length and breadth of the stream. These people have lived beside this stream for many years in peace and tranquility. Now eventually on this stream there were two starch factories constructed and for a short time each spring the stream was polluted, but not in the degree of pollution that it is today. The people in the county realized that they had made a mistake in allowing these starch factories to be built. But the people of Aroostook County are long suffering and kind and they lived on in silent protest and hoped that eventually this would be cleaned up. And it was. And then a few years later bang they were hit by this Vahlsing complex. They hoped and prayed that the powers that be would protect their rights; but this evidently was not so.

And I will read you a little paragraph in a publication that I re-

ceived on my desk the other day, pointing out that in bygone days they too had their problems and realized the need of good government. It says here in part, "Government is instituted for the common good, for the protection of safety and prosperity and happiness of the people; not for the profit, honor or private interest of any man, family or class of men."

These people lived on the bank of this stream and built up their homes and improved their property so that in the declining years of their life they could use this valuable property to help make their senior years a little more bearable. But since the advent of this processing plant the valuation of property along this stream, owned mostly by older people, has dwindled to a small fraction of its original value. This I maintain is not fair. The people on this stream don't know what is happening to them but they know it is wrong and I am positive that this is morally wrong to let this condition continue. I hope that when you vote on this bill you will take this into consideration. Thank you.

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

MR. NOYES: I move for indefinite postponement of House Amendment "A" to L. D. 1414.

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

MR. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: The record of legislative action with respect to the Prestile Stream is a blot on the legislative record of this State. The 102nd Maine Legislature bowing to the vigorous exertions of some members of its majority leadership at that time, to a unique and apparently inspiring appearance by the then Governor of the State of Maine, talked the 102nd Maine Legislature into downgrading the Prestile Stream.

Prior to that time, the previous Legislature had insisted that the citizens of Mars Hill incur a bonded indebtedness of a substantial amount of money so that they wouldn't be dumping their sewage

untreated into the Prestile. And then having ordered Mars Hill to undertake this action, the 102nd Legislature in response to a unique, private, special interest downgraded the stream. At this time I personally became very interested in this and I have reviewed a great deal of the investigation of the Attorney General's office dealing with this whole question, and it is a sad, shocking, sorry state of affairs. The Vahlsing enterprises I do not believe have ever met the classification required by them. As a matter of fact, they weren't even meeting D.

Now during the last session of the Legislature I had the privilege to serve on the Legislative Research Committee and the Legislature directed the Legislative Research Committee to review the State's obligation to the Town of Mars Hill and with a Committee, the subcommittee of Legislative Research, we went to Mars Hill. We came back recommending that we again—that the State until it meets its honest obligation to Mars Hill that we, the State, pay the service charges on these bonds, because we ordered them to clean the river up and then in response to political pressure the 102nd Maine Legislature downgraded it.

I say it is a sorry, shocking state of affairs because this particular individual has cynically, flagrantly and repeatedly violated the law of this State, has made representations which he has never made any sincere effort to keep. We can, in the language of the subcommittee report written by a member of the other party who is a member of the other branch who wrote this report, we cannot continue to simply pay "guilt money" to try to whitewash our actions in the 102nd. I along with thirty other members of the House voted against that declassification because I was convinced then as I am convinced now that we bowed to expediency and treated the people of Mars Hill and the people who loved this stream, very very shabbily indeed.

Now all this amendment does is move the date of compliance for C water to 1972 and my seatmate inquired of me a moment ago, "Why are you supporting this? You

know he's not going to obey it anyhow." I think that's an awfully poor reason for this Legislature not to meet its responsibility. I for one don't want us to go into the indefinite future paying "guilt money" to the people of Mars Hill. That is the reason I hope you will support House Amendment "A". I'm opposed to the motion to indefinitely postpone by Mr. Noyes. I don't think this places any arbitrary or unfair restriction on the Vahlsing enterprises. I think it simply indicates that this Legislature meant what it said when it commanded the people of Mars Hill to build a sewage treatment plant. Thank you.

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

Mr. BERMAN: Mr. Speaker, Ladies and Gentlemen of the House: This morning I find myself in complete agreement with the gentleman from Cumberland, Mr. Richardson, and my good friend the gentleman from Westfield, Mr. Good. Like Mr. Richardson and several other Members of this House, I was here in 1965 when this matter of the Prestile Stream came up. As I recall the episode, and I would not at this time choose to engage in any discussion of personalities and I hope in any future time because I don't think that personalities should have any part in our deliberations here. As I recall the subject then was a matter of jobs versus clean water and at that time I frankly thought and in looking back I still think we made the appropriate decision even though it was a hard one, namely, that we should prefer jobs above water.

Today we are here some four years later. I still think that when the hard decisions have to be made that jobs should be preferred above water even though I dislike having to say it. However, in four years' time it seems that there has been little done to abate that problem and for that reason, and while I don't like to see any particular industry or person singled out, I shall go along with my good friend from Cumberland, Mr. Richardson, in opposing Mr. Noyes' motion to indefinitely postpone.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: After hearing the Majority Leader give us a great talk regarding that, I am wondering if this amendment under Section 4 which says — "Application Notwithstanding Title 38, section 451 of the Revised Statutes, as amended, any municipality, sewer district, person, firm, corporation or other legal entity may, on or after January 1, 1972, be prosecuted for failure to comply with the reclassification hereby enacted." Does that mean that we are going to go back to some of these places and tell them that instead of waiting, they have until 1976, they will have to have that done by 1972? That doesn't pertain to just the Prestile Stream. That pertains to the rivers and everything.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, poses a question through the Chair to anyone who may answer if they choose.

The Chair recognizes the gentleman from Limestone, Mr. Noyes.

Mr. NOYES: The amendment as presently worded relates only to the Prestile Stream and establishes a new deadline. You will note that it refers to the reclassification hereby enacted. This is only the Prestile reclassification. This amendment is even now more discriminating than the original proposal.

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

Mr. ALLEN: Mr. Speaker and Members of the House: I think there is another angle to this. It has been pointed out to us that the 1909 Treaty between the United States and Canada provides that water flowing across the border shall not be polluted, and we are in violation. The Prestile Stream flows into the St. John River in New Brunswick and the target date for a cleaner St. John is 1972. To fulfill our obligation under the Treaty that is the date proposed in this amendment. The Fraser Paper Company at Edmundston and Madawaska is changing over

its pulp well so that by 1972 its chemical pulp will be made by the Salt Lake or craft process, a closed or recirculating process which will eliminate the river pollution caused by the sulphite process now being used. And the cost of that change is going to be considerable.

McCain is doing its part by meeting the water pollution standards at its processing plant in Florenceville. Industry does not like to spend stockholders' money to prevent water pollution. It is hard to show a cash return on the investment. The return is in better public relations, the knowledge that it is good corporate citizenship. Sooner or later industry is going to have to face the fact that if it takes clean water and pollutes it, it must clean it up before returning it.

Let me speak of another fallacy. Industry doesn't move away when it finds it is obliged to do something it has been putting off doing as long as possible. Georgia-Pacific is not going to wait until 1976. There's an industry that is starting to do something with this pollution. Scott Paper Company is going to spend sixteen to twenty million dollars on pollution abatement rather than move off the Kennebec. I'm not going to be so naive as to believe we are likely to lose a processing plant for that reason either, rather than correct a serious pollution problem in violation of a Treaty.

The SPEAKER: The Chair recognizes the gentleman from Fort Fairfield, Mr. Johnston.

Mr. JOHNSTON: Mr. Speaker and Ladies and Gentlemen of the House: After my question yesterday I found that that last three words in the amendment did apply to the Prestile Stream only. Today we have a new amendment that hasn't been mentioned, House Paper 197, that will correct that. I would just like to cite an article in this Air Environmental Improvement progress report stating the fact that in the Aroostook River Class C and Class B-2 the Potato Services, Inc., plant has been in violation with their classification for quite some time. The statement reads that "Treated waste

of Potato Services, Inc., violated the conditions of the waste discharge license on eleven known occasions. The company had a second effluent which was unlicensed. Both of these effluents caused violations of the river classification." The Aroostook River flows down by Caribou and Fort Fairfield and I'm sure has other violators on it.

I would like to read another article from the Portland paper one day last week about the state biologist hit at Vahlsing again but ignored the polluters. They go on to say that they have singled out one processor and have left the others alone. The last part of the article says, what irks us most in the guerrilla war between the conservationists and Vahlsing is their preoccupation with one company and one tiny body of water and their seeming indifference to many outrageous examples of water pollution that show no evidence of remedial action. Vahlsing may be no angel when it comes to pollution, and I will go along with that, but he has plenty of company in this state.

So I think this Legislature has to look at the fact that we have a real problem and I definitely am in sympathy with the people along the stream. I realize that he has to do a better job and should be encouraged. And I would like to see the potential of House Amendment "A" to Amendment "A", House Paper 197 be considered, so I would like to see this Amendment "A" as is indefinitely postponed and consider the other amendment. Thank you.

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

Mr. BERNIER: Mr. Speaker and Members of the House: There is one little matter that has not been brought up as yet and I think it should be brought to your attention. Three years ago I visited these plants with my son-in-law who was at that time connected with the Water and Air Environmental Improvement Commission. It seems that much money is being spent for the purpose of cleaning up the water which they dirty, which someone has just so aptly said, but unfortunately the many

thousands of dollars which they spend on these plants are never regulated or at least they were not at the time I visited them. So that they keep working eternally accomplishing absolutely nothing. There is no sense in changing the regulations or changing the laws until you have some enforcement of some kind.

Before you talk any longer on new laws, new classifications, why do you not see to enforcing the regulations, the classifications that you have now?

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

Mr. HASKELL: Mr. Speaker and Members of the House: This problem poses a particular problem I think to residents of the county some distance from the Prestile. I could not vote for the bill originally because I felt it was discriminatory and unfair in that it singled out a single industry when our State is covered with industries that are deeply guilty of pollution.

However, I do feel that the amendment that has been offered is a reasonable approach to the problem and I would like to suggest that perhaps this technique of accelerating the time schedule might have a broader implication than to the single stream here involved, and that as we encounter particularly bad pollution problems about the state we might use this technique to accelerate the cleanup which I am sure by this time we all realize must eventually take place in the State. So I do feel that this is a reasonable approach to a very difficult problem and recognizing very fully the tremendous economic importance of this industry to the County of Aroostook, I nevertheless feel it is not unreasonable to expect them to accelerate the cleanup and I would support the amendment that has been offered by Representative Good.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly I would like to correct a statement Mr. John-

ston made. I think he made it in error and I think he will admit it. Mr. Johnston in error remarked that he would like to see Amendment "A" indefinitely postponed so the other motion he mentioned might be presented. But I might say there that Amendment "A" must be accepted before the amendment mentioned by Mr. Johnston can be placed on House Amendment "A", that is the amendment before the House now. I believe Mr. Johnston will understand this.

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

Mr. LUND: Mr. Speaker, Members of the House: I join in opposition to the motion to indefinitely postpone. What is at stake here is more than a commitment to the citizens of Mars Hill which they are now paying off in money. What is at stake here is more than a commitment to Canada which we find ourselves under obligation to honor. What is at stake here is a commitment to the industry all over the State of Maine. Ladies and gentlemen, we are asking industry all over the State to reassess their pollution treatment. We are telling the industry in the State that we are expecting them to begin now to treat their pollutants before discharging and we are in very thin ice to do so as long as we allow to continue the sorry mess on the Prestile Stream.

Every journey, ladies and gentlemen, begins with the first step and would suggest to you that to take this step on the Prestile Stream would be a good first step.

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

Mr. JALBERT: Mr. Speaker and Members of the House: There have been comments that there was an amendment coming to this amendment. I was wondering if the question now would be in order to what this amendment that would be coming is all about, and should we pass or kill this amendment to have the other one before us? I think that while we are debating this thing it might be well to

know the entire story. At least I want to know.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: At this time since the motion to amend takes precedence over the motion to indefinitely postpone, I present House Amendment "A" to House Amendment "A" and move for its passage and I will speak to my motion.

The SPEAKER: The gentleman is in order. The gentleman from Eagle Lake, Mr. Martin, now offers House Amendment "A" as amended by House Amendment "A" and the Clerk will read the amendment.

Thereupon, House Amendment "A" to House Amendment "A" (H-197) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: You will note that my amendment amends the last portion of Section 4 of the amendment presented by the gentleman from Westfield, Mr. Good. It removes the words "the reclassification hereby enacted" and replaces those words with 'any classification enacted by any Legislature.' What this in effect would do is that it would say that the timetable for the industry for this state to clean up the pollution problems that they are presently causing us to have will not be 1976, but will be January 1 of 1972. In effect I am saying there will not be discrimination; I am saying that it will not apply only to the Prestile Stream; I am saying it will apply to every single stream, every single river, every tidal water and every coastal water.

Now the question may be asked of me as to why I am presenting this amendment and I think it can be answered very easily. If you take a look at the plan which was presented to you this morning from the Environmental Improvement Commission, on page sixteen you will find instance after instance of pollution being reported by the various industries of the state in the Androscoggin River, in the Sebasticook River,

in the Aroostook River, and you can go right down the line. These were referred to the Attorney General's office and to this date the only single prosecution that I know of has been on the Prestile Stream. If this is not discrimination I don't know what it is.

Therefore, Mr. Speaker, I certainly hope that my amendment is adopted. I would hope that the gentleman from Cumberland, Mr. Richardson, would stand four square on the issue of pollution in this state and vote for the passage of my amendment. And Mr. Speaker, I move that when the vote is taken it be taken by the yeas and nays.

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

Mr. RICHARDSON: Mr. Speaker, I move the indefinite postponement of House Amendment "A" to House Amendment "A" and I would like to suggest to the Members of the House what I think are two or three very good reasons for indefinitely postponing it.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, now moves the indefinite postponement of House Amendment "A" to House Amendment "A".

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: The suggestion has been made time and again before this House that this Legislature has taken some discriminatory action toward one specific industry located on one small stream. I suggest to you that this is not the case.

The 102nd Maine Legislature created this problem with respect to the Prestile. It bears the entire legislative process involved; it bears the responsibility of taking the action which I said earlier was a blot on the legislative record of this state and I sincerely believe that to be the case.

During the last session of the Legislature we made a very vigorous effort to design workable anti-pollution legislation and to adopt a timetable that would permit these industries, who are acting in good faith and who are making an effort, to carry out the programs

that are necessary. The case on the Prestile is a unique case and it demands that we adopt the basic amendment offered by Mr. Good and that we indefinitely postpone House Amendment "A" to that amendment.

One final word, many many times around the State of Maine that I have had occasion to discuss our pollution abatement problems the question has come up time and again—what about the industries, won't they leave? And I suggest to you that the industry that pollutes should be damned and I suggest to you that any industry that doesn't want to accept as a cost of doing business, not polluting our rivers and lakes and streams, that that industry should get out of Maine; and I for one will be down in Kittery with a brass band when they leave.

I don't believe that the answer to the problem is simply to say we need more enforcement. That's true, we do, and I shall support, for the benefit of the gentleman from Westbrook, legislation to raise the necessary revenues to greatly upgrade the quality of our enforcement. I want to suggest to you that the statement that only one violator has been prosecuted is false; that is not the case. I am distressed by what I view to be a very lackadaisical attitude on the part of our law enforcement authorities toward pollution control. But it is incorrect to say that there has been only one such case.

It is likewise incorrect to defer judgment on this matter and say that—oh well, we will do something at the end of the session; we will give them a couple more anti-pollution experts. The time is now, the decision is very clear. I support the request for a roll call. I think the lines are clearly drawn between those of you who are serious about getting the polluters out of Maine, and those of you who are willing to vacillate on an expedient basis in response to special interests gripe from one special industry.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think probably I will have to join the gentleman from Cumberland, Mr. Richardson this morning with a brass band at Kittery. I think probably that brass band should have been at Kittery for the last thirty years, when we are sending tens of thousands of our youngsters into some other areas of the country to live because of lack of opportunity in our own State. If we are going to send one industry or industries we should also have the brass band there to send the youngsters out of state.

But be that as it may, you have this morning two amendments that are relevant to one particular industry or all the industries, and that includes the municipalities that are presently polluting the waters of our State. Now the indication has been here this morning that we are in violation of an international agreement between the countries of Canada and the United States. If we are going to use the Prestile Stream as an example of trying to break an agreement, I think we should also serve notice to all the industries and all the communities along the St. John River that are sending their raw sewage in the international waters of the St. John River.

I think that the amendment presented by the gentleman from Eagle Lake, Mr. Martin, this morning is justified in view of the fact that if you adopt the gentleman from Westfield's amendment, Mr. Good, that you are ultimately and sincerely discriminating against one industry of which the gentleman from Cumberland, Mr. Richardson, pointed out we are paying blood money to the Town of Mars Hill to help pay and defray their expenses of their plant.

If this is going to be the case, that the Prestile Stream is not a unique situation, which I don't think it is; but if we are going to tell the people along the Prestile Stream we should also be able to tell the people along the other rivers and streams as to what they should be doing, and not single out one industry. I think

due notice is being served here in the halls of the House and also the halls of the other branch, that something will have to be done by all the industries and by all the municipalities, and they had better do it quick. But if we are going to tell them that they're going to have to do it quickly, we are going to have to stand in these same halls and tell the people of the State of Maine that they are also going to have to raise additional monies to help these communities, to help these industries, to provide pollution abatement process.

Unless we are able to do that, we cannot in good conscience discriminate in this hall against one industry or against one river, and go home feeling safe that we have done our job and we have done our job well. So therefore I hope that the motion made to indefinitely postpone House Amendment "A" to House Amendment "A"—it is not going to be postponed if we are going to be sincere about trying to clear the polluted waters of our State. If we are going to do it for one, we have got to do it for the other; or else it is just going to be utterly pure discrimination of one particular river or stream.

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

Mr. JALBERT: Mr. Speaker, I move that this item lie on the table until the next legislative day.

Thereupon, Mr. Cox of Bangor asked for a vote on the tabling motion.

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

A vote of the House was taken.

11 having voted in the affirmative and 116 having voted in the negative, the motion did not prevail.

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

Mr. JALBERT: Mr. Speaker, I asked that the item be tabled because I wanted to dig up a few

facts and possibly I might have been in a better position to debate this thing tomorrow than today.

Mr. Speaker and Members of the House: Since 1965 I have wrestled with my conscience wherein it concerns this piece of legislation. I would submit to the gentleman from Cumberland, Mr. Richardson, that the implication, the 102nd Legislature, would appear and connote that my Party was in power at the 102nd Legislature. Just to set the record straight I might suggest that the vote of the Legislature at the 102nd from the time of passage of the bill until the time of final enactment was quite solidly on a bipartisan basis; and certainly it was in the unmentionable branch. By the same token I am going along with the gentleman from Cumberland, Mr. Richardson. I would say that since 1965 to a certain degree I have voted in a hypocritical manner. I might say that because I have just sent the gentleman a note to this effect.

Now I have tried today, another major reason why I wanted to table the measure, I have tried today to get in touch with the gentleman this morning, while debate was going on, to whom I gave the promise or my word as to how I would vote. Frankly, and I couldn't reach him. Frankly, in this situation here we are not hearing now amendments; we are hearing other bills. And I think it might be a good idea, and that was my thought of putting this on the table somewhere along the line, or recommitting this thing, so that all these various bills—and I can hear the hue and cry, no, it makes a difference as to who wants to recommit I guess. It's perfectly all right with me because I can see that happening. It doesn't happen today but it's the committee with horns that wants to recommit; it's just people that want to know just what's going on. We're going along here with one bill, and then we have an amendment which creates another different bill, and then an amendment to another amendment to create another different bill.

I will say this as far as I am concerned, and I am going to say this to those here who want to protect an industry and those also who want to close up everything. I will put myself in the middle. I don't want to close anybody else up, but I am sick and tired of standing here voting ransom. Now unless somewhere along the line, believe me, that something isn't done here then I am going to keep voting against my own community for Plan A on education and then turn around and vote to pay a ransom to Mars Hill year in and year out, that gets kind of sickening to me. By the same token, I am not going to turn around and if anybody would think here that nothing has been done to curb industry let me tell you just a little pigeon that I've engineered.

There's a bill, a license, that was given to Sol Feldman at Poland Springs for his Job Corps project, that is when he leased to the Job Corps. I made sure as chairman of my delegation, supported by the entire membership of my delegation, that in that license of his is a clinker. When the Job Corps leaves, he's not going to have a license.

Now I couldn't attend a meeting last night concerning the pollution of Sabattus Pond, and I turned around on that day, yesterday, and sent them a notification that the industries around there that were polluting are going to stop polluting. Now I am inclined to go along with possibly giving somebody some time to straighten their house out, but right here and now we're hearing the original bill, we're hearing an amendment that is entirely different, and we're presenting an amendment to an amendment; and I don't think this is the proper procedure. Of course it might be better if it had been referred to the Committee on Appropriations, it would be easier to refer.

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

MR. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: The two amendments that are before us this morning, it's very clear to me that they will

solve not a problem, but only to create probably a multitude of problems, including probably additional guilt money on the part of the State to different areas of our State; and in view of these facts that are very present before us this morning I now move the indefinite postponement of all of the amendments and all the accompanying papers.

The SPEAKER: The Chair would advise the gentleman that the only matter before the House at this time is House Amendment "A" to House Amendment "A".

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I would have liked to have seen this matter laid on the table because I think we're covering too much ground here too fast. I cannot in good conscience vote for the House Amendment "A", which only punishes Mr. Vahlsing, because I look upon it as discriminatory. If this House were ready to go along with the other, the House Amendment "A" to House Amendment "A", I might be able to go along with it. However, that covers so much ground that I certainly would want opportunity to look into it to see whether all of the other—and I will stick to my own county and my own river, my own area, to see whether all the other processing plants the length of the Aroostook River which also flow into the St. John and across the international boundary, to see whether they can meet the timetable logically, that this House Amendment "A" to House Amendment "A" sets up. If they can't, I could not go along with that either.

So for these reasons I certainly would have liked to have seen us table this matter until we could get a better understanding of where we are heading. I am not making any motion in these circumstances that I now find myself in. I would certainly have to go along with the gentleman from Madawaska, Mr. Levesque, in the indefinite postponement of House Amendment "A".

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

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: This whole controversy started with a bill before the Natural Resources Committee upgrading the Prestile Stream from C to B. I could not at that time, and I would not now, agree to the upgrading of this stream. This amendment we have before us meets my approval and I think a lot of approval of the House. It is back at the C category which I think Mr. Vahlsing in all honesty could make.

The only attempt at prosecution of these problems that could be possibly taken was the nuisance laws, and this is what has been done on the Prestile Stream because we along the line somewhere said that all of these industries have until the year 1976 to clean up. I did suggest in our committee hearing to certain committee members that our law enforcement agencies' hands were tied completely until 1976 and perhaps we should turn the timetable back. And I honestly think that this session of the Legislature should turn all timetables back, but I can't quite subscribe to the five years that this amendment proposes. I think that if this amendment had been written to turn the timetable back; in other words, establishing a notice to all industry that we were capable of shortening their term of pollution, that it would have been something that we could all have accepted.

I cannot in all honesty accept these amendments before us, because I think the timetables are turned back too far, and in the case of Mr. Vahlsing I think they're discriminating against one industry.

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

Mr. LUND: Mr. Speaker and Members of the House: The addition of the new House amendment tends to confuse things. I think there are several matters that should be pointed out.

First of all, the Water Improvement Commission is already in the process of changing the timetable in an orderly fashion. Hearings have been held in this county on

the question and hearings are scheduled to be held elsewhere with respect to the time schedule, and I think that it would be completely unrealistic to attempt to change the time schedule for the entire state to 1972 for several reasons. First of all, we're talking about attracting Federal funds, we're talking about municipal financing; and the only logical outcome of approval of House Amendment "A" to House Amendment "A" would be to defeat the whole bill. So I would hope that we could, this morning, not attempt to tie our entire state's pollution problem onto this bill.

I do think that we should point out again the fact that this bill deals with a particular problem, a problem which we, the Legislature, helped to create. We are not singling out a single person or a single river, we are trying to undo an act in which a single person or industry attempted to write a special condition for himself. I would hope that the House would indefinitely postpone Mr. Martin's House Amendment "A" to House Amendment "A", and then move on to the other amendments.

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

Mr. BERMAN: Mr. Speaker and Members of the House: With all due respect to some of the language which has been used here this morning with the best of faith, I'd say that we're not dealing today with pigeons, we're not dealing with clinkers, we're not dealing with confusion; we're dealing with basic policy, and we should be dealing with an even-handed approach to clean waters in the State of Maine.

Now, my conception of law enforcement may be different than other peoples in substance of law enforcement. Perhaps that's the way it should be. My conception says that those who are charged with the duty of law enforcement should exercise discretion in judgment, should proceed in an orderly way. I say, that this House would be well advised today to go along with the gentleman from Eagle Lake, Mr. Martin, in saying that

the basic policy of the State of Maine is an even-handed approach.

This problem really is not a problem of one industry or one person, it is multi-faceted, and that's why, for the life of me, I do not see why we should legislate on one particular basis when we have the opportunity today to say that the State of Maine is going to adopt an even-handed approach to everybody and have faith in our law enforcement people to use their discretion.

Somewhere I once heard something, that in moments of great decision, if we recognize them as such, and I really think that today whatever we may think this is a moment of great decision because it is concerning basic policy, that if we would guide by the light of reason we must let our minds be bold.

Now, Mr. Martin's approach this morning is very fair, it's very even-handed, and because of its fairness and even-handedness it is probably bold; but I think it makes very good sense. I think both amendments make very good sense, and I hope the House today in its wisdom, will decide to use an even-handed approach toward everybody and every industry in the State of Maine.

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

Mr. CAREY: Mr. Speaker, I would direct a couple of questions to the gentleman from Augusta, Mr. Lund. First of all, I would ask Mr. Lund if the Water and Air Environmental Improvement Commission has the authority to accelerate the timetable. And secondly, I would ask the gentleman from Augusta what has happened to our legal process which would have the gentleman, Mr. Vahlsing, comply with at least a C classification?

The SPEAKER: The gentleman from Waterville, Mr. Carey, poses a question through the Chair to the gentleman from Augusta, Mr. Lund, who may answer if he desires.

The Chair recognizes that gentleman.

Mr. LUND: Mr. Speaker and Members of the House: To answer

the question, I believe that the Water and Air Environmental Improvement Commission does have authority, in some situations, to change the time schedule. I think in some cases the hearings which have been scheduled have perhaps been scheduled with the objective of recommending legislation; but I think the significance of it is this: that the industry of the state and the pollution of the state, municipal and industrial, is susceptible of an orderly, even-handed approach which the Commission is attempting to carry out. And I think that it would be unwise for us at this point, by legislative fiat, to try to change it statewide.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I hate to disagree with the gentleman from Augusta, Mr. Lund. Two years ago I presented a bill which would have allowed for administrative classification; this House defeated it. We enacted instead a bill which set up legislative classifications and timetables, and the timetable that we presently have is written on the law books of this state and cannot be changed by the Water and Air Environmental Improvement Commission.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of this House: I am very fearful of this amendment where it says "any municipality." In my own community they know that we have until 1976 to convert to a sewerage system, which is going to cost us in the neighborhood of three and a half million dollars.

This year we have had a tremendous increase in our school costs, and I don't know how they're going to be able to finance that in the coming two years. I'm really wondering if many people here in this House realize that if this amendment goes through they are going to be faced with a similar situation in their own communities. I think it's going to work an undue hardship on a lot of people because this amendment is

really rough. And last night I heard a reporter state that Congress had deleted a lot of money in regard to sewerage. Now, if we are not going to get the money or the help from the Federal Government, it's going to impose a still harder burden on many communities.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I am sure that you realize that those of us who were here during the 102nd Maine Legislature, those of us who have reviewed all the facts with respect to this particular problem, have very deep, very solid feelings about this.

First of all, the question was raised in debate a few moments ago whether or not this had partisan political overtones. I would suggest to you that that was not the case. I would suggest to you that members of both parties voted against the declassification of Prestile Stream during the 102nd. I would suggest to you that the then presiding officer of the Senate, who is a member of the opposite political persuasion, was one of the very few in the Senate who had the courage to vote against the great overwhelming majority of his party, and vote against declassifying the stream; and it is this gentleman who authored the Report of the subcommittee of Legislative Research of which I was chairman.

Secondly, I want to make it very clear that if you adopt the gentleman from Eagle Lake's amendment, you are going to be talking about, I would conservatively estimate a \$150,000,000 bond issue, to provide the necessary prefunding of the Federal Government's share of anti-pollution treatment facilities. In the last session, as you know, we advanced approximately \$3,000,000 of state's money toward the Federal Government's share of the anti-pollution treatment facilities, hoping that the Federal Government would pay us back, and I assume they will.

The Governor has sponsored, and I vigorously support, a \$50,000,000 bond issue to be used to prefund the Federal Government's share —

to fund the state government's share rather, of these pollution abatement facilities. The timetable established by the last legislature is geared to a reasonable cleanup within our ability to pay, and therefore, I suggest to you that the amendment is just not reasonable.

Now one more point, and please forgive me for going on and on about this. We are not discriminating against one industry. We have an opportunity today to right an error, and to take an action which we should have had the courage to take four years ago. We have an opportunity today to say, by our action, that the Maine Legislature is through being the victim of a con game. Today is the day we can say to the bandit industries, if you don't want to accept clean waters as a cost of doing business in this state, then get out. I hope that the vote will be taken by the yeas and nays. I hope that you will support my motion to indefinitely postpone House Amendment "A" to House Amendment "A," and that we will then adopt the basic House Amendment "A" offered by Mr. Good. And when you take this action, you will be taking an action which will make you proud of your service in this Legislature no matter what other action we may take here.

Mr. Levesque of Madawaska was granted permission to speak a third time.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think it behoves us this morning to review the remarks made by the gentleman from Cumberland, Mr. Richardson this morning, regarding the action of the 102nd Maine Legislature. The then presiding officer of the other branch of the 102nd Legislature felt very strongly in opposition to the declassification of the Prestile Stream. By his action he has voted his principles, and I think by his actions last week in that same branch still voted his principles.

In the 102nd Legislature, we thought as a legislative branch we were doing what was absolute necessity to help some of the people of our state have the opportunity to earn a living in their own state.

And if I remember correctly, during the debate on the reclassification of the Prestile Stream four years ago, the debate was such, and the indecision was such, that this House recessed briefly, and I think, if I remember correctly, a message was sent to the then Governor John H. Reed who was in the corner office, to appear before the House and express his views on this legislation. Now, the Governor then was of other than my own political faith, and I also recollect that he came to this branch of the Legislature strongly recommending the action that was taken by the 102nd Legislature.

If we were so wrong four years ago, should we be completely so wrong again by trying to further discriminate by one industry, namely, Vahlsing Incorporated, one of the first industries that invested money in pollution abatement in our state? Since then other industries have joined into the ranks and have indicated that they want to spend money to have pollution abatement in their industries, in their municipalities, or in other areas that they may be privately concerned. But first and foremost, this particular industry that we're trying to discriminate against in this type of legislation this morning, was one of the first ones who had invested large sums of money to help promote and abate pollution of our waters.

So therefore, if we are going to pursue this type of legislation this morning, in further discriminating against one industry, trying to tell them that you and you alone are going to have to clean the waters by 1972, and let the rest go by until 1976, I don't think that that is fair legislation. So therefore, I hope that you will support the amendment of Mr. Martin that he has presented this morning.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I would like to supplement the history that Representative Levesque has partially given us on our situation in 1965. What was the question? The question was whether

or not the State of Maine or the State of Minnesota was to get the last beet sugar quota that the Federal Government was going to grant.

In the background in Washington was Senator McCarthy and Senator Humphrey from Minnesota. Also in the foreground was Senator Muskie, who had persuaded Secretary Udall that we would have the first chance at this beet sugar quota; and we had only a limited number of days to make our decision, in fact hours, because funding was involved; not only the funding by the Federal Government, but the funding by MIBA, and so those were the conditions, and Governor Reed did come in here and make a personal appeal.

Senator Muskie made a continuous appeal so that we would have another industry for our state, and I think our most Honorable Speaker, taking a vacation in that particular session and sitting over there, was the leader for this too. So we made a contract with this particular firm. It was a sort of a definite understanding. We had received most valid assurances from this firm, because the only objection was the matter of pollution in Prestile Stream. And with these assurances, we voted for this quota. Now it seems, on all sides, from all evidence, that the recipient of this favor of the Legislature has not lived up to his agreements, and so it seems to me that we are not discriminating against him in this respect. Thank you.

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

Mr. MARTIN: Mr. Speaker and Members of the House: In the remarks made by the gentleman from Cumberland, Mr. Richardson, he pointed to actions of the 102nd Legislature. The gentleman from Madawaska, Mr. Levesque, and the gentleman from Portland, Mr. Cottrell, have both gone through some explanation of what the 102nd did. I was a member of that 102nd, and there are two points—or one basic point, that I would like to leave with you. The declassification of the Prestile Stream was not done for Vahlsing Incorporated, but it

was done for the construction of a sugar beet processing plant in Easton which is today known as Maine Sugar.

Even the Attorney General will agree that there is no pollution today into the Prestile Stream from Maine Sugar, and in effect our basic reasons for declassifying the Stream, to allow Maine Sugar to be constructed in Easton, was valid, that they lived up to their commitment of pollution control of \$1,000,000, and that there is no pollution from Maine Sugar.

What the gentleman from Cumberland, Mr. Richardson, fails to see is that the pollution comes today from a potato processing plant which was there in 1961, for which the Water and Air Environmental Improvement Commission issued a license to operate, and it is there on the basis of that promise and for no other reason. I agree with the gentleman from Cumberland, Mr. Richardson, that we should perhaps have a brass band in Kittery for the polluters leaving the state. We probably should have one in Aroostook County on the Canadian Border to do the same thing at the other end.

However, I would point out one thing to you that campaign rhetoric will not solve our problem here today, and I would hope that the House would vote against his motion to indefinitely postpone my amendment.

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

Mr. BENSON: Mr. Speaker and Members of the House: I would like to address myself to the remarks made by the gentleman from Portland, Mr. Cottrell, and to only one portion of them, and that was to the effect that the present Speaker of the House and the then Minority Floorleader of the House was a leader for the movement of the 102nd Legislature to declassify the Prestile Stream. The Speaker is in a difficult position to make any comment on this, and I believe that I would be correct in saying that the present Speaker, and then Minority Floorleader, was one of thirty-two who voted against the measure.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: As I get older my computer gets a little rusty on recall and I wish to apologize if I was in error on that, but as you were the leader of your party at that time in the House, and with your close affiliation with the front office and under the urgent demands of the Governor, I quickly assumed that you voted for it. Excuse me.

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

Mr. WILLIAMS: Mr. Speaker and Members of the House: We have gone a long ways from Mr. Vahlsing and his problem. Now let's get back and talk about Mr. Vahlsing a few minutes. Now, his main problem, the way I see it, is dissolved protein. Now, I sat in on many many sessions of the Natural Resources Committee, and we had some of the best chemists in the state explain pollution to us.

Now, Representative Martin is correct when he says there is no particular pollution at all from the sugar industry; the pollution comes from the potato end of it, and the pollution from the potato end comes from dissolved protein.

If any of you people are familiar with Winthrop, you've noticed that Annabessacook Lake was covered with algae. Well that algae, according to the chemists, came from dissolved protein that was going down through the water treatment plant of Winthrop. They spent a lot of money there, but they couldn't get the protein out. Now, two years ago they came before the Public Utilities Committee, and they asked for a million and a half dollars to try and supplement their treatment plant to take out the protein. Well, they looked the situation over, and right at the present time there's no treatment that will take dissolved protein out of water at a reasonable cost. So they went into a sewer district with Manchester and Hallowell to move their effluent over into the Kennebec River and try and get rid of the algae in

Annabessacook which was sooner or later going to pollute Cobbosseecontee which is mostly the water we drink out here.

Well now, getting back to Vahlsing, no matter how clear the water that flows out of the Vahlsing Plant might be, it still contains this dissolved protein. When you get down as far as Centerville and Tracy Mills there, the bottom of the brook is covered with algae there, some places two or three feet long looks all kinds of green, but actually that full control of that algae is feeding on the protein that comes down through the water. And as far as Mr. McCain goes, he takes the thick stuff out of the water, and he doesn't touch the dissolved protein, but of course he has the whole S. John River to dissolve it in. So it would look to me that those 1200 jobs up there is of a lot more value to the State of Maine and Aroostook County than all the fish you could catch in the Prestile, no matter how pure it happened to be.

Mr. Jalbert of Lewiston was granted permission to speak a third time.

Mr. JALBERT: Mr. Speaker and Members of the House: Being one of those who loves to buck a tide, I might say that we before us now have three propositions. The bill originally calls for, in upgrading to B, the Amendment "A" calls for the classification to stay where it is, but report out according to the programs in 1972. The Amendment "A" to Amendment "A" would state that all of the industries should do the same as what the Amendment "A" calls for.

Now, I'll admit that we are experts at many things here in this House, but I'll plead guilty to not being an expert on this. We are now talking in three different areas about the policy wherein it concerns water pollution problems, and my sole reason for having wanted to table this thing is to find the mechanics to do what we ought to do and recommit so that these programs, which are vitally important to the economy of Maine, be it on a basis of recreation or fishing, be it on the basis of industry, are at stake. If,

however, the motion to table would not prevail, then the only way I would like to vote would be to kill both "House Amendment "A" to "House Amendment "A" and "House Amendment "A", so then the motion would be in order to recommit.

We are going into this entire policy of the whole program, and in my very serious, however humble, opinion, there are many many people all over the State of Maine who should have a say in the matter. I just don't think I'm all things to all people.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Cumberland, Mr. Richardson, to indefinitely postpone House Amendment "A" to House Amendment "A". The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

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

The SPEAKER: The pending question is on the motion of the gentleman from Cumberland, Mr. Richardson, to indefinitely postpone House Amendment "A" to House Amendment "A" to Bill "An Act Reclassifying Waters of the St. John River Basin," House Paper 1096, L. D. 1414. If you are in favor of indefinite postponement of this amendment you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Binnette, Birt, Buckley, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Cottrell, Crosby, Cummings, Curtis, Donaghy, Dudley, Durgin, Dyar, Erickson, Eustis, Evans, Farnham, Faucher, Finemore, Fortier, M.; Foster, Gauthier, Good, Hall, Hanson, Hardy, Haskell, Hawkens, Henley, Heselton, Hewes, Hichens, Huber, Hunter, Immonen, Jalbert, Jutras, Kelley, K. F.; Kelley, R. P.; Kilroy, Lee, Leibowitz, Le-

Page, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Marsteller, McNally, McTeague, Meisner, Millett, Morgan, Mosher, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Stillings, Susi, Temple, Thompson, Trask, Tyndale, White, Wight, Williams, Wood.

NAY—Bedard, Berman, Bernier, Boudreau, Bourgoin, B r a g d o n, Brennan, Bunker, Burnham, Carey, Carrier, Carter, Coffey, Corson, Cote, Couture, Cox, Crommett, Croteau, Cushing, Dam, Dennett, Drigotas, Emery, Fecteau, Fortier, A. J.; Fraser, Gilbert, Jameson, Johnston, Kelleher, Keyte, Lawry, Lebel, Levesque, Martin, Mills, Mitchell, Nadeau, Norris, Noyes, Ouellette, Rocheleau, Soulas, Starbird, Vincent, Watson, Waxman, Wheeler.

ABSENT—Brown, Curran, D'Alfonso, Danton, Giroux, Harriman, Labege, McKinnon, Moreshead, Tanguay.

Yes, 90; No, 49; Absent, 10.

The SPEAKER: The Chair will announce the vote. Ninety having voted in the affirmative and forty-nine in the negative, the motion does prevail.

The pending question is on the adoption of House Amendment "A".

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

Mr. MARTIN: Mr. Speaker, I move that the vote be taken by the yeas and nays.

The SPEAKER: The pending question is on the motion of the gentleman from Limestone, Mr. Noyes, that House Amendment "A" be indefinitely postponed.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I now support the indefinite postponement of this measure because in our vote just taken we have proven beyond reasonable doubt to myself that it is only one industry we are now talking about; namely, Vahlsing Industry.

Now I stand here in defense of the 102nd Legislature, of which I

was a member, and in defense of the Governor at that time, which we committed ourselves. I would like to think that my word is good if I make you people a commitment, and I would like to have this industry know that my word is as good today as it was then. We really wanted the industry then and a lot of people there really want the industry today.

Now one thing that I do think we should do, I think we should say to this industry, "We have made an agreement and we are willing to keep it, but you should live up to the classification which we set up at that time." It is my opinion that the industry is not living up to the agreement that we made then; possibly they are not living up to the D classification. Now if they would do this or if we could see some means or some law to see that they did this, then I think the people along the Stream would be quite well satisfied.

So the problem in my opinion is this: that possibly they are not living up to their agreement and in our haste to make them live up to that agreement we are willing to say, "All right we'll give you the business," we'll shaft you in other words; and this I'm not willing to do. I am willing to live up to my word, and I expect this industry to live up to their word, and I will do something in this House that needs to be done to make this become up to date, make them do live up to their agreement, but I don't think just increasing the classification to C helps anything because if he won't live up to D he obviously won't live up to C, and this is the wrong direction. But in the meantime the word—and this is a very serious matter to me—the word of this House by quite a large majority, and the then Governor of this State I defend also, because he felt strongly. He came from Aroostook County, and he felt strongly for the need of this industry, he felt strongly for the need for jobs in that country; and for that reason he persuaded me, of another party, that he was right and that we should let this industry there and we should make these jobs, and that we did.

I hope that the House this morning will defeat this final amendment. If we couldn't see fit to clean up the whole State, we shouldn't see fit to pick out one industry because he has not maybe lived up to his agreement as we expected he should, and trying to really give him the business by upping the classification. Once again, I say we should probably make him live up to the D classification which he originally subscribed to, but I don't think we should go beyond that because there is a lot of people depending on this industry, and I don't want to be one of those that stand idly by and hear the band play when the industry leaves the State because I come from an area where I know how essential it is, every job, and I hope you will go along this morning and defeat this amendment.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I strongly believe in the good neighbor policy within reason, but this morning I must seriously disagree with my good friend and neighbor, Mr. Dudley.

Four years have gone by since 1965, and some of us seriously feel that not enough progress has been made in this area. Now, we could have taken a bolder step by going along with the other amendment. However, I am willing to be reasonable. I am willing to say that now we should go along with the amendment that has been proposed by my friend from Westfield, Mr. Good. I believe, and I hope that this House would vote against indefinite postponement, the pending amendment.

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

Mr. COX: Mr. Speaker and Members of the House: Just so that there will be no doubt as to the discrimination question that has been before this House this morning, I have received a letter from the Office of the Attorney General, and I will quote a small paragraph from it: "The proposed amendatory language refers only to the

waters reclassified by said bill; to wit, the waters of the Prestile Stream.' If there is any doubt that this letter is in my possession, anybody is welcome to examine it.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I will not belabor this issue very much longer this morning, although I feel that I must get up and say this: that it's quite reasonable for a successful man in a given profession to be able to tell an industry that they have got to move if they don't do certain things. However, I feel that we owe some responsibility to the 1200 employees that are working there or any other industry that may be by action of this Legislature affecting the employees of that particular industry.

So it puts the problem directly on the Legislature as to whether we can sincerely and honestly tell the 1200 employees involved in one industry later on, that we recognize the problem but we must close the industry or help them do something to prevent pollution. I think the area that we are in now is that we cannot in good conscience discriminate against one industry by telling them that they have got to do certain things and let the rest of the industries go by unnoticed.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: Basically, in the 102nd Legislature the problem of air pollution and water pollution was not accentuated. The only emphasis placed at that time was industry: we had to vote to permit this industry to come into the State and the other problems were carefully not explained to the members of the 102nd. This is where I disagree with the gentleman from Cumberland when he says that the members of the 102nd, or the majority of the members of the 102nd, who voted for this did this because they did not

have the courage of their convictions. With that statement I disagree. However, I will support his motion on House Amendment 180, and I believe that we now have all the information or nearly enough information to vote intelligently on this bill.

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

Mr. CAREY: Mr. Speaker and Members of the House: Last week we discussed this thoroughly and again today, and I had mentioned last week that I could support a bill which would have international waters reclassified and the programs accelerated by 1972. I suggested at the time that probably interstate waters could be reclassified and the program accelerated until 1974, but however I cannot support this amendment since it certainly does discriminate.

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

Mrs. COFFEY: Mr. Speaker, I would like to address a question to Representative Finemore, if I may. I am very confused now over this whole thing. I thought I had it all understood, but if the Water and Air Environmental Improvement Commission has already set up its standards and so forth I don't understand the purpose of this bill, and I wonder if you might answer that for me. If it has already been taken care of, he should have had a committee with leave to withdraw.

The SPEAKER: The gentlewoman from Topsham, Mrs. Coffey, poses a question through the Chair to the gentleman from Bridgewater, Mr. Finemore, who may answer if he chooses, and the Chair recognizes that gentleman.

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I will do the best I can, and I appreciate the question.

The only reason we have shifted this bill back down to C and asked for 1972 as a target date is the fact that as it is classified now, it is classified C, and this industry isn't doing anything towards cleaning it up and they

won't if we leave it until 1976, it would remain the same. We are in hopes that by this Amendment "A" presented by the gentleman from Westfield, Mr. Good, would do the work and start in so that this industry would begin cleaning up and start an abatement plan which would not be a burden to this industry, and I don't know why anyone should enter into it and feel that it should, because it won't. I hope that answers the lady's question.

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

Mr. NOYES: Mr. Speaker and Members of the House: I can't sit here and not stand up in defense of the progress that is being made in the pollution program of the Vahlsing and Maine Sugar Industries complex. I am there and have seen what they are doing and know that they are attempting, and have done a tremendous job towards abating the pollution problem. So I just can't sit here and let them say there is nothing being done, I'm sorry.

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

Mrs. COFFEY: Mr. Speaker, I would like to address another question to Mr. Lund of Augusta, please.

The SPEAKER: The gentleman may pose her question.

Mrs. COFFEY: I am under the understanding that none of these processing plants that are C classified now have reached their C classification, and why single out this one? Is this true? I mean have all of them reached their C classification now?

The SPEAKER: The gentlewoman from Topsham, Mrs. Coffey poses a question through the Chair. The Chair recognizes the gentleman, from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker, I don't believe I understand the question.

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

Mrs. COFFEY: I asked Mr. Fine more that question and he said it was because Mr. Vahlsing was not reaching the C classification now.

In other words, I get the impression that if they bring this up to B-1 or B-2 now, it's going to apply pressure to him to reach this C classification by 1976. Well if none of the processing plants are reaching the C classification, what has this bill got to do with it? I still don't understand.

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

Mr. RICHARDSON: Mr. Speaker, I request permission to speak again if I may response to the lady's question.

The SPEAKER: The Chair would advise the gentleman that we are on another motion, and he has not spoken twice, and he may proceed.

Mr. RICHARDSON: I hope that I can clear this up. In 1961 the potato processing plant located on the Stream, contrary to very sound advice indicating that the Stream just was not able to handle that disposed waste.

To my knowledge, this industry has been in violation of the standards of the Legislature with respect to water right from the outset. The present classification of the stream is D, a level to which it was reduced by the 102nd. It is not now meeting D classification. I think that the basic thrust of this legislation is to accelerate the timetable to correct a grievous error of the 102nd Legislature, to do it in a reasonable and responsible manner without discriminating against this particular industry and to, in part, fulfill at least some of our commitment to the people of the Town of Mars Hill.

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

Mr. MARTIN: Mr. Speaker, I wish to make one comment to the remarks made by the gentleman from Cumberland, Mr. Richardson. He indicated that the waters on the Prestile are presently classified D. This is an error. The 103rd Legislature changed the classification to C and those are the classification that presently exist today on the Prestile Stream, and it is not D.

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

Mr. NOYES: Mr. Speaker, it seems that there is some concern about my conflict of interest. I'd like to explain that I represent the Town of Limestone. Last year we had 1351 acres of beets in that town. They had forty people working in the plant on full time, and the Town of Limestone, through its people, and its potatoes and beets, realized well over a half million dollars from the conflicts of Vahlsing and Maine Sugar Industry, but if you feel that I have a conflict of interest—and I ask you, then I shall not vote on this.

The SPEAKER: The Chair would rule that the gentleman is not in conflict of interest, and the ruling of the Chair may be appealed.

Is the House ready for the question? The pending question is on the motion of the gentleman from Limestone, Mr. Noyes, that House Amendment "A" be indefinitely postponed, and a roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

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

The SPEAKER: The pending question is on the motion of the gentleman from Limestone, Mr. Noyes, that House Amendment "A" be indefinitely postponed. All of those in favor of indefinite postponement of the amendment will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA—Binnette, Boudreau, Bourgoin, Bragdon, Brennan, Buckley, Bunker, Burnham, Carey, Carrier, Carter, Casey, Coffey, Cote, Couture, Cox, Crommett, Curtis, Cushing, Dam, Dennett, Drigotas, Dudley, Durgin, Eustus, Evans, Faucher, Fecteau, Fortier, A. J.; Gilbert, Giroux, Hardy, Heselton, Hewes, Jalbert, Jameson, Johnston, Keyte, Kilroy, Lawry, Lebel, Leibowitz, Levesque, Martin, McNally, Mills, Mitchell, Norris, Noyes, Ouellette, Page, Quimby, Rocheleau, Sheltra, Soulas, Tem-

ple, Waxman, Wheeler, Wight, Williams.

NAY — Allen, Baker, Barnes, Bedard, Benson, Berman, Bernier, Birt, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cottrell, Crosby, Croteau, Cummings, Donaghy, Dyar, Emery, Erickson, Farnham, Finemore, Fortier, M.; Foster, Fraser, Gauthier, Good, Hall, Hanson, Haskell, Hawkens, Henley, Hichens, Huber, Hunter, Immonen, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Lee, LePage, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Marsteller, McTeague, Meisner, Millett, Morgan, Mosher, Nateau, Payson, Porter, Pratt, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Starbird, Stillings, Susi, Thompson, Trask, Tyndale, Vincent, Watson, White, Wood.

ABSENT—Brown, Curran, D'Alfonso, Danton, Harriman, Lamberge, McKinnon, Moreshead, Santoro, Tanguay.

Yes, 60; No, 79; Absent, 10.

The SPEAKER: 60 having voted in the affirmative and 79 in the negative, the motion does not prevail.

Thereupon, House Amendment "A" was adopted.

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

Mr. JALBERT: Mr. Speaker, in my opinion, we are now plunged right into the very center of our entire programming on waters in this State through this very one issue. I think that the expert testimony as to a possible compromise would be better arrived at by the motion I am about to make. I think it would be better arrived at than to wait along for a Committee of Conference, and I would like to know my own self because some of these problems involve my own industries at home. I'd like to discuss it with them. I'd like to ask them all over the State; these people are concerned with this problem all over the State and have a right to be heard, and the only right they have to be heard is in another hearing. I think that we recommitted legislation here that possibly might not have been as important to some of us as this

program here is, and for that reason, Mr. Speaker, I now move that this measure be recommitted to the Committee on Natural Resources.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that this bill, L. D. 1414, Bill "An Act Reclassifying Waters of the St. John River Basin," as amended, be recommitted to the Committee on Natural Resources.

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

Mr. RICHARDSON: I'm sure that you would all agree that we have had a long and perhaps exhausting debate of this issue. I fail to see how recommitment would serve any useful purpose. I therefore urge you to vote against the motion of the gentleman from Lewiston, Mr. Jalbert, and when the vote is taken I request a division, Mr. Speaker.

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

Mr. JALBERT: Mr. Speaker, I might ask the gentleman from Cumberland, Mr. Richardson, if he is speaking for himself or in his capacity as Majority Floor Leader.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair, and he may answer if he chooses.

The Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker, I think in response to the gentleman's question I would say that I am speaking in both capacities, as I honestly don't feel that the interest of good bill management has anything to be served by recommitting this legislation. We have debated this bill at least twice, and we have been discussing it for well over an hour and a half this morning, and I fail to see that any useful purpose can be gained by recommitment.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I voted once this morning with the gentleman from Cumberland, Mr. Richardson, and I voted once with the gentleman from Madawaska, Mr.

Levesque. By the very manner in which the gentleman from Cumberland, Mr. Richardson, answered, the very manner he answered, proves conclusively that this measure should be recommitted; because I have never seen him hesitate before, but there sure is a serious doubt in his mind this morning as in what capacity he is speaking, and I certainly hope that this very all important measure, all important measure — this is important if we are going to pass a \$50 million bond issue that the gentleman wholeheartedly supports, and I support. This bill must be heard by the people of the State of Maine concerned, pro and con.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think I stand this morning in this position, in favor of recommitting the bill, for one reason and one reason only. This bill has been discussed and debated this morning at length. The area that we are serving now we are serving due notice to one industry as to what the timetable is going to be. Are we not also serving due notice to any and all other industries that the same thing could happen to them? Therefore, I think it is of the utmost urgency that they also voice their opinion in a committee where this bill is going to be recommitted. If we are going to do this for one industry, the other industries may be wondering — and they should very well be wondering — what is going to happen to our industry the next time it comes before the Legislature to take any action on.

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

Mr. BENSON: Mr. Speaker and Members of the House: The gentleman from Cumberland, Mr. Richardson, and I do not presume to speak for the Republican Party as it pertains to the subject matter of the bill. However, I do think we properly speak for the Republican Party when we say that recommitting the bill would be an unnecessary waste of time. I feel that any bill that gets in trouble

might very properly be recommit-
ted following such action on this
bill. I think that recommitting
bills once they get in trouble, un-
less there is an excellent excuse
for it, is not proper, and I think
committing bills to a second com-
mittee when they get in trouble
is not proper.

The SPEAKER: The Chair rec-
ognizes the gentleman from Mada-
waska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker
and Ladies and Gentlemen of the
House: I would suggest to the
gentleman from Southwest Harbor,
Mr. Benson, and also the gentle-
man from Cumberland, Mr. Rich-
ardson, that if they wish to have
their Republican Party to speak
for or against this measure, the
proper place would be at a com-
mittee hearing. They would have
a chance to, all Republicans of
the State of Maine, to voice their
opinion as to whether we should
ultimately discriminate against one
industry at this particular session
of the Legislature.

The SPEAKER: The Chair rec-
ognizes the gentleman from Ban-
gor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker and
Ladies and Gentlemen of the
House: It is with great reluctance
that I speak today in regards to
my own party, and it is for this
reason that I will have to read a
little article in the Maine GOP
platform, dated 1968. "The Repub-
lican Party is dedicated to provid-
ing sound and efficient govern-
ment responsive to the needs of
the people and tempered by the
principle that liberty is man's most
precious possession. We pledge
ourselves to continue the vigorous
pursuit of the goals of equal op-
portunity for all our citizens re-
gardless of race, creed, color, or
national origin," and to note, "that
we will continue to do our best
towards education, welfare, and
pollution."

The SPEAKER: Is the House
ready for the question? All those
in favor of recommitting Bill "An
Act Reclassifying Waters of the
St. John River Basin," House Pa-
per 1121, L. D. 1414, to the Com-
mittee on Natural Resources will

vote yes; those opposed will vote
no, and the Chair opens the vote.

A vote of the House was taken.
70 having voted in the affirma-
tive and 65 having voted in the
negative, the Bill was recommit-
ted to the Committee on Natural
Resources in non-concurrence and
sent up for concurrence.

Order out of Order

On motion of Mrs. Payson of
Falmouth, it was

ORDERED, that Nancy Richard,
James, Anne and Carolyn Hewes
of Cape Elizabeth be appointed to
serve as Honorary Pages for to-
day.

Bill "An Act relating to Approval
or Disapproval of Mergers under
the Banking Laws" (H. P. 1121)
(L. D. 1442)

Bill "An Act relating to Open
Season on Muskrat and Mink" (H.
P. 1122) (L. D. 1443)

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

Third Reader

Tabled and Assigned

Bill "An Act relating to Licens-
ing of Guides under Fish and
Game Laws" (H. P. 1123) (L. D.
1444)

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

The SPEAKER: The Chair rec-
ognizes the gentleman from South-
west Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and
Members of the House: I notice
that the original bill L. D. 139 re-
peals the entire guide section of
the Fish and Game Laws. The
new draft which comes out of In-
land Fish and Game Committee
has several things in it that I am
not in complete agreement with,
and I would like to ask through the
Chair to any member of the com-
mittee who might wish to answer
several questions. One is, I note
that a Board of Examiners is set
up for the licensing of guides, the
Commissioner and two members
of the Warden Department, and
then the Commissioner himself
passes on the guide whether he is

licensed or whether he isn't licensed. In a further section it says whenever a guide is convicted of having violated any provision of the Inland Fish and Game laws the Commissioner shall suspend a guide's license for no more than two years and may deny the right to hunt or fish for two years. There is no provision for appeal in this section at all, and I was just wondering if one member of the committee might give me some reasons for the sections in this law.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson, poses a question through the Chair to any member who may answer if they choose. The Chair recognizes the gentleman from Augusta, Mr. Lewin.

Mr. LEWIN: Mr. Speaker, I don't have that at hand at the present moment. I hope somebody would table this until tomorrow and I would have the answer for it.

Whereupon, on motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and specially assigned for Friday, April 18.

Bill "An Act relating to Fall Trapping by Indians" (H. P. 1124) (L. D. 1445)

Resolve Regulating Ice Fishing on Certain Lakes in Penobscot and Piscataquis Counties (H. P. 192) (L. D. 232)

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

Amended Bills

Bill "An Act to Change the Name of Eastern Maine General Hospital to Eastern Maine Medical Center" (S. P. 361) (L. D. 1225)

Bill "An Act relating to Safety Equipment on Boats Operated on Waters of the State" (H. P. 119) (L. D. 135)

Resolve to Reimburse Ernest J. Powers of Kennebunkport for Well Damage by Highway Construction (H. P. 137) (L. D. 159)

Resolve to Reimburse Mr. and Mrs. Laurie E. Mann of Augusta for Property Taken by State (H. P. 803) (L. D. 1042)

Resolve relating to Fishing in First Chase Lake, Aroostook County (H. P. 892) (L. D. 1151)

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

Orders of the Day

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

HOUSE REPORT — "Ought not to pass" — Committee on Legal Affairs on Bill "An Act to Annex Black and Megquier Islands in Thompson Lake to Town of Oxford" (H. P. 287) (L. D. 363)

Tabled—April 9, by Mrs. Lincoln of Bethel.

Pending—Acceptance.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I now move that we substitute the bill for the report and I would speak to that motion.

The SPEAKER: The gentleman from Norway, Mr. Henley, now moves that the House substitute the bill for the report. The gentleman may proceed.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I will try to be as brief on this as I can. Will you please refer to the section of the maps which were placed on your desk this morning. You see in the circled area which includes a corner of Androscoggin, Oxford and Cumberland Counties, the biggest part of Thompson Lake, and the islands of Black and Megquier extending down from Lunt Point. You will note that the town line between Oxford and Poland goes generally northeasterly from the Cumberland line and bisects those two islands nearly through their centers. You will note that the islands are connected by a private road to Lunt Point and is fenced to a road which is one of the town roads in double line which leads out to the main highway. All of this is in the Town of Oxford. You will note there is no connection

by land, or can there be any connection, from the Town of Poland at any time. It's roughly a half mile over to the islands from the Poland shore.

Back at the time when this county line was run, the chances are a hundred years or so ago, it was around that time, because around a little over a hundred years ago Androscoggin County came into being, and by the way they got part of their county from Oxford County at that time. This line was run as straight as possible; that saved money. And due to the fact that in those days island property was more a liability than an asset, no reason could be seen for doing other than running the line straight across the islands.

Of course, somebody owned the islands even then and for a long time they were owned, and then there was one while when someone had a camp down there, and then a long time ago the owner was presented with a wedding present from some of the people in the area — with their oxcarts and teams, filled in the low ground in between the island and the point in a causeway which is still very serviceable. Then the road was improved down from the main road. That road is all private road, by the way, down the whole length of the island. There is a little small bridge joining the two islands. All of that is maintained now by the present owners.

Two years ago, as you will learn later, the people that lived in the summer on those islands requested that the southern part of the islands be annexed to the Town of Oxford. Their reasons then, as now, were in general personal. They have established permanent establishments there, summer homes — they are not camps. They are very nice summer homes, and they are established there, and probably sometime in the future it will be a year-round community. It could be now. I have seen the homes. They are year-round homes if they wanted to use them. They have not gone to the point to use them year round because they are mostly

either professional people who have two homes, one winter home and one summer home, and they haven't felt like fixing up the road so that it's too good in the winter.

Two years ago, due to possibly hurried preparation on my part and the fact that the Legislature at that time, the 102nd, seemed to feel that they did not have it within their power, or that they should not interfere with a local problem, did not see fit to change the lines.

I have been in communication with them in the past year, and in January I received a petition sent to me and it is worded thusly, it's very brief: "We, the undersigned, taxpayers on Black and Megquier Islands in Lake Thompson hereby request you introduce a bill or a resolve at the next legislative session in Maine to have the county line between Androscoggin County and Oxford County so relocated that the two islands herein mentioned will become a part of the Town of Oxford, Maine." Signed by 22 people who represent the 12 or 13 property owners of these two islands.

It will be stated that they are extremely wealthy people, but they are not extremely wealthy. They are middle class people. One of the pair of owners are quite wealthy; they spend their winters in Florida; their name is Lynch. The other owners are very nice people. I have met them all. The names are good old American stock. It so happens that they are people who have their children all grown up, so their is no school problem involved.

Through all the years that they have lived there, and of course it has been increasing in the last ten or fifteen years, there hasn't been too much concern about where they lived because they had just been getting settled. There hasn't been a problem of attending town meetings too much. They haven't had occasion to go to town clerks to be involved in town business, but in recent years since they have built their valuable homes they have had occasion to go for various permits, licenses,

and so on. They have run across the problems of having their property in a good many cases with the town line running right through it. They are told by one town, for instance, "I don't know just how to handle this situation because you have property in both towns. I don't know, is your house in this town or is it in the other one." That problem comes up quite frequently.

Furthermore, it has been brought to their attention quite forcibly in various ways that some of them live over the line in Poland and they go to Oxford and they are told there in various places, "Why you don't even live in our town, you live in Poland."

Still these people through all the time, their only entrance is through the Town of Oxford. The only road which they can get in there is an Oxford Road. All of their services through the years have been—whatever they have had—have been maintained by the people of Oxford. The shopping centers are all up in Oxford, they are much closer than any place else. They either go to Oxford, Welchville, which is also an Oxford town, Norway, Paris, or over to Mechanic Falls.

Without any derogatory remarks, Poland is mostly a rural area. They just do not have those facilities, so it is only natural that they assume that they are part of Oxford.

As has been explained before the committee and explained before this House, the mechanics of changing that line—and the next thing this bit of area which would be approximately 35 or 40 acres would only amount to having the county and town lines follow the south shore of those two islands until it gets back onto the surveyed lines. It would not require going out into any other area to run lines or to set up corner posts or anything of that sort. You may be told by the opposition that we are taking something from one town and giving it to another one. I suppose in a sense if you look at it that way, if you look at it as a tangible item, it may be true, although you are not moving this area anywhere; it has always been

there, it always will be there. But I am saying that we are not taking from anyone. The town does not own that. The County does not own it. The people own it. It is the people that want to be a part of the Town of Oxford. Unanimously they want to be a part of it. It isn't just two or three. They want to be a part and a citizen of the Town of Oxford, all the way, not just part of the way.

It may be true that this is purely a monetary tax situation. Not true; there have been occasions as there are occasions in a good many areas where there would be objections and kicks about taxation. The owners realize that this property is increasing in value. It is going to be taxed no matter whether they are a part of Oxford or Poland. I assure you that if this shoe was on the other foot, if this body of land extending out with its road on it came from the Town of Poland instead of the Town of Oxford, I am sure that they would want to go the other way instead. Their only entrance, the entrance of service people, telephone, fire equipment, police, come from Oxford, down over the Oxford Road.

As for any tax matters, I have figures here that anyone can check with if they care to which have been procured to show the actual taxes paid by all of these people on those islands. There is a difference in the taxes paid because there is a little bit more property on the Poland side of the line than there is on the Oxford side. But if this land is annexed to Oxford, they are still going to have to pay their taxes to the Town of Oxford and to Poland.

Now it will be stated that this loss should not be sustained by the Town of Poland. It is regrettable and I do not blame them at all for their attempt at the hearing or at any other time to block this legislative move. It is of course their town, it is tax money; but I ask you is it not felt by all citizens? The taxation of property is instigated primarily to pay your community for services rendered. I ask you again if you can see at any time in the history of those islands when the Town of Poland can have rendered any

service to that part of their citizenry, and do you see any chance of their ever so doing in the future? I do not. I so contended at the hearing.

Now at the hearing it is regrettable that because of their many commitments there were a few members of the Committee that were not able to be present and they did not get all of the benefits of the splendid presentation that the leader or organizer of this put on. But it was a very good presentation; we had eight people, I have their names here, of the owners came from out of state to be at the hearing. Some of them came all the way from New Jersey and they all spoke in favor of this move. The others were not able to be present.

About the only thing other that I can contend is that we are dealing here with the wishes of a group of people, a group of people who are living on an area of land which is joined to the Town of Oxford by a road. Sooner or later there will be people living there probably with children; there will be people living there the year round; there will be problems of accepting this road down onto the island and maintaining it by the town. Where then are we going to be if this land is still partly in the Town of Oxford and partly in the Town of Poland?

Consequently, because this issue should be decided sometime and it's got to be decided in this body here, this Legislature is the only place in the State of Maine that can change this issue. It's the only place that these people can come. So they have come to us to change this thing once and for all and to put it in its proper perspective. That is why I am asking that we substitute the bill for the report and if there are any further questions I would be glad to answer them.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker and Members of the House: I concur fully with Representative Henley. I would like to give you a few instances where land has been taken from one town and given to another, all through acts of the

Legislature. In 1965 South Berwick got land from Berwick. In 1957 Sherman received land from Benedicta. In 1889 Bangor got land from Veazie. I have several more towns that I could give you where they have received land from another town but I don't want to bore you with statistics. I just want you to see that no precedent is being set here today.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker and Members of the House: I too have a script here, I could have read but I threw it in the wastebasket after looking at the clock to see what time it is. I will confine my remarks as to what I would call, and of course I know you are in a hurry. First of all, this is the second time around that this bill has been before us. It was here on April 20 two years ago. It was soundly defeated. Since that time it has been before the Judiciary — the Legal Affairs Committee. It has been reported out of the Legal Affairs Committee unanimously.

Now I would like to give you a factual and perhaps a sequential report on what has transpired in recent years as far as this island is concerned. Back in the fifties the entire islands and the mainland was owned by a Leontine Stiles. She has sold the mainland to a man named Grover and the islands to a woman named Lynch. The mainland was developed and they have a lot of cottages on it and it is valuable property. In the mid-fifties the islands were developed. Mr. Lynch occupied the biggest of the two, called Megquier Island. He has a palatial estate there. It is valuable and he has reserved that to himself. He started developing Black Island. He sells the lots for fifteen hundred dollars apiece but you have to buy two. He recites in the deed that you have to build a cottage on it that is worth at least twelve thousand five hundred. In other words, he has a good thing going for him.

Now in the mid-fifties, no the first of the sixties, he was very happy with the situation as far as Poland is concerned because our

tax rate was lower. But when we had the revaluation we had experts to do it and the valuation went up, and then he became unhappy. He was trying to get a survey made so that more of his property will be in the Town of Poland. They did make the survey by the engineers and by experts, they found out that the line was properly monumented and there was no change made there.

He took an appeal to the assessors and he got no relief there. He took his tax problems to the County Commissioners and he got no relief there. And that is where he made the mistake; he cashed his rights to any complaints about over-assessment and he wants to be heard on taxes. The laws of Maine are very clear. He may go to the Court and if he is over valued the Court will give him relief, provide remedies. He did not do that, however. He elected, the next step was to go to see if he could get the islands reforested; then he could escape the tax responsibility. He didn't get anywhere there. Since that time there have been some cottages built but those people that own the cottages that we are weeping so much about today are people that bought the land and built the cottages with their eyes wide open. They knew that they were building on an island that was divided and they went in there with that understanding.

Now the only thing that is involved today is a tax package and there is nothing else. And I will tell you why. As far as the fire department, fire protection, is concerned, all small towns have the arrangement between them that if you have a fire the nearest department will go there and the town where the property is situated pays there. There is nothing unusual or nothing uncommon about that. That would hold true in the islands. As far as schools, people who live on an island are a peculiar type of people. They want to be secluded and they have no intention of living there the year round. There is nobody there now that has the intention; they are from Pennsylvania most of them and Mr. Lynch, of course, is the wealthiest man of all; he's from Florida. He hasn't any intention of being there.

There will never be any schools and even now there is a chain across the road. When the last member of the colony moved off the islands they put a chain across so there won't be any invitation for people to drive down there and park and see the scenery and so forth.

Now it also has been said that the people own the land; that the town doesn't own it. That is an error. They do in fact own the land but their right is subordinate to a sovereign right of a town or a county to assess taxes. And that right of a town to assess taxes is inherent, is a vested right in every citizen of that town.

As far as the county is concerned it is an inherent and vested right in every citizen of the county. The town, if it loses this island, the town of Poland, it will lose a tax revenue producing item of \$2,900. The potential of the tax revenue it will be losing if it is developed according to the potential, and it's by experts, it will be a tax revenue yearly of \$15,000.

Now they talk about a little piece of road that they want, and there hasn't been anything said about all the other valuable properties built there by Grover and there hasn't anything been said about the property that is owned by the boys' camp, and all those things; that has been entirely forgotten. It isn't the people on the island at all. They have been stirred and they have been fired and edged on by the only man who has the biggest thing at stake, and that is the original owner that has this one island to himself.

Now if we start halving and cutting up our lines, our county and town lines, just to accommodate some individual, you are going to find the map of our good State of Maine, it will look like a jigsaw puzzle because if next year, two years hence, if you approve this and take something from one town to give to another, you are going to have a hundred more just like it. And if you agree to this, what are you going to say two years hence?

As a matter of fact this bill was heard before the Legal Affairs Committee and there was a twin bill, a twin brother or twin sis-

ter, depending upon your point of view. Now that bill also was reported out unanimously "ought not to pass" and that went under the hammer to its demise here. I think it was on the 10th of April, and not a word was said about that. Perhaps it was the fact that that went down so readily and so speedily that I was lulled into complacency. I thought that this would do the same thing but then I came back and found that one of the ablest young men in the County of Oxford, a young lawyer, an able and affable man, was working night and day approaching everybody to consider taking this land from Poland and giving it to his county.

Now somebody is paying for all this and I have my suspicions as to where that is coming from. It isn't coming from the Town of Oxford; the Town of Oxford, the Town of Poland, have been getting along very nicely. They worked things out and as recently as three weeks ago the officials of the Town of Oxford said that's perfectly alright. Last summer the Town of Poland contributed some machinery and purchased some equipment and supplies to improve the road. Everybody's happy, all but Lynch, and he's unhappy and will remain unhappy until he has his own way. He's a persistent man with a lot of money who wants to throw his weight around. And he is doing it, and he is sparing no expense in doing that one thing.

Now, I suggest to you that if this is done, you are opening the door for an evil that will persist forever. I say to you that it doesn't make good sense, it doesn't make ordinary common sense, it doesn't make even good nonsense, for you people to give the Town of Oxford something that belongs to us, something that we have a vested interest in, give it to them, just because you have somebody that can push this thing along, can spearhead it, and it's motivated just by the dollar sign. When the dollar sign starts flashing there is no end to what could come from it.

Now, when this bill is acted upon, I hope that it gets its defeat

and I hope that the defeat will be so complete and with such finality that we won't have to come back again, or whoever is representing the Town of Poland, come back again and fight for something that has been theirs for a hundred years and should be theirs for another hundred years as far as a legislature taking it away from them and giving it to somebody else. You have the power, but I suggest to you, you do not have that right to do what they are asking you to do today, and I thank you.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I would very briefly like to explain the position of the committee on this bill. You notice it was a unanimous "Ought not to pass" Report, and the committee felt that there seems to be a growing trend to change town lines for what appears to be less than strong reasons.

We have had several such bills in this session. In one instance, my intent then changed to satisfy a proponent years ago, and now we have a bill to change back to the original lines. We felt that, in general, the legislature should not become a party to such proceedings.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: I, of course, would like to speak briefly a second time on this. I think you will find that my friend, Mr. Foster of Mechanic Falls, in his accusation that the whole purpose of this is framed in dollar signs, is almost putting his whole argument inside those same dollar signs.

I submit that the only reason that the Town of Poland, through its officials, and through Mr. Foster, are objecting, is the possibility of a loss of not only the hundreds of dollars, the thousands of dollars, he says \$2,900, that's about what the figure shows presently of loss in taxation. We do not deny that that is a loss. What we do deny is that it would be such a terrible catastrophe inasmuch as through all the years the only cost that that

taxation has ever cost them is last year roughly, \$150, I understand, an estimate. They did supply some equipment to work on this road. As far as we know, it is the first time in history. The loss of taxation would partly be set off, also, we are told by the Department of Education, because of the slight lowering in the assessment valuation of the town; consequently, a sizable increase in the school education subsidy.

Now again, as to precedent, I think that probably, if we check through enough of the actions of this body, we'd find where lines have been changed a good many times. As far as establishing a precedent, we establish precedents every day here, practically. We do it every session, so I don't feel that it is beyond our rights. We are told that we do not have the right—we do have the right, this legislative body. The county and the town are a part of the discretion of this legislature. If the reason is sufficient those lines can be changed. As far as the lines being all cut up, I feel, and I think that you should realize, that that would not be of necessity. I feel that we have got to consider people here as well as dollars. As far as Mr. Lynch dominating all of these people, he must be a wonderful person, because there are twenty odd people involved, and they are not children. They are all businessmen of their own right and professionals. So as far as his dominating them, I don't believe that's entirely so.

One other point. In talking to several of the members of the Legal Affairs Committee recently, I have talked to several of them that's mentioned that possibly it should go back to committee to be reconsidered. Several of them thought possibly they could have voted a little bit differently had they heard a little bit more about it.

Now I'm not going to take any more of your time on this subject, but I still feel that it is within our right to change these lines, and that we owe it to this group of people to allow them to live in the town they want to live in.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Foster.

Mr. FOSTER: Mr. Speaker and Ladies and Gentlemen: The reason I contend that there should never ever be a change in the town or county lines unless there is some compelling reason for it. Now, we aren't discussing precedent. I say that if two towns and counties would mutually benefit, why then that is something else again. But it isn't a question between towns here, and there certainly isn't a question that they are being mutually benefited; it's just a question of taxes as I have said, and I repeat, that's what it is.

The SPEAKER: The pending question is on the motion of the gentleman from Norway, Mr. Henley, that the House substitute Bill "An Act to Annex Black and Megquier Islands in Thompson Lake to Town of Oxford," House Paper 287, L. D. 363 for the Report. The Chair will order a vote. All those in favor of substituting the Bill for the Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

51 having voted in the affirmative and 68 in the negative, the motion to substitute the Bill for the Report did not prevail.

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

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

Bill "An Act to Regulate Sewer Utilities" (H. P. 1106) (L. D. 1423)

Tabled—April 9, by Mr. Williams of Hodgdon.

Pending—Passage to be engrossed.

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

Mr. BERNIER: Mr. Speaker and Members of the House: I move that L. D. 1423 be passed to be engrossed, and I would speak to the motion.

By the sound of the audience of the House, I don't know if this will be favorably accepted. Maybe it should have been postponed. How-

ever, I know this has been a tiresome day for all of us, and frankly I was hoping that the House would adjourn. However, I understand that there is some opposition to this bill, L. D. 1423, "An Act to Regulate Sewer Utilities," and I will be brief.

I wish to point out that this bill came out of committee with unanimous "Ought to pass" Report. A sewer district is a utility, and as such it commands a rather unusual situation in a community inasmuch as there is no competition, and therefore, it should be regulated to a certain extent. The reason why, of course, that there is no competition, is quite obvious. Taking a sewer district as an example, can you imagine two of the sewers running down the main street of any particular town? No, that is impossible.

All the other districts, utilities, are under the control of the Public Utilities Commission, such as the telephones, the water districts, gas companies and so forth, but the sewer district, sewer companies, which are increasing every day, and which possibly are facing larger and larger companies, because of the pollution orders by the Water Improvement Commission, larger treatment plants will be needed, and the arguments that were sustained here a short while back on the Prestile Stream only serve to point out the importance of this bill; and I know that you're all tired, but I wish that you would listen to my argument, because this is of grave importance. There is no question but the Public Utilities Commission should have some form of regulation, overseer if you wish, over the sewer districts of this state.

The Governor himself has pointed out that he is in favor of such legislation. As he pointed out in his special message on conservation and Economic Development February 19, 1969, "Our increasing consciousness of the importance of proper sewage treatment and sewerage systems, requires an overall state approach to this program. I therefore recommend a bill that permits the Public Utilities Commission to regulate

and assist the numerous sewer districts now existing in Maine."

The Public Utilities Commission themselves are now very much in favor of this bill, and only because it has been redrafted in a manner that is in approval to them. In past times—and the way things stand at this very moment, the laws as promulgated by this body and the legislature as a whole, it has been in such a patchwork manner, and the way that they were handed out when districts were made in different communities, although the public as a whole think that the Public Utilities Commission have jurisdiction or regulating powers over the sewers as a whole; frankly, they only have regulations over very minute and explicit sections of each district. And there's not one sewer district in this state over which the Public Utilities Commission has complete control. So, that is a very misleading and wrong conception.

In fact, the way most of the laws are set up, some Public Utilities control which the Public Utilities Commission is supposed to have is actually illegal, as it has been stated in some court up north. I don't know the name of it at the moment. In fact, the way it is now with no jurisdiction, and no one to oversee these utilities, many inequities are happening all the time. For instance, one family that were under this particular sewer district for six days were charged for three months, a full quarter. And a little league ball team which never used the sewer district, and certainly never will have to, were charged because they were on that line. A school district up north, their assessment was raised from \$8,000 to \$13,000 without any notification whatsoever, and all of these, of course, made application appeals to the Commission, but their hands were tied because they cannot act unless you here at the legislature give them the power to act, and so it all depends on you.

The Public Utilities Commission is experienced in such matters, and they would like to have permission, if you give them the right, the power to help these

small companies themselves or the people who have been wrong; in other words, act as a forum for the public, who now, unless you give them this power, are without any form of appeal.

When the bill had its hearing, the Winthrop Water District and the Portland Water District were there and testified in its favor.

The Public Utilities Committee themselves is very much in favor of this bill and right now several bills are waiting, several money bills are waiting, for passage of this bill so that we may allow a higher borrowing power to several districts such as Waterville and others, who actually have emergency measures, and they are waiting for us to decide whether they can have this increased borrowing power so they may start their treatment plants.

The small companies would probably be the ones to benefit the most from this new law, this L. D., because, as you know, the trustees of the sewer district would not necessarily be chosen because he is a wise man. In fact it could very well be that the trustee could be chosen because he has a good smile or just more babies, or maybe has a better tie. The experience, the knowledge, the knowhow of the Public Utilities Commission certainly would come in very very handy, and in fact practically indispensable in a case like this.

You can have the experience of the Public Utilities Commission with practically no extra cost. I know some of the smaller communities and the larger ones also have expressed the fear that the cost would be excessive. Well that is not so because they are already set up and they could very easily, and as I say, with practically no cost take over the extra duty and be of the utmost service to the whole State.

Now, the companies, having their own treatment plants, are not included in this bill, nor the community sewer districts. And so if you want sewer districts to start on the right foot, then please pass this bill and vote for my motion.

The SPEAKER. The Chair recognizes the gentleman from Sanford, Mr. Jutras.

Mr. JUTRAS: Mr. Speaker, I promise that I will not speak more than one minute and thirty seconds. Ladies and Gentlemen of the House: I must go on record as opposed to this bill for these reasons: it's a well known fact that the Public Utilities Commission, overloaded with work as it is now, are unable to carry on a greater load, and if they do, then it is at the expense again of the taxpayer who will have to support a larger Public Utilities Commission.

Many sewer utilities of this State have borne the responsibilities well in these years with no interference from State agencies and the individual communities such as we have in Sanford are much better qualified to judge their requirements and adjust the rates charged to the residents to the mutual satisfaction of all concerned.

For that reason I move this bill be indefinitely postponed.

The SPEAKER: The pending question now is the motion of the gentleman from Sanford Mr. Jutras, that L. D. 1423 Bill "An Act to Regulate Sewer Utilities" be indefinitely postponed.

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

Mr. WILLIAMS: I would like to point out to the gentleman, Mr. Jutras, that I think his town is exempt under this bill. This bill only applies to districts and companies. It doesn't apply to the small municipal districts and the districts that are already in service. It applies to some of the larger districts. For example, we are having one in Portland — in Winthrop and one in Portland, these are multi million dollar districts, and in my estimation they should have some supervision.

The thing that bothers me is if you were in a small town you can go to your local board and you can get redress if you have a grievance. With these districts, you can imagine the position of a small householder, or any kind of a householder, in the Town of Cumberland or Standish, what chance they'd have to go before the trustees of the Portland Water Dis-

trict there, and it seems to me wrong to let these large districts—now don't get me wrong, I'm not opposed to the large districts, that's the only sensible and economical way of handling this thing—but it does not seem to me that it's right that these trustees, who are bound to have problems no matter how efficient they may be, should be the judge, jury, and executioner of all their decisions. We should have the Public Utilities Commission in there to at least give people a fair hearing, and I would oppose the motion of Mr. Jutras for indefinite postponement.

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

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: I'd like to inform the previous speaker that in my opinion this takes in every district, Sanford and all the small towns, and this bill has been before us the last two sessions that I remember, and it's never passed, and I do hope that you will go along with the motion of Mr. Jutras to postpone this.

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

Mr. JUTRAS: Mr. Speaker, just to remind the members of this body, L.D. 1423 is a redraft of L.D. 635, and I have the information on L. D. 635, but this act would regulate the sewer utilities and would be in direct interference of the sewer districts that we are already operating under the charters that were approved and granted by the State Legislature. It also would be an additional burden, as I said previously, to the Public Utilities Commission who would be forced to enlarge their staffs at the expense of the taxpayers, and for that reason when the vote is taken, I request that it be taken by the yeas and nays.

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

Mr. BERNIER: As I said in my presentation, the cost would be so small, so slight, that really it should not be taken into consideration. The Public Utilities

Commission is already set up to do business, as we say, and all that would be needed would be one more engineer and a secretary or helper. So as far as the cost is concerned, I really fear that their fear is unfounded. The only reason that some people, the way I see it, are afraid of this bill is that they do not understand it.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: I certainly shall be brief. We have had a good deal of discussion today on a number of matters. The exemption under this bill is municipalities as such. In other words, the towns that take care of their own sewage will not be taken under the control of the Public Utilities Commission.

I am sure we are all aware of the tremendous problem that we are faced with with pollution today after this morning. The act, which would bring sewer utilities under the jurisdiction of the Public Utilities Commission was felt to be in the best interest of not only the public who pays the cost but also the trustees who are responsible for the efficient operation of these districts.

Many of the bills presented before our committee dealt with sewer districts, either the formation of new districts, the extension of existing districts, or increases in borrowing power.

Now with the anti-pollution programs now in motion, it is certain that there are going to be more and larger sewer districts on their way, and it is felt the jurisdiction by the Public Utilities Commission will be helpful in the orderly growth of these districts while minimizing the hardships and the difficulties of financing, setting territorial limitations, and maintaining an equitable rate structure, and when the vote is taken I hope that you will oppose the motion to indefinitely postpone.

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

Mr. EMERY: Mr. Speaker and Members of the House: As a member of the Public Utilities Committee, we have heard many bills,

as the gentleman from Fairfield stated. We have asked each and every district that appeared before us if they opposed P.U.C. jurisdiction. They stated no. I, therefore, ask you to vote no on the motion of the gentleman from Sanford.

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

Mr. CROSBY: I wish to concur with the Representative from Sanford, Mr. Jutras. I have had considerable experience with a sewer district, having been instrumental in establishing one in our home town. In that town, we appealed to the P.U.C. for help. They said that they were not interested, that they had too much to do, and that they just wouldn't help us out; so we went ahead on our own and worked out a very good program, which has worked out very satisfactorily.

Now apparently it has reached such proportions that they can see where they would like to grab ahold of this and get in on the act. The question has been brought up that they will control pollution. Well now I would question that seriously. I think that perhaps the only jurisdiction that the P.U.C. will have over a sewer district is in the establishment of rates. Your Water Improvement Commission already is working with all of your sewer districts in keeping their standards up and I don't see any necessity of any duplication of effort.

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

Mr. BERNIER: It has been said that the Public Utilities Commission refused to cooperate with Sanford. Well, the Public Utilities Commission cannot cooperate, and it cannot act unless it has specific laws made by this House for that purpose. It is not their intention to stick their neck out and infringe on anyone's priorities such as the Water Improvement Commission. They have each their own duties, and one will not infringe on the other. Thank you.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of

the gentleman from Sanford, Mr. Jutras, that L. D. 1423 be indefinitely postponed. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

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

The SPEAKER: The pending question is on the motion of the gentleman from Sanford, Mr. Jutras, that Bill "An Act to Regulate Sewer Utilities," House Paper 1106, L. D. 1423, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Birt, Buckley, Bunker, Cottrell, Cox, Crosby, Croteau, Curtis, Cushing, Dennett, Donaghy, Finemore, Fortier, A. J.; Gauthier, Hunter, Jameson, Jutras, Kelleher, Kelley, R. P.; Lebel, Lee, LePage, Lewis, MacPhail, McNally, McTeague, Millett, Nadeau, Norris, Quimby, Sheltra, Stillings, Trask, Tyndale, Wight, Wood.

NAY — Allen, Baker, Bedard, Benson, Bernier, Binnette, Boudreau, Bragdon, Carey, Carrier, Carter, Casey, Chandler, Clark, C. H.; Clark, H. G.; Corson, Cummings, Dam, Durgin, Emery, Eustis, Farnham, Faucher, Fortier, M.; Foster, Fraser, Gilbert, Giroux, Hall, Hanson, Hardy, Haskell, Henley, Heselton, Hewes, Hichens, Huber, Immonen, Jalbert, Kilroy, Lawry, Leibowitz, Levesque, Lewin, Lincoln, Lund, Marquis, Marstaller, Martin, Meisner, Mills, Mitchell, Morgan, Mosher, Ouellette, Page, Payson, Porter, Pratt, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Rocheleau, Ross, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Starbird, Temple, Thompson, Vincent, Watson, Waxman, Wheeler, White, Williams.

ABSENT — Barnes, Berman, Bourgoin, Brennan, Brown, Burnham, Chick, Coffey, Cote, Couture,

Crommett, Curran, D'Alfonso, Danton, Drigotas, Dudley, Dyar, Erickson, Evans, Fecteau, Good, Harriman, Hawkens, Johnston, Kelley, K. F.; Keyte, Laberge, McKinnon, Moreshead, Noyes, Susi, Tanguay.

Yes, 36; No, 81; Absent, 32.

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

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

(Off Record Remarks)

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

HOUSE MAJORITY REPORT (6) — "Ought to pass" — Committee on State Government on Resolve Proposing an Amendment to the Constitution to Grant Adult Rights to Persons Twenty Years of Age and to Reduce the Voting Age to Twenty Years (H. P. 614) (L. D. 802) and MINORITY REPORT (4) reporting "Ought not to pass"

Tabled — April 10, by Mr. Starbird of Kingman Township.

Pending — Acceptance of either Report.

Thereupon, on motion of Mr. Dennett of Kittery, tabled pending acceptance of either Report and specially assigned for Friday, April 18.

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

HOUSE REPORT — Committee on State Government on Bill "An Act to Establish a State Department of Family Relations" (H. P. 1051) (L. D. 1382) reporting that it be referred to the Committee on Judiciary.

Tabled — April 11, by Mr. Ouellette of South Portland.

Pending — Acceptance.

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

Mr. OUELLETTE: Mr. Speaker, I now move that item four be referred to the Committee on Legal Affairs.

The SPEAKER: The Chair would advise the gentleman that we must accept the Committee Report or substitute the Bill for the Report for a further committal.

Mr. OUELLETTE: I now move that we substitute the Bill for the Report.

The motion prevailed.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. OUELLETTE: I now move that we refer L. D. 1382 to the Committee on Legal Affairs.

Whereupon, on motion of Mr. Richardson of Cumberland, tabled pending the motion of Mr. Ouellette of South Portland to refer to the Committee on Legal Affairs and specially assigned for Thursday, April 17.

On motion of Mr. Richardson of Cumberland,

Adjourned until nine o'clock tomorrow morning.