

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Friday, April 25, 1969

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

Prayer by the Rev. Mr. Louis Fortier of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Communication: (S. P. 442)

April 23, 1969

To the Honorable Senate and House of Representatives of the 104th Legislature

Transmitted herewith is the second biennial report of the Maine State Commission on the Arts and the Humanities. This report is submitted pursuant to Chapter 15, title 27 of the Revised Statutes. It covers fiscal years 1968 and 1969 with projection through June 30, 1969.

The document is more than a report to the government of the state. In effect, it is a summary of the status of the arts and humanities in Maine. Other states are deeply interested in what Maine is doing in the field and the report was prepared in a format suitable for national distribution. We hope it will indicate by its content and its very appearance that the arts and humanities are an integral part of life in the state of Maine.

Respectfully submitted:

(Signed)

LEONARD M. NELSON  
Chairman

(Signed)

RICHARD D. COLLINS  
Executive Director

Maine State Commission on the Arts and the Humanities

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

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

**Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legis-

lature on Bill "An Act relating to Open Season on Partridge or Grouse and Pheasant" (H. P. 330) (L. D. 439) reporting that the House recede and concur with the Senate in passing the Bill to be engrossed as amended by Senate Amendment "A".

(Signed)

ANDERSON of Hancock  
MOORE of Cumberland  
HOFFSES of Knox

— Committee on part of Senate.

LEWIN of Augusta  
KELLEY of Southport  
MARSTALLER

of Freeport

— Committee on part of House.

Came from the Senate read and accepted.

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

The House voted to recede and concur.

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

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Requiring the Registration of Real Estate Subdivisions" (S. P. 313) (L. D. 1140)

Came from the Senate read and accepted.

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

**Ought to Pass in New Draft**

Report of the Committee on Agriculture on Bill "An Act Immunizing Dogs Against Rabies" (S. P. 218) (L. D. 659) reporting same in a new draft (S. P. 433) (L. D. 1450) under title of "An Act Requiring Immunization of Dogs Against Rabies" and that it "Ought to pass"

Report of the Committee on Liquor Control on Bill "An Act relating to Peddling under Liquor Laws" (S. P. 289) (L. D. 931) reporting same in a new draft (S. P. 441) (L. D. 1464) under title of "An Act relating to Distribution of Malt Liquor" and that it "Ought to pass"

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

In the House, the Reports were read and accepted in concurrence, the New Drafts read twice and assigned the next legislative day.

#### Amended in Senate

Report of the Committee on Inland Fisheries and Game on Bill "An Act Pertaining to Live Bait Dealers" (S. P. 332) (L. D. 1131) reporting same in a new draft (S. P. 432) (L. D. 1441) 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 as amended by Senate Amendment "A".

In the House, the Report was read and accepted in concurrence and the New Draft read twice. Senate Amendment "A" (S-99) was read by the Clerk and adopted in concurrence, and the New Draft assigned for third reading the next legislative day.

#### Ought to Pass with Committee Amendment

Report of the Committee on Liquor Control on Bill "An Act Repealing Right of Appeal from Decisions of Administrative Hearing Commissioner to the State Liquor Commission" (S. P. 149) (L. D. 430) reporting "Ought to pass" as amended by Committee Amendment "'A" submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-87) was read by the Clerk and adopted in concurrence, and the Bill assigned for third reading the next legislative day.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Education on Bill "An Act relating to Minimum School Year" (S. P. 344) (L. D. 1210) reporting

"Ought not to pass", as covered by other legislation.

Report was signed by the following members:

Messrs. KATZ of Kennebec  
STUART of Cumberland  
—of the Senate.  
Mrs. CUMMINGS of Newport  
Messrs. RICHARDSON  
—of Stonington  
ALLEN of Caribou  
CHICK of Monmouth  
MILLETT of Dixmont  
—of the House.

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

Report was signed by the following members:

Mr. KELLAM of Cumberland  
—of the Senate.  
Mrs. KILROY of Portland  
Mr. WAXMAN of Portland  
—of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read. The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I move that we accept the Majority "Ought not to pass" Report.

Whereupon, on motion of Mr. Waxman of Portland, tabled pending the motion of Mr. Richardson of Stonington to accept the Majority "Ought not to pass" Report in concurrence and specially assigned for Tuesday, April 29.

#### Non-Concurrent Matter

Bill "An Act Providing for the Observance of Certain Legal Holidays on Monday" (H. P. 1117) (L. D. 1436) which was passed to be engrossed as amended by House Amendment "D" in the House on April 18.

Came from the Senate passed to be engrossed as amended by House Amendment "D" and Senate Amendment "A" in non-concurrence.

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

Mr. ROSS: Mr. Speaker, this particular amendment is just a technical amendment, it does not change the intent of the law at all;

so I now move that we recede from our former action and concur with the Senate.

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

#### **Non-Concurrent Matter**

Bill "An Act relating to Mandatory Fines on Minors who Violate Certain Liquor Laws" (H. P. 1135) (L. D. 1455) which was passed to be engrossed in the House on April 18.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" and Senate Amendment "B" in non-concurrence.

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

#### **House Reports of Committees Leave to Withdraw**

Miss Watson from the Committee on State Government on Bill "An Act relating to Issuance of Certificates Permitting the Carrying of Weapons" (H. P. 298) (L. D. 374) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

#### **Covered by Other Legislation**

Mr. Martin from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Division of Eye Care and Special Services, Department of Health and Welfare" (H. P. 883) (L. D. 1142) reported Leave to Withdraw, as covered by other legislation.

Report was read and accepted and sent up for concurrence.

#### **Ought Not to Pass Tabled and Assigned**

Mr. Donaghy from the Committee on State Government reported "Ought not to pass" on Bill "An Act Providing Accident and Health Insurance Program" (H. P. 486) (L. D. 640)

Report was read.

(On motion of Mr. Jutras of Sanford, tabled pending acceptance of Report and specially assigned for Tuesday, April 29.)

Mr. Marstaller from the Committee on State Government reported "Ought not to pass" on Resolve Proposing an Amendment to

the Constitution Increasing Number of Executive Councillors from Seven to Eight (H. P. 76) (L. D. 76)

Mr. Rideout from same Committee reported same on Resolve Proposing an Amendment to the Constitution Providing for Appointment and Membership of the Council (H. P. 416) (L. D. 527)

Reports were read and accepted and sent up for concurrence.

#### **Tabled and Assigned**

Miss Watson from the Committee on State Government reported "Ought not to pass" on Bill "An Act relating to Costs of Insurance Premium of State Employees" (H. P. 872) (L. D. 1115)

Report was read.

(On motion of Mr. Soulas of Bangor, tabled pending acceptance of Report and specially assigned for Tuesday, April 29.)

Miss Watson from the Committee on State Government reported "Ought not to pass" on Bill "An Act relating to Accrued Sick Leave of State Employees" (H. P. 1012) (L. D. 1320)

Report was read and accepted and sent up for concurrence.

#### **Covered by Other Legislation**

Mr. Rocheleau from the Committee on Inland Fisheries and Game on Bill "An Act Prohibiting Hunting from Snow Traveling Vehicles" (H. P. 143) (L. D. 169) reported "Ought not to pass", as covered by other legislation.

Mr. Thompson from same Committee reported same on Bill "An Act Prohibiting Firearms in Snowmobiles in York County during Hunting Season" (H. P. 731) (L. D. 949)

Reports were read and accepted and sent up for concurrence.

#### **Ought to Pass in New Draft New Drafts Printed**

Mr. Richardson from the Committee on Education on Bill "An Act relating to Tuition Charges for Special Education Classes" (H. P. 507) (L. D. 678) reported same in a new draft (H. P. 1154) (L. D. 1476) under same title and that it "Ought to pass"

Mr. Snow from the Committee on Natural Resources on Bill "An Act to Prevent the Pollution of the Waters of China Lake" (H. P. 704) (L. D. 904) which was recommitted, reported same in a new draft (H. P. 1153) (L. D. 1475) under same title and that it "Ought to pass"

Mr. Starbird from the Committee on State Government on Bill "An Act relating to Hunting, Fishing and Trapping by Indians" (H. P. 446) (L. D. 570) reported same in a new draft (H. P. 1155) (L. D. 1477) under same title and that it "Ought to pass"

Reports were read and accepted, the Bills read twice and tomorrow assigned.

**Ought to Pass  
Printed Bill**

**Passed to Be Engrossed**

Mr. Crommett from the Committee on Towns and Counties reported "Ought to pass" on Bill "An Act Authorizing Penobscot County to Raise Money to Purchase and Develop Premises Adjoining County Buildings" (H. P. 1099) (L. D. 1419)

Report was read and accepted and the Bill read twice. Under suspension of the rules, the Bill was read the third time, passed to be engrossed and sent to the Senate.

By unanimous consent was ordered sent forthwith.

**Ought to Pass with  
Committee Amendment**

Mr. Sahagian from the Committee on Appropriations and Financial Affairs on Bill "An Act relating to Working Capital of State Liquor Commission" (H.P. 619) (L. D. 807) reported "Ought to pass" as amended by Committee Amendment "A" (H-242) submitted therewith.

Mr. Clark from the Committee on Business Legislation on Bill "An Act relating to Powers of Attorney on Accounts in Savings Banks" (H. P. 660) (L. D. 847) reported "Ought to pass" as amended by Committee Amendment "A" (H-243) submitted therewith.

Mr. Scott of Presque Isle from same Committee on Bill "An Act relating to Truth in Packaging" (H. P. 951) (L. D. 1230) reported "Ought to pass" as amended by

Committee Amendment "A" (H-244) submitted therewith.

Miss Watson from the Committee on State Government on Bill "An Act relating to Inspection of County Jails" (H. P. 414) (L. D. 525) reported "Ought to pass" as amended by Committee Amendment "A" (H-245) 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 the Bills assigned for third reading the next legislative day.

**Divided Report**

Majority Report of the Committee on Education on Bill "An Act relating to Age Requirement for Kindergartens" (H. P. 458) (L. D. 595) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. STUART of Cumberland  
— of the Senate.  
Mrs. KILROY of Portland  
Messrs. RICHARDSON  
— of Stonington  
CHICK of Monmouth  
ALLEN of Caribou  
MILLETT of Dixmont  
Mrs. CUMMINGS of Newport  
Mr. WAXMAN of Portland

— of the House.

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

Report was signed by the following members:

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

Reports were read.

On motion of Mr. Richardson of Stonington, the Majority "Ought to pass" Report was accepted.

The Bill was given its two several readings.

Committee Amendment "A" (H-246) was read by the Clerk and adopted and the Bill assigned for third reading the next legislative day.

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An

Act Placing All State Forestry Department Employees on the Merit Service Step System" (H. P. 301) (L. D. 377)

Report was signed by the following members:

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

Messrs. DENNETT of Kittery  
DONAGHY of Lubec  
RIDEOUT of Manchester  
D'ALFONSO of Portland

Miss WATSON of Bath  
Mr. MARSTALLER

of Freeport  
—of the House

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1156) (L. D. 1478) under title of "An Act Placing All Unclassified State Forestry Department Employees in the Classified System" and that it "Ought to pass"

Report was signed by the following member:

Mr. STARBIRD  
of Kingman Township  
—of the House.

Reports were read.

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

Mr. RIDEOUT: Mr. Speaker, I move that we accept the Majority "Ought not to pass" Report.

Whereupon, on motion of Mr. Mills of Eastport, tabled pending the motion of Mr. Rideout of Manchester to accept the Majority "Ought not to pass" Report and specially assigned for Wednesday, April 30.

#### Divided Report Tabled Until Later in Today's Session

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Imposing an Individual and Corporate Income Tax" (H. P. 448) (L. D. 657)

Report was signed by the following members:

Messrs. WYMAN of Washington  
HANSON of Kennebec  
—of the Senate.

Mr. SUSI of Pittsfield  
Mrs. WHITE of Guilford

Messrs. HARRIMAN of Hollis  
ROSS of Bath

—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.

Messrs. FORTIER of Rumford  
COTTRELL of Portland  
DRIGOTAS of Auburn  
—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, I move that the House accept the Majority "Ought not to pass" Report.

Whereupon, on motion of Mr. Richardson of Cumberland, tabled pending the motion of Mr. Susi of Pittsfield to accept the Majority "Ought not to pass" Report and assigned for later in the day's session.

#### Divided Report

Report "A" of the Committee on State Government reporting "Ought to pass" on Resolve Proposing an Amendment to the Constitution to Reduce the Voting Age to Nineteen Years (H. P. 77) (L. D. 77)

Report was signed by the following members:

Mr. BELIVEAU of Oxford  
—of the Senate.

Miss WATSON of Bath

Messrs. MARSTALLER  
of Freeport  
STARBIRD

of Kingman Township  
RIDEOUT of Manchester  
—of the House.

Report "B" of same Committee reporting "Ought not to pass" on same Resolve.

Report was signed by the following members:

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

Messrs. D'ALFONSO of Portland  
DONAGHY of Lubec  
DENNETT of Kittery  
—of the House.

Reports were read.

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

Mr. RIDEOUT: Mr. Speaker, I move that the House accept Report "A" "Ought to pass."

The SPEAKER: The gentleman from Manchester, Mr. Rideout, moves that the House accept Report "A" "Ought to pass."

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

Mr. CORSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to belabor this bill to death today but I would like to make one point or two points perhaps. One is that it has been mentioned that many of the younger people do not really want to vote, and I won't argue this point. There are many young people that don't care about having the privilege to vote. But I might point out that we have seen in past elections from returns that up to forty percent of those eligible to vote under existing laws just don't bother to vote. I don't think we can expect too much more from persons under twenty-one than we can expect of those over twenty-one.

I would also like to point out that there is quite a jump between the age of eighteen and nineteen. Any one nineteen has been out of school for at least a year and it is that year out of school that makes the difference. There is a great difference between eighteen and nineteen, very little difference between nineteen and twenty or twenty and twenty-one, and I hope that the motion of the gentleman from Manchester, Mr. Rideout, will be supported.

The SPEAKER: The pending question is on the motion of the gentleman from Manchester, Mr. Rideout, that the House accept Report "A" "Ought to pass." Is this the pleasure of the House?

(Cry of "No")

The Chair will order a vote. All of those in favor of accepting Report "A" "Ought to pass" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, 60 having voted in the affirmative and 61 having voted in the negative, the motion did not prevail.

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

#### Divided Report Tabled and Assigned

Report "A" of the Committee on State Government reporting "Ought to pass" on Bill "An Act relating to Executive Reorganization" (H. P. 444) (L. D. 568)

Report was signed by the following members:

Messrs. LETOURNEAU of York  
BELIVEAU of Oxford  
—of the Senate.

Miss WATSON of Bath

Messrs. STARBIRD  
of Kingman Township  
D'ALFONSO of Portland  
—of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington  
—of the Senate.

Messrs. MARSTALLER

of Freeport  
DONAGHY of Lubec  
RIDEOUT of Manchester  
DENNETT of Kittery  
—of the House.

Reports were read.

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

Mr. RIDEOUT: Mr. Speaker, I move that we accept Report "B" the "Ought not to pass" Report.

Whereupon, on motion of Miss Watson of Bath, tabled pending the motion of Mr. Rideout of Manchester to accept Report "B" "Ought not to pass" and specially assigned for Wednesday, April 30.

#### Divided Report Tabled and Assigned

Report "A" of the Committee on Taxation reporting "Ought to pass" on Bill "An Act Providing for a State Income Tax" (H. P. 615) (L. D. 803)

Report was signed by the following members:

Messrs. SUSI of Pittsfield  
HARRIMAN of Hollis  
FORTIER of Rumford  
COTTRELL of Portland  
DRIGOTAS of Auburn  
—of the House.

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



Report was signed by the following members:

Messrs. WYMAN of Washington  
MARTIN of Piscataquis  
HANSON of Kennebec  
—of the Senate.

Mrs. WHITE of Guilford  
Mr. ROSS of Bath  
—of the House.

Reports were read.

(On motion of Mr. Susi of Pittsfield, tabled pending acceptance of either Report and specially assigned for Tuesday, April 29.)

#### Passed to Be Engrossed

Bill "An Act Providing for Sessions of the District Court for Central Hancock at Bucksport" (S. P. 69) (L. D. 190)

Bill "An Act to Authorize Attorneys-at-Law to Take Acknowledgements on Deeds and other Written Instruments" (H. P. 559) (L. D. 740)

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

#### Order Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 29, at 10 o'clock in the morning. (S. P. 444)

Came from the Senate read and passed.

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

#### Third Reader Amended

Bill "An Act relating to Use of Scallop Drags in Gouldsboro Bay" (H. P. 611) (L. D. 799)

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

Mr. Bunker of Gouldsboro offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-248) was read by the Clerk and adopted and the Bill was passed to be engrossed as amended and sent to the Senate.

#### Third Reader Tabled and Assigned

Bill "An Act relating to Legislative Ethics" (H. P. 909) (L. D. 1170)

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

(On motion of Mr. Richardson of Cumberland, tabled pending passage to be engrossed and specially assigned for Wednesday, April 30.)

#### Third Reader Tabled and Assigned

Bill "An Act relating to Retirement of Chief Liquor Inspector" (H. P. 943) (L. D. 1204)

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

(On motion of Mr. Levesque of Madawaska, tabled pending passage to be engrossed and specially assigned for Tuesday, April 29.)

Bill "An Act Increasing the Number of Superior Court Justices" (H. P. 955) (L. D. 1236)

Bill "An Act relating to Tuition Charges for Students from State Institutions" (H. P. 1149) (L. D. 1471)

Bill "An Act relating to Type of Dredge to Dig Clams in Waters between Cape Elizabeth and Pemaquid Point" (H. P. 1150) (L. D. 1472)

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

#### Third Reader Tabled and Assigned

Bill "An Act Providing for Presidential Preferences in Primary Election" (H. P. 1151) (L. D. 1473)

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

(On motion of Mr. Carter of Winslow, tabled pending passage to be engrossed and specially assigned for Wednesday, April 30.)

Resolve Providing Moneys for Cerebral Palsy Centers for Home Care and other Purposes (H. P. 1148) (L. D. 1470)

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

#### Amended Bills

Bill "An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1970 and June 30, 1971" (S. P. 120) (L. D. 382)

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

#### Third Reader Tabled and Assigned

Bill "An Act to Authorize the Portland Water District to Engage in Sewer Collection and Treatment to Protect the Purity of Sebago Lake" (S. P. 324) (L. D. 1086)

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

(On motion of Mr. Rideout of Manchester, tabled pending passage to be engrossed and specially assigned for Wednesday, April 30.)

#### Third Reader Tabled and Assigned

Bill "An Act to Permit Administrative Units to Operate Classes for Educable or Trainable Children" (H. P. 508) (L. D. 679)

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

(On motion of Mr. Dam of Skowhegan, tabled pending passage to be engrossed and specially assigned for Tuesday, April 29.)

#### Third Reader Tabled and Assigned

Bill "An Act to Amend the Charter of the Auburn Sewerage District" (H. P. 610) (L. D. 798)

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

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

Mr. DRIGOTAS: Mr. Speaker, I have a communication here from Attorney Webber addressed to El-

mer Violette. It is a lengthy one; with your permission I will condense it to those parts that are applicable to this proposed amendment to this Auburn Sewerage District. I will try to be as brief as possible, and I will read this:

"The only change proposed in the Sewer District charter having any major significance has to do with the change-over in rate structure. As was explained at the Committee hearing, the Sewerage District now has a relatively unique rate system which is based upon the ratepayer's property values for real estate tax purposes. It is proposed to change the system to one under which rates are based more closely on the benefit received by the ratepayer by metering the amount of water and other waste material which he puts into the system. Although of consequence to the residents of the District such a system is not really of any financial consequence to the District. The District will be paid whether it continues under its present rate system or switches to the proposed system. The only question is, not how much it is to be paid, but how it is to be paid. It is assumed that once the proposed sewerage treatment plant is completed and proportionate assessments are levied on the District, rates will increase. The inequities of the present system will simply be magnified once the rate increases take effect. The substance of the change therefore reduces itself to one of fairness, and it is difficult to see how anyone could really be opposed to that.

In addition to the foregoing, it should be noted that before new rates can be put into effect, a public hearing is required under the proposed amendments. Such a provision is a unique safeguard feature as far as I could determine in reviewing the provisions of a number of other comparable sewer districts. In addition, any ratepayer who feels himself aggrieved by the new rates has a clearly stated right of appeal. The rights provided are more extensive and more clearly articulated than was found to be true in any other charter which was prepared.

The other changes effected by the proposed amendments have to do primarily with more efficient collection of rates and other charges. As far as I can recall, no new charges are involved. The only question, therefore, is one of efficiency in the collection process.

For the reasons given, it seems to me that L. D. 798 can be properly characterized as non-controversial. Auburn City Manager Woodbury Brackett is familiar with the bill and expressed surprise and disbelief when informed that the Public Utilities Committee was considering attaching a referendum clause. Since the City of Auburn is not complaining although it would perhaps be facing a somewhat increased charge in view of the prospective changeover from a fixed flat rate of \$5,000.00 a year to a combination of a flat rate of \$3,000.00 plus a metered rate for use of the sewer system for purposes other than draining off storm water, it is difficult to see how anyone else would be justified in doing so.

It is my understanding that the committee would probably not include a referendum clause on this bill or any other affecting sewer districts if these are brought under control of the PUC at the present Legislature. It is worthy of note, then, that L. D. 798 was submitted to the PUC for scrutiny and comment prior to being put into the legislative hopper. We were informed by Mr. Richard Mason of the Commission that the bill appeared in all respects to be unobjectionable. Since, therefore, it would appear that no objections would have been raised by the PUC even had this bill been within its jurisdiction, it seems to me that we are justified in suggesting that the referendum clause is unnecessary."

"We are naturally apprehensive that this bill may be caught up in a wave of adverse feeling which may be generated by several bills submitted at this session by the Auburn Firemen which if passed will go to a referendum. It is therefore conceivable that the amendments embodied in L.D. 798 may not be clearly understood by

the municipal voters and could be defeated along with the various proposals of the Auburn Firemen's Union."

In view of what Attorney Webber, Curtis Webber, a member of Linnell, Choate & Webber, has written and also because of Mr. Brackett's reaction, because of the involvements that he feels would come about if this were put to referendum, I now respectfully ask that the amendment be indefinitely postponed.

The SPEAKER: The Chair understands that the gentleman from Auburn, Mr. Drigotas, moves that the House reconsider its action of yesterday whereby Committee Amendment "A" was adopted. Is this the pleasure of the House?

The motion prevailed.

On further motion of the same gentleman, Committee Amendment "A" was indefinitely postponed.

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

Mr. COUTURE: Mr. Speaker, I move that the matter lay on the table until Wednesday next.

The SPEAKER: The gentleman from Lewiston, Mr. Couture, moves that the House reconsider its action whereby it indefinitely postponed Committee Amendment "A". Is this the pleasure of the House?

The motion prevailed.

Thereupon, on motion of Mr. Couture of Lewiston, tabled pending the motion of Mr. Drigotas of Auburn to indefinitely postpone Committee Amendment "A" and specially assigned for Tuesday, April 29.

### Third Reader Tabled and Assigned

Bill "An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority" (H. P. 907) (L. D. 1168)

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

On motion of Mr. Drigotas of Auburn, the House reconsidered its action of yesterday whereby Committee Amendment "A" was adopted.

On further motion of the same gentleman, tabled pending the

adoption of Committee Amendment "A" and specially assigned for Tuesday, April 29.

Bill "An Act relating to Taking of Alewives in Georges River" (H. P. 1093) (L. D. 1410)

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

Bill "An Act Requiring the Licensing of Sewage Treatment Operators" (S. P. 434) (L. D. 1452)

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

#### Passed to Be Enacted

An Act relating to Conferring Degrees by Husson College (S.P. 417) (L. D. 1392)

An Act Increasing the State Contingent Account (S. P. 435) (L. D. 1454)

An Act relating to Sunday Sale of Liquor if January 1st Falls on Sunday or Monday (H. P. 775) (L. D. 1008)

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

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

#### Enactor

#### Tabled and Assigned

An Act relating to the Requirement for a Board of Registration (H. P. 1103) (L. D. 1421)

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

(On motion of Mrs. Boudreau of Portland, tabled pending passage to be enacted and specially assigned for Wednesday, April 30.)

An Act relating to the Jet Fuel Tax (H. P. 1136) (L. D. 1456)

#### Finally Passed

Resolve Authorizing a Study of the Operational Aspects of the Su-

perior and Supreme Courts (H. P. 404) (L. D. 515)

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

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

#### Orders of the Day

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

HOUSE REPORT—"Ought not to pass"—Committee on Taxation on Bill "An Act relating to Reimbursement by State to Municipalities in Lieu of Taxes on State-Owned Property" (H. P. 970) (L. D. 1258)

Tabled—April 23, by Mr. Chandler of Orono.

Pending—Acceptance.

Thereupon, on motion of Mr. Erickson of Warren, tabled pending acceptance of Report and specially assigned for Wednesday, April 30.

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

Resolve to Authorize the Grant of Flowage Rights to the Auburn Water District (H. P. 839) (L. D. 1077)

Tabled—April 23, by Mr. Jalbert of Lewiston.

Pending—Passage to be engrossed.

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

Mr. ROCHELEAU: Mr. Speaker, I now move that this resolve be indefinitely postponed and I would like to speak briefly to my motion.

The SPEAKER: The gentleman from Auburn, Mr. Rocheleau, moves that item two, L. D. 1077, be indefinitely postponed. The gentleman may proceed.

Mr. ROCHELEAU: Mr. Speaker and Members of the House: Last week I received many telephone calls in opposition to the raising of the water level from its present legal elevation of 260.58 feet to 261.6 feet. Some campowners informed me that by raising the water level by one foot that it would

cause some loss of land to the camp owners. All camp owners received a letter in the mail with a check for \$1.00 for payment of anticipated loss of land. Many have returned the check unsigned, thus opposing this L. D. 1077. They were told that the reason for wanting to raise the water level by one foot was because the water freezes around the intake pipe during the winter months.

They were also told by the Auburn Water District that they were only meeting with the camp owners in order to explain more in details the reason for raising the lake level. This never materialized. One camp owner at the present has engaged the services of an attorney in order to protect his interests. I do not wish to prolong this discussion to any great length, but at this time I would like to read to you from a report on Water Works Improvement made in September 1963 for the City of Lewiston by Camp Dresser McGee, consulting engineer of Boston, Massachusetts.

From this consulting firm, from Lake Auburn, this is the general discussion: "Lake Auburn has a drainage area of 17.7 square miles and a water surface area of 3.5 square miles. The legal elevation of the lake is 260.58 feet above mean sea level. Since 1946 the lake level has been controlled by a concrete dam and spillway at the outlet of Bobbins Brook in East Auburn. The spillway is composed of three sections, one 9 feet 7½ inches in elevation, at elevation of 259.58; the other at 4 feet at elevation of 259.58; and a section four feet long at elevation 255.58 respectively. The center section contains a non-freezing sluice gate 4 feet wide by 5 feet high with a bottom elevation of 248.5. Stop logs are provided on all three sections to bring the lake level up to the legal elevation.

When the water surface reaches the legal elevation it is the practice to spill excess water by removing stop logs."

Another area here. "The Lewiston intake extends approximately 241 feet from the wall of the shoreline into Lake Auburn. At the end of the line a 36 inch drop, 90 degrees bin turns up. The open

end of the bin is enclosed in a cribbing covered by a 7½ feet by 9 feet red oak grill containing openings approximately 2 inches square. The cribwork was installed about 1925. The elevation of the top of the intake is approximately 240 feet. The Auburn intake pipe," which is the thing in question, "extends into Lake Auburn but does not turn upwards at the end as does the Lewiston intake. The Auburn intake pipe is 24 inches in diameter and has an invert elevation at the entrance of 245.2 feet above mean sea level."

From the above information it may be seen that Lake Auburn can be drawn down 10 feet to elevation 250.7 and leave the Lewiston and Auburn intake submerged. Therefore, their reasoning for the freezing, in my opinion and the camp owners, is just the means to acquire land.

Therefore, I ask that this resolve be indefinitely postponed.

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Mr. Rocheleau, that item two, L. D. 1077, be indefinitely postponed.

The Chair recognizes the gentleman from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker, I now move that item two be tabled until Wednesday next pending the motion for indefinite postponement.

Mr. Rocheleau of Auburn then asked for a vote.

The SPEAKER: A vote has been requested on the tabling motion. All of those in favor of this matter being tabled until Wednesday, April 30, pending the motion of Mr. Rocheleau of Auburn to indefinitely postpone, will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

71 having voted in the affirmative and 28 having voted in the negative, the motion to table did prevail.

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

Bill "An Act Granting Veterans a Property Tax Credit in Lieu of an Exemption" (H. P. 743) (L. D. 961)

Tabled—April 23, by Mr. Richardson of Cumberland.

Pending—Motion of Mr. Dam of Skowhegan to indefinitely postpone.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: The Taxation Committee is working on some amendments for this bill and we meet again next Tuesday, and it would be appreciated if this could be tabled until Wednesday, April 30.

Thereupon on motion of Mr. Ross of Bath, retabled pending the motion of Mr. Dam of Skowhegan to indefinitely postpone and specially assigned for Wednesday, April 30.

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

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

Tabled—April 24, by Mr. Levesque of Madawaska.

Pending—Motion of Mr. Carter of Winslow to reconsider indefinite postponement.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that you will choose to go along with me this morning on my motion to reconsider our action of April 11 whereby this bill was indefinitely postponed, in order that I may be able to move that we substitute the bill for the report and then offer House Amendment “B” which has House filing H-199.

I don’t intend to repeat the several points that I made previously on this bill about the negligible cost to the owners and occupants of the Augusta dam when compared with the cost of pollution abatement in the Winslow-Waterville area. I don’t intend to repeat the point about the elimination of the undersirable fish, such as the carp, by having a manned fishway during the spawning run of

anadromous fish, and the economic benefits that will be derived by the residents of this state by making full use of its natural resources—in this case, the Atlantic salmon. But I would like, however, to take a few moments to explain the contents of House Amendment “B” and what it would call for if adopted.

House Amendment “B” (Filing H-199) has been slightly changed at the suggestion of the Attorney General’s office. In this case the amendment would apply only to the Augusta dam. It calls for only one fishway and that is only on the Augusta dam. My proposed amendment also calls for a manned fishway during the spawning season only to eliminate undesirable fish. This means that the desirable fish would have to be put over the dam by means of a net handled by a man. Under these conditions no carp would or could get into the upper reaches of the Kennebec.

The cost of the construction would be borne by the lessee; and if construction is not started within one year after the effective date of this act, then the Fish and Game Department will start construction by June 1, 1971 and bill the lessee. Now I have previously stated before both the Fish and Game Committee and on the Floor of this House that I am completely baffled as to why our Fish and Game Commissioner has steadfastly refused to put a fishway on the Augusta dam when we have one in Waterville on the Ticonic dam. The deeper I get involved into this matter, the more facts I unearth that prove conclusively that a fishway is indeed needed and is needed now. You all have heard in prior debate by the opponents of this fishway, that there is no salmon in the Kennebec River because the river is too polluted. I ask you to read the affidavit, if you haven’t already done so, that is now on your desk. This is sworn testimony from a professional diver that worked on the dam several years ago. And in the third paragraph he amply refutes the argument that there is no salmon in the Kennebec River because it is polluted. Please read

it carefully, if you haven't already done so, before you vote on my motion.

You have also heard in prior debate that the Fish and Game Department has opened a fourth fishway on the Penobscot River. Well I want to tell you, ladies and gentlemen, that I got quite a shock last Tuesday when I looked at the Bangor Daily News and saw a picture of a biologist stocking two-year-old Atlantic salmon into the Penobscot. I have the picture here for any of you who may not have seen it. I have always understood that the Fish and Game Commission's policy is to build fishways only where there is fish and not to build fishways first and then stock the river so that they can use the fishway.

Ladies and gentlemen of the House, if in your wisdom you choose to go along with me for a fishway on the Augusta dam, I am quite sure that the Fish and Game Department will not have to spend any money to stock young Atlantic salmon to use it, because as pointed out in the affidavit before you, there is an abundant supply of mature Atlantic salmon in the Kennebec River just waiting for a fishway.

I hope that you will go along with my reconsideration motion so that I may then be able to substitute the bill for the report and then offer House Amendment "B". Mr. Speaker, when the vote is taken I request a division.

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

Mr. LEWIN: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition this morning to reconsideration of L. D. 1099 and I would speak briefly on it.

As was mentioned a few minutes ago, L. D. 1099 came out of the Inland Fish and Game Committee "Ought not to pass"—this was the unanimous vote. We had a good hearing and we believed it was an unnecessary paper as there was already a law on the books that took care of this. Later the House voted in favor of indefinite postponement.

I could mention several reasons why we should not have a fishway on the Kennebec River at the present time. I will confine my remarks to one. I will mention again that carp can and do live on muddy river bottoms. They suck up the muddy water; they eject it and eat the particles suspended in the water. They root in the mud so that the shallow water stays muddy. Other fish need light to find food. This food they are denied where carp are found, and they suffer as a result.

Nests and eggs of game fish are sometimes torn up and covered by the feeding or the spawning activities of the carp. A small female carp, I would remind you, can spawn up to 100,000 eggs, while a grown female, 15 pounds, which we do have in the Kennebec River, can spawn up to 2,000,000 eggs—think of it! They thrive, that is the carp, under adverse conditions of pollution, temperature, predation from birds, animals and other fish. Tidal flushing and other factors have helped to protect the waterfowl foods in Merrymeeting Bay; but some of our inland waters would not fare so well.

Carp fish are great swimmers and they have the ability to jump five or six feet. They can climb nearly every type of fishway built. They do not tolerate—I'd like to make this clear—they do not tolerate sea water. This has probably prevented their migration along the coast and limited their access to other Maine rivers. Penobscot has no carp.

In other states millions of dollars have been spent in the past in attempts to control the carp and to undo the damage to countless thousands of acres of game fish and waterfowl areas.

The spread of carp into our inland lakes and streams would spell disaster to our game fish population. We have a problem of carp on the lower Kennebec. Let us keep them from spreading inland.

The Fish and Game Department is charged by law with determining whether or not a fishway is needed on inland waters—no other authorization is necessary. For instance, a fishway is not needed

in the Kennebec River at the present time; experts tell us so. The Maine Soil and Water Conservation Committee is on record opposing L. D. 1099.

Yes, there are other reasons why a fishway is not needed, but I will not take up your time further on this this morning. With the facts mentioned, I trust that you will oppose the motion for reconsideration, and I would ask for a division.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: As recently as the 103rd Legislature, amendments were placed on the bill providing for a means to allow fishways on our rivers and streams in the state where there are dams; and this procedure calls for a study by the Fish and Game Department. And if in their judgment, after a thorough study, a fishway is necessary, or should be, then this fishway will be ordered.

In the case of the Kennebec, at the dam here in Augusta on the Kennebec River, a study of this sort was made; and in the judgment of the Fish and Game Department a fishway should not be placed at this time. There was a court hearing on this, and the court upheld the Fish and Game Department's decision.

Now we have a bill in the Legislature going completely contrary to our statute which leaves this up to the discretion of the department, and they are asking us today to let the Legislature go beyond the province of the Fish and Game Department and make the decision that the fishway should be made on the Kennebec River at Augusta. I therefore urge the members of the House not to reconsider on this bill and to let stand the action taken by the House which was indefinite postponement of the bill and its accompanying papers.

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

Mr. CARTER: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to take a moment to take issue with Repre-

sentative Moreshead from Augusta, in his statement that the Court upheld the decision of the Fish and Game Commissioner. The Court in this case merely denied the petitioners the right of appeal because that is not within the present law. And to take issue with my good friend, Mr. Lewin from Augusta, about the carp not being in the upper reaches of the Kennebec, at the same time that the carp were stocked in Merrymeeting Bay they were stocked in the upper reaches of the Kennebec in Half Moon Pond area and they haven't come together yet, and I don't believe they ever will.

The SPEAKER: The pending question is to reconsider indefinite postponement. The Chair will order a vote. All those in favor of reconsideration will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 52 having voted in the affirmative and 67 having voted in the negative, the motion did not prevail.

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

HOUSE REPORT — "Ought to pass" as amended by Committee Amendment "A" H-191—Committee on Highways on Bill "An Act relating to Short Term Permits for Trucks to Haul Loads" (H. P. 631) (L. D. 819)

Tabled—April 24, by Mr. Sahagian of Belgrade.

Pending—Acceptance.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker and Members of the House: When we heard this bill in committee, in fact we had two hearings on this bill, the first time we passed the bill out unanimous "Ought not to pass." The second time we had the sponsor of the bill come before the committee, and very reluctantly on my part and I think several members of the committee, we went along with an amendment to change the bill somewhat and put it out "Ought to pass."

A good many of us, myself included, have had second thoughts on this bill since that time, have



looked into it more thoroughly, talked with the people that will be hurt more or less by passage of this bill. This law that gives the trucking industry a right to license with short-term permits has been on the books for a good many years and it has worked good. It had a duty to perform when it was passed, and there is still, in my opinion the same need for the bill that there was then.

I don't believe that we want to pick away at the bills we already have that are working good when the things that we try to do can better be met in other ways. Therefore, I want to move that this bill and its amendment be indefinitely postponed.

The SPEAKER: The Chair understands that the gentleman from Brooks, Mr. Wood, now moves that L. D. 879, both Report and Bill be indefinitely postponed.

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

Mr. LEE: Mr. Speaker and Members of the House: Before you take a vote on this, I would like to explain just a couple of things.

I think perhaps Mr. Wood is partially right. Perhaps I should sit down and shut up. But there are things in this bill that are a little bit inequitable, and we tried by our Committee Amendment to adjust that.

Short-term permits are a good thing, and the trucking industry recognizes that. It allows a trucker to pay for a license while he uses the road, which is right. It also provides for short-term permits of various lengths of time. What happens goes right back to our frost laws; if a road is securely frozen in December, January, and February and you license a truck for the \$100 permit, you can go without the overload permit. Then by licensing for nine months, you can cover a full year for 85%, which is a 15% reduction in your license fee.

Now we tried to — pulpers, pulp truckers, and construction, and all that — they benefit by this over a period of time, but if a trucker is using the roads for the full year, he should pay for the full term of the license. And what can happen

now, if you license a truck for \$100 and figure your three months for the frost laws, license it for nine months, at a 15% reduction, it gets you a full year for a 15% reduction. We amended this so that you could increase your license for eight months. This would leave a month in there that wouldn't be covered. Eight months would be done for 80% of your licensing fee; then if you wanted to cover the other month you would have to take a 20% or a one month permit, which would be the 100%, which would be what you would license for originally.

Now I believe that we are covering the pulp truckers because they ordinarily would have 1, 2, 3, or 4 month permit, which is right; construction workers, if they go for the full year, they would have to pay the full price, which is right. Now this hurts me. I license some of my trucks for the full term under this bill; and Mr. Speaker, if you think I am in conflict of interest on this, I will abstain from voting.

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

Mr. STILLINGS: Mr. Speaker and Ladies and Gentleman of the House: This bill as it was reported out of Committee by unanimous report with an amendment will correct, as Mr. Lee has said, a situation in our truck registration laws that has appeared to me for sometime to be inequitable and results in a loss of revenue to our State.

The two provisions in Title 29 of our Motor Vehicle Statutes appear harmless enough when taken separately, but when combined create a uniquely unequal and unfair situation. The frost or frozen road law has already been mentioned, and this is one of the provisions. This allows a trucker who pays a fee of \$100 to operate on our highways with any overload during the months of December, January, and February.

The second provision allows a truck already registered to obtain a short-term permit for a period of from one to eleven months to haul loads of larger tonnage by paying a difference between the registration fee that the owner has already

paid and the annual fee. There has already been an example of how this works. I would just like to repeat that it would be possible for me to register a truck on March 1st for \$100, which would entitle me to haul a gross weight of 18,000 pounds. At the same time, on the same day, I could purchase a nine-month short-term permit for 85% of the difference between the \$100 I have already paid and the \$600 annual registration fee, which would allow me to carry the maximum gross weight of 73,280 pounds. I am now entitled to carry the maximum gross weight for nine months. But, because I paid the \$100 registration fee initially, I can take advantage of the frozen road law and continue to haul the maximum gross weight during the months of December, January, and February without paying any additional fee for the overload.

So instead of paying the \$600 annual registration fee which is provided for in the schedule of the law, I am able to haul exactly the same load for the entire year for \$525, and the State has lost \$75 for every unit so registered.

I know of no other state in the United States that offers such an incentive as this. No state in serious competition to Maine does; no other New England state has such an incentive.

I looked into the situation, inquired at the Motor Vehicle Registry, and looked at a cross section of 1968 registrations. I looked at three different firms, two general freight haulers and one construction firm. All of them used the short-term permit. All of them took advantage of the nine month situation.

The loss of revenue to the State in just these three firms with 91 units—only 91 units that used short terms—was nearly \$5,000.

Short-term permits can be purchased not only at the registry office but also by the State police. Of the first fifty short-term permits issued by the State police this year, thirty-five were nine month permits; that is, the trucker obviously intended to run his trucks year round. The loss of revenue represented by just these thirty-five units was \$1319.

There are about 85,000 trucks registered in Maine. About 25,000 of these are eligible for short-term permits. If only 5,000 of them take advantage of this, based on the research that I did, with the average loss of revenue of \$52.30 per unit, if only 5,000 and this certainly is a reasonable estimate because the State police issued 8,000 permits alone, the State lost \$261,500 in revenue.

I am not opposed, and I would like to make this very clear, to the principle behind short-term permits, as long as they are used for what the Legislature originally intended them to be used for. Permits for one through eight months which would be allowed under the terms of the amendment will serve the purpose of assisting the seasonal trucker. The pulp and forestry industries, for example, don't need to register for the full year, for full weight, because of mud and so on. The farmer who uses his trucks two or three months in the spring and two or three months in the fall would be able to purchase short-term permits under this amendment. Construction companies, restricted both by weather and contracts or lack of them could register, but not for full weight on a year-round basis under the terms of the amendment.

This law was never intended to allow the year-round trucker to register at less than the annual registration fee listed in the schedule. I researched the history of this combination of laws, short-term permits and the frozen road law, and I found that this was not the intent of the Legislature.

The frozen road paragraph became law in 1943. Also in the same year the short-term paragraph was made law. It has a very interesting preamble which I would like to read to you. It begins:

“Emergency Preamble. Whereas, because of the war emergency all transportation, especially that by trucks, is seriously hampered, and

Whereas, the transportation of fertilizer is essential to the production of crops, and it is essential that the fertilizer be available by April or May, and

Whereas, the passage of this act will permit the transportation of

fertilizer to farmers in time to materially assist in the production of food for the war" and so on.

And the short-term paragraph follows.

Well I am happy to report that the fertilizer was delivered, crops were sown, and the fall harvest did indeed contribute to the war effort. And we won that war!

I have no argument with the trucking industry. It performs a very valuable and a very essential service to our State. But here we have a piece of legislation that was created as a war emergency and has been allowed to remain on the books for 24 years beyond the emergency outlined in the preamble. And during that 24 years it has been used for the benefit of a single industry and at the expense of the people of the State of Maine.

I would like to remind you that the report of the Committee was unanimous "Ought to pass." This bill, I believe, means revenue to the State, and I would urge that you vote against the motion to indefinitely postpone.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: First I would like to clear up one or two errors that have been made here. This doesn't affect the overload any. We all pay for the overload, and there is no over-the-road limits allowed pulp trucks or anyone else. When we have a build up we are allowed a certain amount over, and that is when you have to license up to get it.

But I would like to say first off that this is a department bill. I can't understand why it was put in as a department bill. This, as he stated, Mr. Stillings stated — and I might right here that Mr. Stillings presented this in the Highway Committee, and it was one of the best presentations I ever heard; he did a wonderful job. Although, personally, I am against this very much.

But the Department representatives, Lt. Jones and Mr. Wyman, spoke in doubt or might say each statement seemed to be a question. They stated it was too much work for the State Troopers, which is

far from a fact. Three minutes will make out a permit as many of you are aware, and I do not believe that the troopers are doing any kicking, as you must give them a check for the exact amount made payable to the Secretary of State. No cash can be accepted.

Again this is aimed at the small truckers, although they are going to tell you that some of the larger trucking groups use it, which no doubt is true. Out-of-state truckers cannot use it unless registering the truck in Maine, for the full amount of registration, and they do not do that.

It is safe to say without contradiction, that every member of this House has truckers in his own town and district that are using this bill as now on the books and are not in favor but will be hurt by this bill in any form or with any amendment that you now have. If we can keep on pushing the small truckers, especially the ones who truck out of state, to Florida, and so forth, they are going to start registering out of state and making their headquarters in some other state where there is no sales tax and so forth.

I might stop and state here that in my town I have one trucker who has five trucks that are registered under this present law. Already he has purchased or made available a small tract of land in North Carolina where he is going to—if these laws all pass—where he is going to set up an operation of his own and license his trucks there, but he will maintain his residence in the State of Maine.

Right now many of our trailers are purchased in New Hampshire so as to save our sales tax, and I believe that any member of the House recognizes that. I would also like to say in regard to what the gentleman from Albion, Mr. Lee just stated, that we are losing 15 per cent. This is very untrue. We are registering for \$100. They are not only buying 85 per cent registration, we are buying that at 85 per cent; in other words, we are losing a very small fraction, which I believe amounts to about \$75 per truck.

Another thing he mentioned, or one mentioned, was the mud. This

doesn't help us in the mud because if we were going to buy these 1, 2, 3, 4, 5 months permit, we would be paying far more than the registration, and the ones now who are purchasing the first six months, the 1, 2, 3, 4, 5, 6 months, even 7, are building this up so that the State is receiving over a million dollars from this form of registration. And in the amendment that the Committee put on, that the Committee was in agreement with, I might add that the contractors are in agreement with this naturally, because they do not use a nine-month permit, and I figure it is very unfair.

The original bill was written to mark out the 7, 8, 9, 10 and 11 months. Of course, the 10 and 11 months never was used anyway. But now, under the amendment, they are leaving on the 7th and 8th month, and they are crossing out the 9th month, 10th month and 11th month; in other words the 9 months is the only one they are affecting anyone on, and I hope you will go along with the indefinite postponement of this bill.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House. Many of you know I am in the trucking business, and perhaps as a traitor to my clan I support the gentleman from Berwick, Mr. Stillings. This is law by gimmick, it's loss of revenue to the State, it's only specialized legislation, and I hope you will not go along with the indefinite postponement of this bill.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: Coming from a border town, I can say that there is a great potential of loss of revenue if the truckers, or some truckers, decided to move out of state if this bill is not indefinitely postponed, because along the Massachusetts and New Hampshire border, many trucking companies have set up their headquarters in that general area. For that reason I will support indefinite postponement.

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

Mr. LEE: I would like to apologize to Mr. Finemore. I did say 15 percent. The 15 percent is on the difference between the \$100 permit and the other; that is true. And he noticed the contractors should be for it. Now I have to rebut that just a little bit because most contractors don't haul in the winter under the frost laws.

I would like to mention, and I didn't before, very shortly now you will be asked to raise some money for highways. I want you to remember that this probably is a quarter of a million dollars that will be wasted right here.

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

Mr. FINEMORE: Just briefly and not to dispute anyone one single bit, but this will cost us a million dollars a lot easier than it is going to get us \$250,000, because these truckers are definitely going out of state; there is no doubt.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: We have heard it said that this will mean quite a substantial loss of revenue to the State. I believe there is a bill coming in that will come to this House a little later to raise the registration fees for trucks that will be an additional fee on the whole trucking industry. There will also be the bill before this House to raise the gas tax. If we need revenue, and of course I am one of the first to admit that we do, in the Highway Department, but I believe picking away at the bill and it's questionable how much revenue we are going to lose, I believe the way to get at it is to take this other way and raise the license fees raise the gas tax, and let the whole industry that use the highway pay the additional cost of operations instead of picking away at a bill that is questionable how much we will lose or gain.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I regret

that I have to say a few words on this. This was before the Committee on Highways, of which I am a long-time member, and let me tell this House here and now we considered this bill very carefully, and we reported a unanimous report "ought to pass" as amended. And I feel seriously that the honest trucker this does not affect. I have in Penobscot County a large trucking firm and they license their trucks for a year when the time comes.

Now they choose to be honest with the State of Maine and pay their share of the revenue. There are other truckers that see that they can finagle out of a few pennies and they are not small truckers, most of them are big truckers, big firms that go right in and buy the \$100 license and then register for nine months and they get the same thing that the fellow who registers for a whole year.

I think our Committee considered this very carefully and all the angles, and as far as these people licensing out of state, it will cost them more money; they will not save any money by registering out of state, so don't go for the fear of that, and it is true that the Highway Department, or the highway budget is really in trouble and they are going to need money not only from this source but from many other sources so we might as well start in now trying to find a few pennies to carry over the Highway Department for all these extra snowstorms and things that we have had; they are really short of funds. And I think that it's an honest endeavor and an honest way to get it.

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

Mr. McNALLY: I'm sorry my good friend from Kittery is not here to hear how his speech at the first of this Legislature impressed me, but he suggested we put our finger in the hole in the dike to retain a very small sum in the bill that we was voting on, but you have been told the advantages of this bill and the disadvantages of this bill, but it seemed to me that when we amended it and raised it to the eight months, although I am

not in the position wherein that I could use it in any way, being in the building contracting business, and we need to use our trucks 12 months of the year, I felt it was fair to everybody concerned that it was a way that we were quite sure of saving a quarter of a million dollars, and although that is small money nowadays if we put the finger in the dike for a few thousand on the start of this, why isn't it good to put the fist in a little bit and stop a little more. Thank you.

Mr. Rideout of Manchester requested the yeas and nays.

The SPEAKER: The pending question is on the motion of the gentleman from Brooks, Mr. Wood, that both Report and Bill be indefinitely postponed on L. D. 819. 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 vote 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 Brooks, Mr. Wood, to indefinitely postpone both Report and Bill "An Act relating to Short Term Permits for Trucks to Haul Loads." 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 — Binnette, Birt, Bourgoin, Bunker, Carey, Carter, Casey, Corson, Cote, Cox, Crosby, Cushing, Dam, Dyar, Erickson, Eustis, Evans, Foster, Fraser, Gilbert, Giroux, Henley, Immonen, Jameson, Jutras, Kelleher, Keyte, Kilroy, Lawry, LePage, Lincoln, Meisner, Mills, Mitchell, Norris, Noyes, Page, Pratt, Quimby, Rochelleau, Santoro, Soulas, Temple, Thompson, Trask, Tyndale, White, Wight, Wood.

NAY — Allen, Baker, Barnes, Bedard, Benson, Berman, Bernier, Bragdon, Brown, Buckley, Burnham, Carrier, Chandler, Chick, Clark, C. H.; Cottrell, Cou-

ture, Croteau, Cummings, Donaghy, Drigotas, Dudley, Durgin, Farnham, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Gauthier, Hall, Hanson, Hardy, Haskell, Hawkens, Heselon, Hichens, Huber, Hunter, Jalbert, Johnston, Kelley, K. F.; Laberge, Lebel, Lee, Leibowitz, Levesque, Lewin, Lund, MacPhail, Marquis, Martin, McNally, McTeague, Millett, Morgan, Nadeau, Ouellette, Porter, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Starbird, Stillings, Susi, Tanguay, Vincent, Watson, Waxman, Wheeler, Williams.

ABSENT — Boudreau, Brennan, Clark, H. G.; Coffey, Crommett, Curran, Curtis, D'Alfonso, Danton, Dennett, Emery, Faucher, Good, Harriman, Hewes, Kelley, R. P.; Lewis, Marsteller; McKinnon, Moreshead, Mosher, Payson, Sahagian.

Yes, 49; No, 77; Absent, 23.

The SPEAKER: Forty-nine having voted in the affirmative and seventy-seven in the negative, the motion does not prevail.

Thereupon, the "Ought to pass" Committee Report was accepted and the Bill read twice. Committee Amendment "A" (H-191) was read by the Clerk and adopted and the Bill assigned for third reading the next legislative day.

Mr. BOURGOIN of Fort Kent presented the following Joint Order out of order and moved its passage:

WHEREAS, the Town of Fort Kent, situate at the confluence of the Fish and St. John Rivers, was the second of five great Aroostook County communities to be incorporated by legislative act of 1869; and

WHEREAS, this historic town played a permanent part in the tense Aroostook War and international boundary dispute which gave rise to a fortified outpost named in honor of Governor Edward Kent; and

WHEREAS, the inhabitants of this progressive border town hail February 23, 1969 as the hundredth anniversary of said incorporation

and are enthusiastically observing appropriate festivities; and

WHEREAS, a centennial committee has firmly joined hands with the citizens of Fort Kent during the year 1969 to pay tribute, not only to a rich past, but to a bright and challenging future; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 104th Legislature of the State of Maine extend congratulations and best wishes to the citizens of Fort Kent as they observe their hundredth year of incorporation; and be it further

ORDERED, that as a token of future support and encouragement that the Secretary of the Senate be directed to transmit forthwith to the people of Fort Kent, through its Town Manager, Claude Du-  
mond, Council Chairman, Randall Pinkham and Chairman of the 1969 Fort Kent Centennial Committee, Reynold Soucy, duly authenticated copies of this Joint Order. (H. P. 1157)

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

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

An Act relating to County Inventory of Property and Bids (H. P. 650) (L. D. 838)

Tabled — April 24, by Mr. Birt of East Millinocket.

Pending—Passage to be enacted.

On motion of Mr. Birt of East Millinocket, under suspension of the rules, the House reconsidered its action of April 11 whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto.

On further motion of same gentleman, under suspension of the rules, the House reconsidered its action of April 11 whereby Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

House Amendment "B" to Committee Amendment "A" (H-249) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Wight.

Mr. WIGHT: Mr. Speaker and Ladies and Gentlemen of the House: This amendment is the second increase on our bill that was reported out of Towns and Counties, for the bidding of county merchandise and services. There was a compromise, and it was raised to \$250, which is sufficient, I feel, for the bidding that is allowed under the Title 1816, Chapter 5. The Committee will oppose the increase to \$500, first because bids can be broken down into smaller lots, and therefore at \$500 nearly a thousand dollars can be purchased without bids.

The competitive bidding as defined in our statute has not been understood by some of our county officials. They feel that the amount of \$250, or less, has to be advertised and expense added to the purchase of any item. I might read a short section of the competitive bidding as defined under this section that is offered. "Competitive bidding shall mean the transmission of a written or oral proposal or invitation to bid by at least three responsible suppliers, to be replied to at a stated time. In obtaining competitive bids, if the purchasing agent shall find that three responsible bidders are not available, he may make such exceptions as he may deem in the best interest of the county."

Now the amendment at \$250 is large enough and sufficient to carry this bill, and I don't feel there is any need of increasing this to \$500, which would allow them in smaller bids to make much larger purchases. I'll oppose the Amendment B and trust I have your support.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: The original intent of this L. D. did not include the posting of bids for purchase of supplies or

items that the county might need in their operation. The original figure that came out was \$100. The price of \$250 is a very small amount and if you go into the procedure of advertising for bids, and if you are going to do it and do it properly, this is the only fair way to do it, the calling on telephone and getting bids from two or three people leaves the thing open to just as much abuse as could be accomplished now, and the figure of \$250 does not seem to be high enough to be adequate.

I have talked this over with quite a few people including some of the county commissioners, and they feel that this will put an undue restriction on them. I feel we have good officials doing these jobs and we should give them some latitude in their operation, and I would hope the motion to accept the House Amendment "B" is accepted, and I would ask for a vote.

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

Mr. JALBERT: Mr. Speaker and Members of the House: When the Committee unanimously reported out on the hundred-dollar proposition, it was perfectly alright with me. Certainly the two-hundred-dollar proposition was acceptable—not wholly, but acceptable. It would certainly behoove me to comment that naturally the county commissioners would not want any restrictions put upon them. The ceiling couldn't be high enough. I don't think that there's too much of this abuse by going back pro county commissioner now, by county commissioners, by asking for these bids insofar as telephone messages are concerned.

I'm sure that the gentleman from East Millinocket, Mr. Birt, likes to concur with unanimous reports—I know that I do. And I go along with the fine work of the Towns and Counties Committee. I move the indefinite postponement of this amendment.

The SPEAKER: The pending question now is the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "B" be indefinitely postponed.

Does the gentleman request a roll call on the new pending question?

Mr. BIRT of East Millinocket: Mr. Speaker, I requested a vote, not a roll call.

The SPEAKER: A vote has been requested on the indefinite postponement motion of the gentleman from Lewiston, Mr. Jalbert, the indefinite postponement of House Amendment "B". Is the House ready for the question?

All in favor of indefinite postponement of House Amendment "B" will vote yes; those opposed will vote no. The Chair will open the vote.

A vote of the House was taken.

72 having voted in the affirmative and 36 having voted in the negative, the motion did prevail.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto.

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

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

MAJORITY REPORT (9) — "Ought not to pass"—Committee on Agriculture on Bill "An Act Repealing Milk Control Prices at the Retail Level" (H. P. 848) (L. D. 1090) and MINORITY REPORT (1) reporting "Ought to pass"

Tabled—April 24, by Mr. Jalbert of Lewiston.

Pending—Acceptance of either Report.

On motion of Mr. Jalbert of Lewiston, retabled pending the acceptance of either Report and specially assigned for Tuesday, April 29.

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

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Imposing an Individual and Corporate Income Tax," (House Paper 448) (L. D. 657) and Minority Report of same Committee reporting "Ought to pass" on same Bill.

Whereupon, on motion of Mr. Richardson of Cumberland, tabled pending the motion of Mr. Susi of Pittsfield to accept the Majority Report and specially assigned for Tuesday, April 29.

(Off Record Remarks)

On the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Compensation of the Panel of Mediators," (H. P. 691) (L. D. 891) the Speaker appointed the following Conferees on the part of the House: Messrs. DURGIN of Raymond  
HASKELL of Houlton  
McTEAGUE of Brunswick

On the disagreeing action of the two branches of the Legislature on Joint Order relative to University of Maine at Portland—Study re Preservation of Building (S. P. 423) the Speaker appointed the following Conferees on the part of the House:

Messrs. RICHARDSON  
of Stonington  
PORTER of Lincoln  
WAXMAN of Portland

On the disagreeing action of the two branches of the Legislature on Bill "An Act to Amend the Eating Place Licensing Law," (S. P. 220) (L. D. 668) the Speaker appointed the following Conferees on the part of the House:

Messrs. SOULAS of Bangor  
DANTON  
of Old Orchard Beach  
BENSON  
of Southwest Harbor

On motion of Mr. Faucher of Solon,

Adjourned until Tuesday, April 29, at ten o'clock in the morning.